LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND THIRTY THIRD

GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 8, A.D. 1985

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 14, A.D. 1986

VOLUME LXV

CHAPTER 1

FORMERLY

HOUSE BILL NO. 67

AN ACT TO AMEND CHAPTER 13, TITLE 9 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT OF PROPERTY IN NEW CASTLE COUNTY IN YEARS OF GENERAL REASSESSMENT OF PROPERTY.

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

Section 1. Amend Section 1308, Chapter 13, Title 9 of the Delaware Code by adding a new subparagraph (d) to read as follows:

"(d) Notwithstanding any provision of this Title, for any fiscal year in which the county government of New Castle County proposes to implement a general reassessment of property, the County Government may by ordinance establish appropriate and reasonable time periods for the filing of exemption applications; submission, inspection and certification of assessment rolls; notices of assessments; appeals from such assessments; and any other requirements relating to the implementation of the general reassessment. In no case, however, shall the County Government extend any such period more than 10 days beyond that otherwise established in this Title. This authorization shall apply only to the fiscal year in which the general reassessment is implemented. In each fiscal year thereafter, the procedures specified in this Title shall be followed."

Section 2. This Act shall become effective immediately upon its signature by the Governor and shall apply to any acts required to be taken by New Castle County in connection with the implementation of the general reassessment for Fiscal Year 1986.

Approved February 6, 1985.

CHAPTER 2

FORMERLY

HOUSE BILL NO. 1

AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

Section 1. Amend §6602 (1), Chapter 66, Title 18, Delaware Code by striking the number "50,000" and substituting in lieu thereof the number "100,000".

Section 2. Amend §6602 (1), Chapter 66, Title 18, Delaware Code by striking the number "10,000" and substituting in lieu thereof the number "20,000".

Section 3. Amend §6601, Chapter 66, Title 18, Delaware Code by striking the period '.' at the end of paragraph "j" and substituting in lieu thereof the following:

"; or

k. Agents of the State Division of Alcoholic Beverage Control; or

l. Officers or agents of the State Office of Narcotics and Dangerous Drugs."

Section 4. Amend §6607, Chapter 66, Title 18, Delaware Code by striking the number "50,000" as it appears in the last sentence of this section and substituting in lieu thereof the number "100,000".

Section 5. This Act shall be effective for any deaths occurring after July 1, 1984.

Approved Febraruy 14, 1985.

CHAPTER 3

FORMERLY

HOUSE BILL NO. 61

AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF CORRECTIONS TO NAME THE KENT CORRECTIONAL INSTITUTION LOCATED AT 300 WATER STREET, DOVER, DELAWARE, AS THE JOHN E. MORRIS CORRECTIONAL INSTITUTION IN HONOR OF THE LATE JOHN EDWARD MORRIS, REPRESENTATIVE FROM THE 34TH DISTRICT FROM 1972 TO 1980.

WHEREAS, Representative John Edward Morris was a distinguished Kent Countian whose service to the citizens of Kent County as a Representative from 1972 to 1980 was outstanding; and

WHEREAS, Ed Morris' career was varied in that he successfully pursued many different careers, but perhaps the closest one to his heart was his love for children and to be able to lend a helping hand to those who were not only less fortunate in the socio-economic scheme of things, but also for those who ran afoul of the law; and

WHEREAS, Ed Morris dedicated his life as a counselor in juvenile corrections and was instrumental in establishing the Stevenson Home in Milford to house youth offenders and subsequently became the Superintendent; and

WHEREAS, the Kent Correctional Center located at 300 Water Street, Dover, Delaware was one of Ed Morris' deepest concerns and he devoted countless hours in trying to make the institution an effective rehabilitative center for wayward youth; and

WHEREAS, naming the Kent Correctional Institution in honor of John E. Morris is highly fitting and proper.

NOW, THEREFORE:

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

Section 1. The Department of Corrections is hereby authorized and directed to name the Kent Correctional Institution located at 300 Water Street, Dover, Delaware as the John E. Morris Correctional Institution in honor of the late John E. Morris, Representative from the 34th District, Kent County.

Approved April 12, 1985.

CHAPTER 4

FORMERLY

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

AN ACT TO AMEND CHAPTER 3, TITLE 18, DELAWARE CODE, ESTABLISHING A REGULATORY REVOLVING FUND FOR THE REVENUES AND EXPENSES OF THE OFFICE OF THE INSURANCE COMMISSION; AND TO TRANSFER FUNDS FROM THE BUDGET OFFICE CONTINGENCY (10-02-004) (SELF INSURANCE FUND) TO THE OFFICE OF THE INSURANCE COMMISSIONER (12-03-001) (CONTRACTUAL SERVICES) FOR THE PURPOSE OF PROVIDING START-UP FUNDS FOR THE REGULATORY REVOLVING FUND.

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

Section 1. Amend §308, Chapter 3, Title 18, Delaware Code, by striking the section in its entirety and substituting in lieu thereof the following:

"§308. Office; expenses; account of receipts; Regulatory Revolving Fund.

(a) The Department shall operate 2 offices, the principal office in Dover and a branch office in Wilmington.

(b) There is hereby created within the Office of the Insurance Commissioner a Special Fund to be designated as the Insurance Commissioner Regulatory Revolving Fund which shall be used in the operation of the Office of the State Insurance Commissioner in the performance of the various functions and duties required of the Office by law.

(c) All supervisory assessments, examination fees and any rate filing or form filing fees paid by insurers and collected by the Commissioner pursuant to this Title shall be deposited in the State Treasury to the credit of said State Insurance Commissioner Regulatory Revolving Fund to be used in the operation of the office as authorized by the General Assembly in its annual operating budget. All other fees and/or taxes collected by the Commissioner shall not be deposited in said fund but shall be deposited in the General fund of the State.

(d) Funds in the State Insurance Commissioner Regulatory Revolving Fund shall be used by the Commissioner in the performance of his various functions and duties involved in the oversight of insurance companies as provided by law, subject to annual appropriations by the General Assembly for salaries and other operating expenses of the office.

(e) The maximum unencumbered balance which shall remain in the State Insurance Commissioner Regulatory Revolving Fund at the end of any fiscal years shall be $70,000, and any amount in excess thereof shall cause the Insurance Commissioner to reduce assessments or fees collected in the next Fiscal Year by an amount sufficient to reduce the Regulatory Revolving Fund fiscal year end balance back to or below $70,000."

Section 2. The budget Director and the Controller General are hereby authorized and directed to transfer the sum of $70,000 from the Budget Office Contingency (10-02-004) (Self Insurance Fund) to the Office of the Insurance Commissioner (Contractual Services). Such sum shall not be utilized in computing the unencumbered balance as set forth in Section 1 of this Act. Such sum ($70,000) is to be repaid by the office of the Insurance Commissioner to the Budget Office Self Insurance Contingency fund on or before June 30, 1986.

Approved April 12, 1985.

CHAPTER 5

FORMERLY

HOUSE BILL NO. 131

AN ACT TO AMEND CHAPTER 42, TITLE 18 OF THE DELAWARE CODE TO DIRECT THE DELAWARE INSURANCE GUARANTY ASSOCIATION TO ASSESS ITS MEMBER INSURERS AND TO PAY OVER SUCH ASSESSMENTS TO THE INSURANCE COMMISSIONER REGULATORY REVOLVING FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FIFTHS OF ALL OF THE MEMBERS ELECTED TO EACH HOUSE THEREOF CONCURRING THEREIN):

Section 1. Amend §4208, Chapter 42, Title 18 of the Delaware Code by adding to subsection (a) a new paragraph "(9)" to read as follows:

"(9) Annually assess each member insurer an amount not to exceed one-tenth of one percent of the member insurer's net direct written premiums written in Delaware. The Commissioner shall determine the amount of this annual assessment and shall so notify the Association not later than July 31 of the calendar year in which the assessment is to be made. This annual assessment shall be included in, and shall not result in the member insurer's aggregate assessment under this chapter exceeding, the 2% assessment limitation provided in paragraph (3) of this section. The proceeds of the annual assessment provided by this paragraph (9) shall be paid over by the Association to the Insurance Commissioner's Regulatory Revolving Fund to partially subsidize the oversight activities of the Commissioner, thereby minimizing the need for the assessments provided for by paragraph (3) of this section."

Approved April 12, 1985.

CHAPTER 6

FORMERLY

HOUSE BILL NO. 132

AN ACT TO AMEND CHAPTER 44, TITLE 18 OF THE DELAWARE CODE TO DIRECT THE DELAWARE LIFE & HEALTH GUARANTY ASSOCIATION TO ASSESS ITS MEMBER INSURERS AND TO PAY OVER SUCH ASSESSMENTS TO THE INSURANCE COMMISSIONER REGULATORY REVOLVING FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FIFTHS OF ALL OF THE MEMBERS ELECTED TO EACH HOUSE THEREOF CONCURRING THEREIN):

Section 1. Amend Chapter 44, Title 18 of the Delaware Code by inserting in subsection (a) of Section 4409, following the words and phrase "the powers and duties of the Association,", and before the words and phrase "the Board of Directors shall assess", the words and phrase "and of minimizing the Association's liability by partially subsidizing the oversight activities of the Commissioner".

Section 2. Further amend Chapter 44, Title 18 of the Delaware Code by striking from the first line of subsection (b) of Section 4409 the numeral "3" and substituting in lieu thereof the word "four".

Section 3. Further amend Chapter 44, Title 18 of the Delaware Code by adding to subsection (b) of Section 4409 a new paragraph "(4)" to read as follows:

"(4) Class D assessments shall be made annually to partially subsidize the oversight activities of the Commissioner, thereby minimizing the need for Class B and Class C assessments."

Section 4. Further amend Chapter 44, Title 18 of the Delaware Code by adding to subsection (c) a new paragraph "(5)" to read as follows:

"(5) Class D assessments shall be made against each member insurer annually in an amount not to exceed one-tenth of one percent of the member insurer's premiums written in this State during the calendar year preceding the assessment. The Commissioner shall determine the amount of the Class D assessment and shall so notify the Association not later than July 31 of the calendar year in which the assessment is to be made. The proceeds of this assessment shall be paid over by the Association to the Insurance Commissioner's Regulatory Revolving Fund."

Section 5. Further amend Chapter 44, Title 18 of the Delaware Code by inserting in subsection (e) of Section 4409, following the words and phrase "for each account", and before the words and phrase "shall not in any 1 calendar year", the words and phrase ", and including Class D assessments,".

Approved April 12, 1985.

CHAPTER 7

FORMERLY

HOUSE BILL NO. 146

AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE AS AMENDED BY CHAPTER 454, VOLUME 60, CHAPTER 312, VOLUME 60, CHAPTER 233, VOLUME 51 AND CHAPTER 123, VOLUME 35 RELATING TO "AN ACT AMENDING, MERGING 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 18, Chapter 216, Volume 27, Laws of Delaware as amended, by striking the said Section in its entirety and inserting in lieu thereof the following:

"Section 18. The Council shall have power and authority to appropriate out of the Treasury, by ordinance or resolution passed by a majority of all members, all sums of money necessary to carry on the government of the City and defray the expenses thereof, and the said council shall fix and determine the salary or compensation to be paid to the Police Constables, and all other persons in the employ of the said City. The emoluments and compensations of the Mayor, President and members of council and Treasurer shall be set from time to time by ordinance duly adopted by the Mayor and council of New Castle. Until such an ordinance is passed, the Mayor shall receive twelve hundred dollars per year, President of Council, eleven hundred dollars per year, members of Council, one thousand dollars per year and Treasurer, eight hundred dollars per year. The compensation of any officer elected by the people shall not be changed during his or her continuance in office."

Approved April 12, 1985.

CHAPTER 8

FORMERLY

SENATE BILL NO. 135

AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE, RELATING TO UNIFORM TAX RATES FOR SCHOOL DISTRICTS THAT TRAVERSE TWO COUNTIES.

WHEREAS, the reassessment of properties in one county in a school district that lies in two counties creates vast inequities in the tax payments based on assessment; and

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

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

Section 1. Amend §1916, Chapter 19, Title 14, Delaware Code, by designating the existing subsection (c) as subsection (d) and by adding a new subsection designated as (c) to read as follows:

"(c) Notwithstanding any other provisions of this Title to the contrary, the school board of the district whose jurisdiction traverses county boundary lines and whose local school taxes are made different as a result of property reassessment shall levy real estate taxes in the following manner:

1. In the county not reassessed, at a rate authorized by law and referendum.

2. In the county recently reassessed, at a newly calculated rate based on the newly established assessments which at its maximum would bring in revenue equal to the amount authorized by law and by referendum, based on the previous year's assessment, plus the quarterly updates and the 10% increase as authorized by subsection (b) of this Section."

Approved April 25, 1985.

CHAPTER 9

FORMERLY

SENATE BILL NO. 39
AS AMENDED BY SENATE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 334, VOLUME 64, 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, 1985, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS".

WHEREAS, the 132nd General Assembly passed and the Governor signed into Law House Bill No. 699 concerning the Family Law Commission, and

WHEREAS, this Legislation provided for the members of the Family Law Commission to receive travel expenses, and

WHEREAS, no funds were appropriated to pay travel expenses,

NOW THEREFORE:

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

Section 1. Amend Chapter 334, Volume 64, Section 1 by striking those figures appearing in the "From" column within this Section 1 and substituting certain figures in lieu thereof; by adding a new line item and figure appearing in the "To" column; with reference to the lines and pages on which the same appear as hereinafter set forth:

Page	Line	Organization/Item	From	To	Increase (Decrease)
2	2	(01-00-000) LEGISLATIVE			
2	3	(01-00-001) General Assembly House			
2	9	Mileage-Legislators	40.0	39.0	(1.0)
2	15a	Travel Family Law Comm.	0	2.0	2.0
2	16	TOTAL - General Assembly	1,454.1	1,455.1	1.0
2	17	(01-02-001) General Assembly Senate			
2	23	Mileage-Legislative	27.5	26.5	(1.0)
2	30	TOTAL - General Assembly Senate	854.1	853.1	(1.0)

Approved May 2, 1985.

CHAPTER 10

FORMERLY

SENATE BILL NO. 101

AN ACT TO ALLOW ANDREW JOHN KELLEHER, A NON-RESIDENT, TO MARRY RHONDA YVONNE MCCOY, A NON-RESIDENT.

WHEREAS, Andrew Kelleher wishes to marry Rhonda McCoy on June 8, 1985 in the State of Delaware; and

WHEREAS, Rhonda McCoy's Grandmother lives in Newark, and both Andrew Kelleher and Rhonda McCoy wish to Marry in Delaware; and

WHEREAS, both Andrew Kelleher and Rhonda McCoy are presently residing in the State of Texas; and

WHEREAS, both Andrew Kelleher and Rhonda McCoy will not be able to return to Delaware more than 96 hours prior to the time of their scheduled marriage; and

WHEREAS, §107(a), Title 13 of the Delaware Code states that a non-resident of Delaware must wait 96 hours after acquiring a marriage license before the marriage ceremony may take place; and

WHEREAS, Andrew Kelleher and Rhonda McCoy could be married but for the non-residency requirements of the Delaware Code; and

WHEREAS, it is the public policy of this State to encourage marriage.

NOW,THEREFORE:

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

Section 1. Andrew Kelleher and Rhonda McCoy are hereby exempted from the application of §107(a), Title 13 of the Delaware Code and are specifically permitted to marry on June 1, 1985, or within 30 days thereafter; the Clerk of the Peace for New Castle County shall issue to Andrew Kelleher and Rhonda McCoy an official marriage license pursuant to this Act, the provisions of Chapter 1, Title 13, or any other law of this State to the contrary notwithstanding.

Approved May 2, 1985.

CHAPTER 11

FORMERLY

HOUSE BILL NO. 36
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 10, TITLE 22 OF THE DELAWARE CODE RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR PERSONS 65 OR OLDER.

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

Section 1. Amend §1002, Chapter 10, Title 22 of the Delaware Code by striking the words "of the first $5,000 of assessed valuation, provided" as they appear therein.

Section 2. Amend Chapter 10, Title 22 of the Delaware Code by striking §1003 in its entirety and redesignating Sections 1004 through 1007 as Sections 1003 through 1006.

Approved May 3, 1985.

CHAPTER 12

FORMERLY

SENATE BILL NO. 96
AS AMENDED BY SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO THE RIGHTS OF LAW ENFORCEMENT OFFICERS.

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 92 to read as follows:

"CHAPTER 92. POLICE BILL OF RIGHTS

§9200. Political Activity; Rights of Officers Under Investigation

(a) A law enforcement officer within a jurisdiction in this State has the same rights to engage in political activity as are afforded to any other person. The right to engage in political activity shall not apply to any law enforcement officer while he or she is on duty or when he or she is acting in his or her official capacity or while in uniform.

(b) A 'law enforcement officer' for the purposes of the Chapter shall be defined as follows:

A police officer who is a sworn member of the following law enforcement agencies:

1. Delaware State Police;

2. Wilmington City Police Department;

3. New Castle County Police Department;

4. The police department, bureau, or force of any incorporated city or town within this State;

5. The University of Delaware Police Division;

No law enforcement officer not a member of one of the above agencies shall be covered by this Act.

(c) Whenever a law enforcement officer is under investigation or is subjected to questioning for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or questioning shall be conducted under the following conditions:

1. The questioning shall be conducted at a reasonable hours, preferably at a time when the officer is on duty unless the gravity of the investigation in the opinion of the investigator is of such degree that immediate questioning is required.

2. The questioning shall take place at the agency headquarters or at the office of the local troop or police unit in which the incident allegedly occurred as designated by the investigating officer or unless otherwise waived in writing by the officer being investigated.

3. The law enforcement officer under investigation shall be informed of the name, rank, and command of the officer in charge of the investigation. All questions directed to the officer shall be asked by and through no more than two investigators. No complaint against an officer shall be prosecuted under departmental rule or regulation unless the complaint is supported by substantial evidence after investigation by an authorized member of the department.

4. The law enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to being questioned.

5 Interview sessions shall be for reasonable periods of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary

6. Except upon refusal to answer questions pursued in a valid investigation, no officer shall be threatened with transfer, dismissal or other disciplinary action.

7 A complete record, either written, taped or if taped, transcribed as soon as practicable, shall be kept of all interviews held in connection with the administrative investigation upon

notification that substantial evidence exists for seeking an administrative sanction of the law enforcement officer. A copy of the record shall be provided to the officer or his or her counsel at his or her expense upon request.

8. If the law enforcement officer under interrogation is under arrest or may reasonably be placed under arrest as a result of the investigation, he or she shall be informed of his or her rights, including the reasonable possibility of his or her arrest prior to the commencement of the interrogation.

9. At the request of any officer under questioning he or she shall have the right to be represented by counsel or other representative of his or her choice, who shall be present at all times during the questioning unless waived in writing by the investigated officer. The questioning shall be suspended for a period of time if the officer requests representation until such time as the officer can obtain the representative requested if reasonably available.

10. An officer who is charged with violating any department rules or regulations or his representative will be provided access to transcripts, records, written statements, written reports analyses and video tapes pertinent to the case if they are exculpatory, intended to support any disciplinary action or are to be introduced in the departmental hearing on the charges involved. Upon demand by the officer or counsel, they shall be produced within forty-eight (48) hours of the written notification of the charges.

11. At the conclusion of the administrative investigation, the investigator shall inform in writing the office of the investigative findings and any recommendation for further action.

§9201. Prohibition of Adverse Material in Officer's File

No law enforcement agency shall insert any adverse material into the file of any officer except the file of the internal investigation or the intelligence division unless the officer has had an opportunity to review, sign, receive a copy of and comment in writing on the adverse material.

§9202. Disclosure of Personal Assets

No officer shall be required or requested to disclose any item of his or her personal property, income, assets, sources of income, debts, personal or domestic expenditures (including those of any member of his or her household), unless such information is necessary in investigating a violation of any Federal, State, or local ordinance with respect to the performance of official duties or unless such disclosure is required by State or Federal law.

§9203. Hearing Required on Suspension

In the event any officer is:

(a) Suspended for any reason;

(b) Charged with conduct alleged to violate the rules or regulations or general orders of the department that employs him or her;

(c) Charged with a breach of discipline of any kind which could lead to any form of disciplinary action excluding reprimands which may become a part of the officer's personal permanent record shall be entitled to a hearing under the guidelines of this Act or under any contracted grievance procedure between the officers bargaining unit and his or her department.

§9204. Time of Hearing

In the event an officer is entitled to a hearing, a hearing shall be scheduled within a reasonable period of time from the alleged incident, but in no event more than thirty (30) days following the conclusion of the internal investigation, unless waived in writing by the charged officer. The officer shall be given written notice of the time and place of the hearing and the issues involved, including a specification of the actual facts that the officer is charged with having committed; a statement of the rule, regulation, or order that those facts are alleged to violate; and a copy of the rule, regulation or order. The charge against the law enforcement officer shall advise him or her of the alleged facts and that the violation of the rule constituted a basis for discipline, and shall specify the range of applicable penalties that could be imposed.

§9205. Impartial Board of Officer; Evidence of Probative Value

(a) An official record including testimony and exhibits shall be kept of the hearing.

(b) The hearing shall be conducted within the department by an impartial board of officers. The prosecuting party and the officer and/or his or her representative shall be given an opportunity to present evidence and argument with respect to the issues involved. Both the department and the

officer may be represented by legal counsel. In the event an impartial board cannot be convened, then a board of three officers or more shall be convened under the auspices of the Delaware Criminal Justice Commission.

(c) Evidence which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs shall be admissible in evidence and given probative effect. The Tribunal conducting the hearing shall give effect to the rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. All records and documents which any party desires to use shall be offered and made a part of the record. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.

(d) Every party shall have the right of cross examination of witnesses who testify and may submit rebuttal evidence.

(e) The Tribunal may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified beforehand of the materials so noticed by the trial board. No law enforcement officer may be adjudged guilty of any offense unless the hearing Tribunal is satisfied that guilt has been established by substantial evidence.

§9206. Admission of Evidence Against Officer's Rights

No evidence may be obtained, received or admitted into evidence in any proceeding of any disciplinary action which violates any of the rights established by the United States or Delaware Constitution or by this Act. The Tribunal may not enter any judgment, or sustain any disciplinary action based on any evidence obtained in violation of the officer's rights, as contained in this Act.

§9207. Decision Required in Writing and Mailed to Officer

Any decision, order or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of a peal, if any, shall be delivered or mailed promptly to the law enforcement officer or to his/her attorney or representative of record.

§9208. Extra Work as Punishment Prohibited

No law enforcement officer shall be compelled to work extra duty without compensation as a penalty for a disciplinary infraction. No suspension for any period of time provided in departmental rules and regulations shall effect the law enforcement officer's eligibility for pension, hospitalization, medical, and life insurance coverage or other benefits specifically protected under his or her contract of employment. Suspension may effect time of pension eligibility by contractual provision or other statutory provision. Nothing herein shall prevent any law enforcement agency from requiring reimbursement by a suspended law enforcement officer of his or her employee contribution to his or her benefits during his or her time of suspension.

§9209. Applicability of Act

The Act shall apply to all law enforcement disciplinary proceedings throughout the State of Delaware."

Approved May 13, 1985.

CHAPTER 13

FORMERLY

SENATE BILL NO. 139
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 17 OF TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS.

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

Section 1. Amend Chapter 17, Title 5, Delaware Code by the addition thereto of a new Section 1727 to read as follows:

"Section 1727. Insurance Required.

No building and loan association whose total assets exceed three million dollars or office of an association created under the laws of any other state may engage in business within this State unless its shares, savings accounts, savings certificates and other types of share or deposit accounts offered are insured pursuant to Title IV of the National Housing Act (12 U.S.C. Section 1724 et. seq.) and the regulations issued pursuant thereto."

Section 2. Amend Section 1707, Chapter 17, Title 5 of the Delaware Code by the designation of the current text thereof as paragraph "(a)" and the addition thereto of the following new paragraph:

"(b) Except as provided in this section no building and loan association created by or under the laws of any other state or territory or the District of Columbia may operate any branch office or place of business in this State except through a wholly owned subsidiary created under the laws of this State, that operates exclusively within this State, is duly licensed under this chapter, and conforms to all of the provisions of this chapter.

(c) At the request of any building and loan association created by or under the laws of another state or territory or the District of Columbia and holding a license to do business in this State, the Bank Commissioner shall waive for a period of twelve months following the effective date of this Act, or the issuance of a license granted under this Chapter, whichever is later, the requirements of subsection (b) hereof with respect to such institution upon his determination that it will promptly make such applications as the Bank Commissioner deems necessary for all approvals of governmental departments or agencies necessary to implement the independent subsidiary structure contemplated by subsection (b) hereof.

(d) The Bank Commissioner shall waive for an indefinite period the requirement of subsection (b) hereof upon his finding that a building and loan association created by or under the laws of another state or territory or the District of Columbia and holding a license to do business in this State:

(1) has in good faith taken all steps which the Bank Commissioner deems necessary for it to obtain all approvals of governmental departments or agencies necessary for it to conduct its Delaware operations through a federally insured subsidiary complying with the provisions of subsection (b) hereof and any such necessary approval has been denied or, following a reasonable period not to exceed the 12 month period set forth in subsection (c) hereof, has not been granted; and

(2) has entered into and is in compliance with an enforceable regulatory agreement with the State Bank Commissioner containing such terms and conditions relating to the operation of such institution's Delaware branch or branches as the Commissioner deems appropriate to assure the safety and soundness of the deposits of such institution including, in the discretion of the Bank Commissioner, a provision requiring a deposit of U. S. Treasury or other securities acceptable to the Commissioner to be held under such terms as are agreed upon to secure such institution's obligations to depositors of such branch or branches."

Section 3. Amend §1723, Chapter 17, Title 5, Delaware Code, by the deletion of the first and fourth sentences thereof and the substitution therefor of the following first and fourth sentences, respectively:

"Every person, desiring to obtain a license under the provisions of this Chapter, shall file with the Commissioner, an application in writing in such form as may be prescribed by the Commissioner which application must demonstrate public convenience and advantage which will be satisfied by the approval of such application.

He shall require the applicant to enter into written agreement with him for a business plan, describing the management, operations and investments. The business plan shall include financial

projections of the proposed licensee for the first three years of operation and the plan, as a minimum, shall conform with the requirements of 12 CFR Section 571.6(b) as existing on the effective date hereof."

Section 4. Effective Date. This Act shall take effect upon the signing by the Governor, except that any building and loan association having an operating office within this State on the effective date of this Act shall have an automatic extension of six months from such date to comply with the provisions of Section 1 hereto and, provided further that in his discretion the Bank Commissioner may grant an additional extension of three months to any such association within which it must comply with the provisions of such section.

Approved May 23, 1985.

CHAPTER 14

FORMERLY

SENATE BILL NO. 178

AN ACT ALLOCATING AUTHORITY TO ISSUE MORTGAGE REVENUE BONDS TO THE DELAWARE STATE HOUSING AUTHORITY AND VARIOUS POLITICAL SUBDIVISIONS IN THE STATE OF DELAWARE.

WHEREAS, housing programs supported by the sale of tax exempt single family mortgage revenue bonds (the "Bonds") have been of great benefit to first time home buyers and members of families of low and moderate income in the State of Delaware (the "State"); and

WHEREAS, the Mortgage Subsidy Bond Tax Act of 1980 (the "Act") limits the sale of the Bonds within the State to a maximum amount of $200,000,000 in any calendar year; and

WHEREAS, the Act permits the State to allocate by legislation the authority to issue the Bonds among various authorized issuers within the State; and

WHEREAS, the absence of such allocation of issuing authority in the past has worked a hardship on authorized issuers of Bonds and the families that would benefit thereby.

NOW, THEREFORE:

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

"Section 1. Definitions

(a) 'Act' means the Mortgage Subsidy Bond Tax Act of 1980.

(b) 'Bonds' means tax exempt single family mortgage revenue bonds.

(c) 'Chief Elected Official' means the highest elected official in the State of Delaware or any political subdivision or agency thereof, including, but not limited to, the Governor, the County Executive of New Castle County, the President of County Council of Sussex County, the President of the Levy Court of Kent County, and the Mayor of the City of Wilmington, or their designees.

(d) 'Issuer' means the State or any political subdivision or agency thereof which is authorized by law or Executive Order to issue Bonds, including, but not limited to, the State, the Counties of New Castle, Kent and Sussex, and the City of Wilmington.

(e) 'State' means the State of Delaware.

Section 2. Allocation of Authority

In accordance with the provisions of the Act, the agencies or political subdivisions specified below are hereby allocated for each calendar year the following issuing authority with respect to Bonds:

(a) Delaware State Housing Authority -- $100,000,000

(b) New Castle County - $50,000,000

(c) Sussex County -- $20,000,000

(d) Kent County - $20,000,000

(e) City of Wilmington -- $10,000,000

Section 3. Assignment of Allocated Issuing Authority

The allocation of Bond issuing authority may be assigned in whole or in part by any agency or political subdivision of the State to any other issuer upon approval, in writing, of the Chief Elected Official of such agency or political subdivision desiring to assign the allocation.

Section 4. Recapture of Issuing Authority

(a) Statement of Reallocation. Any Issuer desiring to be granted an increase in its allocated issuing authority shall file with the Secretary of State a Statement of Reallocation on or before September 1 of each calendar year. The Statement of Reallocation shall specify the name and address of the issuer and the amount of issuing authority desired to be reallocated to it.

(b) Statement of Intent to Issue Bonds. Any Issuer intending to issue Bonds after September 1 of each calendar year shall file a Statement of Intent to Issue Bonds with the Secretary of State on or before September 1 of that particular year. No Bonds shall be issued after September 1 unless the Statement of Intent to Issue Bonds is filed. The Statement of Intent to Issue Bonds shall specify the name and address of the Issuer and the principal amount of Bonds the Issuer intends to issue after September 1.

(c) If an Issuer files a Statement of Intent to Issue Bonds and fails to issue a principal amount of Bonds during the balance of such calendar year equal to at least 90% of the amount specified therein, such Issuer shall be prohibited from filing a Statement of Intent to Issue Bonds the next calendar year.

(d) In the event that more than one Issuer files a Statement of Reallocation, the Secretary of State on or before September 15 of such calendar year shall reallocate the remaining issuing authority on a pro rata basis based upon the respective amount of issuing authority of such Issuers as provided in Section 2, but not in excess of the reallocation requested in the Statement of Reallocation. Written notice of reallocation of issuing authority shall be sent by the Secretary of State to all Issuers requesting reallocation on or before September 30 each year.

Section 5. This bill shall be effective immediately upon signing by the Governor."

Approved May 24, 1985.

CHAPTER 15

FORMERLY

HOUSE BILL NO. 192
AS AMENDED BY
HOUSE AMENDMENT NOS. 2 AND 3

AN ACT TO AMEND TITLE 28, DELAWARE CODE, RELATING TO SPORTS AND AMUSEMENTS.

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

Section 1. Amend §322(c), Title 28, Delaware Code, by striking the number "75" as it appears therein and by substituting in lieu thereof the number "100."

Section 2. Further Amend §322(c), Title 28, Delaware Code by adding the following sentence:

"Anything in this subsection to the contrary notwithstanding, in calendar year 1985 only, the Commission shall, upon application to it made on or before July 1, 1985, award additional dates for racing within the respective counties of this State for 1985."

Section 3. Amend §322(e), Title 28, Delaware Code by adding the following sentence:

"In calendar year 1985, the Commission may meet subsequent to July 1, 1985 and award additional dates for racing within the limits provided in this section on application submitted to it, provided that the days so awarded in no way conflict with any other provision of this chapter."

Section 2. Amend Chapter 3, Title 28, Delaware Code, by adding a new §342 which shall read as follows:

"§342. Hours during which racing prohibited.

No racing under this chapter shall be held between the hours of sundown and sunrise."

Approved May 24, 1985.

CHAPTER 16

FORMERLY

HOUSE BILL NO. 100
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 385, Volume 63, AND CHAPTER 111, VOLUME 64 OF THE LAWS OF DELAWARE RELATING TO THE DEFINITION OF BEVERAGE CONTAINERS.

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

Section 1. Amend Chapter 385, Volume 63, Laws of Delaware, as amended by Chapter 111, Volume 64, Laws of Delaware by striking Section 2 as amended in its entirety and substituting in lieu thereof the following:

"Section 2. The provisions of Section 1 above shall terminate on January 1, 1992."

Approved June 6, 1985.

CHAPTER 17

FORMERLY

SENATE BILL NO. 183
AS AMENDED BY SENATE AMENDMENT NO. 4

AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE, AND TO AMEND CHAPTER 55, TITLE 30 OF THE DELAWARE CODE, RELATING TO CORPORATIONS IN REORGANIZATION UNDER CHAPTER 11 OF THE UNITED STATES BANKRUPTCY CODE AND THEIR ELIGIBILITY FOR EXEMPTION FROM THE PUBLIC UTILITY TAX AND FOR ECONOMIC DEVELOPMENT GRANTS PROVIDED BY PUBLIC UTILITIES.

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

Section 1. Amend Section 303, Title 26 of the Delaware Code by adding to Section 303 a new subsection "(c)" to read as follows:

"(c) Notwithstanding any other provision of this Chapter, any corporation that is exempt from taxation under Section 5506 (f) of Chapter 55, Title 30 of the Delaware Code may petition the Public Service Commission for an economic development credit of up to five percent of its electric and/or gas utility bills to be in effect for the same period specified in that Section. The Public Service Commission may grant such petition if it deems such action to be in the public interest. If such petition is granted, then the Public Service Commission shall permit the affected utility to collect the amount of the economic development expense in a manner deemed appropriate by the Commission."

Section 2. Amend Section 5506 of the Delaware Code by adding to Section 5506 a new subsection "(f)" to read as follows:

"(f) The tax imposed by Section 5502(b) of this Chapter shall not apply for thirty six consecutive months to gas or electricity furnished to a corporation which, at any time after December 31, 1984, was a debtor in possession in a reorganization proceeding under Chapter 11 of the United States Bankruptcy Code and which in good faith files a plan of reorganization with the United States Bankruptcy Court. The thirty six month exemption period shall commence on the first day of the calendar month following the filing of the debtor corporation's plan of reorganization. During the thirty six month exemption period no distributor of gas or electricity shall be assessed any tax imposed by this Chapter upon the distribution of such gas or electricity to a corporation which qualifies for such exemption under this subsection, nor shall any distributor of gas or electricity pass on any tax imposed by this Chapter to any such corporation. The Division of Revenue shall promulgate appropriate rules and regulations to implement this subsection."

Approved June 15, 1985.

CHAPTER 18

FORMERLY

SENATE BILL NO. 77

AN ACT TO AMEND CHAPTER 183, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD," AS AMENDED BY CHAPTER 167, VOLUME 43, LAWS OF DELAWARE, TO AUTHORIZE THE ISSUING OF BONDS TO FINANCE THE CONSTRUCTION AND IMPROVEMENT OF ITS DISPOSAL SYSTEM, INCLUDING A SEWAGE TREATMENT PLANT.

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 167, Volume 43, Laws of Delaware by striking said Chapter in its entirety.

Section 2. Amend Chapter 183, Volume 22, Laws of Delaware by adding thereto a new Section to be designated as Section 28 to read as follows:

"Seetion 28.

(a) The Town Council of the Town of Greenwood is hereby authorized and empowered to borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the full faith and credit of the Town of Greenwood or such other security or securities as the Town Council shall elect for the payment of principal thereof and the interest due thereon.

(b) All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the Town Council pursuant to provisions of this Chapter shall be exempt from all State, County or Municipal Taxes.

(c) The power or authority to borrow money may abe exercised by the Town Council to provide funds for, or to provide for the payment of, the construction, installation, repair, replacement, maintenance, improvement, extension or enlargement of a sewage disposal system, including a sewage treatment plant; provided however, that the borrowing of the money therefor shall have been authorized by the Town Council and shall have been approved by the qualified voters in the following manner.

(d) The Town Council shall propose to the property owners and residents of the Town of Greenwood by resolution which shall state the amount of money to be borrowed for any of the purposes authorized by this Section. The resolution shall also state the purpose for which the money is desired to be borrowed, the manner of securing the loan and other facts relating to the loan which are 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 holding a public hearing on the said resolution.

(e) Notice of the time and place of the public hearing on the resolution proposing the said loan shall be printed in a newspaper having a general circulation in the Town of Greenwood at least one (1) week prior to the time and date set for the said public hearing.

(f) After the public hearing but in no event later than fifteen (15) days following the public hearing, a second resolution may then be passed by the Town Council ordering a special election to be held not less than thirty (30) days nor later than sixty (60) days after the said public hearing to borrow the said money for the purpose of voting for or against the proposed loan. The passing of the second resolution calling a special election shall ipso facto be considered the determination of the Town Council to proceed the matter at issue.

(g) 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 Greenwood within thirty (30) days prior to the special election, or distributed in circular form at least fifteen (15) days prior to the date of the said special election, or both, at the discretion of the Town Council.

(h) At the special election, every owner of the property, whether an individual, partnership or corporation, shall have one (1) vote and the said vote may be cast either in person or by proxy. In addition, every person who is a bona fide resident of the Town of Greenwood but who is not a property owner and who would be entitled at the time of the holding of the special election to register and vote in the Annual Municipal Election if such Annual Municipal Election were to be held on the day of the special election shall have one (1) vote whether or not such person be registered to vote in the Annual Municipal Election, and the said vote may be cast either in person or by proxy.

(i) The Town Council shall cause to be prepared, printed and have available for distribution a suffieient number of sample ballots marked or defaced in such a manner that they cannot be used in

the special election not less than five (5) days prior to the date of the special election. Paper ballots or voting machines, at the discretion of the Town Council, may be used in the special election.

(j) The Mayor of the Town of Greenwood shall, prior to the date of the special election, appoint and designate a Presiding Officer and sufficient judges to act as a Board of Special Election. The members of the Board of Special Election shall be the judges of the special election and shall decide upon the legality of the votes offered and shall keep a list of all voters thereof. The Board of Special Election 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 unto their hands of the number of votes cast for and against the proposed loan and shall deliver the same to the Mayor and Town Council which said certificate shall be entered upon the minutes of the Town Council and the original shall be filed with the papers of the Town Council.

(k) The form of bond, the interest rate, the time or times of payment of interest, the classes, the time or times of maturity, and provisions as to registration shall be determined by the Town Council after the said special election. The bonds may be sold at either public or private sale, as determined by the Town Council. The Town Council shall provide in the annual budget and in the fixing of any tax, surcharge or tax, for the payment of interest on and principal of said bonds at the maturity or maturities thereof and a sinking fund therefor without limitation as to any amount to be raised by taxation.

The full faith and credit of the Town of Greenwood shall be deemed to be pledged for the prompt payment of the bonds and the interest thereon issued pursuant to the provisions of this Act when the same had been properly executed and delivered for value.

(l) The amount to be borrowed from time to time for any purpose authorized by this Act may decrease or increase from time to time but the principal sum outstanding at any time shall not exceed One Million Five Hundred Thousand Dollars ($1,500,000.00).

(m) The Town of Greenwood is hereby authorized and empowered to do all things necessary for the location, erection, construction, replacement, repair, equipping and operating of the said sewer system and sewage treatment plant and to provide for the care and maintenance of the same and to purchase all instruments, appliances, equipment and supplies as may be necessary for the establishing and operating the said sewer system and the sewage treatment plant in said town and for furnishing the citizens and inhabitants thereof with proper and adequate sewage facilities and to effect the same the Town of Greenwood shall have the power and authority to lay pipes and conduits under and along any of the streets, lanes, alleys or highways of said town, or any road adjacent thereto, and also to contract and agree with the owner or owners for the occupation or purchase of any lands or lands or any interest therein which may be necessary for the purpose of carrying into effect the provisions of this Act. In the event, however, that the owner or owners of property shall fail to agree with the town, the Town of Greenwood shall have full power of eminent domain over any lands or property rights required for any purpose connected with the installation, operation, extension, replacement, improvement or enlargement of the said sewer system and shall be able to condemn property rights for the use of the said sewer system in the same manner and to the same extent as established by Chapter 61, Title 10, Delaware Code. The Town of Greenwood shall have authority to require any premises to be connected to the sewer system. In the event that any owner should neglect to connect his property immediately after being ordered to do so by the Town of Greenwood, the Town Council shall have the authority to connect the premises with the sewer system as ordered and to collect the cost of such connection by the same process as Town taxes are collectible. The Town of Greenwood shall have supervision and control of all public pipes, sewers and drains connected with the said sewer system and sewage treatment plant whether within or without the corporate limits of the Town of Greenwood and may own or remove the same and may cause new pipes, drains and sewers to be made and opened. The Town Council may cause such pipes, sewers and drains to be laid in any of the said streets, lanes, alleys or highways of the said town in such manner and of such material as it, the said Town Council, may deem proper. The Town Council is hereby authorized to make rules and regulations regulating the tapping or use of public sewers by the owners of abutting property and shall provide for the granting of permits for the same and for the payment of such tapping fees and sewer rental as the Town Council may deem proper. The Town Council shall prescribe the material of all private drains or sewers which shall enter into any public sewer and shall direct the manner in which they shall be laid. The Town Council may contract for and purchase sewer disposal service within or without the corporate limits of the town at such rate or rates as may be established by the Town Council.

(n) The Town of Greenwood is hereby authorized and empowered to engage the services of such agents and servants as it may deem necessary in the erection, completion, extension, improvement, replacement, repair, equipping or operating of the said sewer system and sewage treatment plant as herein provided.

(o) The Town Council is hereby authorized and empowered to adopt such ordinances as it may deem necessary for the operation, management and control of the said sewer system and sewage treatment plant and may grant all persons and corporations in the Town of Greenwood the privilege

of using said sewer system in such manner and upon such terms and conditions as may seem just and proper to the said Town Council. The Town Council is further empowered to provide sewer service outside the corporate limits of the town with the same powers as though such service had been initially provided by the facilities within the corporate limits at such rate or rates as may be from time to time established by the Town Council."

Section 3. Any Act inconsistent with the provisions hereof be and the same is hereby repealed to the extent of such inconsistency.

Approved June 19, 1985

CHAPTER 19

FORMERLY

SENATE BILL NO. 84

AN ACT TO AMEND TITLE 9, CHAPTER 68, §6812 OF THE DELAWARE CODE RELATING TO PUBLIC HEARINGS AND NOTICE.

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

Section 1. Title 9, Chapter 68, §6812 is hereby amended by striking said section in its entirety and inserting in lieu thereof the following:

"§6812. Public Hearing and Notice

(a) Any public hearing required by this chapter shall be held within the county and notice of the time and place thereof shall be published in two (2) newspapers of general circulation in the county. Notice shall be published at least fifteen (15) days before the date of the hearing. In addition, notice of the hearing shall be posted on the property itself. The notice shall state the place at which the text and maps relating to the proposed change may be examined.

(b) Public notice of any formal action taken in regard to public hearings as required by this chapter shall be published once in a newspaper of general circulation in the county within fifteen (15) days of such action."

Approved June 19, 1985.

CHAPTER 20

FORMERLY

SENATE BILL NO. 94

AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, BEING "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON" RELATING TO ELECTIONS, ALDERMAN AND POLICE POWERS.

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

Section 1. Amend Section 6, Chapter 215, Volume 64, Laws of Delaware in the third line of the second paragraph by striking the word "printed" and inserting in lieu thereof the word "placed".

Section 2. Amend Section 7(b), Chapter 215, Volume 64, Laws of Delaware in the second line by striking the word "Alderman" and inserting in lieu thereof the words "a resident of the City".

Section 3. Amend Section 19, Chapter 215, Volume 64, Laws of Delaware in the first line by striking the word "shall" and inserting in lieu thereof the word "may".

Section 4. Amend Section 23(a), Chapter 215, Volume 64, Laws of Delaware in the second line after the words "City limits" by inserting the words "and within one mile outside of said limits".

Approved June 19, 1985.

CHAPTER 21

FORMERLY

SENATE BILL NO. 102

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." RELATING TO THE AMOUNT OF TAXES TO BE RAISED IN ANY ONE YEAR.

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

Section 1. Amend Subsection A. Section 27, Chapter 42, Volume 53, Laws of Delaware, as amended by striking the figure "$500,000", as it appears therein and substituting in lieu thereof the figure "$2,000,000."

Approved June 19, 1985.

CHAPTER 22

FORMERLY

SENATE BILL NO. 115

AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", AS AMENDED BY CHAPTER 110, VOLUME 63, LAWS OF DELAWARE, TO INCREASE THE AMOUNT WHICH MAY BE RAISED BY TAXATION FROM 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 Subsection 30, Section 29, Chapter 170, Volume 57, Laws of Delaware, as amended by Chapter 110, Volume 63, Laws of Delaware by striking the words and figures "three hundred thousand dollars ($300,000.00)" and substituting in lieu thereof the words and figures "seven hundred fifty thousand dollars ($750,000.00)."

Approved June 19, 1985.

CHAPTER 23

FORMERLY

SENATE BILL NO. 141

AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE, BY INCREASING THE POWER TO RAISE REVENUE".

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 27, Chapter 237, Volume 51, of the Laws of Delaware, as amended, is amended by striking the figures "$60,000.00" as the same appears in the first sentence of the said section and substituting the figure "$100,000.00".

Approved June 19, 1985.

CHAPTER 24

FORMERLY

SENATE BILL NO. 142

AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE QUALIFICATION OF VOTERS IN A BOND REFERENDUM AND AUTHORIZING BORROWING IN ANTICIPATION OF ISSUANCE OF BONDS.

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

Section 1. Section 29, Chapter 237, Volume 51, of the Laws of Delaware, as amended, is amended by striking from the third paragraph, subparagraph 5., the second and third sentences thereof and substituting in lieu thereof the following:

"At said referendum, every citizen of the said Town who shall have attained the age of eighteen (18) years shall have one (1) vote, and in addition, every individual, partnership or corporation owning property within the corporate limits of the Town of Bridgeville shall also have one (1) vote and the said vote of an individual, partnership or corporation may be cast either in person or by proxy."

Section 2. Section 29, Chapter 237, Volume 51, of the Laws of Delaware, as amended, is amended by adding thereto subparagraph 8. as follows:

"8. If the Election Board shall deliver to the Commissioners a certificate that a majority of those voting at such referendum shall have voted for such bond issue, then in anticipation of issuance of said bond, the council may, by resolution, borrow such money in such amounts and upon such terms and conditions as it may find necessary and authorize the issuance of negotiable notes therefore."

Approved June 19, 1985.

CHAPTER 25

FORMERLY

HOUSE BILL NO. 198

AN ACT TO ENLARGE THE DELAWARE HERITAGE COMMISSION.

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

Section 1. Amend §3201 (a), Chapter 32, Title 29, Delaware Code by striking the numeral "9" as it therein appears and substituting in lieu thereof the numeral "15".

Approved June 19, 1985.

CHAPTER 26

FORMERLY

SENATE BILL NO. 3

AN ACT TO AMEND VOLUME 63, CHAPTER 179, LAWS OF DELAWARE, BY AMENDING THE FISCAL YEAR 1982 CAPITAL IMPROVEMENT PROJECTS SCHEDULE TO USE $49,000 FROM THE REHOBOTH - GROIN REPAIRS PROJECT FOR THE OUTFALL FOR LAKE GERAR.

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

Section 1. AMEND the "FISCAL YEAR 1982 CAPITAL IMPROVEMENT PROJECTS SCHEDULE" attached to Chapter 179, Volume 63, Laws of Delaware, by striking the figure "75,000" wherever the same appears under "DEPT. OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL" in the line item "Rehoboth - Groin Repairs, P.E. & Construction 75,000* -0- -0- -0- -0- 75,000" and substituting the figure "26,000" in lieu thereof.

Section 2. AMEND the "FISCAL YEAR 1982 CAPITAL IMPROVEMENT PROJECTS SCHEDULE" attached to Chapter 179, Volume 63, Laws of Delaware by adding a new line item under the caption "DEPT. OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL" to read as follows:

"Outfall for Lake Gerar, P.E. and Construction 49,000* -0- -0- -0- -0- 49,000."

Approved June 26, 1985.

CHAPTER 27

FORMERLY

SENATE BILL NO. 42
AS AMENDED BY SENATE AMENDMENT NOS. 3, 4 AND 5

AN ACT TO AMEND CHAPTERS 21 AND 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A MOTORCYCLE RIDER EDUCATION PROGRAM AND PROVIDING A SELF FUNDING PROGRAM THEREFOR.

WHEREAS, Delaware in recent years has experienced continued increase in the use of motorcycles by young and sometimes untrained operators; and

WHEREAS, research indicates that most accidents involving motorcycles occur during the first year an operator is licensed; and

WHEREAS, there is a definite need for motorcycle safety instruction to promote highway awareness, recognition of the highway rights of others, and a thorough knowledge of the dangers and limitations involved in operating a motorcycle.

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. Amend Chapter 27, Title 21 of the Delaware Code by adding thereto the following new sections to read as follows:

"§2726. Motorcycle rider education program

(a) Beginning July 1, 1985, the Department of Public Safety shall implement a Motorcycle Rider Education Program meeting the requirements of these sections and any rules or regulations promulgated by the Department.

(b) Adequate courses shall be provided to meet the reasonably anticipated needs of all persons in the State who are eligible and who desire to participate in such a program.

(c) Courses shall be open to all residents of the State who either hold a current valid driver's license or who are eligible for a motorcycle learner's permit. The course shall be open to all persons in the military service stationed in Delaware and their families.

(d) State assisted or private instructional services may offer courses in motorcycle rider education; provided, however, such course offerings meet the requirements of these sections. Such course offerings by State assisted or private instructional services may be reimbursed under the provisions of these sections. The Secretary may also enter into contracts for needed services related to the courses.

(e) The Department of Public Safety shall adopt the Motorcycle Safety Foundation Motorcycle Rider Course curricula or establish other equivalent minimum course requirements, designed to develop and instill the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle.

(f) The Department shall adopt rules and regulations which are necessary to carry out the provisions of the Motorcycle Rider Education Program.

(g) For any person who successfully completes the Motorcycle Rider Education Program the Department's motorcycle written examination and road test shall be waived.

(h) The total budget for the Motorcycle Rider Education Program shall be based on the revenue available or estimated to be available in the special account established for the Motorcycle Rider Education Program.

§2727. Requirements for instructors

The Department shall establish minimum requirements for the qualification for a motorcycle rider education instructor. The minimum requirements shall include, but not be limited to, the following:

(1) The instructor shall have a high school diploma or its equivalent.

(2) The instructor must be at least 18 years of age and must hold a valid driver's license and a

valid motorcycle endorsement.

(3) The instructor must hold a valid motorcycle endorsement and must have had at least two (2) years of motorcycle riding experience.

(4) The instructor's driver's license shall not have been suspended or revoked any time during the immediate preceding two (2) years.

(5) The instructor shall have no convictions for driving under the influence of alcohol or drugs during the immediate preceding five (5) years nor shall he have been subject to §4177B of this Title during the immediate preceding five (5) years.

(6) The instructor shall not have any convictions for moving traffic violations with a total of 4 points during the immediate preceding two (2) years.

(7) Instructors who are licensed in other states must furnish certified copies of their driving records to the Division of Motor Vehicles. An applicant shall not be eligible for instructor status until his driving record for the immediate preceding five (5) years is furnished.

(8) The instructor must have a motorcycle Safety Foundation certification as an instructor."

Section 2. Amend §2703(b), Chapter 27, Title 21 of the Delaware Code by striking said subsection (b) in its entirety and substituting in lieu thereof new subsections (b) and (c) to read as follows:

"(b) The initial fee for the authorization or endorsement as specified in subsection (a) of this section shall be $5. For each subsequent renewal of an authorization or endorsement the fee shall be $5.

(c) Of each of the initial fees for authorization or endorsement collected pursuant to subsection (b) of this section the sum of $2 is appropriated to the Department of Public Safety and shall be placed in a special account to be used only for expenses incurred in the administration of the Motorcycle Rider Education Program. For each fee collected for subsequent renewals pursuant to subsection (b) of this section, the total of such renewal fee shall also be appropriated to the Department of Public Safety to be placed in said special account."

Section 3. Amend §2151(1), Chapter 21, Title 21 of the Delaware Code by striking the numeral "6" as it appears therein and substituting in lieu thereof the numeral "10".

Section 4. Amend §2151, Chapter 21 of the Delaware Code by adding thereto a new paragraph (7) to read as follows:

"(7) Of each of the motorcycle registration fees collected pursuant to subsection (1) of this section the sum of $4 is appropriated to the Department of Public Safety and shall be placed in a special account to be used only for the expenses incurred in the administration of the Motorcycle Rider Education Program and improved motorcycle licensing procedures."

Section 5. (a) To become eligible for reimbursement under this act the state assisted or private instructional service shall apply to the Department for approval of its courses in motorcycle rider education prior to the start of the period for which the reimbursement is sought.

(b) The Department will approve courses which meet the requirements of this Act.

(c) Starting July 1, 1986, and on July 1 of each year thereafter, the balance of the special account for the Motorcycle Rider Education Program, after the administrative expenses have been deducted, shall be apportioned to teaching an approved motorcycle rider education course. Such apportionment shall be made on the basis of application and certification by the State assisted or private instructional service.

(d) The State assisted or private instructional service with the approval of the Department, may charge each student a tuition fee to be set by the state assisted or private instructional service.

Approved June 27, 1985.

CHAPTER 28

FORMERLY

SENATE BILL NO. 152

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, RELATING TO CHANGING COMPENSATION FOR THE MAYOR AND MEMBERS OF COUNCIL FROM SALARY TO REIMBURSEMENT.

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 158, Volume 36, Delaware Laws, as amended by striking Section 12 in its entirety and inserting a new Section 12 to read as follows:

"REIMBURSEMENT OF MAYOR AND COUNCIL AND ELECTION BOARD;

REIMBURSEMENT OF EXPENSES.

The Mayor and each member of Council shall be reimbursed for expenses the sum of Ten Dollars ($10.00) for each regular or special meeting of the City Council which he or she attends. Any member of the City Council sitting to hear appeals from the municipal assessment shall be reimbursed for expenses the sum of Ten Dollars ($10.00) and each member of the Election Board shall be reimbursed for expenses in such amount as the Council shall determine. The Mayor and members of the City Council shall be reimbursed for all other expenses incurred in the execution of their officials duties."

Approved June 26, 1985.

CHAPTER 29

FORMERLY

HOUSE BILL NO. 81

AN ACT TO AMEND CHAPTER 23, TITLE 30, DELAWARE CODE RELATING TO OCCUPATIONS REQUIRING LICENSES.

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

Section 1. Amend §2301(25), Chapter 23, Title 30, Delaware Code by striking the word "Drayman" wherever it appears in §2301(25) and substituting in lieu thereof the word "Drayperson".

Section 2. Amend §2301(30), Chapter 23, Title 30, Delaware Code by striking the word "repairman" wherever it appears in §2301(3) and substituting in lieu thereof the word "repairperson".

Section 3. Amend §2301(44), Chapter 23, Title 30, Delaware Code by striking the word "serviceman" wherever it appears in §2301(44) and substituting in lieu thereof the word "serviceperson".

Section 4. Amend §2301(65), Chapter 23, Title 30, Delaware Code by striking the word "salesman" wherever it appears in §2301(65) and substituting in lieu thereof the word "salesperson".

Section 5. Amend §2301(71), Chapter 23, Title 30, Delaware Code by striking the word "Showman" wherever it appears in §2301(70) and substituting in lieu thereof the word "Showperson".

Section 6. Amend §2301(85), Chapter 23, Title 30, Delaware Code by striking the word "Warehouseman" wherever it appears in §2301(84) and substituting in lieu thereof the word "Warehouseperson".

Approved June 26, 1985.

CHAPTER 30

FORMERLY

HOUSE BILL NO. 105

AN ACT TO AMEND CHAPTERS 95 AND 96, TITLE 10 OF THE DELAWARE CODE RELATING TO THE JURISDICTIONAL AMOUNT OF JUSTICE OF THE PEACE COURT CIVIL ACTIONS.

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

Section 1. Amend Section 9536, Chapter 95, Title 10 of the Delaware Code by striking the figure "$1,500" where found in said Section and substituting, in lieu thereof, the figure "$2,500".

Section 2. Amend Section 9573, Chapter 95, Title 10 of the Delaware Code by striking the figure "$1,500" where found in said Section and substituting, in lieu thereof, the figure "$2,500".

Section 3. Amend Section 9583, Chapter 95, Title 10 of the Delaware Code by striking the figure "$1,500" where found in said Section and substituting, in lieu thereof, the figure "$2,500".

Section 4. Amend Section 9615, Chapter 96, Title 10 of the Delaware Code by striking the figure "$1,500" where found in said Section and substituting, in lieu thereof, the figure "$2,500".

Approved June 26, 1985.

CHAPTER 31

FORMERLY

HOUSE BILL NO. 127

AN ACT TO AMEND SUBCHAPTER III, CHAPTER 96, TITLE 10 OF THE DELAWARE CODE TO ALLOW SERVICE OF A SUMMONS WITH ACCOMPANYING PAPERS IN A JUSTICE OF THE PEACE COURT TRESPASS ACTION TO INCLUDE SERVICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

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

Section 1. Amend Subsection (a) of Section 9611, Chapter 96, Title 10 of the Delaware Code by adding an additional sentence to the end of said subsection to read as follows:

"Service of a summons in an action under this subchapter shall be the same as with service of a summons in an action under subchapter II of chapter 95 of title 10 of the Delaware Code."

Approved June 26, 1985.

CHAPTER 32

FORMERLY

HOUSE BILL NO. 149
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25, SECTION 2118 OF THE DELAWARE CODE RELATING TO MORTGAGES SECURING OPTIONAL FUTURE ADVANCES.

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

Section 1. Amend Chapter 21, Title 25, §2118 of the Delaware Code by deletion of the phrase " as are made within 5 years from the date thereof," from the first sentence of subsection (a).

Section 2. Amend §2118(b), Chapter 21, Title 25 of the Delaware Code by striking subsection (b) in its entirety and by redesignating subsections (c) (d) as subsections (b) and (c) respectively.

Approved June 26, 1985.

CHAPTER 33

FORMERLY

HOUSE BILL NO. 236

AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CITY OF REHOBOTH BEACH; AND PERMITTING CONTRIBUTIONS FROM THE COMMISSIONERS TO VOLUNTEER COMPANIES AND ASSOCIATIONS.

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 29, Chapter 197, Volume 54, Laws of Delaware, as amended , by striking paragraph 28., and substituting in lieu thereof the following:

"28. To provide for the organization of a fire department and the control and government thereof; to establish fire limits and do all things necessary for the prevention or extinguishment of fires; and, in their discretion, to contribute, donate or give such amounts of money as they may deem appropriate unto any Volunteer Fire Company or Companies incorporated under the laws of Delaware, or any Volunteer Fire Association or Associations maintaining and operating fire fighting equipment and service to the City; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as The Commissioners shall deem advisable."

Approved June 26, 1985.

CHAPTER 34

FORMERLY

HOUSE BILL NO. 237

AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CITY OF REHOBOTH BEACH; AND PROVIDING THE COMMISSIONERS WITH THE DISCRETIONARY POWER TO SUBJECT ORDINANCES TO A REFERENDUM.

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 41A, Chapter 197, Volume 54, Laws of Delaware, as amended, by adding thereto a new subsection, designated as Subsection q., which new subsection shall read as follows:

"q. The Commissioners of Rehoboth Beach may, in their sole discretion, elect to adopt an ordinance subject to a referendum. In such event the Commissioners of Rehoboth Beach shall, at the same time such ordinance is adopted, pass a resolution subjecting such ordinance to a referendum. Upon the passage of a resolution subjecting the ordinance to a referendum, such ordinance shall be suspended from taking effect until 30 days after it is approved at a referendum. The referendum shall be held on the date of the annual municipal election, and shall be considered a part of that election. The referendum shall be held and conducted and the results accepted according to the provisions of Section 41A, Subsections k., l., m., n., o. and p. of the Charter of the City of Rehoboth Beach, Delaware. If a majority of the residents and property owners voting on the referred ordinance vote against such ordinance, it shall be considered repealed upon the certification by the Board of election. No ordinance which has been repealed as the result of a referendum shall be passed again in the same form by the Commissioners of Rehoboth Beach within a period a period of six (6) months from the date of the referendum.

Nothing contained herein shall operate so as to require the Commissioners of Rehoboth Beach to exercise their discretion to submit any ordinance to a referendum; and nothing contained herein shall operate to restrict the right of the residents and property owners of the City of Rehoboth Beach to initiate a referendum pursuant to Section 41A, Subsections a. through j. However, the decision of the Commissioners to submit an ordinance to a referendum shall, in the case of such ordinance, constitute the only referendum to which such ordinance shall be subjected; and there shall be no right to subject such ordinance to an additional or second referendum pursuant to 41A, Subsections a. through j."

Approved June 26, 1985.

CHAPTER 35

FORMERLY

SENATE BILL NO. 19

AN ACT TO AMEND CHAPTER 49, PART III, TITLE 10 OF THE DELAWARE CODE RELATING TO COURTS AND JUDICIAL PROCEDURES; AND PROVIDING FOR CERTAIN EXEMPTIONS FROM EXECUTION.

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

Section 1. Amend §4903, Chapter 49, Part III, Title 10 of the Delaware Code by striking the first two sentences of said section, and substituting in lieu thereof the following:

"Every person residing in this State, and being the head of a family, shall have exempt from execution or attachment process, in addition to the exemptions in §4902 of this Title, other personal property not exceeding five hundred dollars ($500.00), the articles to be selected by the debtor."

Section 2. Amend §4903, Chapter 49, Part III, Title 10 of the Delaware Code by striking the last paragraph of said section.

Approved June 28, 1985.

CHAPTER 36

FORMERLY

SENATE BILL NO. 20

AN ACT AMENDING CHAPTER 52, TITLE 30 OF THE DELAWARE CODE BY INCREASING THE VICTIMS COMPENSATION TAX ASSESSMENT FOR VIOLATIONS OF THE MOTOR CARRIER VEHICLE MARKER REGULATIONS.

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

Section 1. Amend Chapter 52, Title 30 of the Delaware Code by striking paragraph (d) of Section 5211 in its entirety and substituting in lieu thereof the following:

"(d) In addition to, and at the same time as, any fine is assessed under this chapter, there shall also be levied an additional victims compensation tax surcharge in the amount of 15% of the fine imposed. This surcharge shall be payable in the same manner as set forth in subsection (c) of this section."

Approved June 28, 1985.

CHAPTER 37

FORMERLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 185

AN ACT TO AMEND CHAPTER 31, TITLE 21 OF THE DELAWARE CODE RELATING TO NONDRIVER IDENTIFICATION CARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all the members of each House concurring therein):

Section 1. Amend §3101, Chapter 31, Title 21 of the Delaware Code by striking the phrase "over the age of 18 years" as it appears therein.

Section 2. Amend §3103 (a), Chapter 31, Title 21 of the Delaware Code by striking the words "of $3" before the word "the" and after the word "fee" as they appear therein and substituting in lieu thereof the words "of $5".

Section 3. Amend §3103 (c), Chapter 31, Title 21 of the Delaware Code by striking subsection (c) in its entirety and substituting in lieu thereof the following:

"(c) No identification card shall be issued pursuant to subsection (a) of this Section to any nonresident of the State."

Approved July 1, 1985.

CHAPTER 38

FORMERLY

HOUSE BILL NO. 34

AN ACT TO AMEND CHAPTER 1, SUBCHAPTER II, OF TITLE 17 OF THE DELAWARE CODE RELATING TO NOTARIES PUBLIC.

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

Section 1. Amend Title 17, Chapter 1, Section 113 by adding an additional sentence at the end of the paragraph to read:

"The Governor may appoint additional employees of the Department as notaries public as may be deemed necessary, to which the requirements of this section shall apply."

Approved June 28, 1985.

CHAPTER 39

FORMERLY

SENATE BILL NO. 7

AN ACT TO AMEND CHAPTER 111, TITLE 29, DELAWARE CODE, RELATING TO THE DELMARVA ADVISORY COUNCIL.

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

Section 1. Amend §11102, Title 29, Delaware Code, by striking subsection "(b)" thereof and by inserting in lieu thereof the following:

"(b) The membership of the Council shall consist of:

(1) 15 members, 5 approved by the Governor of Maryland, 5 by the Governor of Delaware, and 5 by the Governor of Virginia;

(2) With the approval of the three Governors, such other members from county and municipal governments and the private sector as may be established from time to time in the by-laws of the Council."

Section 2. Amend §11102(d), Title 29, Delaware Code, by striking the word "shall" as it appears immediately after the word "each" and by substituting the word "may" in lieu thereof.

Section 3. Amend §11104(d), Title 29, Delaware Code, by inserting the words "of the cognizant state agencies" between the word "Secretaries" and the comma "," which follows it.

Section 4. Amend §11104(e) Title 29, Delaware Code, by striking the semi-colon ";" as it appears after the word "Governors" and by inserting in lieu thereof the following:

"or the Secretaries of the cognizant state agencies;"

Section 5. Amend §11105, Title 29, Delaware Code, by striking subsections (b) and (c) thereof and substituting in lieu thereof the following:

"(b) The Council, subject to the approval of the States, shall employ such professional and clerical personnel and consultants as are necessary to perform the duties assigned by this chapter.

(c) Notwithstanding any other provision of law, the Delmarva Advisory Council shall receive annual funding by appropriation in the Delaware State budget. The Delaware Development Office

shall include a budget request for the Delmarva Advisory Council with its annual budget request. In addition, receipt of any funds from Delaware is contingent upon the annual receipt of funds from the States of Maryland and Virginia."

Approved June 28, 1985.

CHAPTER 40

FORMERLY

SENATE BILL NO. 22
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 95, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO COURTS AND JUDICIAL PROCEDURE; AND PROVIDING FOR THE USE OF CASH AS SECURITY ON APPEAL

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

Section 1. Amend §9571, Chapter 95, Part VII, Title 10 of the Delaware Code by adding thereto the following new subsections:

"(e) On appeal, a cash deposit may be made in lieu of a bond with security. When a cash deposit is made in lieu of a bond on appeal, the cash deposit shall be retained until the final determination of the cause, and shall be subject to the lien of the judgment appealed from and costs, interest thereon, and the costs of the appeal."

Section 2. Amend §9572, Chapter 95, Part VII, Title 10 of the Delaware Code by striking the title of said section, and substituting in lieu thereof the following:

"§9572. Bond With Surety; Form"

Section 3. Amend §9572, Chapter 95, Part VII, Title 10 of the Delaware Code by striking the ninth word ("appeal") of subsection (a), and substituting the words "appeal with surety bond" in lieu thereof.

Section 4. Amend §9572, Chapter 95, Part VII, Title 10 of the Delaware Code by striking the words "The entry" as the same appear in subsection (b), and substituting the words "Where a bond with surety is used as security on the appeal, the entry" in lieu thereof.

Approved June 28, 1985.

CHAPTER 41

FORMERLY

SENATE BILL NO. 50
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14, DELAWARE CODE, TO PROVIDE TUITION-FREE HIGHER EDUCATION FOR PERSONS AGE 60 OR OLDER.

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

Section 1. Amend Chapter 34, Title 14, Delaware Code by adding thereto a new Subchapter III to read as follows:

"SUBCHAPTER III. Higher Education for Senior Citizens.

§3421. Fees.

The Boards of Trustees of the University of Delaware, Delaware State College, and Delaware Technical and Community College are hereby authorized and directed to establish, by not later than the Fall quarter of 1986, a program whereby citizens of this State who are 60 years of age or older, and who are formal degree candidates, may attend classes for credit or audit without payment of application, course registration, or other related fees. Persons enrolled in such program shall be required to pay the cost of all books, supplies, laboratory fees, and shop fees.

§3422. Limitations.

The privilege authorized by this Subchapter may be granted only on a space available basis if such classes are not filled as of the close of registration. The institutions listed in this Subchapter may limit or deny the privilege for courses which are in programs for which a selective admissions criteria has been established."

Approved June 28, 1985.

CHAPTER 42

FORMERLY

SENATE BILL NO. 70

AN ACT TO AMEND SECTION 3909, TITLE 25, AND SECTION 5102, TITLE 10, DELAWARE CODE, RELATING TO THE JURISDICTION OF JUSTICE OF THE PEACE COURT NO. 5 IN MILFORD.

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

Section 1. Amend §3909, Title 25, Delaware Code, by adding the following language to the beginning of said section as follows:

"Except where a lien holder's business establishment is located within the city limits of Milford, or within 3 miles of said limits, in which case Justice of the Peace Court No. 5 in Milford shall have exclusive jurisdiction,".

Section 2. Amend §5102, Title 10, Delaware Code, by striking the number "2" therein and substituting the number "3".

Approved June 28, 1985.

CHAPTER 43

FORMERLY

SENATE BILL NO. 127

AN ACT TO AMEND CHAPTER 47, TITLE 29, DELAWARE CODE, RELATING TO CORNEAL TRANSPLANTS.

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

Section 1. Chapter 47, Title 29, Delaware Code, is hereby amended by striking §4711 thereof, and by substituting in lieu thereof the following:

"§4711. Authority to Provide Corneas to Eye Banks

(a) Upon request of an approved eye bank on behalf of a patient in need of corneal tissue for a transplant, a Medical Examiner is authorized to provide the cornea under the following conditions:

(1) a decendent who may provide a suitable cornea for transplant is under the jurisdiction of the Medical Examiner;

(2) an autopsy will be required;

(3) no objection by the decendent or next-of-kin is known by the Medical Examiner prior to the removal of the cornea by a representative of an approved eye bank; and

(4) removal of the cornea for transplant will not interfere with the subsequent course of a post-mortem examination or alter the post-mortem facial appearance.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) 'approved eye bank', includes the Medical Eye Bank of Delaware and the Eye Foundation of Delaware Valley;

(2) 'Next-of kin' means:

a. a spouse;

b. if no spouse, the decedents adult children;

c. if no spouse or adult children, the decedents parents;

d. if no spouse, adult children or parents, the person who is legally entitled to claim the decedent's remains for final disposition.

(3) The Medical Examiner or an approved eye bank while acting in compliance with this section, shall not be liable to the next of kin of a decedent, whose corneal tissue is removed and donated pursuant to this section, for any civil damages."

Approved June 28, 1985.

CHAPTER 44

FORMERLY

SENATE BILL NO. 133

AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend §3302, Subsection 10, subdivision (k), Chapter 33, Title 19, Delaware Code, by striking the phrase "under the age of 22" as the same appears in said section.

Approved June 28,1985.

CHAPTER 45

FORMERLY

SENATE BILL NO. 145
AS AMENDED BY
SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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 19, Delaware Code, by striking existing §3302(18) (A) thereof in its entirety and by substituting in its place a new §3302(18) (A) to read as follows:

"(A) For the purpose of §3345 and §3348 of this title:

(i) After December 31, 1982, that part of the remuneration which, after remuneration equal to $7,200 with respect to employment during any calendar year, is paid to an individual by an employer or his predecessor during such calendar year; or

(ii) After December 31, 1983, that part of the remuneration which, after remuneration equal to $8,000 (or such greater amount as may be specified as the taxable wage base in the Federal Unemployment Tax Act) with respect to employment during any calendar year, is paid to an individual by an employer or his predecessor during such calendar year; or

(iii) After December 31, 1985, that part of the remuneration which, after remuneration equal to $8,250 (or such greater amount as may be specified as the taxable wage base in the Federal Unemployment Tax Act) with respect to employment during any calendar year, is paid to an individual by an employer or his predecessor during such calendar year; or

(iv) After December 31, 1986, that part of the remuneration which, after remuneration equal to $8,500 (or such greater amount as may be specified as the taxable wage base in the Federal Unemployment Tax Act) with respect to employment during any calendar year, is paid to an individual by an employer or his predecessor during such calendar year.

(v) For the purpose of this paragraph, the term "employment" shall include service constituting employment under any unemployment compensation law of another state."

Section 2. Amend Title 19, Delaware Code, by striking existing §3313(b) thereof in its entirety and by substituting in its place a new §3313(b) to read as follows:

"(b) An individual's weekly benefit amount, for claims filed for weeks of unemployment beginning July 1, 1983, shall be an amount equal to 1/78 of his total wages for employment by employers paid during the 3 quarters of the individual's base period in which such wages were highest. If such weekly benefit amount is not an even dollar amount, it shall be rounded down to the next whole dollar.

The amount shall 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; however,

a. For the period beginning July 1, 1983, and ending June 30, 1985, the amount shall not be less than $20 nor more than $165.

b. For the period beginning July 1, 1985, and ending June 30, 1986, the amount shall not be less than $20 nor more than $195.

c. For the period beginning July 1, 1986, and ending June 30, 1987, the amount shall not be less than $20 nor more than $205."

d. Computations for each increase in the maximum weekly benefit amount shall commence with new claims filed to establish a benefit year commencing on or after the effective date of such increase."

Section 3. Amend Title 19, Delaware Code, by striking §3350(5) thereof in its entirety and by substituting in its place a new §3350(5) to read as follows:

WHEN STATE EXPERIENCE FACTOR IS	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:														
1.0	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%	80.0%	85.0%
2	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
3	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
4	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
5	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
6	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
7	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
8	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
9	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
10	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
11	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
12	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
13	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	11.5
14	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
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	1.3	1.9	2.5	3.1	3.8	4.4	5.0	5.6	6.3	6.9	7.5	8.1	8.8	9.4
17	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
18	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	8.3
19	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
20	0.5	1.0	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
21	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
22	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
23	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
24	0.4	0.8	1.3	1.7	2.1	2.5	2.9	3.3	3.8	4.2	4.6	5.0	5.4	5.8	6.3
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	1.5	1.9	2.3	2.7	3.1	3.5	3.8	4.2	4.6	5.0	5.4	5.8
27	0.4	0.7	1.1	1.5	1.9	2.2	2.6	3.0	3.3	3.7	4.1	4.4	4.8	5.2	5.6
28	0.4	0.7	1.1	1.4	1.8	2.1	2.5	2.9	3.2	3.6	3.9	4.3	4.6	5.0	5.4
29	0.3	0.7	1.0	1.4	1.7	2.1	2.4	2.8	3.1	3.4	3.8	4.1	4.5	4.8	5.2
30	0.3	0.7	1.0	1.3	1.7	2.0	2.3	2.7	3.0	3.1	3.7	4.0	4.3	4.7	5.0
31	0.3	0.6	1.0	1.3	1.6	1.9	2.3	2.6	2.9	3.2	3.5	3.9	4.2	4.5	4.8
32	0.3	0.6	0.9	1.3	1.6	1.9	2.2	2.5	2.8	3.1	3.4	3.8	4.1	4.4	4.7
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	2.6	2.9	3.2	3.5	3.8	4.1	4.4
35	0.3	0.6	0.9	1.1	1.4	1.7	2.0	2.3	2.6	2.9	3.1	3.4	3.7	4.0	4.3
36	0.3	0.6	0.8	1.1	1.4	1.7	1.9	2.2	2.5	2.8	3.1	3.3	3.6	3.9	4.2
37	0.3	0.5	0.8	1.1	1.4	1.6	1.9	2.2	2.4	2.7	3.0	3.2	3.5	3.8	4.1
38	0.3	0.5	0.8	1.1	1.3	1.6	1.8	2.1	2.4	2.6	2.9	3.2	3.4	3.7	3.9
39	0.3	0.5	0.8	1.0	1.3	1.5	1.8	2.1	2.3	2.6	2.8	3.1	3.3	3.6	3.8
40	0.3	0.5	0.8	1.0	1.3	1.5	1.8	2.0	2.3	2.5	2.8	3.0	3.3	3.5	3.8
41	0.2	0.5	0.7	1.0	1.2	1.5	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	1.7	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	3.0	3.2	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	2.7	2.9	3.1	3.3
46	0.2	0.4	0.7	0.9	1.1	1.3	1.5	1.7	2.0	2.2	2.4	2.6	2.8	3.0	3.3
47	0.2	0.4	0.6	0.9	1.1	1.3	1.5	1.7	1.9	2.1	2.3	2.6	2.8	3.0	3.2
48	0.2	0.4	0.6	0.8	1.0	1.3	1.5	1.7	1.9	2.1	2.3	2.5	2.7	2.9	3.1
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	2.7	2.9	3.1
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:														
	0.1%	0.2%	0.3%	0.4%	0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%

WHEN STATE EXPERIENCE FACTOR IS	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:													
	160.0%	170.0%	180.0%	190.0%	200.0%	210.0%	220.0%	230.0%	240.0%	250.0%	260.0%	270.0%	280.0%	290.0%
1	80.0	85.0	90.0	95.0	100.0	105.0	110.0	115.0	120.0	125.0	130.0	135.0	140.0	145.0
2	53.3	56.7	60.0	63.3	66.7	70.0	73.3	76.7	80.0	83.3	86.7	90.0	93.3	96.7
3	40.0	42.5	45.0	47.5	50.0	52.5	55.0	57.5	60.0	62.5	65.0	67.5	70.0	72.5
4	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0	52.0	54.0	56.0	58.0
5	26.7	28.3	30.0	31.7	33.3	35.0	36.7	38.3	40.0	41.7	43.3	45.0	45.7	48.3
6	22.9	24.3	25.7	27.1	28.6	30.0	31.4	32.9	34.3	35.7	37.1	38.6	40.0	41.4
7	20.0	21.3	22.5	23.8	25.0	26.3	27.5	28.8	30.0	31.3	32.5	33.8	35.0	36.3
8	17.8	18.9	20.0	21.1	22.2	23.3	24.4	25.6	26.7	27.8	28.9	30.0	31.1	32.2
9	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0	27.0	28.0	29.0
10	14.5	15.5	16.4	17.3	18.2	19.1	20.0	20.9	21.8	22.7	23.6	24.5	25.5	26.4
11	13.3	14.2	15.0	15.8	16.7	17.5	18.3	19.2	20.0	20.8	21.7	22.5	23.3	24.2
12	12.3	13.1	13.8	14.6	15.4	16.2	16.9	17.7	18.5	19.2	20.0	20.8	21.5	22.3
13	11.4	12.1	12.9	13.4	14.3	15.0	15.7	16.4	17.1	17.9	18.6	19.3	20.0	20.7
14	10.7	11.3	12.0	12.7	13.3	14.0	14.7	15.3	16.0	16.7	17.3	18.0	18.7	19.3
15	10.0	10.6	11.3	11.9	12.5	13.1	13.8	14.4	15.0	15.6	16.3	16.9	17.5	18.1
16	9.4	10.0	10.6	11.2	11.8	12.4	12.9	13.5	14.1	14.7	15.3	15.9	16.5	17.1
17	8.9	9.4	10.0	10.6	11.1	11.7	12.2	12.8	13.3	13.9	14.4	15.0	15.6	16.1
18	8.4	8.9	9.5	10.0	10.5	11.1	11.6	12.1	12.6	13.2	13.7	14.2	14.7	15.3
19	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0	12.5	13.0	13.5	14.0	14.5
20	7.6	8.1	8.6	9.0	9.5	10.0	10.5	11.0	11.4	11.9	12.4	12.9	13.3	13.8
21	7.3	7.7	8.2	8.6	9.1	9.5	10.0	10.5	10.9	11.4	11.8	12.3	12.7	13.2
22	7.0	7.4	7.8	8.3	8.7	9.1	9.6	10.0	10.4	10.9	11.3	11.7	12.2	12.6
23	6.7	7.1	7.5	7.9	8.3	8.8	9.2	9.6	10.0	10.4	10.8	11.3	11.7	12.1
24	6.4	6.8	7.2	7.6	8.0	8.4	8.8	9.2	9.6	10.0	10.4	10.8	11.2	11.6
25	6.2	6.5	6.9	7.3	7.7	8.1	8.5	8.8	9.2	9.6	10.0	10.4	10.8	11.2
26	5.9	6.3	6.7	7.0	7.4	7.8	8.1	8.5	8.9	9.3	9.6	10.0	10.4	10.7
27	5.7	6.1	6.4	6.8	7.1	7.5	7.9	8.2	8.6	8.9	9.3	9.6	10.0	10.4
28	5.5	5.9	6.2	6.6	6.9	7.2	7.6	7.9	8.3	8.6	9.0	9.3	9.7	10.0
29	5.3	5.7	6.0	6.3	6.7	7.0	7.3	7.7	8.0	8.3	8.7	9.0	9.3	9.7
30	5.2	5.5	5.8	6.1	6.5	6.8	7.1	7.4	7.7	8.1	8.4	8.7	9.0	9.4
31	5.0	5.3	5.6	5.9	6.3	6.6	6.9	7.2	7.5	7.8	8.1	8.4	8.8	9.1
32	4.8	5.2	5.5	5.8	6.1	6.4	6.7	7.0	7.3	7.6	7.9	8.2	8.5	8.8
33	4.7	5.0	5.3	5.6	5.9	6.2	6.5	6.8	7.1	7.4	7.6	7.9	8.2	8.5
34	4.6	4.9	5.1	5.4	5.7	6.0	6.3	6.6	6.9	7.1	7.4	7.7	8.0	8.3
35	4.4	4.7	5.0	5.3	5.6	5.8	6.1	6.4	6.7	6.9	7.2	7.5	7.8	8.1
36	4.3	4.6	4.9	5.1	5.4	5.7	5.9	6.2	6.5	6.8	7.0	7.3	7.6	7.8
37	4.2	4.5	4.7	5.0	5.3	5.5	5.8	6.1	6.3	6.6	6.8	7.1	7.4	7.6
38	4.1	4.4	4.6	4.9	5.1	5.4	5.6	5.9	6.2	6.4	6.7	6.9	7.2	7.4
39	4.0	4.3	4.5	4.8	5.0	5.3	5.5	5.8	6.0	6.3	6.5	6.8	7.0	7.3
40	3.9	4.1	4.4	4.6	4.9	5.1	5.4	5.6	5.9	6.1	6.3	6.6	6.8	7.1
41	3.8	4.0	4.3	4.5	4.8	5.0	5.2	5.5	5.7	6.0	6.2	6.4	6.7	6.9
42	3.7	4.0	4.2	4.4	4.7	4.9	5.1	5.3	5.6	5.8	6.0	6.3	6.5	6.7
43	3.6	3.9	4.1	4.3	4.5	4.8	5.0	5.2	5.5	5.7	5.9	6.1	6.4	6.6
44	3.6	3.8	4.0	4.2	4.4	4.7	4.9	5.1	5.3	5.6	5.8	6.0	6.2	6.4
45	3.5	3.7	3.9	4.1	4.3	4.6	4.8	5.0	5.2	5.4	5.7	5.9	6.1	6.3
46	3.4	3.6	3.8	4.0	4.3	4.5	4.7	4.9	5.1	5.3	5.5	5.7	6.0	6.2
47	3.3	3.5	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0
48	3.3	3.5	3.7	3.9	4.1	4.3	4.5	4.7	4.9	5.1	5.3	5.5	5.7	5.9
49	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
50	THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:													
	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%

WHEN STATE EXPERIENCE FACTOR IS:	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:									
1.0	300.0%	310.0%	320.0%	330.0%	340.0%	350.0%	360.0%	370.0%	380.0%	390.0%
2	150.0	155.0	160.0	165.0	170.0	175.0	180.0	185.0	190.0	195.0
3	100.0	103.3	106.7	110.0	113.3	116.7	120.0	123.3	126.7	130.0
4	75.0	77.5	80.0	82.5	85.0	87.5	90.0	92.5	95.0	97.5
5	60.0	62.0	64.0	66.0	68.0	70.0	72.0	74.0	76.0	78.0
6	50.0	51.7	53.3	55.0	56.7	58.3	60.0	61.7	63.3	65.0
7	42.9	44.3	45.7	47.1	48.6	50.0	51.4	52.9	54.3	55.7
8	37.5	38.8	40.0	41.3	42.5	43.8	45.0	46.3	47.5	48.8
9	33.3	34.4	35.6	36.7	37.8	38.9	40.0	41.1	42.2	43.3
10	30.0	31.0	32.0	33.0	34.0	35.0	36.0	37.0	38.0	39.0
11	27.3	28.2	29.1	30.0	30.9	31.8	32.7	33.6	34.5	35.5
12	25.0	25.8	26.7	27.5	28.3	29.2	30.0	30.8	31.7	32.5
13	23.1	23.8	24.6	25.4	26.2	26.9	27.7	28.5	29.2	30.0
14	21.4	22.1	22.9	23.6	24.3	25.0	25.7	26.4	27.1	27.9
15	20.0	20.7	21.3	22.0	22.7	23.3	24.0	24.7	25.3	26.0
16	18.8	19.4	20.0	20.6	21.3	21.9	22.5	23.1	23.8	24.4
17	17.6	18.2	18.8	19.4	20.0	20.6	21.2	21.8	22.4	22.9
18	16.7	17.2	17.8	18.3	18.9	19.4	20.0	20.6	21.1	21.7
19	15.8	16.3	16.8	17.4	17.9	18.4	18.9	19.5	20.0	20.5
20	15.0	15.5	16.0	16.5	17.0	17.5	18.0	18.5	19.0	19.5
21	14.3	14.8	15.2	15.7	16.2	16.7	17.1	17.6	18.1	18.6
22	13.6	14.1	14.5	15.0	15.5	15.9	16.4	16.8	17.3	17.7
23	13.0	13.5	13.9	14.3	14.8	15.2	15.7	16.1	16.5	17.0
24	12.5	12.9	13.3	13.8	14.2	14.6	15.0	15.4	15.8	16.3
25	12.0	12.4	12.8	13.2	13.6	14.0	14.4	14.8	15.2	15.6
26	11.5	11.9	12.3	12.7	13.1	13.5	13.8	14.2	14.6	15.0
27	11.1	11.5	11.9	12.2	12.6	13.0	13.3	13.7	14.1	14.4
28	10.7	11.1	11.4	11.8	12.1	12.5	12.9	13.2	13.6	13.9
29	10.3	10.7	11.0	11.4	11.7	12.1	12.4	12.8	13.1	13.4
30	10.0	10.3	10.7	11.0	11.3	11.7	12.0	12.3	12.7	13.0
31	9.7	10.0	10.3	10.6	11.0	11.3	11.6	11.9	12.3	12.6
32	9.4	9.7	10.0	10.3	10.6	10.9	11.3	11.6	11.9	12.2
33	9.1	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5	11.8
34	8.8	9.1	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5
35	8.6	8.9	9.1	9.4	9.7	10.0	10.3	10.6	10.9	11.1
36	8.3	8.6	8.9	9.2	9.4	9.7	10.0	10.3	10.6	10.8
37	8.1	8.4	8.6	8.9	9.2	9.5	9.7	10.0	10.3	10.5
38	7.9	8.2	8.4	8.7	8.9	9.2	9.5	9.7	10.0	10.3
39	7.7	7.9	8.2	8.5	8.7	9.0	9.2	9.5	9.7	10.0
40	7.5	7.8	8.0	8.3	8.5	8.8	9.0	9.3	9.5	9.8
41	7.3	7.6	7.8	8.0	8.3	8.5	8.8	9.0	9.3	9.5
42	7.1	7.4	7.6	7.9	8.1	8.3	8.6	8.8	9.0	9.3
43	7.0	7.2	7.4	7.7	7.9	8.1	8.4	8.6	8.8	9.1
44	6.8	7.0	7.3	7.5	7.7	8.0	8.2	8.4	8.6	8.9
45	6.7	6.9	7.1	7.3	7.6	7.8	8.0	8.2	8.4	8.7
46	6.5	6.7	7.0	7.2	7.4	7.6	7.8	8.0	8.3	8.5
47	6.4	6.6	6.8	7.0	7.2	7.4	7.7	7.9	8.1	8.3
48	6.3	6.5	6.7	6.9	7.1	7.3	7.5	7.7	7.9	8.1
49	6.1	6.3	6.5	6.7	6.9	7.1	7.3	7.6	7.8	8.0
50	6.0	6.2	6.4	6.6	6.8	7.0	7.2	7.4	7.6	7.8
	THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:									
	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%

WHEN STATE EXPERIENCE FACTOR IS.	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:									
1.0	400.0%	410.0%	420.0%	430.0%	440.0%	450.0%	460.0%	470.0%	480.0%	490.0%
2	200.0	205.0	210.0	215.0	220.0	225.0	230.0	235.0	240.0	245.0
3	133.3	136.7	140.0	143.3	146.7	150.0	153.3	156.7	160.0	163.3
4	100.0	102.5	105.0	107.5	110.0	112.5	115.0	117.5	120.0	122.5
5	80.0	82.0	84.0	86.0	88.0	90.0	92.0	94.0	96.0	98.0
6	66.7	68.3	70.0	71.7	73.3	75.0	76.7	78.3	80.0	81.7
7	57.1	58.6	60.0	61.4	62.9	64.3	65.7	67.1	68.6	70.0
8	50.0	51.3	52.5	53.8	55.0	56.3	57.5	58.8	60.0	61.3
9	44.4	45.6	46.7	47.8	48.9	50.0	51.1	52.2	53.3	54.4
10	40.0	41.0	42.0	43.0	44.0	45.0	46.0	47.0	48.0	49.0
11	36.4	37.3	38.2	39.1	40.0	40.9	41.8	42.7	43.6	44.5
12	33.3	34.2	35.0	35.8	36.7	37.5	38.3	39.2	40.0	40.8
13	30.8	31.5	32.3	33.1	33.8	34.6	35.4	36.2	36.9	37.7
14	28.6	29.3	30.0	30.7	31.4	32.1	32.9	33.6	34.3	35.0
15	26.7	27.3	28.0	28.7	29.3	30.0	30.7	31.3	32.0	32.7
16	25.0	25.6	26.3	26.9	27.5	28.1	28.8	29.4	30.0	30.6
17	23.5	24.1	24.7	25.3	25.9	26.5	27.1	27.6	28.2	28.8
18	22.2	22.8	23.3	23.9	24.4	25.0	25.6	26.1	26.7	27.2
19	21.1	21.6	22.1	22.6	23.2	23.7	24.2	24.7	25.3	25.8
20	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5
21	19.0	19.5	20.0	20.5	21.0	21.4	21.9	22.4	22.9	23.3
22	18.2	18.6	19.1	19.5	20.0	20.5	20.9	21.4	21.8	22.3
23	17.4	17.8	18.3	18.7	19.1	19.6	20.0	20.4	20.9	21.3
24	16.7	17.1	17.5	17.9	18.3	18.8	19.2	19.6	20.0	20.4
25	16.0	16.4	16.8	17.2	17.6	18.0	18.4	18.8	19.2	19.6
26	15.4	15.8	16.2	16.5	16.9	17.3	17.7	18.1	18.5	18.8
27	14.8	15.2	15.6	15.9	16.3	16.7	17.0	17.4	17.8	18.1
28	14.3	14.6	15.0	15.4	15.7	16.1	16.4	16.8	17.1	17.5
29	13.8	14.1	14.5	14.8	15.2	15.5	15.9	16.2	16.6	16.9
30	13.3	13.7	14.0	14.3	14.7	15.0	15.3	15.7	16.0	16.3
31	12.9	13.2	13.5	13.9	14.2	14.5	14.8	15.2	15.5	15.8
32	12.5	12.8	13.1	13.4	13.8	14.1	14.4	14.7	15.0	15.3
33	12.1	12.4	12.7	13.0	13.3	13.6	13.9	14.2	14.5	14.8
34	11.8	12.1	12.4	12.6	12.9	13.2	13.5	13.8	14.1	14.4
35	11.4	11.7	12.0	12.3	12.6	12.9	13.1	13.4	13.7	14.0
36	11.1	11.4	11.7	11.9	12.2	12.5	12.8	13.1	13.3	13.6
37	10.8	11.1	11.4	11.6	11.9	12.2	12.4	12.7	13.0	13.2
38	10.5	10.8	11.1	11.3	11.6	11.8	12.1	12.4	12.6	12.9
39	10.3	10.5	10.8	11.0	11.3	11.5	11.8	12.1	12.3	12.6
40	10.0	10.3	10.5	10.8	11.0	11.3	11.5	11.8	12.0	12.3
41	9.8	10.0	10.2	10.5	10.7	11.0	11.2	11.5	11.7	12.0
42	9.5	9.8	10.0	10.2	10.5	10.7	11.0	11.2	11.4	11.7
43	9.3	9.5	9.8	10.0	10.2	10.5	10.7	10.9	11.2	11.4
44	9.1	9.3	9.5	9.8	10.0	10.2	10.5	10.7	10.9	11.1
45	8.9	9.1	9.3	9.6	9.8	10.0	10.2	10.4	10.7	10.9
46	8.7	8.9	9.1	9.3	9.6	9.8	10.0	10.2	10.4	10.7
47	8.5	8.7	8.9	9.1	9.4	9.6	9.8	10.0	10.2	10.4
48	8.3	8.5	8.8	9.0	9.2	9.4	9.6	9.8	10.0	10.2
49	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8	10.0
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:									
	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%

WHEN STAT EXPERIENCE FACTOR IS:

IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:

1.0	500.0%	510.0%	520.0%	530.0%	540.0%	550.0%	560.0%	570.0%	580.0%	590.0%
2	250.0	255.0	260.0	265.0	270.0	275.0	280.0	285.0	290.0	295.0
3	166.7	170.0	173.3	176.7	180.0	183.3	186.7	190.0	193.3	196.7
4	125.0	127.5	130.0	132.5	135.0	137.5	140.0	142.5	145.0	147.5
5	100.0	102.0	104.0	106.0	108.0	110.0	112.0	114.0	116.0	118.0
6	83.3	85.0	86.7	88.3	90.0	91.7	93.3	95.0	96.7	98.3
7	71.4	72.9	74.3	75.7	77.1	78.6	80.0	81.4	82.9	84.3
8	62.5	63.8	65.0	66.3	67.5	68.8	70.0	71.3	72.5	73.8
9	55.6	56.7	57.8	58.9	60.0	61.1	62.2	63.3	64.4	65.6
10	50.0	51.0	52.0	53.0	54.0	55.0	56.0	57.0	58.0	59.0
11	45.5	46.4	47.3	48.2	49.1	50.0	50.9	51.8	52.7	53.6
12	41.7	42.5	43.3	44.2	45.0	45.8	46.7	47.5	48.3	49.2
13	38.5	39.2	40.0	40.8	41.5	42.3	43.1	43.8	44.6	45.4
14	35.7	36.4	37.1	37.9	38.6	39.3	40.0	40.7	41.4	42.1
15	33.3	34.0	34.7	35.3	36.0	36.7	37.3	38.0	38.7	39.3
16	31.3	31.9	32.5	33.1	33.8	34.4	35.0	35.6	36.3	36.9
17	29.4	30.0	30.6	31.2	31.8	32.4	32.9	33.5	34.1	34.7
18	27.8	28.3	28.9	29.4	30.0	30.6	31.1	31.7	32.2	32.8
19	26.3	26.8	27.4	27.9	28.4	28.9	29.5	30.0	30.5	31.1
20	25.0	25.5	26.0	26.5	27.0	27.5	28.0	28.5	29.0	29.5
21	23.8	24.3	24.8	25.2	25.7	26.2	26.7	27.1	27.6	28.1
22	22.7	23.2	23.6	24.1	24.5	25.0	25.5	25.9	26.4	26.8
23	21.7	22.2	22.6	23.0	23.5	23.9	24.3	24.8	25.2	25.7
24	20.8	21.3	21.7	22.1	22.5	22.9	23.3	23.8	24.2	24.6
25	20.0	20.4	20.8	21.2	21.6	22.0	22.4	22.8	23.2	23.6
26	19.2	19.6	20.0	20.4	20.8	21.2	21.5	21.9	22.3	22.7
27	18.5	18.9	19.3	19.6	20.0	20.4	20.7	21.1	21.5	21.9
28	17.9	18.2	18.6	18.9	19.3	19.6	20.0	20.4	20.7	21.1
29	17.2	17.6	17.9	18.1	18.6	19.0	19.3	19.7	20.0	20.3
30	16.7	17.0	17.3	17.7	18.0	18.3	18.7	19.0	19.3	19.7
31	16.1	16.5	16.8	17.1	17.4	17.7	18.1	18.4	18.7	19.0
32	15.6	15.9	16.3	16.6	16.9	17.2	17.5	17.8	18.1	18.4
33	15.2	15.5	15.8	16.1	16.4	16.7	17.0	17.3	17.6	17.9
34	14.7	15.0	15.3	15.6	15.9	16.2	16.5	16.8	17.1	17.4
35	14.3	14.6	14.9	15.1	15.4	15.7	16.0	16.3	16.6	16.9
36	13.9	14.2	14.4	14.7	15.0	15.3	15.6	15.8	16.1	16.4
37	13.5	13.8	14.1	14.3	14.6	14.9	15.1	15.4	15.7	15.9
38	13.2	13.4	13.7	13.9	14.2	14.5	14.7	15.0	15.3	15.5
39	12.8	13.1	13.3	13.6	13.8	14.1	14.4	14.6	14.9	15.1
40	12.5	12.8	13.0	13.1	13.5	13.8	14.0	14.3	14.5	14.8
41	12.2	12.4	12.7	12.9	13.2	13.4	13.7	13.9	14.1	14.4
42	11.9	12.1	12.4	12.6	12.9	13.1	13.3	13.6	13.8	14.0
43	11.6	11.9	12.1	12.3	12.6	12.8	13.0	13.3	13.5	13.7
44	11.4	11.6	11.8	12.0	12.3	12.5	12.7	13.0	13.2	13.4
45	11.1	11.3	11.6	11.8	12.0	12.2	12.4	12.7	12.9	13.1
46	10.9	11.1	11.3	11.5	11.7	12.0	12.2	12.4	12.6	12.8
47	10.6	10.9	11.1	11.3	11.5	11.7	11.9	12.1	12.3	12.6
48	10.4	10.6	10.8	11.0	11.3	11.5	11.7	11.9	12.1	12.3
49	10.2	10.4	10.6	10.8	11.0	11.2	11.4	11.6	11.8	12.0
50	10.0	10.2	10.4	10.6	10.8	11.0	11.2	11.4	11.6	11.8

THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:

5.0%	5.1%	5.2%	5.3%	5.4%	5.5%	5.6%	5.7%	5.8%	5.9%

EXPERIENCE FACTOR IS:	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:									
1.0	600.0%	610.0%	620.0%	630.0%	640.0%	650.0%	660.0%	670.0%	680.0%	690.0%
2	300.0	305.0	310.0	315.0	320.0	325.0	330.0	335.0	340.0	345.0
3	200.0	203.3	206.7	210.0	213.3	216.7	220.0	223.3	226.7	230.0
4	150.0	152.5	155.0	157.5	160.0	162.5	165.0	167.5	170.0	172.5
5	120.0	122.0	124.0	126.0	128.0	130.0	132.0	134.0	136.0	138.0
6	100.0	101.7	103.3	105.0	106.7	108.3	110.0	111.7	113.3	115.0
7	85.7	87.1	88.6	90.0	91.4	92.9	94.3	95.7	97.1	98.6
8	75.0	76.3	77.5	78.8	80.0	81.3	82.5	83.8	85.0	86.3
9	66.7	67.8	68.9	70.0	71.1	72.2	73.3	74.4	75.6	76.7
10	60.0	61.0	62.0	63.0	64.0	65.0	66.0	67.0	68.0	69.0
11	54.5	55.5	56.4	57.3	58.2	59.1	60.0	60.9	61.8	62.7
12	50.0	50.8	51.7	52.5	53.3	54.2	55.0	55.8	56.7	57.5
13	46.2	46.9	47.7	48.5	49.2	50.0	50.8	51.5	52.3	53.1
14	42.9	43.6	44.3	45.0	45.7	46.4	47.1	47.9	48.6	49.3
15	40.0	40.7	41.3	42.0	42.7	43.3	44.0	44.7	45.3	46.0
16	37.5	38.1	38.8	39.4	40.0	40.6	41.3	41.9	42.5	43.1
17	35.3	35.9	36.5	37.1	37.6	38.2	38.8	39.4	40.0	40.6
18	33.3	33.9	34.4	35.0	35.6	36.1	36.7	37.2	37.8	38.3
19	31.6	32.1	32.6	33.2	33.7	34.2	34.7	35.3	35.8	36.3
20	30.0	30.5	31.0	31.5	32.0	32.5	33.0	33.5	34.0	34.5
21	28.6	29.0	29.5	30.0	30.5	31.0	31.4	31.9	32.4	32.9
22	27.3	27.7	28.2	28.6	29.1	29.5	30.0	30.5	30.9	31.4
23	26.1	26.5	27.0	27.4	27.8	28.3	28.7	29.1	29.6	30.0
24	25.0	25.4	25.8	26.3	26.7	27.1	27.5	27.9	28.3	28.8
25	24.0	24.4	24.8	25.2	25.6	26.0	26.4	26.8	27.2	27.6
26	23.1	23.5	23.8	24.2	24.6	25.0	25.4	25.8	26.2	26.5
27	22.2	22.6	23.0	23.3	23.7	24.1	24.4	24.8	25.2	25.6
28	21.4	21.8	22.1	22.5	22.9	23.2	23.6	23.9	24.3	24.6
29	20.7	21.0	21.4	21.7	22.1	22.4	22.8	23.1	23.4	23.8
30	20.0	20.3	20.7	21.0	21.3	21.7	22.0	22.3	22.7	23.0
31	19.4	19.7	20.0	20.3	20.6	21.0	21.3	21.6	21.9	22.3
32	18.8	19.1	19.4	19.7	20.0	20.3	20.6	20.9	21.3	21.6
33	18.2	18.5	18.8	19.1	19.4	19.7	20.0	20.3	20.6	20.9
34	17.6	17.9	18.2	18.5	18.8	19.1	19.4	19.7	20.0	20.3
35	17.1	17.4	17.7	18.0	18.3	18.6	18.9	19.1	19.4	19.7
36	16.7	16.9	17.2	17.5	17.8	18.1	18.3	18.6	18.9	19.2
37	16.2	16.5	16.8	17.0	17.3	17.6	17.8	18.1	18.4	18.6
38	15.8	16.1	16.3	16.6	16.8	17.1	17.4	17.6	17.9	18.2
39	15.4	15.6	15.9	16.2	16.4	16.7	16.9	17.2	17.4	17.7
40	15.0	15.3	15.5	15.8	16.0	16.3	16.5	16.8	17.0	17.3
41	14.6	14.9	15.1	15.4	15.6	15.9	16.1	16.3	16.6	16.8
42	14.3	14.5	14.8	15.0	15.2	15.5	15.7	16.0	16.2	16.4
43	14.0	14.2	14.4	14.7	14.9	15.1	15.3	15.6	15.8	16.0
44	13.6	13.9	14.1	14.3	14.5	14.8	15.0	15.2	15.5	15.7
45	13.3	13.6	13.8	14.0	14.2	14.4	14.7	14.9	15.1	15.3
46	13.0	13.3	13.5	13.7	13.9	14.1	14.3	14.6	14.8	15.0
47	12.8	13.0	13.2	13.4	13.6	13.8	14.0	14.3	14.5	14.7
48	12.5	12.7	12.9	13.1	13.3	13.5	13.8	14.0	14.2	14.4
49	12.2	12.4	12.7	12.9	13.1	13.3	13.5	13.7	13.9	14.1
50	12.0	12.2	12.4	12.6	12.8	13.0	13.2	13.4	13.6	13.8
	THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:									
	6.0%	6.1%	6.2%	6.3%	6.4%	6.5%	6.6%	6.7%	6.8%	6.9%

WHEN STATE EXPERIENCE FACTOR IS	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:									
1.0	700.0%	710.0%	720.0%	730.0%	740.0%	750.0%	760.0%	770.0%	780.0%	790.0%
2	350.0	355.0	360.0	365.0	370.0	375.0	380.0	385.0	390.0	395.0
3	233.3	236.7	240.0	243.3	246.7	250.0	253.3	256.7	260.0	263.3
4	175.0	177.5	180.0	182.5	185.0	187.5	190.0	192.5	195.0	197.5
5	140.0	142.0	144.0	146.0	148.0	150.0	152.0	154.0	156.0	158.0
6	116.7	118.3	120.0	121.7	123.3	125.0	126.7	128.3	130.0	131.7
7	100.0	101.4	102.9	104.3	105.7	107.1	108.6	110.0	111.4	112.9
8	87.5	88.8	90.0	91.3	92.5	93.8	95.0	96.3	97.5	98.8
9	77.8	78.9	80.0	81.1	82.2	83.3	84.4	85.6	86.7	87.8
10	70.0	71.0	72.0	73.0	74.0	75.0	76.0	77.0	78.0	79.0
11	63.6	64.5	65.5	66.4	67.3	68.2	69.1	70.0	70.9	71.8
12	58.3	59.2	60.0	60.8	61.7	62.5	63.3	64.2	65.0	65.8
13	53.8	54.6	55.4	56.2	56.9	57.7	58.5	59.2	60.0	60.8
14	50.0	50.7	51.4	52.1	52.9	53.6	54.3	55.0	55.7	56.4
15	46.7	47.3	48.0	48.7	49.3	50.0	50.7	51.3	52.0	52.7
16	43.8	44.4	45.0	45.6	46.3	46.9	47.5	48.1	48.8	49.4
17	41.2	41.8	42.4	42.9	43.5	44.1	44.7	45.3	45.9	46.5
18	38.9	39.4	40.0	40.6	41.1	41.7	42.2	42.8	43.3	43.9
19	36.8	37.4	37.9	38.4	38.9	39.5	40.0	40.5	41.1	41.6
20	35.0	35.5	36.0	36.5	37.0	37.5	38.0	38.5	39.0	39.5
21	33.3	33.8	34.3	34.8	35.2	35.7	36.2	36.7	37.1	37.6
22	31.8	32.3	32.7	33.2	33.6	34.1	34.5	35.0	35.5	35.9
23	30.4	30.9	31.3	31.7	32.2	32.6	33.0	33.5	33.9	34.3
24	29.2	29.6	30.0	30.4	30.8	31.3	31.7	32.1	32.5	32.9
25	28.0	28.4	28.8	29.2	29.6	30.0	30.4	30.8	31.2	31.6
26	26.9	27.3	27.7	28.1	28.5	28.8	29.2	29.6	30.0	30.4
27	25.9	26.3	26.7	27.0	27.4	27.8	28.1	28.5	28.9	29.3
28	25.0	25.4	25.7	26.1	26.4	26.8	27.1	27.5	27.9	28.2
29	24.1	24.5	24.8	25.2	25.5	25.9	26.2	26.6	26.9	27.2
30	23.3	23.7	24.0	24.3	24.7	25.0	25.3	25.7	26.0	26.3
31	22.6	22.9	23.2	23.5	23.9	24.2	24.5	24.8	25.2	25.5
32	21.9	22.2	22.5	22.8	23.1	23.4	23.8	24.1	24.4	24.7
33	21.2	21.5	21.8	22.1	22.4	22.7	23.0	23.3	23.6	23.9
34	20.6	20.9	21.2	21.5	21.8	22.1	22.4	22.6	22.9	23.2
35	20.0	20.3	20.6	20.9	21.1	21.4	21.7	22.0	22.3	22.6
36	19.4	19.7	20.0	20.3	20.6	20.8	21.1	21.4	21.7	23.9
37	18.9	19.2	19.5	19.7	20.0	20.3	20.5	20.8	21.1	21.4
38	18.4	18.7	18.9	19.2	19.5	19.7	20.0	20.3	20.5	20.8
39	17.9	18.2	18.5	18.7	19.0	19.2	19.5	19.7	20.0	20.3
40	17.5	17.8	18.0	18.3	18.5	18.8	19.0	19.3	19.5	19.8
41	17.1	17.3	17.6	17.8	18.0	19.3	18.5	18.8	19.0	19.3
42	16.7	16.9	17.1	17.4	17.6	17.9	18.1	18.3	18.6	18.8
43	16.3	16.5	16.7	17.0	17.2	17.4	17.7	17.9	18.1	18.4
44	15.9	16.1	16.4	16.6	16.8	17.0	17.3	17.5	17.7	18.0
45	15.6	15.8	16.0	16.2	16.4	16.7	16.9	17.1	17.3	17.6
46	15.2	15.4	15.7	15.9	16.1	16.3	16.5	16.7	17.0	17.2
47	14.9	15.1	15.3	15.5	15.7	16.0	16.2	16.4	16.6	16.8
48	14.6	14.8	15.0	15.2	15.4	15.6	15.8	16.0	16.3	16.5
49	14.3	14.5	14.7	14.9	15.1	15.3	15.5	15.7	15.9	16.1
50	14.0	14.2	14.4	14.6	14.8	15.0	15.2	15.4	15.6	15.8
	THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:									
	7.0%	7.1%	7.2%	7.3%	7.4%	7.5%	7.6%	7.7%	7.8%	7.9%

"(5) 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 basic contribution rate shall be 8%."

Section 4. Amend §3350, Title 19 of the Delaware Code by striking the brackets and the word "Repealed" after subsection heading "(7)" and substituting a new paragraph to read as follows:

"Notwithstanding any inconsistent provisions of this chapter, if after the last day of any claimant's benefit year but within the 30 days next following thereafter, an employer for whom benefit wage charges were made as a consequence of such claimant's receipt of benefits files a written notice in such manner as the Department shall prescribe, stating that he had reemployed such claimant within the claimant's benefit year, and the Department finds that such employee received in benefits a total amount aggregating not more than 25 percent of the maximum benefit payments to which he was entitled within such benefit year because of such reemployment, the employer's benefit wage record shall be credited with 75 percent of the benefit wages previously charged against him relating to such claimant's previous employment; or if the Department finds that such employee received in benefits an amount aggregating more than 25 percent but not more than 50 percent of the maximum benefits to which he was entitled within such benefit year because of such reemployment, the employer's benefit wage record shall be credited with 50 percent of the benefit wages previously charged against him relating to such claimant's previous employment; or if the Department finds that such employee received in benefits a total amount aggregating more than 50 percent but not more than 75 percent of the maximum benefits to which he was entitled within such benefit year because of such reemployment, the employer's benefit wage record shall be credited with 25 percent of the benefit wages previously charged against him relating to such claimant's previous employment. In computing an employer's assessment rate for any calendar year, credits may be used only in connection with rehires of claimants whose benefit years ended no later than June 30 of the calendar year immediately preceding.

Employer 'rehire credits' as defined above shall not be used in the calculation of the 'State Experience Factor' as determined in accordance with §3350(4) of this Title."

Section 5. Amend §3401 of Chapter 34 of Title 19, Delaware Code by striking existing subsections (b) and (c) in their entirety. Further amend §3401 by designating existing subsection (d) as a new subsection (b).

Section 6. The provisions of Section 3 shall be effective July 1, 1985 for taxes due on taxable wages paid in the year commencing January 1, 1986.

Section 7. The provisions of Section 4 shall be effective July 1, 1985 as they affect the computation of an employer's assessment rate for any calendar year beginning after December 31, 1985.

Section 8. The provisions of Section 5 shall be effective with assessments due for the calendar quarter ending December 31, 1985.

Approved June 28, 1985.

CHAPTER 46

FORMERLY

SENATE BILL NO. 169

AN ACT TO AMEND TITLE 21, §4401(b) DELAWARE CODE, RELATING TO ABANDONED VEHICLES.

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

Section 1. Amend Title 21, §4401(b) Delaware Code, by inserting after the word "wrecked" as it appears therein the following:

", or which display expired registration plates which are at least 30 days expired, or which display no registration plates,".

Approved June 28, 1985.

CHAPTER 47

FORMERLY

SENATE BILL NO. 184

AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE, ESTABLISHING A REVOLVING FUND FOR THE REVENUES AND THE INITIAL FUNDING OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; AND TO TRANSFER FUNDS FROM THE BUDGET OFFICE CONTINGENCY (10-02-004) (SALARIES & OEC) TO THE DEPARTMENT MANAGEMENT BUDGET UNIT (40-01-001), FOR THE PURPOSE OF PROVIDING START-UP FUNDS FOR THE HAZARDOUS WASTE/GROUND WATER CLEAN-UP REVOLVING FUND.

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

Section 1. Amend §6308, Chapter 63, Title 7, Delaware Code by adding a new paragraph (5) as follows:

"(5)(a) A Hazardous Waste/Ground Water Cleanup Revolving Fund is hereby established for the purpose of providing the funds to expeditiously undertake the investigation of and conduct necessary remedial measures to mitigate instances of ground water contamination or accidents which may pose a significant threat to human health and/or the environment.

(b) All revenues recovered under §6308 shall be retained by the Department of Natural Resources and Environmental Control and placed in the Hazardous Water/Ground Water Cleanup Revolving Fund. Expenditures from this fund shall be controlled by the Appropriated Special Funds portion of the annual Budget Act.

(c) In the event that the revolving fund is expended and the Department requires additional funding to address hazardous waste/ground water contamination incidents which may pose significant threats to human health and/or the environment, the Secretary may petition the Secretary of Public Safety for additional funds under Title 29, §8232 (Hazardous Substance Spill Clean up).

(d) The Secretary of the Department of Natural Resources and Environmental Control must report annually to the Governor and the General Assembly on or before July 1st all expenditures from this fund, receipts collected, on going litigation, and its current balance.

(e) The General Fund start up monies shall be a continuing appropriation until June 30, 1990. The Department may request additional funding for this purpose during the normal budgetary process when they project that the initial balance cannot be maintained due to protracted litigations."

Section 2. The Budget Director and the Controller General are hereby authorized and directed to transfer the sum of $300,000 from the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Natural Resources and Environmental Control, Department Management Budget Unit (40-01-001) Hazardous Waste/Ground Water Clean up Revolving Fund. They are further directed to approve the mechanism, procedures and conditions by which the fund may be supplemented by the Department of Public Safety in the event of insufficient funds to remediate a hazardous substance incident.

Approved June 28, 1985.

CHAPTER 48

FORMERLY

SENATE BILL NO. 210
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 AND TITLE 24 OF THE DELAWARE CODE RELATING TO MISSING PERSONS.

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

Section 1. Amend Subchapter II (§8527 through §8530), Chapter 85, Part V, Title 11 of the Delaware Code by re-designating said subchapter as new Subchapter III (§8541 through §8544).

Section 2. Amend Chapter 85, Part V, Title 11 of the Delaware Code by adding thereto a new subchapter, designated as Subchapter II which new subchapter shall read as follows:

"SUBCHAPTER II. MISSING PERSONS

§8531. Definitions

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) 'Complaint' shall mean any report, notification or information given to a law enforcement officer that a person is missing or cannot, with reasonable care, be located;

(b) 'Missing person' shall mean a person who is missing, and who also meets one of the following characteristics:

(1) such person is physically or mentally disabled;

(2) such person was, or is, in the company of another person under circumstances indicating that the missing person's safety may be in danger;

(3) such person is missing under circumstances indicating that the disappearance was not voluntary;

(4) such person is an unemancipated minor.

(b) 'Unemancipated minor' shall mean a minor who has not married, and who resides with a parent or other legal guardian.

8532. Missing Persons; Original Complaint

A missing person complaint may be made to any county, town, city or state law enforcement agency or any other appropriate state agency. Such complaint shall state the age of the missing person. When an agency has received a missing person complaint, such agency shall immediately disseminate all known facts concerning the missing person to all county and state law enforcement agencies, and to any other law enforcement agency which may be appropriate. A new missing person complaint shall have high priority.

§8533. Missing Persons; Law Enforcement Reports

(a) The law enforcement agency which has primary jurisdiction in the area from which a missing person complaint has been filed shall prepare, as soon as practicable, a report on the missing person. Such report shall include, but is not limited to, the following:

(1) all information contained in the original complaint;

(2) all information or evidence gathered by the preliminary investigation, if one was made;

(3) a statement, by the law enforcement officer in charge, setting forth that officer's assessment of the case, based upon all evidence and information received;

(4) any additional, supplemental or unusual information which the agency feels may be of importance in locating the missing person.

§8534. Dissemination of the Missing Person Report

Upon completion of the Missing Person Report, the law enforcement agency shall send a copy of the

report to:

(a) each law enforcement officer having jurisdiction over the location in which the missing person lives, or was last seen;

(b) each State agency which the reporting law enforcement agency considers to be potentially involved, and each private agency known to the law enforcement which has, as at part of its functions, the searching for or location of missing persons;

(c) each State agency which the nearest relative to the missing person, or the complainant of no relative is located, requests that the report be sent to; provided however, that the forwarding of any report under the provisions of this section shall be at the discretion of the law enforcement agency.

(d) Each law enforcement agency which requests a copy of the Missing Person Report.

§8535. Unemancipated Minors

If a report of a missing person involves an unemancipated minor, the law enforcement agency shall immediately transmit all proper information for inclusion into the National Crime Information Center (N.C.I.C.) computer.

If a report of a missing person involves an unemancipated minor, the law enforcement agency shall not prevent an immediate active investigation on the basis of any agency rule which specifies an utomatic time limitation for a missing person investigation.

§8536. Missing Persons; Dental Records

Each law enforcement agency shall be provided with dental authorization forms, promulgated by the Attorney General, which when signed by a parent or guardian of a minor shall permit release of dental records to law enforcement authorities. Where the Missing Person Complaint indicates that the missing person is under eighteen years of age, a properly executed dental authorization shall be taken to the family dentist and any other dentist which has records which would assist in identification of the missing person. Such dental identification shall be disseminated to the Medical Examiner and all other appropriate state agencies.

§8537. Unidentified Deceased Persons

It shall be the duty of every law enforcement agency to:

(a) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(b) acquire, collect, classify, and preserve immediately any information which would assist in the location of any missing person, including any minor, and provide confirmation as to any entry to the parent, legal guardian, or next-of-kin of such person; and the agency shall acquire, collect, classify, and preserve such information as it deems necessary from each such parent, guardian or next-of-kin; and

(c) exchange such records and information as are provided for in this section with other law enforcement agencies of this State, of any other State, or of the United States. With respect to missing minors, such information shall be transmitted immediately to other law enforcement agencies.

§8538. Unidentified Deceased Persons; Fingerprints

The Medical Examiner shall promptly furnish the Department of Public Safety with copies of the fingerprints of each unidentified deceased person. The copies of such fingerprints shall be on standardized cards, and shall be accompanied by descriptions and other identifying data, including any available information concerning the date and place of death. In any instance where it is not physically possible to furnish prints of all ten fingers, the prints or partial prints of any fingers, together with identifying data shall be forwarded by the Medical Examiner to the Department."

Approved June 28, 1985.

CHAPTER 49

FORMERLY

HOUSE BILL NO. 41

AN ACT TO AMEND CHAPTER 35, TITLE 10, DELAWARE CODE, RELATING TO ATTACHMENTS.

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

Section 1. Amend §3502, Chapter 35, Title 10, Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§3502. Corporations Subject to Attachment and Garnishment

(a) All corporations doing business in this State, except as specified in subsections (b) and (c) of this section are subject to the operations of the attachment laws of this State, as provided in case of individuals. A corporation shall be liable to be summoned as garnishee.

(b) Banks, savings institutions and loan associations, except only as to a wage attachment against the wages of an employee of the bank, savings institution or loan association, shall not be subject to the operations of the attachment laws of this State.

(c) Insurance companies, except as to (1) monies due in consequence of the happening of the risk provided for in the policy of insurance; or (2) a wage attachment against the wages of an employee of the insurance company, shall not be liable to attachment.

Approved June 28, 1985.

CHAPTER 50

FORMERLY

HOUSE BILL NO. 82

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS; AND INCLUDING CERTAIN PRODUCTS WITHIN THE JURISDICTION OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.

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. Amend §101, Chapter 1, Title 4 of the Delaware Code by adding, at the end of Subsection (2), the following:

"A concentrated alcoholic beverage shall be an 'alcoholic liquor' for purposes of this Title."

Section 2. Amend §101, Chapter 1, Title 4 of the Delaware Code by re-designating present Subsection (9) as new subsection (10), and by re-designating each succeeding subsection accordingly.

Section 3. Amend §101, Chapter 1, Title 4 of the Delaware Code by adding thereto a new subsection, designated as Subsection (9), which new subsection shall read as follows:

"(9) 'Concentrated alcoholic beverage' shall mean any powders or crystals, liquid or any other substances which, after being mixed with sugar, water or any other non alcoholic materials, ferments or otherwise becomes a wine, beer or other alcoholic beverage."

Section 4. Amend §712, Chapter 7, Title 4 of Delaware Code by adding, at the end of said section, the following:

"Notwithstanding any other provision in this Chapter or title, concentrated alcoholic beverages are not "home-manufactured wines" for purposes of this section, and all Commission regulations and tax requirements concerning home-manufactured wines shall not apply to concentrated alcoholic beverages."

Section 5. Nothing in this Act shall be construed or interpreted as placing mouthwashes, cough medications, sedatives (or any other similar product not advertised for consumption as a wine or other alcoholic beverage) within the jurisdiction of the Alcoholic Beverage Control Commission."

Approved June 28, 1985.

CHAPTER 51

FORMERLY

SENATE BILL NO. 130
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 5, TITLE 10, DELAWARE CODE, RELATING TO THE SUPERIOR COURT.

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

Section 1. Amend 509, Subchapter I, Chapter 5, Title 10, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section 509 to read as follows:

"§509. Additional Associate Judges

There shall be eight Associate Judges in addition to the President Judge and the four Associate Judges specifically required by the provisions of Article IV, §2 of the Constitution."

Section 2. Amend subchapter I, Chapter 5, Title 10, Delaware Code, by adding a new Section 510 to read as follows:

"§510. Consideration of Consolidation

In order to address the long-range needs of the Superior Court, a Committee shall be designated by the Supreme Court to consider the consolidation of the Court of Common Pleas, the Municipal Court for the City of Wilmington, and Family Court with the Superior Court."

Section 3. The provisions of this Act shall become effective July 1, 1985, and the Committee so designated pursuant to Section 2 of this Act shall report its findings and recommendations to the Governor and the General Assembly within one year of the effective date.

Approved June 30, 1985.

CHAPTER 52

FORMERLY

SENATE BILL NO. 172

AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, TO CLOSE A LOOPHOLE WHICH PRECLUDES PROPER PROSECUTION OF SOME NARCOTICS VIOLATIONS.

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

Section 1. Amend §4751(b), Title 16, Delaware Code, by redesignating the said Subsection (b) as Subsection (c) and inserting therein a new Subsection (b) to read as follows:

"(b) Except as authorized by this chapter, any person who manufactures, delivers or possesses with the intent to manufacture or deliver a controlled substance or a counterfeit controlled substance classified in Schedule I, II, IV or V which is a narcotic drug is guilty of a felony and shall be fined not less than $3,000 nor more than $15,000 and imprisoned not more than 15 years."

Approved June 30, 1985.

CHAPTER 53

FORMERLY

SENATE BILL NO. 185

AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, ESTABLISHING A REVOLVING FUND FOR THE REVENUES AND THE INITIAL FUNDING OF THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER FUNDS FROM THE BUDGET OFFICE CONTINGENCY (10-02-004) (SALARIES & OEC) TO THE ADMINISTRATION BUDGET UNIT (45-01-001) (HAZARDOUS SUBSTANCE SPILL CLEAN-UP) FOR THE PURPOSE OF PROVIDING START-UP FUNDS FOR THE HAZARDOUS SUBSTANCE SPILL CLEAN-UP REVOLVING FUND.

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

Section 1. Amend §8232, Chapter 82, Title 29, Delaware Code by striking paragraph (b) and substituting thereof the following:

"(b) A Hazardous Substance Spill Clean-up Revolving Fund is hereby established for the purpose of providing the funds to undertake the emergency clean-up and necessary remedial measures. The Department of Natural Resources and Environmental Control shall be responsible under Chapter 63, Title 7, Delaware Code for the assessment of any long term environmental impact and conducting the necessary remedial action."

Section 2. Amend §8232, Chapter 82, Title 29, Delaware Code by striking paragraph (c) and substituting thereof, the following:

"(c) All revenues recovered from the responsibility party shall be retained by the Department of Public Safety and placed in the Hazardous Substance Spill Clean-up Revolving Fund. Expenditures from the Fund shall be controlled by the Appropriated Special Funds portion of the annual Budget Act."

Section 3. The General Fund start-up monies shall be a Continuing Appropriation until June 30, 1990.

Section 4. The Budget Director and the Controller General are hereby authorized and directed to transfer the sum of $20,000 from the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Public Safety. Administration Budget Unit (45-01-001) Hazardous Substance Spill Clean-up Revolving Fund.

Approved June 30, 1985.

CHAPTER 54

FORMERLY

SENATE BILL NO. 82

AN ACT TO AMEND TITLE 9, CHAPTER 70, SECTION 7004 OF THE DELAWARE CODE, RELATING TO THE PROCUREMENT OF SERVICES OR SUPPLIES.

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

Section 1. Title 9, Chapter 70, Section 7004 (c), subparagraph of paragraph 17 is hereby amended by striking the figure "$2,500" where it appears and inserting in lieu thereof the figure "$5,000".

Approved July 1, 1985.

CHAPTER 55

FORMERLY

SENATE BILL NO. 83

AN ACT TO AMEND TITLE 9, CHAPTER 70, SECTION 7002 OF THE DELAWARE CODE, RELATING TO SALARY AND EXPENSES OF THE COUNTY GOVERNMENT.

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

Section 1. Title 9, Chapter 70, Section 7002 (d) is hereby amended by striking the words and figures "by ordinance except that such annual salary shall not exceed $10,000." and inserting in lieu thereof "during the consideration and adoption of the annual operating budget ordinance."

Approved July 1, 1985.

CHAPTER 56

FORMERLY

SENATE BILL NO. 85

AN ACT TO AMEND SECTION 6109, TITLE 9, OF THE DELAWARE CODE ANNOTATED, AS IT RELATES TO GOVERNMENT OF SUSSEX COUNTY OPERATION OF COURTHOUSE.

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

Section 1. Amend Title 9, Section 6109, by deleting the second paragraph as it now appears and substituting in lieu thereof the following:

"All contracts and engagements for the erection or repair of said buildings or for the purchase of equipment and supplies, where the probable amount shall be in excess of $5,000, shall be submitted to public bidding after due advertising and shall be awarded to the lowest responsible bidder, unless for reasons deemed expedient by the county government."

Approved July 1, 1985.

CHAPTER 57

FORMERLY

SENATE BILL NO. 87

AN ACT TO AMEND SECTION 7007, TITLE 9, OF THE DELAWARE CODE ANNOTATED, AS IT RELATES TO SUSSEX COUNTY ADVISORY RETIREMENT BOARD.

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

Section 1. Amend Title 9, Section 7007, by deleting the last sentence of the first paragraph as it now appears and substituting therefore a new sentence to read as follows:

"The members of the Board shall receive such compensation as fixed by the County Council of Sussex County."

Approved July 1, 1985.

CHAPTER 58

FORMERLY

SENATE BILL NO. 88

AN ACT TO AMEND TITLE 9, CHAPTER 68, §6804 OF THE DELAWARE CODE RELATING TO ORGANIZATION OF PLANNING AND ZONING COMMISSION.

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

Section 1. Title 9, Chapter 68, §6804 is hereby amended by striking said section in its entirety and inserting in lieu thereof the following:

"§6804. Organization; power and duties

(a) At the first regularly scheduled meeting of the Commission in July of each year, the Commission shall convene and organize by selecting a Chairman. Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation prescribed by the Constitution. The Commission may create and fill such other offices in addition to Chairman as it may determine. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record.

(b) Three voting members of the Commission shall constitute a quorum.

(c) The county government shall provide suitable and convenient office space for the use and occupancy of the Commission, and shall furnish and supply all necessary equipment for the office."

Approved July 1, 1985.

CHAPTER 59

FORMERLY

SENATE BILL NO. 89

AN ACT TO AMEND TITLE 9, CHAPTER 86, §8604 OF THE DELAWARE CODE RELATING TO PENALTY FOR LATE PAYMENT OF TAXES.

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

Section 1. Title 9, Chapter 86, §8604(a), is hereby amended by striking said subsection in its entirety and inserting in lieu thereof the following:

"(a) The receiver of taxes and county treasurer or director of finance of Kent and New Castle Counties shall, after the 30th day of September in the year in which the tax duplicate shall be delivered to them, add to taxes to be paid thereafter a penalty of 1 percent per month until the same shall be paid.

In New Castle County, an additional penalty of 5% shall be added on after the 30th day of September on the taxes due for the current tax year.

In Sussex County, the director of finance shall, after the 30th day of September in the year in which the tax duplicate shall be delivered to him, add to taxes to be paid thereafter a penalty of 1.5 percent per month until the same shall be paid."

Approved July 1, 1985.

CHAPTER 60

FORMERLY

SENATE BILL NO. 91

AN ACT TO AMEND TITLE 9, CHAPTER 87, §8705 OF THE DELAWARE CODE RELATING TO LIEN OF TAXES.

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

Section 1. Title 9, Chapter 87, §8705(b) is hereby amended by striking said section in its entirety and inserting in lieu thereof the following:

"(b) All taxes assessed against real estate by Sussex County shall continue a lien against such real estate for ten (10) years from the first day of May of the year for which the taxes were levied, but if the real estate remains the property of the person who was the owner at the time that it was assessed, then the lien shall continue until the tax is collected. The lien of taxes shall have priority over all other liens.

Approved July 1, 1985.

CHAPTER 61

FORMERLY

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

AN ACT TO AMEND CHAPTER 3, TITLE 22, OF THE DELAWARE CODE RELATING TO THE GRANTING OF VARIANCES BY MUNICIPAL BOARDS OF ADJUSTMENT.

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

Section 1. Amend Section 327(a)(3), Chapter 3, Title 22 of the Delaware Code by striking Section 327(a)(3) *in its entirety and substituting in* lieu thereof the following:

"(3) Authorize, in specific cases, such variance from the provisions of any zoning ordinance, code, or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situation, a literal interpretation of the provisions of any zoning ordinances, code, or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code, or regulation shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning ordinance, code, regulation, or map."

Section 2. From one year following the enactment of this Act, the Board of Adjustment shall not rehear any application for a variance which has been rejected on the merits by the Board or by a reviewing Court as of the date of the enactment of this Act.

Approved July 1, 1985.

CHAPTER 62

FORMERLY

HOUSE BILL NO. 6

AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO LEGAL HOLIDAYS: AND DESIGNATING RETURN DAY AS A HALF-DAY HOLIDAY IN SUSSEX COUNTY.

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

Section 1. Amend §501, Chapter 5, Title 1 of the Delaware Code by striking the words "and Return day, the second day after the General election, in 1976" as the same appear at the end of the first paragraph; and substituting the words "and in Sussex County, Return Day, the second day after the General Election, after 12:00 Noon" in lieu thereof.

Approved July 1, 1985

CHAPTER 63

FORMERLY
HOUSE BILL NO. 48
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 85, TITLE 14 OF THE DELAWARE CODE RELATING TO PRIVATE BUSINESS AND TRADE SCHOOLS.

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

Section 1. Amend Section 8504, Title 14 of the Delaware Code by adding a new §8504(7) to read as follows:

"(7) The entrance requirements for admission to each program offered by the school, and a copy or example of the instrument or instruments used to test for admission to each program."

Section 2. Amend Subsection (2) of Section 8505, Title 14 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof a new subsection (2) to read as follows:

"(2) To agree to provide a surety company bond for the protection of the contractual rights of students in such form and amount as will meet with the approval of the Board and written by a company authorized to do business in this State. Such bonds shall be deposited with the Secretary of State. The surety bond shall be in an amount equal to the anticipated gross tuition receipts in the calendar year for which a certificate of approval is requested. However, the surety bond shall be for not less than $5,000 per calendar year regardless of anticipated gross receipts. On or before July 15 of each calendar year, the school shall supply a notarized statement of actual gross tuition receipts for the period January 1 through June 30 of that calendar year. In the event that the receipts for that six month period exceed one-half of the amount of the bond held by the Secretary of State for that calendar year, the school shall supply a new bond in an amount equal to twice the amount of actual gross tuition receipts for the period January 1 through June 30."

Approved July 1, 1985.

CHAPTER 64

FORMERLY

HOUSE BILL NO. 79

AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO THE VIOLENT CRIMES COMPENSATION BOARD AND CONFLICTS OF INTEREST.

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

Section 1. Amend Chapter 90, Title 11 of the Delaware Code by adding a new section to read as follows:

"§9018. Conflict of Interest

Any member of the Board with a direct or indirect interest in a matter in question shall disqualify himself from any consideration of that matter.

Approved July 1, 1985.

CHAPTER 65

FORMERLY

HOUSE BILL NO. 111
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 83, TITLE 9 OF THE DELAWARE CODE RELATING TO THE VALUATION OF LAND DEVOTED TO AGRICULTURAL, HORTICULTURAL OR FORESTRY USE.

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

Section 1. Amend §8333 of Chapter 83, Title 9, Delaware Code by adding a sentence at the end of the section to read as follows:

"In applying these criteria, and in determining whether the minimum acreage requirements are met, all contiguous parcels of land held by identical owners, in identical proportions of ownership and in identical legal form of title, shall be considered as a single unit."

Section 2. Amend §8334(2) of Chapter 83, Title 9, Delaware Code by adding a sentence at the end of the §8334(2) to read as follows:

"In applying these criteria, and in determining whether the minimum acreage requirements are met, all contiguous parcels of land held by identical owners, in identical proportions of ownership and in identical legal form of title, shall be considered as a single unit."

Approved July 1, 1985.

CHAPTER 66

FORMERLY

HOUSE BILL NO. 172

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF MEDICAL PRACTICE DISCIPLINARY PROCEEDINGS.

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

Section 1. Amend §1734(a), Chapter 17, Title 24 of the Delaware Code by striking the sixth sentence thereof in its entirety.

Approved July 1, 1985.

CHAPTER 67

FORMERLY

SENATE BILL NO. 107
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND §915, TITLE 7, DELAWARE CODE, RELATING TO THE ISSUANCE OF FOODFISHING EQUIPMENT PERMITS FOR GILL NETS TO COMMERCIAL FISHERMEN WHO SERVED IN THE ARMED FORCES WHEN THESE PERMITS WERE AVAILABLE.

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

Section 1. Amend §915, Title 7, Del. C., by adding a new paragraph (h) to read as follows:

"(h) Notwithstanding the provisions of subsection (f) of this section, the Department may issue a foodfishing equipment permit for a gill net to a resident commercial fisherman who provides credible evidence to the Department that he or she has: (1) served full time in the Armed Forces of the United States of America outside the geographic boundaries of this State during any of the five (5) years preceding 1984 or during the thirty (30) day period in 1984 (April 27 - May 27) when gill nets permits were available to commercial fisherman, provided that in the five (5) year period preceding 1984 the resident commercial fisherman met the qualifications for such a permit in the years he or she was not in the Armed Forces; (2) maintained his or her Delaware domicile while serving full-time in the Armed Forces of the United States; and (3) prior to serving in the Armed Forces of the United States of America was engaged in commercial gill net fishing in the tidal waters under the jurisdiction of this State that involved the sale of his catch."

Approved July 1, 1985.

CHAPTER 68

FORMERLY

SENATE BILL NO. 197

AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE AND AN AD HOC COMMITTEE HEREIN CREATED TO PROCEED WITH THE CONCEPTS OF DYNAMIC SEEDING OR WEATHER MODIFICATION; AND FURTHER PROVIDING FUNDS THEREFOR.

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

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

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

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

WHEREAS, an analysis by the University of Delaware Agricultural Experimental Station for the years 1972 through 1981 provides encouraging results; and

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

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

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

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

NOW, THEREFORE:

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

Section 1. There is hereby established an Ad Hoc Committee to assist, advise and consult with the Department of Agriculture in continuing the Pilot Project of Dynamic Seeding during the summer months of 1985. The Committee shall be comprised of seven (7) members to be appointed by the Secretary of the Department of Agriculture. Representatives shall be as follows: two members from New Castle County, two members from Kent County and three members from Sussex County. The Secretary of the Department of Agriculture and the Director of the Agricultural Experimental Station in Georgetown, or their designees, shall be ex officio members of the Committee.

Section 2. The Department of Agriculture in cooperation with an ad hoc committee herein established is hereby authorized and directed to continue a Pilot Project of Dynamic Seeding during the summer of 1985, the results of which shall be reported to the Governor and members of the General Assembly, as soon thereafter as practicable.

Section 3. The Budget Director and the Controller General are hereby authorized to transfer the sum of One Hundred Ninety Thousand Dollars ($190,000) from the Contingency line item appropriation in the Budget Office Contingencies entitled "Contingency Salary OEC (01 02 004 01-88)" to be further transferred to the Department of Agriculture for the purpose of implementing the concepts of dynamic seeding or weather modification in conjunction with the Ad Hoc Committee herein established.

Section 4. In the interest of expediting the Pilot Project herein authorized, the provisions of Chapter 69, Title 29, Delaware Code, are hereby waived.

Section 5 The funds herein transferred and appropriated for the Pilot Project of Dynamic Seeding shall not revert to the General Fund of the State on June 30, 1985. Any General Funds remaining unexpended and unencumbered on January 1, 1986 shall revert to the General Fund of the State.

Section 6 The Department of Agriculture shall make every effort to seek and obtain federal funds

for the purpose of funding the Pilot Project of Dynamic Seeding. To the extent that such federal funds are obtained, the corresponding proportionate amount of State funds herein authorized shall revert to the General Fund.

Approved July 1, 1985.

CHAPTER 69

FORMERLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 38
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND PART I, SUBCHAPTER II, TITLE 16 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF HEALTH; AND PROVIDING FOR THE REGULATION OF HOME HEALTH CARE; AND CHAPTER 93, TITLE 16 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF A HOME HEALTH AGENCY.

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

Section 1. Amend 122 (3), Part 1, Subchapter II, Title 16 of the Delaware Code by adding thereto a new subparagraph "n.,"which new subparagraph shall read as follows:

"n. Establish standards for public health quality assurance in the operation of home health agency programs as described below and regulate the public health practice of such programs.

For purposes of this paragraph, a home health agency is any business entity or sub-division thereof, whether public or private, proprietary or not-for-profit, which provides directly or through contract arrangements, to individuals in their home or private residence (excluding residents of hospitals and nursing homes), either 1) two or more of the following services: licensed nursing, home health aide services, physical therapy, speech pathology, occupational therapy, or social services; and where at least one of these services is licensed nursing or home health aide services; or 2) home health aide services exclusively, provided under appropriate supervision. Home health agency does not include any visiting nurse service or home health service conducted by and for those who rely upon spiritual means through prayer alone for healing in accordance with the tenets and practices of a registered church or religious denomination."

Section 2. Amend § 9302 (4), Chapter 93, Title 16 of the Delaware Code by striking subparagraph j. in its entirety and substituting a new subparagraph "j." as follows:

"j. A home health agency is any business entity or sub-division thereof, whether public or private, proprietary or not-for-profit, which provides directly or through contract arrangements, to individuals in their home or private residence (excluding residents of hospitals and nursing homes), either 1) two or more of the following services: licensed nursing, home health aide services, physical therapy, speech pathology, occupational therapy, or social services; and where at least one of these services is licensed nursing or home health aide services; or 2) home health aide services exclusively, provided under appropriate supervision. Home health agency does not include any visiting nurse service or home health service conducted by and for those who rely upon spiritual means through prayer alone for healing in accordance with the tenets and practices of a registered church or religious denomination."

Approved July 1, 1985.

CHAPTER 70

FORMERLY

SENATE BILL NO. 32

AN ACT AUTHORIZING THE SUSSEX COUNTY COUNCIL TO AWARD A PENSION BENEFIT TO FORMER SPECIFIC EMPLOYEES.

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

Section 1. The Sussex County Council is hereby directed to determine that Lavina Bradley is eligible for a pension benefit as if she were eligible pursuant to Chapter 64, Title 9, Delaware Code prior to its repeal.

Section 2. The Sussex County Council is hereby directed to determine that Roscilen Johnson is eligible for a pension benefit as if she were eligible pursuant to Chapter 64, Title 9, Delaware Code prior to its repeal.

Section 3. This Act shall become effective July 1, 1985.

Approved July 2, 1985.

CHAPTER 71

FORMERLY

SENATE BILL NO. 117

AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO VETERAN'S PREFERANCE.

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

Section 1. Amend §5935(6), Chapter 59, Title 29, Delaware Code, by striking said subsection (6) in its entirety and inserting a new subsection (6) to read as follows:

"(6) Any preference points for which a veteran would qualify after complying with subdivisions (1), (2) and (3) of this section may be claimed by his unremarried widow or widower providing he or she achieves a passing examination grade."

Approved July 2, 1985.

CHAPTER 72

FORMERLY

SENATE BILL NO. 126

AN ACT TO AMEND "AN ACT MAKING A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID," BEING CHAPTER 340, 64 LAWS OF DELAWARE, RELATING TO FOOD CONSERVERS.

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

Section 1. Amend Section 19 of Chapter 340, 64 Laws of Delaware, by striking the second sentence in its entirety and substituting in lieu thereof a new sentence to read as follows:

"Of that amount $10,000 shall be used by Food Conservers, Inc. for the overall operation, to include the purchasing, administering and transporting of food to Kent and Sussex Counties."

Approved July 2, 1985.

CHAPTER 73

FORMERLY

SENATE BILL NO. 160

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO FORMER STATE EMPLOYEES WITH VESTED PENSION BENEFITS.

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

Section 1. Amend §5528, (f), Chapter 55, Title 29, Delaware Code by striking said subsection in its entirety.

Section 2. Amend §5528 (a), Chapter 55, Title 29, Delaware Code by adding immediately at the end of such subsection the following:

"A survivor's pension shall begin with the month following the month in which the employee dies. If payable to a widow or widower, it shall cease with the month in which the survivor dies. If payable to a parent, it shall cease with the month in which the parent dies. If payable to a child, it shall cease with the month in which the child dies or fails to meet the conditions of eligibility in paragraph (2) of subsection (d) of this section."

Section 3. Amend §5528 (b), Chapter 55, Title 29, Delaware Code by adding immediately at the end of such subsection the following:

"A survivor's pension shall begin with the month following the month in which the pensioner dies. If payable to a widow or widower, it shall cease with the month in which the survivor dies. If payable to a parent, it shall cease with the month in which the parent dies. If payable to a child, it shall cease with the month in which the child dies or fails to meet the conditions of eligibility in paragraph (2) of subsection (d) of this section."

Section 4. Amend §5528, Chapter 55, Title 29, Delaware Code by designating subsections (c), (d) and (e) as subsections (d), (e) and (f).

Section 5. Amend §5528, Chapter 55, Title 29, Delaware Code by adding a new subsection (c) to read as follows:

"(c) Upon the death of a former employee with a vested right to a pension a monthly survivor's pension equal to one-half of the former employee's entitlement shall be payable to his or her eligible survivor or survivors beginning with the month that the former employee would have been eligible to receive such pension. If payable to a widow or widower, it shall cease with the month in which the survivor dies. If payable to a parent, it shall cease with the month in which the parent dies. If payable to a child, it shall cease with the month in which the child dies or fails to meet the conditions of eligibility in paragraph (2) of subsection (d) of this section."

Approved July 2, 1985.

CHAPTER 74

FORMERLY

SENATE BILL NO. 205

AN ACT TO AMEND TITLE 19, DELAWARE CODE TO PROVIDE FOR EXTENDED WORKSHOP EMPLOYMENT PROGRAMS FOR THE SEVERELY HANDICAPPED.

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

Section 1. Amend Title 19 of the Delaware Code by adding a new Chapter 10 as follows:

"CHAPTER 10. SHELTERED EMPLOYMENT

§1001. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) 'Department' means the Department of Labor or its authorized representatives.

(2) 'Sheltered workshop' means an accredited occupationally oriented facility, including a work activities center, operated by a private non-profit agency, which, except for its administrative and support staff, employs disabled persons certified under special provisions of federal minimum wage laws by the Wage and Hour Division, U.S. Department of Labor.

(3) 'Accredited' means a program which has been surveyed and approved by the Commission on Accreditation of Rehabilitation Facilities for not less than a one-year period.

(4) 'Extended employee' means a severely disabled person who:

(i) shall have completed an accredited program of evaluation and work adjustment training, including a prescribed work services program.

(ii) shall have been found, due to the nature and severity of a disability, to be incapable of competing in the open or customary labor market.

§1002. Eligibility and Standards

(a) The sheltered workshop shall certify the eligibility of individuals for participation in an Extended Employment Program under this Chapter immediately upon cessation of third-party sponsorship.

(b) Client progress will be monitored by the Department through the Division of Vocational Rehabilitation on an annual basis under guidelines established by the Department that can simultaneously eet the standards of CARF, U.S. Department of Labor's Wage and Hour Certificates for Sheltered and Work Activity Employees. U.S. Department of Education, Rehabilitation Act of 1973 and subsequent amendments, as well as the intent of this bill.

§1003. Financial Assistance in Extended Employment

(a) The Department shall have the authority to enter into a contract with sheltered workshops for the purpose of providing an Extended Employment Program.

(b) the Department shall approve a method for determining the maximum allotment for each eligible sheltered workshop.

§1004. Federal Grants

The Department is authorized to apply for whatever Federal Grants may become available from time to time in order to carry out the purposes of this Chapter.

§1005. Regulations

The Department shall have the power to make and revise and rescind such regulations as it may deem necessary or appropriate to administer and implement this Chapter. Such regulations shall, except as may be otherwise provided by the Department, take effect upon publication."

Section 2. An amount equal to 5% of the appropriation to carry out the purposes of this Act shall be utilized by the Division of Vocational Rehabilitation for monitoring the provisions of this Act. Beginning in FY '87, the appropriation for the Extended Employment Program will be included in the Department budget as a separate appropriation and will not affect existing Department programs.

Approved July 2,1985.

CHAPTER 75

FORMERLY

SENATE BILL NO. 233

AN ACT TO AMEND CHAPTER 1, SUBCHAPTER III, TITLE 17, OF THE 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 Section 137, Title 17 of the Delaware Code by striking subparagraph (b) in its entirety and substituting in lieu thereof the following:

(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 not less than the property's approved appraised fair market value determined as follows:

1) If the fair market value is estimated to be no more than $2,500.00, the appraisal may be performed by a qualified Department staff member.

2) If the fair market value is estimated to be in excess of $2,500.00, the Department shall secure the services of a qualified, unbiased fee appraiser to complete the appraisal.

In either instance, the Department shall review the appraisal and certify the approved fair market value. Property rights so disposed shall be fee simple absolute or such lesser interest as the Department may deem appropriate.

Approved July 2, 1985.

CHAPTER 76

FORMERLY

SENATE BILL NO. 258

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF NUMBER PLATES FOR MANUFACTURERS AND DEALERS WHILE TEACHING A PERSON TO OPERATE A MOTOR VEHICLE.

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

Section 1. Amend Section 2124, Chapter 21, Title 21 of the Delaware Code by striking subsection (a)(3) in its entirety.

Section 2. Amend Section 2124, Chapter 21, Title 21 of the Delaware Code by renumbering existing subsections (a)(4) and (a)(5) as (a)(3) and (a)(4) respectively.

Approved July 2, 1985.

CHAPTER 77

FORMERLY

SENATE BILL NO. 259

AN ACT TO AMEND CHAPTERS 3, 27, 42 AND 83, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE, RENEWAL, SUSPENSION OR REVOCATION OF DRIVER'S LICENSES.

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

Section 1. Amend Section 2710, Title 21 of the Delaware Code by striking subsection (a) in its entirety and substituting in lieu thereof the following:

"(a) The Department, upon receiving from any person over the age of 16 years an application for a temporary instruction permit, together with the fee required by law, may, in its discretion, issue such a permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of 60 days; provided, however, that:

(1) If the applicant is less than 18 years of age, then such temporary permit shall entitle the applicant to drive during the 60-day period only when he is accompanied by his properly licensed parent or guardian, who is actually occupying a seat beside the driver, and when there are no more than two other persons in the vehicle, both of whom are members of the applicant's immediate family. If the applicant's parent or guardian is not licensed to drive, or if his parent or guardian resides in another state, or if his parent is deceased and there is no guardian, the applicant must be accompanied by the person who signed the application on behalf of the applicant.

(2) If the applicant is 18 years of age or older, then such temporary permit shall entitle the applicant to drive during the 60-day period only when he is accompanied by a licensed operator who is actually occupying a seat beside the driver and there are no more than two other persons in the vehicle, both of whom are members of the applicant's immediate family.

(3) Regardless of the age of the applicant, the Department shall require a birth certificate, or certified copy thereof, or some other evidence satisfactory to the Department of the applicant's date of birth."

Section 2. Further amend Section 2710, Title 21 of the Delaware code by inserting in the second sentence of subsection (e) following the phrase "properly licensed parent or guardian" and before the period ending that sentence, the phrase "and when there are no more than two other persons in the vehicle, both of whom are members of the applicant's immediate family."

Section 3. Amend Section 2715, Title 21 of the Delaware Code by adding at the end of subsection (b) the following sentence:

"Upon approval by the Director of the Division of Motor Vehicles, in his discretion, the requirement for this appearance may be waived if circumstances prevent the licensee from appearing on or near the time of renewal."

Section 4. Amend Section 2718, Title 21 of the Delaware Code by adding at the end of subsection (a) the following sentence:

"Upon approval by the Director of the Division of Motor Vehicles, in his discretion, the requirement for a photograph may be waived, if circumstances prevent the licensee from appearing on or near the time of renewal."

Section 5. Amend Section 2733, Title 21 of the Delaware Code by inserting at the end of subsection (e), following the phrase "shall be returned to the licensee" and before the period ending the subsection, the phrase "upon payment of the reinstatement fee as provided in §2737 of this Chapter."

Section 6. Amend Section 4201, Title 21 of the Delaware Code by striking from subsection (b) the phrase "operator's or chauffeur's license" and substituting in lieu thereof the phrase "driver's license or other documentation of driving privileges."

Section 7. Amend Section 4202, Title 21 of the Delaware Code by striking from subsection (a) the phrase "operator's or chauffeur's license" and substituting in lieu thereof the phrase "driver's license or other documentation of driving privileges", and by striking from subsection (b) the phrase "operator's or chauffeur's license" and substituting in lieu thereof the phrase "driver's license".

Section 8. Amend Section 8301, Title 21 of the Delaware Code by striking from subsections (1) and (2) the phrase "an operator's or chauffeur's" and substituting in lieu thereof the words "a driver's".

Section 9. Amend Section 2731, Title 21 of the Delaware Code by striking from subsection (a) the words "operator's or chauffeur's" and substituting in lieu thereof the word "driver's".

Section 10. Amend Section 315, Title 21 of the Delaware Code by striking the words "an operator's or chauffeur's and substituting in lieu thereof the words "a driver's".

Section 11. If any provision of this Act or its application to any person or circumstance is determined to be invalid, such invalidity shall not affect other provisions or applications of this Act which shall be given effect without the invalid provisions of application and to that end, the provisions of this Act are declared severable.

Section 12. This Act shall become effective upon its enactment into law.

Approved July 2, 1985.

CHAPTER 78

FORMERLY

SENATE BILL NO. 261

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES AND DRIVERS.

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

Section 1. Amend the Section 2121, Title 21 of the Delaware Code by striking paragraph (g) in its entirety and substituting in lieu thereof a new paragraph (g) to read as follows:

"(g) Upon written application, the Department shall furnish to any owner of a motor vehicle who is a resident of the State and who holds a valid, unrevoked, and unexpired official Amateur Radio Station License issued by the Federal Communications Commission, a special license plate for a motor vehicle owned by him and on which the required registration fee has been paid. The special plate shall bear the official amateur radio station call letters as assigned by the Federal Communications Commission to said individual. The special plate shall supercede, the regular numbered plate assigned to such motor vehicle during the time said individual holds a valid, unrevoked and unexpired official Amateur Radio Station License issued by the Federal Communications Commission and while such motor vehicle is owned by him provided that at all times, the necessary registration fee has been paid for such motor vehicle. Upon making application for such special license plate, the owner shall pay, in addition to the regular registration fee, the sum of $10.00 for such plate. Application shall be made on such form as shall be prescribed by the Department.

The special license plate shall have imprinted thereon only the call letters of the licensee, the words, 'Delaware', 'The First State' and the expiration date of the license plate."

Section 2. Amend Section 2121, Title 21 of the Delaware Code by striking the first paragraph of subsection (h) in its entirety and substituting in lieu thereof:

"This title notwithstanding, the Department, upon written application, shall furnish to any owner of a motor vehicle otherwise entitled to a license plate, who is a resident of this State, a special license plate for each motor vehicle owned by him for which the required registration fee has been paid, which plate shall have displayed thereon:".

Section 3. Amend Section 2121, Title 21 of the Delaware Code by striking from subsection (h) in the second paragraph the words "$25 annually for each set of plates" and substituting in lieu thereof the following:

"$25 annually for each plate".

Section 4. If any provision of this Act or its application to any person or circumstance is determined to be invalid, such invalidity shall not affect other provisions or applications of this Act which shall be given effect without the invalid provision or application and to that end, the provisions of this Act are declared severable.

Section 5. This Act shall become effective upon its enactment into law.

Approved July 2, 1985.

CHAPTER 79

FORMERLY

SENATE BILL NO. 262

AN ACT TO AMEND CHAPTER 63, TITLE 21, DELAWARE CODE, RELATING TO LICENSING OF USED VEHICLE DEALERS.

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

Section 1. Amend Section 6301, Chapter 63, Title 21 of the Delaware Code by striking the title of said section in its entirety and inserting a new title to read as follows:

"§6301. Requirement of Approval to buy and sell used motor vehicles and other vehicles."

Section 2. Amend Section 6301, Chapter 63, Title 21 of the Delaware Code by deleting the word "licensed" as it appears in subsection (a) and inserting in lieu thereof the word "approved".

Section 3. Amend Section 6301, Chapter 63, Title 21 of the Delaware Code by striking the word "license" as it appears in subsection (a) and (b) and inserting in lieu thereof the word "approval".

Section 4. Amend Section 6301, Chapter 63, Title 21 of the Delaware Code by striking subsection (c) in its entirety.

Section 5. Amend Section 6302, Chapter 63, Title 21 of the Delaware Code by striking the title of said section in its entirety and inserting a new title to read as follows:

"§6302. Issuance and cancellation of approval."

Section 6. Amend Section 6302(a), Chapter 63, Title 21 of the Delaware Code by striking the words "license accompanied by the proper fee" and inserting in lieu thereof the word "approval".

Section 7. Amend Section 6302(a), Chapter 63, Title 21 of the Delaware Code by striking the words "issue to the applicant a license certificate" and inserting in lieu thereof the words "approve the application".

Section 8. Amend Section 6302, Chapter 63, Title 21 of the Delaware Code by deleting the word "license" wherever it appears in subsections (a) and (b) and inserting in lieu thereof the word "approval".

Section 9. Amend Section 6302, Chapter 63, Title 21 of the Delaware Code by deleting the word "licensee" wherever it appears in subsections (a) and (b) and inserting in lieu thereof the word "dealer".

Section 10. Amend Section 6302, Chapter 63, Title 21 of the Delaware Code by deleting the words "and payment of the fee required in §6301 of this title" as they appear in the last sentence of subsection (a).

Section 11. Amend Section 6303, Chapter 63, Title 21 of the Delaware Code by striking the word "licensee" as it appears in subsections (a) and (b) and inserting in lieu thereof the word "dealer".

Approved July 2, 1985.

CHAPTER 80

FORMERLY

HOUSE BILL NO. 113

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO EMPLOYMENT OF PENSIONERS.

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

Section 1. Amend Section 5502, Subchapter 1, Chapter 55, Title 29, Delaware Code by adding a new sentence at the end of §5502(a)(3) to read as follows:

"If a temporary employee does exceed the allowable earned income his State pension shall be reduced, using the same formula as used by the United States Social Security Administration to reduce social security benefits for such excess earnings."

Approved July 2, 1985.

CHAPTER 81

FORMERLY

HOUSE BILL NO. 98
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 21, DELAWARE CODE, RELATING TO THE REGISTRATION, TITLING AND LIENING OF MOTOR VEHICLES.

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

Section 1. Amend §305(f), Chapter 3, Title 21, Delaware Code, by striking the phrase "5 years" as the same appears therein and substituting in lieu thereof the following:

"3 years, unless otherwise required by this Title."

Section 2. Amend §305(b) and (c), Chapter 3, Title 21, Delaware Code, by striking the phrase "that are more than 3 years old" as they appear in the respective subsections (b) and (c).

Section 3. Amend §305, Chapter 3, Title 21, Delaware Code, by adding thereto a new subsection (g) to read as follows:

"(g) Any record or certified record supplied by the Department pursuant to any provision of this Title shall contain the signature or facsimile signature of the Director of the Division of Motor Vehicles or of another official of the Division who is a custodian of such records and is designated by the Director to sign or to have a facsimile signature affixed. For purposes of this subsection, a 'facsimile signature' can be a pre-printed signature, a rubber-stamped signature or any other recognized facsimile."

Approved July 2, 1985.

CHAPTER 82

FORMERLY

HOUSE BILL NO. 101
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 59, TITLE 11, OF THE DELAWARE CODE TO ALLOW JUSTICES OF THE PEACE TO HEAR AND DETERMINE CRIMINAL CASES ON SUNDAYS.

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

Section 1. Amend Section 5905, Chapter 59, Title 11, Delaware Code, by striking said Section in its entirety, and substituting in lieu thereof a new Section 5905 to read as follows:

"§5905. Sunday hearing of motor vehicle, motorboat, fish and game and criminal code violations

Any Justice of the Peace, may hear and determine cases involving alleged violations of the criminal code, motor vehicle laws, motorboat laws, and fish and game laws on Sunday.

Any mayor may hear and determine cases involving alleged violations of the existing motor vehicle laws, motorboat laws and game and fishing laws on Sunday.

Any judgment rendered or bail bond taken in pursuance of the provisions of this section shall be of full force and effect as though such judgment were rendered or bail bond accepted on days other than Sundays, providing such Justice of the Peace or mayor so rendering judgement or accepting bail bond on Sunday heretofore would have had jurisdiction on days other than Sundays to render such judgment or accept such bail bond."

Approved July 2, 1985.

CHAPTER 83

FORMERLY

HOUSE BILL NO. 243

AN ACT TO AMEND ARTICLE 6, TITLE 6 OF THE DELAWARE CODE RELATING TO BULK TRANSFERS.

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

Section 1. Amend Section 6 - 102, Title 6 of the Delaware Code by striking the period "." at the end of subsection (3) thereof and adding the following:

", and any restaurant. The term 'restaurant' means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodging, is routinely furnished to travelers."

Approved July 2, 1985.

CHAPTER 84

FORMERLY

HOUSE BILL NO. 266
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICT.

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

Section 1. Amend §832(5) Title 29 of the Delaware Code by striking the phrase "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," and substituting in lieu thereof the following:

"to the intersection of County Road 299 (extended) and Middle Run Creek, thence easterly along an imaginary line to the intersection with the center line of New Linden Hill Road and Polly Drummond Road.".

Section 2. Amend §832(6) Title 29 of the Delaware Code by striking the phrase "Foxden Road, thence westerly along the center line of Foxden Road to its intersection with the center line of Middle Run Creek," and substituting in lieu thereof the following:

"New Linden Hill Road, thence westerly along an imaginary line to its intersection with the center line of the fork of Middle Run Creek above County Road 299.".

Approved July 2, 1985.

CHAPTER 85

FORMERLY

HOUSE BILL NO. 277

AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE", AS AMENDED, RELATING TO ASSESSMENT AND COLLECTION OF TAXES, AND 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 Section 24 of Chapter 302, Volume 49, Laws of Delaware, by deleting the second paragraph in its entirety and substituting in lieu thereof the following:

"The Town Council shall annually levy a tax thereon not exceeding One Dollar and Fifty Cents ($1.50) on each One Hundred Dollars ($100.00) worth of assessed property."

Section 2. Amend Section 6 of Chapter 302, Volume 49, Laws of Delaware, by adding after the sentence "Four members of the Town Council shall reside within fifty miles of the Town of Fenwick Island", the following sentence:

"No employee of the Town of Fenwick Island, either part-time or full-time, shall serve as a member of Town Council."

Approved July 2, 1985.

CHAPTER 86

FORMERLY

HOUSE BILL NO. 278

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS" BEING CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, TO AUTHORIZE SPECIAL ASSESSMENTS OR AREA CONNECTION CHARGES UPON LOTS AND LAND BENEFITING FROM IMPROVEMENTS TO THE WATER SYSTEM, THE SANITARY SEWER SYSTEM, AND THE ELECTRIC SYSTEM.

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

Section 1. Amend Section 4, Chapter 196, Volume 22, Laws of Delaware, as amended by Section 1, Chapter 227, Volume 51, laws of Delaware, by adding at the end of said Section 4 a new subsection, designated as Subsection (j), which new subsection shall read as follows:

"(j) In addition to any other charges permitted by this Section, the Board of Public Works is authorized to impose and collect special assessments or area connection charges upon improved and unimproved lots and land for the purpose of paying for or defraying the expense and cost of enlarging, extending, constructing, and installing or any of them or any combination thereof a sewage treatment plant, pumping station or stations, water pipelines, water wells, sewer pipelines, electric substations, transformers, and any required equipment in connection with any of the foregoing, or any of them, or any combination thereof and such assessment shall be upon improved and unimproved lots and land benefiting directly or indirectly from such enlargement, extension, construction, or installation, or any of them, or any combination thereof, on such basis as is determined by the Board of Public Works to be just and reasonable."

Approved July 2, 1985.

CHAPTER 87

FORMERLY

HOUSE BILL NO. 350

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986; 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, 1986, 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 1986, 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, 1986
(01-00-000) LEGISLATIVE		
(01-01-001) General Assembly - House		
Salaries - House Members	$	880.0
Salaries (10.0)		197.3
Salaries - Attaches		288.7
Other Employment Costs		211.1
Travel		
Mileage - Legislators		62.4
Other - Travel		21.6
Contractual Services		167.2
Supplies and Materials		18.2
Capital Outlay		20.0
Expenses - House Members		205.0
Microfilm Services		2.6
TOTAL -- General Assembly - House	$	2,074.1
(01-02-001) General Assembly - Senate		
Salaries - Senate Members	$	466.8
Salaries (6.0)		143.5
Salaries - Attaches		244.7
Other Employment Costs		135.4
Travel		
Mileage - Legislative		36.5
Other - Travel		17.5
Contractual Services		133.2
Supplies and Materials		17.5
Capital Outlay		17.5
Expenses - Senate Members		105.0
Microfilm Services		2.6
Data Processing		3.3
TOTAL -- General Assembly - Senate	$	1,323.5

(01-05-000) Commission on Interstate Cooperation		
Travel	$	13.5
Legislative Travel		40.0
Contractual Services		23.0
Supplies and Materials		.2
Council of State Governments		30.9
Delaware River Basin Commission		175.3
National Conference of State Legislatures		31.5
TOTAL -- Commission on Interstate Cooperation	$	314.4
(01-08-000) Legislative Council		
(01-08-001) Office of the Research Director		
Salaries (16.0)	$	375.0
Other Employment Costs		101.8
Travel		5.0
Contractual Services		61.8
Supplies and Materials		35.3
Capital Outlay		16.0
National Science Foundation		16.0
Sunset Committee Expenses		3.0
Sub-Total	$	613.9
Debt Service	$	18.3
TOTAL -- Office of the Research Director	$	632.2
(01-08-002) Office of Controller General	Year Ending June 30, 1986	
Salaries (14.0)	$	427.7
Other Employment Costs		99.2
Travel		8.9
Contractual Services		97.2
Supplies and Materials		16.8
Capital Outlay		5.7
Data Processing		1.6
Contingency		10.0
Contingency - Internship		10.0
Contingency - Task Force Expenses		5.0
TOTAL -- Office of Controller General	$	682.1
(01-08-003) Code Revisors		
Travel	$	.8
Contractual Services		135.8
Supplies and Materials		1.0
TOTAL -- Code Revisors	$	137.6
(01-08-006) Commission on Uniform State Laws		
Travel	$	4.5
Contractual Services		3.8
Supplies and Materials		.2
TOTAL -- Commission on Uniform State Laws	$	8.5
TOTAL -- Legislative Council	$	1,460.4
TOTAL -- LEGISLATIVE	$	5,172.4
(02-00-000) JUDICIAL	Year Ending June 30, 1986	
(02-01-001) Supreme Court		

Salaries (21.0)	$	731.7
Other Employment Costs		227.6
Travel		8.5
Contractual Services		55.4
Supplies and Materials		14.5
Capital Outlay		10.8
Sub-Total	$	1,048.5
Debt Service	$	21.1
TOTAL -- Supreme Court	$	1,069.6

(02-02-000) Court of Chancery

(02-02-001) Court of Chancery

Salaries (19.0)	$	661.6
Other Employment Costs		202.8
Travel		7.9
Contractual Services		44.8
Supplies and Materials		11.2
Capital Outlay		9.2
TOTAL -- Court of Chancery	$	937.5

(02-02-002) Public Guardian

Salaries (5.0)	$	104.5
Other Employment Costs		30.0
Travel		.9
Contractual Services		6.1
Supplies and Materials		2.0
Capital Outlay		1.5
TOTAL -- Public Guardian	$	145.0
TOTAL -- Court of Chancery	$	1,082.5

(02-03-001) Superior Court

Salaries (125.0)	$	2,969.9
Other Employment Costs		877.1
Travel		23.5
Contractual Services		237.9
Supplies and Materials		29.1
Capital Outlay		32.7
Data Processing		8.0
Microfilm		51.1
TOTAL -- Superior Court	$	4,229.3

(02-06-001) Court of Common Pleas

Salaries (59.0)	$	1,304.6
Other Employment Costs		404.6
Travel		4.8
Contractual Services		66.7
Supplies and Materials		14.0
Capital Outlay		7.5
Data Processing		4.8
Microfilm		38.9
TOTAL -- Court of Common Pleas	$	1,845.9

(02-08-001) Family Court of Delaware

	Year Ending June 30, 1986	
(3.0)NSF Salaries (215.0)	$ 272.4	$ 4,494.1
(20.0)ASF Other Employment Costs	84.8	1,374.0
Travel	3.6	24.4
Contractual Services	174.1	543.8

Supplies and Materials	6.2	84.7
Capital Outlay	19.6	3.1
Data Processing		1.1
Microfilm		21.5
Sub-Total	$ 560.7	$ 6,546.7
Debt Service	$	$ 15.0
TOTAL -- Family Court of Delaware	$ 560.7	$ 6,561.7

(02-09-001) Kent County Law Library

Salaries (1.0)	$	25.2
Other Employment Costs		7.1
Travel		.2
Contractual Services		1.8
Supplies and Materials		.5
Capital Outlay		64.3
TOTAL -- Kent County Law Library	$	99.1

(02-10-001) Sussex County Law Library

Salaries (1.0)		$ 18.7
Other Employment Costs		5.4
Travel		.5
Contractual Services		2.4
Supplies and Materials		1.1
Capital Outlay		51.7
TOTAL -- Sussex County Law Library		$ 79.8

(02-11-001) New Castle County Law Library

Salaries (1.5)		$ 25.9
Other Employment Costs		8.5
Travel		.5
Contractual Services		3.1
Supplies and Materials		.5
Capital Outlay		65.2
TOTAL -- New Castle County Law Library		$ 103.7

(02-13-001) Justice of the Peace Courts

Salaries (196.0)		$ 3,636.8
Other Employment Costs		1,068.1
Travel		92.3
Contractual Services		446.0
Supplies and Materials		63.7
Capital Outlay		1.7
Data Processing		22.6
Microfilm		7.7
TOTAL -- Justice of the Peace Courts		$ 5,338.9

(02-17-000) Administrative Office of the Courts — Year Ending June 30, 1986

(02-17-001) Office of the Director

Salaries (10.5)	$ 277.8
Other Employment Costs	3.7
Travel	2.0
Contractual Services	1,915.5
Supplies and Materials	5.4
Data Processing	4.0
Court Appointed Attorneys	230.0
Retired Judges	13.2
TOTAL -- Office of the Director	$ 2,451.6

(02-17-002) Violent Crimes Compensation Board

(5.0)ASF	Salaries	$ 129.0
	Other Employment Costs	34.6
Travel	14.0	
	Contractual Services	21.9
	Supplies and Materials	1.6
	Capital Outlay	2.6
	Revenue Refunds	.6
	Attorneys	14.3
	Medical Opinions	.1
	Victims' Compensation	493.1
	TOTAL -- Violent Crimes Compensation Board	$ 711.8*

*Special Funds appropriated per Chapter 90, Title 11, Delaware Code

(02-17-003) Foster Care Review Board

Salaries (3.5)	$ 70.8
Other Employment Costs	22.0
Travel	10.1
Contractual Services	24.6
Supplies and Materials	3.0
Capital Outlay	3.1
TOTAL -- Foster Care Review Board	$ 133.6

(02-17-004) Judicial Information Center

Salaries (12.5)	$ 259.7
Other Employment Costs	75.1
Travel	3.7
Contractual Services	310.2
Supplies and Materials	6.4
TOTAL -- Judicial Information Center	655.1
TOTAL -- Administrative Office of the Courts	$ 3,240.3
TOTAL -- JUDICIAL	$ 23,650.8

(10-00-000) EXECUTIVE — Year Ending June 30, 1986

(10-01-001) Office of the Governor

(4.0)	Salaries (22.5)	$ 658.5
	Other Employment Costs	163.8
	Travel	18.5
	Contractual Services	136.3
	Supplies and Materials	24.4
	Capital Outlay	7.0
	Data Processing	18.7
	Woodburn Expenses	26.0
	Contingency - Other Expenses	8.7
	TOTAL -- Office of the Governor	$ 1,061.9

(10-02-000) Office of the Budget

(10-02-001) Administration

(3.0)	Salaries (28.0)	$ 831.5
	Other Employment Costs	228.5
	Travel	9.2
	Contractual Services	125.6
	Supplies and Materials	11.6
	Capital Outlay	43.4
	Data Processing	330.6
	Data Processing - Development Projects	2,044.4
	Budget Automation - Operations	175.0

Management Improvement Program		91.0
Microfilm		1.5
TOTAL -- Administration	$	3,892.3

(10-02-004) Budget Office - Contingencies

Contingency - Self Insurance Fund	$	$ 1,253.6
Contingency - Energy		250.0
Contingency - State Special Funds	3,000.0	
Contingency - Legal Fees		100.0
Contingency - Termination Pay		200.0
Contingency - Prior Years' Obligations		200.0
Contingency - Salaries and Other Employment Costs		6,706.6
Contingency - Regrades/Reclassifications		1,900.0
TOTAL -- Budget Office - Contingencies	$ 3,000.0	$ 10,610.2

(10-02-005) Budget Office - Other Items (One-Time Appropriations) — Year Ending June 30, 1986

Legislative: Commission on Interstate Cooperation - Low Level Radioactive Waste Management Compact	$ 30.0
02-01 Judicial: Supreme Court - Shelving	6.2
02-03 Judicial: Superior Court - Capital Outlay for New Judge and Support	8.0
Office Equipment	12.5
02-06 Judicial: Court of Common Pleas Telephone Relocation	10.0
Office Equipment	10.8
02-08 Judicial: Family Court - Computers	14.0
Office Equipment	48.7
Judicial: Software Development for Child Support Case Tracking	35.0
02-09 Judicial: Kent County Law Library - Books	5.0
02-10 Judicial: Sussex County Law Library - Books	5.0
02-11 Judicial: New Castle County Law Library - Books	9.0
02-13 Judicial: Justice of the Peace Courts - Recording Equipment	16.2
Office Equipment and Furniture	76.2
Cars	6.5
02-17 Judicial: Administrative Office of the Courts Mainframe Equipment Purchase	49.0
Tape Drive	16.0
Study of Family Court	15.0
10-02 Executive: Contingency - NASBO Conference Host	10.0
Vehicles	18.4
10-03 Delaware Development Office - Economic Development Authority - Computer Hardware	17.6
10-04 Executive: Office of State Personnel Personnel Manual	7.5
Martin Siegle Contract	7.5
Computer	16.0
12-03 Insurance Commissioner: Contractual Services Moving Expenses	10.0
Office Rent	46.5
System Automation	20.0
15-01 Legal: Attorney General Computer Hardware	20.0
Vehicles	40.9
Victim/Witness Room	3.5
Telecommunications	3.2

15-02	Legal: Public Defender		
	Computer Hardware		25.0
	Vehicle		7.7

(10-02-005) Budget Office - Other Items (One-Time Appropriations) (Continued) — Year Ending June 30, 1986

20-05	State: Corporations - Office Equipment		16.9
20-06	State: Office of Administration -		
	Typewriter Replacement		.8
	Portrait - Governor		5.0
	Museums and Historical Sites -		
	Vehicle Replacement		10.0
	Fisher-Martin House - restoration		10.0
	Abbotts Mill Pond		51.5
	Old Milford Post Office		66.5
	De Braak - Curation and Recovery		
	Surveillance of Artifacts		150.0
	Hale-Burns House		5.0
	Robinson House - Repairs		5.9
	1 Historic Marker		.8
	State Match - 1 Vehicle		3.9
	Microfilm		
	45-07 Motor Veh. Microfilming		78.1
	35mm planetary camera		14.0
	Arts - Capital Outlay - 1 Printer		2.0
25-01	Finance: Secretary -		
	D.F.M.S. Equipment		300.0
	Econometric Model		36.0
25-06	Finance: Revenue - O.C.R. Equipment		75.0
30-01	Administrative Services: Secretary -		
	Office Equipment		2.8
30-03	Administrative Services: Alcoholic Beverage		
	Control Commission - Computer and Vehicle		73.0
30-05	Administrative Service: Carvel State Building -		
	Elevator Maintenance/Computer		50.0
	Handicapped Signs		3.4
	Capitol Grounds - Equipment		64.0
	Capitol Grounds - Tree Maintenance		30.0
	Metal Detectors		9.2
	Administrative Services: Administration -		
	Administration of Asbestos Control		475.0
35-02	Health and Social Services: Office of Business		
	Administration and General Services -		
	Equipment and Furnishings		396.4
35-04	Health & Social Services:		
	Office of Chief Medical Examiner -		
	Cars and Station Wagons		11.5
35-05	Health & Social Services:		
	Bissell Hospital - Institutional Furniture		25.0
	Delaware Hospital for the Chronically Ill -		
	Institutional Furniture		42.5
	Cars and Station Wagons		48.5
35-06	Health and Social Services:		
	Delaware State Hospital - Fence - Lights	131.0	
	Institutional Furniture		46.0
	Cars and Station Wagons		16.4
	Mental Hygiene Clinics - Cars and		
	Station Wagons		21.0
35-07	Health & Social Services: Economic Services		
	Cars and Station Wagons		15.7
35-08	Health & Social Services: Division for Visually		
	Impaired - Cars and Station Wagons		14.6
35-11	Health & Social Services: Stockley Center -		
	Institutional Furniture		72.8
	Cars and Station Wagons		23.1
	Bathing Equipment		50.0
	Community Mental Retardation Programs		
	Cars and Station Wagons		15.4

	Other Vehicles	80.0

(10-02-005) Budget Office - Other Items (One-Time Appropriations) (Continued) — Year Ending June 30, 1986

35-12	Health & Social Services: State Service Centers - Cars and Station Wagons	40.8
35-14	Health & Social Services: Aging - Cars and Station Wagons	30.0
37-02	Children/Youth & Families Protective Services - Capital Outlay, NCC Serv. Unit Concept	35.8
	Cars and Station Wagons	18.0
37-05	Children/Youth & Families - Ferris School Cars and Station Wagons	25.0
	Other Vehicles	15.7
	Bridge House Detention Center - Cars and Station Wagons	21.0
	Comprehensive Community Services Cars and Station Wagons	34.0
37-08	Children, Youth and Their Families: Program, Planning and Productivity - Vehicles	14.8
38-02	Correction: Facilities Maintenance - Boiler	17.8
	Other Vehicles	19.0
	Personnel & Staff Training - Fire Fighting Equipment	1.8
38-04	Correction: Sussex Correctional Institution - Van	15.0
	Delaware Correctional Center - Vehicles	16.0
	Fire Equipment	20.9
	Telecommunications	6.3
	Women's Correctional Institution - Telecommunications	2.5
	Multi-Purpose Criminal Justice Facility Vehicles	16.0
	Kent Correctional Institution - Equipment for Dumping	2.0
	Transportation - Vehicles	47.4
	Telecommunications	14.3
	Community Services - Vehicles	38.5
	Computer and Word Processing Equipment	13.0
	Community Corrections - Vehicles	65.9
40-01	Natural Resources & Environmental Control: Hazardous Discharge Monitoring Systems - Equipment	283.4
40-05	Natural Resources & Environmental Control: Fisheries - Oyster Seeding	40.0
	Mosquito Control - Tank Truck	48.0
	Excavator	68.0
40-06	Natural Resources and Environmental Control: Operations and Maintenance - 10 portable radios	11.0
	Trash Truck	38.0
	White Clay Creek: Tractor, Mower and Wagon	17.0
	Fenwick Island - Life Guards	15.0
	Band Shell	60.0
40-07	Natural Resources and Environmental Control: Beach Preservation - Special Purpose Truck	18.0
	District Operations - Vehicle	10.4
	Survey Equipment	2.5
40-08	Natural Resources and Environmental Control: Environmental - Water Supply Inland Bays Testing Equipment	85.0
45-04	Public Safety: Motor Fuel Tax - On-Line Terminals	10.0

(10-02-005) Budget Office - Other Items (One-Time Appropriations) (Continued) — Year Ending June 30, 1986

45-06	Public Safety: State Police - Special Investigation -	

	Remote Surveillance Camera	$ 5.0
	Traffic - Radar	10.0
	Breathalyzers	2.0
	Data Entry Terminal	37.0
45-07	Public Safety: Title Registration - Microfilm Equipment	150.0
45-08	Public Safety: Emergency/Planning Operations: Security System	6.0
	Parking Lot Expansion	1.0
45-09	Public Safety: Boiler Safety - Vehicles	7.7
50-01	Community Affairs: Commission for Women - Word Processing Equipment	5.6
	Office of Secretary Vehicle for Volunteer Services Use	7.6
50-10	Community Affairs: Visually Impaired Computer	29.5
55-04	Transportation: Highways - Secondary Road Improvements	8,000.0
	Bureau of Traffic - Speed Reduction	160.0
	Bureau of Maintenance - Equipment Acquisition	1,534.0
60-07	Labor: Industrial Safety and Health - Word Processor	8.0
65-03	Agriculture: Chemical Laboratory - Laboratory Equipment	34.0
	Chem Lab - Autoclave	30.0
	Lab Equipment	5.9
	Meat Inspection - Vehicle	7.7
	Seed Laboratory - Laboratory Equipment and Vehicle	16.9
65-04	Agriculture: Forestry Sprinkler System	15.0
70-02	Elections: New Castle County Department of Elections - Mobile Registration Vans	60.0
70-03	Elections: Kent County Department of Elections - Copy Machine	2.0
75-01	Fire Prevention Commission: Office of Fire Marshal - Relocate Telephones	2.0
	Vehicles	10.0
	Microfilm Equipment	4.1
76-01	National Guard - Communication Equipment	7.7
	Cook Stove, Exhaust System	1.6
90-01	Higher Education: University of Delaware Morris Library and Newark Hall - Opening Expenses	150.0
	Delaware Geological Survey - Delaware State Boundary Commission - Definition and Restoration of State Boundary	57.0
	Replacement of Trailers with Building	150.0
90-03	Higher Education: Delaware State College - Executive - Capital Outlay	7.0
	Academic Affairs - Capital Outlay	40.0
	Student Affairs - Mattresses	30.0
	Capital Outlay	103.0
	Business and Fiscal Affairs - Capital Outlay	71.2
95-01	Public Education: Computer Upgrade	200.0
	Computer Equipment for Grant	71.0
	School Buses	616.0
TOTAL -- Budget Office - Other Items		17,259.9

(10-02-006) Budget Commission	Year Ending June 30, 1986
Contingency Funds	$ 150.0
TOTAL -- Budget Commission	$ 150.0

(10-02-007) Postsecondary Education	
Salaries (5.5)	$ 133.0
Other Employment Costs	38.2
Travel	7.4
Contractual Services	38.3
Supplies and Materials	4.6
Capital Outlay	6.5
Scholarships	863.5
Microfilm	.5
TOTAL -- Postsecondary Education	$ 1,092.0

(10-02-008) Planning Systems Development	
Salaries (8.0)	$ 284.0
Other Employment Costs	75.7
Travel	3.9
Contractual Services	86.4
Supplies and Materials	4.0
Capital Outlay	21.2
Data Processing	162.4
TOTAL -- Planning Systems Development	$ 637.6

(10-02-009) Information Systems	Year Ending June 30, 1986	
Salaries (119.0)	$ 2,649.8	
Other Employment Costs	757.7	
Travel	5.6	
Contractual Services	1,017.5	
Supplies and Materials	199.7	
Capital Outlay	125.2	
Telecommunications	2,592.9	
Sub-Total	$ 7,348.4	
Debt Service	$ 86.8	
TOTAL -- Information Systems	$ 7,435.2	

Allocation of Data Processing Services

		General Funds	Other Funds
01	Legislative	$ 4.9	$ -
02	Judicial	40.5	-
10	Executive	699.3	-
12	Other Elective	247.2	172.5
15	Legal	2.4	-
20	State	494.5	-
25	Finance	2,952.3	-
30	Administrative Services	130.1	-
35	Health and Social Services	775.2	350.0
38	Correction	49.9	-
40	Natural Resources and Environmental Control	25.7	7.5
45	Public Safety	2,017.7	-
50	Community Affairs	1.1	-
55	Transportation	459.2	-
65	Agriculture	1.6	-
70	Elections	55.5	-
75	Fire Marshal	5.6	-
95	Public Education	65.8	-

Sub-Total	$ 8,028.5	$ 530.0	
TOTAL -- Information Systems and Health and Social Information Systems		$ 8,558.5	
(10-02-010) Data Administration			
Salaries (2.0)			$ 78.8
Other Employment Costs			22.0
Travel			.5
Contractual Services			47.4
Supplies and Materials			.3
Data Processing			43.4
TOTAL -- Data Administration			$ 192.4
(10-02-011) Health and Social Information Systems			
Salaries (11.0)		$ 267.2	
Other Employment Costs		81.8	
Travel		8.2	
Contractual Services		620.8	
Supplies and Materials		35.0	
Capital Outlay		14.0	
Data Processing		40.2	
Telecommunications		56.1	
TOTAL -- Health and Social Information Systems		$ 1,123.3	
(10-02-012) Office of Telecommunications		Year Ending June 30, 1986	
Salaries (3.0)			$ 118.3
Other Employment Costs			31.2
Travel			14.0
Contractual Services			130.8
Supplies and Materials			6.9
Capital Outlay			23.8
TOTAL - Office of Telecommunications			$ 325.0
TOTAL -- Office of the Budget		$ 3,000.0	$ 34,159.4
(10-03-000) Delaware Development Office			
(10-03-001) Office of the Director			
(2.0) Salaries (12.0)			$ 290.5
Other Employment Costs			81.6
Travel			1.5
Contractual Services			40.3
Supplies and Materials			4.9
Capital Outlay			1.0
Data Processing			1.1
Sub-Total			$ 420.9
Debt Service			$ 215.6
TOTAL -- Office of the Director			$ 636.5
(10-03-002) Delaware Tourism Office			
Salaries (8.0)			$ 144.0
Other Employment Costs			38.5
Travel			10.1
Contractual Services			426.3
Supplies and Materials			7.5
Capital Outlay			3.3
Business Tourism Promotion			200.0

	Junior Miss	.3
	Mother of the Year	.5
	Young Mother of the Year	.5
	TOTAL -- Delaware Tourism Office	$ 831.0
	(10-03-003) Delaware Economic Development Authority	
(12.0)	Salaries (17.0)	$ 432.3
	Other Employment Costs	118.4
	Travel	54.5
	Contractual Services	187.9
	Supplies and Materials	17.2
	Capital Outlay	27.3
	Other Items	160.0
	General Obligation Bonds	879.8
	Sub-Total	$ 1,877.4
	Debt Service	$ 1,146.3
	TOTAL -- Delaware Economic Development Authority	$ 3,023.7
	TOTAL -- Delaware Development Office	$ 4,491.2
	(10-04-000) Office of State Personnel	Year Ending June 30, 1986
	(10-04-001) Administration	
(3.5)	Salaries (6.5)	$ 173.8
	Other Employment Costs	42.0
	Travel	7.0
	Contractual Services	64.0
	Supplies and Materials	6.3
	Capital Outlay	1.1
	Data Processing	71.6
	TOTAL -- Administration	$ 365.8
	(10-04-002) Operations	
(6.5)	Salaries (19.5)	$ 433.7
	Other Employment Costs	120.7
	Travel	4.5
	Contractual Services	75.1
	Supplies and Materials	2.8
	Capital Outlay	3.0
	Microfilm	1.5
	Generic Aides (10.0)	117.1
	TOTAL -- Operations	$ 758.4
	(10-04-004) Research and Employee Development	
(1.0)	Salaries (2.0)	$ 63.5
	Other Employment Costs	18.0
	Travel	1.5
	Contractual Services	3.5
	Supplies and Materials	7.5
	TOTAL -- Research and Employee Development	$ 94.0
	TOTAL - Office of State Personnel	$ 1,218.2
	(10-07-001) Criminal Justice Council	
(2.0)	Salaries (8.0)	$ 224.3
	Other Employment Costs	58.6
	Travel	5.0
	Contractual Services	353.1

	Supplies and Materials			2.8
	Capital Outlay			8.3
	Grants			20.9
	Data Processing			20.1
	Microfilm			2.6
	TOTAL -- Criminal Justice Council			$ 695.7
	(10-08-001) Planning and Coordination			
	Salaries (4.0)			$ 103.1
	Other Employment Costs			28.3
	Travel			1.4
	Contractual Services			32.5
	Supplies and Materials			1.8
	Capital Outlay			7.5
	TOTAL -- Planning and Coordination			$ 174.6
	(10-10-001) Delaware Justice Information System		Year Ending June 30, 1986	
(1.0)	Salaries (6.0)			$ 154.4
	Other Employment Costs			42.3
	Travel			5.0
	Contractual Services			14.9
	Supplies and Materials			2.5
	Capital Outlay			6.8
	Data Processing			11.2
	TOTAL -- Delaware Justice Information System			$ 237.1
TOTAL -- EXECUTIVE			$ 3,000.0	$ 42,038.1
(12-00-000) OTHER ELECTIVE OFFICES			Year Ending June 30, 1986	
	(12-01-001) Lieutenant Governor			
	Salaries (5.0)			$ 100.6
	Salaries - Board of Pardons			.3
	Other Employment Costs			24.3
	Travel			10.9
	Contractual Services			5.6
	Supplies and Materials			2.3
	Capital Outlay			2.0
	Expenses - Lieutenant Governor			6.4
	TOTAL -- Lieutenant Governor			$ 152.4
	(12-02-001) Auditor of Accounts			
(15.4)ASF	Salaries (40.0)	$ 92.5	$ 302.1	$ 792.8
	Other Employment Costs	22.5	92.7	234.8
	Travel		.5	3.5
	Contractual Services		12.9	89.8
	Supplies and Materials		6.0	13.6
	Capital Outlay		26.0	25.8
	Data Processing			22.5
	Microfilm			.2
	TOTAL -- Auditor of Accounts	$ 115.0	$ 440.2	$ 1,183.0

Allocation of Audit Services

		General Funds
20	State	$ 5.0
35	Health and Social Services	30.0
40	Natural Resources and Environmental Control	10.0
50	Community Affairs	10.0
55	Transportation	30.0

60	Labor	5.0	
90	Higher Education	20.0	
95	Public Education	5.0	
	Sub-Total	$ 115.0	
	TOTAL -- Audit Services	$115.0	

(12-03-000) Insurance Commissioner

(12-03-001) Regulatory Activities

	Salaries (25.5)	$	$ 580.8
	Other Employment Costs		156.4
	Travel	.8	5.4
	Contractual Services	9.9	81.1
	Supplies and Materials		12.7
	Capital Outlay		1.0
	Microfilm		.2
	Malpractice Review		40.2
	TOTAL -- Regulatory Activities	$ 10.7	$ 877.8

(12-03-002) Bureau of Examination, Rehabilitation and Guaranty — Year Ending June 30, 1986

(7.0)ASF	Salaries	$ 260.4	
	Other Employment Costs	48.0	
	Travel	70.0	
	Contractual Services	45.9	
	Supplies	.5	
	Capital Outlay	1.0	
	Reimburse General Fund	70.0	
	TOTAL -- Bureau of Examination, Rehabilitation and Guaranty	$ 495.8	

(12-03-003) Insurance Coverage Office

	Salaries (1.5)	$	$ 48.9
	Other Employment Costs		15.6
	Self-Insurance Fund	4,825.0	
	Insurance Premiums		641.8
	TOTAL -- Insurance Coverage Office	$ 4,825.0	$ 706.3
	TOTAL -- Insurance Commissioner	$ 5,331.5	$ 1,584.1

(12-05-000) State Treasurer

(12-05-001) Administration

(4.0)ASF	Salaries (20.0)	$ 99.6	$ 397.4
	Other Employment Costs	29.0	121.7
	Travel	5.5	3.1
	Contractual Services	10.6	76.3
	Banking Services	920.9	
	Supplies and Materials	3.0	8.5
	Capital Outlay	4.3	9.0
	Data Processing	13.8	51.8
	Microfilm		60.6
	1st State Improvement Fund		40,000.0
	Blood Bank Membership Dues		65.0
	TOTAL -- Administration	$ 1,086.7*	$ 40,793.4

* Chapter 27, Title 29, Delaware Code; see epilogue for memorandum budget authorization.

	(12-05-002) Pensions	Year Ending June 30, 1986	
(25.7)	Salaries (1.3)	$ 412.8	$ 25.8
	Other Employment Costs	125.9	8.4
	Travel	8.5	.8
	Contractual Services	2,169.5	1.8
	Supplies and Materials	17.8	.5
	Capital Outlay	10.0	.5
	Data Processing	158.7	172.9
	Microfilm	5.2	
	Health Insurance - Retirees		6,385.6
	Pensions - Paraplegic Veterans		15.6
	TOTAL -- Pensions	$ 2,908.4	$ 6,611.9

* All Administrative Expenses are paid out of State Employees Retirement Fund.

(12-05-003) Debt Management	
Expense of Issuing Bonds	$ 131.8
Debt Service - Regular	8,283.3
Debt Service - Local Schools	2,175.4
Debt Service - Farmers Bank Preferred Stock	1,755.5
Debt Service - Solid Waste Authority	503.3
Debt Retirement -Outstanding Bonds	10,000.0
TOTAL -- Debt Management	$ 22,849.3
TOTAL -- State Treasurer	$ 70,254.6
TOTAL -- OTHER ELECTIVE OFFICES	$ 73,174.1

(15-00-000) LEGAL	Year Ending June 30, 1986
(15-01-000) Department of Justice	
(15-01-001) Office of Attorney General	
(18.5) Salaries (126.5)	$ 2,927.3
Other Employment Costs	831.2
Travel	10.0
Contractual Services	628.6
Supplies and Materials	33.0
Capital Outlay	15.8
Data Processing	2.4
Extradition	46.0
TOTAL -- Office of Attorney General	$ 4,494.3
TOTAL -- Department of Justice	$ 4,494.3
(15-02-001) Public Defender	
Salaries (62.0)	$ 1,495.3
Other Employment Costs	414.8
Travel	1.9
Contractual Services	257.3
Supplies and Materials	21.8
Capital Outlay	8.0
TOTAL -- Public Defender	$ 2,199.1
(15-03-001) Board of Parole	
Salaries (7.0)	$ 148.4
Other Employment Costs	38.9
Travel	7.1
Contractual Services	13.5
Supplies and Materials	3.3
TOTAL -- Board of Parole	$ 211.2

	TOTAL -- LEGAL	$ 6,904.6
	(20-00-000) DEPARTMENT OF STATE	Year Ending June 30, 1986
	(20-01-000) Office of the Secretary	
	(20-01-001) Administration	
	Salaries (6.0)	$ 154.8
	Other Employment Costs	39.6
	Travel	3.4
	Contractual Services	19.3
	Supplies and Materials	2.7
	Microfilm	1.5
	Sub-Total	$ 221.3
	Debt Service	$ 243.3
	TOTAL -- Administration	$ 464.6
	(20-01-002) Delaware Commission of Veterans' Affairs	
	Salaries (2.0)	$ 34.0
	Other Employment Costs	7.8
	Travel	1.1
	Contractual Services	5.5
	Supplies and Materials	1.1
	Capital Outlay	2.5
	TOTAL -- Delaware Commission of Veterans' Affairs	52.0
	TOTAL -- Office of the Secretary	516.6
	(20-05-001) Division of Corporations	
	Salaries (48.0)	$ 778.5
	Other Employment Costs	212.4
	Travel	1.4
	Contractual Services	245.3
	Supplies and Materials	64.6
	Capital Outlay	10.3
	Data Processing	484.9
	Microfilm	4.1
	TOTAL -- Division of Corporations	$ 1,801.5
	(20-06-000) Division of Historical and Cultural Affairs	
	(20-06-001) Office of Administration	
	Salaries (3.7)	$ 88.6
	Other Employment Costs	24.2
	Travel	1.0
	Contractual Services	6.0
	Supplies and Materials	2.1
	Capital Outlay	1.0
	Data Processing	9.6
	Delaware Heritage Commission	104.1
	Sub-Total	$ 236.6
	Debt Service	$ 183.0
	TOTAL -- Office of Administration	$ 419.6
	(20-06-002) Archives and Records Management	Year Ending June 30, 1986
(1.0)	Salaries (12.0)	$ 175.4
	Other Employment Costs	52.6

	Travel	1.3
	Contractual Services	24.6
	Supplies and Materials	9.9
	Capital Outlay	1.7
	Microfilm Services	32.8
	TOTAL -- Archives and Records Management	$ 298.3

(20-06-003) Bureau of Archaeology and Historic Preservation

(4.0)	Salaries (4.0)	$ 90.0
	Other Employment Costs	21.1
	Travel	.6
	Contractual Services	5.1
	Supplies and Materials	3.5
	Capital Outlay	.8
	TOTAL -- Bureau of Archaeology and Historic Preservation	$ 121.1

(20-06-004) Bureau of Museums and Historic Sites — Year Ending June 30, 1986

	Salaries (29.5)	$ 487.7
	Other Employment Costs	121.5
	Travel	1.5
	Contractual Services	114.9
	Supplies and Materials	21.7
	Capital Outlay	3.4
	Sub-Total	$ 750.7
	Debt Service	$ 105.1
	TOTAL -- Bureau of Museums and Historic Sites	$ 855.8

(20-06-005) Microfilm Services

	Salaries (17.0)	$ 201.9
	Other Employment Costs	68.6
	Travel	1.0
	Contractual Services	171.1
	Supplies and Materials	67.4
	Capital Outlay	15.4
	TOTAL -- Microfilm Services	$ 525.4

Allocation of Microfilm Services

		General Funds	Special Funds
01	Legislative	$ 5.2	$ -
02	Judicial	119.2	-
10	Executive	6.1	-
12	Other Elective	61.0	5.2
20	State	38.4	3.7
25	Finance	84.4	-
30	Administrative Services	7.1	1.5
35	Health and Social Services	71.0	1.5
37	Services for Children, Youth and Their Families	1.0	-
38	Correction	23.5	-
40	Natural Resources and Environmental Control	6.1	-
45	Public Safety	7.6	-
55	Transportation	14.3	.8
60	Labor	11.8	-
70	Elections	1.5	-
75	Fire Marshal	2.6	-
76	National Guard	6.1	-
90	Higher Education	5.1	-
95	Public Education	40.7	-

	Sub-Total	$ 512.7	$ 12.7
	TOTAL -- Microfilm Services	$525.4	

(20-06-016) Office of Arts Council

(3.5)	Salaries (4.0)	$ 69.2
	Other Employment Costs	18.0
	Travel	1.7
	Contractual Services	23.0
	Supplies and Materials	2.1
	TOTAL -- Office of Arts Council	$ 114.0
	TOTAL -- Division of Historical and Cultural Affairs	$ 1,808.8

(20-15-001) Division of State Banking Commission — Year Ending June 30, 1986

(23.0)	Salaries	$ 417.1
	Other Employment Costs	120.9
	Travel	13.0
	Contractual Services	28.0
	Supplies and Materials	12.4
	Capital Outlay	16.7
	Microfilm Services	2.1
	TOTAL -- Division of State Banking Commission	$ 610.2*

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

TOTAL -- DEPARTMENT OF STATE $ 4,126.9

(25-00-000) DEPARTMENT OF FINANCE — Year Ending June 30, 1986

(25-01-001) Office of the Secretary

Salaries (19.0)	$ 575.2
Other Employment Costs	117.7
Travel	4.2
Contractual Services	120.5
Supplies and Materials	14.1
Capital Outlay	20.6
Fiscal Notebook	6.0
TOTAL -- Office of the Secretary	$ 858.3

(25-05-001) Division of Accounting

Salaries (35.0)	$ 570.6
Other Employment Costs	178.2
Travel	3.0
Contractual Services	79.6
Supplies and Materials	71.3
Capital Outlay	10.0
Data Processing	1,899.6
Microfilm	4.6
TOTAL -- Division of Accounting	$ 2,816.9

(25-06-000) Division of Revenue

(25-06-001) Tax Processing

Salaries (116.0)	$ 1,964.5
Other Employment Costs	567.5
Travel	7.4
Contractual Services	376.6
Supplies and Materials	65.5
Capital Outlay	10.5

	Data Processing		1,052.7
	Microfilm		79.8
	Sub-Total	$	4124.5
	Debt Service	$	279.5
	TOTAL -- Tax Processing	$	4,404.0
	(25-06-002) Tax Enforcement		
	Salaries (121.0)	$	1,999.5
	Other Employment Costs		544.8
	Travel		28.4
	Contractual Services		334.3
	Supplies and Materials		64.3
	Capital Outlay		176.3
	TOTAL -- Tax Enforcement	$	3,147.6
	TOTAL -- Division of Revenue	$	7,551.6
	(25-07-001) State Lottery Office		
(18.0)ASF	Salaries	$ 369.0	
	Other Employment Costs	102.1	
	Travel	8.1	
	Contractual Services	1,934.3	
	Supplies and Materials	16.6	
	Capital Outlay	72.6	
	TOTAL -- State Lottery Office	$ 2,502.7*	

*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			$ 11,226.8
(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES Year Ending June 30, 1986			
(30-01-001) Office of the Secretary			
(30-01-001) Administration			
	Salaries (13.0)		$ 263.8
	Other Employment Costs		77.4
	Travel		2.8
	Contractual Services		33.4
	Supplies and Materials		2.6
	Data Processing		9.6
	Microfilm		1.0
	TOTAL -- Administration		$ 390.6
	(30-01-002) Fleet Management		
	Salaries (2.0)		$ 46.7
	Other Employment Costs		13.3
	Travel		2.2
	Contractual Services		14.0
	Supplies and Materials		.4
	TOTAL -- Fleet Management		$ 76.6
	(30-01-003) Capitol Police		
(3.0)ASF	Salaries (24.0)	$ 36.0	$ 459.3
	Other Employment Costs	12.7	108.3
	Travel		1.5
	Contractual Services		210.5

Supplies and Materials			20.1
Capital Outlay			25.7
TOTAL -- Capitol Police		$ 48.7	$ 825.4
TOTAL -- Office of the Secretary		$ 48.7	$ 1,292.6
(30-02-001) Public Employment Relations Board			
Salaries (2.0)			$ 55.8
Other Employment Costs			15.9
Travel			3.6
Contractual Services			19.9
Supplies and Materials			1.8
TOTAL -- Public Employment Relations Board			$ 97.0
(30-03-001) Division of Alcohol Beverage Control Commission			
Salaries (22.0)		$	$ 424.1
Other Employment Costs			112.4
Travel		5.0	7.9
Contractual Services		4.2	66.3
Supplies and Materials		2.3	12.9
Capital Outlay		2.0	5.4
Microfilm			2.0
TOTAL -- Division of Alcohol Beverage Control Commission		$ 13.5	$ 631.0
(30-04-000) Division of Support Operations		Year Ending June 30, 1986	
(30-04-002) Messenger Services			
Salaries (11.0)		$	$ 129.1
Other Employment Costs			47.7
Contractual Services		110.0	8.1
Supplies and Materials			8.7
Capital Outlay			27.5
TOTAL -- Messenger Services		$ 110.0	$ 221.1
(30-04-003) Telephone Services			
Salaries (9.0)		$ 40.0	$ 146.6
Other Employment Costs		.4	41.1
Contractual Services		1,256.1	1.5
Supplies and Materials		2.5	2.0
Capital Outlay		4.6	
Data Processing			49.0
TOTAL -- Telephone Services		$1,303.6	$ 240.2
(30-04-004) Graphics and Printing			
(19.0)ASF Salaries		$ 370.6	
Other Employment Costs		112.9	
Travel		2.0	
Contractual Services		255.7	
Supplies and Materials		211.7	
Capital Outlay		125.1	
TOTAL -- Graphics and Printing		$1,078.0	
TOTAL -- Division of Support Operations		$2,491.6	$ 461.3
(30-05-000) Division of Facilities Management			
(30-05-001) Administration			

	Salaries (13.0)		$ 319.9
	Other Employment Costs		88.0
	Travel		3.5
	Contractual Services		660.6
	Supplies and Materials		6.2
	Data Processing		61.9
	Microfilm		4.1
	Sub-Total		$ 1,144.2
	Debt Service		$ 4,416.8
	TOTAL -- Administration		$ 5,561.0
	(30-05-003) Energy Office		
(9.0)NSF	Salaries (1.0)		$ 27.7
	Other Employment Costs		6.6
	Contractual Services		11.3
	TOTAL -- Energy Office		$ 45.6
	(30-05-004) Carvel State Building		
	Salaries (9.0)		$ 122.8
	Other Employment Costs		41.9
	Contractual Services		793.2
	Supplies and Materials		26.2
	TOTAL -- Carvel State Building		$ 984.1
	(30-05-005) Building Maintenance	Year Ending June 30, 1986	
	Salaries (21.0)		$ 332.3
	Other Employment Costs		102.3
	Contractual Services		787.8
	Supplies and Materials		98.5
	Capital Outlay		11.0
	TOTAL -- Building Maintenance		$ 1,331.9
	(30-05-006) Capitol Grounds		
	Salaries (7.0)		$ 122.9
	Other Employment Costs		33.8
	Contractual Services		37.5
	Supplies and Materials		24.6
	Capital Outlay		29.0
	TOTAL -- Capitol Grounds		$ 247.8
	(30-05-007) Custodial Services		
	Salaries (41.0)		$ 460.0
	Other Employment Costs		162.5
	Contractual Services		272.3
	Supplies and Materials		40.8
	Capital Outlay		15.0
	TOTAL -- Custodial Services		$ 950.6
	(30-05-009) Public Building		
	Salaries (11.0)		$ 127.9
	Other Employment Costs		37.5
	Contractual Services		533.7
	Supplies and Materials		25.5
	Capital Outlay		3.1
	TOTAL -- Public Building		$ 727.7

(30-05-010) Architectural Accessibility Board

	Salaries (1.0)	$ 34.0
	Other Employment Costs	9.6
	Travel	3.8
	Contractual Services	8.8
	Supplies and Materials	1.3
	TOTAL -- Architectural Accessibility Board	$ 57.5
	TOTAL -- Division of Facilities Management	$ 9,906.2

(30-06-000) Division of Purchasing

(30-06-001) Administration/Purchasing

	Salaries (5.0)	$ 123.9
	Other Employment Costs	34.7
	Travel	1.6
	Contractual Services	12.3
	Supplies and Materials	5.0
	Sub-Total	$ 177.5
	Debt Service	$ 1.2
	TOTAL -- Administration/Purchasing	$ 178.7

(30-06-002) Purchasing Office — Year Ending June 30, 1986

	Salaries (5.0)	$ 120.1
	Other Employment Costs	33.1
	Travel	.1
	Contractual Services	12.4
	Supplies and Materials	16.7
	TOTAL -- Purchasing Office	$ 182.4

(30-06-003) Distribution

(4.0)NSF (3.0)ASF	Salaries (7.0)	$ 51.6	$ 159.6
	Other Employment Costs	12.0	48.7
	Travel	5.0	.3
	Contractual Services	59.9	11.1
	Supplies and Materials	52.7	12.1
	TOTAL -- Distribution	$ 181.2	$ 231.8
	TOTAL -- Division of Purchasing	$ 181.2	$ 592.9

(30-08-001) Division of Occupational and Health Licensing

(1.0)ASF	Salaries (17.5)	$ 12.0	$ 366.0
	Other Employment Costs	2.8	90.7
	Travel		64.9
	Contractual Services	250.0	111.0
	Supplies and Materials		14.5
	Capital Outlay		3.7
	Data Processing		9.6
	Transfers and Investments	15.0	
	TOTAL -- Division of Occupational and Health Licensing	$ 279.8	$ 660.4

(30-11-001) Public Utilities Control

(21.0)ASF	Salaries	$ 581.2
	Other Employment Costs	166.2
	Travel	28.2
	Contractual Services	1,050.0
	Supplies and Materials	17.7

	Capital Outlay	85.0	
	Microfilm	1.5	
	TOTAL -- Public Utilities Control	$1,929.8	
	TOTAL -- DEPARTMENT OF ADMINISTRATIVE SERVICES	$4,944.6	$ 13,641.4

(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES Year Ending June 30, 1986

(35-01-001) Office of the Secretary

(5.5)	Salaries (10.5)	$	281.2
	Other Employment Costs		82.0
	Travel		.9
	Contractual Services		33.5
	Supplies and Materials		.7
	TOTAL -- Office of the Secretary	$	398.3

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

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

(33.4)	Salaries (69.0)	$	1,346.6
	Other Employment Costs		386.4
	Travel		1.5
	Contractual Services		164.6
	Supplies and Materials		15.0
	Capital Outlay		13.4
	Data Processing		358.5
	Microfilm		71.0
	Sub-Total	$	2,357.0
	Debt Service	$	170.8
	TOTAL -- Office of Business Administration and General Services	$	2,527.8

(35-03-001) Office of Planning, Research and Evaluation

(29.2)	Salaries (16.9)	$	344.5
	Other Employment Costs		99.0
	Travel		3.4
	Contractual Services		111.8
	Supplies and Materials		2.9
	Capital Outlay		4.7
	Data Processing		1.6
	Sub-Total	$	567.9
	Debt Service	$	1,454.2
	TOTAL -- Office of Planning, Research and Evaluation		$ 2,022.1

(35-04-001) Office of Chief Medical Examiner Year Ending June 30, 1986

	Salaries (27.0)	$	731.1
	Other Employment Costs		200.3
	Travel		7.1
	Contractual Services		89.1
	Supplies and Materials		68.0
	Capital Outlay		1.3
	Other Items		4.5
	Sub-Total	$	1,101.4

	Debt Service	$	77.7
	TOTAL -- Office of Chief Medical Examiner	$	1,179.1
	(35-05-000) Division of Public Health		
	(35-05-002) Community Health		
(171.4)	Salaries (317.9)	$	6,167.8
	Other Employment Costs		1,719.0
	Travel		37.1
	Contractual Services		1,005.3
	Supplies and Materials		451.0
	Capital Outlay		192.6
	Data Processing		41.9
	Long Term Birth Defects		12.7
	Streptococal Program		11.1
	Non-Public School Nursing		71.3
	Renal Disease Program		178.2
	Right To Know		75.0
	TOTAL -- Community Health	$	9,963.0
	(35-05-003) Emily P. Bissell Hospital		
(2.0)	Salaries (289.8)	$	4,183.7
	Other Employment Costs		1,162.2
	Travel		2.3
	Contractual Services		499.1
	Supplies and Materials		675.9
	Capital Outlay		11.8
	Sub-Total	$	6,535.0
	Debt Service	$	567.0
	TOTAL -- Emily P. Bissell Hospital	$	7,102.0
	(35-05-004) Delaware Hospital for the Chronically Ill		
	Salaries (728.5)	$	10,025.0
	Other Employment Costs		3,066.4
	Travel		1.7
	Contractual Services		1,101.6
	Supplies and Materials		1,055.2
	Capital Outlay		36.5
	Sub-Total	$	15,286.4
	Debt Service	$	544.3
	TOTAL -- Delaware Hospital for the Chronically Ill		$ 15,830.7
	TOTAL -- Division of Public Health	$	32,895.7
	(35-06-000) Division of Alcoholism, Drug Abuse, and Mental Health Year Ending June 30, 1986		
	(35-06-001) Office of the Director		
(6.0)	Salaries (7.0)	$	213.5
	Other Employment Costs		55.2
	Travel		2.9
	Contractual Services		18.2
	Supplies and Materials		1.4
	Capital Outlay		1.5
	Data Processing		12.6
	TOTAL -- Office of the Director	$	305.3
	(35-06-002) Delaware State Hospital		

(2.0)	Salaries (737.8)	$	11,752.3
	Other Employment Costs		3,235.3
	Travel		1.9
	Contractual Services		2,072.9
	Supplies and Materials		1,450.9
	Capital Outlay		37.9
	72-hour Commitment		30.0
	Payments to Patients		20.4
	Sheltered Workshop		9.9
	Sub-Total	$	18,611.5
	Debt Service	$	1,561.4
	TOTAL -- Delaware State Hospital	$	20,172.9
	(35-06-003) Mental Hygiene Clinics		
	Salaries (65.0)	$	1,554.0
	Other Employment Costs		436.7
	Travel		4.0
	Contractual Services		313.4
	Supplies and Materials		96.3
	Capital Outlay		15.4
	West End House		38.8
	One-Time Items		24.0
	TOTAL -- Mental Hygiene Clinics	$	2,482.6
	(35-06-004) Governor Bacon Health Center		
	Salaries (141.5)	$	2,310.9
	Other Employment Costs		646.3
	Travel		.3
	Contractual Services		916.4
	Supplies and Materials		202.1
	Capital Outlay		9.6
	Sub-Total	$	4,085.6
	Debt Service	$	500.1
	TOTAL -- Governor Bacon Health Center	$	4,585.7
	(35-06-005) Southern New Castle County Community Mental Health Center	Year Ending June 30, 1986	
(8.0)	Salaries (39.0)	$	858.0
	Other Employment Costs		248.8
	Travel		1.5
	Contractual Services		82.8
	Supplies and Materials		42.1
	Capital Outlay		1.9
	Sub-Total	$	1,235.1
	Debt Service	$	8.5
	TOTAL -- Southern New Castle County Community Mental Health Center	$	1,243.6
	(35-06-008) Bureau of Alcohol and Drug Abuse		
(26.0)	Salaries (21.0)	$	402.8
	Other Employment Costs		125.0
	Travel		.9
	Contractual Services		873.3
	Supplies and Materials		58.3
	Capital Outlay		2.7
	Residential Detoxification		984.1
	Sub-Total	$	2,447.1

	Debt Service	$	20.4
	TOTAL -- Bureau of Alcohol and Drug Abuse	$	2,467.5
	TOTAL -- Division of Alcoholism, Drug Abuse and Mental Health		$ 31,257.6
	(35-07-001) Division of Economic Services		
(184.0)	Salaries (176.5)	$	2,960.1
	Other Employment Costs		865.1
	Travel		2.4
	Contractual Services		1,348.0
	Supplies and Materials		39.3
	Capital Outlay		14.0
	Data Processing		353.0
	Indigent Burial		10.0
	General Assistance		3,487.6
	SSI Supplementation		685.1
	Homemaker Services		95.0
	AFDC		14,080.3
	Child Care		916.5
	Emergency and Disaster Assistance		217.0
	Title XIX - Non-State Institutions		24,256.6
	Title XIX - State Institutions		14,420.2
	Sub-Total	$	63,750.2
	Debt Service	$	3.2
	TOTAL -- Division of Economic Services	$	63,753.4
	(35-08-001) Division for the Visually Impaired	Year Ending June 30, 1986	
(26.5)	Salaries (20.5)	$	390.0
	Other Employment Costs		114.7
	Travel		2.3
	Contractual Services		137.1
	Supplies and Materials		39.2
	Capital Outlay		1.8
	TOTAL -- Division for the Visually Impaired	$	685.1
	(35-10-001) Division of Child Support Enforcement		
(58.1)	Salaries (24.9)	$	371.1
	Other Employment Costs		111.4
	Travel		1.0
	Contractual Services		169.3
	Supplies and Materials		5.4
	Capital Outlay		15.1
	TOTAL -- Division of Child Support Enforcement		$ 673.3
	(35-11-000) Division of Mental Retardation Services		
	(35-11-001) Office of the Director		
	Salaries (13.0)	$	298.6
	Other Employment Costs		80.8
	Travel		2.2
	Contractual Services		12.5
	Supplies and Materials		4.4
	Capital Outlay		1.1
	Data Processing		3.8
	TOTAL - Office of the Director	$	403.4
	(35-11-002) Stockley Center		
	Salaries (611.0)	$	7,888.6
	Other Employment Costs		2,398.3
	Travel		2.4

	Contractual Services		1,020.0
	Supplies and Materials		726.9
	Music Therapy Stipends		9.6
	Education Expenses		5.0
	Purchase of Care		1,705.5
	Sub-Total	$	13,756.3
	Debt Service	$	529.5
	TOTAL -- Stockley Center	$	14,285.8
	(35-11-003) Community Mental Retardation Program		
	Salaries (122.8)	$	1,746.1
	Other Employment Costs		495.9
	Travel		1.0
	Contractual Services		280.6
	Supplies and Materials		79.0
	Capital Outlay		5.0
	Purchase of Community Based Service		1,280.8
	Purchase of Care		1,138.6
	Sub-Total	$	5,027.0
	Debt Service	$	14.5
	TOTAL -- Community Mental Retardation Program		$ 5,041.5
	TOTAL -- Division of Mental Retardation Services		$ 19,730.7
	(35-12-001) State Service Centers	Year Ending June 30, 1986	
(34.3)	Salaries (41.2)	$	695.7
	Other Employment Costs		202.9
	Travel		2.4
	Contractual Services		1,184.7
	Supplies and Materials		44.6
	Capital Outlay		3.0
	Data Processing		3.8
	Sub-Total	$	2,137.1
	Debt Service	$	136.5
	TOTAL -- State Service Centers	$	2,273.6
	(35-14-001) Division of Aging		
(14.5)	Salaries (16.5)	$	283.8
	Other Employment Costs		92.4
	Travel		2.5
	Contractual Services		81.1
	Supplies and Materials		1.7
	Capital Outlay		.8
	Older Americans Act		217.7
	Nutrition Program		110.0
	Sub-Total	$	790.0
	Debt Service	$	4.4
	TOTAL -- Division of Aging	$	794.4
	TOTAL - DEPARTMENT OF HEALTH AND SOCIAL SERVICES	$	158,191.1
	(37-00-000) DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES	Year Ending June 30, 1986	
	(37-01-001) Office of the Secretary		

	Salaries (3.0)	$ 111.4	
	Other Employment Costs	31.9	
	Travel	2.8	
	Contractual Services	40.4	
	Supplies and Materials	4.3	
	Capital Outlay	3.3	
	Microfilm	1.0	
	TOTAL -- Office of the Secretary	$ 195.1	
	(37-02-001) Division of Child Protective Services		
(119.7)	Salaries (95.3)	$ 1,467.1	
	Other Employment Costs	416.3	
	Travel	2.2	
	Contractual Services	465.6	
	Supplies and Materials	25.9	
	Capital Outlay	17.6	
	Child Foster Care	2,552.9	
	TOTAL -- Division of Child Protective Services		$ 4,947.6
	(37-03-000) Division of Child Mental Health		
	(37-03-001) Office of the Director		
	Salaries (7.0)	$ 199.5	
	Other Employment Costs	54.0	
	Travel	1.1	
	Contractual Services	1,614.4	
	Supplies and Materials	2.8	
	Capital Outlay	8.8	
	TOTAL -- Office of the Director	$ 1,880.6	
	(37-03-002) Residential Treatment Center		
	Salaries (38.0)	$ 635.8	
	Other Employment Costs	166.8	
	Travel	8.7	
	Contractual Services	1,950.8	
	Supplies and Materials	121.8	
	Capital Outlay	22.6	
	TOTAL -- Residential Treatment Center	$ 2,906.5	
	(37-03-004) Terry Children's Psychiatric Center		
(1.0)	Salaries (82.0)	$ 1,556.7	
	Other Employment Costs	427.0	
	Travel	1.1	
	Contractual Services	160.8	
	Supplies and Materials	66.4	
	Capital Outlay	7.5	
	Sub-Total	$ 2,219.5	
	Debt Service	$ 81.1	
	TOTAL - Terry Children's Psychiatric Center		$ 2,300.6
	TOTAL -- Division of Child Mental Health	$ 7,087.7	
	(37-05-000) Division of Youth Rehabilitation	Year Ending June 30, 1986	
	(37-05-001) Office of the Director		
	Salaries (23.0)	$ 532.5	
	Other Employment Costs	138.0	
	Travel	2.9	
	Contractual Services	596.0	
	Supplies and Materials	160.3	

Capital Outlay		6.8
Health Care Costs		317.0
Sub-Total		1,753.5
Debt Service		56.3
TOTAL -- Office of the Director	$	1,809.8
(37-05-002) Ferris School for Boys		
Salaries (98.4)	$	1,841.5
Other Employment Costs		497.8
Travel		2.4
Contractual Services		293.1
Supplies and Materials		88.0
Capital Outlay		12.4
Sub-Total	$	2,735.2
Debt Service	$	301.0
TOTAL -- Ferris School for Boys	$	3,036.2
(37-05-003) Woods Haven-Kruse School for Girls		
Salaries	$	19.4
Other Employment Costs		5.1
Travel		.1
Contractual Services		5.0
Supplies and Materials		1.0
Capital Outlay		.7
Sub-Total	$	31.3
Debt Service	$	5.1
TOTAL -- Woods Haven-Kruse School for Girls	$	36.4
(37-05-004) Bridge House Detention Center		
Salaries (19.0)	$	380.7
Other Employment Costs		105.9
Travel		.4
Contractual Services		34.7
Supplies and Materials		11.7
Capital Outlay		.9
Sub-Total	$	534.3
Debt Service	$	9.9
TOTAL -- Bridge House Detention Center	$	544.2
(37-05-005) Stevenson House Detention Center	Year Ending June 30, 1986	
Salaries (16.0)	$	326.7
Other Employment Costs		89.4
Travel		.4
Contractual Services		33.1
Supplies and Materials		10.2
Capital Outlay		9.8
Sub-Total	$	469.6
Debt Service	$	115.4
TOTAL -- Stevenson House Detention Center	$	585.0
(37-05-006) Comprehensive Community Services		

	Salaries (27.5)	$	555.1
	Other Employment Costs		151.3
	Travel		6.9
	Contractual Services		32.7
	Supplies and Materials		11.1
	Capital Outlay		2.0
	TOTAL -- Comprehensive Community Services	$	759.1
	TOTAL -- Division of Youth Rehabilitation	$	6,770.7
	(37-06-000) Division of Youth Diagnostic Services		
	(37-06-001) Youth Diagnostic Center		
	Salaries (12.0)	$	288.4
	Other Employment Costs		84.6
	Travel		2.9
	Contractual Services		90.5
	Supplies and Materials		6.9
	Residential Diagnostic Services		64.9
	TOTAL -- Youth Diagnostic Center	$	538.2
	TOTAL -- Division of Youth Diagnostic Services	$	538.2
	(37-07-000) Division of Administration and Support		
	(37-07-001) Administration and Support		
(2.0)	Salaries (22.0)	$	425.7
	Other Employment Costs		145.6
	Travel		2.0
	Contractual Services		148.0
	Supplies and Materials		6.8
	Capital Outlay		4.6
	TOTAL -- Administration and Support	$	732.7
	(37-07-002) Education		
(11.5)	Salaries (38.0)	$	907.3
	Other Employment Costs		255.7
	Travel		1.9
	Contractual Services		19.0
	Supplies and Materials		35.8
	Capital Outlay		5.3
	TOTAL -- Education	$	1,225.0
	TOTAL -- Division of Administration and Support	$	1,957.7
	(37-08-000) Division of Program, Planning and Productivity	Year Ending June 30, 1986	
	(37-08-001) Program, Planning and Productivity		
(12.9)	Salaries (8.1)	$	164.9
	Other Employment Costs		47.6
	Travel		4.7
	Contractual Services		160.9
	Supplies and Materials		4.9
	Capital Outlay		6.3
	TOTAL -- Program, Planning and Productivity	$	389.3
	(37-08-002) Office of Case Management		
(4.5)	Salaries (8.5)	$	160.1
	Other Employment Costs		48.2
	Travel		3.4
	Contractual Services		43.3

	Supplies and Materials		1.8
	TOTAL -- Office of Case Management	$	256.8
	(37-08-003) Office of Prevention		
(2.0)	Salaries (8.0)	$	142.1
	Other Employment Costs		47.1
	Travel		3.3
	Contractual Services		29.0
	Supplies and Materials		8.5
	Capital Outlay		18.0
	Parent Training		44.9
	TOTAL -- Office of Prevention	$	292.9
	TOTAL -- Division of Program, Planning and Productivity		$ 939.0
	TOTAL -- DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES	$	22,436.0
	(38-00-000) DEPARTMENT OF CORRECTION	Year Ending June 30, 1986	
	(38-01-001) Office of the Commissioner		
	Salaries (27.0)	$	574.7
	Other Employment Costs		165.0
	Travel		2.9
	Contractual Services		22.8
	Supplies and Materials		10.7
	Capital Outlay		4.9
	Contingency - Pay Increase		987.4
	TOTAL -- Office of the Commissioner	$	1,768.4
	(38-02-000) Bureau of Administration and Operational Support		
	(38-02-001) Bureau Chief - Administration and Operational Support		
	Salaries (5.0)	$	126.7
	Other Employment Costs		42.8
	Travel		.6
	Contractual Services		156.8
	Supplies and Materials		14.2
	Capital Outlay		5.1
	Data Processing		49.9
	Microfilm		23.5
	Medical Services		2,722.7
	Sub-Total	$	3,142.3
	Debt Service	$	8.6
	TOTAL -- Bureau Chief - Administration and Operational Support	$	3,150.9
	(38-02-002) Business Office		
	Salaries (12.0)	$	195.8
	Other Employment Costs		54.1
	Travel		.3
	Contractual Services		5.5
	Supplies and Materials		4.9
	Capital Outlay		1.5
	TOTAL -- Business Office	$	262.1
	(38-02-003) General Administrative Services		
	Salaries (13.0)	$	275.6

	Other Employment Costs		87.8
	Travel		.4
	Contractual Services		33.0
	Supplies and Materials		253.1
	Capital Outlay		.7
	TOTAL -- General Administrative Services	$	650.6
	(38-02-004) Food Services		
	Salaries (38.0)	$	681.4
	Other Employment Costs		208.2
	Travel		1.3
	Contractual Services		25.5
	Supplies and Materials		1,950.5
	Capital Outlay		11.9
	TOTAL -- Food Services	$	2,878.8
	(38-02-005) Facilities Maintenance and Construction	Year Ending June 30, 1986	
	Salaries (34.0)	$	665.0
	Other Employment Costs		207.8
	Travel		.9
	Contractual Services		149.2
	Supplies and Materials		249.0
	Capital Outlay		8.0
	Sub-Total		1,279.9
	Debt Service	$	92.8
	TOTAL -- Facilities Maintenance and Construction	$	1,372.7
	(38-02-006) Personnel and Staff Training		
	Salaries (41.0)	$	741.0
	Other Employment Costs		209.1
	Travel		1.2
	Contractual Services		36.0
	Supplies and Materials		22.4
	Capital Outlay		9.8
	TOTAL -- Personnel and Staff Training	$	1,019.5
	TOTAL -- Bureau of Administration and Operational Support		$ 9,334.6
	(38-03-000) Bureau of Industries and Services		
	(38-03-001) Bureau Chief - Industries and Services		
	Salaries (10.0)	$	188.4
	Other Employment Costs		54.8
	Travel		2.8
	Contractual Services		23.9
	Supplies and Materials		3.2
	Capital Outlay		2.4
	TOTAL -- Bureau Chief - Industries and Services		$ 275.5
	(38-03-002) Prison Industries		
(16.0)	Salaries (10.0)	$	218.3
	Other Employment Costs		75.8
	Contractual Services		3.0
	Supplies & Materials		5.5
	TOTAL -- Prison Industries	$	302.6
	(38-03-003) Education		

(4.0)	Salaries (15.0)	$	431.8
	Other Employment Costs		125.1
	Travel		1.2
	Contractual Services		24.6
	Supplies and Materials		33.6
	Capital Outlay		6.0
	TOTAL -- Education	$	622.3
	TOTAL -- Bureau of Industries and Services	$	1,200.4
	(38-04-000) Bureau of Adult Corrections	Year Ending June 30, 1986	
	(38-04-001) Bureau Chief - Adult Corrections		
	Salaries (18.0)	$	403.1
	Other Employment Costs		119.7
	Travel		1.7
	Contractual Services		325.0
	Supplies and Materials		9.1
	Capital Outlay		.5
	Other Items		10.0
	Sub-Total	$	869.1
	Debt Service	$	29.4
	TOTAL -- Bureau Chief - Adult Corrections	$	898.5
	(38-04-002) Pre-Trial Annex		
	Salaries (25.0)	$	501.0
	Other Employment Costs		156.4
	Travel		.5
	Contractual Services		45.8
	Supplies and Materials		22.9
	Capital Outlay		6.9
	TOTAL -- Pre-Trial Annex	$	733.5
	(38-04-003) Delaware Correctional Center		
	Salaries (338.0)	$	6,494.2
	Other Employment Costs		1,864.0
	Travel		2.3
	Contractual Services		1,092.0
	Supplies and Materials		352.2
	Capital Outlay		10.1
	Sub-Total	$	9,814.8
	Debt Service	$	1,443.8
	TOTAL -- Delaware Correctional Center	$	11,258.6
	(38-04-004) Sussex Correctional Institution		
	Salaries (149.0)	$	2,888.6
	Other Employment Costs		941.8
	Travel		.9
	Contractual Services		290.1
	Supplies and Materials		112.9
	Capital Outlay		10.4
	Sub-Total	$	4,244.7
	Debt Service	$	424.5
	TOTAL -- Sussex Correctional Institution	$	4,669.2

(38-04-005) Women's Correctional Institution	Year Ending June 30, 1986	
Salaries (36.0)	$	702.7
Other Employment Costs		211.6
Travel		.5
Contractual Services		109.2
Supplies and Materials		31.7
Capital Outlay		4.5
Sub-Total	$	1,060.2
Debt Service	$	1.2
TOTAL -- Women's Correctional Institution	$	1,061.4
(38-04-006) Multi-Purpose Criminal Justice Facility		
Salaries (216.0)	$	3,691.6
Other Employment Costs		1,230.2
Travel		3.8
Contractual Services		466.1
Supplies and Materials		282.4
Capital Outlay		13.5
Sub-Total	$	5,687.6
Debt Service	$	2,519.6
TOTAL -- Multi-Purpose Criminal Justice Facility	$	8,207.2
(38-04-007) Kent Correctional Institution		
Salaries (30.0)	$	629.0
Other Employment Costs		190.9
Travel		1.0
Contractual Services		69.1
Supplies and Materials		25.5
Capital Outlay		3.3
Sub-Total	$	918.8
Debt Service	$	1.1
TOTAL -- Kent Correctional Institution	$	919.9
(38-04-008) Transportation		
Salaries (28.0)	$	658.1
Other Employment Costs		209.6
Travel		4.3
Contractual Services		11.6
Supplies and Materials		38.3
Capital Outlay		3.4
TOTAL -- Transportation	$	925.3
(38-04-009) Community Services		
Salaries (108.0)	$	1,900.2
Other Employment Costs		558.6
Travel		1.8
Contractual Services		69.1
Supplies and Materials		26.1
Capital Outlay		5.6
TOTAL -- Community Services	$	2,561.4
(38-04-010) Community Corrections	Year Ending June 30, 1986	
Salaries (44.0)	$	803.8

	Other Employment Costs		263.7
	Travel		2.8
	Contractual Services		136.7
	Supplies and Materials		39.7
	Capital Outlay		6.1
	Sub-Total	$	1,252.8
	Debt Service	$	34.6
	TOTAL -- Community Corrections	$	1,287.4
	TOTAL -- Bureau of Adult Corrections	$	32,522.4
	TOTAL -- DEPARTMENT OF CORRECTION	$	44,825.8

		Year Ending June 30, 1986	
	(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL		
	(40-01-001) Department Management		
(20.5)ASF	Salaries (29.5)	$ 411.0	$ 625.8
	Other Employment Costs	120.5	141.0
	Travel	2.8	3.6
	Contractual Services	16.6	185.6
	Supplies and Materials	5.4	43.4
	Capital Outlay	101.0	18.5
	Data Processing	7.5	25.7
	Microfilm		6.1
	Delaware Conservationist		28.0
	Federal Emergency Management Agency	50.0	
	Coastal Fisheries	24.3	
	Coastal Energy Impact Program	95.0	
	Coastal Zone Management	138.0	
	Game Habitat Preservation Fund	191.0	
	Hazardous Waste/Ground Water Cleanup Revolving Fund	500.0	
	Sub-Total	$ 1,663.1	$ 1,077.7
	Debt Service	$	$ 2,906.8
	TOTAL -- Department Management	$ 1,663.1	$ 3,984.5
	(40-05-000) Division of Fish and Wildlife		
	(40-05-001) Management and Support Fish and Wildlife		
(1.0)ASF	Salaries (1.5)	$ 24.6	$ 39.1
	Other Employment Costs	6.7	10.3
	Travel	4.7	2.1
	Contractual Services	22.1	81.1
	Supplies and Materials	4.6	1.9
	Capital Outlay	3.2	2.2
	Sub-Total	$ 65.9	$ 136.7
	Debt Service	$	$ 507.0
	TOTAL -- Management and Support Fish and Wildlife	$ 65.9	$ 643.7
	(40-05-002) Wildlife/Fisheries		
(40.5)ASF	Salaries (15.5)	$ 1,001.6	$ 280.6
	Other Employment Costs	256.4	90.3
	Travel	30.4	.7
	Contractual Services	612.1	102.0
	Supplies and Materials	460.3	79.6
	Capital Outlay	866.2	7.2
	Revenue Refunds	.5	
	Petty Cash	.2	

	Travel Advance	2.2	
	Termination Account	85.0	
	Sub-Total	$ 3,314.9	$ 560.4
	Debt Service	$	$ 12.4
	TOTAL -- Wildlife/Fisheries	$ 3,314.9	$ 572.8
	(40-05-004) Mosquito Control	Year Ending June 30, 1986	
	Salaries (17.0)	$	$ 289.3
	Other Employment Costs		95.9
	Travel	1.0	.5
	Contractual Services	2.1	52.1
	Supplies and Materials		43.5
	Capital Outlay	3.4	24.8
	Spraying and Insecticides		280.0
	Sub-Total	$ 6.5	$ 786.1
	Debt Service	$	$ 18.6
	TOTAL -- Mosquito Control	$ 6.5	$ 804.7
	(40-05-005) Dog Control		
	Contractual Services	$ 96.3	$ 317.1
	TOTAL -- Dog Control	$ 96.3	$ 317.1
	(40-05-006) Enforcement		
(1.0)NSF	Salaries (31.0)		$ 586.5
	Other Employment Costs		176.1
	Travel		1.0
	Contractual Services		68.5
	Supplies and Materials		77.1
	Capital Outlay		51.4
	TOTAL -- Enforcement		$ 960.6
	TOTAL - Division of Fish and Wildlife	$ 3,483.6	$ 3,298.9
	(40-06-000) Division of Parks and Recreation		
	(40-06-001) Management and Support Parks and Recreation		
(3.0)ASF	Salaries (20.0)	$ 92.2	$ 398.1
	Other Employment Costs	10.1	123.7
	Travel	8.5	.4
	Contractual Services	136.4	65.6
	Supplies and Materials	18.7	6.6
	Capital Outlay	1,165.8	13.6
	Grants	410.0	
	Sub-Total	$ 1,841.7	$ 608.0
	Debt Service	$	$ 1,219.3
	TOTAL - Management and Support Parks and Recreation	$ 1,841.7	$ 1,827.3
	(40-06-002) Operations and Maintenance	Year Ending June 30, 1986	
(29.5)ASF	Salaries (49.5)	$ 1,059.3	$ 856.8
	Other Employment Costs	146.3	263.0
	Travel	5.4	.2
	Contractual Services	510.2	81.6
	Supplies and Materials	765.4	39.4
	Capital Outlay	384.4	44.9
	Grants	55.0	

	Revenue Refunds	5.0	
	Petty Cash	2.0	
	Sub-Total	$ 2,933.0	$ 1,285.9
	Debt Service	$	$ 8.4
	TOTAL -- Operations and Maintenance	$ 2,933.0	$ 1,294.3
	(40-06-003) Special Programs		
(2.0)ASF	Salaries (5.0)	$ 69.2	$ 105.4
	Other Employment Costs	13.4	28.1
	Travel	.1	1.2
	Contractual Services	22.5	13.3
	Supplies and Materials	14.2	10.3
	Capital Outlay	3.8	11.7
	TOTAL -- Special Programs	$ 123.2	$ 170.0
	TOTAL -- Division of Parks and Recreation	$ 4,897.9	$ 3,291.6
	(40-07-000) Division of Soil and Water Conservation		
	(40-07-001) Management and Support Soil and Water		
	Salaries (5.0)		$ 117.3
	Other Employment Costs		34.1
	Travel		1.2
	Contractual Services		20.0
	Supplies and Materials		1.9
	Capital Outlay		3.0
	Sub-Total		$ 177.5
	Debt Service		$ 614.1
	TOTAL -- Management and Support Soil and Water		$ 791.6
	(40-07-002) Drainage		
	Salaries (8.0)		$ 150.4
	Other Employment Costs		42.4
	Travel		1.0
	Contractual Services		196.2
	Supplies and Materials		137.2
	Capital Outlay		1.5
	Tax Ditches*		180.0
	Sub-Total		$ 708.7
	Debt Service		$ 224.2
	TOTAL -- Drainage		$ 932.9

*Pursuant to Section 3921, Title 7, Delaware Code

	(40-07-003) Beach Preservation	Year Ending June 30, 1986	
	Salaries (9.0)	$ .8	$ 144.9
	Other Employment Costs	.2	45.9
	Travel	2.0	.6
	Contractual Services	355.5	14.0
	Supplies and Materials	.5	24.6
	Capital Outlay		7.2
	Sub-Total	$ 359.0	$ 237.2
	Debt Service	$	$ 116.8
	TOTAL -- Beach Preservation	$ 359.0	$ 354.0

	(40-07-004) District Operations		
	Salaries (3.0)	$	$ 72.0
	Other Employment Costs		20.7
	Travel	2.0	1.1
	Contractual Services	38.0	59.1
	Supplies and Materials		3.6
	Capital Outlay		.6
	TOTAL -- District Operations	$ 40.0	$ 157.1
	(40-07-005) Dredge Operations		
	Salaries (12.0)	$ 10.2	$ 174.1
	Other Employment Costs	1.2	56.7
	Travel	.3	
	Contractual Services	52.9	52.8
	Supplies and Materials	2.2	108.3
	Capital Outlay	34.0	.
	Sub-Total	$ 100.8	$ 391.9
	Debt Service	$	$ 125.2
	TOTAL -- Dredge Operations	$ 100.8	$ 517.1
	TOTAL -- Division of Soil and Water Conservation	$ 499.8	$ 2,752.7
	(40-08-000) Division of Environmental Control		
	(40-08-001) Management and Support Environmental Control		
(7.5)ASF	Salaries (14.5)	$ 146.8	$ 350.7
	Other Employment Costs	44.8	101.3
	Travel	1.0	2.1
	Contractual Services	37.0	118.0
	Supplies and Materials	4.8	14.1
	Capital Outlay	115.7	10.2
	Sub-Total	$ 350.1	$ 596.4
	Debt Service	$	$ 6.4
	TOTAL -- Management and Support Environmental Control	$ 350.1	$ 602.8
	(40-08-003) Projects and Planning	Year Ending June 30, 1986	
(10.0)ASF	Salaries (3.0)	$ 270.3	$ 91.7
	Other Employment Costs	80.3	28.3
	Travel	3.7	1.0
	Contractual Services	46.8	18.6
	Supplies and Materials	9.7	5.4
	Capital Outlay	3.5	
	Water Resource Agency		15.0
	Sub-Total	$ 414.3	$ 160.0
	Debt Service	$	$ 1,703.2
	TOTAL -- Projects and Planning	$ 414.3	$ 1,863.2
	(40-08-004) Water Pollution Control		
(27.0)ASF	Salaries (28.0)	$ 539.0	$ 605.3
	Other Employment Costs	156.6	174.4
	Travel	14.9	4.4
	Contractual Services	761.4	77.5
	Supplies and Materials	79.1	55.1
	Capital Outlay	351.7	11.3
	Inland Bay Research Study		200.0

	Sub-Total	$ 1,902.7	$ 1,128.0
	Debt Service	$	$ 368.5
	TOTAL -- Water Pollution Control	$ 1,902.7	$ 1,496.5
	(40-08-005) Water Supply		
(5.0)ASF	Salaries (14.0)	$ 81.6	$ 261.1
	Other Employment Costs	27.9	75.8
	Travel	6.5	9.0
	Contractual Services	193.8	12.5
	Supplies and Materials	14.3	14.0
	Capital Outlay	34.2	30.8
	TOTAL -- Water Supply	$ 358.3	$ 403.2
	TOTAL - Division of Environmental Control	$ 3,025.4	$ 4,365.7
	(40-09-000) Division of Hazardous/ Solid Waste		
	(40-09-001) Management & Support Hazardous/Solid Waste		
	Salaries (2.0)		$ 62.2
	Other Employment Costs		18.5
	TOTAL - Management & Support Hazardous/ Solid Waste		$ 80.7
	(40-09-002) Air Resources	Year Ending June 30, 1986	
(15.0)ASF	Salaries (10.0)	$ 298.5	$ 236.2
	Other Employment Costs	89.9	72.1
	Travel	6.5	.5
	Contractual Services	172.5	71.8
	Supplies and Materials	28.0	8.5
	Capital Outlay	199.0	9.0
	TOTAL -- Air Resources	$ 794.4	$ 398.1
	(40-09-003) Hazardous/Solid Waste		
(18.0)ASF	Salaries (6.0)	$ 317.3	$ 113.1
	Other Employment Costs	95.5	34.3
	Travel	40.6	1.2
	Contractual Services	153.6	15.0
	Supplies and Materials	56.3	9.0
	Capital Outlay	70.2	11.0
	Superfund	1,500.0	
	Sub-Total	$ 2,233.5	$ 183.6
	Debt Service	$	$ 19.1
	TOTAL -- Hazardous/Solid Waste	$ 2,233.5	$ 202.7
	TOTAL -- Division of Hazardous/Solid Waste	$ 3,027.9	$ 681.5
	TOTAL -- DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	$ 16,597.7	$ 18,374.9

	(45-00-000) DEPARTMENT OF PUBLIC SAFETY	Year Ending June 30, 1986	
	(45-01-001) Administration		
	Salaries (10.0)	$ 253.4	
	Other Employment Costs	66.6	
	Travel	2.0	
	Contractual Services	14.0	
	Supplies and Materials	4.3	

Capital Outlay		.2	
Police Training Council		10.0	
Volunteer Fire Comp. Emergencies		20.0	
Hazardous Substance Spill Clean Up Revolving Fund	$ 100.0		
Sub-Total	$ 100.0	$	370.5
Debt Service		$ 27.8	
TOTAL -- Administration	$ 100.0	$	398.3
(45-03-001) Division of Communications			
Salaries (19.0)	$	$ 400.0	
Other Employment Costs		124.4	
Travel		1.7	
Contractual Services		18.8	
Supplies and Materials	82.7		10.8
Capital Outlay			9.2
Sub-Total		$ 564.9	
Debt Service			219.2
TOTAL -- Division of Communications	$ 82.7	$	784.1
(45-04-000) Motor Fuel Tax			
(45-04-001) Administration			
Salaries (9.0)		$ 166.4	
Other Employment Costs		49.7	
Travel		1.6	
Contractual Services		92.0	
Supplies and Materials		5.8	
Data Processing		165.6	
TOTAL -- Administration		$ 481.1	
(45-04-002) Audit and Compliance			
Salaries (6.0)		$ 125.4	
Other Employment Costs		38.5	
Travel		11.1	
Contractual Services		4.0	
Supplies and Materials		3.5	
Capital Outlay		7.7	
TOTAL -- Audit and Compliance		$ 190.2	
TOTAL -- Motor Fuel Tax		$ 671.3	
(45-06-000) Division of State Police	Year Ending June 30, 1986		
(45-06-001) Executive Offices			
Salaries (37.0)		$ 997.9	
Other Employment Costs		165.8	
Travel		5.8	
Contractual Services		269.7	
Supplies and Materials		142.6	
Crime Reduction Fund		64.0	
Pension - State Police Retirees		6,061.9	
Sub-Total		$ 7,707.7	
Debt Service		$ 178.1	
TOTAL -- Executive Offices		$ 7,885.8	

	(45-06-003) Patrol Division				
(3.0)ASF	Salaries (304.0)	$	87.8	$	8,033.8
	Other Employment Costs		25.5		1,178.1
	Travel			6.0	
	Contractual Services		8.2		206.4
	Supplies and Materials		10.7		420.0
	Data Processing				147.2
	Sub-Total	$	132.2	$	9,991.5
	Debt Service	$		$	21.7
	TOTAL -- Patrol Division	$	132.2	$	10,013.2
	(45-06-004) Criminal Investigation				
	Salaries (79.0)			$	2,170.2
	Other Employment Costs				206.5
	Travel				10.1
	Contractual Services				39.6
	Supplies and Materials				102.9
	Sub-Total			$	2,529.3
	Debt Service			$	17.5
	TOTAL -- Criminal Investigation			$	2,546.8
	(45-06-005) Special Investigative Unit				
	Salaries (20.0)			$	587.1
	Other Employment Costs				51.4
	Travel				2.5
	Contractual Services				8.9
	Supplies and Materials				13.8
	TOTAL -- Special Investigative Unit			$	663.7
	(45-06-006) Aviation			Year Ending June 30, 1986	
	Salaries (7.0)			$	203.8
	Other Employment Costs				19.0
	Travel				1.2
	Contractual Services				210.3
	Supplies and Materials				91.2
	Sub-Total			$	525.5
	Debt Service			$	114.6
	TOTAL -- Aviation			$	640.1
	(45-06-007) Traffic				
(1.0)ASF	Salaries (33.0)	$	261.1	$	812.2
	Other Employment Costs		14.5		113.8
	Travel		11.9		3.2
	Contractual Services		61.9		33.1
	Supplies and Materials		53.8		2.9
	Capital Outlay		72.3		10.0
	Microfilm				2.0
	TOTAL -- Traffic	$	475.5	$	977.2
	(45-06-008) State Bureau of Identification				
	Salaries (25.0)			$	363.3
	Other Employment Costs				108.8
	Travel				1.5
	Contractual Services				52.5
	Supplies and Materials				13.9

	Data Processing		1,038.3
	Microfilm		4.6
	TOTAL -- State Bureau of Identification	$	1,582.9
	(45-06-009) Training		
	Salaries (6.0)	$	178.8
	Other Employment Costs		15.6
	Contractual Services		14.3
	Supplies and Materials		48.8
	Capital Outlay		16.1
	Training Constables At Large		1.8
	TOTAL -- Training	$	275.4
	(45-06-010) Communications		
	Salaries (61.0)	$	1,059.8
	Other Employment Costs		254.4
	Travel		2.7
	Contractual Services		596.9
	Supplies and Materials		17.6
	Sub-Total	$	1,931.4
	Debt Service	$	2.1
	TOTAL -- Communications	$	1,933.5
	(45-06-011) Transportation Support	Year Ending June 30, 1986	
	Salaries (17.0)	$	318.0
	Other Employment Costs		112.8
	Contractual Services		47.0
	Supplies and Materials		269.1
	Capital Outlay		564.3
	TOTAL -- Transportation Support	$	1,311.2
	(45-06-012) Community Relations		
	Salaries (4.0)	$	128.7
	Other Employment Costs		9.8
	Travel		.1
	Contractual Services		2.8
	Supplies and Materials		4.8
	TOTAL -- Community Relations		$ 146.2
	TOTAL -- Division of State Police	$ 607.7	$ 27,976.0
	(45-07-000) Division of Motor Vehicles		
	(45-07-001) Administration		
(3.0)ASF	Salaries (27.0)	$ 28.1	$ 453.5
	Other Employment Costs	8.3	141.2
	Travel	1.0	.8
	Contractual Services	1.5	225.4
	Supplies and Materials	.5	17.4
	Capital Outlay	11.0	2.0
	Data Processing		403.7
	Microfilm		1.0
	Sub-Total	$ 50.4	$ 1,245.0
	Debt Service	$	$ 124.4
	TOTAL -- Administration	$ 50.4	$ 1,369.4
	(45-07-002) Driver Licensing		

	Salaries (33.0)	$ 513.1	
	Other Employment Costs	159.5	
	Travel	.2	
	Contractual Services	176.1	
	Supplies and Materials	12.3	
	Data Processing	208.2	
	TOTAL -- Driver Licensing	$ 1,069.4	
	(45-07-003) Driver Improvement		
	Salaries (30.0)	$ 474.4	
	Other Employment Costs	142.1	
	Travel	.4	
	Contractual Services	27.2	
	Supplies and Materials	2.9	
	Capital Outlay	3.8	
	TOTAL -- Driver Improvement	$ 650.8	
	(45-07-004) Title Registration	Year Ending June 30, 1986	
	Salaries (68.0)	$ 887.3	
	Other Employment Costs	290.2	
	Contractual Services	98.7	
	Supplies and Materials	301.6	
	Capital Outlay	3.7	
	Data Processing	54.7	
	TOTAL -- Title Registration	$ 1,636.2	
	(45-07-005) Vehicle Inspection		
	Salaries (31.0)	$ 501.6	
	Other Employment Costs	155.1	
	Travel	.4	
	Contractual Services	45.4	
	Supplies and Materials	14.1	
	Capital Outlay	21.0	
	TOTAL -- Vehicle Inspection	$ 737.6	
	TOTAL -- Division of Motor Vehicles	$ 50.4	$ 5,463.4
	(45-08-001) Division of Emergency Planning and Operations		
(14.0)NSF	Salaries (7.0)	130.7	$ 122.6
(6.0)ASF	Other Employment Costs	39.2	36.1
	Travel	3.9	2.0
	Contractual Services	176.3	28.6
	Supplies and Materials	38.0	6.5
	Capital Outlay	$ 430.4	
	Sub-Total	$ 818.5	$ 195.8
	Debt Service	$ 1.2	
	TOTAL - Division of Emergency Planning and Operations	$ 818.5	$ 197.0
	(45-09-001) Division of Boiler Safety		
	Salaries (6.0)	$ 128.8	
	Other Employment Costs	35.9	
	Travel	13.8	
	Contractual Services	13.7	
	Supplies and Materials	3.3	
	TOTAL -- Division of Boiler Safety	$ 195.5	

	(45-10-001) Office of Highway Safety		
(1.0)	Salaries (4.0)	$ 84.0	
	Other Employment Costs	25.1	
	Travel	6.3	
	Contractual Services	13.4	
	Supplies and Materials	3.9	
	Capital Outlay	.8	
	TOTAL -- Office of Highway Safety		$ 133.5
	TOTAL -- DEPARTMENT OF PUBLIC SAFETY	$ 1,659.3	$ 35,819.1
	(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS	Year Ending June 30, 1986	
	(50-01-000) Office of the Secretary		
	(50-01-001) Administration		
	Salaries (12.0)	$ 268.6	
	Other Employment Costs	66.1	
	Travel	5.5	
	Contractual Services	99.3	
	Supplies and Materials	8.5	
	Capital Outlay	.2	
	Urban Journalism	4.0	
	Sub-Total	$ 452.2	
	Debt Service	$ 105.6	
	TOTAL -- Administration	$ 557.8	
	(50-01-002) Commission for Women		
	Salaries (3.0)	$ 48.3	
	Other Employment Costs	13.5	
	Travel	3.1	
	Contractual Services	14.6	
	Supplies and Materials	2.2	
	Capital Outlay	1.2	
	TOTAL -- Commission for Women	$ 82.9	
	(50-01-003) Office of Handicapped Services		
(3.0)NSF	Salaries (1.5)	$ 23.6	
	Other Employment Costs	5.5	
	TOTAL -- Office of Handicapped Services	$ 29.1	
	TOTAL -- Office of the Secretary	$ 669.8	
	(50-02-001) Division of Community Services		
(17.0)NSF	Salaries (3.0)	$ 86.3	
	Other Employment Costs	25.3	
	Travel	4.4	
	Contractual Services	17.5	
	Supplies and Materials	5.4	
	State Summer Youth Employment Program	109.7	
	Congregate Feeding	16.1	
	TOTAL -- Division of Community Services	$ 264.7	
	(50-03-000) Division of Volunteer Services		
	(50-03-001) Division of Volunteer Services		
(1.5)NSF	Salaries (2.5)	$ 50.3	
	Other Employment Costs	14.2	

	Travel		1.9
	Contractual Services		13.1
	Supplies and Materials		1.1
	Data Processing		1.1
	Kent County RSVP		22.0
	TOTAL -- Division of Volunteer Services	$	103.7
	(50-03-003) Foster Grandparents Program	Year Ending June 30, 1986	
	Salaries (6.8)	$	139.2
	Other Employment Costs		40.1
	Travel		1.5
	Contractual Services		511.0
	Supplies and Materials		6.3
	TOTAL -- Foster Grandparents Program	$	698.1
	(50-03-004) RSVP - New Castle		
(3.0)NSF	Salaries (2.0)	$	29.7
	Other Employment Costs		8.7
	Travel		3.5
	Contractual Services		27.1
	Supplies and Materials		6.9
	Capital Outlay		10.4
	TOTAL -- RSVP New Castle	$	86.3
	(50-03-005) RSVP - Sussex		
(1.9)NSF	Salaries (1.6)	$	24.1
	Other Employment Costs		6.4
	Travel		1.8
	Contractual Services		10.8
	Supplies and Materials		1.9
	Capital Outlay		6.9
	TOTAL -- RSVP - Sussex	$	51.9
	TOTAL -- Division of Volunteer Services	$	940.0
	(50-04-001) Office of the Public Advocate		
(1.0)ASF	Salaries (3.0)	$ 25.5	$ 85.8
	Other Employment Costs	6.0	24.2
	Travel	3.7	4.0
	Contractual Services	73.1	15.6
	Supplies and Materials	1.4	3.4
	TOTAL -- Office of the Public Advocate	$ 109.7	$ 133.0
	(50-06-001) Office of Human Relations		
(1.0)NSF	Salaries (9.0)		$ 182.0
	Other Employment Costs		50.5
	Travel		9.5
	Contractual Services		25.6
	Supplies and Materials		3.6
	TOTAL -- Office of Human Relations		$ 271.2
	(50-09-001) Division of Housing		
(33.0)ASF	Salaries	$ 575.9	$
(20.5)NSF	Other Employment Costs	167.3	
	Travel	26.5	
	Contractual Services	486.5	
	Supplies and Materials	28.5	
	Capital Outlay	22.5	
	Debt Services		68.5

TOTAL -- Division of Housing	$ 1,307.2*	$ 68.5

* The appropriated Special Funds in the Division of Housing do not include any appropriation for payment of debt service or loan servicing fees for the Delaware State Housing Authority.

(50-10-001) Division of Libraries	Year Ending June 30, 1986	
(2.0)ASF Salaries (10.0)	$ 24.0	$ 155.1
(10.0)NSF Other Employment Costs	9.8	49.9
Contractual Services	8.3	221.4
Supplies and Materials	4.4	39.0
Library Standards		295.6
Sub-Total	$ 46.5	$ 761.0
Debt Service	$	$ 4.5
TOTAL -- Division of Libraries	$ 46.5	$ 765.5

(50-11-001) Division of Consumer Affairs	
Salaries (12.0)	$ 258.5
Other Employment Costs	67.0
Travel	4.0
Contractual Services	17.5
Supplies and Materials	4.1
TOTAL -- Division of Consumer Affairs	$ 351.1
TOTAL -- DEPARTMENT OF COMMUNITY AFFAIRS	$ 1,463.4 $ 3,463.8

(55-00-000) DEPARTMENT OF TRANSPORTATION	Year Ending June 30, 1986
(55-01-001) Office of the Secretary	
Salaries (2.0)	$ 87.1
Other Employment Costs	22.5
Travel	2.1
Contractual Services	4.7
Supplies and Materials	1.4
TOTAL -- Office of the Secretary	$ 117.8
(55-02-001) Office of Administration	
Salaries (59.0)	$ 1,267.5
Other Employment Costs	371.3
Travel	5.5
Contractual Services	208.5
Supplies and Materials	16.9
Capitel Outley	39.0
Data Processing	459.2
Microfilm Services	14.3
TOTAL -- Office of Administration	$ 2,382.2
(55-04-000) Division of Highways	
(55-04-001) Office of the Director	
(6.0) Salaries (53.0)	$ 1,469.4
Other Employment Costs	457.8
Travel	20.2
Contractual Services	222.8
Supplies and Materials	121.2
Capital Outlay	23.0
Sub-Total	$ 2,314.4
Debt Service	$ 31,771.9

	TOTAL -- Office of the Director	$ 34,086.3
	(55-04-010) Pre-Construction	
(92.0)	Salaries (36.0)	$ 738.0
	Other Employment Costs	231.5
	TOTAL -- Pre-Construction	$ 969.5
	(55-04-030) Bureau of Materials and Research	Year Ending June 30, 1986
(47.0)	Salaries (11.0)	$ 272.7
	Other Employment Costs	87.4
	Travel	2.5
	Contractual Services	16.5
	Supplies and Materials	19.9
	Capital Outlay	22.5
	TOTAL -- Bureau of Materials and Research	$ 421.5
	(55-04-040) Bureau of Construction	
(111.0)	Salaries (77.0)	$ 3,282.9
	Other Employment Costs	963.8
	TOTAL -- Bureau of Construction	4,246.7
	(55-04-050) Bureau of Traffic	
(4.0)	Salaries (99.0)	$ 1,946.3
	Other Employment Costs	601.9
	Travel	1.8
	Contractual Services	960.0
	Supplies and Materials	551.0
	Capital Outlay	38.4
	TOTAL -- Bureau of Traffic	$ 4,099.4
	(55-04-060) Field Services	
(2.0)	Salaries (17.0)	$ 452.2
	Other Employment Costs	138.5
	TOTAL -- Field Services	$ 590.7
	(55-04-070) Bureau of Maintenance	
	Salaries (572.0)	$ 9,451.5
	Other Employment Costs	2,933.8
	Travel	7.5
	Contractual Services	2,246.8
	Supplies and Materials	2,116.5
	Capital Outlay	679.2
	TOTAL -- Bureau of Maintenance	$ 17,435.3
	TOTAL -- Division of Highways	$ 61,849.4

	(55-06-001) Delaware Transportation Authority	Year Ending June 30, 1986
(13.0)	Delaware Transportation Authority Operations	$ 506.5
	Delaware Transportation Authority Capital	1,409.3
(121.0)	Turnpike Operations	3,605.9
	Turnpike Operating Reserve	27.3[a]
	Turnpike Improvements	400.0
	Interstate Operations	1,945.0
	Interstate Improvements	300.0
	DART Operations "Public"	2,930.7
	DAST Operations "E & H"	396.3

	Taxi Services Support "E & H"	147.9	
	Newark Transportation	62.0	
	Kent and Sussex Transportation "E & H"	588.3	
	Rail Commuter Operations	1.0	
	Rail Freight Improvements	111.0	
	Aviation	1.0	
	Contingencies	15.0	
	Dover Transportation "E & H"	62.0	
	Dover Capital "E & H"	23.3	
	Administrative Support, DOT	50.0	
	Sub-Total	$ 12,582.5	
	Debt Service		
	Motor Fuel Tax Bonds	$ 7,593.0	
	Turnpike Bonds	7,579.0	
	State Obligations		$ 329.9
	TOTAL -- Delaware Transportation Authority	$ 27,754.5**	$ 329.9

*The Turnpike Operating Reserve Fund is established at $253.0.

**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 $ 64,679.3

(60-00-000) DEPARTMENT OF LABOR Year Ending June 30, 1986

(60-01-001) Office of the Secretary

(7.2)	Salaries (.8)	$	23.8
	Other Employment Costs		6.4
	Travel		1.3
	Contractual Services		3.4
	Supplies and Materials		.5
	Capital Outlay		1.1
	Microfilm		11.8
	Travel - Governor's Council		1.0
	TOTAL -- Office of the Secretary	$	49.3

(60-06-001) Division of Unemployment Insurance

(187.0)	Salaries	$	---
	TOTAL -- Division of Unemployment Insurance		$ ---

(60-07-000) Division of Industrial Affairs

(60-07-001) Administration

	Salaries (4.0)	$	99.0
	Other Employment Costs		29.4
	Travel		.6
	Contractual Services		9.0
	Supplies and Materials		1.6
	Capital Outlay		7.9
	TOTAL -- Administration	$	147.5

(60-07-002) Industrial Safety and Health

(1.5)	Salaries (22.5)	$	431.3
	Other Employment Costs		124.9
	Travel		12.2
	Contractual Services		89.4
	Supplies and Materials		5.2
	Capital Outlay		14.4

	TOTAL -- Industrial Safety and Health		$ 677.4	
	(60-07-003) Labor Law Inspection			
(7.0)	Salaries (9.0)		$ 152.4	
	Other Employment Costs		43.2	
	Travel		4.1	
	Contractual Services		17.2	
	Supplies and Materials		2.9	
	Capital Outlay		1.0	
	TOTAL -- Labor Law Inspection		$ 220.8	
	TOTAL -- Division of Industrial Affairs		$ 1,045.7	
	(60-08-001) Division of Vocational Rehabilitation	Year Ending June 30, 1986		
(134.0)	Salaries		$ ---	
	Contractual Services		1,204.6	
	Supplies and Materials		31.3	
	Governor's Committee for Employment of the Handicapped		6.6	
	Sheltered Workshops		275.0	
	TOTAL -- Division of Vocational Rehabilitation			$ 1,517.5
	(60-09-001) Division of Employment and Training			
(134.4)	Salaries (12.1)		$ 189.7	
	Other Employment Costs		49.7	
	Travel		4.7	
	Contractual Services		21.7	
	Supplies and Materials		4.6	
	Capital Outlay		.4	
	Women's Vocational Services		48.2	
	Dislocated Workers Program		126.0	
	TOTAL -- Division of Employment and Training			$ 445.0
	TOTAL -- DEPARTMENT OF LABOR		$ 3,057.5	
	(65-00-000) DEPARTMENT OF AGRICULTURE	Year Ending June 30, 1986		
	(65-01-000) Office of the Secretary			
	(65-01-001) Office of the Secretary			
	Salaries (9.0)		$ 164.8	
	Other Employment Costs		45.2	
	Travel		3.4	
	Contractual Services		24.2	
	Supplies and Materials		3.5	
	Capital Outlay		17.5	
	Agriculture Development Program		50.0	
	Sub-Total		$ 308.6	
	Debt Service		$ 58.2	
	TOTAL -- Office of the Secretary		$ 366.8	
	(65-01-002 Agricultural Lands Preservation			
(1.0)NSF	Salaries (1.0)		$ 45.1	
	Other Employment Costs		13.7	
	Travel		2.5	
	Contractual Services		19.8	
	Supplies and Materials		1.4	
	Capital Outlay		11.8	
	TOTAL -- Agricultural Lands Preservation		$ 94.3	

TOTAL -- Office of the Secretary			$	461.1
(65-03-000) Division of Standards and Inspections				
(65-03-001) Administration and Management Standards and Inspections				
Salaries (2.0)			$	40.8
Other Employment Costs				14.9
Travel				.3
Contractual Services				9.0
Supplies and Materials				1.5
Capital Outlay				1.5
Sub-Total			$	68.0
Debt Service			$	11.8
TOTAL -- Administration and Management Standards and Inspections			$	79.8
(65-03-002) Chemical Laboratory				
Salaries (6.0)		$ 4.0	$	102.1
Other Employment Costs		.2		28.1
Travel				3.8
Contractual Services		1.3		36.4
Supplies and Materials		.9		16.9
Capital Outlay		.3		5.5
TOTAL -- Chemical Laboratory		$ 6.7	$	192.8
(65-03-003) Weights and Measures				
Salaries (6.0)			$	110.5
Other Employment Costs				31.1
Travel				3.4
Contractual Services				22.7
Supplies and Materials				8.5
Capital Outlay				17.6
TOTAL -- Weights and Measures			$	193.8
(65-03-004) Poultry and Animal Health	Year Ending June 30, 1986			
Salaries (7.0)			$ 134.8	
Other Employment Costs			39.3	
Travel			2.3	
Contractual Services			48.0	
Supplies and Materials			24.8	
Capital Outlay			6.8	
TOTAL -- Poultry and Animal Health			$ 256.0	
(65-03-005) Meat Inspection				
Salaries (14.0)			$ 274.7	
Other Employment Costs			86.9	
Travel			5.3	
Contractual Services			11.6	
Supplies and Materials			8.1	
Capital Outlay			8.4	
TOTAL -- Meat Inspection			$ 395.0	
(65-03-006) Seed Laboratory				
(2.5)ASF Salaries (5.0)		$ 119.5	$	82.8
Other Employment Costs		21.4		27.9
Travel		2.1		1.1
Contractual Services		5.9		10.7
Supplies and Materials		15.2		6.3

	Capital Outlay	12.4	3.4
	TOTAL -- Seed Laboratory	$ 176.5	$ 132.2
	(65-03-007) Plant Industry		
	Salaries (2.0)		$ 46.9
	Other Employment Costs		16.3
	Travel		1.0
	Contractual Services		139.1
	Supplies and Materials		20.6
	TOTAL -- Plant Industry	$	$ 223.9
	TOTAL -- Division of Standards and Inspections	$ 183.2	$ 1,473.5
	(65-04-000) Division of Production and Promotion		
	(65-04-001) Administration and Management Production and Promotion		
	Salaries (3.0)		$ 66.0
	Other Employment Costs		21.8
	Travel		.5
	Contractual Services		12.2
	Supplies and Materials		3.0
	Sub-Total		$ 103.5
	Debt Service		$ 6.4
	TOTAL -- Administration and Management Production and Promotion		$ 109.9
	(65-04-002) Forestry	Year Ending June 30, 1986	
(4.0)NSF	Salaries (18.0)	$ 52.1	$ 335.1
(1.0)ASF	Other Employment Costs	5.0	95.3
	Travel	12.1	1.0
	Contractual Services	37.3	16.2
	Supplies and Materials	69.2	8.4
	Capital Outlay	127.0	3.3
	Data Processing		1.6
	Sub-Total	$ 302.7	$ 460.9
	Debt Service	$	$ 24.2
	TOTAL -- Forestry	$ 302.7	$ 485.1
	(65-04-003) Pesticides Control		
	Salaries (3.5)		$ 54.8
	Other Employment Costs		16.3
	Travel		.6
	Contractual Services		9.2
	Supplies and Materials		.7
	TOTAL -- Pesticides Control		$ 81.6
	(65-04-004) Fruit and Vegetable Inspections		
(9.5)ASF	Salaries (1.5)	$ 143.9	$ 31.7
	Other Employment Costs	39.1	9.7
	Travel	4.5	1.0
	Contractual Services	2.8	8.8
	Supplies and Materials	2.6	2.1
	Capital Outlay	.5	7.9
	TOTAL -- Fruit and Vegetable Inspections	$ 193.4	$ 61.2

(65-04-005) Commodity Development		
Salaries (4.0)	$	$ 76.7
Other Employment Costs		22.9
Travel		7.1
Contractual Services	1.0	23.8
Supplies and Materials	2.0	6.9
Capital Outlay		17.6
Laurel Auction		10.7
TOTAL -- Commodity Development	$ 3.0	$ 165.7
TOTAL -- Division of Production and Promotion	$ 499.1	$ 903.5
TOTAL -- DEPARTMENT OF AGRICULTURE	$ 682.3	$ 2,838.1

(70-00-000) DEPARTMENT OF ELECTIONS	Year Ending June 30, 1986		
(70-01-001) Commissioner of Elections			
Salaries (5.0)		$ 102.2	
Other Employment Costs		30.4	
Travel		.8	
Contractual Services		19.6	
Supplies and Materials		3.6	
Capital Outlay		.8	
Data Processing		55.5	
Microfilm		1.5	
TOTAL -- Commissioner of Elections		$ 214.4	
(70-02-001) New Castle County Department of Elections			
Salaries (11.0)		$ 217.4	
Other Employment Costs		51.0	
Travel		5.4	
Contractual Services		138.1	
Supplies and Materials		45.1	
Capital Outlay		10.5	
Mobile Registration		15.4	
TOTAL -- New Castle County Department of Elections		$ 482.9	
(70-03-001) Kent County Department of Elections			
Salaries (4.0)		$ 93.8	
Other Employment Costs		25.5	
Travel		.8	
Contractual Services		47.8	
Supplies and Materials		2.6	
Capital Outlay		10.0	
Mobile Registration		1.5	
TOTAL -- Kent County Department of Elections			$ 182.0
(70-04-001) Sussex County Department of Elections			
Salaries (4.0)		$ 108.3	
Other Employment Costs		24.5	
Travel		1.0	
Contractual Services		26.0	
Supplies and Materials		4.0	
Capital Outlay		9.3	
Mobile Registration		6.0	
TOTAL -- Sussex County Department of Elections			$ 179.1
TOTAL -- DEPARTMENT OF ELECTIONS		$ 1,058.4	
(75-00-000) FIRE PREVENTION COMMISSION	Year Ending June 30, 1986		

	(75-01-001) Office of the Fire Marshal		
(2.0)	Salaries (22.0)	$	458.5
	Other Employment Costs		135.3
	Travel		3.5
	Contractual Services		55.5
	Supplies and Materials		32.4
	Capital Outlay		20.6
	Data Processing		5.6
	Microfilm		2.6
	Sub-Total	$	714.0
	Debt Service	$	4.8
	TOTAL -- Office of the Fire Marshal	$	718.8
	(75-02-001) State Fire School		
(4.0)	Salaries (13.0)	$	278.4
	Other Employment Costs		89.3
	Travel		2.0
	Contractual Services		169.7
	Supplies and Materials		40.2
	Capital Outlay		20.0
	Sub-Total	$	599.6
	Debt Service	$	297.9
	TOTAL -- State Fire School	$	897.5
	(75-03-001) State Fire Prevention Commission		
	Salaries (1.0)	$	13.3
	Other Employment Costs		5.4
	Travel		16.0
	Contractual Services		6.4
	Supplies and Materials		1.2
	Capital Outlay		.6
	Statewide Fire Safety Education		50.0
	TOTAL -- State Fire Prevention Commission	$	92.9
	TOTAL -- FIRE PREVENTION COMMISSION	$	1,709.2
	(76-00-000) DELAWARE NATIONAL GUARD	Year Ending June 30, 1986	
	(76-01-001) Delaware National Guard		
(40.6)NSF	Salaries (30.4)	$	726.9
	Other Employment Costs		213.9
	Travel		2.9
	Contractual Services		541.0
	Supplies and Materials		109.7
	Capital Outlay		8.0
	Microfilm		6.1
	Unit Fund Allowance		15.0
	Educational Assistance		45.0
	Sick-Leave Entitlements		19.5
	Sub-Total	$	1,688.0
	Debt Service	$	193.2
	TOTAL -- DELAWARE NATIONAL GUARD	$	1,881.2
	(77-00-000) ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS	Year Ending June 30, 1986	
	Salaries (2.0)	$	16.7
	Other Employment Costs		4.2

	Travel	4.8	
	Contractual Services	3.5	
	Supplies and Materials	.3	
	TOTAL -- ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS	$ 29.5	
	(90-00-000) HIGHER EDUCATION	Year Ending June 30, 1986	
	(90-01-000 University of Delaware		
	(90-01-001) University of Delaware		
	Operations	$ 49,081.4	
	Diagnostic Poultry Service and Swine Program	44.5	
	Occupational Teachers Education Program		75.7
	Sea Grant Program	250.0	
	Summer School for Teachers	100.0	
	Academic Incentive Program	100.0	
	Aid to Needy Students	542.0	
	General Scholarships	1,024.0	
	Scholarships	750.0	
	Title VI Compliance	617.3	
	Soil Testing Service	27.7	
	Urban Agent Program	55.1	
	Student Employment Program	150.0	
	Research Partnership Fund	700.0	
	Minority Faculty and Professional Recruitment	75.0	
	Public Service and Applied Research Projects	70.0	
	Sub-Total	$ 53,662.7	
	Debt Service	$ 5,911.8	
	TOTAL -- University of Delaware	$ 59,574.5	
	(90-01-002) Delaware Geological Survey		
	Operations	$ 578.8	
	River Master Program	47.0	
	TOTAL -- Delaware Geological Survey	$ 625.8	
	TOTAL -- University of Delaware	$ 60,200.3	
	(90-02-001) Delaware Institute of Medical Education and Research		
	Operations	$ 1,565.0	
	TOTAL -- Delaware Institute of Medical Education and Research	$ 1,565.0	
	(90-03-000) Delaware State College		
	(90-03-001) Executive Services		
(1.5)	Salaries (13.6)	$ 273.7	
	Other Employment Costs	72.9	
	Travel	2.7	
	Contractual Services	28.9	
	Supplies and Materials	6.6	
	Capital Outlay	2.2	
	Work Study	1.6	
	Contingency - Salaries and Other Employment Costs		107.3
	TOTAL -- Executive Services	$ 495.9	
	(90-03-002) Academic Affairs		
(35.8)	Salaries (183.5)	$ 4,685.7	
	Other Employment Costs	1,298.3	
	Travel	19.9	

	Contractual Services		239.1
	Supplies and Materials		146.3
	Capital Outlay		132.2
	Title VI Compliance (25.5)		849.3
	Summer School for Teachers		36.0
	Work Study		22.9
	TOTAL -- Academic Affairs	$	7,429.7
	(90-03-003) Student Affairs	Year Ending June 30, 1986	
(37.9)	Salaries (344.8)	$	640.7
	Other Employment Costs		182.7
	Travel		8.3
	Contractual Services		133.1
	Supplies and Materials		38.1
	Capital Outlay		.3
	Title VI Compliance		110.0
	Academic Incentive		50.0
	Scholarships		86.0
	Athletic Grant		73.1
	Work Study		74.0
	TOTAL -- Student Affairs	$	1,396.3
	(90-03-004) Business and Fiscal Affairs		
(16.0)	Salaries (123.8)	$	2,038.3
	Other Employment Costs		617.0
	Travel		8.6
	Contractual Services		1,364.7
	Supplies and Materials		171.5
	Capital Outlay		200.4
	Work Study		19.9
	Sub-Total	$	4,420.4
	Debt Service	$	1,689.8
	TOTAL -- Business and Fiscal Affairs	$	6,110.2
	(90-03-005) Sponsored Programs and Research		
(37.5)	Salaries	$	---
	TOTAL -- Sponsored Programs and Research	$	---
	TOTAL -- Delaware State College	$	15,432.1
	(90-04-000) Delaware Technical and Community College		
	(90-04-001) Office of the President		
(4.0)	Salaries (34.0)	$	944.7
	Other Employment Costs		265.9
	Travel		7.0
	Contractual Services		119.6
	Supplies and Materials		29.2
	Capital Outlay		14.3
	Microfilm		5.1
	Occupational Teacher Program		36.8
	Academic Incentive		50.0
	Salary Plan (including Other Employment Costs		280.3
	Contingency - Salaries and Other Employment Costs		186.1
	Sub-Total	$	1,939.0
	Debt Service	$	173.9
	TOTAL -- Office of the President	$	2,112.9

	(90-04-002) Southern Campus	Year Ending June 30, 1986
(34.0)	Salaries (136.0)	$ 3,716.9
	Other Employment Costs	1,025.8
	Travel	5.8
	Contractual Services	803.2
	Supplies and Materials	54.3
	Capital Outlay	45.2
	NDSL Match	3.5
	Aid to Needy Students	32.7
	Work Study	14.5
	Sub-Total	$ 5,701.9
	Debt Service	$ 919.3
	TOTAL -- Southern Campus	$ 6,621.2
	(90-04-004) Wilmington Campus	
(15.0)	Salaries (109.0)	$ 2,745.3
	Other Employment Costs	706.0
	Travel	4.7
	Contractual Services	731.1
	Supplies and Materials	52.0
	Capital Outlay	18.6
	Aid to Needy Students	32.0
	Work Study	20.0
	Sub-Total	$ 4,309.7
	Debt Service	$ 604.7
	TOTAL -- Wilmington Campus	$ 4,914.4
	(90-04-005) Stanton Campus	
(32.0)	Salaries (132.0)	$ 3,656.0
	Other Employment Costs	941.2
	Travel	5.3
	Contractual Services	250.4
	Supplies and Materials	86.0
	Capital Outlay	10.0
	Aid to Needy Students	22.5
	Work Study	21.0
	Sub-Total	$ 4,992.4
	Debt Service	$ 841.4
	TOTAL -- Stanton Campus	$ 5,833.8
	(90-04-006) Terry Campus	
(35.0)	Salaries (83.0)	$ 2,149.3
	Other Employment Costs	573.6
	Travel	4.3
	Contractual Services	307.9
	Supplies and Materials	37.0
	Capital Outlay	21.2
	NDSL Match	1.0
	Aid to Needy Students	25.0
	Work Study	8.0
	Sub-Total	$ 3,127.3
	Debt Service	$ 485.9
	TOTAL -- Terry Campus	$ 3,613.2
	TOTAL -- Delaware Technical and Community College	$ 23,095.5

	(90-07-001) Delaware Institute of Veterinary Medical Education	Year Ending June 30, 1986	
	Subvention		$ 165.0
	TOTAL -- Delaware Institute of Veterinary Medical Education		$ 165.0
	(90-08-001) Delaware Institute of Dental Education and Research		
	Subvention		$ 86.7
	TOTAL -- Delaware Institute of Dental Education and Research		$ 86.7
	TOTAL -- HIGHER EDUCATION		$ 100,544.6
	(95-00-000) PUBLIC EDUCATION	Year Ending June 30, 1986	
	(95-01-000) State Board of Education and State Board for Vocational Education		
	(95-01-001) State Board of Education and Superintendent		
(2.8)NSF	Salaries (7.2)		$ 280.2
	Other Employment Costs		71.0
	Travel		15.4
	Contractual Services		17.7
	Supplies and Materials		4.8
	Capital Outlay		11.1
	Data Processing		65.8
	Microfilm		40.7
	Education Compact of the States		25.0
	TOTAL -- State Board of Education and Superintendent		$ 531.7
	(95-01-002) Administrative Services		
(16.5)NSF	Salaries (29.0)	$	$ 769.3
	Other Employment Costs		215.8
	Travel		9.9
	Contractual Services		36.3
	Supplies and Materials		8.7
	Capital Outlay		35.4
	Films		22.0
	Educational Assessment		305.3
	Private Business and Trade School		2.0
	Evaluation - Higher Education		1.0
	Teacher Competency and Certification		30.0
	Tallman Scholarships	3.7	
	Mather Library Endowment Fund	4.8	
	Brown Trust Fund	35.0	
(1.5)ASF	Film Library	51.5	
	Department of Public Instruction Library	29.0	
	Trailer Rental Fund	20.0	
	TOTAL -- Administrative Services	$ 144.0	$ 1,435.7
	(95-01-003) Computer Education/DIRECT		
(5.0)ASF	Salaries (6.0)	$ 124.4	$ 157.9
	Other Employment Costs	38.7	48.0
	Operating Costs - Direct	243.2	202.3
	Operating Costs - Training Lab		20.0
	District Grants - Unit Allocations		460.0
	Contingency	5.8	
	Career Guidance System		15.3
	TOTAL -- Computer Education/DIRECT	$ 412.1	$ 903.5

	(95-01-004) Instructional Services		
(32.0)NSF	Salaries (26.0)	$	$ 875.9
	Other Employment Costs		251.4
	Travel		12.8
	Contractual Services		58.7
	Supplies and Materials		15.9
	Capital Outlay		21.4
	Education - Science and Math		40.4
	Curriculum Improvement		107.9
(1.0)ASF	Delaware Secondary School Athletic Fund	53.0	
	TOTAL -- Instructional Services	$ 53.0	$ 1,384.4
	(95-01-005) Educational Contingency	Year Ending June 30, 1986	
	School District Appropriations		
	Division I Units (5523)		
	Formula Salaries (7,902.3)		$ 134,009.5
	Cafeteria Funds		1,455.5
	Other Employment Costs		42,276.6
	Division II (6521)		
	Other Costs		10,557.5
	Energy		10,055.4
	All Other Costs		
	Support-Local Fund Employment Costs		7,833.0
	Other Items		154.0
	Teacher of the Year		5.5
	Delmar Tuition		140.4
	General Contingency		997.8
	Pension - Retired and Disabled Teacher		46.3
	Desegregation Monitoring		125.0
	Sub-Total		$ 207,656.5
	Debt Service - School Districts		$ 12,118.5
	Debt Service - State Board		$ 2,445.8
	TOTAL -- Educational Contingency		$ 222,220.8
	(95-01-006) Pass Through/K-12 Programs		
	Pregnant Students Program		$ 171.7
	Related Services for the Handicapped		824.3
	Private Placement of the Handicapped		1,627.0
	Youth Organizations		51.2
	Gifted and Talented Units (1.0)		1,551.2
	Summer School - Gifted and Talented		98.6
	Homebound Instruction Program		428.9
	Substitutes in Districts		1,480.5
	Division III - Equalization		15,951.2
	Basic Skills Units		4,086.0
	Non-Public and Summer Driver Education		396.6
	Operation and Maintenance - Driver Education Cars		141.1
	Summer School - Occupational and Vocational Education		657.7
	Student Work Study		125.0
	Center for Economic Education		45.0
	Educational Resources Program		133.6
	Exceptional Student Unit - Vocational		237.4
	Disruptive Student Units		484.8
	Parent Early Education Center		57.8
	Delaware Teacher Center		182.3

	Green Circle Program		50.0
	Arts in Education		45.0
	Critical Curriculum Areas		450.0
	Advanced Studies		100.0
	Lecturer in Residence		40.0
	Tuition Reimbursement - Teachers		150.0
	Career Development and Accountability Program		2,300.0
	Education Refinement Program		1,770.0
	Beach House		30.0
	Mastery Testing		150.0
	TOTAL -- Pass Through/K-12 Programs		$ 33,816.9
	(95-01-007) Pass Through/Adult Programs	Year Ending June 30, 1986	
	Adult Incarcerated		$ 152.5
	Adult Trade Extension		562.5
	Apprentice Program		428.0
	James H. Groves High School		725.6
	Adult Basic Education		122.4
	New Castle County Learning Center		129.4
	Wilmington Skills Center		179.0
	TOTAL -- Pass Through/Adult Programs		$ 2,299.4
	(95-01-008) Pupil Transportation		
	Public School Transportation (1.0)		$ 24,390.9
	Non-Public School Transportation Reimbursement		2,748.2
	TOTAL -- Pupil Transportation		$ 27,139.1
	TOTAL -- State Board of Education and State Board for Vocational Education	$ 609.1	$ 289,731.5
	(95-04-001) Advisory Council on Career and Vocational Education		
(1.5)	Salaries (3.5)		$ 46.8
	Other Employment Costs		13.8
	TOTAL -- Advisory Council on Career and Vocational Education		$ 60.6
	TOTAL -- PUBLIC EDUCATION		$ 289,792.1

TOTALS	Year Ending June 30, 1986
TOTAL -- DEPARTMENTS	$ 538,299.0
TOTAL -- HIGHER EDUCATION	$ 100,544.6
TOTAL -- PUBLIC EDUCATION	289,792.1
TOTAL -- EDUCATION	$ 390,336.7
GRAND TOTAL - DEPARTMENTS AND EDUCATION	$ 928,635.7

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. 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, 1985.

Section 7. (a) The provisions for salaries in this Act are projected to cover the salaries and wages which shall become due and payable during the fiscal year ending June 30, 1986. All departments and agencies shall stay within their appropriations for salaries as well as positions authorized.

(b) Section 1 of this Act assumes salary savings in all branches of State government. All agencies in the Judicial, Executive, and Legislative branches of State government are directed to continue any and all vacancies within their respective agencies as necessary to remain within their level of funding for salaries and wages.

Section 8. During Fiscal Year 1986 each Department/School District in Section 1 of this Act will submit a quarterly accounting to the Budget Director and the Controller General of the late payment fines and/or interest paid the preceding month by their Department. The quarterly accounting will be due by the 15th of each quarter beginning 15 October 1985 and will include funds spent from all sources.

Section 9. During Fiscal Year 1986 no facilities using energy, object codes 33, 34 and 35, may be built, rented, leased, renovated, altered or systems replaced without the involvement and approval of the Energy Office, (30-05-003), of the units/systems to be installed that will consume energy.

Section 10. (a) For the fiscal year ending June 30, 1986, the following line item salaries represent the maximum salaries appropriated within Salaries in Section 1 of this Act:

Budget Unit	Line Item	General Funds	All Other Funds
(02-01-001)	Chief Justice	$ 79.0	$
(02-01-001)	Associate Justice	74.6	
(02-02-001)	Chancellor	75.0	
(02-02-001)	Vice Chancellor	70.3	
(02-02-002)	Public Guardian	33.0	
(02-03-001)	President Judge	75.0	
(02-03-001)	Judge	70.3	

Budget Unit	Line Item	General Funds	All Other Funds
(02-06-001)	Chief Judge	74.0	
(02-06-001)	Judge	68.6	
(02-08-001)	Chief Judge	74.0	
(02-08-001)	Judge	68.6	
(02-13-001)	Chief Magistrate	45.8	
(02-13-001)	Court Administrator	33.8	
(02-13-001)	Magistrate	30.0	
(02-17-001)	Director	50.6	
(02-17-002)	Executive Secretary Violent Crimes Comp.		29.4
(02-17-003)	Executive Director - Foster Care Review Board	27.9	
(10-01-001)	Governor	70.0	
(10-02-001)	Budget Director	59.2	
(10-02-007)	Executive Director - Postsecondary Education Commission	42.8	
(10-02-007)	Commission Members - Postsecondary Education Commission	2.4	
(10-02-009) (Memo)	Director - Information Systems	53.7	
(10-03-001) Office	Director - Delaware Development	45.0	15.0
(10-04-001)	Personnel Commissioners	7.5	
(10-04-001)	Personnel Director	44.4	
(10-07-001)	Executive Director - CJC	$ 44.4	$
(10-08-001)	Director - Planning and Coordination	48.5	
(10-10-001)	Executive Director - DELJIS	36.6	
(12-01-001)	Lieutenant Governor	30.0	
(12-02-001)	Auditor	34.0	
(12-03-001)	Insurance Commissioner	34.0	
(12-05-001)	State Treasurer	34.0	
(12-05-002)	Board Members - Pensions		2.4
(15-01-001)	Attorney General	52.3	
(15-02-001)	Public Defender	47.0	
(15-03-001)	Board Members - Parole	13.0	
(15-03-001)	Parole Board Chairman	41.3	
(20-01-001)	Secretary of State	50.0	

Budget Unit	Line Item	General Funds	All Other Funds
(20-05-001)	Director - Corporations	36.0	
(20-06-001)	Director - Historical and Cultural Affairs	42.6	
(20-15-001)	State Banking Commissioner		50.9
(25-01-001)	Secretary - Finance	65.0	
(25-05-001)	Director - Accounting	46.5	
(25-06-001)	Board Members - Revenue	28.0	
(25-06-001)	Director - Revenue	54.3	
(25-07-001)	Director - State Lottery		55.2
(30-01-001)	Secretary - Administrative Services	49.9	
(30-01-002)	Fleet Management Administrator	37.9	
(30-02-001)	Executive Director - Public Employment Relations Board	34.8	
(30-02-001)	Board Members - Public Employment Relations Board	7.4	
(30-03-001)	Board Members - Alcoholic Beverage Control Commission	8.6	
(30-03-001)	Executive Secretary - Alcoholic Beverage Control Commission	38.9	
(30-04-004)	Director - Support Operations		35.3
(30-05-001)	Director - Facilities Management	43.4	
(30-05-010)	Executive Secretary - Architectural Accessibility Board	$ 31.7	$
(30-05-010)	Board Members - Architectural Accessibility Board	2.7	
(30-06-001)	Director - Purchasing	38.5	
(30-08-001)	Director - Occupational Licensing	29.5	
(30-08-001)	Board Members - Occupational and Health Licensing	40.2	
(30-11-001)	Board Members - Public Service Commission		63.0
(30-11-001)	Director - Public Utilities Control		36.8
(35-01-001)	Secretary - Health and Social Services	60.0	
(35-02-001)	Director - Business Administration and General Services	39.3	4.3
(35-03-001)	Director - Planning, Research and Evaluation	39.3	
(35-04-001)	Chief Medical Examiner	71.0	
(35-05-001)	Director - Public Health	72.3	

Budget Unit	Line Item	General Funds	All Other Funds
(35-06-001)	Director - Mental Health	55.1	
(35-07-001)	Director - Economic Services	22.7	22.8
(35-10-001)	Director - Child Support Enforcement	11.4	26.6
(35-11-001)	Director - Mental Retardation	56.9	
(35-12-001)	Director - State Service Centers	37.3	
(35-14-001)	Director - Aging	9.1	27.4
(37-01-001)	Secretary - Services for Children, Youth, and Their Families	55.0	
(37-02-001)	Director - Child Protective Services	45.7	
(37-03-001)	Director - Child Mental Health	40.6	
(37-05-001)	Director - Youth Rehabilitation Services	43.1	
(37-06-001)	Director - Youth Diagnostic Center	56.9	
(37-07-001)	Director - Administrative and Support Services	43.8	
(37-08-001)	Director - Program, Planning & Productivity	43.8	
(38-01-001)	Commissioner - Correction	60.0	
(38-02-001)	Bureau Chief - Administration and Operational Support	$ 42.3	$
(38-03-001)	Bureau Chief - Industries and Services	37.2	
(38-04-001)	Institutional Classification Board	9.0	
(38-04-001)	Bureau Chief - Adult	42.3	
(40-01-001)	Secretary - Natural Resources and Environmental Control	55.0	
(40-05-001)	Director - Fish and Wildlife	19.0	18.9
(40-06-001)	Director - Parks and Recreation	38.3	
(40-07-001)	Director - Soil and Water Conservation	34.0	
(40-08-001)	Director - Environmental Control	26.5	26.5
(45-01-001)	Secretary - Public Safety	55.0	
(45-06-001)	Superintendent - State Police	47.3	
(45-06-001)	Assistant Superintendent - State Police	43.1	
(45-07-001)	Director - Motor Vehicles	45.3	
(45-08-001)	Director - Emergency Planning and Operations	15.5	15.5
(45-09-001)	Director - Boiler Safety	30.8	
(45-10-001)	Director - Highway Safety	32.4	

Budget Unit	Line Item	General Funds	All Other Funds
(50-01-001)	Secretary - Community Affairs	50.0	
(50-02-001)	Director - Community Services	34.3	
(50-03-001)	Director - Volunteer Services	30.6	
(50-04-001)	Public Advocate	44.1	
(50-06-001)	Director - Human Relations	34.3	
(50-09-001)	Director - Housing		47.4
(50-10-001)	State Librarian	33.5	
(50-11-001)	Director - Consumer Affairs	34.3	
(50-11-001)	Board Members - Consumer Affairs	3.5	
(55-01-001)	Secretary - Transportation	60.0	
(55-02-001)	Chief - Administration	42.1	
(55-04-001)	Director - Highways	56.8	
(55-06-001) Authority	Director - Delaware Transportation		51.9
(60-01-001)	Secretary - Labor	$ 7.5	$ 42.5
(60-06-001)	Director - Unemployment Insurance		45.0
(60-07-001)	Director - Industrial Affairs	36.8	
(60-07-002)	Board Members - Industrial Accident Board	84.0	
(60-08-001)	Director - Vo Rehabilitation		43.3
(60-09-001)	Director - Employment and Training	2.8	40.1
(65-01-001)	Secretary - Agriculture	42.2	
(65-04-001)	Director - Production and Promotion	33.9	
(70-01-001)	Election - Commissioner	32.3	
(70-02-001)	Board Members - New Castle County Elections	10.5	
(70-02-001)	Administrative Director - New Castle County Elections	29.4	
(70-02-001)	Deputy Administrative Director - New Castle County Elections	28.8	
(70-03-001)	Board Members - Kent County Elections	6.5	
(70-03-001)	Administrative Director - Kent County Elections	29.4	
(70-03-001)	Deputy Administrative Director - Kent County Elections	28.8	
(70-04-001)	Board Members - Sussex County Elections	6.5	
(70-04-001)	Administrative Director - Sussex County Elections	29.4	

(70-04-001)	Deputy Administrative Director - Sussex County Elections	28.8	
(75-01-001)	Fire Marshal	34.8	
(75-02-001)	Director - Fire School	37.2	
(76-01-001)	Adjutant General	45.0	
(95-01-001)	Board Members - State Board of Education	8.4	
(95-01-001)	Superintendent - State Board of Education	57.0	23.1
(95-04-001)	Executive Secretary - Advisory Council on Career and Vocational Education	24.4	24.4

Section 11. (a) The amount appropriated by Section 1 of this Act for salaries includes the estimated amount needed to provide for a salary increase for each State employee, unless as otherwise excepted by subsections of this section. This increase is to be provided as follows:

(1)Normal steps or increments included in existing pay plans shall be frozen July 1, 1985, except those employees who are employed under contract in Public Education..

(2)Salary Adjustment for Departments 01 through 77:

(i) Effective July 1, 1985, each pay plan shall be increased by 7.5 per cent rounded to the nearest dollar for pay grades 5 through 17; and 5.5 per cent rounded to the nearest dollar for pay grades 19 through 31. However, minimum increase in annual salary shall be $1,000. No employee paid from any plan shall receive less than $10,154.

(ii) Employees, who are not covered by an existing pay plan or employees, who are not covered by Subsections (a)(2)(i), (b), (c), (d), (f), (g), (h) of this Section, shall also receive an annual salary increase of 5.5 per cent over the salary in effect on June 30, 1985.

(b) The provisions of Subsection (a) of this Section shall not apply to the Governor, Uniformed State Police, employees of the Office of Attorney General, employees of the Office of Public Defender, employees of the University of Delaware, and members and employees of the Delaware National Guard excluding the Adjutant General.

(c) Legislators, Judges, Magistrates, Cabinet Secretaries and other employees whose annual salaries were adjusted by the Delaware Compensation Commission shall have no further increase in annual salary unless so reflected in Section 10 of this Act.

(d) The provisions of Subsection (a) of this Section shall not apply to employees of the General Assembly - House or the General Assembly - Senate. Salaries for those employees will be established by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, respectively.

(e) (1) Reclassifications, regrades or change in classification of positions of the classified system and those exempt positions in Subsection 2 of this Section which (a) have been processed in accordance with the appropriate budgetary procedure and personnel policies and personnel procedures, and (b) have been funded in Section 1 of this Act, before becoming effective must be approved or disapproved by the Budget Director with the concurrence of the Controller General on July 1, 1985.

(2) The following exempt positions shall be included:

a. Office of Attorney General

b. Office of Public Defender

c. Judicial Branch

d. Division of State Police Civilians

e. All cabinet agencies exempt positions except elected officials and members of boards and commissions

(f) Salaries of Employees employed in accordance with Title 29, Section 5903 (17), Delaware Code, shall be excluded from Subsection (a) of this Section and may receive a salary increase at the discretion of the Agency.

(g) The provisions of Subsection (a) of this Section shall not apply to employees of Delaware State College; however, funds have been appropriated in Section 1 of this Act to provide for a 6.0 per cent increase in salaries paid from General Funds.

(h) The provisions of Subsection (a) of this Section shall not apply to employees of Delaware Technical and Community College; however, funds have been appropriated in Section 1 of this Act to provide for a 6.0 per cent increase in salaries paid from General Funds.

(i) The administrative regulations and procedures necessary to implement this Section shall be promulgated by the State Budget Director, with the concurrence of the Controller General.

(j) Salaries of designated positions in Section 10 of this Act shall have no further increase applied.

(k) Salary schedules contained in Chapter 13, Title 14, Delaware Code, shall be revised as specified in this subsection.

(1) Amend Section 1305 (a), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Years of Exp.	No Degree	Bach. Degree	Bach. Degree Plus 15 Grad. Credits	Bach. Degree Plus 30 Grad. Credits	Mast. Degree	Mast. Degree Plus 15 Grad. Credits	Mast. Degree Plus 30 Grad. Credits	Mast. Degree Plus 45 Grad. Credits	Doctor's Degree
0	$10,791	$11,585	$12,181	$12,777	$13,174	$13,770	$14,365	$14,762	$15,159
1	11,188	11,983	12,578	13,174	13,571	14,166	14,762	15,159	15,557
2	11,585	12,380	12,975	13,571	13,969	14,564	15,159	15,557	15,954
3	11,983	12,777	13,373	13,969	14,365	14,961	15,557	15,954	16,351
4	12,380	13,174	13,770	14,365	14,762	15,359	15,954	16,351	16,749
5	12,777	13,571	14,166	14,762	15,159	15,756	16,351	16,749	17,146
6	13,174	13,969	14,564	15,159	15,557	16,154	16,749	17,146	17,544
7	13,571	14,365	14,961	15,557	15,954	16,550	17,146	17,544	17,941
8	13,969	14,762	15,359	15,954	16,351	16,947	17,544	17,941	18,339
9	14,365	15,159	15,756	16,351	16,749	17,344	17,941	18,339	18,736
10	14,762	15,557	16,154	16,749	17,146	17,742	18,339	18,736	19,133
11	15,159	15,954	16,550	17,146	17,544	18,139	18,736	19,133	19,530
12	15,557	16,351	16,947	17,544	17,941	18,535	19,133	19,530	19,928
13	15,954	16,749	17,344	17,941	18,339	18,933	19,530	19,928	20,325
14	16,351	17,146	17,742	18,339	18,736	19,330	19,928	20,325	20,723
15	16,749	17,544	18,139	18,736	19,133	19,728	20,325	20,723	21,120
16	17,146	17,941	18,535	19,133	19,530	20,125	20,723	21,120	21,517

(2) Amend Section 1308 (a), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Years of Exper.	Clerk	Secretary	Senior Secretary	Financial Secretary	Administrative Secretary
0	$ 7,033	$ 8,022	$ 8,582	$ 8,927	$ 9,432
1	7,399	8,388	8,948	9,293	9,798
2	7,765	8,754	9,314	9,659	10,183
3	8,130	9,120	9,679	10,032	10,580
4	8,496	9,486	10,055	10,429	10,978
5	8,862	9,852	10,451	10,827	11,374
6	9,228	10,242	10,849	11,224	11,772
7	9,594	10,639	11,246	11,621	12,169
8	9,961	11,037	11,645	12,018	12,567
9	10,359	11,434	12,043	12,416	12,964
10	10,756	11,832	12,441	12,812	13,331
11	11,154	12,228	12,838	13,209	13,758
12	11,551	12,625	13,236	13,605	14,156
13	11,948	13,023	13,632	14,002	14,552
14	12,343	13,419	14,030	14,399	14,949
15	12,722	13,805	14,419	14,790	15,347
16					15,741

(3) Amend Section 1311 (a), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Years of Exper.	Custodian	Custodian Fireman	Chief Custodian Supervising 5 or Fewer Custodians	Chief Custodian Supervising 6 or More Custodians	Building & Grounds Supervisor
0	$ 9,228	$ 9,594	$ 9,780	$10,515	$11,250
1	9,504	9,870	10,056	10,791	11,618
2	9,780	10,146	10,331	11,067	11,986
3	10,056	10,422	10,608	11,343	12,354
4	10,331	10,698	10,882	11,619	12,722
5	10,608	10,975	11,159	11,894	13,090
6	10,882	11,252	11,434	12,170	13,458
7	11,159	11,526	11,710	12,446	13,826
8	11,434	11,803	11,986	12,722	14,194
9	11,710	12,078	12,263	12,998	14,562
10	11,986	12,354	12,512	13,274	14,930

(4) Amend Section 1322 (a), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

SCHOOL LUNCH MANAGERS
Number of Pupils in School Served by Cafeteria

Exp.	Yrs. of 351	Below 351-500	501-800	801-1200	1201-1600	1601-2000	2000+
0	$ 8,367	$ 8,963	$ 9,559	$10,155	$10,750	$11,346	$11,942
1	8,665	9,261	9,856	10,453	11,047	11,645	12,240
2	8,963	9,559	10,155	10,750	11,346	11,942	12,538
3	9,261	9,856	10,453	11,047	11,645	12,240	12,837
4	9,559	10,155	10,750	11,346	11,942	12,538	13,136
5	9,856	10,453	11,047	11,645	12,240	12,837	13,433
6	10,155	10,750	11,346	11,942	12,538	13,136	13,731
7	10,453	11,047	11,645	12,240	12,837	13,433	14,030
8	10,750	11,346	11,942	12,538	13,136	13,731	14,327
9	11,047	11,645	12,240	12,837	13,433	14,030	14,625
10	11,346	11,942	12,538	13,136	13,731	14,327	14,931
11	11,645	12,240	12,837	13,433	14,030	14,625	15,244
12	11,942	12,538	13,136	13,731	14,327	14,931	15,542
13	12,240	12,837	13,433	14,030	14,625	15,244	15,840
14	12,538	13,136	13,731	14,327	14,923	15,542	16,138

(5) Amend Section 1322 (c), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

SCHOOL LUNCH COOKS AND GENERAL WORKERS

Years of Experience	General Worker	Cook/Baker
0	$4.73	$5.23
1	4.81	5.31
2	4.89	5.39
3	4.96	5.46
4	5.07	5.57
5	5.15	5.65
6	5.21	5.71
7	5.26	5.76
8	5.33	5.83
9	5.42	5.92
10	5.51	6.01
11	5.59	6.09
12	5.68	6.18
13	5.75	6.25
14	5.83	6.33
15	5.93	6.43
16	6.00	6.50

(6) Amend Section 1324 (b), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Years of Experience	Bus and Class Attendants	Class Aides
0	$6,606	$ 6,642
1	6,804	7,007
2	7,002	7,372
3	7,201	7,737
4	7,400	8,102
5	7,598	8,467
6	7,794	8,832
7	7,992	9,197
8	8,192	9,562
9	8,390	9,927
10	8,588	10,292

(7) Amend Section 1326, Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Class A - $46.75 per day
Class B - $37.76 per day
Class C - $28.75 per day

(8) Amend Section 1331 (b), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Years of Experience	Reg. Interpreter With State Board of Education Permit	Reg. Interpreter With State Board of Education Certificate
0	$10,333	$11,127
1	10,730	11,523
2	11,127	11,919
3	11,523	12,316
4	11,919	12,712
5	12,316	13,110
6	12,712	13,505

7	13,110	13,903
8	13,505	14,299
9	13,903	14,696
10	14,299	15,093

(9) Amend Section 1332 (a), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

Years of experience with autistic persons	Director-Specialist
0	$26,431
1	27,501
2	28,630
3	29,792
4	30,954
5	32,116
6	33,278
7	34,440
8	35,602
9	36,748

Section 12. All Departments/School Districts receiving energy funding, object codes 33, 34 and 35, in Section 1 of this Act, must make monthly consumption and/or purchase reports to the Energy Office (30-05-003).

Section 13. All energy backcharging must be done on a monthly basis for electricity and natural gas and within thirty days of the purchase of heating oils or propane.

Section 14. At the close of the fiscal year all unencumbered Appropriated Special Funds shall revert to the Budget Unit's holding account, except Title IVD funds.

Section 15. (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 Job Training Partnership Act (JTPA) 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, 1986. No department shall change the total number of positions and no department shall transfer a position between divisions except with the approval of the Delaware State Clearinghouse Committee. All JTPA funded positions must be approved by the Delaware State Clearinghouse Committee. All JTPA funds expended for full-time positions shall be for employment within the State of Delaware.

The classification of any employee whose salary is covered by the appropriations in Section 1 of this Act, may be changed to be effective January 1, 1986 or July 1, 1986 if the requested change is certified critical by the appointing authority; and

(i) The requested change is approved by the State Personnel Director prior to the effective date of January 1, 1986 or July 1, 1986; and

(ii) The funding source is approved by the State Budget Director; and

(iii) The requested change is approved by the Controller General.

(d) Other than those reclassifications approved in accordance with Section 15(c) above and those reclassifications and regrades approved for effective date of July 1, 1985, per Section 11(e), no position shall be regraded or reclassified during the fiscal year ending June 30, 1986.

Section 16. (a) During the fiscal year ending June 30, 1986, 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, 1986, 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, 1986, 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 17. (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 July 15, 1985, 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. In addition, such listing shall show the name of the incumbent, if the position is filled, and shall show the statutory citation which authorizes the establishment of the exempt position(s). The State Personnel Director shall provide copies of such listing to members of the Joint Finance Committee and the Controller General. 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 18. 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 this Act.

Section 19. (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 20. Any employee eligible for termination pay, whose regular pay was from Special Funds, shall have termination pay paid from Special Funds. If the employee's regular pay is from both General and Special Funds, termination pay shall be on a pro-rata basis. Exceptions to this method of payment must have approval of the Budget Director and Controller General.

Section 21. Notwithstanding any other provisions of this Act, in the event the appropriation set forth in Section 1 of this Act to any Department or Agency for salaries and other employment costs 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 meet overall State salary and Other Employment Costs requirements. Such authorizations for transfer can be between Salaries and Other Employment Costs and shall be in writing and shall be fully documented.

Section 22. 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, 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.

Section 23. The abbreviations set forth in Section 1 of this Act for Special Fund authorized positions means funding from the following:

ASF - Appropriated Special Funds
NSF - Non-appropriated Special Funds

Section 24. (a) The Fiscal Year 1986 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:

(1) Reduce proportionately the expenditure of funds from the

(i) The requested change is approved by the State Personnel Director prior to the effective date of January 1, 1986 or July 1, 1986; and

(ii) The funding source is approved by the State Budget Director; and

(iii) The requested change is approved by the Controller General.

(d) Other than those reclassifications approved in accordance with Section 15(c) above and those reclassifications and regrades approved for effective date of July 1, 1985, per Section 11(e), no position shall be regraded or reclassified during the fiscal year ending June 30, 1986.

Section 16. (a) During the fiscal year ending June 30, 1986, 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, 1986, 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, 1986, 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 17. (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 July 15, 1985, 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. In addition, such listing shall show the name of the incumbent, if the position is filled, and shall show the statutory citation which authorizes the establishment of the exempt position(s). The State Personnel Director shall provide copies of such listing to members of the Joint Finance Committee and the Controller General. 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 18. 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 this Act.

Section 19. (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 20. Any employee eligible for termination pay, whose regular pay was from Special Funds, shall have termination pay paid from Special Funds. If the employee's regular pay is from both General and Special Funds, termination pay shall be on a pro-rata basis. Exceptions to this method of payment must have approval of the Budget Director and Controller General.

Section 21. Notwithstanding any other provisions of this Act, in the event the appropriation set forth in Section 1 of this Act to any Department or Agency for salaries and other employment costs 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 meet overall State salary and Other Employment Costs requirements. Such authorizations for transfer can be between Salaries and Other Employment Costs and shall be in writing and shall be fully documented.

Section 22. 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, 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.

Section 23. The abbreviations set forth in Section 1 of this Act for Special Fund authorized positions means funding from the following:

ASF - Appropriated Special Funds
NSF - Non-appropriated Special Funds

Section 24. (a) The Fiscal Year 1986 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:

(1) 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.

Section 25. Amend Chapter 51, Title 29 of the Delaware Code, by adding a new §5117 to read as follows:

"§5117. Employees not supplied with nor reimbursed for parking expenses associated with commutation to work.

No State Agency may rent parking spaces for employees or State Official's private vehicles. 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 26. Amend §6508, Chapter 65, Title 29 of the Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§6508. Annual report

(a) All departments and agencies receiving appropriations from the State shall file an Annual Report by October 15, following the close of the fiscal year. Such Report shall contain such receipt and expenditure information and be in such form as prescribed by the State Budget Director.

All persons, firms or corporations, other than a state agency, who receive an appropriation of money from the State, other than an appropriation of money for a claim of a nonrecurring nature, shall file biennially, or before the 1st day of December of the year of a general election, a similar report, covering operations of the person, firm or corporation concerned for the 2 years preceding.

(b) The Budget Director shall consolidate and edit the reports received from all departments and agencies, persons, firms and corporations 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.

(c) 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 Departments 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."

Section 27. For the fiscal year ending June 30, 1985, the $70.0 of the Commission on Interstate Cooperation continuing appropriation for entering

into a regional compact for the storage of radioactive waste shall be a continuing appropriation and shall not be subject to reversion until June 30,1986.

Section 28. 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.

Section 29. Of the total positions authorized in Section 1 of this Act for (01-08-001) Division of Research, the position of Research Assistant to the House and Senate Sunset Standing Committees shall be an exempt position and shall report to the Director, Division of Research.

Section 30. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-002) for Contingency - Task Force Expenses. Requests from various task forces for travel expenses and meeting expenses shall be submitted to the Legislative Council for approval or disapproval. Approvals for travel expenses and meeting expenses shall be allowed within the limits of the appropriation and as provided by guidelines established by the Legislative Council.

Section 31. 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 32. The Legislature finds that through a cooperative agreement between the Division of Child Support Enforcement (35-10-001), Department of Health and Social Services, and the Family Court of Delaware (02-08-001), the Federal Government has been reimbursing the Court for General Funds disbursed for certain expenses incurred in the delivery of child support services by the Family Court of Delaware. The Legislature directs that:

(a) The Family Court of Delaware and the Department of Health and Social Services shall continue such cooperative agreement for the purpose of seeking appropriate reimbursement from the Federal Government for General and Appropriated Special Funds expended for certain expenses incurred in the delivery of child support services by the Court.

(b) Upon receipt of such reimbursement from the Federal Government, the Family Court of Delaware and the Department of Health and Social Services shall jointly remit such reimbursement into a Special Fund Account in the Office of the State Treasurer as established by the Budget Director.

(c) This Fund shall be utilized for determining the next Fiscal Year's Appropriated Special Funds appropriation for Family Court and any other Agency receiving Title IVD Funds as the Legislation so directs.

(d) The balance of the Special Fund Account not appropriated for the next Fiscal Year shall revert to the General Fund prior to August 1.

Section 33. Section 1 of this Act provides an appropriation for Contractual Services in Public Guardian (02-02-002) for the fiscal year ending June 30, 1986. None of this appropriation shall be used for the payment of legal services.

Section 34. (a) The classification of position numbers 627, 622, 623, 586, 587, 588, and 56762 within the Family Court (02-08-001) shall henceforth be titled "Legal Assistant".

(b) Section 1 of this Act provides $35.0 additional general funding in the Family Court (02-08-001) line "Salaries". The Chief Judge of Family Court shall distribute this money among the Family Court Masters as an additional annual stipend, and said individual stipends shall be considered as part of the Master's base salary prior to application of any further consideration resulting from Section 11 of this Act.

Section 35. Section 1 of this Act provides appropriations and General Fund positions to the Superior Court (02-03-001) that are contingent upon the enactment of legislation enabling the appointment of two additional judges. The appropriations so contingent are as follows:

Salaries and Wages (6)	$113.2
OEC	36.1
Travel	4.0
Contractual Services	8.0
Supplies and Materials	2.0
Capital Outlay	8.0
Total	$171.3

Should said legislation not be enacted, these appropriations shall promptly revert to the General Fund and the position authorizations shall be rescinded.

Section 36. Section 1 of this Act provides for the addition of three clerk typists in the Justice of the Peace Courts (02-13-001). One of these shall be assigned to Justice of the Peace Court #13 and another shall be assigned to Justice of the Peace Court #19.

Section 37. The last date of documented rendered legal services will be the primary factor in determining the chargeable fiscal year for the Administrative Office of the Courts for payments to court appointed, non-contract attorneys for billings that span multiple fiscal years.

Section 38. Amend Title 10, Delaware Code, Chapter 5, Subchapter II, §523 by striking paragraph (a) in its entirety.

Section 39. Amend paragraph (16) of Section 5903, Chapter 59, Title 29 of the Delaware Code by striking the said Subdivision (16) in its entirety and substituting, in lieu thereof, a new paragraph (16) to read as follows:

"(16) All judges or other members of the State judiciary, referees, jurors and others appointed by the judiciary but excluding all other employees of the Justice of the Peace Court system with the exception of the Court Administrator. Any incumbent occupying a position that is 'classified' by the Director of Personnel in compliance with this section shall be considered qualified without further testing, and shall be continued in the position without loss of compensation. Future hires into any classified position in the Justice of the Peace Courts vacated subsequent to July 15, 1976, will be made in accordance with this Chapter;"

Section 40. Amend Subsection (c), §7105, Chapter 71, Title 29 of the Delaware Code by adding a new Subsection (6) to read as follows:

"(6) Motor vehicles under the jurisdiction of the Justice of the Peace Court System of this State that are needed on a twenty-four (24) hour basis or by virtue of the work requirement."

Section 41. Amend §8903, Chapter 89, Title 10 of the Delaware Code by adding a new Subsection (d) to read as follows:

"(d) No government employee shall be entitled to witness fees or mileage, if that employee is serving in an official capacity."

Section 42. For the fiscal year ending June 30, 1986, the remaining balances of the Office of Budget from Fiscal Year 1985 appropriations for Management Improvement Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986. 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 43. For the fiscal year ending June 30, 1986, the remaining balances of the Office of the Budget from Fiscal Year 1985 appropriations for Budget Automation Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 44. 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. Any use of the Prior Years' Obligations Fund for fiscal year 1985 obligations, by any agency receiving funds in Section 1, this Act, in excess of the amount reverted on June 30th from the fiscal year 1985 applicable line code will require the requesting agency or school district to reimburse the Prior Years' Obligation Fund by the amount equal to the excess requested. The reimbursement shall be removed from the current fiscal year's budget. The reimbursement clause shall not apply to legal judgments against the agency or school district. A reimbursement under this Section shall not be deemed to be prohibited by Section 8111, Title 10, Delaware Code.

Section 45. Section 1 of this Act provides an appropriation to (10-02-005) Budget Office - Other Items for the fiscal year ending June 30, 1986. It is the intent that the appropriations for these Other Items shall be considered as one-time expenditure items. The appropriations as itemized in Section 1 of this Act are subject to transfer to departments affected by the Budget Director. Each receiving department shall identify the line item, object code and, for all practical purposes, complete and separate accountability for each appropriation amount transferred. Also, any appropriation for a computer system, in any agency, is subject to and shall be administered by the State Budget Office through its Data Processing - Development Projects procedure.

Further, it is the legislative intent that none of the appropriations for Other Items be included, or be considered, as a part of the basic budget request for the fiscal year 1987 Appropriation Bill.

Where applicable, the appropriations to (10-02-005) Budget Office - Other Items are subject to the following terms and conditions:

(1) The appropriation of $30.0 to the Commission on Interstate Cooperation (01-05-001) shall be used to fund State of Delaware membership and related costs in a Low Level Radioactive Waste Management Compact.

(2) The appropriation of $6.2 to the Supreme Court (02-01-001) is to be used for shelving and furniture.

(3) The appropriation of $8.0 to the Superior Court (02-03-001) is to be used for Capital Outlay for the new Judge and support personnel.

(4) The appropriation of $12.5 to the Superior Court (02-03-001) is to be used for office equipment and furniture.

(5) The appropriation of $10.0 to the Court of Common Pleas (02-06-001) is to be used for telephone relocation.

(6) The appropriation of $10.8 to the Court of Common Pleas (02-06-001) is to be used for office equipment and furniture.

(7) The appropriation of $14.0 to Family Court (02-08-001) shall be used for the purchase of computer equipment.

(8) The appropriation of $48.7 to Family Court (02-08-001) shall be used for Office Equipment and Furniture.

(9) The appropriation of $35.0 to Family Court (02-08-001) shall be used for software development for Child Support Case Tracking.

(10) The appropriation of $5.0 to Kent County Law Library (02-09-001) shall be used for books.

(11) The appropriation of $5.0 to Sussex County Law Library (02-10-001) shall be used for books.

(12) The appropriation of $9.0 to New Castle County Law Library (02-11-001) shall be used for books and microfische.

(13) The appropriation of $16.2 to the Justice of the Peace Courts (02-13-001) shall be used to purchase recording equipment.

(14) Of the appropriations to the Justice of the Peace Courts (02-13-001), $76.2 shall be used for Office Equipment and Furniture and $6.5 shall be used for automobiles.

(15) Of the appropriations to the Administrative Office of the Courts (02-17-004), $49.0 shall be used for the purchase of mainframe equipment and $16.0 for a tape drive.

(16) The appropriation of $15.0 to the Administrative Office of the Courts (02-17-001) shall be used for a Study of the Family Court.

(17) The appropriation of $10.0 to (10-02-001) to Office of the Budget - Administration shall be used to pay expenses to host the NASBO conference. The appropriation of $18.4 shall be used to purchase vehicles.

(18) The appropriation of $17.6 to Delaware Economic Development Authority (10-03-003) shall be used for computer hardware.

(19) The appropriation to (10-04-001) to Office of State Personnel - Administration shall be used as follows:

Martin Seigle Contract	$ 7.5
Merit System Manual	7.5
Computer 16.0	

(20) Of the appropriations to Insurance Commissioner, Regulatory Activities (12-03-001) for Contractual Services, $10.0 shall be for moving expenses, $46.5 shall be for office rent and $20.0 shall be for system automation.

(21) Of the appropriations to the Attorney General (15-01-001), $20.0 shall be used for the purchase of computer hardware, $40.9 shall be used for vehicles, $3.5 for the purchase of furniture for the Victim/Witness Room and $3.2 for telecommunications.

(22) Of the appropriation to the Public Defender (15-02-001), $25.0 is to be used for the purchase of computer hardware and $7.7 shall be used for the purchase of one vehicle for Sussex County.

(23) The appropriation of $16.9 to the Division of Corporations (20-05-001) shall be used to purchase capital outlay items.

(24) The appropriation of $.8 to the Office of Administration (20-06-001) shall be used to replace a typewriter and the appropriation of $5.0 shall be used to obtain a portrait of former Governor duPont.

(25) Of the appropriations to the Bureau of Museums and Historical Sites (20-06-004), $10.0 shall be used to replace a vehicle, $10.0 shall be used to restore the Fisher-Martin House, $51.5 shall be used for Abbotts Mill Pond, $66.5 for the Old Milford Post Office, $150.0 for the curation and recovery surveillance of artifacts of the De Braak, $5.0 for the Hale-Burns House, $5.9 for repairs to the Robinson House, $.8 for one historic marker and $3.9 for State match for one vehicle.

(26) Of the appropriations to Microfilm Services (20-06-005), $78.1 shall be used for 45-06 Motor Vehicle Microfilming and $14.0 shall be used to purchase a 35mm planetary camera.

(27) The appropriation of $2.0 to Office of Arts Council (20-06-016) shall be used for one printer.

(28) Of the appropriations to Department of Finance, Office of the Secretary (25-01-001), $300.0 is to address equipment needs which will occur in the continuing implementation of the Delaware Financial Management System and $36.0 is to purchase and install an internal econometric model.

(29) The appropriation of $75.0 to Division of Revenue, Tax Processing (25-06-001) is to be used to purchase optical character recognition equipment.

(30) The appropriation of $2.8 to Department of Administrative Services, Office of the Secretary (30-01-001) shall be used to replace office equipment.

(31) The appropriation of $73.0 to the Alcohol Beverage Control Commission (30-03-001) shall be used to upgrade computer equipment and replace one vehicle.

(32) The appropriation of $50.0 to the Carvel State Building (30-05-004) shall be used to maintain the computer which controls the elevator.

(33) The appropriation of $3.4 to Division of Facilities Management - Administration (30-05-001) is for the purchase of handicapped parking place signs.

(34) The appropriation of $94.0 to Division of Facilities Management - Capitol Grounds (30-05-006) is for purchase of equipment $64.0 and Capitol grounds and tree maintenance $30.0.

(35) The appropriation of $9.2 to Division of Facilities Management - Public Building (30-05-009) is for the purchase of metal detectors.

(36) The appropriation of $475.0 to Division of Facilities Management - Administration (30-05-001) shall be used to administer the Asbestos Control Program.

(37) The appropriation of $396.4 to the Department of Health and Social Services (35-02-001) shall be used to purchase equipment and furnishings as determined by the Secretary.

(38) The appropriation of $11.5 to Office of Chief Medical Examiner (35-04-001) is for the purchase of cars and station wagons.

(39) The appropriation of $25.0 to Bissell Hospital (35-05-003) is to purchase institutional furniture.

(40) The appropriation of $42.5 to Delaware Hospital for the Chronically Ill (35-05-004) is for the purchase of cars and station wagons.

(41) The appropriation of $48.5 to Delaware Hospital for the Chronically Ill (35-05-004) is for the purchase of cars and station wagons.

(42) The appropriation of $131.0 to Delaware State Hospital (35-06-002) is for the purchase of fence and lights.

(43) The appropriation of $46.0 to Delaware State Hospital (35-06-002) is for the purchase of institutional furniture.

(44) The appropriation of $16.4 to Delaware State Hospital (35-06-002) is for the purchase of cars and station wagons.

(45) The appropriation of $21.0 to Mental Hygiene Clinics (35-06-003) is for the purchase of cars and station wagons.

(46) The appropriation of $15.7 to Economic Services (35-07-001) is for the purchase of cars and station wagons.

(47) The appropriation of $14.6 to Division for the Visually Impaired (35-08-001) is for the purchase of cars and station wagons.

(48) The appropriation of $72.8 to Stockley Center (35-11-002) is for the purchase of institutional furniture.

(49) The appropriation of $23.1 to Stockley Center (35-11-002) is for the purchase of cars and station wagons.

(50) The appropriation of $50.0 to Stockley Center (35-11-002) is for the purchase of bathing equipment.

(51) The appropriation of $15.4 to Community Mental Retardation Programs (35-11-003) is for the purchase of cars and station wagons.

(52) The appropriation of $80.0 to Community Mental Retardation Programs (35-11-003) is for the purchase of other vehicles.

(53) The appropriation of $40.8 to State Service Centers (35-12-001) is for the purchase of cars and station wagons.

(54) The appropriation of $30.0 to Aging (35-14-001) is for the purchase of cars and station wagons.

(55) The appropriation of $35.8 to Child Protective Services (37-02-001) shall be used for Capital Outlay items to implement the service unit concept in New Castle County.

(56) The appropriation of $18.0 to Child Protective Services (37-02-001) is for the purchase of cars and station wagons.

(57) The appropriation of $25.0 to Ferris School (37-05-002) is for the purchase of cars and station wagons.

(58) The appropriation of $15.7 to Ferris School (37-05-002) is for the purchase of other vehicles.

(59) The appropriation of $21.0 to Bridge House Detention Center (37-05-004) is for the purchase of cars and station wagons.

(60) The appropriation of $34.0 to Comprehensive Community Services (37-05-006) is for the purchase of cars and station wagons.

(61) The appropriation of $14.8 to the Division of Program, Planning and Productivity (37-08-001) shall be used to purchase two replacement vehicles for daycare inspectors.

(62) Of the appropriations to Facilities Maintenance and Construction (38-02-005), $17.8 shall be used to replace a boiler and $19.0 shall be used to purchase vehicles.

(63) The appropriation of $1.8 to Personnel and Staff Training (38-02-006) shall be used to purchase firefighting equipment.

(64) The appropriation of $15.0 to Sussex Correction Institute (38-04-004) is to be used to replace one van.

(65) Of the appropriations to Delaware Correctional Center (38-04-003), $16.0 shall be used to purchase replacement vehicles, $20.9 shall be used to purchase fire fighting equipment and $6.3 for telecommunications equipment.

(66) The appropriation of $2.5 to Women's Correctional Institute (38-04-005) shall be used to purchase telecommunications equipment.

(67) The appropriation of $16.0 to Multi-Purpose Criminal Justice Facility (38-04-006) shall be used to purchase a replacement van.

(68) The appropriation of $2.0 to Kent Correctional Institution (38-04-007) shall be used to purchase equipment related to tipping or dumping of trash and other refuse.

(69) Of the appropriations to Transportation (38-04-008), $47.4 is to be used to replace vehicles and $14.3 is to be used to purchase telecommunications equipment.

(70) Of the appropriations to Community Services (38-04-009), $38.5 shall be used to purchase replacement vehicles and $13.0 shall be used to purchase computer and word processing equipment.

(71) The appropriation of $65.9 to Community Corrections (38-04-010) shall be used to purchase replacement vehicles.

(72) The appropriation of $283.4 to the Department of Natural Resources and Environmental Control, Department Management (40-01-001) shall be used for Capital Outlay to be used in the Hazardous Discharge Monitoring Systems.

(73) The appropriation of $40.0 to the Department of Natural Resources and Environmental Control, Wildlife/Fisheries (40-05-002) shall be used for oyster seeding.

(74) Of the appropriations to the Department of Natural Resources and Environmental Control Wildlife/Fisheries, Mosquito Control (40-05-004), $48.0 shall be used to purchase a tank truck and $68.0 shall be used to purchase an excavator.

(75) Of the appropriations to Operations and Maintenance (40-06-002), $11.0 shall be used to purchase ten portable two-way radios and $38.0 shall be used to purchase a trash truck. The appropriation of $17.0 shall be used to purchase a tractor, mower and wagon for White Clay Creek Park. The $60.0 appropriation shall be used to purchase a band shell. The appropriation of $15.0 shall be used to fund the lifeguards at Fenwick Island.

(76) The appropriation of $18.0 to Beach Preservation (40-07-003) shall be used to purchase a special purpose heavy duty truck.

(77) The appropriation to District Operations (40-07-004) is to be used for one vehicle ($10.4) and survey equipment ($2.5).

(78) The appropriation of $85.0 to the Division of Environmental Control, Water Pollution Control (40-08-004) shall be used to purchase testing equipment to be used in the Inland Bays Program.

(79) The appropriation of $10.0 to Motor Fuel Tax - Administration (45-04-001) is to purchase on-line terminals.

(80) The appropriation of $5.0 to Special Investigative Unit (45-06-005) shall be used to purchase a remote surveillance camera.

(81) The appropriation to Traffic (45-06-007) shall be used to purchase radar equipment ($10.0), breathalyzers ($2.0) and data entry terminals ($37.0).

(82) The appropriation of $150.0 to Division of Motor Vehicles, Department of Public Safety (45-07-004) Title Registration, shall be used to purchase equipment for the microfilm project.

(83) Of the appropriations to the Division of Emergency Planning and Operations (45-08-001), $6.0 shall be used for a security system and $1.0 shall be used for parking lot expansion.

(84) The appropriation of $7.7 to Boiler Safety (45-09-001) shall be used to replace one vehicle.

(85) The appropriation of $5.6 to the Commission for Women (50-01-002) shall be used to purchase word-processing equipment.

(86) The appropriation of $7.6 to the Office of the Secretary (50-01-001) shall be used to purchase 1 vehicle for use by the Division of Volunteer Services (50-03-001).

(87) The appropriation of $29.5 to Community Affairs (50-10-001) is for the purchase of a computer for the Visually Impaired.

(88) Upon enactment of this Act, the sum of $8,000.0 identified in (10-02-005) Budget Office - Other Items for Highway 4R Program shall be transferred to the Revenue Fund (20386-1) of the Delaware Transportation Authority. Monies on deposit in such fund shall then be made available to the Road Improvement Fund established pursuant to Section 1310(c)(11) of Title 2 of the Delaware Code and a resolution and indenture of the Delaware Transportation Authority. These funds shall be used for such projects as the Legislature subsequently approves for the purpose of

matching available federal funds for the resurfacing and rehabilitation of secondary roads and highways throughout the State.

(89) The appropriation of $1,191.0 to Transportation (55-04-000) shall be used for various safety projects.

(90) The appropriation of $160.0 to Bureau of Traffic (55-04-050) shall be used for a Speed Reduction Program.

(91) The appropriation of $1,534.0 to Bureau of Maintenance (55-04-070) shall be used for equipment acquisition.

(92) The appropriation of $8.0 to Industrial Safety and Health (60-07-002) is to be used to purchase word-processing equipment.

(93) The appropriation of $34.0 to Weights and Measures (65-03-003) shall be used to purchase laboratory equipment.

(94) The appropriation of $30.0 to the Chemical Laboratory (65-03-002) shall be used for the purchase of an autoclave.

(95) The appropriation of $5.9 to Chemical Laboratory (65-03-002) is for the purchase of laboratory equipment.

(96) The appropriation of $7.7 to Meat Inspection (65-03-005) is to be used to purchase one vehicle.

(97) The appropriation $16.9 to the Seed Laboratory (65-03-006) shall be used to purchase laboratory equipment and one vehicle.

(98) The appropriation of $15.0 to Forestry (65-04-002) shall be used to purchase a sprinkler system.

(99) The appropriation of $60.0 to New Castle County Department of Elections (70-02-001) shall be used to purchase two mobile registration vans.

(100) The appropriation of $2.0 to Kent County Department of Elections (70-03-001) is for the purchase of a copy machine.

(101) The appropriation to the Fire Marshal (75-01-001) shall be used to move telephones ($2.0), purchase one vehicle ($10.0) and purchase microfilm equipment($4.1)

(102) Of the appropriations to the National Guard (76-01-001), $7.7 shall be used to purchase communications equipment and $1.6 shall be used for a cook stove and exhaust system.

(103) The appropriation of $150.0 to the University of Delaware (90-01-001) shall be used for opening expenses of the Morris Library and Newark Hall.

(104) The appropriation of $57.0 to Delaware Geological Survey (90-01-002) shall be used by the Delaware State Boundary Commission for the definition and restoration of the State boundary. The appropriation of $150.0 shall be used to replace trailers with a building.

(105) The appropriation of $7.0 to Delaware State College - Executive Services (90-03-001) shall be used for Capital Outlay.

(106) The appropriation of $40.0 to Delaware State College - Academic Affairs (90-03-002) shall be used for Capital Outlay.

(107) Of the appropriations to Student Affairs (90-03-003), $30.0 shall be used to purchase fire-proof mattresses and $103.0 shall be used for Capital Outlay.

(108) The appropriation of $71.2 to Delaware State College - Business and Fiscal Affairs (90-03-004) shall be used for Capital Outlay.

(109) The appropriation to Computer Education/DIRECT (95-01-003) shall be used to purchase integrated instructional software ($50.0) and upgrade the Vax equipment ($150.0).

(110) The appropriation of $71.0 to Computer Education/DIRECT (95-01-003) is for the purchase of computers in connection with a proposed Natural Science Foundation Program. This allocation shall only be available for that purpose.

(111) The appropriation of $616.0 to Pupil Transportation (95-01-008) shall be used to purchase twenty-two replacement buses

Section 46. (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.

(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.

(c) Section 1 of this Act provides appropriations in agencies' budgets for Supplies and Materials, which include funds for motor fuel. The Budget Director shall promptly allocate the motor fuel funds from the appropriations for Supplies and Materials among the object code items, i.e. Gasoline or Diesel in each agencies' 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 47. 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.

Section 48. For the fiscal year ending June 30, 1986, 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 Chapter 88, Title 29, Delaware Code.

Section 49. Sections 8804 and 8805, Chapter 88, 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, 1986, this power, duty and function of the Director shall vest with the Budget Director.

Section 50. The General Assembly and the Executive Branch 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 and the Executive Branch to make properly informed judgments relative to the allocation of scarce State resources to program activities where greatest needs of the citizens exist. Accordingly,

(a) The Office of the Budget has established 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 unreasonable proprietary ownership of public domain information needed by another agency in the performance of its lawful duties except as specifically excluded by the Delaware Code.

(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 51. 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 and Health and Social 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 or Health and Social Information Systems Units, which is funded or reimbursed 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 or Health and Social Information Systems in the Office of the Budget.

Section 52. (a) Section 1 of this Act provides an appropriation to the Health and Social Information Systems Budget Unit.

(b) Through this appropriation, 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.

(2) (i) All data processing personnel, hardware, software and other information resources currently under the management control of the Budget Director are to so remain.

(ii) Wherever resources continue to 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, and other support services, as defined by the Budget Director, necessary to accomplish the intent of this Section.

Section 53. During the fiscal year ending June 30, 1986, no department or agency shall engage a consultant or authorize expenditure of any general or special funds for the purpose of studying personnel policies and/or the wage and salary classification of employees without the written authorization of the Personnel Director and the concurrence of the Controller General.

Section 54. The sums appropriated in Fiscal Year 1986 to Criminal Justice Council (10-07-001) 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, 1986, 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 55. The appropriation in Section 1 of this Act to the Budget Office - Contingencies (10-02-004) for Contingency - State Special Funds for $3,000.0 shall be used to make adjustments in the amount of State Special Fund appropriations in the event additional State Special Funds are received which were not previously anticipated. Such adjustments shall be made in accordance with the approval of the State Budget Director and the Controller General.

Section 56. 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 57. Section 1 of this Act contains $250.0 for an energy contingency. The following seven sub-sections establish the rules of operation and eligibility for the contingency.

(a) This section establishes rules for the use of the energy price contingency in the Contingency Budget Unit of the Budget Office, (10-02-004). The contingency will include the following energy types; electricity, natural gas, propane gas and numbers 2, 4, 5 and 6 heating oils.

(b) No Budget Unit may receive funds for electricity before May of the fiscal year nor before March of the fiscal year for gas and/or heating oils. No funds will be transferred from the contingency for an energy type (electricity, gas and heating oils) while surplus funds exist in other type or types of energy used by the requesting Budget Unit.

(c) No request will be allowed unless prices paid exceed 102% of the amount budgeted and then only for the amount in excess of 102%. The funding allowance for electricity will be limited to a maximum of 110% over the budgeted amount. The contingency will only cover the General Fund portion of the energy appropriations. The price paid per unit data will begin with the first billing received for Fiscal 1986. Any fine or late payment penalty paid will not be counted as part of an energy cost. No funding will be allowed for any Budget Unit which has supplied incorrect or false data for any energy type.

(d) The University of Delaware does not receive its energy appropriations on the basis of consumption units. Therefore, it is not eligible to receive funding from this contingency.

(e) This contingency will not provide any funding for the consumption of energy units in excess of the amounts agreed to during the annual energy meetings. This includes facilities which were left out of the budgeting process due to lack of information being provided to the Energy Office, 30-05-003.

(f) It will be the requesting Budget Unit's responsibility to provide all data necessary to substantiate their request.

(g) Any heating oils payment which had a per gallon cost higher than the Division of Purchasing contract prices may not receive contingency funds for the cost over the contract price.

(h) In the case of School Districts, the appropriation for Division II - Energy shall be fully utilized by the transfer of excess funds between school districts. The Budget Director shall consider drawing upon the Contingency - Energy for any school district only after he has ascertained that all Division II - Energy funds have been fully utilized.

Section 58. (a) The appropriation in Section 1 of this Act for Data Processing - Development Projects to the Office of the Budget (10-02-001), contemplates data processing services for State Department/Agencies development projects and feasibility studies:

DEPARTMENT/AGENCY	SERVICE NEED
Legislative	Legislative Information System
Judicial	Civil BSP
Executive	
Budget	DFMS - Budget
Personnel	Personnel MIS
DELJIS	Criminal Justice BSP
Insurance	Insurance Office MIS
Attorney General	Civil Case MIS
Finance	
Revenue	Revenue BSP Implementation
Accounting	DFMS
Administrative Services	Facilities/Equipment MIS
Health and Social Services	Health and Social Services MIS
DSCYF	DSCYS BSP Implementation
Correction	Correction BSP Implementation
Public Safety	Computer Aided Dispatch
Transportation	Transportation BSP Implementation
Elections	Elections MIS
D.P.I.	D.P.I. MIS

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 during Fiscal Year 1986 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; and

(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

DEPARTMENT/AGENCY	SERVICE NEED
Legislative	Legislative Information System
Judicial	Civil BSP
Executive	
Budget	DFMS - Budget
Personnel	Personnel MIS
DELJIS	Criminal Justice BSP
Insurance	Insurance Office MIS
Attorney General	Civil Case MIS
Finance	
Revenue	Revenue BSP Implementation
Accounting	DFMS
Administrative Services	Facilities/Equipment MIS
Health and Social Services	Health and Social Services MIS
DSCYF	DSCYS BSP Implementation
Correction	Correction BSP Implementation
Public Safety	Computer Aided Dispatch
Transportation	Transportation BSP Implementation
Elections	Elections MIS
D.P.I.	D.P.I. MIS

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 during Fiscal Year 1986 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; and

(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 59. Section 1 of this Act appropriates $160.0 for Other Items to Delaware Economic Development Authority (10-03-003). Of this amount, $45.0 shall be used in support of the Small Business Development Center and $30.0 shall be allocated for the Delmarva Advisory Council.

Section 60. Section 1 of this Act authorizes the following:

(a) The Office of Telecommunications Management be established, reporting to the Budget Director.

(b) The Telecommunications Manager shall be designated as Director, office of Telecommunications Management.

(c) The Advisory Committee on Telecommunications Policy shall continue in operation under the Chairmanship of the Budget Director. Its members shall include:

> Four members from the Legislature, two of whom shall be appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives; the Secretary of the Department of Administrative Services; the Secretary of the Department of Finance; a representative from the Department of Public Instruction; and the Secretary of the Department of Transportation. In addition, the Governor shall appoint the following persons to the committee: a representative of a major private company not in the communications business who has experience in implementing a major telecommunications system; a member of the Tri-County Association; and a member of the Delaware League of Local Governments.

(d) The Duties and responsibilities of the Advisory Committee, meeting at periodic intervals and/or at the call of the Chairman, shall be as follows:

(1) Provide overall policy direction to the planning, operation and control of the telecommunications function.

(2) Review and approve:

(i) The State's strategic telecommunications plan.

(ii) Proposed policies and standards for plan implementation and control.

(3) Assist and consult with the Director, Office of Telecommunications Management, as he requires to discharge his duties and responsibilities as defined below.

(e) The Director, Office of Telecommunications shall:

(1) Under the direction of the Budget Director, manage the resources and activities of the Office of Telecommunications Management.

(2) Provide staff assistance to the Advisory Committee as required.

(3) Cause a statewide telecommunications plan to be created and maintained.

(4) Monitor and control the execution of said plan.

(5) Review and approve all agency plans, including budget requests and acquisitions with regard to telecommunications resources and activities.

(6) Report on status to the Advisory Committee as it requires.

(7) Provide technical assistance and consultation to state agencies with regard to meeting agency needs for telecommunications goods and services.

(8) Coordinate telecommunications plans and activities with related statewide information management functions.

Section 61. For the Fiscal year ending June 30, 1986, the remaining balances of the Office of State Personnel - Administration from Fiscal Year 1985 appropriation for Contingency - Merit System shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 62. Section 1 of this Act appropriates $54.5 to Delaware Economic Development Authority (10-03-003) for Travel. Of that amount, $25.0 shall be used to support the efforts of the International Trade Council up to $15.0 of which may be used to support travel and trade delegations that promote Delaware's international trade. These funds must be matched by private or corporate funds in each instance. Approval by the Chairman of the Council and the Director of the Delaware Development Office is necessary for all expenditures.

Section 63. For the fiscal year ending June 30, 1985, the appropriation of $150.0 to the Criminal Justice Council for the development of drug and alcohol treatment services for offenders shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 64. Amend Title 29, Delaware Code, by striking Section 5908(b) in its entirety and substituting in lieu thereof the following:

"(b) Each Commissioner shall be paid $50 for each day devoted to Commission business, but not more than $1,500 in any 1 year. Members shall be entitled to reimbursement for travel an other expenditures made necessary by their official duties."

Section 65. The unliquidated encumbrance balance of June 30, 1985, in 10-02-001-04-85 shall be re-established as of July 1, 1985, in Continuing Appropriations 10-02-001-03-85 and will continue until such time as all services are performed.

Section 66. Amend §5916, Chapter 59, Title 29 of the Delaware Code, by designating the existing paragraph as subsection (a) and creating additional subsections (b) and (c) to read as follows:

"(b) No employee of any Department or Agency shall receive hazardous duty pay, except those specifically included in the following paragraphs:

1. employees, otherwise qualified, who are employed by the Department of Corrections (or its successor agency).

2. employees, otherwise qualified, who are employed by the Delaware State Hospital (or its successor agency) and who are assigned to programs for the criminally insane.

3. employees, otherwise qualified, who are employed by the Division of Youth Rehabilitation (or its successor agency).

(c) Nothing in this section shall be construed or interpreted by

the State Personnel Commission or by the State Personnel Director to include hazardous duty pay as coming within the definition of fringe benefits."

Section 67. Of the total positions authorized in Section 1 of this Act for (12-02-001) Auditor of Accounts, the position of Public Information Officer shall be exempt from classified service.

Section 68. Section 1 of this Act provides a special fund appropriation of $1,086.7 to the State Treasurer, Administration (12-05-001) Cash Management Policy Board, authorized by Chapter 27, Title 29, Delaware Code, for the purpose of providing staff support and operational expenses; including payment of fees for banking services. The $1,086.7 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 69. Three million three-hundred thousand dollars ($3,300.0) is hereby advanced from the General Fund of the State to the State Treasurer, Administration (12-05-001) in order that monthly advance payments can be paid for Health Insurance. This advance is to be repaid June 30, 1986.

Section 70. 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 71. Upon being notified of the death of an individual receiving a pension under the plan for Retired and Disabled Teachers, the Budget Director shall transfer $2.0 from an existing contingency line item in the Office of the Budget Director to the State Treasurer (12-05-001) Administration, for the purpose of paying a death benefit of $2.0 to his or her designated beneficiary or in the absence of a designated beneficiary, the amount shall be paid to the deceased pensioner's estate.

Section 72. The appropriation to the Insurance Commissioner (12-03-001) in Section 1 of this Act shall not be used for "public relations" related activities.

Section 73. (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, Worker's Compensation and Unemployment Compensation are reflected herein within each department or agency budget for the current fiscal year. These Other Employment Costs shall be calculated and charged to the appropriate funds as determined by the covered payroll and credited to the respective payee funds.

(b) The State Treasurer is hereby directed to collect on each pay cycle all the Other Employment Costs from all funds.

Section 74. The State Treasurer's Office, Administration (12-05-001) may request a transfer from the Budget Office prior year contingency fund for payment of any lost or outdated checks.

Section 75. Section 1 of this Act provides an appropriation of $40,000.0 to State Treasurer (12-05-001) for the First State Improvement Fund. The expenditure of that appropriation shall not be made until legislation, describing the program, passes both houses of the General Assembly.

Section 76. Section 1 of this Act authorizes $131.8 for Bond Issuing Expense in the Office of the State Treasurer, Debt Management (12-05-003), for payment of expenses relating to the issuance of State Long Term Debt. Disbursement from the Bond Issuance Expense fund shall not be made without the prior approval of the State Treasurer and the Secretary of Finance.

Section 77. Section 1 appropriates $10,000.0 to the State Treasurer, Debt Management (12-05-003). This appropriation shall be applied to the retirement of general obligation bonds issued by the State of Delaware prior to May 1, 1978. The funds appropriated hereby shall be applied to the purchase of direct obligations of the U.S. government, obligations guaranteed by the U.S. government, or other essentially risk free securities that meet the requirements of Statement of Financial Accounting Standards No. 76,

entitled "Extinguishment of Debt", issued by the Financial Accounting Standards Board in November 1983; such securities shall be selected so as to provide cash flows that approximately coincide, as to timing and amount, with the scheduled interest and principal payments due on the State's bonds to be retired and shall be held in trust by an independent trustee dedicated to the timely payment of such interest and principal amounts, thereby effectively extinguishing the State's obligations with respect thereto; and for costs of such purpose. Notwithstanding the provisions of Title 29, §2716 or any other law to the contrary, the Secretary of Finance is hereby authorized on behalf of the State to have such securities purchased by an agent chosen by the Secretary of Finance, to enter into an agreement with a person chosen by and subject to such terms and conditions approved by the Secretary of Finance to secure such purchased securities in trust, to identify the bonds of the State to be retired with the proceeds of trust assets, to waive the right of the State to redeem prior to their stated maturities any such identified bonds to be retired, and to do all other things reasonably related to the retirement of bonds with the proceeds of this appropriation.

Section 78. (a) The Insurance Commissioner is authorized to transfer 4 General Fund positions to the Bureau of Examination, Rehabilitation and Guaranty as 4 Special Fund positions. This section becomes effective upon enactment of legislation to provide funding for 4 special fund positions.

(b) Upon enactment of the legislation described in subsection (a) of this section, the Insurance Commissioner will reestablish the 4 General Fund positions as follows: 1 Company Admissions Officer, 1 Insurance Investigator III, 1 Insurance Investigator II and 1 Policy Analyst.

Section 79. Amend Subsection (e), §6533, Chapter 65, Title 29 of the Delaware Code, by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(e) 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.

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 (or its successor entity) as of each reporting date.

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 (or its successor entity) 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."

Section 80. Amend Section 5202(a)(3), Chapter 52, Title 29, Delaware Code, by striking said subsection (a)(3) in its entirety and substituting in lieu thereof the following:

"(3) For eligible pensioners entitled to services, rights or benefits under the federal medicare program, effective July 1, 1985, 100% of the cost of a basic or standard contract or contracts, or 80% of the cost of a special contract or contracts of health care insurance coverage selected by such pensioner which coverage may include coverage for such pensioner's eligible dependents."

Section 81. Section 1 of this Act reflects for the Auditor of Accounts (12-02-001) a memo budget for audit services. The amounts indicated by this

the State Personnel Commission or by the State Personnel Director to include hazardous duty pay as coming within the definition of fringe benefits."

Section 67. Of the total positions authorized in Section 1 of this Act for (12-02-001) Auditor of Accounts, the position of Public Information Officer shall be exempt from classified service.

Section 68. Section 1 of this Act provides a special fund appropriation of $1,086.7 to the State Treasurer, Administration (12-05-001) Cash Management Policy Board, authorized by Chapter 27, Title 29, Delaware Code, for the purpose of providing staff support and operational expenses; including payment of fees for banking services. The $1,086.7 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 69. Three million three-hundred thousand dollars ($3,300.0) is hereby advanced from the General Fund of the State to the State Treasurer, Administration (12-05-001) in order that monthly advance payments can be paid for Health Insurance. This advance is to be repaid June 30, 1986.

Section 70. 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 71. Upon being notified of the death of an individual receiving a pension under the plan for Retired and Disabled Teachers, the Budget Director shall transfer $2.0 from an existing contingency line item in the Office of the Budget Director to the State Treasurer (12-05-001) Administration, for the purpose of paying a death benefit of $2.0 to his or her designated beneficiary or in the absence of a designated beneficiary, the amount shall be paid to the deceased pensioner's estate.

Section 72. The appropriation to the Insurance Commissioner (12-03-001) in Section 1 of this Act shall not be used for "public relations" related activities.

Section 73. (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, Worker's Compensation and Unemployment Compensation are reflected herein within each department or agency budget for the current fiscal year. These Other Employment Costs shall be calculated and charged to the appropriate funds as determined by the covered payroll and credited to the respective payee funds.

(b) The State Treasurer is hereby directed to collect on each pay cycle all the Other Employment Costs from all funds.

Section 74. The State Treasurer's Office, Administration (12-05-001) may request a transfer from the Budget Office prior year contingency fund for payment of any lost or outdated checks.

Section 75. Section 1 of this Act provides an appropriation of $40,000.0 to State Treasurer (12-05-001) for the First State Improvement Fund. The expenditure of that appropriation shall not be made until legislation, describing the program, passes both houses of the General Assembly.

Section 76. Section 1 of this Act authorizes $131.8 for Bond Issuing Expense in the Office of the State Treasurer, Debt Management (12-05-003), for payment of expenses relating to the issuance of State Long Term Debt. Disbursement from the Bond Issuance Expense fund shall not be made without the prior approval of the State Treasurer and the Secretary of Finance.

Section 77. Section 1 appropriates $10,000.0 to the State Treasurer, Debt Management (12-05-003). This appropriation shall be applied to the retirement of general obligation bonds issued by the State of Delaware prior to May 1, 1978. The funds appropriated hereby shall be applied to the purchase of direct obligations of the U.S. government, obligations guaranteed by the U.S. government, or other essentially risk free securities that meet the requirements of Statement of Financial Accounting Standards No. 76,

entitled "Extinguishment of Debt", issued by the Financial Accounting Standards Board in November 1983; such securities shall be selected so as to provide cash flows that approximately coincide, as to timing and amount, with the scheduled interest and principal payments due on the State's bonds to be retired and shall be held in trust by an independent trustee dedicated to the timely payment of such interest and principal amounts, thereby effectively extinguishing the State's obligations with respect thereto; and for costs of such purpose. Notwithstanding the provisions of Title 29, §2716 or any other law to the contrary, the Secretary of Finance is hereby authorized on behalf of the State to have such securities purchased by an agent chosen by the Secretary of Finance, to enter into an agreement with a person chosen by and subject to such terms and conditions approved by the Secretary of Finance to secure such purchased securities in trust, to identify the bonds of the State to be retired with the proceeds of trust assets, to waive the right of the State to redeem prior to their stated maturities any such identified bonds to be retired, and to do all other things reasonably related to the retirement of bonds with the proceeds of this appropriation.

Section 78. (a) The Insurance Commissioner is authorized to transfer 4 General Fund positions to the Bureau of Examination, Rehabilitation and Guaranty as 4 Special Fund positions. This section becomes effective upon enactment of legislation to provide funding for 4 special fund positions.

(b) Upon enactment of the legislation described in subsection (a) of this section, the Insurance Commissioner will reestablish the 4 General Fund positions as follows: 1 Company Admissions Officer, 1 Insurance Investigator III, 1 Insurance Investigator II and 1 Policy Analyst.

Section 79. Amend Subsection (e), §6533, Chapter 65, Title 29 of the Delaware Code, by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(e) 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.

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 (or its successor entity) as of each reporting date.

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 (or its successor entity) 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."

Section 80. Amend Section 5202(a)(3), Chapter 52, Title 29, Delaware Code, by striking said subsection (a)(3) in its entirety and substituting in lieu thereof the following:

"(3) For eligible pensioners entitled to services, rights or benefits under the federal medicare program, effective July 1, 1985, 100% of the cost of a basic or standard contract or contracts, or 80% of the cost of a special contract or contracts of health care insurance coverage selected by such pensioner which coverage may include coverage for such pensioner's eligible dependents."

Section 81. Section 1 of this Act reflects for the Auditor of Accounts (12-02-001) a memo budget for audit services. The amounts indicated by this

memo budget shall be paid to the Auditor of Accounts from the Contractual Services line of the appropriate State agency.

Section 82. Section 1 of this Act authorized $628.6 in Contractual Services for the Office of the Attorney General (15-01-001). Of this amount, $252.0 shall be used for the purpose of providing services covering family violence in New Castle County and $131.2 shall be used for the purpose of providing services covering family violence in Kent and Sussex Counties.

Section 83. 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. Additionally, one (1.0) Special Fund Deputy Attorney General shall be assigned to the Family Court to be used to increase the existing staff assigned to prosecute Child Support Cases."

Section 84. 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 85. 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.

Section 86. Section 1 of this Act provides an appropriation for salaries to the Department of Justice, Office of the Attorney General (15-01-001). Included in this appropriation are funds sufficient to institute his proposed pay plan as set forth in Delaware Code.

Section 87. (a) All appropriations authorized in Section 1 of this Act and identified within each agency budget for microfilm services shall be credited by the Secretary of Finance to Microfilm Services of the Bureau of Archives and Records Management, Division of Historical and Cultural Affairs 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 Microfilm Services, 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 Microfilm Services.

(b) No expenditures additional to those set forth in memorandum form and credited to Microfilm Services as provided for in subsection (a) of this Section may be made for the development, implementation or maintenance of microfilm programs or projects without the prior written approval of the Bureau of Archives and Records Management of the Division of Historical and Cultural Affairs. Any programs or projects in operation must adhere to standards established by the Bureau and provide for regular monitoring of output quality.

Section 88. All purchases or rental of hardware and equipment used to create, duplicate, process, read or print microfilm shall require the prior written approval of the Bureau of Archives and Records Management of the Division of Historical and Cultural Affairs. Also, all microfilm supply purchases must meet established standards and receive the Bureau's prior approval. The Department of Finance may not approve for payment any requests for micrographics-related purchases or rentals without such approval.

Section 89. Section 1 of this Act appropriates $52.0 to the Delaware Commission of Veterans Affairs (20-01-002). If legislation authorizing the creation of this Commission is not enacted, this appropriation shall revert to the General Fund.

Section 90. Section 1 of this Act appropriates $10.0 to the Bureau of Museums and Historic Sites for Salaries (20-06-004) (Casual and Seasonal), of which $7.7 shall be utilized at John Dickenson Mansion for summer help.

Section 91. 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 and for audits of out-of-State business. 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. A detailed report on all expenditures from and collections to this special fund shall be sent bi-annually to the Budget Director and the Controller General.

Section 92. (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, 1986, 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 93. Section 1 of this Act provides funding in the Office of the Secretary (25-01-001) for establishment of the D.F.M.S. operations group. To establish the operations group, one position including salary and O.E.C. has been transferred from the Budget Office 10-02-001, and two positions including salary and O.E.C., have been transferred from the Division of Accounting (25-05-001).

Section 94. The Division of Revenue is authorized to charge personal income tax "check-off program" recipient agencies an amount equaling 5% of each program's gross collections not to exceed $2.0 per program. On receipt of said remittances, the Division of Revenue shall promptly place an amount equaling 50% of each remittance received into the Non-game Fish and Wildlife, Non-game Habitat and Natural Areas Preservation Fund to partially reimburse said fund for initial systems development charges. This is to acknowledge that the systems development effort was on behalf of said fund and the cost should be shared by all participating agencies.

Section 95. Amend §6534, Chapter 65, Title 29 of the Delaware Code, by designating the existing paragraph contained therein as Subsection (1) and adding the following Subsections to read as follows:

"(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 year 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 (or its successor entity) shall follow this procedure."

Section 96. Amend §7404, Chapter 74, Title 29 of the Delaware Code by striking said section in its entirety and inserting in lieu thereof the following:

"§7404. Revenue notes

(a) If, at any time during any fiscal year, but prior to June 25 of that year, 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 a bank (herein referred to as "The Bank") chosen at the discretion of the Issuing Officers.

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 Bank".

(c) The faith and credit of the State are hereby pledged for the payment of the principal of and interest on such notes. All expenses incidental 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.

(d) If, at any time during the fiscal year, but prior to June 15, there shall be a casual deficiency of revenue in the General Fund to pay General Fund obligations or to pay existing debts, the State Treasurer may transfer available money from the State's Special Funds to the 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."

Section 97. 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 98. One million two hundred and fifty six thousand one hundred dollars ($1,256.0) 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 99. One hundred and ten thousand dollars ($110.0) 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 100. 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 101. (a) During Fiscal Year 1986, the Division of Purchasing (30-06-000) will distribute the Delaware Code Supplement copies per Title 1, Chapter 1 of the Delaware Code to the extent possible with the number of copies provided by the Code Revisors Budget Unit (01-08-003). Funding for any additional copies will be the responsibility of the requesting agency.

(b) During Fiscal Year 1986, the Purchasing Office Budget Unit (30-06-002) is required to purchase twenty two complete sets of the Delaware Code at a sum not to exceed $13,200. Funding for any additional copies will be the responsibility of the requesting agency.

Section 102. 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 until the retirement of the incumbent.

Section 103. Section 1 of this Act provides an appropriation of $7.4 to the Department of Administrative Services, Division of Occupational and Health Licensing (30-08-001) for a new .5 clericel position. If legislation creating one or more new regulatory boards does not pass the General Assembly, then that money shall promptly revert to the General Fund.

Section 104. If a timely payments problem exists, the Department of Administrative Services may require all Agencies and School Districts paying telephone system payments through the Telephone Services Budget Unit (30-04-003) to make monthly estimate payments toward their telephone bills. The estimate payment is due within five working days of the beginning of each month. The estimate payment should equal the average of the last three months of actual reconciled payments; or, payments based on a schedule established by the Telephone Services Budget Unit. The Telephone Services Budget Unit will continue to be responsible for the actual payments to the telephone companies and the reconciliation of accounts with the user Agencies and School Districts.

Section 105. With the exception of the custodial work associated with Legislative Hall and the Governor's Office, during Fiscal Year 1986, the Department of Administrative Services (30-00-000) may not hire any permanent (full-time) custodial employees without the approval of the Budget Director and the Controller General. Unless excepted, any custodial positions vacated during Fiscal Year 1986 will be deleted from the complement of custodial employees. In order to continue the custodial work, the Department of Administrative Services will be allowed to transfer salary funds to casual and seasonal salaries or to contractual services for the purpose of additional custodial contracts. This Section does not preclude the necessity of complying with the established funding transfer process.

Section 106. Amend Subsection (2), §8803, Chapter 88, Title 29 of the Delaware Code, by adding a new Subsection (h) to read as follows:

"(h) An administrator of the Office of Fleet Management who shall be known as Administrator of Fleet Management, and who shall be qualified by training and experience to perform the duties of his office."

Section 107. Amend §8813 through §8821, Chapter 88, Title 29 of the Delaware Code, by redesignating said Sections as §8814 through §8822 and inserting a new §8813 to read as follows:

"§8813. Office of Fleet Management

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

(i) Establish statewide policies and standards for vehicle needs assessments, acquisition, maintenance, repair, general operation and vehicle disposition.

(ii) Monitor and audit agency adherence to such policy and standards.

(iii) Study, evaluate and recommend 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 Fleet Management Administrator.

(c) There shall be an Advisory Committee to assist the Fleet Management 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; Services for Children, Youth and Their Families; Public Safety; Natural Resources and Environmental Control; Correction; and Public Instruction. 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 Fleet Management Administrator, within the respective departments.

(d) The Fleet Management Administrator shall cause all vehicle titles of the fleet to be held, though not owned, within the Office of Fleet Management.

(e) The Division of Fleet Management shall assume other powers, duties and functions as the Secretary may assign which are not otherwise inconsistent with the laws of this State."

Section 108. Amend §6902, Chapter 69, Title 29 of the Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§6902. Rental and purchase of motor vehicles, exceptions

(a) The Secretary of Administrative Services shall develop bid specifications and contracts with the concurrence of the Budget Director and Controller General for regular passenger vehicles and station wagons 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 cars and station wagons purchased for State use must be purchased by contracts administered by the Fleet Management Administrator. All other vehicles purchased for State use must be purchased from bid lists approved by the Division of Purchasing.

(c) The purchase of 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.

(e) 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.

(f) Lease Purchase Agreements for vehicles covered by subsection (a) of this section are prohibited.

(g) Any Agency/School District authorized police-type cars and/or station wagons must purchase their vehicles as part of the State Police

vehicle contract, or by contract or contracts administered by the Fleet Management Administrator.

(h) Any Agency/School District needing heavy-duty (taxi packages) cars and/or station wagons must purchase their vehicles by contract or contracts administered by the Fleet Management Administrator.

(i) Fleet Vehicles may not be purchased unless, on a one for one basis, a vehicle has been turned over to the Division of Purchasing for auction, or identified to be sold at auction or as salvage. This requirement may be waived by the Secretary of Administrative Services, the Budget Director and the Controller General.

(j) Fleet vehicles may not be transferred from one Department/School District to another Department/School District without approval of the Office of Fleet Management."

Section 109. Amend Chapter 71, Title 29 of the Delaware Code, by creating a new §7107 to read as follows:

"§7107. Exceptions to provisions of 7105(c)(4) and 7106

Provisions of Title 29, Delaware Code, 7105(c)(4) and 7106, other than the Governor's automobile and vehicles of the State Police and State Detectives, are subject to review by the Fleet Management Administrator, and approval by the Secretary of Administrative Services, prior to exemption from provisions of these sections. Such review and approval shall be in accordance with procedures established by the Secretary of Administrative Services, the State Budget Director and the Controller General."

Section 110. Amend §8803, Chapter 88, Title 29 of the Delaware Code, by creating a new Subsection (13) to read as follows:

"(13) To be the only State agency authorized to rent parking space in the underground facilities located at the Carvel State Building."

Section 111. Section 1 of this Act contains an appropriation for the Stockley Center (35-11-002) which assumes the continuation of the deinstitutionalization of that facility and the phasing out of 37 positions as they become vacant, but no later than June 30, 1986.

Section 112. 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 (40-08-001), shall coordinate in providing this radiation monitoring service.

Section 113. Section 1 of this Act provides an appropriation to (35-05-002) Division of Public Health, Community Health, Department of Health and Social Services for Contractual Services. Of this amount $94.6 shall be utilized for the Cancer Registry Program.

Section 114. The Department of Health and Social Services shall continue in Fiscal Year 1986 to provide the functions of Drug and Alcohol Services and Family Guidance Services to the Department of Services for Children, Youth and Their Families. Funds to fulfill this provision are provided in Section 1 of this Act in the Bureau of Alcohol and Drug Abuse (35-06-008), Mental Hygiene Clinics (35-06-003) and Southern New Castle County Community Mental Health Center (35-06-005).

Section 115. 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 116. Of the total amount appropriated to Non-Public School Nursing 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 117. Section 1 of this Act provides for an appropriation for Contractual Services to the Department of Health and Social Services, Division of Mental Health, Bureau of Alcohol and Drug Abuse (35-06-008). Of that amount, $20.0 shall be contracted with ANKH, Inc. to provide counseling and other services for women in Sussex County.

Section 118. 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 119. The Secretary of the Department of Health and Social Services shall annually issue a report to the Budget Director and Controller General on what the Health Care Cost Containment Program has accomplished relative to containing health care costs.

Section 120. Results of investigations conducted by the Welfare Fraud Investigation Unit concerning General Assistance and Aid to Families with Dependent Children cases that indicate possible error or fraud shall be transmitted to the Office of the Attorney General directly by the Secretary of the Department of Health and Social Services 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 Secretary of the Department of Health and Social Services shall file a quarterly report directly with the Budget Director, 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 121. Section 1 of this Act provides for a reorganization of the Administration of the Problem Drinking Driver Program and the Criminal Justice Service Center Program. Under this reorganization, the Problem Drinking Driver Program and the Criminal Justice Service Center Program will be provided by private contractors with all reimbursement to come from clients of the programs. The Department of Health and Social Services is directed to include in all its contracts a provision that hiring preferences be given to former program employees who qualify for positions being filled by the private contractor and whose jobs are phased-out under this reorganization.

Further, The Department of Health and Social Services and the State Personnel Office are directed to work closely together, with the objective of placing program employees whose jobs are phased-out under this reorganization into other state positions of comparable classification.

Section 122. Section 1 of this Act provides funding for the development of a 50-bed residential facility to be located on the grounds of the Governor Bacon Health Center. The facility is to be occupied by 50 long-term care geriatric patients to be transferred from Delaware State Hospital. It is anticipated that the new residential facility will be operated by a private contractor. The Department of Health and Social Services is directed to include in its contract a provision which will give hiring preference to any Delaware State Hospital employees who qualify for a position being filled by the private contractor and whose job is phased-out as a result of the development of this program.

Further, the Department of Health and Social Services and the State Personnel Office are directed to work closely with the objective of placing Delaware State Hospital employees whose jobs are phased-out into other State positions of comparable classification.

Section 123. Appropriated in Section 1 of this Act in the Department of Health and Social Services, Division of Public Health, Community Health (35-05-002) is funding for Hazardous Chemical Enforcement in the amount of $95.7.

Section 124. For fiscal year ending June 30, 1986, the remaining balance of the WIN/WEL line in (35-07-001) from Fiscal Year 1985 appropriations shall be a continuing appropriation and shall not be subject to reversion.

Section 125. Section 1 of this Act includes funding for a 30% salary supplement to be paid to professional educators who are otherwise eligible and employed by the Department of Health and Social Services, Department of Services for Children, Youth and Their Families, and Department of Correction.

Section 126. For fiscal year ending June 30, 1986, the remaining balances of the Governor Bacon Health Center (35-06-004) from Fiscal Year 1985 appropriations totaling $216.1 for site improvements for the Geriatric Transition Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 127. Amend Section 503, Chapter 5, Title 31, Delaware Code by striking the second paragraph of subsection (d) in its entirety and substituting in lieu thereof the following:

"The standard of need for Aid to Families with Dependent Children on and after October 1, 1985, shall be as follows, based on family size:

1-person household	$158.00 per month
2-person household	$220.00 per month
3-person household	$298.00 per month
4-person household	$349.00 per month
5-person household	$433.00 per month
6-person household	$494.00 per month
7-person household	$555.00 per month

and $56.00 per month for each additional person beyond seven in the household who qualifies for assistance."

Section 128. Section 1 of this Act provides for a appropriation for Contractual Services to the Department of Health and Social Services, Division of State Service Centers, (35-12-001). Of that amount $50.0 shall be used to contract for information services. Funds shall be expended only for those items specifically enumerated in the contract. Funds remaining unexpended as of June 30, 1986, shall revert to the general fund.

Section 129. Section 1 of this Act includes an appropriation to the Department of Health & Social Services, Division of Public Health, Community Health Section (35-05-002), for the Office of Narcotics and Dangerous Drugs in the total amount of $253.7 for Salaries and Wages, OEC, Travel, Contractual Services, and Supplies and Materials. In addition to this amount, $5.0 shall be made available for Salaries - Overtime and $2.0 for Capital Outlay.

Section 130. Section 1 of this Act includes an appropriation in Contractual Services to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002). Of that amount $60.2 shall be made available for prenatal care in Kent and Sussex counties.

Section 131. Section 1 of this Act includes an appropriation in Contractual Services to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002). Of that amount $5.5 shall be used to provide an increase in funding for contracts with Otologists.

Section 132. Section 1 of this Act provides for an appropriation to the Department of Health and Social Services, Division of Public Health, Delaware Hospital for the Chronically Ill (35-05-004), for Salaries and Wages, Other Employment Costs, and Contractual Services. Of these amounts, $67.7, $15.8, and $9.0, respectively, shall be used for a 20-bed unit for young adults.

Section 133. Section 1 of this Act provides an appropriation to the Department of Health & Social Services, Division of Public Health, Delaware Hospital for the Chronically Ill (35-05-004) for Contractual Services. Of that amount $153.3 shall be used to provide an Adult Medical Day Care Program. Such program shall commence on or before August 1, 1985.

Section 134. Section 1 of this Act provides for an appropriation to the Department of Health & Social Services, Division of Public Health, Delaware Hospital for the Chronically Ill (35-05-004) for salaries & wages and other employment costs. Of these amounts $12.4 and $3.0, respectively, shall be for an additional 1.0 Chaplain position.

Section 135. Section 1 of this Act appropriates $1,184.7 to (35-12-001) Department of Health & Social Services, Division of State Service Centers, in Contractual Services. Of that amount, $90.0 is to be matched by Human Service Agencies that offer shelter as part of their human service function. This match is to be 50% State and 50% Human Service Agency. The match may be made with in-kind services. The Secretary of the Department of Health & Social Services shall formulate a list of certified shelter facilities in this state for this program.

Section 136. For the fiscal year ending June 30, 1986, the contract for the Geriatric Unit that was transferred within the Department of Health and Social Services from Delaware State Hospital (35-06-002) to Governor Bacon Health Center (35-06-004) will be signed after July 1, 1985. Delaware State Hospital will be responsible for these patients for the first two months of Fiscal Year 1986 and the contractor will be responsible for these patients the remaining ten months of Fiscal Year 1986.

Section 137. Section 1 of this Act provides an appropriation for the operation of (35-12-001) State Service Centers, Department of Health and Social Services. Of this amount, the following funds and two (2) positions shall be for the Seaford State Service Center: Salaries $19.7, Other Employment Costs $6.0, and Contractual Services $97.0.

Section 138. Section 1 of this Act provides an appropriation to (35-06-005) Division of Mental Health, Southern New Castle County Community Mental Health Center, Department of Health and Social Services for Contractual Services. Of this amount, $10.0 shall be utilized for drug counseling at the Claymont Service Center.

Section 139. Section 1 of this Act includes an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health Section for Contractual Services (35-05-002). Of this amount $19.0 shall be made available for the Preschool Vision Conservation Program.

Section 140. Section 1 of this Act includes an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health Section for Contractual Services (35-05-002). Of this amount $17.0 shall be made available for the Hearing Conservation Program.

Section 141. Section 1 provides an appropriation in the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002), for Contractual Services. Of that amount, $60.0 shall be used for inoculations to prevent childhood diseases by using the new vaccine B-Capsa I. The eligibility requirements for participation in this program shall be developed by the Secretary of the Department to insure that priority will be given to low income families.

Section 142. Section 1 of this Act provides for an appropriation to the Department of Health & Social Services, Division of Alcoholism, Drug Abuse and Mental Health, Bureau of Alcohol and Drug Abuse (35-06-008) for salaries & wages, other employment costs and non-salary items. Included in this appropriation is funding for a Monitoring and Liaison Officer position. This individual, reporting to the Bureau Chief of the Bureau of Alcohol and Drug Abuse, will serve as a liaison with the Division of Motor Vehicles, Department of Public Safety, the licensed private agencies providing evaluations and treatment services for those referred to the program for DUI offenses and the alcohol and drug screening and evaluation team, (SET) in the Bureau of Alcohol and Drug Abuse. The SET team will provide to the Division of Motor Vehicles, independent, professional review of any appeals which may arise from clients.

Section 143. During Fiscal Year 1986 the Department of Health and Social Services may not back charge the Department of Children, Youth and Their Families for energy dollars, object codes 33, 34 and 35, in excess of the amounts budgeted.

Section 144. For the fiscal year ending June 30, 1986, 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 145. If, at any time during the fiscal year ending June 30, 1986, 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 146. 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 147. Amend Chapter 5, Title 31 of the Delaware Code, by creating a new §521 to read as follows:

"§521 Emergency and disaster assistance

Funds appropriated 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. 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 148. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Alcoholism, Drug Abuse and Mental Health, Bureau of Alcohol and Drug Abuse for contractual services (35-06-008). Of that amount $30.0 shall be used to contract for Compulsive Gambling Services.

Section 149. Section 1 of this Act provides for the transfer of 1.0 general fund position (B.P. Number 3184) within the Department of Health and Social Services from the Division of Public Health, Bissell Hospital (35-05-003) to the Office of Business Administration and General Services (35-02-001).

Section 150. Funds which are appropriated for foster care of children in Section 1 of this Act in the Department of Services for Children, Youth and Their Families, Division of Child Protective Services (37-02-001), 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, 1985, 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).

Section 151. Section 1 of this Act provides an appropriation to the Division of Program Planning and Productivity, Office of Prevention (37-08-003), in the line item "Parent Training". Of that amount, $44.9 is for the purpose of contracting for a Parent Education Program. This appropriation shall be used to provide parent training for parent(s) who abuse and/or neglect their children.

Section 152. Section 1 of this Act provides an appropriation for Contractual Services to (37-08-001) Program, Planning and Productivity, Department of Services for Children, Youth and Their Families. Of this amount, $22.0 shall be used to contract with the State Fire Marshal for Day Care inspection services.

Section 153. Section 1 of this Act provides for a reduction of 9.6 positions in the budget unit Ferris School for Boys (37-05-002), which is contingent on the implementation of the Marine Institute Day program within Youth Rehabilitation Office of the Director (37-05-001). During implementation of the Marine Institute Day Program, Ferris School for Boys will use casual/seasonal hiring to perform the functions of the lost 9.6 positions.

Section 154. Section 1 of this Act includes an appropriation in (37-02-001) Department of Services for Children, Youth and Their Families, Division of Child Protective Services for "Child Foster Care". Included in this is $102.0 to provide for a $75 per child per month increase in the purchase of care, group care rate for dependent and neglected children.

Section 155. Section 1 of this Act provides for an appropriation in Contractual Services in the Department of Services for Children, Youth and Their Families, Division of Child Protective Services (37-02-001). Of that amount $100.0 shall be used to supplement the Social Services Block Grant funding to provide contractors with 8 months of funding. These funds shall revert to the general fund in the event additional sufficient funding is received from the Federal Government for the Social Services Block Grant. The above supplemental general funding of $100.0 shall not be used to provide for any inflationary increases to contractors.

Section 156. For the fiscal year ending June 30, 1986, the remaining balance of the Terry Children's Psychiatric Center Gymnasium fund (37-03-004-01-80) from fiscal year 1985 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 157. (a) Of the total positions authorized in Section 1 of this Act for (38-04-007) Kent Correctional Institution, two (2) positions shall be used to continue 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 continue the existing highway beautification project in the Northern District.

Section 158. In addition to the positions authorized in Section 1 of this Act for the Department of Correction (38-00-000), additional positions are authorized for Personnel and Staff Training (38-02-006) for the purpose of training classes. During the training sessions, up to 30.0 positions will be made available to accommodate the class being trained. At the end of the training sessions these 30.0 positions shall be discontinued. These positions shall be used no more than three (3) times.

Section 159. This Section is intended to amend Chapter 221, Vol. 62, Laws of Delaware by replacing it in its entirety.

Notwithstanding any provision of the Appropriations Act for the fiscal year ending June 30, 1986, to the contrary:

a). The pay grade assigned to the following positions within the "Correctional Officer" series in the Department of Correction shall be as indicated:

Class Title	Pay Grade
Correctional Officer Trainee	19A
Correctional Officer	20A
Correctional Lieutenant	22
Correctional Staff Lieutenant	23
Correctional Captain	24

As of the effective date of this Act, all employees of the Department of Correction whose class title is "Correctional Officer Trainee" shall be

assigned to pay grade 19A, step three (3), which pay grade and step shall be the minimum entry level pay grade and step for the class title Correctional Officer Trainee.

b). The pay grade assigned to the following "Correctional Staff" positions in the Department of Correction shall be as indicated:

Class Title	Pay Grade
Correctional Officer/Auto Mechanic	20A
Correctional Officer/Cook	20A
Correctional Officer/Storekeeper	20A
Correctional Officer/Building Maintenance Mechanic I	20A
Correctional Officer/Farm Foreman	20A
Correctional Officer/Group Leader	20A
Correctional Officer/Laundry Operator	20A
Correctional Officer/Cook Manager	21
Correctional Officer/Building Maintenance Mechanic II	21
Correctional Officer/Field Instructor	21
Correctional Officer/Trades Instructor	21
Correctional Officer/Farm Manager	21
Correctional Officer/Laundry Supervisory	21
Correctional Officer/Auto Supervisory	22
Correctional Officer/Chef	22
Correctional Officer/Building Maintenance Foreman	22

c). The positions in the Department of Correction currently classified as Stationary Fireman shall be reclassified as Correctional Officer/Stationary Fireman. The pay grade assigned to the class title Correctional Officer/Stationary Fireman shall be pay grade 20A. Employees whose class title will be Correctional Officer/Stationary Fireman on the effective date of this Act shall be assigned a new pay grade and step based on their current pay grade and step, as follows:

Current Pay Grade/Step	New Pay Grade/Step
16/1	20A/1
16/3	20A/2
16/4	20A/3

d). The pay grade assigned to positions in the Department of Correction whose class title is designated as Correctional Security Superintendent shall be 26. Employees whose class title is designated as Correctional Security Superintendent on the effective date of this Act shall be assigned a new pay grade and step based on their current pay grade and step, as follows:

Current Pay Grade/Step	New Pay Grade/Step
25/9	26/7
25/10	26/8

e). Employees in positions whose class title is Deputy Warden on the effective date of this Act shall, by operation of this Section, receive a one (1) step increment increase.

f). The pay grades assigned to the positions of "Warden" shall be as indicated:

Class Title	Pay Grade
Warden, Kent Correction Institution	27
Warden, Women's Correctional Institution	27
Warden, Pre-Trial Annex	27
Warden, Sussex Correctional Institution	28
Warden, Multi-Purpose Criminal Justice Facility	28
Warden, Delaware Correctional Center	30

The Warden, Multi-Purpose Criminal Justice Facility, shall, on the effective date of this Act, receive one (1) step increment increase by operation of this Section.

g). Merit Rule 5.0210 notwithstanding, the standard work week for employees in positions affected by this Section shall be 40 hours.

h). Merit Rule 5.0920 and 5.0933 notwithstanding, an employee in a position of a class with a pay grade of 20A who is authorized to perform overtime service shall be compensated at one and one-half times the equivalent standard hourly rate for time worked in excess of the standard work day/week established for the class.

i). Any salary increase granted by operation of this Section shall be applied in addition to any salary increases granted by operation of Section 8 of this Act; all employees shall receive salary increases in accordance with the provisions of the Merit System, Title 29, Chapter 59. The increase provided for in Section 8 of this Act shall be applied to employees affected by this Section after the provisions of this Section are applied.

j). The Director, State Personnel Office is directed to take any and all actions necessary to implement the provisions of this Section.

Section 160. Section 1 of this Act provides an appropriation to the Department of Correction, Office of the Commissioner (38-01-001) for Salaries and Wages. Of the total appropriated, $46.6 is intended for "leveling up" of Corrections Officer Trainees hired during the period July 1982 through December 1982 to Pay Grade 19A, Step 5. This leveling up will occur prior to the application of the Corrections Officer pay raise and general pay raise as authorized by Sections 159 and 11, respectively.

Section 161. Section 1 of this Act provides an appropriation to the Department of Correction, Bureau Chief - Administration and Operational Support (38-02-001) for Medical Services. Administration of the Medical Services contract shall be the responsibility of the Bureau Chief - Administration and Operational Support under the supervision of the Commissioner of Correction.

Section 162. Section 1 of this Act appropriates the sum of $10.0 in "gate money" or "release money" to the Department of Correction, Adult Bureau Chief (38-04-001), for prisoners being released from an adult correctional facility. The funds thus appropriated shall be used for the express purpose of providing cash payments to eligible inmates being released from an adult correctional facility and shall be expended as follows:

(a) Except as restricted by subsections (b), (c), and (d) of this Section, any resident of Delaware who has been incarcerated in an adult correctional institution for a period of not less than 90 days shall be paid in cash the sum of at least $32 from their account and/or the release account, upon release from such institution, said money to be used for necessities during the transition to an open society.

(b) Upon release, a prisoner who within thirty days prior to release has $32 or more in his inmate account or accounts shall not be eligible for such payment, but shall be paid in cash the amount in his inmate account or accounts.

(c) Upon release, a prisoner who has less than $32 in his inmate account or accounts shall be paid in cash the amount remaining in his account or accounts plus an additional sum sufficient to make the total cash payment at release $32.

(d) Any prisoner who is a non-resident of Delaware, and who has served a term of incarceration of not less than 90 days, shall have the option between (c) above or a one-way bus ticket to his or place of residence.

Section 163. The regrading and reclassification of the Counselors in the Department of Correction, Community Services (38-04-009) includes four (4.0) Counselor positions reclassified as Human Service Worker II. These positions (position #'s 7688, 7691, 7712 and 7713) shall be reclassified as Probation and Parole Officers.

Section 164. Section 1 of this Act authorizes eight (8.0) new Probation and Parole Officers for the Department of Correction, Community Services (38-04-009). Of these 8.0 new positions, 4.0 shall be Human Service Worker II positions and 4.0 shall be Probation and Parole Officers.

Section 165. Section 1 of this Act authorizes three (3.0) new positions for the Department of Correction, Delaware Correctional Center (38-04-003). These positions shall be receptionists.

Section 166. Section 1 of this Act authorizes new General Fund positions for the Department of Correction. Eight (8.0) of these positions are authorized to the Adult Bureau (38-04-000) and may be classified as deemed necessary by the Commissioner to operate the Department. One (1.0) of these positions is authorized to the Bureau of Administration and Operational Support (38-02-000) and one (1.0) position is authorized to the Bureau of Industries and Services (38-03-000). These two positions may be classified and transferred as deemed necessary by Commissioner.

Section 167. Section 1 of this Act appropriates $69.1 for Contractual Services to the Department of Correction, Kent Correctional Institution (38-04-007). Of this amount, $8.0 shall be used for "tipping" fees.

Section 168. For the fiscal year ending June 30, 1985, the $500.0 Superfund Contingency (40-01-001-01-97) shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 169. Section 1 of this Act appropriates Salaries to the Division of State Police (45-06-000). For the fiscal year ending June 30, 1986, $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 170. Section 1 of this Act appropriates $20.0 to the Department of Public Safety to be used for reimbursing Volunteer Fire Companies which incur extraordinary expenses. These funds may be disbursed to Volunteer Fire Companies only for extraordinary expenses at the discretion of the Secretary of the Department of Public Safety upon the request of the State Fire Prevention Commission. An extraordinary expense under the provisions of this Act includes reimbursement to a volunteer fire service for expenses incurred in providing food, lodging, clothing, transportation, medical assistance, protection from the elements and other citizen-needs during disasters.

Section 171. Vehicles purchased with funds appropriated to the Division of State Police either with General Funds of Special Funds shall be used exclusively by the Division of State Police by personnel assigned to that division. No other state employee shall be assigned use of any vehicle purchased with funds originally appropriated to the Division of State Police, either General Funds or Special Funds.

Section 172. Amend Title 11, Chapter 23 by deleting Section 2325 in its entirety and substituting in lieu thereof the following new Section 2325:

> Disposition of Seized Vehicles: Upon the judgment of the Superior Court, the vehicle so seized and all of the rights, title and interest therein, or any right, title or interest in and to any such motor vehicle, as the Court determines, shall be forfeited to the State and the vehicle shall be committed to the custody of the Department of Public Safety, Division of State Police for its use. If the Department of Public Safety, Division of State Police determines that such seized vehicle is not suitable for its purposes, custody will be transferred to the State Treasurer; who may allocate the same to and for the use of any other State bureau, department, agency or officer or may sell the same and deposit the proceeds into the Special Law Enforcement Assistance Fund.

Section 173. (a) The $109.7 appropriated to the Department of Community Affairs is to be used for a youth work program for a period of ten weeks commencing July 1, 1985 and is to be allocated in the following manner:

$ 34.4	New Castle County (outside the City of Wilmington)
34.5	City of Wilmington
20.4	Kent County
20.4	Sussex County
$109.7 - 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 $15.0 and applicants who qualify based upon parental income guidelines of two parent family household of $26.0. 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 two-month program such supplies and equipment shall be turned over to the Department of Community Affairs.

Section 174. 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 175. Section 1 of this Act provides an appropriation to the Department of Community Affairs, Division of Libraries (50-10-001). Of the $39.0 appropriated for Supplies and Materials, $18.0 shall be used for the purchase of books, including hardbound books.

Section 176. Section 1 of this Act appropriates to the Delaware State Housing Authority (the "Authority") as the operating arm of the Division of Housing $1,307.2 for its Fiscal Year 1986 Discretionary Operating Expenses. Discretionary Operating Expenses include salaries, other employment costs, travel, contractual services, supplies and materials and other normal business expenses of the authority which are not required to be made pursuant to bond resolutions, trust indentures, agreements with the Department of Housing and Urban Development, or otherwise required by operating agreements of the authority. Notwithstanding any other provision of this Act, all parts or portions of the several sums appropriated by this Act which, on the first day of July, 1986, shall not have been paid out of the State Treasury, shall not revert to the General Fund, but shall revert to the Authority to be expended for any lawful purpose of the Authority.

Nothing herein shall be construed to require any prior approval for the Authority to meet its previously contracted obligations including any debt

service requirements under any bond resolution or trust indenture of the Authority nor shall anything contained herein require any such prior approval for any expenditure by the Authority under any such bond resolution or trust indenture or under any agreement with the Department of Housing and Urban Development.

Further, nothing contained herein shall authorize the General Assembly to approve an amount for Discretionary Operating Expenses for the Authority in any subsequent years in an amount less than the amount actually incurred as Discretionary Operation Expenses by the Authority in its last prior fiscal year plus an inflation factor equal to the United States Consumer Price Index (CPI) or successor indices, annualized at November of the year prior to the year for which such budget is prepared, unless the budget prepared by the Authority, with the approval of the Secretary of Community Affairs, requests a lesser amount.

Section 177. Amend Subsection (a)(4), §8613, Chapter 86, Title 29 of the Delaware Code, by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(4) 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 appropriations provided."

Section 178. The Division of Community Services (50-02-001) is charged with the support of the Council on Hispanic Affairs. Members of the Council on Hispanic Affairs shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties.

Section 179. 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 180. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act for the fiscal year ending June 30, 1986, 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 "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.

(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 "Dover Transportation" and any carry over funds available 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 (50%) of the total operating costs of the system during the year.

(f) It is intended that funds for "Taxi Service Support", along with any carry over funds available for the Taxi Services Support Program will

be maintained at least at the same service level as fiscal year 1985. 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 governments must operate these transportation systems outside their political boundaries.

(h) Funds provided for "DTA Capital" include the State portion of the purchase of 25 replacement busses for DART. DART will purchase 45 buses in Fiscal Year 1987. It is intended that funding for the remaining 20 buses will be included in the fiscal year 1987 budget.

Section 181. The salary appropriation for the Department of Transportation contains sufficient funds to replace their Engineering and Contingency Funded Salary costs. It is intended that the portion of salaries of their Bond Funded positions normally charged to the Engineering and Contingency Bond Fund be charged to the General Fund Salary Appropriation.

Section 182. Section 1 of this Act provides an appropriation to the Department of Transportation, Division of Traffic (55-04-050). Of the $551.0 appropriated for supplies and materials, $20.0 shall be used for street blades.

Section 183. Amend §6909, Chapter 69, Title 29 of the Delaware Code, by creating a new Subsection (f) to read as follows:

"(f) In the event of defaults of its contracts the money collected on the performance bonds shall be utilized by the Department of Transportation for the projects for which the performance bonds were issued."

Section 184. Section 1 of this Act provides an additional General Fund position in the Division of Employment and Training, Department of Labor (60-09-001) together with two months of General Funding in the lines entitled "Salaries" and "Other Employment Costs". This position and associated funding is intended to replace federal funding for position number 054724 should federal funding terminate during the fiscal year ending June 30, 1986. No general fund salary money shall be expended for this position until all applicable federal funds have been exhausted.

Section 185. Section 1 of this Act includes an appropriation for Contractual Services in (65-03-006) Department of Agriculture, Division of Standards and Inspections, Seed Lab Section. Of this amount, $.8 shall be used to contract for seed certification.

Section 186. Section 1 of this Act provides an appropriation to the Department of Agriculture, Division of Standards & Inspections, Administration and Management Section (65-03-001) for Contractual Services. Of this amount, $2.0 shall be used to print 1,000 copies of an agricultural bulletin on pet foods, commercial feeds, fertilizers and lime analyses.

Section 187. Amend §7106, Chapter 71, Title 29 of the Delaware Code, by striking the word "and" after the phrase "...operated by environmental protection officers,..."contained in the last sentence of §7106, striking the period at the end of that sentence and substituting in lieu thereof the following:

", State owned vehicles in the Department of Agriculture used for inspection purposes and State owned vehicles in the Fire Prevention Commission, Office of the State Fire Marshal used for investigative purposes."

Section 188. For the fiscal year ending June 30, 1986, the remaining balance of the Office of the Secretary, Capital Outlay Fund (65-01-001-01-70) for the installation of energy efficient replacement windows at the Camden Agricultural complex from fiscal year 1985 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1986.

Section 189. Section 1 of this Act provides for an appropriation in the Department of Agriculture, Office of the Secretary, Agricultural Lands Preservation Section (65-01-002) for salaries and wages. Of that amount $14.0 will be used to fund 1.0 Secretary II position and 1.0 Planner II position on the general fund for 4.5 months in F.Y. 1986. These funds will be used to the extent necessary that federal funds are limited during F.Y. 1986. The authorized general fund positions in that budget unit shall be increased by 2.0 for the remaining 4.5 months of F.Y. 1986.

Section 190. Section 1 of this Act provides an appropriation of $50.0 to the Department of Fire Prevention, Fire Prevention Commission (75-03-001) in the line item "Statewide Fire Safety Education". These funds are to be matched by members of the Delaware Association of Volunteer Firemen for a statewide Fire Safety Education Program.

Section 191. 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 192. (a) Section 1 of this Act provides $49,081.4 for "Operations" of the University of Delaware and $625.8 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. The figure of $49,081.4 for "operations" of the University of Delaware, includes $2,218.7 for energy.

(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.

(c) Section 1 of this Act provides funds for the Inland Bays Research Study under the Water Pollution Section of the Department of Natural Resources and Environmental Control (40-08-004). Of the $200.0 appropriated to the Inland Bays Research Study, $10.0 will be used by the Delaware Geological Survey (90-01-002) for a surface water study of eastern Sussex County.

Section 193. 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 194. Section 1 of this Act appropriates $700.0 to establish a "Research Partnership Fund" at the University of Delaware, subject to the following:

(a) This appropriation shall be used to match, on a dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the University. The objective of the cooperative research efforts shall be to attract new high-technology research facilities and industries to locate within the State of Delaware.

(b) This appropriation shall be used to match "new" money and cannot be allocated to any projects in progress.

(c) The University President shall submit to the Governor, members of the General Assembly and the Controller General, within 120 days after the close of each fiscal year, a report containing an account of how these funds were expended, what new industrial research organizations were attracted to the State, and plans for the ensuing fiscal year.

Section 195. The line item, Subvention, in Section 1 of this Act, Delaware Institute of Dental Education and Research, as provided by Chapter 88, Title 14 of the Delaware Code, provides for 3 dental internships and sufficient funds to contract with Delaware State Hospital to continue the Dental Internship Program."

Section 196. For the fiscal year ending June 30, 1985, the remaining balances of the University Parallel Program at the Terry Campus of the Delaware Technical and Community College (90-04-006) shall be a continuing appropriation and shall not be subject to reversion, until June 30, 1986.

Section 197. Section 1 of this Act provides an appropriation in the School Districts for Formula Salaries. This amount provides 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, Section 1331 and Section 1332 of title 14, Delaware Code. The appropriation also contains salary and employment costs funds for the Americanization Programs at the Caesar Rodney ($3.0) and Red Clay Consolidated School ($83.2) Districts.

Section 198. 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 199. Section 1 of this Act provides an appropriation to Pass Through/Adult Programs (95-01-007). Of that appropriation, $152.5 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 200. (a) The total amount of $1,480.5 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, 1985. Any funds not used for the purpose herein referred to by the school district shall be transferred between school districts.

(b) 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.

(c) 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.

(d) 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.

Section 201. (a) The sums appropriated in Section 1 of this Act 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 of $2,748.2 to (95-01-008) Pupil Transportation for non-public school transportation reimbursement. This appropriation shall be allocated for qualifying non-public, non-profit schools, based on the procedure adopted by the Joint Finance Committee on April 16, 1981. The allocation shall not exceed $2,748.2.

(c) Transportation funds for public school districts shall be allocated according to bus contract or district transportation formula as adopted by the State Board of Education on December 20, 1984, as amended by the State Budget Office, and shall not exceed $24,390.9.

(d) 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 202. (a) During the fiscal year ending June 30, 1986, 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 Conrail 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 Seaford Central Elementary, Seaford Middle School, or Seaford High School who live in the area east of Conrail, north of the Nanticoke River, and west of Williams Pond, within the Seaford city limits.

(6) 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.

(7) Students attending Newark High School who live in Windy Hills and are forced to walk along Kirkwood Highway with a constant threat of injury.

(8) Students attending schools in Laurel living in the areas of Lakeside Manor, Route 24 east of Laurel town limits, Route 13A South of Laurel Town Limits and Dogwood Acres.

(9) 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.

(10) 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.

(11) Students attending Smyrna Middle School who reside in the Sunnyside Acres area between Sunnyside Road and U.S. 13 and who would otherwise be required to walk along U.S. 13 in order to reach school.

(12) Students attending the Concord High School who live south of Naamans Road in the Talleybrook-Chalfonte, Brandywood, Brandon and Beacon Hill areas who must walk along Grubb and/or Naamans Road with a constant threat of injury.

(13) Students attending Richardson Park School and Conrad Junior High School who live on Brookside Drive.

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 203. During the fiscal year ending June 30, 1986, the Department of Public Instruction is hereby directed that students attending the Woodbridge School District who live in the Canterbury Apartments in Bridgeville will embark and disembark in the parking lot of the apartment in lieu of the bus stop area along the heavily traveled Route U.S. 13 Highway.

Section 204. 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; non-public and summer driver education programs; and unused sick pay for retirees.

Section 205. The appropriation of $237.4 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(i) shall not apply to the units authorized by this section.

Section 206. Section 1 of this Act provides an appropriation to the State Board of Education, Administrative Services (95-01-002) for Teacher Competency and Certification. This appropriation shall be allocated by the State Board of Education to provide in-service educational programs for local school district personnel.

Section 207. 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 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 Learning Center.

Section 208. Section 1 of this Act contains an appropriation to the State Board of Education for Private Placement of the Handicapped (95-01-006). From the funds appropriated, the State Board of Education is authorized and directed to provide an interpreter/tutor for any deaf-blind pupil who is a resident of the State and who is mainstreamed in a private school in the State. The funding to be provided by the State Board of Education to the local school district designated as the administrative agency for the statewide program for the deaf-blind shall include: the salary specified in 14 Del. C., §1331(b); the local salary supplement paid by such district; and all other employment costs incurred by the school district in employing such personnel. The funding authorized shall be a percentage of the total cost of salary and other employment costs for a full-time interpreter/tutor equal to the portion of the deaf-blind student's regular school day that is spent in a mainstream program.

Section 209. Section 1 of this Act provides an appropriation of $460.0 to (95-01-003) Computer Education/DIRECT. These grants to local school districts shall be subject to technical review and purchase requirements of Planning Systems Development of the State Budget Office.

Section 210. Section 1 of this Act includes an appropriation of $150.0 to the State Board of Education (95-01-006) for the purpose of reimbursing public school employees for tuition payments for graduate college courses they successfully complete. Funds may only be used to reimburse certificated non-administrative employees. No payment shall be made unless the course taken relates to the employee's job assignment and is taken with the prior approval of the employing district board, superintendent or State agency. Reimbursement for tuition may be made for courses taken during summer school or during the academic year. No reimbursement shall be in excess of the tuition charged a Delaware resident taking a course with an equal number of credit hours at the University of Delaware. The total appropriation of $150.0 shall be allocated to the several school districts in amounts equal to each school district's proportion of Division I units to the total number of Division I units statewide on September 30, 1984. Any funds not expended by a school district shall be transferred to other districts.

Section 211. Section 1 of this Act provides an appropriation to (95-01-006) Pass Through/K-12 Programs for Advanced Studies. Of that amount, $100.0 shall be transferred to the University of Delaware to help fund a summer school program for credit for gifted and talented students.

Section 212. Section 1 of this Act makes an appropriation to (95-01-007) Pass through Adult Education, Public Education. Of that amount $179.0 shall be transferred to New Castle County Vocational-Technical School District, Wilmington Skills Center, for Adult Education.

Section 213. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/K-12 Programs (95-01-006) for the Delaware Institute for the Arts in Education. The State Board of Education shall transfer that appropriation to the University of Delaware which acts as the fiscal agent for this statewide program.

Section 214. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/K-12 Programs (95-01-006) for the Delaware Teacher Center. The State Board of Education shall transfer that appropriation to the Capital School District for the purpose of the continuation of the services provided at the Kent and Sussex centers and for the establishment of a new center in New Castle County.

Section 215. Section 1 of this Act provides certain appropriations to the Educational Contingency for school districts in the State for the fiscal year ending June 30, 1986. 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, 1985, enrollment. Sufficient Funds will be placed in the school district accounts to operate for a partial year. Based on the approved State Board Unit Count for September 30, 1985, adjustments will be made to the district accounts. These adjustments will be accomplished through the transfer process and therefore approved by the Budget Director and the Controller General.

Section 216. Section 1 of this Act provides certain appropriations to the Educational Contingency for School Districts in the State. These amounts are not based on the unit system. Allocation of these funds shall conform to the following:

(a) The amounts for Unemployment Insurance is based on varying rates assigned to the School Districts by the Secretary of the Department of Labor.

(b) Debt Service amounts are predicated upon the amortization schedule as provided by the State Treasurer.

(c) The line item entitled "Support for Local Fund Employment Costs" shall be allocated to the named school districts or schools as follows:

1.	Caesar Rodney	$ 164.5
2.	John S. Charlton	10.5
3.	Capital	353.8
4.	Lake Forest	99.0
5.	Laurel	52.9
6.	Cape Henlopen	266.4
7.	Milford	120.1
8.	Seaford	124.6
9.	Smyrna	99.4
10.	Appoquinimink	92.3
11.	Brandywine	1,171.3
12.	Charles W. Bush	19.2
13.	Brandywine Int.Ln. Center	65.2
14.	Red Clay	1,459.3
15.	Meadowood	34.6
16.	Red Clay Int. Ln. Center	80.7
17.	Christina	1,599.3
18.	Margaret S. Sterck	42.3
19.	Joseph E. Douglass	19.2
20.	Christina Int. Ln. Center	113.3
21.	Colonial	1,015.8
22.	John G. Leach	38.4
23.	Wallace Wallin	46.1
24.	Woodbridge	63.0

25.	Indian River	198.3
26.	Howard T. Ennis	21.2
27.	Delmar	19.7
28.	New Castle County Vo Tech	397.8
29.	Kent County Vo Tech	21.5
30.	Sussex County Vo Tech	23.3

(c) The line item "Other" shall be allocated as follows:

1.	Caesar Rodney - Americanization	$ 3.6
2.	Red Clay - Americanization	8.0
3.	Margaret S. Sterck - Residence - Other Costs	85.4
	- Consultant Services	11.0
4.	Christina Autistic - Support Services Job Placement and Training Specialist	31.0
	Other	15.0

Section 217. Section 1 of this Act provides an appropriation of $657.7 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 $79.0 shall be allocated to Articulation and Career Guidance Counselor Programs. $133.0 shall be reserved for programs in school districts in Kent County, and $158.8 shall be reserved for programs in Sussex County, and $240.0 shall be reserved for programs in the New Castle County Vocational and Technical School District. Allocation of the remaining funds shall go to State Board approved projects.

Section 218. 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 219. (a) Each school district shall continue to use salary schedules not less than those in Section 1322, Title 14, Delaware Code, for all school lunch employees.

(b) Effective July 1, 1985, the State shall pay 30% of the salary rate for school lunch employees as set forth in the salary schedule in Section 1322 (a) and (b), Title 14, Delaware Code and 26% of the salary rate for school lunch employees as set for in the salary schedule in Section 1322(c), Title 14, Delaware Code. The remaining percentage of the salary rate for school lunch employees shall be paid from local funds. The State shall pay Other Employment Costs for school employees at the ratio of State supported salaries to total salaries, provided for by this section, for school lunch employees.

(c) No provision in this Act shall be construed as affecting the eligibility of school lunch employees as an employee under Section 5501, Title 29, Delaware Code.

Section 220. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/K-12 Programs (95-01-006) for the Career Development and Accountability Program. In the event that legislation describing the Career Development and Accountability Program is enacted into law, $285 shall be added to each step of Section 1305(a), Title 14, as it appears in Section 11 of this Act, and $342 shall be added to each step of Section 1332, Title 14, as it appears in Section 11 of this Act. The Budget Director and Controller General shall issue a revised pay schedule to be given to the Code Revisor to amend the Delaware Code as to any changes made under the provisions of this Section.

Section 221. Section 1 of this Act makes an appropriation for Public Education, Pass Through/K-12 Programs (95-01-006) for Career Development and Accountability Program. The expenditure of that appropriation is dependent on the passage by the General Assembly of legislation for a Career Development and Accountability Program. If legislation does not pass by October 15, 1985, then $300.0 of that appropriation is set aside for the following programs:

(a) $75.0 for a management academy for the mandatory 90 hours of training over a three-year period for administrators in staff evaluation and building management.

(b) $75.0 for a Statewide program utilizing two of the presently established five in-service days for the presentation of improved methods of classroom teaching. The funds allocated are for planning and program presentors.

(c) $75.0 to develop and validate an evaluation and accountability program for professional educators.

(d) $75.0 to provide training for the Statewide implementation of the evaluation and accountability program provided for under (c) above.

Section 222. Amend Chapter 17, Title 14 of the Delaware Code by adding thereto a new Section 1716D to read as follows:

"§1716D. Education Refinement Program unit and funding.

(a) 'Education Refinement Program units' shall be provided in each reorganized school district for students enrolled in grades kindergarten through 12 in accordance with the following schedule:

Beginning July 1, 1985	1 unit per 1,800 pupils or fraction thereof

(b) Each pupil may be counted only once, and for students who attend schools in more than one district during each school day, the pupil is to be counted in each district for the portion of the school day he or she is in attendance there.

(c) The Education Refinement Program unit may be used to provide services such as but not limited to the following: elementary and secondary counseling, elementary and secondary foreign languages, elementary and secondary performing arts, elementary physical education, elementary music, elementary art, library services, or reduction of class size grades kindergarten through grade 3.

(d) Nothing contained in this Section shall prohibit a school district from using pupil units provided under Section 1703 of this Title for: elementary and secondary counseling, elementary and secondary foreign languages, elementary and secondary performing arts, elementary physical education, elementary music, elementary art, or library services.

(e) The programs authorized under this Section shall operate on a 185 day per school year basis, and personnel employed with funds authorized under the provisions of this Section shall be paid in accordance with the provisions of Section 1305 of this Title.

(f) Districts shall qualify for one unit of funding in each of the three divisions of funding specified in Section 1702 of this Title for each Education Refinement Program unit, except that no funding shall be provided for 'Division II - Energy' as contained in the Annual Appropriations Act.

(g) Any reorganized school district using funds under any of the options set forth in this Section shall make a specific report by type of service by November 15th of each year to the State Board of Education on how the funds were used in that district.

Section 223. Section 1 of this Act provides an appropriation for Public Education Pass Through/K-12 Programs (95-01-006) for Gifted and Talented Units. Of the amount appropriated, sufficient funds shall be utilized to hire a supervisor for Gifted and Talented.

Section 224. Section 1 of this Act provides an appropriation of $150.0 for Public Education Pass Through/K-12 Programs (95-01-006) for Mastery Testing. The funds appropriated shall be used to develop a bank of questions which may be used by local school districts in the initial formation of a Mastery Testing Program. Rules and regulations shall be promulgated by the State Board of Education.

Section 225. Amend Subsection (c), §8905, Chapter 89, Title 14 of the Delaware Code, by creating a new subsection (5) to read as follows:

"(5) Reimbursements to the recipient, not to exceed $500.00, for personal expenses."

Approved: July 2, 1985.

CHAPTER 88

FORMERLY

SENATE BILL NO. 25

AN ACT TO CORRECT AN ERROR IN §6519, TITLE 29, DELAWARE CODE, RELATING TO EXPENDITURES BY SCHOOL DISTRICTS.

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

Section 1. Amend §6519, Title 29, Delaware Code, by striking the date "June 30" as it appears in the first sentence of the second paragraph and by substituting in lieu thereof the date "July 1."

Approved July 3, 1985.

CHAPTER 89

FORMERLY

SENATE BILL NO. 78
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, TO ESTABLISH THE DIVISION OF CHILD SUPPORT ENFORCEMENT.

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

Section 1. Amend Subchapter I, Chapter 79, Title 29, Delaware Code, by adding thereto a new Section to read as follows:

"§7930. Division of Child Support Enforcement

The Division of Child Support Enforcement is established having the power to perform and shall be responsible for the performance of all the power, duties, and functions heretofore vested in the Bureau of Child Support Enforcement pursuant to Executive Order No. 76, dated June 30, 1975."

Section 2. Amend §7903(a)(2), Subchapter I, Chapter 79, Title 29, Delaware Code, by adding thereto a new subsection (f) to read as follows:

"(f) A Director of the Division of Child Support Enforcement, who shall be someone qualified by training, education, experience or ability to perform the duties of Director."

Section 3. Amend §7922, Subchapter I, Chapter 79, title 29, Delaware Code, by adding thereto a new subsection (9) to read as follows:

"(9) Director of Child Support Enforcement."

Approved July 3, 1985.

CHAPTER 90

FORMERLY

SENATE BILL NO. 104
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 4, TITLE 11 OF THE DELAWARE CODE RELATING TO THE COMMITMENT TO THE STATE HOSPITAL; CONFINEMENT; PERIODIC REVIEW OF COMMITMENT; PARTICIPATION OF PATIENT IN TREATMENT PROGRAM.

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

Section 1. Amend §403(b), Chapter 4, Title 11 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"(b) Except as provided in subsection (c) below, a person committed, confined or transferred to the Delaware State Hospital in accordance with subsection (a) of this section, §404, §405, §406 or §408 of this title (referred to herein as "the patient") shall be kept there at all times in a secured building until the Superior Court of the County wherein the case would be tried or 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 one (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(c) (1) Chapter 4, Title 11 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"(c) (1) Upon petition by a patient confined pursuant to this section, §404, §405, §406 or §408 of this title, or upon petition by the Hospital Director of the Delaware State Hospital, the Court may permit housing in an unsecured building or participation by the patient in any treatment program which is offered by the Hospital, which required or provides that the patient be placed outside a secured building. 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."

Approved July 3, 1985.

CHAPTER 91

FORMERLY

SENATE BILL NO. 106

AN ACT TO AMEND TITLE 11, CHAPTER 88, DELAWARE CODE, RELATING TO THE DELAWARE COUNTY AND MUNICIPAL POLICE PENSION PLAN.

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

Section 1. Amend §8801 (3), Chapter 88, Title 11 of the Delaware Code by adding a new subsection (c) to read as follows:

"(c.) 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."

Approved July 3, 1985.

CHAPTER 92

FORMERLY

SENATE BILL NO. 182

AN ACT TO AMEND CHAPTER 2, TITLE 19, DELAWARE CODE, RELATING TO EMPLOYMENT TRAINING.

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

Section 1. Amend Chapter 2, Title 19, Delaware Code, by adding thereto a new section, to read as follows:

"§204. Training and Apprenticeship Programs

(a) The State Department of Labor shall develop and conduct employee training and registered apprenticeship programs, in cooperation with participating appointing authorities and the State Personnel Office. The State Personnel Office shall assist appointing authorities in utilizing such programs, and in developing the apprenticeships which are established pursuant to this section.

(b) The State Personnel Director in cooperation with the Department of Labor and other participating appointing authorities, shall develop and annually revise a list of employment classifications in the classified service which are appropriate for apprenticeship training by December 31.

(c) The Apprenticeship and Training Section of the Department of Labor shall establish procedures for the coordination of programs developed under this section, in cooperation with the State Personnel Director.

(d) Subject to the approval of the State Personnel Director and the procedures established by the Apprenticeship and Training Section of the Department of Labor, each participating agency shall determine the location and positions in which apprenticeships are to be established.

(e) The Secretary of Labor shall include in his or her annual report the following:

(1) A review of the development and operation of training and apprenticeship programs.

(2) The current list of apprenticeable classifications.

(3) A summary of the agencies and types of positions involved.

(4) A summary of registered apprenticeships.

(5) The number of persons who applied for apprenticeship positions under this section.

(6) The number of persons who were accepted into the apprenticeship programs established under this section.

(7) The number of persons who successfully completed apprenticeships under this section and the number of persons who failed to complete apprenticeships under this section.

(8) The number of persons who remain employed after successfully completing apprenticeships.

(9) A summary of other training programs established.

(10) A summary of characteristics of applicants and participants in the program deemed pertinent by the State Personnel Director.

(f) Nothing in this section may operate to invalidate or supersede the provisions of a collective bargaining agreement of an employee organization and the state.

(g) The recruitment, selection, and training of apprentice trainees during their apprenticeship shall be without discrimination because of race, color, religion, national origin or sex. The state will take affirmative action to provide equal opportunity in apprenticeship programs and will operate the training program as required under the Delaware State plan for equal employment in Apprenticeship and Training.

(h) The Department of Labor shall file a report on the development of apprenticeship programs in January, 1986.

Approved July 3, 1985.

CHAPTER 93

FORMERLY

SENATE BILL NO. 194

AN ACT TO AMEND CHAPTER 94, TITLE 16, DELAWARE CODE, RELATING TO THE INCLUSION OF THE DEPARTMENT OF SERVICES TO CHILDREN, YOUTH AND THEIR FAMILIES ON THE STATE ADVISORY COUNCIL FOR THE COORDINATION OF SERVICES TO THE HANDICAPPED.

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

Section 1. §9402(a), Title 16, Delaware Code, is hereby amended by restyling the numbers "(5)" and "(6)" as "(6)" and "(7)" respectively and by inserting a new (5) to read as follows:

"(5) The Secretary of the Department of Services to Children, Youth and Their Families."

Section 2. §9402(a), Title 16, Delaware Code is further amended by striking the phrase "and (4)" as it appears therein and by inserting in lieu thereof the following: ", (4) and (5)"

Approved July 3, 1985.

CHAPTER 94

FORMERLY

SENATE BILL NO. 203

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 RELATING TO SUPPLEMENTAL TAX ASSESSMENTS".

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

Section 1. Amend Section 25, Chapter 42, Volume 53, Laws of Delaware, as amended, by adding a new subsection designated as "DD" as follows:

"(DD) The said tax assessor shall, at the option of the City Manager, make a supplemental assessment list quarterly in each fiscal year. The first such supplemental assessment list shall be certified on July 1 of each year; the second on October 1 of each year; the third on January 1 of each year; and the fourth on April 1 of each year."

Section 2. Amend Subsection (J), Section 25, Chapter 42, Volume 53, Laws of Delaware, as amended, by striking the words "for one year" as they appear therein and substituting in lieu thereof the words "until changed as provided for herein".

Section 3. Amend Section 27, Chapter 42, Volume 53, Laws of Delaware, as amended, by adding a new subsection designated as "DD" as follows:

"(DD)(1) In addition to the annual assessment provided for herein, the City Manager may, at the City Manager's option, direct the tax assessor to prepare a quarterly supplemental list for the purpose of adding property not included on the last assessment or increasing the assessed value of property which was included on the last assessment. The supplemental list may be used to correct errors on the prior assessment rolls and to remove or modify any exemption from taxation applicable to property in the City.

(2) Such supplemental list shall be prepared quarterly in each fiscal year. The first such supplemental list shall be certified on July 1 of each year; the second on October 1 of each year; the third on January 1 of each year; and the fourth on April 1 of each year.

(3) On the date of certification of a supplemental list, 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 the amount of such tax shall be and remain a lien on such property from the time of its certification. In the collection of said taxes, before the first day of the second month after certification, there shall be no interest or penalty. On all taxes paid after the first day of the second month after certification, interest at the rate of one-half of one percent (.5%) per month and an additional sum of one percent (1%) per month as a penalty shall be added until the same shall have been paid. All taxes unpaid after the first day of the second month after certification shall be considered delinquent. In effecting collection of any delinquent tax, the City 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.

(4) Appeals shall be made to the Board of Revision and Appeal as provided in Section 25(F). In no case shall the supplemental assessment procedure be employed to impose taxes retroactively."

Approved July 3, 1985.

CHAPTER 95

FORMERLY

SENATE BILL NO. 213

AN ACT TO AMEND TITLE 31 AND TITLE 10, DELAWARE CODE, TO CREATE A COURT APPOINTED SPECIAL ADVOCATE PROGRAM.

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 36 to read as follows:

"CHAPTER 36. COURT APPOINTED SPECIAL ADVOCATE PROGRAM

§3601. Purpose

(a) Children who appear in the Family Court as the subject of abuse, neglect, or dependency proceedings often are situated in the middle of an adversary process. At times, these children have no one to represent their best interests, as opposed to the interests of the petitioner and respondent. Furthermore, when the child has no one to represent his or her interests, the Family Court may only receive information which supports the position of the petitioner or respondent. Therefore, the purpose of this Chapter is to provide for a system to ensure that children who are the subject of abuse, neglect, or dependency, have their interest represented in those proceedings before the Family Court. To this end, the Family Court will establish and administer a Court Appointed Special Advocate Program.

(b) This Chapter shall be liberally construed that these purposes may be realized.

§3602. Definitions

For the purpose of this Chapter, unless the context indicates differently:

(1) 'Abused child' means a child who has suffered physical harm inflicted non-accidentally upon the child by parents or persons exercising essentially equivalent custody and control over the child, which injury causes or creates a substantial risk of causing death, disfigurement, impairment of bodily functioning, or other physical injury.

(2) 'Adequate care' means a type and degree of personalized attention that will tend to advance a child's physical, mental, emotional, and general well-being.

(3) 'Adult' means a person who has reached his 18th birthday.

(4) 'Child' means a person who has not reached his 18th birthday.

(5) 'Court' means The Family Court of the State of Delaware.

(6) 'Dependent child' means a child whose physical, mental, or emotional health and well being is threatened or impaired because of inadequate care and protection by the child's custodian, who is unable to provide adequate care for the child, whether or not caused by the child's behavior, provided, however, that for the purposes of this Chapter, dependent child may include a child who has been placed in a nonrelated home on a permanent basis without the consent and approval of the Division of Child Protective Services or any agency licensed thereby to place children in a nonrelated home; or who has been placed with a licensed agency which certifies it cannot complete a suitable adoption plan.

(7) 'Neglected child' means a child whose physical, mental, or emotional health and well-being is threatened or impaired because of inadequate care and protection by the child's custodian, who has the ability and financial means to provide adequate care; or a child who has been abused or neglected as defined by §902 of Title 16. No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child for purpose of this Chapter.

§3603. Established; Composition

(a) There is hereby established a Court Appointed Special Advocate Program (CASA) within the Family Court.

(b) The program will include a Director, who will be responsible for the administration of the program including recruitment, selection, training, supervision, and evaluation of staff.

(c) The program will include Coordinators who will be members of the staff of Family Court. The number and qualifications of Coordinators will be established by the Chief Judge of the Family Court. The Coordinators will be part of the Merit System, with a classification of Social Service Administrator. The Coordinators will be responsible for the day- to-day operations of the program and will provide direct supervision to the Court Appointed Special Advocates (CASA). The Coordinators will be supervised by the Director.

(d) The program will include an attorney who will provide legal representation and advice for the Court Appointed Special Advocates and supervise volunteer attorneys. The program attorney will be a member of the staff of the Family Court and supervised by the Chief Judge.

(e) The program will include Family Court volunteers to serve as Court Appointed Special Advocates. The Court Appointed Special Advocate may be appointed in Family Court proceedings involving abuse, neglect, dependency, or other circumstances as deemed appropriate by a Family Court Judge. The responsibility of the Court Appointed Special Advocate is to represent the best interest of the child(ren) whether or not that reflects the wishes of the child. The Court Appointed Special Advocate will serve at the pleasure of the Chief Judge of Family Court. The Court Appointed Special Advocate will:

(1) Provide independent, factual information to the Family Court regarding the cases to which they are appointed.

(2) Provide advocacy for the children involved in the cases to which they are appointed.

(3) At the request of the Judge, will monitor cases to which they have been appointed to assure that the terms of the Court's Orders have been fulfilled.

(f) The program will include appropriate clerical personnel to meet the needs of the program who will be Merit System employee members of the Family Court staff.

§3604. Qualifications of Court Appointed Special Advocates

(a) Court Appointed Special Advocate shall be individuals who have demonstrated an interest in children and their welfare. Court Appointed Special Advocate must be willing to participate in a training course conducted by the Family Court and in ongoing training and supervision throughout their involvement in the program. Additionally, applicants to become Court Appointed Special Advocate must participate in interviews to determine their fitness for these responsibilities. Upon recommendation of the Court Appointed Special Advocate Coordinator, the Chief Judge of the Family Court will make a final determination regarding a person's participation in the program.

(b) The Court Appointed Special Advocate must be willing to commit to the Court for one year of service. At the end of each year of service, the Court Appointed Special Advocate with the approval of the Coordinator may recommit for another year.

(c) Court Appointed Special Advocates will have no associations which create a conflict of interest with their duties as an Court Appointed Special Advocate.

(d) Qualified adults shall not be discriminated against based upon sex, socioeconomic, religious, racial, ethnic, or age factors.

§3605. Appointment of Court Appointed Special Advocates

(a) All Court Appointed Special Advocates must be sworn in by the Chief Judge or an Associate Judge of Family Court before beginning their duties.

(b) Any Family Court Judge may appoint a Court Appointed Special Advocate when, in the opinion of the Judge, a child requires services which can be provided by the Court Appointed Special Advocate.

(c) To accomplish the appointment of a Court Appointed Special Advocate, a Family Court Judge must sign an Order of Appointment, which shall grant the Court Appointed Special Advocate the authority to review all relevant documents and interview all parties involved in the case, as well as others having significant information relating to the child.

(d) The appointment shall last until the Court Appointed Special Advocate is released from responsibility by Order of the Court; or until the Court Appointed Special Advocate's commitment to the Court ends.

(e) The Court Appointed Special Advocate shall be a party to any Court agreement or Court plan entered into on behalf of the child(ren).

§3606 Duties of Court Appointed Special Advocates

(a) The Court Appointed Special Advocate will conduct an independent investigation of the circumstances surrounding a case of appointment. This investigation will include interviews and/or observations with the child and relevant individuals and the review of appropriate records and reports.

(b) The Court Appointed Special Advocate will report the results of the investigation to the Family Court.

(c) The Court Appointed Special Advocate will follow the direction of orders entered by Family Court and will provide information specifically requested by the Court.

§3607. Rights of the Court Appointed Special Advocate

(a) The Court Appointed Special Advocate's attorney may file pleadings, motions, memorandum and briefs on behalf of the child. The Court Appointed Special Advocate's attorney will receive copies of pleadings, motions and other documents filed by the parties.

(b) The Court Appointed Special Advocate may request a hearing before the Court when the plan on behalf of the child is not implemented or is not meeting the child's needs or upon completion of the investigation.

(c) The Court Appointed Special Advocate may examine and cross- examine witnesses and may subpeona, introduce and examine his own witnesses.

(d) The attorney for the Court Appointed Special Advocate shall receive copies of all requests for discovery and responses to same.

(e) The Court Appointed Special Advocate may make recommendations to the Court concerning the child's welfare.

(f) The Court Appointed Special Advocate shall be charged in general with the representation of the child's interest. To that end he/she shall participate further in the proceedings to the degree necessary to adequately represent the child.

§3608. Status of Court Appointed Special Advocate

For the purposes of Child Abuse Prevention and Treatment Act grant to states under Public Law 93- 247 or any related State or Federal Legislation, the Court Appointed Special Advocate shall be deemed a guardian ad litem to represent the interests of the minor in proceedings before the Court. No bond shall be required from any Court Appointed Special Advocate who serves as a guardian ed litem under this Chapter.

§3609. Confidentiality

All records and information acquired or reviewed by a Court Appointed Special Advocate during the course of the duties shall be deemed confidential and shall be disclosed only pursuant to Court Order.

§3610. Notice of Hearings

The Court Appointed Special Advocate will be notified of hearings, staffings, investigations, dispositions, or other proceedings concerning the case to which the Court Appointed Special Advocate has been appointed.

§3611. Acquisition of Information by The Court Appointed Special Advocate

Upon presentation of the Order of Appointment by the Court Appointed Special Advocate, any agency, hospital, school, organization, Division or Department of State, doctor, nurse, or other health care providers, psychologist, psychiatrist, police department, or mental health clinic shall permit the Advocate to inspect and copy any records relating to the child(ren) and parents involved in the case of appointment without consent of the child(ren) or parents.

§3612. Civil Liability of Participants in the Court Appointed Special Advocate Program

The Director, Coordinators, Attorneys, and Court Appointed Special Advocates participating in the Court Appointed Special Advocate Program shall not be civilly liable for acts or omissions committed in connection with duties which are part of the program if they have acted in good faith and are not guilty of gross negligence.

§3613. Conflict with Existing Law

Any provisions of this Chapter which shall cause the State to lose federal funding shall be considered null and void.

§3614. 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 2. Amend §925, Title 10, Delaware Code, by adding thereto a new subsection (17) to read as follows:

"(17) To Appoint Court Appointed Special Advocates in Child Abuse and Neglected Cases."

Approved July 3, 1985.

CHAPTER 96

FORMERLY

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

AN ACT TO AMEND CHAPTER 9, TITLE 18, DELAWARE CODE, RELATING TO REINSURANCE.

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

Section 1. Amend Chapter 9, Title 18, Delaware Code by striking in its entirety §910 thereof, and substituting in lieu thereof the following:

"§910. Reinsurance

(a) Any authorized insurer may reinsure all or any part of an individual risk or of a particular class of risks in any other insurer, or accept such reinsurance from any other insurer, and, with the Commissioner's consent, may reinsure all of its risks in any other authorized insurer or reinsure all of the risks of any other insurer.

(b) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when:

(1) The reinsurance is ceded to an assuming insurer which is licensed to transact insurance or reinsurance or otherwise accredited as a reinsurer in this State or licensed in at least one State which employs standards regarding credit for reinsurance substantially similar to those applicable under this subsection and which insurer conforms to the same standards of solvency which would be required of such insurer if it were licensed in this State, or

(2) The reinsurance is ceded to an assuming insurer which maintains a trust fund in a bank duly authorized to do business in this State or a United States bank or trust company which is a member of the Federal Reserve System exclusively for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the Commissioner information substantially the same as that required to be reported on the NAIC Annual Statement form by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund. In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, include a trusteed surplus of not less than $20,000,000. In the case of a group of individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, include a trusteed surplus of not less than $100,000,000; and the group shall make available to the Commissioner an annual certification by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter. Such trust shall be established in a bank duly authorized to do business in this State or a United States bank or trust company which is a member of the Federal Reserve System in a form approved by the Insurance Commissioner. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the Commissioner. The trust described herein must remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.

No later than February 28 of each year the trustees of the trust shall report to the Commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31, or

(3) The reinsurance is ceded to an assuming insurer not meeting the requirements of subsections 1 or 2, but only with respect to the insurance of risks located in jurisdictions other than the United States where such reinsurance is required by applicable law or regulation of that jurisdiction.

(4) If the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this State, the credit permitted by the above subsections 1 and 2 shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(1) that in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any

State of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or of any Appellate Court in the event of an appeal; and

(ii) to designate the Commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company. This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement.

(c) A reduction from liability for the reinsurance ceded to an assuming insurer not meeting the requirements of subsection (b), shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a bank duly authorized to do business in this State or a United States bank or trust company which is a member of the Federal Reserve System. This security may be in the form of:

(1) Cash,

(2) Securities listed by the Security Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets,

(3) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a bank duly authorized to do business in this State or a United States bank or trust company that is a member of the Federal Reserve System, or

(4) Any other form of security acceptable to the Commissioner.

(d) Notwithstanding any other provision of this section, no credit shall be allowed unless the reinsurance agreement provides that in the event of insolvency of the ceding insurer, reinsurance proceeds will be paid to the ceding insurer or the liquidator on the basis of the amount of claim allowed in the insolvency proceeding without diminution by reason of the inability of the ceding insurer to pay all or any part of the claim.

(e) Upon request of the Commissioner an insurer shall promptly inform the Commissioner in writing of the cancellation or any other material change of any of its reinsurance treaties or arrangements.

(f) This section shall not apply to wet marine and transportation insurance.

(g) The Commissioner may adopt rules and regulations implementing the provisions of this law."

Approved July 3, 1985.

CHAPTER 97

FORMERLY

SENATE BILL NO. 224

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", RELATING TO THE TIME FOR HOLDING ASSESSMENT APPEALS.

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 (f), Section 25, Chapter 42, Volume 53, Laws of Delaware, as amended by striking the word "eight" as it appears in the first sentence and insert in lieu thereof the word "seven".

Section 2 Amend Subsection (F), Section 25, Chapter 42, Volume 53, Laws of Delaware, as amended by striking the word "ten" as it appears in the first sentence and insert in lieu thereof the word "eight".

Approved July 3, 1985.

CHAPTER 98

FORMERLY

SENATE BILL NO. 225

AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOL. 12, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK," AS AMENDED, BY AMENDING SECTION 4 THEREOF TO ALLOW MEMBERS OF THE BOARD OF DIRECTORS TO BORROW FUNDS DEPOSITED WITH ARTISANS' SAVINGS BANK.

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 63, Volume 12, Laws of Delaware, Section 4, by deleting the following in its entirety as it appears in Section 4:

',or be allowed to borrow any part of the funds deposited with the Corporation'."

Section 2. This Act shall become effective upon its enactment into law.

Approved July 3, 1985.

CHAPTER 99

FORMERLY

SENATE BILL NO. 229

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 19, RELATING TO TAX RATES IN SCHOOL DISTRICTS WHICH TRAVERSE COUNTY BOUNDARY LINES.

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

Section 1. Amend Delaware Code, Title 14, §1913, by designating the existing paragraph as Subsection (a) and by adding thereto a new Subsection (b) to read as follows:

"(b) Notwithstanding any other provision of this Title to the contrary, any school district which traverses county boundary lines, which has tax rates established in accordance with Subsection 1916(c) of this Title, and which subsequently receives approval through referendum to change the limit on such tax rate, shall establish a new or changed tax rate, including the 10 percent for delinquencies and costs of collection, such that the tax rate levied upon the full valuation of real estate will be uniform on all real estate in the school district regardless of the county in which it is located. For purposes of this subsection, the term tax rate shall mean the total tax rate levied for all school purposes. For purposes of this subsection the term full valuation shall mean the assessed valuation of a real property divided by the most current assessment to sales price ratio for property within each county among the following sources of such ratios:

(1) The aggregate assessment to sales price ratio for all types of real estate in that county as presented in the 1982 Taxable Property Values and Assessments survey for Delaware, United States Bureau of Census.

(2) The assessment to sales price ratio established by the Budget Director in accordance with the provisions of Section 1707 of this Title.

(3) The county's assessment to sales ratio used in its most recent assessment."

Section 2. This Act shall be effective on July 1, 1985.

Approved July 3, 1985.

CHAPTER 100

FORMERLY

SENATE BILL NO. 249

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

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

Section 1. Amend Section 2 of Chapter 143, Volume 57, Laws of Delaware, as amended by striking said Section in its entirety and substituting in lieu thereof a new section to read as follows:

"Section 2. Boundaries

The boundaries of the Town of South Bethany are hereby established and declared to be as follows:

BEGINNING at a point at the high water line of the Atlantic Ocean, at a corner of State lands; thence with the high water line of the Atlantic Ocean in a northerly direction, a distance of approximately 4,100 feet to the line of the Middlesex Development; thence in a west northwest direction with the line of the Middlesex Development to a common corner for Middlesex and South Bethany, and a point on the westerly side of Pine Road; thence by and with the westerly side of Pine Road N 08° 23' 19" E, 271.93 feet to a point, said point being a corner of these lands and lands of South Bethany Recreational Assoc., Inc., thence leaving the westerly side of Pine Road, and by and with lands of South Bethany Recreational Assoc., Inc., the following two (2) courses and distances, N 81° 37' 31" W, 237.39 feet to a point; thence N 08° 20' 11" E, 292.10 feet to a point, said point being a corner of these lands and lands of South Bethany Recreational Assoc., Inc. and being situate on the south side of Route #361; thence by and with Route #361 S 79° 19' 04" W, 126.53 feet to a point; thence S 84° 14' 46" W, 287.50 feet to a point, said point being a corner of these lands and lands of Sea Colony, Inc., thence leaving said Route #361, and by and with lands of Sea Colony, Inc., S 11° 05' 02" W, 226.15 feet to a point, said point being a corner of these lands and lands of Sea Colony, Inc.; thence continuing with lands of Sea Colony, Inc., N 69° 33' 48" W, 642.01 feet to a point, said point being situate on the easterly right-of way of the Assawoman Canal; thence continuing with same bearing the distance necessary to extend the line to the centerline of the Assawoman Canal; thence southeasterly along the center of the Assawoman Canal to the Jefferson Creek Canal; thence leaving the centerline of the Assawoman Canal and by and with the northerly high water line of Jefferson Creek Canal to a point where said high water line intersects the State lands; thence by and with the State lands, S 60° 45' 00" E, to the point of beginning."

Section 2. 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 resident Council member shall receive compensation in the amount of Ten Dollars ($10) and each non resident Council member shall receive compensation in the amount of Twenty Five Dollars ($25) for each scheduled monthly Council meeting attended by the Council member. Any additional compensation to any Council member 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) per calendar year for any Council member except the Mayor. The Mayor shall receive not more than Three Hundred Dollars ($300) per calendar year."

Section 3. Amend Section 30, Chapter 143, Volume 57, Laws of Delaware, by striking the last full paragraph of Section 30 and substituting in lieu thereof the following:

"The Council shall have the power to levy a tax on the gross receipts of any business activity, as defined by the Council, conducted within the corporate limits of the Town; provided, that such tax in any year shall not exceed six percentum (6%) of the gross receipts of such business activity."

Approved July 3, 2985.

CHAPTER 101

FORMERLY

SENATE BILL NO. 272

AN ACT TO AMEND CHAPTER 41, PART III, TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY; AND CONFERRING CERTAIN POWERS UPON THE KENT COUNTY GOVERNMENT.

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

Section 1. Amend Subchapter II, Chapter 41, Title 9 of the Delaware Code by adding thereto a new Section, designated as §4110, which new Section shall read as follows:

"§4110. General Powers

(a) In addition to the powers specifically enumerated by statutes in this Title and elsewhere, the government of Kent County shall assume and have all powers which under the Constitution of the State of Delaware it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute, including, but not limited to, any powers conferred prior to the effective date of this Chapter by the General Assembly upon Kent County, or upon the Levy Court of Kent County, or upon the Levy Court Commissioners of Kent County, or upon the officers or employees of Kent County, or upon counties generally or upon Levy Court Commissioners generally, or upon the Levy Court generally.

(b) This grant of power includes the power to fix a tax rate upon the assessed valuation of all real property in Kent County, subject to assessment by the County.

(c) This grant of power does not include the power to enact private or civil law concerning civil relationships, except as incident to the exercise of an expressly granted power, and does not include the power to define and provide for the punishment of felonies.

(d) This grant of power does not repeal or modify the doctrine of sovereign immunity as it now exists so as to broaden or increase the limitations of legal actions against Kent County.

(e) This grant of power includes the right of the Levy Court to receive moneys or grants from this State or the United States of America; and the Levy Court may enter into agreements or contracts with this State or the United States relating to such moneys or grants. The Levy Court may enact resolutions providing for programs and services for purposes for which the federal or State funds are granted to the County and to spend out of County funds any share required as a condition of the grants.

(f) The powers of Kent County shall be construed liberally in favor of the County, and specific mention of particular powers in this Title shall not be construed as limiting in any way the general powers stated herein."

Section 2. Amend Subchapter II, Chapter 41, Title 9 of the Delaware Code by repealing §4111 in its entirety and by substituting in lieu thereof a new §4111 to read as follows:

"§4111. Creation of Debt; Authorization, Procedures and Debt Limitation and Anticipation Borrowing

(a) The Levy Court shall exercise all powers of Kent County in connection with the creation of debt, and shall have the power to authorize the issuance of bonds and notes of Kent County to finance the cost of any object, program or purpose for which Kent County, or any officer, department, board or agency thereof, is by this Title or by any other law, authorized to raise, appropriate or expend money, or for the implementation and performance of functions, programs and purposes specified in this Title, or in any other law, applicable to Kent County; provided, however, that the Levy Court shall not have authority to create or to authorize the creating of any bonded indebtedness for any of the following purposes: The payment of any operating expenses; the payment of any judgment resulting from the failure of the County to pay any item of operating expense; or the payment for any equipment or any public improvements of a normal life of less than 3 years. The foregoing limitations shall not apply should the Levy Court unanimously declare the existence of an emergency due to public calamity.

(b) The powers conferred by this Subchapter shall be in addition to and not in substitution for or in limitation of the powers conferred by any other law. Bonds and notes may be issued under this Subchapter for any object or purpose for which Kent County is by this Chapter or any other law authorized to raise or appropriate or expend money notwithstanding that any other law may provide for the issuance of bonds or notes for the same or like purposes and without regard to the requirements, restrictions or other provisions contained in any other law. Bonds and notes may be

issued under this Subchapter notwithstanding any debt or other limitation prescribed by any other law, and the mode and manner of procedure for the issuance of bonds and notes and the adoption of the ordinance authorizing issuance of the bonds or notes under this Chapter need not conform to the provisions of any other law or any other provision of this Chapter.

(c) Bonds and notes issued pursuant to this Subchapter shall be authorized by ordinance of the Levy Court approved by not less than 5/7ths of all of the members thereof. Each such ordinance shall state in brief and general terms the objects or purposes for which the debt is to be incurred and the maximum aggregate principal amount of debt to be incurred for each such object or purpose. Such ordinance, or a subsequent resolution of the Levy Court, shall specify, or may delegate authority to the County Administrator to determine, with respect to any bonds and notes; their date or dates; their maturity; the security therefore, if any, including a pledge of the County's full faith and credit, federal or State grants or other revenues or property; provisions for either serial or term bonds; sinking fund or other reserve fund requirements, if any; provisions for redemption prior to maturity, if any, with or without premium; the interest rate or rates and any limitations with respect thereto or the manner of their determination; the times and place or places within or without this State for the payment of principal and interest; the method of execution; the form; provisions for the consolidation of debt authorized for several objects and purposes pursuant to one or more ordinances into one consolidated issue; provisions for the receipt and deposit or investment of any good faith deposit; provisions for the public or private sale of the debt instruments; and such other terms and conditions as the Levy Court may determine to be in the best interest of the County. Debt incurred by the County pursuant to this Subchapter may be represented by uncertificated obligations of the County which may be applicable to bonds and notes which are permitted to be issued under this Subchapter, and the Levy Court by resolution may determine, or it may delegate authority to the County Administrator to determine, all procedures appropriate to the establishment of a system of issuing uncertificated debt.

(d) The Levy Court may pledge the full faith and credit of the County to secure the payment of the principal, interest and premium, if any, on any debt incurred pursuant to this Subchapter and/or may pledge any other security therefor. With respect to any debt to which the County's full faith and credit is pledged, the authorizing ordinance and the debt instruments issued shall contain the declaration that the principal, interest and premium, if any, are to be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount and that the full faith and credit of the County are pledged for payment. The Levy Court shall annually levy and collect a tax ad valorem upon all property taxable by the County sufficient to pay the principal of and interest on each bond or note secured by the County's pledge of its full faith and credit as such principal and interest become due; provided, however, such tax may be reduced by the amount of other moneys appropriated and actually available for such purpose or provided for by local or special assessments or local service taxes.

(e) The outstanding general obligation bonded indebtedness of Kent County secured by the full faith and credit of the County may not exceed 12 percent of the assessed valuation of all real property subject to taxation within the County. The outstanding bonded indebtedness of the County not secured by the County's full faith and credit is without limitation as to amount.

(f) The proceeds from the sale of bonds and notes issued under this Subchapter shall be used only for the object or purpose or objects or purposes specified in the ordinance authorizing such bonds or notes for the payment of the principal of and interest on temporary loans made in anticipation of the sale of such bonds or notes. If for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on such bonds or notes no later than the earliest date on which such bonds or notes may be called for redemption without premium.

(g) All bonds, notes or other evidences of indebtedness issued pursuant to this Subchapter shall recite that they are issued for a purpose or purposes as specified in the authorizing ordinance or resolution and that they are issued pursuant to the terms of the Constitution and laws of this State and the County. Upon the sale and delivery of any such bonds, notes or other evidences of indebtedness against payment, such recitals shall be conclusive as to the right, power and authority of the County to issue the same and of the legality, validity and enforceability of the obligation of the County to pay principal of and interest on the same. In case any County official whose signature or a facsimile thereof shall appear on any such bonds, notes or other evidences of indebtedness shall cease to be such officer before the delivery of such obligation, or in case the seal of the County which appears on any such obligation shall change before the delivery of such obligation, such signature, seal or facsimile thereof shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office and as if such seal had not changed. The legality, validity and enforceability of such bonds, notes or other evidences of indebtedness shall never be questioned in any court of law or equity by the County or any person after the issuance, execution and delivery against payment for the same. All such bonds, notes and other evidences of indebtedness are hereby declared to have all the qualities and incidents of negotiable instruments under the commercial code of this State.

(h) Notwithstanding any limitations herein to the contrary, the Levy Court may borrow in the

anticipation of the collection of taxes or other revenues budgeted for any purposes for which taxes are levied."

Approved July 3, 1985.

CHAPTER 102

FORMERLY

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

AN ACT TO AMEND CHAPTER 21, TITLE 21. DELAWARE CODE RELATING TO DISABLED PERSONS' PARKING PERMITS.

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

Section 1. Amend §2135(a), Chapter 21, Title 21, Delaware Code by adding after the word "transportation" and before the word "may" in the first sentence of said subsection the following:

"or who is age 85 or older whether or not they own a vehicle".

Section 2. Amend §2135(b), Chapter 21, Title 21, Delaware Code by striking the period after the word "title" and substituting in lieu thereof the following:

"or is age 85 or older."

Section 3. Amend §2135(d), Chapter 21, Title 21, Delaware Code by adding a new paragraph '(4)' to read as follows:

"(4) A permit issued under this section to a person age 85 or older expires 5 years from the date of issue. The permit may be renewed upon application and payment of the prescribed fee."

Approved July 3, 1985.

CHAPTER 103

FORMERLY

HOUSE BILL NO. 47

AN ACT TO AMEND CHAPTER 85, TITLE 14 AND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF STUDENT RECORDS OF PRIVATE POSTSECONDARY SCHOOLS, COLLEGES AND UNIVERSITIES.

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

Section 1. Amend Chapter 85, Title 14 of the Delaware Code by adding a new Section 8530, to read as follows:

"§8530. Disposition of Permanent Student Records by Postsecondary Institutions

(a) Notwithstanding any exemptions to the contrary in this Chapter, all postsecondary institutions authorized, approved or licensed by the State Board of Education to operate in the State of Delaware under this Chapter or under Section 125, Title 8 prior to discontinuing operation, shall perform the following duties:

(1) Notify in writing the State Board of Education and all currently enrolled students of the decision to cease operation;

(2) Notify in writing all currently enrolled students, and students enrolled during the five prior years, that information concerning permanent student records may be obtained from the State Board of Education;

(3) Convey all permanent student records to the State Board of Education, or to another location designated by the Board, for safekeeping and for reproduction as requested by the students.

(b) As used in this section, 'permanent student records' shall mean all those documents that are necessary to provide a meaningful record of student performance and financial aid and shall include, but not be limited to, the following:

(1) Academic records, including written evaluations, competency assessments, etc.

(2) Catalogues

(3) Change of grade forms

(4) Class lists, including original grade sheets

(5) Commencement programs/graduation lists

(6) Schedules of classes

(7) Financial aid transcripts and supporting documents."

Section 2. Amend Section 125, Title 8 of the Delaware Code by adding to the end of the first paragraph the following sentence:

"Upon dissolution, all such corporations shall comply with the provisions of Section 8530, Chapter 85, Title 14."

Approved July 3, 1985.

CHAPTER 104

FORMERLY

HOUSE BILL NO. 71
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 15, TITLE 3 OF THE DELAWARE CODE RELATING TO GRASS SEED MIXTURES.

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

Section 1. Amend §1501(23),Chapter 15, Title 3 of the Delaware Code by striking said paragraph in its entirety and substituting in lieu thereof the following:

"(23) 'List by Predominance' shall have the same meaning as defined in the rules and regulations under this Chapter."

Section 2. Amend §1502(c)(2) by striking it in its entirety and substituting in lieu thereof the following:

"(2) List as follows:

(a) Common accepted name, in order of its predominance, of the kind, or kind and variety of each agricultural seed present in excess of 5% of the whole;

(b) Percentage by weight of pure seed of each agricultural seed named;

(c) For each agricultural seed named under subparagraph (a) of this paragraph:

1. Percentage of germination, exclusive of hard seed;

2. Percentage of hard seed, if present;

3. Calendar month and year the test was completed to determine the percentages."

Approved July 3, 1985.

CHAPTER 105

FORMERLY

HOUSE BILL NO. 84
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 31, DELAWARE CODE TO AUTHORIZE THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES TO ENTER INTO INTERSTATE AGREEMENTS PERTAINING TO ADOPTION ASSISTANCE; ESTABLISHING PROCEDURES FOR INTERSTATE SERVICES PAYMENTS; AND PROVIDING FOR THE ADOPTION OF RELATED 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 Title 31, Delaware Code by adopting a new Chapter 54 to read as follows:

"CHAPTER 54. INTERSTATE ADOPTION ASSISTANCE COMPACTS

§5401. Legislative Findings and Purposes.

(a) The General Assembly finds that:

(1) Finding adoptive families for children, for whom state assistance is desirable pursuant to Title 31, Delaware Code §503, and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.

(2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services taken place in other states.

(b) The purposes of this Chapter are to:

(1) Authorize the Department of Services for Children, Youth and Their Families to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the Department of Services for Children, Youth and Their Families.

(2) Provide procedures for interstate children's adoption assistance payments, including medical payments.

§5402. Compacts Authorized; Definitions.

(a) The Department of Services for Children, Youth and Their Families is authorized to develop, participate in the development of, negotiate and enter into one or more interstate compacts on behalf of this state with other states to implement one or more of the purposes set forth in this Chapter. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

(b) For the purposes of this Chapter, the term "state" shall mean a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of or administered by the United States.

(c) For the purposes of this Chapter, the term "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(d) For the purposes of this Chapter, the term "residence state" means the state of which the child is a resident by virtue of the residence of the adoptive parents.

§5403. Contents of Compacts.

A compact entered into pursuant to the authority conferred by this Chapter shall have the following content:

(1) A provision making it available for joinder by all states.

(2) A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal.

(3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their

adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.

(4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement by expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.

(5) Such other provisions as may be appropriate to implement the proper administration of the compact.

§5404. Optional contents of Compacts.

A compact entered into pursuant to the authority conferred by this Chapter may contain provisions in addition to those required pursuant to §5403 of this Chapter, as follows.

(1) Provisions establishing procedures and entitlements to medical, developmental, child care or other social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof.

(2) Such other provisions as may be appropriate or incidental to the proper administration of the compact.

§5405. Medical Assistance.

(a) A child with special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the Medical Assistance Office of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the Medical Assistance Office, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

(b) The State Medical Assistance Office shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c) The Medical Assistance Office or other Appropriate State Agency shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the State Adoption Assistance Agency for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefor. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The Department of Services for Children, Youth and Their Families shall make regulations implementing this subsection. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among other things, such regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

(d) The submission of any claim for payment or reimbursement for services or benefits pursuant to this Section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading or fraudulent shall be punishable as perjury and shall also be subject to a fine of not to exceed ($10,000) or imprisonment for not to exceed (2) years, or both such fine and imprisonment.

(e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

§5406. Federal Participation.

Consistent with federal law, the Department(s) of Health and Social Services and Department of Services for Children, Youth and Their Families in connection with the administration of this

Chapter and any compact pursuant hereto shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV (e) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The aforementioned department(s) shall apply for and administer all relevant federal aid in accordance with law."

Approved July 3, 1985.

CHAPTER 106

FORMERLY

HOUSE BILL NO. 136
AS AMENDED BY HOUSE AMENDMENT NO. 2 AND SENATE AMENDMENT NO. 5

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO FINFISHING IN TIDAL AND NON-TIDAL WATERS OF THE STATE FOR ALL FINFISH EXCEPT MENHADEN.

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

Section 1. Amend Section 917, Chapter 9, Title 7, Delaware Code by adding a new Subsection (j) to read as follows:

"(j) Notwithstanding Subsection (d) above, a person may fish in the Nanticoke River with a drift net that extends more than one-third the distance measured perpendicular from shore to opposite shore provided the drift net does not obstruct navigation."

Section 2. Notwithstanding the provisions of Title 7, Section 914(5), Delaware Code, any person who is qualified and sanctioned by the Federal Government to catch foodfish in the Federal Conservation Zone, and lands said foodfish in Delaware may apply for a commercial foodfishing license from the Department during the ten (10) working days immediately following the enactment of this Bill.

Section 3. Notwithstanding the provisions of Title 7, Section 914(5), Delaware Code, the Department is authorized to issue commercial foodfishing licenses to individuals qualified in Section 1 of this Bill for the remainder of Calendar Year 1985 during the ten (10) working days immediately following the enactment of this Bill.

Approved July 3, 1985.

CHAPTER 107

FORMERLY

HOUSE BILL NO. 142
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 5, TITLE 31 OF THE DELAWARE CODE TO AUTHORIZE THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INCREASE AID TO FAMILIES WITH DEPENDENT CHILDREN.

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

Section 1. Amend §503, Title 31 of the Delaware Code by striking subsection (d) in its entirety and substituting in lieu thereof the following:

"(d) The amount of assistance granted as aid to families with dependent children shall be determined by the Department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules and regulations made by the Department.

The standard of need for aid to families with dependent children on and after July 1, 1985, shall be as follows, based on family size: One person household - $158 per month; 2 person household - $220 per month; 3 person household - $298 per month; 4 person household - $349 per month; 5 person household $433 per month; 6 person household - $494 per month; 7 person household - $555 per month; and $56 per month for each additional person, beyond 7, in the household who qualifies for assistance.

In order to receive assistance under this subsection, the mother, guardian or persons standing in loco parentis to a dependent child must have instituted suit for nonsupport in the Family Court or must have designated the Department of Health and Social Services to act as the attorney-in-fact for the purpose of instituting proceedings for nonsupport in the Family Court on behalf of such mother, guardian or person standing in loco parentis."

Section 2. The effective date of this Act shall be October 1, 1985.

Approved July 3, 1985.

CHAPTER 108

FORMERLY

HOUSE BILL NO. 174

AN ACT TO AMEND CHAPTER 57, TITLE 25 OF THE DELAWARE CODE RELATING TO LANDLORD/TENANT APPEAL PROCEDURES.

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

Section 1. Amend §5717, Chapter 57, Title 25 of the Delaware Code by adding a new Subsection (c) thereto to read as follows:

"(c) An appeal taken pursuant to this section may include any issue on which judgment was rendered at the trial court level, including the issue of back rent due, any other statute to the contrary notwithstanding."

Approved July 3, 1985.

CHAPTER 109

FORMERLY

HOUSE BILL NO. 179
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 11, CHAPTER 35 OF THE DELAWARE CODE RELATING TO WITNESSES.

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

Section 1. Amend Section 3511, Title 11, of the Delaware Code by adding Section 3511 to read as follows:

"§3511. Videotaped deposition and procedures for child witnesses

(a) In any criminal case or hearing on delinquency, upon motion of the Deputy Attorney General prior to trial and with notice to the defense, the court may order all questioning of any witnesses under the age of twelve (12) years to be videotaped in a location designated by the court. Persons present during the videotaping shall include the witness, the Deputy Attorney General, the defendant's attorney and any person whose presence would contribute to the welfare and well being of the witness, and if the court permits, the person necessary for operating the equipment. Only the attorneys or a defendant acting pro se may question the child. The court shall permit the defendant to observe and hear the videotaping of the witness in person or, upon motion by the State, the court may exclude the defendant providing he is able to observe and hear the witness and communicate with his attorney. The court shall ensure that:

(1) The recording is both visual and oral and is recorded on film or videotape or by other electronic means;

(2) The recording equipment was capable of making an accurate recording, the operator was competent to operate such equipment and the recording is accurate and is not altered;

(3) Each voice on the recording is identified;

(4) Each party is afforded an opportunity to view the recording before it is shown in the courtroom.

(b) If the court orders testimony of a witness taken under this section, the witness may not be compelled to testify in court at the trial or upon any hearing for which the testimony was taken. At the trial or upon any hearing, a part or all of the videotaped deposition, so far as otherwise admissible under the rules of evidence, may be used as substantive evidence. If only a part of a deposition is offered in evidence by a party, an adverse party may require him to offer all of it which is relevant to the part offered and any party may offer other parts. Objections to deposition testimony or evidence or parts thereof and the grounds for the objection shall be stated at the time of the taking of the deposition.

(c) The witness need not be physically present in the courtroom when the videotape is admitted into evidence.

(d) The cost of such videotaping shall be paid by the court.

(e) Videotapes which are part of the court record are subject to a protective order of the court for purpose of protecting the privacy of the witness."

Approved July 3, 1985.

CHAPTER 110

FORMERLY

HOUSE BILL NO. 180
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND SUBPART F., SUBCHAPTER VI, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO INTERFERING WITH CHILD WITNESSES.

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

Section 1. Amend Subpart F., Subchapter VI, Chapter 5, Title 11, Delaware Code, by adding thereto a new §1263A to read as follows:

"§1263A. Interfering with Child Witness.

(a) A person commits an offense if, intending to interfere with or prevent the prosecution of any person, the person intentionally or knowingly:

(1) Removes a child from the county of residence of the child knowing that the child is or is likely to become a witness in a criminal case in the county of residence; or

(2) Refuses or fails to produce a child in his custody before a court in which there is pending a criminal case in which the child is a witness; or

(3) Confers or offers or agrees to confer a benefit on another person in order to:

(A) Cause a child to be removed from the county of residence of the child, knowing the child is or is likely to become a witness in a criminal case in the county of residence; or

(B) Cause a person in custody of a child to refuse or fail to produce the child before a court in which there is pending a criminal case in which the child is a witness; or

(4) Harms or threatens to harm another person in order to:

(A) Cause a child to be removed from the county of residence, knowing the child is or is likely to become a witness in a criminal case in the county of residence; or

(B) Cause a person in custody of a child to refuse to produce the child before a court in which there is pending a criminal case in which the child is a witness.

(b) For purposes of this Section:

(1) The county of residence of a child is the county in which the child resides at the time of the commission of the offense being prosecuted in the criminal case in which the child is a witness;

(2) A child is in the custody of a person if the person is the parent or guardian of the child, is acting in loco parentis to the child, or exercises control over the location or supervision of the child; and

(3) A criminal case is pending in a court if an indictment, information, or complaint in the case has been filed with or presented to the court.

(c) 'Witness' as used in this Section means any natural person:

(1) Having knowledge of the existence or nonexistence 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 office, prosecuting agency, law enforcement officer, probation officer, parole officer, correctional officer or judicial official; or

(4) Who has been served personally or through a parent, guardian, person acting in loco parentis or other custodian, with a subpoena issued under the authority of any court of this State, or 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.

(d) An offense under Subsection (a)(2), (a)(3)(B) or (a)(4)(B) of this Section is a Class D Felony.

(e) An offense under Subsection (a)(1), (a)(3)(A) or (a)(4)(A) of this Section is a Class E Felony unless the child is a complaining witness, in which event the offense is a Class D Felony."

Approved July 3, 1985.

CHAPTER 111

FORMERLY

HOUSE BILL NO. 181
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, TITLE 10, DELAWARE CODE RELATING TO TESTIMONY OF CHILDREN.

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

Section 1. Amend Subchapter III, Chapter 43, Title 10, Delaware Code by adding a new §4302 to read as follows:

"4302. Competency to Testify.

No child under the age of ten years may be excluded from giving testimony for the sole reason that such child does not understand the obligation of an oath. Such child's age and degree of understanding of the obligation of an oath may be considered by the trier of fact in judging the child's credibility."

Approved July 3, 1985.

CHAPTER 112

FORMERLY

HOUSE BILL NO. 211
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 68, TITLE 21 OF THE DELAWARE CODE RELATING TO OFF HIGHWAY VEHICLES.

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

Section 1. Amend §6814, Chapter 68, Title 21, Delaware Code by striking the word "Registered" at the beginning thereof.

Section 2. Further amend §6814, Chapter 68, Title 21, Delaware Code by striking the words "north of the Chesapeake and Delaware Canal" wherever they appear therein and substituting in lieu thereof the words "within this State".

Approved July 3, 1985.

CHAPTER 113

FORMERLY

HOUSE BILL NO. 215
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO ELIMINATION OF PENALTY FOR FAILURE TO SIGN REGISTRATION CARD.

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

Section 1. Amend Section 2107, Subchapter I, Chapter 21, Title 21, Delaware Code, by striking the Section Title in its entirety and substituting in lieu thereof the following:

"§2107. Registration card; issuance; information thereon."

Section 2. Amend Section 2107, Subchapter I, Chapter 21, Title 21, Delaware Code, by striking subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) This section shall be exempt from the provisions of Section 2116 of this Title."

Approved July 3, 1985.

CHAPTER 114

FORMERLY

HOUSE BILL NO. 224

AN ACT TO AMEND CHAPTER 57, TITLE 25, OF THE DELAWARE CODE TO REQUIRE LANDLORDS TO CHANGE THE LOCKS OF PREMISES RETURNED TO THEM AS A RESULT OF A SUMMARY PROCEEDING FOR POSSESSION FOR THE PROTECTION OF FUTURE TENANTS.

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

Section 1. Amend Section 5715, Chapter 57, Title 25, Delaware Code, by adding a new subsection (f) to read as follows:

"(f) Whenever the plaintiff is put into full possession under this chapter it shall be the duty of the plaintiff, at the time actual repossession occurs, to have the locks to the premises changed if said premises are to be further leased out. Any plaintiff who fails to comply with this subsection shall be liable to any new tenant whose person or property is injured as a result of entry to the premises gained by the dispossessed tenant by use of a key still in his possession which fit the lock to the premises at the time of his tenancy."

Approved July 3, 1985.

CHAPTER 115

FORMERLY

HOUSE BILL NO. 232

AN ACT TO AMEND TITLE 13, DELAWARE CODE RELATING TO INTERSTATE WITHHOLDING FOR THE PAYMENT OF SUPPORT.

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

Section 1. Amend Title 13, Delaware Code, by adding a new Chapter 4 to read as follows:

"CHAPTER 4. INTERSTATE WITHHOLDING ACT

§401 GENERAL PROVISIONS

(a) Purpose: The purpose of this Act is to enhance the enforcement of support obligations by providing a quick and effective procedure for the withholding of income derived in this jurisdiction to enforce support orders of other jurisdictions and by requiring that income withholding, to enforce the support orders of this jurisdiction, be sought in other jurisdictions. This Act shall be construed liberally to effect that purpose.

(b) Definitions: As used in this Act:

(1) 'Support order' means any order, decree, or judgment for the support, or for the payment of arrearages on such support, of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, paternity, guardianship, civil protection, or otherwise.

(2) 'Jurisdiction' means any state or political subdivision, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) 'Court' means the Family Court of this State and, when the context requires, means either the court or agency of any other jurisdiction with functions similar to those defined in this Act, including the issuance and enforcement of support orders.

(4) 'Agency' means the Bureau of Child Support Enforcement of this State and, when the context requires, means either the court or agency of any other jurisdiction with functions similar to those defined in this Act, including the issuance and enforcement of support orders.

(5) 'Child' means any child, whether above or below age of majority, with respect to whom a support order exists.

(6) 'Obligor' means any person required to make payments under the terms of a support order for a child, spouse, or former spouse.

(7) 'Obligee' means any person or entity which is entitled to receive support under an order of support and shall include an agency of another jurisdiction to which a person has assigned his or her right to support.

(8) 'Income' means income as defined in section 513(b) (5) of this Title.

(9) 'Obligee Employer' means any payor of income.

(10) 'Income derived in this jurisdiction' means any income, the payor of which is subject to the jurisdiction of this State for the purpose of imposing and enforcing income withholding under section 513(b) of this Title.

(c) Remedies Additional to Those Now Existing: The remedy herein provided is in addition to, and not in substitution for, any other remedy otherwise available to enforce a support order of another jurisdiction. Relief under this Act shall not be denied, delayed, or otherwise affected because of the availability of other remedies, nor shall relief under any other statute be delayed or denied because of the availability of this remedy.

§402 INITIATION OF INCOME WITHHOLDING AND COOPERATION WITH OTHER JURISDICTIONS

On behalf of any client for whom the Bureau of Child Support Enforcement is already providing services, or on application of a resident of this State, an obligee or obligor of a support order issued by this State, or an agency to whom the obligee has assigned support rights, the Bureau shall

promptly request the agency of another jurisdiction in which the obligor of a support order derives income to enter the order for the purpose of obtaining income withholding against such income. The Bureau shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order for this purpose. The Bureau also shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent modifications of the support order. If the Bureau receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time, and place of the hearings and of the obligee's right to attend.

§403 - RESPONSIBILITIES FOR ENTERING A SUPPORT ORDER OF ANOTHER JURISDICTION FOR PURPOSES OF INCOME WITHHOLDING

(a) Upon receiving a support order of another jurisdiction with the documentation specified in subsection (b) from an agency of another jurisdiction, the Bureau of Child Support Enforcement shall file these documents with the Clerk of the Family Court in which withholding is being sought. The Clerk of the Court shall accept the documents filed and such acceptance shall constitute entry of the support order under this Act.

(b) The following documentation is required for the entry of a support order of another jurisdiction:

(1) a certified copy of the support order with all modifications;

(2) a certified copy of an income withholding order, if any, still in effect;

(3) a copy of the portion of the income withholding statute of the jurisdiction which issued the support order which states the requirements for obtaining income withholding under the law of that jurisdiction;

(4) a sworn statement of the obligee or certified statement of the agency of the arrearages and the assignment of support rights, if any.

(5) a statement of:

(a) the name, address, and social security number of the obligor, if known;

(b) the name and address of the obligor's employer or of any other source of income of the obligor derived in this State against which income withholding is sought;

(c) the name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.

(c) If the documentation received by the Bureau under subsection (a) does not conform to the requirements of subsection (b), the Bureau shall remedy any defect which it can without the assistance of the requesting agency. If the Bureau is unable to make such corrections, the requesting agency shall immediately be notified of the necessary additions or corrections. In neither case shall the documentation be returned. The Bureau shall accept the documentation required by subsections (a) and (b) even if it is not in the usual form required by state or local rules, so long as the substantive requirements of these subsections are met.

(d) A support order entered under subsection (a) shall be enforceable by income withholding against income derived in this State in the manner and with the effect as set forth in sections 404 through 411 of this Chapter and subsection 513(b) of this Title. Entry of the order shall not confer jurisdiction on the courts of this State for any purpose other than income withholding.

§404 - NOTICE

(a) Within 10 working days after a support order is entered pursuant to section 403(a) of this Chapter, the Clerk of the Court shall send by certified or registered mail to the obligor, at the address given, a notice of proposed income withholding. This notice shall be in conformity with that required under §513(b) (2); provided, however, that the notice shall also advise the obligor that the income withholding was requested on the basis of a support order of another jurisdiction. The date of serving notice on the obligor shall be the equivalent of the filing of a verified notice for the purpose of measuring time for the obligor to file an affidavit in opposition to the attachment and for holding a hearing and rendering a decision.

(b) The provisions of §513(b) (3) of this Title shall apply if obligor seeks to contest the proposed income withholding; provided, however, that if a hearing is scheduled the Court shall immediately notify the requesting agency of the date, time, and place of the hearing and of the obligee's right to attend the hearing.

§405 - INCOME WITHHOLDING HEARING

(a) At any hearing contesting proposed income withholding based on a support order entered under Section 403 of this Chapter, the entered order, accompanying sworn or certified statement, and a certified copy of an income withholding Order, if any, still in effect shall constitute prima facie proof, without further proof or foundation, that the support order is valid, that the amount of current support payments and arrearages is as stated, and that the obligee would be entitled to income withholding under the law of the jurisdiction which issued the support order.

(b) Once a prima facie case has been established, the obligor may raise only those defenses set forth in subsection 513(b) (3) of this Title. The burden shall be on the obligor to establish these defenses.

(c) If the obligor presents evidence which constitutes a full or partial defense, the court shall, on the request of the obligee, continue the case to permit further evidence relative to the defense to be adduced by either party, provided, however, that if the obligor acknowledges liability sufficient to entitle the obligee to income withholding, the court shall require income withholding for the payment of current support payments under the support order and of so much of any arrearages as is not in dispute, while continuing the case with respect to those matters still in dispute. The court shall determine those matters still in dispute as soon as possible, and if appropriate shall modify the withholding order to conform to that resolution.

(d) In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses in another state, including the parties and any of the children, by deposition, by written discovery, by photographic discovery such as videotaped depositions or by personal appearance before the court by telephone or photographic means. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

(e) A court of this state may request the appropriate court or agency of another state to hold a hearing to adduce evidence, to permit a deposition to be taken before the court or agency, to order a party to produce or give evidence under other procedures of that state and to forward to the Court of this state certified copies of the evidence adduced in compliance with the request.

(f) Upon request of a court or agency of another state the Courts of this state which are competent to hear support matters may order a person in this state to appear at a hearing or disposition before the Court to adduce evidence or to produce or give evidence under other procedures available in this state. A certified copy of the evidence adduced, such as a transcript or videotape, shall be forwarded by the Clerk of Court to the requesting court or agency.

(g) A person within this state may voluntarily testify by statement or affidavit in this state for use in a proceeding to obtain income withholding outside this state.

§406 - INCOME WITHHOLDING ORDER

If the obligor does not request a hearing in the time provided, or if a hearing is held and it is determined that the obligee has or is entitled to income withholding under the local law of the jurisdiction which issued the support order, the Court shall issue an income withholding order under subsection 513(b) of this Title. The Court shall notify the requesting agency of the date upon which withholding will begin.

§407 - NOTICE TO EMPLOYER AND OTHER PROVISION

The provisions of §513(b) (6) through (11) of this Title apply to income withholding based on a support order of another jurisdiction entered under this Act.

§408 - DISTRIBUTION OF COLLECTED SUPPORT PAYMENTS

(a) The income withholding order shall direct payment to be made to the Bureau of Child Support Enforcement. The Bureau shall promptly transmit payments received pursuant to an income withholding order based on a support order of another jurisdiction entered under this Act to the agency or person designated in section 403(b) (5) (c) of this Chapter.

(b) A support order entered pursuant to section 403 of this Chapter does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state. Amounts collected by any withholding of income shall be credited against the amounts accruing or accrued for any period under any support orders issued either by this state or by a sister state.

§409 - CHANGES

(a) Changes in original order: The Court, upon receiving a certified copy of any amendment or

modification to a support order entered pursuant to section 403 of this Chapter, shall amend or modify the income withholding order to conform to the modified support order.

(b) Changes in jurisdiction: If the Bureau of Child Support Enforcement determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, it shall notify the agency which requested the income withholding of the changes within five working days of receiving that information and shall forward to that agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income. The Bureau shall include with the notice a certified copy of the income withholding Order in effect in this state.

§410 - VOLUNTARY INCOME WITHHOLDING

Any person who is the obligor on a support order of another jurisdiction may obtain voluntary income withholding by filing with the Court a request for such withholding and a certified copy of the support order of a sister state. The court shall issue an income withholding Order under subsection 513(b) of this Title. Payment shall be made to the Bureau of Child Support Enforcement.

§411 - CHOICE OF LAW

(a) The local law of this state shall apply in all actions and proceedings concerning the issuance, enforcement and duration of income withholding orders issued by a Court of this State, which is based upon a support order of another jurisdiction entered pursuant to section 403 of this Chapter, except as provided in subsections (b) and (c) of this section.

(b) The local law of the jurisdiction which issued the support order shall govern the following:

(1) the interpretation of the support order entered under section 403 of this Chapter, including amount, form of payment, and the duration of support;

(2) the amount of support arrearages necessary to require the issuance of an income withholding order and;

(3) the definition of what costs, in addition to the periodic support obligation, are included as arrearages which are enforceable by income withholding, including but not limited to interest, attorney's fees, court costs, and costs of paternity testing.

(c) The Court shall apply the statute of limitations for maintaining an action on arrearages of support payments of either the local law of this state or of the state which issued the support order entered under this Act, whichever is longer."

Section 2. If any provision of this Act of 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 severable.

Approved July 3, 1985.

CHAPTER 116

FORMERLY

HOUSE BILL NO. 252

AN ACT TO AMEND CHAPTER 25, TITLE 3 OF THE DELAWARE CODE RELATING TO DEALERS IN AGRICULTURAL PRODUCTS.

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 3 of the Delaware Code by striking it in its entirety and substituting in lieu thereof the following:

"§2501. Definitions.

As used in this chapter:

(1) 'Person' means any individual, firm, partnership, corporation, company, association, society, joint-stock company or syndicate, their lessees, trustees or receivers.

(2) 'Dealer' means any person who solicits or receives any agricultural products from the producer or other supplier on consignment as a commission merchant, or who purchases agricultural products for resale at wholesale as a dealer, or who negotiates the purchase or sale of any agricultural product as a broker. The term "dealer" shall exclude the Southern Delaware Truck Growers Association Incorporated or similar organizations, and persons who operate as cash buyers.

(3) 'Delaware Broker' means any person whose principal place of business is in the State of Delaware that has been engaged in the business of negotiating sales and purchases of any perishable agricultural products in the State for at least five years and has net assets in the State with value equal to or exceeding the bonding requirements of this chapter.

(4) 'Cash Buyer' means a dealer who pays for agricultural products in United States currency, certified checks, cashier's checks, or drafts issued by a bank at the time the product is removed from a producer's and/or auction market's premises.

(5) 'Producer' means any person in this State who produces agricultural products.

(6) 'Agricultural products' means fruits and vegetables, and for the purpose of this article shall be construed to include, but not by way of limitation, apples, cabbage, cantaloupes, cucumbers, melons, potatoes, sweet corn, and tomatoes.

(7) 'Department' means the Delaware Department of Agriculture.

(8) 'Secretary' means the Secretary of the Delaware Department of Agriculture.

§2502. License required of dealer.

It shall be unlawful for any dealer in agricultural products to operate and conduct a business without first having obtained a license as provided in this chapter. The Department shall publish annually a list of licensed dealers under this chapter.

§2503. Dealers licensed annually.

Every dealer in agricultural products proposing to transact business with producers and/or auction markets in this State shall file a written application for a license or for the renewal of a license with the Department. The application shall be on a form furnished by the Department and shall contain the following information along with such other information as the Department shall require:

(1) The name and address of the applicant and that of its local agents, if any, and the location of its principal place of business;

(2) The kinds of agricultural products the applicant proposes to handle;

(3) The type of produce business proposed to be conducted.

All licenses shall expire on December 31 of each year.

§2504. License fee; bond required; exceptions to bond requirement.

All applications shall be accompanied by a license fee of $25 and a good and sufficient bond in the minimum sum of $25,000. In any event, the bond shall be equal to or greater than the maximum amount of gross business done in this State the previous calendar year, but in no event hall the amount of bond required exceed $50,000. (After a hearing on any complaint against a licensee, a maximum bond of $100,000 may be required at the discretion of the Secretary.) In lieu of the bond, applicants may deposit with the Secretary, United States Government securities, irrevocable letters of credit, or appropriate Certificate of Deposit, satisfactory to the Secretary, to which every producer and/or auction market with whom the licensee does business has recourse on a claim filed in writing with the Department of Agriculture. In lieu of bond, Delaware Brokers may submit evidence satisfactory to the Secretary that they have net assets in the State with value equal to or exceeding the bonding requirements of this section.

§2505. Requirements of bond; bond form; action upon bond.

The bond referred to in this chapter shall be executed by the applicant and by a surety company authorized and qualified to do business in this State as surety in favor of the Secretary in his official capacity for the benefit of all producers with whom the applicant shall transact business, for the period that the license is in force. Such bond shall be upon a form prescribed or approved by the Department and shall be conditioned to secure the faithful accounting for payment to producers, agents or representatives, of all agricultural products purchased, handled or sold by the dealer. Any producer claiming to be injured by the nonpayment, fraud, deceit or negligence of any dealer, may bring action therefor upon the bond against the principal or the surety, or both by the filing of a verified complaint. Such verified complaint shall be upon a form prescribed or approved by the Secretary.

§2506. Renewal of license.

Upon proof of payment of the renewal premium continuing the bond required by this chapter in full force and effect, or proof that the applicant meets one of the exceptions to the bond requirement set forth in §2504 hereof, and upon the payment of a fee of $25 on or before the expiration date of any license issued under this chapter, the applicant shall be entitled to a renewal of license for another year.

§2507. Fees collected.

All sums received by the Department for license fees and renewals shall be paid into the State Treasury to the credit of the General Fund.

§2508. Dealer to keep records.

Every dealer who has received any agricultural product from a producer shall make and keep a correct record and retain the same for 2 years, showing in detail the following with reference to the handling or sale of such agricultural products, along with such other information as the Department by regulation may require:

(1) The name and address of the producer;

(2) The date received;

(3) The condition, grade (if officially graded) and quantity on receipt;

(4) The date of resale or transfer of the products to another;

(5) The price at which purchased and sold.

§2509. Secretary's authority to investigate; proceedings on complaints.

Upon the verified written complaint of any producer or interested person or upon his own motion, the Secretary or assistant whom he may designate may investigate the books and records of any dealer in agricultural products pertaining to such complaint at any time during business hours and shall have free access to the place at which the business is operated.

When a verified written complaint is filed with the Secretary, the the Secretary or assistant whom he may designate may conduct a hearing thereon and shall furnish the holder of the license a copy of the complaint and a notice of the time and place of hearing, which notice shall be served personally or by registered mail directed to his place of business or last known address with postage fully paid at least 20 days prior to the time fixed for the hearing. In the hearing of any complaint, the Secretary or assistant whom he may designate, may sign and issue subpoenas, administer oaths, examine witnesses, take depositions, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of records, documents and memoranda as may be material for the determination of the matter alleged in the complaint.

The Secretary or assistant whom he may designate shall report his findings and make his order upon the matters complained of and furnish a copy of same to the complainant and respondent and/or surety within 10 days of the conclusion of the hearing.

The respondent and/or surety shall have 15 days in which to make effective and satisfy the Secretary's order. If the respondent and/or surety does not comply with the Secretary's order in 15 days, the Secretary shall bring an action at law to recover from the surety on said bond, or any other security provided by the dealer under §2504 hereof, the amount necessary to satisfy such claims or such part thereof as shall equal the amount of the bond or security, which action may be instituted by the Secretary in his official capacity as such on behalf of said claimants, but without naming them as parties. The monies obtained by action against the surety on the bond, or from the sale of any other security, shall be used for the satisfaction of such claims, and the Secretary shall make distribution thereof to the claimants in accordance with the amounts determined to be due thereon, and if less than the total amount of said claims shall be so obtained, distribution shall be made ratably to the creditors according to said amounts.

If a creditor has reduced his claim to judgment, the judgment shall be presumptive of the amount due him.

Nothing in this chapter shall be construed to limit the remedies that are otherwise available to a person at law or equity.

§2510. Department may refuse or revoke licenses.

The Department may refuse to grant a license or may revoke any license already granted, as the case may be, when it is satisfied of the existence of any of the following causes:

(1) The dealer has suffered a money judgment to be entered against him upon which execution has been returned unsatisfied;

(2) The dealer has failed promptly and properly to account and to pay for agricultural products;

(3) The dealer has made a false or misleading statement as to market conditions or the service rendered, if any, with the intent to defraud;

(4) The dealer has perpetrated a fraud or engaged in deceit in procuring the license;

(5) The dealer has engaged in any fraudulent or deceitful practices in his dealings with producers.

Before any license is refused or revoked, the Department or its authorized agents shall give the applicant or licensee at least 20 days' notice of the time and place of hearing on refusal or revocation of a license. At the time and place of hearing, the Department or its authorized agents shall receive evidence, administer oaths, examine witnesses and hear testimony and shall file an order either dismissing the proceeding or refusing or revoking the license.

§2511. Penalty.

Any person who shall violate the provisions of this chapter shall, for first offense, be fined not less than $500 nor more than $1,000, or be confined in jail for a period not exceeding 6 months, or both; and upon conviction of a second offense shall be fined not less than $2,000 nor more than $5,000, or be confined in jail for a period not exceeding 1 year, or both, in the discretion of the court."

Approved July 3, 1985.

CHAPTER 117

FORMERLY

HOUSE BILL NO. 253
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" BY REQUIRING THAT VOTERS IN MUNICIPAL ELECTIONS BE UNITED STATES CITIZENS AND BY ELIMINATING THE CAP ON FUNDING A PENSION OR HEALTH AND WELFARE PLAN FOR TOWN EMPLOYEES.

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

Section 1. Amend Chapter 288, Volume 64, Laws of Delaware by striking the first sentence of Section 8(c) and substituting in lieu thereof the following:

"(c) At such General Municipal Election, every person, male or female, who shall have attained the age for voting as established by the State of Delaware for voting in a General Election and who shall be a citizen of the United States and a bona fide resident of the Town of Laurel for at least thirty (30) days prior to the date of the General Municipal Election, shall have one (1) vote provided he or she is registered on the Books of Registered Voters of the Town of Laurel."

Section 2. Amend Chapter 288, Volume 64, Laws of Delaware by striking Section 30(41) in its entirety and substituting in lieu thereof the following:

"(41) 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; and provided further, that the funding may, if deemed desirable by the Town Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council."

Approved July 3, 1985.

CHAPTER 118

FORMERLY

HOUSE BILL NO. 256

AN ACT TO REPEAL CHAPTER 35, TITLE 30 OF THE DELAWARE CODE RELATING TO EXPRESS COMPANIES, AND TO REPEAL CHAPTER 37, TITLE 30 OF THE DELAWARE CODE RELATING TO THE IMPOSITION OF A TAX ON THE BUSINESS OF TRANSPORTING PASSENGERS BY STEAM POWER, AND TO AMEND CHAPTER 54,TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX AND CHAPTER 53, TITLE 30, OF THE DELAWARE CODE, RELATING TO COMMISSIONS PAID TO CIGARETTE TAX AFFIXING AGENTS.

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

Section 1. Chapter 35, Title 30 of the Delaware Code is hereby repealed.

Section 2. Chapter 37, Title 30 of the Delaware Code is hereby repealed.

Section 3. Amend Section 5401, Chapter 54, Title 30, Delaware Code by striking subsection (1) (m) in its entirety and substituting in lieu thereof the following:

"(m) Any conveyance to or from the United States, this State, or to or from any of their instrumentalities, agencies, or political subdivisions and the University of Delaware:"

Section 4. Amend Section 5318, Chapter 53, Title 30 of the Delaware Code by striking the words "twenty cigarettes" as they appear in Subsection (b) thereof and inserting in lieu thereof the words "twenty or more cigarettes".

Section 5. Effective Date. Sections 1 through 3 of this Act shall be effective on July 1, 1985. Section 4 of this act shall become effective on the date of enactment.

Approved July 3, 1985.

CHAPTER 119

FORMERLY

HOUSE BILL NO. 262

AN ACT TO AMEND CHAPTER 74, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ISSUING OFFICERS FOR THE ISSUANCE OF BONDS, NOTES AND REVENUE NOTES; AND APPROVAL OF CONTRACTS ENTERED INTO BY ISSUERS CREATED BY THE STATE.

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

Section 1. Amend subsection (1), Section 7401, Title 29, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(1) 'Issuing Officers' means the Governor, Secretary of State, State Treasurer and Secretary of Finance of the State."

Approved July 3, 1985

CHAPTER 120

FORMERLY

HOUSE BILL NO. 265

AN ACT TO RECONFIRM THE CONSTITUTED AUTHORITY STATUS OF NORTHERN DELAWARE INDUSTRIAL DEVELOPMENT CORPORATION TO ISSUE REVENUE BONDS ON BEHALF OF THE STATE OF DELAWARE FOR THE LIMITED PURPOSE OF REFUNDING, REISSUING OR MODIFYING BONDS ISSUED IN 1966 AND 1967 FOR PHOENIX STEEL CORPORATION.

WHEREAS, 53 Delaware Laws Chapter 167 created the Delaware Industrial Building Commission and authorized the Commission to certify certified development corporations; and

WHEREAS, certified local development corporations were authorized by 53 Delaware Laws Chapter 167 to issue industrial revenue bonds on behalf of the State; and

WHEREAS, Northern Delaware Industrial Development Corporation was certified by the Commission and issued $41 million in industrial revenue bonds for the benefit of Phoenix Steel Corporation in 1966 and 1967, with the express approval of the Commission; and

WHEREAS, $20,750,000 of those bonds remain outstanding; and

WHEREAS, Phoenix Steel Corporation entered reorganization proceedings under Chapter 11 of the United States Bankruptcy Code in August, 1983; and

WHEREAS, an essential element of the plan is the refunding, reissuance or modification of the bonds presently outstanding; and

WHEREAS, 53 Delaware Laws Chapter 167 was repealed and the functions of the Delaware Industrial Building Commission were transferred to the Delaware Department of Community Affairs and Economic Development, and thence retransferred to the Delaware Economic Development Authority; and

WHEREAS, it is deemed desirable to reaffirm the status of Northern Delaware Industrial Development Corporation as a constituted authority to issue obligations on behalf of the State for the limited and specific purpose f reissuing, refunding or modifying the 1966 and 1967 Northern Delaware Industrial Development Corporation bonds.

NOW, THEREFORE:

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

Section 1. The status of Northern Delaware Industrial Development Corporation as a constituted authority to issue obligations on behalf of the State of Delaware for the specific and limited purpose of reissuing, refunding or modifying bonds issued in 1966 and 1967 for the benefit of Phoenix Steel Corporation, of which $20,750,000 in aggregate principal amount are presently outstanding, is hereby confirmed.

Section 2. Nothing herein contained shall be construed to pledge either the faith and credit or the taxing power of the State to the payment of principal of, premium, if any, or interest on the bonds hereby authorized to be reissued, refunded or modified nor is the State in any manner obligated to make any appropriation for payment thereof.

Approved July 3, 1985.

CHAPTER 121

FORMERLY

HOUSE BILL NO. 269

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

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

Section 1. Amend §558, Chapter 5, Title 28, Delaware Code, by striking the words "paid by certified check to the Secretary of Finance" as they appear therein and substituting in lieu thereof the following:

"retained by the licensee as its property.".

Section 2. Amend §2305(a)(2), Chapter 23, Title 30, Delaware Code, by striking the words "total contributions to all" as they appear therein and substituting in lieu thereof the following:

"licensee's commissions on".

Section 3. This Act shall take effect for commissions and fees payable after April 30, 1985.

Approved July 3, 1985.

CHAPTER 122

FORMERLY

HOUSE BILL NO. 290

AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend Section 3125, Title 19 of the Delaware Code by striking subparagraph (a) (1) in its entirety and in lieu thereof substitute the following:

"(a) (1) Each employing unit shall keep true and accurate records containing such information as the Department prescribes. Such records shall be open to inspection and subject to be copied by the Department or its authorized representatives at any reasonable time and as often as necessary. The Department may require from any employing unit any sworn or unsworn reports with respect to persons employed by such employing unit which the Department deems necessary for the effective administration of this part. Information thus obtained or obtained from any individual pursuant to the administration of this part shall, except to the extent necessary for the proper presentation of a claim, be held confidential and shall not be published or be open to public inspection other than to member or employees of agencies as specified in paragraphs (2), (3), and (4) of this subsection, in any manner revealing the individual's or employing unit's identity, but any claimant, or his legal representative, shall be supplied with information from such records to the extent necessary for the proper presentation of his claim."

Section 2. Amend Section 3125, Title 19 of the Delaware Code by adding thereto a new paragraph (a) (4) to read as follows:

"(4) The Department shall disclose information, the release of which is otherwise prohibited, to officials and employees of governmental agencies in the performance of their official duties, as it may by regulation permit, provided:

a. The regulation specifies the type of information to be released and the uses to which the information may be put, consistent with the administration of the Unemployment Laws of Delaware and other legitimate governmental interests.

b. The information shall not be released unless the requesting agency agrees to reimburse the costs for furnishing such information.

c. In addition to the requirements of this paragraph, all other requirements with respect to the confidentiality of information obtained in the administration of this section and the sanctions imposed for improper disclosure shall apply to the use of such information by officials and employees of agencies to which information is released pursuant to this paragraph.

d. The regulation specifies that the Secretary of Labor of the United State may obtain all information essential to the performance of the Secretary's official duties without an agreement to reimburse costs."

Approved July 3, 1985.

CHAPTER 123

FORMERLY

HOUSE BILL NO. 294

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE MEDICAL PRACTICES ACT AND THE REPORTING OF WOUNDS OR INJURIES CAUSED BY FIREARMS, STABBINGS, OR POISONINGS.

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 1762, Chapter 17, Subchapter VI, Title 24 of the Delaware Code by striking said Section in its entirety and inserting in lieu thereof the following:

§1762. Reports of treatment of wounds or injuries caused by firearms, stabbings and poisonings; failure; penalty.

(a) Every physician attending or treating a stab wound, poisoning by other than accidental means, or a case of bullet wounds, gunshot wounds, powder burns or other injury arising from or caused by the discharge of a gun, pistol or other firearm or whenever such case is treated in a hospital, sanitarium or other institution, the manager, superintendent or other person in charge shall report such case as soon as possible to the appropriate police authorities where such physician, hospital, sanitarium or institution is located. This section shall not apply to such wounds, burns, poisonings or injuries received by a member of the Armed Forces of the United States or the State while engaged in the actual performance of duty.
Whoever fails to make such report shall be fined no less than $25.00.

(b) Any physician or other person who makes a report pursuant to the provisions of this section shall be immune from an award of damages, providing such physician or other person acted in good faith without malice."

Approved July 3, 1985.

CHAPTER 124

FORMERLY

HOUSE BILL NO. 319

AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO PUBLIC ASSISTANCE.

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

Section 1. Amend Chapter 5, Title 31, Delaware Code, by adding at the end thereof the following section, which shall read as follows:

"§Section 521. MEDICAL CARE-SUBROGATION.

(A) Subrogation is defined as the doctrine of law which enables insurers to recover payments from any third party who is responsible for an injury. In any claim for benefits by a recipient who receives medical care under Section 505(6) of this Chapter, where the recipient has a cause of action against any other person, the Department of Health and Social Services shall be subrogated against (substituted for) the recipient to the extent of any payment made by the Department of Health and Social Services on behalf of the recipient receiving medical care, resulting from the occurrence which constituted the basis for the action against the other person.

(B) After the deduction of applicable attorney fees and litigation costs, any funds received by an individual who has received medical care under Section 505(6) of this Chapter, his attorney, or his guardian or personal representative, by means of judgment, award, or settlement of the cause of action, shall be held for the benefit of the Department of Health and Social Services to the extent indicated in subsection (A) of this section.

(C) If, after being notified in writing of a subrogation claim and possible liability under this section, a recipient receiving medical care under Section 505(6) of this Chapter, his attorney, or his guardian or personal representative disposes of funds that are required to be held for the benefit of the Department under this section without the written approval of the Department, that recipient shall be liable to the Department for any amount that, as a result of the disposition of the funds, is not recoverable by the Department.

(D) The Department may compromise, settle, and release a subrogated claim if the Department determines that collection would result in substantial hardship on the recipient receiving medical care or, in a wrongful death action, on the surviving dependents of the deceased."

Approved July 3, 1985.

CHAPTER 125

FORMERLY

SENATE BILL NO. 2

AN ACT TO AMEND CHAPTER 90, TITLE 16, DELAWARE CODE, CLARIFYING THE USE OF THE HEALTH FACILITIES SUBSIDY FUND AND AUTHORIZING AN INCREASE IN THE CAPITALIZATION OF THE FUND AND TO AMEND VOLUME 64, CHAPTER 463, LAWS OF DELAWARE, CLARIFYING THE REQUIREMENT FOR THE DEPOSIT OF INTEREST ON LOANS TO THE GENERAL FUND.

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 9002(2), Title 16, Delaware Code, by deleting the period (.) after the word "Chapter" as it appears in said Section and by inserting in lieu thereof the following:

", or any refinancing of bonds or notes issued by the Delaware Health Facilities Authority for the benefit of a health facility."

Section 2. Amend Section 9007, Title 16, Delaware Code, by deleting the last sentence of said Section in its entirety and inserting in lieu thereof the following:

"Principal payments of such loans shall be deposited in the Health Facilities Subsidy Fund until the principal in such Fund, to include the accrued earnings credited to principal, as provided in Section 9008 of this Title, has reached the sum of Four Million Dollars ($4,000,000.00). Thereafter, upon certification by the State Treasurer that the Fund has been capitalized pursuant to this Section, future principal repayments of loans from the Health Facility Construction Fund shall be deposited in the State Treasurer's Bond Reversion Account."

Section 3. Amend Chapter 90, Title 16, Delaware Code, by adding a new Section 9009 to read as follows:

"§9009. Eligibility for Early Repayment. If any health facility which has incurred any obligation to the State of Delaware through loans from the Health Facility Construction Fund chooses to accelerate the repayments of all or a portion of its indebtedness to the State, and chooses to finance its accelerated repayment through funds raised by debt (i) issued through the Delaware Health Facilities Authority or (ii) any other debt instrument duly obligating the health facility the State is hereby authorized to accept as satisfaction for that obligation an amount equal to all accrued interest, to the date of repayment, plus a principal amount equal to the future principal payments (or the portion thereof to be prepayed) on the Health Facility Construction Loan, discounted to their present value at the net interest cost of the new borrowing. In such case, the Health Facility shall not be eligible for a subsidy contract on that portion of its borrowing from the Health Facilities Authority or other creditor which is used to prepay its loan or loans from the Health Facility Construction Fund. Such payments of principal and interest shall be credited to the various funds and accounts of the State as specified in Sections 9007 and 9008 of this Chapter."

Section 4. The State Treasurer is hereby authorized to transfer the amount of accrued interest paid to the State, pursuant to Section 4 of Volume 64, Chapter 463, Laws of Delaware, from the Bond Revision Account to the General Fund of the State.

Section 5. Section 2 of this Act shall take effect July 1, 1985. The remaining sections shall take effect pursuant to the provisions of State law.

Approved July 4, 1985.

CHAPTER 126

FORMERLY

SENATE SUBSTITUTE NO. 1
TO
SENATE BILL NO. 27
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A HOME COUNSELING CENTER FOR SENIOR CITIZENS WITHIN THE DIVISION OF AGING, DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

Section 1. Amend Title 31 of the Delaware Code by adding a new Chapter 36, which shall read as follows:

"CHAPTER 36. HOME COUNSELING CENTER FOR SENIOR CITIZENS

§3601. Declaration of Policy

The General Assembly of the State of Delaware recognizes that the quality of housing affects every aspect of an older individual's life, from the physical to the psychological. For many older Delawareans maintaining themselves in a suitable environment is an ongoing battle. Some are unnecessarily forced into nursing homes because of the unavailability of housing that matched their physical needs or financial resources. In other cases, housing and/or relocation decisions are made without knowledge of the resources or alternatives available. The General Assembly, therefore, intends through this Act to address this situation by establishing a Home Counseling Center within the Division of Aging whose responsibility it will be to develop and coordinate a continuum of housing options for older Delawareans.

§3602. Establishment of a Home Counseling Center

There is hereby established a Home Counseling Center for Senior Citizens within the Division of Aging, Department of health and Social Services.

§3603. Definitions

As used in this Chapter:

(a) 'Division' shall mean the Division of Aging;

(b) 'Department' shall mean the Department of Health and Social Services;

(c) 'Senior Citizen' shall mean any Delaware resident 60 years of age or older;

(d) 'Center' shall mean the Home Counseling Center;

(e) 'Task Force' shall mean the Task Force on Housing for Senior Citizens;

(f) 'Matched Housing Program' shall mean shared housing arrangements.

§3604 Duties and Functions of the Home Counseling Center

The Home Counseling Center shall have the following duties and functions:

(a) Conduct ongoing research to keep abreast of the existing housing options available to Senior Citizens including research into ways Senior Citizens can finance said housing options;

(b) Directly implement a matched housing program with the Counties;

(c) Advocate for the establishment of additional housing alternatives, including home equity conversion, and work with Senior Citizen organizations on the removal of those barriers which include, but are not limited to financial, regulatory, and legislative that inhibit the development of other alternatives;

(d) Serve as an educational clearinghouse for information on housing options for Senior Citizens, including publication and dissemination of information on laws and regulations pertaining to housing, including, but not limited to rent control and condominium conversion;

(e) Operate a housing counseling service that will counsel Senior Citizens on available housing options and financial/legal matters that may apply to their housing situation, including, but not limited to laws and regulations, utilization of financial options such as home equity conversion, passbook accounts and insurance annuities;

(f) Coordinate with existing County, City and private housing programs to enhance communication of new concepts and developments in housing and to ensure sensitivity to the unique housing needs of Senior Citizens;

(g) Network with banks, lending and investment institutions to explore ways in which Senior Citizens could more effectively invest their money in order to provide adequate housing;

(h) Develop, coordinate and train a cadre of Senior Citizen volunteers to perform peer counseling in housing options and related financial/legal matters, thereby reaching a greater number of Senior Citizens in need of counseling at minimal cost.

§3605. Task Force

(a) There is established a Task Force on Housing for Senior Citizens;

(b) The Task Force shall be composed of at least nine members who shall be appointed by the Secretary of the Department of Health and Social Services;

(c) The duties of the Task Force shall include, but not be limited to the following:

1. Study, research, plan, and advise the Staff of the Center and the Division Director on matters it deems appropriate to enable the Center to function in the best possible manner.

2. Review and advise the Staff and the Division Director regarding the annual proposed budget for the Center.

(d) The terms of the new members shall be staggered. The first three appointees shall serve for a term of one year. The next three appointees shall serve for a term of two years, and the next three appointees shall serve for a term of three years. Appointees, including re-appointees, after the initial nine, shall serve three-year terms. No person shall serve for more than two consecutive terms. Persons serving two consecutive terms are eligible for re-appointment after a one-year absence.

(e) The members shall include at least one representative from each of the following: a private housing program, a public housing agency, the appropriate county government housing agency, a Senior Citizen organization, the business community, and private citizens.

(f) The membership of the Task Force may be expanded to a maximum of 13 members if the program is expanded statewide. The Task Force may form sub-committees.

(g) The Chairman of the Task Force shall be chosen by the Task Force from among its members and shall serve in that capacity for a term of one year and shall be eligible for re-election."

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. For fiscal year 1986, the Center shall be established in New Castle County on a pilot basis. The planning unit of the Division of Aging shall design and implement an evaluation mechanism to measure the adequacy and success of the pilot program in reaching its goal--to assist Senior Citizens in maintaining themselves independently in the community. The evaluation process will entail the systematic collection and analysis of client utilization data including, but not limited to number of clients counseled, number of clients "matched" in shared housing arrangements and number of clients able to convert home equity into disposable income. The effectiveness of the program measured in this manner will then be compared with expenditures to determine the cost-effectiveness of the program. The Secretary of the Department of Health and Social Services shall provide a copy of the evaluation to the General Assembly by March 15th of 1986. The continuation and expansion of the Center shall be determined by the appropriation of the General Assembly of sufficient funds.

Section 4. Services set forth in this Act shall be provided to the extent that sufficient funding is appropriated for such services.

Section 5. If any provision of this Act is held invalid, such invalidity shall not effect other provisions of the Act which can be given effect without the invalid provision, and to that end the provisions of this Act are declared to be severable.

Approved July 4, 1985.

CHAPTER 127

FORMERLY

SENATE BILL NO. 116

AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE.

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

Section 1. Amend paragraph (4) of subsection (a) of §102, Title 8, Delaware Code, by deleting the second sentence thereof in its entirety and substituting in lieu thereof the following:

"If the corporation is to be authorized to issue more than one class of stock, the certificate of incorporation shall set forth the total number of shares of all classes of stock which the corporation shall have authority to issue and the number of shares of each class, and shall specify with respect to each class those shares that are to be without par value and those shares that are to have a par value and the par value of each share of each such class. The certificate of incorporation shall also set forth a statement of the designations and the powers, preferences and rights, and the qualifications, limitations or restrictions thereof, which are permitted by §151 of this Title in respect of any class or classes of stock or any series of any class of stock of the corporation and the fixing of which by the certificate of incorporation is desired,, and an express grant of such authority as it may then be desired to grant to the board of directors to fix by resolution or resolutions any thereof that may be desired but which shall not be fixed by the certificate of incorporation. Such grant of authority may include the power to specify the number of shares of any series."

Section 2. Amend §122, Title 8, Delaware Code, deleting the period at the end of paragraph (13) thereof and substituting a comma therefor and adding thereto the folluwing:

"and make other contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion or attainment of the business of the contracting corporation;"

Section 3. Amend subsection (c) of §141, Title 8, Delaware Code, by inserting in the fourth sentence thereof the phrase "the designations and" between the word "fix" and the word "any" and by inserting the phrase "or fix the number of shares of any series of stock or authorize the increase or decrease of the shares of any series" at the end of and within the paranthetical phrase in such sentence.

Section 4. Amend subsection (g) of §151, Title 8, Delaware Code, by deleting such subsection in its entirety and inserting in lieu thereof the following:

"When any corporation desires to issue any shares of stock of any class or of any series of any class of which the powers, designations, preferences and relative, participating, optional or other rights, if any, or the qualifications, limitations or restrictions thereof, if any, shall not have been set forth in the certificate of incorporation or in any amendment thereto but shall be provided for in a resolution or resolutions adopted by the board of directors pursuant to authority expressly vested in it by the provisions of the certificate of incorporation or any amendment thereto, a certificate of designations setting forth a copy of such resolution or resolutions and the number of shares of stock of such class or series as to which the resolution or resolutions apply shall be executed, acknowledged, filed, recorded, and shall become effective, in accordance with §103 of this Title. Unless otherwise provided in any such resolution or resolutions, the number of shares of stock of any such class or series to which such resolution or resolutions apply may be increased (but not above the number of shares of the class authorized by the certificate of incorporation with respect to which the powers, designations, preferences and rights have not been set forth) or decreased (but not below the number of shares thereof then outstanding) by a certificate likewise executed, acknowledged, filed and recorded setting forth a statement that a specified increase or decrease therein had been authorized and directed by a resolution or resolutions likewise adopted by the board of directors. In case the number of such shares shall be decreased the number of shares so specified in the certificate shall resume the status which they had prior to the adoption of the first resolution or resolutions When no shares of any such class or series are outstanding, either because none were issued or because no issued shares of any such class or series remain outstanding, a certificate setting forth a resolution or resolutions adopted by the board of directors that none of the authorized shares of such class or series are outstanding, and that none will be issued subject to the certificate of designations previously filed with respect to such class or series, may be executed, acknowledged, filed and recorded in accordance with §103 of this Title and, when such certificate becomes effective, it shall have the effect of eliminating from the certificate of incorporation all matters set forth in the certificate of designations with respect to such class or series of stock.

When any certificate filed under this subsection becomes effective, it shall have the effect of amending the certificate of incorporation."

Section 5. Amend §173, Title 8, Delaware Code, by deleting from the third sentence thereof the phrase "transferred from surplus to the capital account" and inserting in lieu thereof the phrase "designated as capital" and by deleting from the fourth sentence thereof the phrase "No transfer from surplus to capital" and inserting in lieu thereof the phrase "No such designation as capital".

Section 6. Amend §221, Title 8, Delaware Code, by changing the reference to "§242(c)(2)" in the last sentence thereof to "§242(b)(2)".

Section 7. Amend §225, Title 8, Delaware Code, by designating the first paragraph thereof as subsection (a), by inserting in the first sentence thereof the phrase "or any officer whose title to office is contested," immediately following the phrase "Upon application of any stockholder or director," and by adding a new subsection (b) thereto as follows:

"(b) Upon application of any stockholder or any member of a corporation without capital stock, the Court of Chancery may hear and determine the result of any vote of stockholders or members, as the case may be, upon matters other than the election of directors, officers or members of the governing body. Service of the application upon the registered agent of the corporation shall be deemed to be service upon the corporation, and no other party need be joined in order for the Court to adjudicate the result of the vote. The Court may make such order respecting notice of the application as it deems proper under the circumstances."

Section 8. Amend §230, Title 8, Delaware Code, by designating the first paragraph thereof as subsection (a) and by adding a new subsection (b) thereto to read as follows:

"(b) Whenever notice is required to be given, under any provision of this Chapter or the certificate of incorporation or by laws of any corporation, to any stockholder or, if the corporation is a non stock corporation, to any member, to whom (i) notice of two consecutive annual meetings, and all notices of meetings or of the taking of action by written consent without a meeting to such person during the period between such two consecutive annual meetings, or (ii) all, and at least two, payments (if sent by first class mail) of dividends or interest on securities during a twelve month period, have been mailed addressed to such person at his address as shown on the records of the corporation and have been returned undeliverable, the giving of such notice to such person shall not be required. Any action or meeting which shall be taken or held without notice to such person shall have the same force and effect as if such notice had been duly given. If any such person shall deliver to the corporation a written notice setting forth his then current address, the requirement that notice be given to such person shall be reinstated. In the event that the action taken by the corporation is such as to require the filing of a certificate under any of the other sections of this Title, the certificate need not state that notice was not given to persons to whom notice was not required to be given pursuant to this subsection."

Section 9. Amend subsection (a) of §271, Title 8, Delaware code, by inserting the phrase "the holders of" between the phrase "resolution adopted by" and the phrase "a majority of the outstanding stock".

Section 10. Amend §349, Title 8, Delaware Code by deleting the last sentence thereof in its entirety.

Section 11. Amend §388, Title 8, Delaware Code, by deleting the phrase "and acknowledged" from subsection (b) thereof and by deleting the phrase "and (3)" from subsection (c) thereof and inserting in lieu thereof the phrase "(3) the name of the corporation as set forth in its certificate of incorporation filed in accordance with subsection (b) and (4)".

Section 12. Amend subsection (a) of §391, Title 8, Delaware Code, by deleting paragraph (22) thereof in its entirety and substituting in lieu thereof the following:

"(22) In the case of non stock corporations and of religious, charitable or other non profit corporations organized under the laws of the State of Delaware, the total fees payable to the Secretary of State upon the filing of a Certificate of Change of Registered Agent and/or Registered Office shall be $5.00."

Section 13. All rights, privileges and immunities vested or accrued by and under any laws enacted prior to the adoption or amendment of this Act, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws enacted prior to the adoption or amendment of this Act, shall not be impaired, diminished or affected by this Act.

Section 14. The provisions of this Act shall become effective on July 1, 1985. Without limiting the foregoing, Section 7 of this Act shall be effective only as to elections and votes of stockholders occurring on or after July 1, 1985 and Section 8 of this Act shall be effective as to all notices required to be given in connection with stockholder action for which the record date is on or after July 1, 1985.

Approved July 4, 1985.

CHAPTER 128

FORMERLY

SENATE BILL NO. 161

AN ACT TO AMEND TITLE 29, CHAPTER 69, DELAWARE CODE, RELATING TO COMPETITIVE BIDDING.

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

Section 1. Amend Title 29, §6903(a), Delaware Code, by adding thereto a new subsection to read as follows:

"(7) Where the purchased material or work which is the subject of the contract is necessary to enable the Department of Elections to conduct a primary, general or special election pursuant to Title 15."

Approved July 4, 1985.

CHAPTER 129

FORMERLY

SENATE BILL NO. 163
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT AUTHORIZING THE TRANSFER OF FUNDS FROM BUDGET OFFICE CONTINGENCY (10-02-004) (SALARIES & OEC) TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, COMMUNITY HEALTH SECTION (35-05-002) (CONTRACTUAL SERVICES) FOR THE PURPOSE OF MEDICAL SCREENING TO ASSESS ANY EFFECTS OF VINYL CHLORIDE TO CITIZENS OF THE DELAWARE CITY AREA ENVIRONMENT.

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

WHEREAS, there has been more than acceptable emissions of vinyl chloride from an industrial site in the Delaware City area; and

WHEREAS, vinyl chloride is a carcinogen; and

WHEREAS, recent medical literature suggests that emissions of vinyl chloride represent not only a threat to the employees of a plant, but also to the nearby neighbors; and

WHEREAS, the citizens of the Delaware City area environment have been exposed to more than allowable levels.

NOW THEREFORE:

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

Section 1. The Budget Director and the Controller General are hereby authorized and directed to transfer the sum of $7,500 from the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002) (Contractual Services), for the purpose of a preliminary medical screening to be designed by the Director of the Division of Public Health to assess those persons at health risk from the effects of vinyl chloride in the Delaware City area. Persons so assessed will receive consultation or referral for further testing as appropriate.1

Section 2. Funds remaining unspent and unencumbered as of June 30, 1986, shall revert to the General Fund of the State of Delaware.

Approved July 4,1985.

CHAPTER 130

FORMERLY

SENATE BILL NO. 235

AN ACT TO AMEND CHAPTER 41, TITLE 14 OF THE DELAWARE CODE RELATING TO A MOMENT OF SILENT REFLECTION IN PUBLIC SCHOOLS.

WHEREAS, a brief period of quiet reflection at the beginning of the school day is a benefit to students in that it acts as an appropriate pause between the rush to school and the activities of the day; and

WHEREAS, such a period benefits the schools in that it promotes an orderly environment conducive to learning; and

WHEREAS, that period should be used by each student according to the dictates of that student's conscience; and

WHEREAS, the U.S. Supreme Court in Wallace v. Jaffree, (June 4, 1985), has invalidated an Alabama statute which could be construed as a State endorsement of prayer activities; and

WHEREAS, Delaware has never intended, nor does it now intend, to mandate any activity which is violative of the First Amendment.

NOW, THEREFORE:

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

Section 1. Amend §4101(b), Chapter 41 of Title 14 of the Delaware Code by striking subsection (b) in its entirety and substituting in lieu thereof the following:

"(b) During the initial period of study on each school day all students in the public schools in Delaware may be granted a brief period of silence, not to exceed two minutes in duration, to be used according to the dictates of the individual conscience of each student. During that period of silence no other activities shall take place."

Approved July 4, 1985.

CHAPTER 131

FORMERLY

SENATE BILL NO. 243

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO THE BOARD OF PENSION TRUSTEES.

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

Section 1. Amend §8308, Chapter 83, Title 29, Delaware Code, by adding thereto a new Subsection 9 to read as follows:

"(9)(a) In any hearing the Board may designate to act as a Hearing Officer one or more of its members. The Hearing Officer shall hear the evidence and arguments presented by the parties. He shall have all the powers of the Board in respect to the conduct of a hearing.

(b) In every case, the Hearing Officer shall prepare a report containing his findings of fact and conclusions of law within 20 days of the hearing. He shall send a copy of the report to the parties who shall have 15 days after the report is mailed to them within which to file exceptions to the report with the Hearing Officer. The Hearing Officer shall review any exceptions filed by the parties and may amend his report in response to them. He shall transmit his final report, with any amendments and the full record of the hearing, including copies of any exceptions filed, to the Board within 15 days after the period for filing exceptions has expired.

(c) The Board may accept, reject or modify the Hearing Officer's final report and shall notify the parties of its action by mail.

(d) The Board's final action may be appealed to the Superior Court within 30 days after it is mailed to the parties by the Board. The appeal shall be on the record.

Approved July 4, 1985.

CHAPTER 128

FORMERLY

SENATE BILL NO. 161

AN ACT TO AMEND TITLE 29, CHAPTER 69, DELAWARE CODE, RELATING TO COMPETITIVE BIDDING.

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

Section 1. Amend Title 29, §6903(a), Delaware Code, by adding thereto a new subsection to read as follows:

"(7) Where the purchased material or work which is the subject of the contract is necessary to enable the Department of Elections to conduct a primary, general or special election pursuant to Title 15."

Approved July 4, 1985.

CHAPTER 129

FORMERLY

SENATE BILL NO. 163
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT AUTHORIZING THE TRANSFER OF FUNDS FROM BUDGET OFFICE CONTINGENCY (10-02-004) (SALARIES & OEC) TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, COMMUNITY HEALTH SECTION (35-05-002) (CONTRACTUAL SERVICES) FOR THE PURPOSE OF MEDICAL SCREENING TO ASSESS ANY EFFECTS OF VINYL CHLORIDE TO CITIZENS OF THE DELAWARE CITY AREA ENVIRONMENT.

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

WHEREAS, there has been more than acceptable emissions of vinyl chloride from an industrial site in the Delaware City area; and

WHEREAS, vinyl chloride is a carcinogen; and

WHEREAS, recent medical literature suggests that emissions of vinyl chloride represent not only a threat to the employees of a plant, but also to the nearby neighbors; and

WHEREAS, the citizens of the Delaware City area environment have been exposed to more than allowable levels.

NOW THEREFORE:

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

Section 1. The Budget Director and the Controller General are hereby authorized and directed to transfer the sum of $7,500 from the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002) (Contractual Services), for the purpose of a preliminary medical screening to be designed by the Director of the Division of Public Health to assess those persons at health risk from the effects of vinyl chloride in the Delaware City area. Persons so assessed will receive consultation or referral for further testing as appropriate.

Section 2. Funds remaining unspent and unencumbered as of June 30, 1986, shall revert to the General Fund of the State of Delaware.

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CHAPTER 130

FORMERLY

SENATE BILL NO. 235

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WHEREAS, a brief period of quiet reflection at the beginning of the school day is a benefit to students in that it acts as an appropriate pause between the rush to school and the activities of the day; and

WHEREAS, such a period benefits the schools in that it promotes an orderly environment conducive to learning; and

WHEREAS, that period should be used by each student according to the dictates of that student's conscience; and

WHEREAS, the U.S. Supreme Court in Wallace v. Jaffree, (June 4, 1985), has invalidated an Alabama statute which could be construed as a State endorsement of prayer activities; and

WHEREAS, Delaware has never intended, nor does it now intend, to mandate any activity which is violative of the First Amendment.

NOW, THEREFORE:

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

Section 1. Amend §4101(b), Chapter 41 of Title 14 of the Delaware Code by striking subsection (b) in its entirety and substituting in lieu thereof the following:

"(b) During the initial period of study on each school day all students in the public schools in Delaware may be granted a brief period of silence, not to exceed two minutes in duration, to be used according to the dictates of the individual conscience of each student. During that period of silence no other activities shall take place."

Approved July 4, 1985.

CHAPTER 131

FORMERLY

SENATE BILL NO. 243

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO THE BOARD OF PENSION TRUSTEES.

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

Section 1. Amend §8308, Chapter 83, Title 29, Delaware Code, by adding thereto a new Subsection 9 to read as follows:

"(9)(a) In any hearing the Board may designate to act as a Hearing Officer one or more of its members. The Hearing Officer shall hear the evidence and arguments presented by the parties. He shall have all the powers of the Board in respect to the conduct of a hearing.

(b) In every case, the Hearing Officer shall prepare a report containing his findings of fact and conclusions of law within 20 days of the hearing. He shall send a copy of the report to the parties who shall have 15 days after the report is mailed to them within which to file exceptions to the report with the Hearing Officer. The Hearing Officer shall review any exceptions filed by the parties and may amend his report in response to them. He shall transmit his final report, with any amendments and the full record of the hearing, including copies of any exceptions filed, to the Board within 15 days after the period for filing exceptions has expired.

(c) The Board may accept, reject or modify the Hearing Officer's final report and shall notify the parties of its action by mail.

(d) The Board's final action may be appealed to the Superior Court within 30 days after it is mailed to the parties by the Board. The appeal shall be on the record.

Approved July 4, 1985.

CHAPTER 132

FORMERLY

SENATE BILL NO. 269

AN ACT TO AMEND CHAPTER 81, TITLE 9 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM TAXATION OF OFF-STREET PARKING FACILITIES.

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

Section 1. Amend §8108, Chapter 81, Title 9 of the Delaware Code by striking the number "10" and inserting in lieu thereof the number "20" as the same shall appear therein.

Approved July 4, 1985.

CHAPTER 133

FORMERLY

HOUSE BILL NO. 66
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 8, TITLE 22 AND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO MUNICIPAL AND COUNTY REGULATION OF FIREARMS.

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

Section 1. Amend §835(a), Chapter 8, Title 22 of the Delaware Code, by adding thereto a new subparagraph (6) to read as follows:

"(6) Prohibit, restrict or license ownership, transfer, possession or transportation of firearms or components of firearms or ammunition, except that the discharge of a firearm may be regulated; provided that any regulation or ordinance incorporates the justification defenses as found in Title 11 of the Delaware Code. Nothing contained herein shall be construed to invalidate existing municipal ordinances."

Section 2. Amend §330, Chapter 3, Title 9 of the Delaware Code, by adding thereto a new subsection (c) to read as follows:

"(c) The county governments shall enact no law or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportatin of firearms or components of firearms, or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11 of the Delaware Code."

Approved July 4, 1985.

CHAPTER 134

FORMERLY

HOUSE BILL NO. 78
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE RELATING TO THE POWERS, DUTIES AND AUTHORITY OF THE STATE DEPARTMENT OF JUSTICE

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

Section 1. Amend Chapter 25, Title 29, Section 2504 of the Delaware Code by striking paragraph (2) in its entirety and substituting in lieu thereof a new paragraph which new paragraph shall read as follows:

"(2) Notwithstanding any other laws, to provide legal advice, counsel and services for administrative offices, agencies, departments, boards, commissions and officers of the State government concerning any matter arising in connection with the exercising of their official powers or duties and to publish or cause to be published such opinions in book form every two years. The courts, counties and incorporated municipalities are excepted from this chapter;"

Section 2. The provisions of this Act shall become effective January 1, 1985 and shall include all opinions rendered by the Office of the Attorney General after January 1, 1985.

Section 2. The books of opinions of the Attorney General shall be provided to members of the public upon request and upon payment of an amount sufficient to cover the cost of publishing the number of books requested.

Approved July 4, 1985.

CHAPTER 135

FORMERLY

HOUSE BILL NO. 90

AN ACT TO APPROPRIATE MONEY TO THOMAS LAWRENCE WINTERBOTTOM, SR., A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN"S MILITARY PAY ACT NO. II, BUT HOW DID NOT RECEIVE HIS BONUS.

WHEREAS, Thomas Lawrence Winterbottom, Sr. of Cedar Drive, Millville, Delaware, was a legal resident of the State of Delaware for two years prior to his entry into the United States Army on January 28, 1949; and

WHEREAS, Said Thomas Lawrence Winterbottom, Sr. has served in the United States Army from January 28, 1949, until October 2, 1952, serving outside the limits of the States or District of Columbia from october 1949, until October 1952; and

WHEREAS, since his service was between June 25, 1950, and January 31, 1955, he would have been entitled to a bonus under the Veteran's Military Pay Act No. II as appears in Chapter 449, Volume 50, Laws of Delaware, but through oversight he failed to apply timely for such bonus; and

WHEREAS, he served 36 months overseas and would therefore be entitled to the maximum bonus of $300.

NOW THEREFORE:

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

Section 1. The sum of $300 is appropriated to Thomas Lawrence Winterbottom, Sr.

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

Approved July 4, 1985.

CHAPTER 136

FORMERLY

HOUSE BILL NO. 93
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENTS NOS. 1 AND 3

AN ACT TO AMEND PART VI, TITLE 3 OF THE DELAWARE CODE, TO PROVIDE FOR THE HUMANE KILLING OF ANIMALS HELD IN A SHELTER.

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

Section 1. Amend Part VI, Title 3 of the Delaware Code, by adding thereto a new Chapter to read as follows:

"CHAPTER 80. HUMANE KILLING OF ANIMALS HELD IN A SHELTER

§8001. Method Of Killing

Any dog, cat or any other animal held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner within 5 days from written notification to the owner of the animal, if ownership can be determined, unless earlier disposal is recommended by a doctor of veterinary medicine, may be disposed of only by adoption as a companion in a suitable home if a domestic animal, or by rehabilitation to its natural habitat if a wild animal, or by euthanasia performed in one of the following ways:

(a) by administration of sodium pentobarbital; or

(b) with chloroform by a means approved in writing by a licensed veterinarian after inspecting the equipment and method.

§8002. Administration of Sodium Pentobarbital

(a) Sodium pentobarbital shall be administered by any one of the following methods:

1. Intravenous, intraperitoneal, or intracardial injection of a lethal dose.

2. Oral ingestion of powdered sodium pentobarbital in capsules mixed with food, with the animal remaining in its individual cage until dead.

(b) Sodium pentobarbital shall be administered under the following conditions:

1. A sharp and undamaged hypodermic needle shall be used for each animal and be of a size suitable for the size and species of animal, and method of injection; and

2. Administration shall be by a licensed veterinarian or by a person certified as proficient in the injection of sodium pentobarbital by a licensed veterinarian after passing both a written and practical examination.

(c) Sodium pentobarbital may be obtained by the animal shelter with required federal and state permits.

§8003. Administration of Chloroform

Rodents, rabbits and infant wildlife may be euthanized with chloroform or injections of sodium pentobarbital.

(a) The animal to be killed shall be placed in an individual cage or compartment in a small airtight container constructed with proper closeable air intake and a chloroform dispenser device and view window sufficient to permit unobstructed observation of the animal until dead. The animal shall not be placed directly into a container already saturated with chloroform.

(b) The chloroform, of a dose sufficient to kill the size of animal, shall be placed onto a gauze, cotton or wool dispenser attached to the container wall in such a position that the animal shall not be able to come in direct contact with it. After the animal is unconscious, the fresh air intake is to be closed.

(c) The animal shall not be removed from the container for thirty (30) minutes after cessation of respiratory movements. After the animal is removed, it shall be checked for heartbeat. The animals body shall not be disposed of until the onset of rigor mortis.

(d) The room in which the chloroform is administered shall have forced ventilation to remove all fumes after each use, for the protection of personnel.

(e) All methods shall be inspected and approved in writing by a licensed veterinarian.

§8004. Proper Facilities Required

Any municipality that does not have proper facilities and trained personnel shall transport in a humane manner any animals which are to be euthanized to the nearest private or public shelter or agency which has proper facilities and trained personnel or contract for euthansia of such animals by a licensed veterinarian.

§8005. Prohibited Acts; Criminal Offense; Civil Remedy; Jurisdiction in Superior Court

(a) Anything in this Act to the contrary notwithstanding, any shelter that has employed a high-altitude, low pressure chamber, also known as the decompression chamber, to dispose of animals prior to the effective date of this Act, may continue to do so for a period of 1 year after the effective date of this Act. Thereafter, no shelter shall employ such a chamber to dispose of animals, and shall have complied with the provisions of §8006 hereof about the dismantling of such chambers.

(b) Failure by any person employed by, volunteering at, or an agent of any private or public animal shelter to comply with the provisions of this Act for euthanizing animals shall constitute a Class A misdemeanor and shall be punishable as provided by law.

(c) Any person may maintain a civil action to enjoin the continuance of the violation. If the acts sought to be enjoined are determined by the courts to violate the provisions of this Act, a permanent injunction against such acts shall be granted. The violation may also be abated by any public body or officer authorized to do so by law.

(d) The Superior Court shall have exclusive jurisdiction of misdemeanor offenses under this section.

§8006. Dismantling the Chamber

Within 1 year of the effective date of this Act, any chamber or device used to induce hypoxia through decompression or in any other manner shall be dismantled and removed from the premises. The director or owner of any premises on which the chamber or device remains 1 year subsequent to the effective date of this Act shall be subject to the same penalty as that provided for a violation of the state cruelty to animals statute. The Superior Court shall have original, exclusive jurisdiction over all violations of this section."

Approved July 4, 1985.

CHAPTER 137

FORMERLY

HOUSE BILL NO. 104

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BUDGET AND FISCAL REGULATIONS.

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

Section 1. Amend §6505, Title 29 of the Delaware Code by striking the first sentence of §6505(c) and substituting in lieu thereof the following sentence:

"No funds appropriated by the Budget Appropriation Bill or otherwise available to an agency of this State shall be expended except for purposes necessary to carry out the functions of such agency; no funds shall be expended for purposes such as gratuities, greeting cards, flowers and tickets to athletic events, when unrelated to the agency's function; no funds shall be expended for parking tickets or other traffic violations; and the Secretary, Department of Finance, shall, in executing his duty under §6518 of this Title, refuse to approve any such expenditures.

Approved July 4, 1985.

CHAPTER 138

FORMERLY

HOUSE BILL NO. 167
AS AMENDED BY HOUSE AMENDMENT NOS. 2, 3 AND 4

AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE OF DUTY DEATH BENEFITS.

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

Section 1. Amend paragraph 6601 (1) d., Chapter 66, Title 18, Delaware Code, by inserting after the word "officers" and before the word "employed" the words "and probation and parole officers".

Section 2. Amend subsection 6601 (1), Chapter 66, Title 18, Delaware Code, by striking the period " " at the end of paragraph 1 and inserting in lieu thereof the following:

"; or

m. State Forest Officers, and Special Forest Fire Wardens employed by the Department of Agriculture; or

n. Para medics of any jurisdiction of this State or its subdivisions; or

o Justices of the Peace Constables; or

p. Sheriffs and Deputy Sheriffs."

Approved July 4, 1985.

CHAPTER 139

FORMERLY

HOUSE BILL NO. 202
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 92, TITLE 11, DELAWARE CODE, RELATING TO THE RIGHTS OF LAW ENFORCEMENT OFFICERS.

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

Section 1. Amend Chapter 92, Title 11 of the Delaware Code by striking in its entirety subsection (b) of Section 9200 and substituting in lieu thereof the following:

"(b) For purposes of this chapter a 'law enforcement officer' is defined as a police officer who is a sworn member of the Delaware State Police, of the Wilmington City Police Department, of the New Castle County Police, of the University of Delaware Police Division, or of the police department, bureau of police or police force of any incorporated municipality, city or town within this State; provided, however, that the provisions of this chapter shall not apply to the Superintendent or Deputy Superintendent of the Delaware State Police, or to any officer above the rank of Captain in the Delaware State Police, or to the chief of police of any police force in this State, or to any other officer who is the highest ranking officer in his or her law enforcement agency. Furthermore, no law enforcement officer not a member of one of the above agencies shall be covered by the provisions of this chapter."

Section 2. Further amend Chapter 92, Title 11 of the Delaware Code by striking in its entirety the last sentence of paragraph 3 of subsection (c) of Section 9200 and substituting in lieu thereof the following:

"No formal complaint against a law enforcement officer seeking dismissal or suspension or other formal disciplinary action shall be prosecuted under departmental rule or regulation unless the complaint is supported by substantial evidence derived from an investigation by an authorized member of the department."

Section 3. Further amend Chapter 92, Title 11 of the Delaware Code by striking in its entirety Section 9203 and substitute in lieu thereof the following:

"Section 9203. Hearing Required on Suspension or other Disciplinary Action.

If a law enforcement officer is (a) suspended for any reason, or (b) charged with conduct alleged to violate the rules or regulations or general orders of the agency that employs him or her, or is charged with a breach of discipline of any kind, which charge could lead to any form of disciplinary action (other than a reprimand) which may become part of the officer's permanent personnel record, then that officer shall be entitled to a hearing which shall be conducted in accordance with this chapter unless a contractual disciplinary grievance procedure executed by and between the agency and the bargaining unit of that officer is in effect, in which case the terms of that disciplinary grievance procedure shall take precedence and govern the conduct of the hearing."

Section 4. Further amend Chapter 92, Title 11 of the Delaware Code by striking from subsection (b) of Section 9205 and word "Commission" where it appears and substituting in lieu thereof the word "Council".

Section 5. Further amend Chapter 92, Title 11 of the Delaware Code by striking from Section 9209 the period ending that section and substituting in lieu thereof a comma and the following words and phrase; "conducted by the law enforcement agencies specified in Section 9200 (b) of this chapter."

Section 6. Further amend Chapter 92, Title 11 of the Delaware Code by adding a new Section 9210 to read as follows:

"Section 9210. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, in whole or in part, then such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are declared severable."

Approved July 4, 1985.

CHAPTER 140

FORMERLY

HOUSE BILL NO. 255

AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO UNCLAIMED OR ABANDONED PROPERTY.

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

Section 1. Amend subparagraphs (1), (2) and (5) of §1170 (a), Chapter 11, Title 12 of the Delaware Code by striking the words "25 years" in each place it appears therein and inserting in lieu thereof the words "7 years".

Section 2. Effective Date. This Act shall apply to unclaimed or abandoned property reports required to be made after January 1, 1986.

Approved July 4, 1985.

CHAPTER 141

FORMERLY

HOUSE BILL NO. 276
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND SECTION 706, CHAPTER 7, TITLE 21 OF THE DELAWARE CODE REGARDING DISPOSITION OF FINES AND COSTS.

WHEREAS, New Castle County in the State of Delaware maintains its own police department; and

WHEREAS, the cost to the County taxpayer of that department on an annual basis exceeds $10 million; and

WHEREAS, the presence of that highly trained department results in tremendous saving in personnel and equipment costs to the State; and

WHEREAS, New Castle County presently expends more than $50,000 per year on police overtime associated with the prosecutions of motor vehicle offenses under Title 21 of the Delaware Code; and

WHEREAS, New Castle County must purchase its ticket books from the State at an approximate annual cost of $1,500; and

WHEREAS, New Castle County, unlike the incorporated cities and towns of the State, presently is not entitled to any of the revenue resulting from arrests made for violations of Title 21 of the Delaware Code made by its authorized representatives; and

WHEREAS, it is fitting and proper that New Castle County be placed on equal footing with the incorporated cities and towns of the State in this regard and that it be given the benefit of its industry for enforcement of the provisions of Title 21 of the Delaware Code.

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 706(a), Chapter 7, Title 21 of the Delaware Code by -

(a) striking the words "of any incorporated city or town" after the words "in the limits" and substituting "any County, incorporated city or town"; and

(b) striking the words "of the incorporated city or town" after the phrase "authorized representatives" and substituting "of that County, incorporated city or town"; and

(c) striking the words "to the incorporated city or town" after the word "paid" and substituting "to that County, incorporated city or town"; and

(d) striking the words "for the use of the city or town" after the word "committed" and substituting "for the use of that County, incorporated city or town."

Section 2. Amend §706(a), Chapter 7, Title 21, Delaware Code by striking the words "and costs" as they appear in the first sentence thereof.

Section 3. Amend §706(a), Chapter 7, Title 21, Delaware Code by adding a sentence after the first sentence thereof to read as follows:

"Nothing in this section shall be construed to entitle any County to fines, penalties or forfeitures arising from an arrest made under this Title by an authorized representative of that County for a violation committed within any incorporated city or town."

Section 4. Amend §706(a), Chapter 7, Title 21, Delaware Code by adding a new sentence at the end of subsection (a) to read as follows:

"All costs collected for the violation of any of the provisions of this Title shall be paid to the jurisdiction whose court imposed said costs.

Section 5. The provisions of this Act shall become effective on July 1, 1985.

Approved July 4, 1985.

CHAPTER 142

FORMERLY

HOUSE BILL NO. 280
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 7, 17 and 61 OF TITLE 18 DELAWARE CODE BY PROVIDING FOR ONE- TIME LICENSING AND APPOINTMENTS OF INSURANCE AGENTS, BROKERS, SURPLUS LINES BROKERS, CONSULTANTS AND FRATERNAL REPRESENTATIVES, CHANGING THE FEES THEREFOR AND DELETING REFERENCES TO LIMITED REPRESENTATIVES.

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. Amend Section 701, Chapter 7, Title 18 by striking present subsections (5), (6), (7), (8), (9), (10) (11), and (12), and substituting the following in lieu thereof:

"(5) Agents (§1702 of this title)

a. Permanent certificate of authority.....$30.00

b. One- time appointment of agent (§1714 of this title), each insurer.....$15.00

c. Interim agent's license (§1711 of this title).....$10.00

d. Temporary license (§1712 of this title), each 90 day period.....$10.00

(6) Brokers (§1703 of this title)

a. Permanent certificate of authority.....$60.00

b. Temporary license (§1712 of this title) each 90- day period.....$20.00

(7) Surplus lines broker (§1702 of this title)

a. Permanent certificate of authority.....$150.00

b. Temporary license (§1712 of this title) each 90 day period.....$50.00

(8) Consultant (§1705 of this title)

a. Permanent certificate of authority.....$150.00

b. Temporary license (§1712 of this title, each 90- day period.....$50.00

(9) Fraternal representative (§1707 of this title)

a. Permanent certificate of authority.....$10.00

b. One- time appointment of fraternal representative (§1714 of this title), each society or association.....$10.00

(10) Adjuster (§1708 of this title)

a. Permanent certificate of authority.....$30.00

(11) Motor vehicle appraiser (§1709 of this title)

a. Permanent certificate of authority.....$30.00

Section 2. Further Amend Section 701, Chapter 7, Title 18, Delaware Code by redesignating subsections (13) through (25) as subsections (12) through (24).

Section 3. Amend Section 1701 (a), Chapter 17,Title 18, Delaware Code by striking the words "limited representatives,"

Section 4. Amend Section 1706, Chapter 17, Title 18, Delaware Code by striking said Section in its entirety.

Section 5. Amend Section 1713, Chapter 17, Title 18, Delaware Code by striking the present subsection (c) and substituting in lieu thereof the following:

"(c) The certificate of authority shall be valid and effective unless and until:

(1) Licensee fails to complete the minimum continuing education credit units prescribed by regulation for license continuation, or licenses otherwise ceases to be qualified to hold such certificate of authority; and/or

(2) The certificate is revoked or terminated pursuant to Section 1732 of this title."

Section 6. Further Amend Section 1713, Chapter 17, Title 18, Delaware Code by adding a new subsection (j) to read as follows:

"(j) Any certificate of authority as a limited representative shall be converted to a certificate of authority as an agent as of the effective date of this section."

Section 7. Amend subsections (a) and (b), Section 1714, Chapter 17, Title 18, Delaware Code by striking the words "limited or" from said subsections.

Section 8. Further Amend Section 1714, Chapter 17, Title 18, Delaware Code by adding a new subsection (c) to read as follows:

"(c) Each insurer shall notify the Commissioner, in writing, simultaneous with notifying an agent of termination of an appointment. Failure to notify the Commissioner shall result in a non-rebuttable presumption that the agent or fraternal representative continues to be authorized to bind the insurer."

Section 9. Amend Section 1715, Chapter 17, Title 18, Delaware Code by striking subsection (b) in its entirety, and redesignating present subsections (c) through (f) as new subsections (b) through (e).

Section 10. Amend Section 1716,Chapter 17, Title 18, Delaware Code by striking the words "limited or" before the word "fraternal" and after the word "broker", as they appear therein.

Section 11. Amend subsection (1), Section 1716, Chapter 17, Title 18, Delaware Code by striking the words "surplus lines broker or limited representative," before the word "if" and after the word "broker and substituting in lieu thereof the words "or surplus lines broker,".

Section 12. Amend subsection (a), Section 1720, Chapter 17, Title 18, Delaware Code by striking the words "limited or" before the word "fraternal" and after the word "agent," as they appear therein.

Section 13. Amend subsection (a) (5), §1720, Chapter 17, Title 18, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(5) Certify that the applicant does not intend to use the certificate of authority or license principally for the purpose of writing controlled business as defined in Section 1729 of this title."

Section 14. Amend subsection (b), Section 1721, Chapter 17, Title 18, Delaware Code by adding the word "or" between the words "broker," and "agent," and striking the words "or limited representative" in said subsection.

Section 15. Amend Section 1722, Chapter 17, Title 18, Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"1722. Nonresident certificate of authority; fees.

Notwithstanding any other provision of this Title, every applicant for a

non-resident certificate of authority shall be subject to the same fees as a resident applicant."

Section 16. Amend subsection (6) Section 1723, Chapter 17, Title 18, Delaware Code by striking said subsection in its entirety and redesignating current subsections (7) and (8) as new subsections (6) and (7).

Section 17. Amend subsection (a), Section 1726, Chapter 17, Title 18, Delaware Code by striking he words "limited and/or" before the word "fraternal" and after the word "broker," as they appear therein.

Section 18. Amend subsection (a) (3), Section 1727, Chapter 17, Title 18, Delaware Code by striking the word "limited" before the word "fraternal" and after the word "agent," as they appear therein.

Section 19. Amend subsection (c) (3), §1727, Chapter 17, Title 18, Delaware Code by striking said subsection in its entirety, and substituting in lieu thereof the following:

"(3) The licensee fails to complete the minimum continuing education requirements established by regulation."

Section 20. Amend subsection (g), Section 1727, Chapter 17, Title 18, Delaware Code by striking the words "limited and" before the word "fraternal" and after the word "or" as they appear therein.

Section 21. Amend subsection (h), Section 1727, Chapter 17, Title 18, Delaware Code by striking the word "limited" before the word "or" and after the word "agents," as they appear therein.

Section 22. Amend subsection (a), Section 1730, Chapter 17, Title 18, Delaware Code by adding the word "or" between the word "broker," and "consultant"; and by striking the words "or limited insurance representative" before the word "within" and after the word "broker" as they appear therein.

Section 23. Amend subsection (e), Section 1730, Chapter 17, Title 18, Delaware Code by striking the word "limited" before the word "or" and after the word "agent," as they appear therein.

Section 24. Amend Section 6128, Chapter 61, Title 18, Delaware Code by striking subsection (e) (1) in its entirety and substituting in lieu thereof the following:

"(e) Issuance of insurance agents' licenses.

(1) The Commissioner may issue a license to any person who has paid the fees specified under Section 701 of this Title and who has complied with the requirements of this section."

Section 25. Amend subsection (e), Section 6128, Chapter 61, Title 18, Delaware Code by striking subsections (5), (6), and (7) in their entirety.

Section 26. "Effective Date. This Act shall become effective September 15, 1985."

Approved July 4, 1985.

CHAPTER 143

FORMERLY

HOUSE BILL NO. 292

AN ACT TO AMEND CHAPTER 7, TITLE 18, OF THE DELAWARE CODE BY CHANGING THE ANNUAL STATEMENT FILING FEE FOR INSURERS, AND BY ADDING A FILING FEE CHARGE FOR FORM FILINGS AND RATE CHANGES SUBMITTED TO THE DEPARTMENT OF INSURANCE FOR REVIEW.

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

Section 1. Amend subsection (3), Section 701, Chapter 7, Title 18, Delaware Code by striking the fee/number "25.00" and substituting in lieu thereof the fee/number "100"

Section 2. Amend Section 701, Chapter 7, Title 18, Delaware Code by adding two new subsections to read as follows:

"(26) Form filings for all insurance policies or annuity contracts or applications.....$15.00

(27) Rate changes or deviations.....$15.00'.

Section 3. The provisions of this bill shall become effective on July 1, 1985.

Approved July 4, 1985.

CHAPTER 144

FORMERLY

HOUSE BILL NO. 293

AN ACT TO AMEND CHAPTER 60, PART VII, TITLE 7, DELAWARE CODE, RELATING TO THE DEFINITION OF PERSON.

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

Section 1. Amend Section 6002, Title 7 of the Delaware Code, by deleting paragraph (15) in its entirety and substituting in lieu thereof a new Section 6002 (15) to read as follows:

"(15) 'Person' means any individual, trust, firm, joint stock company, federal agency,partnership, corporation (including a government corporation), association, state, municipality, commission, political subdivision of a state, or any interstate body."

Approved July 3, 1985.

CHAPTER 145

FORMERLY

HOUSE BILL NO. 303

AN ACT TO AMEND SECTION 960(d), PART D, SUBCHAPTER III, CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO APPEALS FROM THE FAMILY COURT OF THE STATE OF DELAWARE.

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

Section 1. Amend §960(d), Chapter 9, Title 10, Delaware Code, by striking the words "Court may require." as the same appear at the end of the sentence in the subsection and substituting in lieu thereof the words "Appellate Court may require under its Rules".

Approved July 4, 1985.

CHAPTER 146

FORMERLY

HOUSE BILL NO. 306

AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO REQUIRING APPROVAL OF THE DELAWARE PUBLIC SERVICE COMMISSION PRIOR TO TRANSFER OF CONTROL OF A DELAWARE PUBLIC UTILITY.

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

Section 1. Amend §215, Subchapter II, Chapter 1, Title 26, Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§215. Merger, Mortgage or Transfer of Property; Issuance of Securities; Assumption of Obligation of Another; Transfer of Control; Exceptions

(a) No public utility, without having first obtained the approval of the Commission, shall (1) directly or indirectly merge or consolidate with any other person or company, or sell, lease, assign, or mortgage except by supplemental indenture in accordance with the terms of a mortgage outstanding September 1, 1949, or otherwise dispose of or encumber any essential part of its franchises, plant, equipment or other property, necessary or useful in the performance of its duty to the public; or (2) issue any stocks, stock certificates, or notes, bonds or other evidences of indebtedness payable in more than one year from the date thereof; or (3) assume any obligation or liability as guarantor, endorser, surety or otherwise in respect of any security of any other person or corporation, payable or maturing more than one year after the date of such issue or assumption of liability.

(b) No individual, group, syndicate, general or limited partnership, association, corporation, joint stock company, trust, or other entity, whether or not organized under the laws of this State, shall acquire control, either directly or indirectly, of any public utility doing business in this State *without having first obtained the approval of the Commission.* Any such acquisition of control without such prior authorization shall be void and of no effect. As used herein the term 'control' means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a public utility, whether through the ownership of voting securities, by effecting a change in the composition of the board of directors, by contract or otherwise. Control shall be presumed to exist if any such individual or entity, directly or indirectly, owns 10% or more of the voting securities of the public utility. This presumption may be rebutted by a showing that such ownership does not in fact confer control.

(c) Application for any such approval or authorization shall be made to the Commission in writing, verified by oath or affirmation, and be in such form and contain such information as the Commission requires.

(d) The Commission shall approve any such proposed merger, mortgage, transfer, issue, assumption, or acquisition when it finds that the same is to be made in accordance with law, for a proper purpose and is consistent with the public interest. The Commission may make such investigation and hold such hearings in the matter as it deems necessary, and thereafter may grant any application under this section in whole or in part and with such modification and upon such terms and conditions as it deems necessary or appropriate. The Commission shall grant, modify, refuse or prescribe appropriate terms and conditions with respect to every such application within 30 days after the filing of the application therefor, except that with respect to any application filed under subsection (b) hereof, if the Commission gives notice to the parties of a hearing to be held by the Commission with respect to the application and the hearing is commenced within such 30 days or on a date mutually acceptable to the Commission and the parties, the Commission shall have 30 days after the submission of the hearing examiner's report or recommended decision within which to render its decision. In the absence of any such action within such period of time, any such proposed merger, mortgage, transfer, issue, assumption, or acquisition shall be deemed to be approved.

(e) Subsection (b) of this section shall not apply to any acquisition of control of any public utility which derives a greater percentage of its gross revenue from business in another jurisdiction than from business in this State if the Commission determines that the other jurisdiction has statutes or rules which are applicable and are being applied and which afford protection to ratepayers in this State substantially equal to that afforded such ratepayers by this section. For purposes of this subsection, the term 'gross revenue' is used as that term is used in Section 115(c) of this title, except that in defining gross revenue derived from business in another jurisdiction, the name of the appropriate regulatory agency or agencies established by such other jurisdiction for the regulation of public utilities shall be substituted for 'the Public Service Commission' in Section 115(c)(1) and for ' the Commission' in Section 115(b).

(f) Nothing contained in this section shall be construed in any way to prevent the sale or lease or other disposition of any public utility of any of its property in the ordinary course of its business."

Section 2. "Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable."

Approved July 4, 1985.

CHAPTER 147

FORMERLY

SENATE BILL NO. 1

AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, TO INCREASE THE ALLOWABLE DEDUCTION FOR PERSONAL EXEMPTION FROM $800 TO $1,000, AND RELATING TO REQUIREMENT TO FILE ON DELAWARE STATE INCOME TAX.

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

Section 1. Effective with respect to taxable years beginning after December 31, 1985, amend Section 1110, Subchapter II, Chapter 11, Title 30 of the Delaware Code by striking the figure "$800" where it appears therein and substituting in lieu thereof the figure "$1,000".

Section 2. Effective with respect to taxable years beginning after December 31, 1985, amend Section 1161, Subchapter VIII, Chapter 11, Title 30 of the Delaware Code by striking the figure "$800" each time it appears in subparagraph (1) and substituting in lieu thereof the figure "$1,000".

Section 3. Effective with respect to taxable years beginning after December 31, 1985, amend Section 1161, Subchapter VIII, Chapter 11, Title 30 of the Delaware Code by striking the figure "$1,600" as it appears in subparagraph (1) and substituting in lieu thereof the figure "$2,000".

Section 4. This act shall take effect upon enactment into law.

Approved July 12, 1985.

CHAPTER 148

FORMERLY

SENATE BILL NO. 33
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 57, TITLE 16, DELAWARE CODE, RELATING TO VOLUNTARY AND INVOLUNTARY STERILIZATION, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFORE.

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

Section 1. Amend Chapter 57, Title 16, Delaware Code, by striking said Chapter in its entirety and substituting in lieu thereof a new Chapter to read as follows:

"CHAPTER 57. VOLUNTARY AND INVOLUNTARY STERILIZATION

§5701. Sterilization Defined

(a) As used in this Chapter 'sterilization' means any surgical or medical procedure intended to render a person permanently unable to procreate.

(b) As used in this Chapter 'informed consent' means consent to be sterilized given by the person to be sterilized and given voluntarily and with an understanding of the nature and consequences of the procedure to be performed.

§5702. Scope of Chapter

(a) Nothing in this Chapter shall be construed to require compliance with the procedures herein, or prevent the medical treatment of any person by any physician duly licensed to practice medicine in this State, when such treatment may result in an inability to procreate as a secondary effect; provided that such treatment is to remedy a substantial danger to life or health and under usual circumstances for elective surgery such secondary effect is explained to the person and the person gives informed consent thereto or that a bona fide emergency prevents such explanation and consent.

(b) Nothing in this Chapter shall be construed to prevent the sterilization by any licensed physician of any person eighteen (18) or more years of age who voluntarily, knowingly and personally requests such treatment and gives informed consent thereto.

(c) Nothing in this Chapter shall be construed to permit the involuntary sterilization of a person confined to any correctional institution on the basis of such confinement.

(d) All other sterilizations shall be in accordance with this Chapter.

§5703. Informed Consent not Presumed

The following persons shall be presumed incapable of giving informed consent to sterilization:

(1) A patient or resident of any institution for the mentally ill or retarded;

(2) A person known by the physician to be on convalescent leave or any other form of conditional discharge from any institution for the mentally ill or retarded;

(3) A person confined to any correctional institution; or

(4) A person on whose behalf sterilization is requested by another person or agency.

§5704. Jurisdiction and Venue

Sterilization of any person presumed incapable of giving informed consent thereto may be performed only if the Court of Chancery in the county in which the person to be sterilized resides or in which the institution in which he resides is located:

(1) issues a declaratory judgment that the person has given informed consent; or

(2) orders involuntary sterilization in compliance with this Chapter.

§5705. Filing Petition

(a) A petition for a declaratory judgement or for involuntary sterilization under this Chapter

may be filed in the Court of Chancery by:

(1) the chief executive officer of the institution in which the person to be sterilized resides;

(2) the head of the agency responsible for such person if he is not a resident of an institution; or

(3) the parent or guardian of such person.

(4) Any agency which by virtue of the scope of its powers and jurisdiction has an interest in the sterilization of the person.

(b) A form of preliminary order setting the matter down for hearing and providing for the giving of the required notice shall be filed with the petition.

§5706. Petition for Declaratory Judgement

(a) Any petition for a declaratory judgement that the person to be sterilized has given informed consent shall be verified and shall:

(1) Identify the petitioner and his relationship to the person for whom sterilization is sought;

(2) Name as respondent the person for whom sterilization is sought and set forth the respondent's age, sex, residence, marital status, mental condition and identify the respondent's parents, guardian, spouse, if any, and next of kin, if other than the petitioner;

(3) Identify the physician who will perform the sterilization and the hospital or clinic where such procedure will be performed;

(4) Identify the sterilization procedure to be performed;

(5) State whether, in the opinion of the petitioner, the person for whom sterilization has been sought has given informed consent to the sterilization procedure to be performed; and

(6) Pray for a declaratory judgement that the respondent has given informed consent to sterilization.

(b) Any petition under this Section shall have annexed thereto a verified report of a psychiatrist or psychologist duly authorized to practice in the State of Delaware stating that he has examined the respondent and that the respondent is, in his opinion, capable of giving informed consent to the sterilization procedure to be performed.

§5707. Petition for Involuntary Sterilization

(a) Any petition for the sterilization of any person presumed incapable of informed consent shall be verified and shall:

(1) Identify the petitioner and his relationship to the person for whom sterilization is sought;

(2) Name as respondent the person for whom sterilization is sought and set forth the respondent's age, sex, residence, marital status, mental condition and identify the respondent's parents, guardian, spouse, if any, and next of kin, if other than the petitioner;

(3) Identify the physician who will perform the sterilization and the hospital or clinic where such procedure will be performed;

(4) Identify the sterilization procedure to be performed;

(5) State whether, in the opinion of the petitioner, the person for whom involuntary sterilization is sought is incapable of giving informed consent to the sterilization procedure to be performed; and

(6) Pray for an order authorizing the sterilization of the respondent.

(b) Any petition under this Section shall have annexed thereto the affidavit of a psychiatrist or psychologist duly licensed to practice in the State of Delaware, which affidavit shall set forth:

(1) The date he last examined the respondent;

(2) Whether or not the respondent is permanently incapable, or is and will in the affiant's opinion remain incapable for the foreseeable future, of giving informed consent to the sterilization procedure to be performed; and

(3) Whether, in the opinion of the affiant, it would or would not be meaningless or detrimental to the health of the respondent to serve a copy of the petition and notice of the hearing personally upon the respondent.

(c) Any petition under this Section shall also have annexed thereto an affidavit or affidavits of the duly licensed physician or physicians, which affidavit or affidavits shall set forth:

(1) The date that he last examined the respondent;

(2) Whether or not the respondent, if not sterilized, is likely to procreate a child;

(3) The sterilization procedure to be performed and, if other than the least drastic means of sterilization is to be performed, why such procedure is medically or hygienically indicated;

(4) Whether:

(i) the respondent, if not sterilized, is likely to procreate a child who would have any probability of serious physical, mental or nervous disease or deficiency;

(ii) the respondent would be so incapable of caring for a child that procreation would be inadvisable and likely to endanger the welfare of the child;

(iii) such incapability of caring for a child, if any, is either permanent or likely to persist into the foreseeable future and whether instruction or training is likely to overcome such incapability;

(5) Whether, if the respondent is female, pregnancy would present a substantial danger to the life or health of the respondent;

(6) Whether, in the opinion of the affiant, the benefit to respondent from the sterilization procedure outweighs any known medical contraindications to the procedure to be performed; and

(7) Whether, in the opinion of the affiant, it would or would not be meaningless or detrimental to the health of the respondent to serve a copy of the petition and notice of the hearing personally upon such person.

§5708. Service of Petition and Notice

(a) Upon the filing of a petition for a declaratory judgement or for involuntary sterilization under this Chapter, service of the petition shall be made and notice shall be given as hereinafter provided.

(b) Service of the petition shall be made upon the person for whom sterilization is sought at least ten (10) days before the hearing date. Where the affidavits required by §5706(b) or §5707(b) and (c) recite that it would be meaningless or detrimental to the health of the respondent to serve the respondent personally, the required service shall be made upon the person in charge of the institution or home where the respondent resides. If the petitioner has the custody of the respondent and the affidavits required by §5706(b) or §5707(b) and (c) recite that service would be meaningless or detrimental, the required service shall be made on the spouse, parent or guardian, if any, or the next of kin of the respondent who are eighteen (18) years of age or older and who reside in the State of Delaware. As to persons so served, the notice by mail provided in subsection (c) hereof is not required.

(c) Notice to Others. Notice by registered or certified mail, return receipt requested, of the time, place and purpose of the hearing shall be given by or on behalf of the petitioner, to the spouse, parent or guardian, if any, and to the next of kin of the respondent who are eighteen (18) years of age or older. Notice need not be given to any person if he shall consent in writing to the granting of the prayer of the petition or shall waive such notice.

(d) Proof of Service and Notice. Proof of service and of notice shall be filed with the Register in Chancery prior to the hearing or shall be presented at the hearing

§5709 Interim Action by Court

(a) Upon receipt of a petition the court shall appoint a guardian ad litem or attorney or both for the respondent

(b) On the motion of the respondent or on its own motion the court may order an independent examination by a duly licensed physician, psychiatrist or psychologist not employed by the agency responsible for the care of the respondent. The court may order that such examination be at State expense.

§5710. Procedural Rights of Person to be Sterilized

Any person for whom sterilization is sought shall have the following procedural rights:

(1) the right to counsel;

(2) the right of cross examination;

(3) the right to present his own evidence;

(4) the right to compel the attendance of witnesses; and

(5) all other rights of civil litigants in the Court of Chancery.

§5711. Hearing on Petition for Declaratory Judgement

(a) The hearing upon the petition for a declaratory judgement under this Chapter shall be by the Court.

(b) If the attorney for the respondent and the guardian ad litem, if any, agree and the Court is satisfied that the report required by §5706(b) demonstrates clearly and convincingly that the respondent has given informed consent to sterilization and there is no objection to the petition, the Court may grant it without requiring the petitioner to present other evidence.

(c) If there is objection to the petition, the Court will receive evidence at the hearing or, for good cause, adjourn the hearing to another date for the reception of evidence.

(d) The Court may issue a declaratory judgement after hearing if satisfied by clear and convincing evidence that the respondent has given informed consent to sterilization.

§5712. Hearing on Petition for Involuntary Sterilization

(a) The hearing upon the petition for involuntary sterilization under this Chapter shall be by the Court.

(b) The Court may order the involuntary sterilization of the respondent without requiring the petitioner to present other evidence, (1) if there is no objection to the petition; (2) if the attorney for the respondent, and the guardian ad litem, if any, agree and (3) if the Court is satisfied that the affidavits required by §5707(b) and (c) demonstrate clearly and convincingly that;

(1) The respondent is presently incapable of giving informed consent to sterilization; and

(2) The respondent is more likely than not to remain so incapable either permanently or for the foreseeable future and that all attempts to render the respondent capable of giving informed consent have been and are likely to remain ineffectual; and

(3) The benefit to respondent from the sterilization outweighs any known medical contraindications to the procedure to be performed; and

(4) If the respondent is not sterilized, the respondent is more likely than not to procreate and all less drastic medically advisable alternative means to prevent procreation are or have been ineffective; and

(5) (i) the respondent, if not sterilized, is likely to procreate a child who would have a probability of serious physical, mental or nervous disease or deficiency; or (ii) the respondent would be so incapable of caring for a child that procreation would be inadvisable and likely to endanger the welfare of the child; or (iii) if the respondent is female, pregnancy would present a substantial danger to the life or health of the respondent; and

(6) The procedure to be performed is the least drastic medically or hygienically indicated means of sterilizing the respondent.

(c) If there is objection to the petition, the Court will receive evidence at the hearing or, for good cause, adjourn the hearing to another date for the reception of evidence.

(d) The Court may issue an order authorizing the involuntary sterilization of respondent after hearing, if satisfied by clear and convincing evidence that the criteria set forth in subsection (b)

hereof have been met.

§5713. Physician's Certification

(a) In all cases where the Court issues an order authorizing involuntary sterilization or a declaratory judgement that informed consent to sterilization has been given, the physician to perform the sterilization shall, prior to performing such procedure, certify that he was provided with a copy of the Court's order.

(b) The physician's certificate shall be filed with the Register in Chancery within ten (10) days of the performance of the sterilization procedure.

§5714. Records

A record shall be kept in every institution having the custody of any person operated upon under this Chapter of such operation and of its effect upon the person operated upon and such records shall at all times be subject to inspection by the Department of Health and Social Services.

§5715. Limitation of Liability

(a) No physician who performs a sterilization in compliance with this Chapter shall be held liable for the respondent's loss of procreative power.

(b) No hospital or clinic wherein a sterilization in compliance with this Chapter is performed shall be held liable for respondent's loss of procreative power.

(c) No physician, psychiatrist or psychologist who provides a report required by this Chapter shall be held liable for respondent's loss of procreative power.

(d) Nothing contained in this Section shall be construed to excuse any physician, psychiatrist, psychologist, hospital or clinic from liability for malpractice.

§5716. Costs

(a) Any proceeding under this Chapter shall be exempt from making a deposit for costs with the Register in Chancery.

(b) The Court may order that the costs of any proceeding under this Chapter be paid for from resources available to the recipient of these proceedings. If such resources are not available, the Court may order that the costs of any proceeeding under this Chapter be borne by the State.

(c) The Board or Commission having custody of any person operated upon under this Chapter shall pay out of its funds for the costs of the examination and the cost of performing the operation and hospital bills and transportation in connection therewith."

Approved July 12, 1985.

CHAPTER 149

FORMERLY

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

AN ACT TO AMEND CHAPTER 17, TITLE 7 OF THE DELAWARE CODE RELATING TO INCREASE PENALTIES FOR PARTICULAR DOGS RUNNING AT LARGE VIOLATIONS.

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

Section 1. Amend §1704 (d), Title 7, Delaware Code by striking the words "$25 nor more than $50" and inserting in lieu thereof the words "$50 nor more than $100" as the same shall appear in the first sentence.

Section 2. Amend §1704 (d), Title 7, Delaware Code by striking the words "$100 nor more than $300" and inserting in lieu thereof the words "$300 nor more than $500" as the same shall appear in the second sentence.

Section 3. Amend §1704 (d), Title 7, Delaware Code by striking the words "$25 for the first offense and $100" and inserting in lieu thereof the words "$50 for the first offense and $300" as the same that appears in the third sentence.

Approved July 12, 1985.

CHAPTER 150

FORMERLY

SENATE BILL NO. 44
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND SECTION 5307, CHAPTER 53, TITLE 25 OF THE DELAWARE CODE, WITH REFERENCE TO LANDLORD-TENANT RELATIONSHIPS; INCREASING THE ABATEMENT FOR RENT FOR PERIODS IN WHICH HEAT OR WATER OR HOT WATER IS NOT PROVIDED BY A LANDLORD.

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

Section 1. Amend §5307(a)(2), Chapter 53, Title 25, Delaware Code, by striking the words and figures "1/4 of the" as they appear in the first sentence of said subsection (a)(2) immediately after the word "keep" and before the word "rent" and substituting in lieu thereof the words "two-thirds per diem".

Section 2. Amend §5307, Chapter 53, Title 25, Delaware Code, by striking the word "heat" wherever it appears therein and substituting in lieu thereof the words "adequate heat".

Section 3. Amend §5307, Chapter 53, Title 25, Delaware Code, by adding thereto a new subsection (b) to read as follows:

"(b) For purposes of this section, 'adequate heat' shall mean heat sufficient to maintain a temperature of not less than 62 degrees Fahrenheit in the dwelling unit."

Approved July 12, 1985.

CHAPTER 151

FORMERLY

SENATE BILL NO. 63
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO JUDICIAL REVIEW OF DECISIONS OF THE BOARD OF PENSION TRUSTEES.

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

Section 1. Amend Chapter 83, §8308, Title 29, Delaware Code by adding a new subsection (h) thereto which shall read as follows:

"(h) Any applicant for a pension aggrieved by a decision after a hearing by the Board of Pension Trustees may appeal that decision to the Superior Court and such appeal and review shall be conducted according to the provisions governing judicial review of case decisions under the Administrative Procedures Act."

Section 2. This Act shall apply to any appeal, however denominated, from any decision of the Board of Pension Trustees filed after the effective date of the Act.

Approved July 12, 1985.

CHAPTER 152

FORMERLY

SENATE BILL NO. 100
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A WINE AND BEER ONLY ALCOHOLIC BEVERAGE 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 §554, Chapter 5, Title 4, by adding thereto a new subsection designated as (dd) to read as follows:

"(dd) For a license to sell wine and/or beer only at a restaurant the fee shall be $225.00."

Approved July 12, 1985.

CHAPTER 153

FORMERLY

SENATE BILL NO. 123
AS AMENDED BY SENATE AMENDMENT NOS. 1, 2, 3, 4, 5 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE BY ADOPTING A HOUSING CODE FOR THE STATE OF DELAWARE, INCLUDING THE ESTABLISHMENT OF MINIMUM PROPERTY MAINTENANCE STANDARDS FOR DWELLING STRUCTURES THAT POSE A THREAT TO THE HEALTH AND SAFETY OF THE PEOPLE OF EACH COMMUNITY IN THE STATE, PROVISIONS FOR ADOPTION OF SUCH STANDARDS BY EACH COMMUNITY IN THE STATE, WITH CERTAIN EXEMPTIONS AND PROVISIONS FOR SPECIAL CONDITIONS AND FOR HARDSHIPS, AND ENFORCEMENT OF SUCH STANDARDS BY EACH COMMUNITY IN THE STATE OR BY THE STATE IN THE ABSENCE OF LOCAL ENFORCEMENT.

WHEREAS, in the State of Delaware there are more than 16,000 dwelling structures that are dilapidated, unsafe, unsanitary, or otherwise substandard as to constitute a potential menace to the health, safety and general welfare of the people of the State of Delaware; and

WHEREAS, the General Assembly mandated the preparation of the establishment of minimum property maintenance standards for the entire state as provided in Chapter 40, Title 31, Delaware Code; and

WHEREAS, it is the concept of the housing code to protect the general welfare of all the inhabitants of the state by promoting decent, safe and sanitary living conditons; and

WHEREAS, a number of communities within the State have requested that a State housing code be adopted by the General Assembly; and

WHEREAS, several communities are now considering adoption of local housing codes, subject to charter revisions by the General Assembly, and those communities desire uniform standards for minimum property maintenance in order that enforcement can be shared among two or more communities; and

WHEREAS, it is not the intent of this Act to displace persons, invade the privacy of persons or cause undue hardships for owners and occupants of housing units that do not pose an imminent threat to the health, safety and general welfare of the people of the State of Delaware; and

WHEREAS, it is the intent of this Act to supplement and support local housing, building and development standards; and

WHEREAS, it is also the intent of this Act, wherever possible, to encourage the adoption and enforcement of minimum property maintenance standards at the local government level; and

WHEREAS, it is the intent of the General Assembly of the State of Delaware that the Housing Code and minimum property maintenance standards created by this Act for the State shall include the whole area within the confines of the State except as exempted herein as hereinafter set forth.

NOW, THEREFORE:

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

Section 1. Title 31 of the Delaware Code is amended by adding thereto Chapter 41 to read as follows:

"CHAPTER 41. DELAWARE STATE HOUSING CODE

SUBCHAPTER I. APPLICABILITY AND ADOPTION

§4101. Title and Scope

This Chapter shall be known as the Delaware State Housing Code which establishes minimum property maintenance standards for structures covered by this Chapter and is herein sometimes referred to as the 'State Housing Code' or 'Code' and shall apply to and include the entire State of Delaware except as may be exempted by this Chapter.

§4102. Purpose

This Chapter is intended to protect the public safety, health, and welfare in existing residential structures, and on existing residential premises, as hereinafter provided by:

(a) Establishing minimum maintenance standards for existing residential structures and premises for basic equipment and facilities for light, ventilation, heat and sanitation; for safety

from fire; for space; and for safe and sanitary maintenance of existing structures and premises;

(b) Fixing the responsibilities of owners, operators and occupants of all structures; and

(c) Providing for administration, enforcement and penalties.

§4103. Applicability

The provisions of the State Housing Code shall apply to existing residential structures used for human habitation. The provisions are designed to: eliminate or prevent substandard conditions with respect to structures; protect against fire hazards; provide for adequate space for light and air; provide for proper heating and ventilating and eliminate unsanitary conditions, and overcrowding. Every portion of a building or premises used or intended to be used for residential purposes shall comply with the provisions of this Chapter, except hotels and motels serving transient guests only, migratory labor housing, rest homes, convalescent homes, nursing homes, recreational campers and Civil Defense Shelters. For the purpose of this Chapter, regulations by the State Department of Health and Social Services for Migratory Labor Camps will apply to migrant housing.

§4104. Liberal Interpretation

The provisions of the entire Chapter shall be liberally interpreted so as to minimize displacement of persons whose dwelling units may deviate from this Chapter's specifications but do not pose an imminent threat to the health, safety and general welfare of the occupants and other persons. Additionally, this Chapter is to be liberally interpreted so as to minimize hardships to persons that inhabit or own dwelling units which deviate from this Chapter's specifications but do not pose an imminent threat to the health, safety and general welfare of the occupants and other persons.

§4105. Exemptions

This Chapter does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings and facilities related thereto.

Nothing in this Chapter shall be deemed to abolish or impair existing rights or remedies of a county or municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be unsafe or unsanitary.

As determined by the code official in any case, where a provision of any other ordinance, regulation, or statute of the State, county or municipality existing on the effective date of this Chapter or hereafter enacted establishes a lower standard for the promotion and protection of the safety and health of the public, the provisions of this Chapter shall govern. This State Housing Code shall not be administered in any community that has adopted a housing code containing provisions that contain standards that are equal to or exceed, the provisions of this Chapter. The provisions of the State Housing Code shall not apply to any existing single family owner occupied residential structure. The provisions shall become applicable upon the rental or sale of such residential structure. The provisions of the State Housing Code shall not apply to any existing resort residential structure held primarily for the production of income and which is offered for seasonal rental for the months of May through September inclusive.

(1) Hardship

When the literal application of the requirements of this Chapter would cause undue hardships or the displacement of low income occupants with no affordable housing alternatives, an exception may be granted by the appropriate appeals board upon written petition under Section 4132 (4). Such petition shall state the reason therefore. Such exceptions shall be made in writing. In such cases where it is necessary to make safe an unsafe structure or correct an unhealthy condition every effort shall be made to make the necessary corrections without causing undue hardship to the occupant or owner and without causing the displacement of said persons.

(2) Special Conditions

When unusual building conditions or building sites exist an exception may be granted by the code official upon written petition. Such petition shall state what these special conditions are and such exceptions shall be made in writing and only when it is clearly evident that reasonable safe and sanitary conditions are assured and such exceptions shall be conditioned in such a manner to achieve those ends.

§4106. Definitions

(a) Words used in the present tense include the future; the singular includes the plural and the plural includes the singular. Unless otherwise expressly stated, where terms are not defined under

the provisions of this Chapter, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply. Whenever the words 'multi-family dwelling,' 'residence building,' 'dwelling unit,' 'mobile home' or 'premises' are used in this Chapter, they shall be construed as though they were followed by the words, 'or any part thereof.'

(b) The following terms are defined as listed below:

(1) Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by the code official under the provisions of this Chapter or approved by other authority designated by law to give approval in the matter in question.

(2) Basement: That portion of a building which is partly below and partly above grade, and having at least one-half its height above grade (see 'Cellar').

(3) Cellar: That portion of a building which is partly or completely below grade, and having at least one-half its height below grade (see 'Basement').

(4) Central heating: The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

(5) Code official: The official who is charged with the administration and enforcement of this Chapter, or any duly authorized representative. For the State of Delaware the code official shall be the Secretary of the Department of Community Affairs, or any duly authorized representative.

(6) Condemn: To adjudge unfit for residential use or human occupancy.

(7) Condemnation: The act of judicially condemning.

(8) Community: Any municipality or county in the State of Delaware.

(9) Dwellings: One-family dwelling: A building containing one dwelling unit with not more than five lodgers or boarders.

Two-family dwelling: A building containing two dwelling units with not more than five lodgers or boarders per family.

Multi-family apartment house: A building or portion thereof containing more than two dwelling units and not classified as a one or two-family dwelling.

Boarding house, lodging house and tourist house: A building arranged or used for lodging, with or without meals, for compensation, by more than five and not more than twenty individuals.

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms for persons not members of the same family group.

Hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Mobile home: A one-family dwelling designed for transportation after fabrication on streets and highways on its own wheels or supported by other vehicles or trailers but which is not self-propelled, and arriving at the site where it is to be occupied complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, supported on jacks or other foundations and connected to utilities and the like.

(10) Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including a mobile home, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(11) Enforcement officer: The official designated herein or otherwise charged with the responsibilities of administering this Chapter, or the official's authorized representative.

(12) Exterior property areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

(13) Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest

elimination methods.

(14) Family: An individual or married couple and the children thereof with not more than two other persons, living together as a single housekeeping unit in a dwelling unit.

(15) Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(16) Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

(17) Hotel: See Dwellings.

(18) Infestation: The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

(19) Junk vehicle: Any vehicle which is without a currently valid license plate or plates and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

a. Restorable: A junk vehicle that is in a condition whereby repairs to same could be made to place it in operating condition without exceeding the estimated value when repaired.

b. Wreck: A junk vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored or in such condition that it warrants such classification.

(20) Let for occupancy or let: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

(21) Maintenance: Conformance of a building and its facilities to the code under which the building was constructed.

(22) Motel: A hotel as defined in this Chapter.

(23) Multi-family (multiple) dwellings: See Dwellings.

(24) Occupant: Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

(25) Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(26) Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

(27) Overcrowded: A dwelling shall be overcrowded when its occupancy exceeds the maximum number of persons permitted in Section 4115, Subsections (11), (12), and (17).

(28) Owner: Any person, firm, or corporation having a legal or equitable interest in the premises, or any agent thereof.

(29) Person: Any individual, corporation or partnership.

(30) Plumbing: The labor, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances.

(31) Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

(32) Premises: A lot, plot or parcel of land including the buildings or structures thereon.

(33) Public nuisance: Includes the following:

a. The physical condition, or use of any premises regarded as a public nuisance at

common law; or

b. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or

c. Any premises designated as having unsanitary sewerage or plumbing facilities; or

d. Any premises designated as unsafe for human habitation or use; or

e. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure so as to endanger life, limb or property; or

f. Any premises from which the plumbing, heating or other facilities required by this Chapter have been removed, or from which utilities such as water, sewer, gas and electricity have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

g. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or

h. Any structure or building that is in an advanced state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide adequate shelter, in danger of collapse or structural failure and is dangerous to anyone on or near the premises.

(34) Renovation: Work on a building and its facilities to make it to conform to present day minimum standards of sanitation, fire and life safety.

(35) Residence building: A building in which sleeping accommodations, toilet, bathing and cooking facilities as a unit are provided.

(36) Rooming house: Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five persons who are not members of the family (see Dwellings, boarding house).

(37) Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(38) Rubbish: Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(39) Secretary: The Secretary of the Department of Community Affairs.

(40) Structure: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed to component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

(41) Supplied: Installed, furnished or provided by the owner or operator.

(42) Ventilation: The process of supplying and removing air by natural or mechanical means to or from any space.

a. Mechanical: Ventilation by power-driven devices.

b. Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

(43) Workmanlike: Whenever the words 'workmanlike state of maintenance and repair' are used in this Chapter, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

(44) Yard: An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

§4107. Adoption by reference

Any community in Delaware may adopt the State Housing Code as its own municipal or county housing code by reference to this Title and Chapter of the Delaware Code.

§4108. Enforcement Authority

It shall be the duty and responsibility of each community to enforce the provisions of the State Housing Code throughout the confines of that municipality or county.

§4109. Enforcement by State or Community

In the event that after three years subsequent to the adoption of the State Housing Code by the General Assembly a community has not undertaken to enforce the provisions of this Chapter, the Secretary, acting as the code official may begin enforcement within that community, subject to the provisions of this Chapter. Any community may contract with another community to act on its behalf in the enforcement of this Chapter.

§4110. Coordination of enforcement

Inspection of premises and the issuing of orders in connection therewith under the provisions of this Chapter shall be the exclusive responsibility of the code official. When, in the opinion of the code official, it is necessary or desirable to have inspections of any conditions by any other community or state agency, the code official shall arrange for this to be done in such a manner that the owners or occupants of the dwelling shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this section, when coordination of enforcement is required, shall be issued without the approval of the code official and, before issuing any such order, the code official shall obtain the concurrence of any other department or agency having jurisdiction thereover.

SUBCHAPTER II. MINIMUM CONDITIONS OF PREMISES AND BUILDINGS

§4111. General

The provisions of this Subchapter shall describe the minimum conditions of residential premises and buildings to be used for human occupancy. Every residential building or structure occupied by humans, except as exempted by Sections 4103 and 4105 and its premises shall comply with the conditions and standards herein prescribed when a deviation from such conditions and standards poses an imminent threat to the health, safety and general welfare of the occupants and other persons. The code official may cause periodic inspections to be made of residential buildings and premises to secure compliance with these requirements.

§4112. Premises conditions

(1) Responsibility: The owner of buildings and premises shall maintain such buildings and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this Section.

(2) Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.

(3) Sanitation: All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

(4) Containers: Garbage, vegetable wastes, or other putrescible materials shall be stored in leakproof containers, provided with close-fitting covers, for the storage of such materials until removed from the premises for disposal.

(5) Grading and drainage: All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(6) Insect and rat control: All premises shall remain free of insects, rats, vermin, or other pests in all exterior areas of the premises. An owner shall be responsible for extermination, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single family dwelling. Extermination in the shared or public parts of the premises of other than a single family dwelling shall be the responsibility of the owner.

(8) Noxious weeds: All premises in predominately residential areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare and shall be trimmed to a height of not more than 12 inches.

(9) Exhaust vents: Except as to previously existing and operating exhaust systems, no person

shall construct, maintain, or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public or private property, or property of another tenant.

(10) Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with Sections 4113 and 4114.

(11) Motor vehicles: All premises, except as provided in other regulations, shall not contain any unregistered or uninspected or junk vehicle that poses a threat to the health, safety and general welfare of the occupants or other persons. Not more than two currently unregistered or uninspected vehicles, owned by the occupants, that do not pose a threat to the occupants or other persons' health and safety shall be parked in a predominantly residential area. Said vehicles shall not be in a state of disassembly or disrepair.

§4113. Exterior structure

(1) General: The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(2) Structural members: All supporting structural members of all structures shall be maintained structurally sound, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.

(3) Exterior surfaces (foundations, walls and roof): Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition so as to exclude rats.

(4) Foundation walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, plumb and free from open cracks and breaks, except as necessary to release excessive water pressure on the wall so as not to be detrimental to public safety and welfare.

(5) Exterior walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof so as to prevent deterioration.

(6) Roofs: The roof shall be structurally sound, tight, and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(7) Decorative features: All cornices, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(8) Signs, marquees, and awnings: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and sound condition, and shall be protected from the elements and against decay.

(9) Chimneys: All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay.

(10) Stairs and porches: Every stair, porch, balcony, and all appurtenances attached thereto shall be so maintained as to be safe to use and capable of supporting the loads to which it may be subjected and shall be maintained in sound condition and repair.

(11) Window and door frames: Every window, door, and frame shall be maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the building.

(12) Weathertight: Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used as necessary to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

(13) Glazing: Every required window sash shall be fully supplied with glazing materials which securely hold in place window glass.

(14) Openable windows: Every window, other than a fixed window, shall be capable of being opened and shall be held in position by window hardware.

(15) Door hardware: Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

(16) Basement and window hatchways: Every basement or cellar hatchway or window shall be so maintained as to prevent the entrance of rats, rain, and surface drainage into the structure.

§4114. Interior structure

(1) General: The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants, and to protect the occupants from the environment.

(2) Structural members: The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

(3) Interior surfaces: Floors, walls, including windows and doors, ceilings, and other interior surfaces shall be maintained in good, clean, and sanitary condition.

(4) Lead based paint: Lead based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling or dwelling unit, including fences and outbuildings upon any premises.

(5) Bathroom and kitchen floors: Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.

(6) Free from dampness: Cellars, basements and crawl spaces shall be maintained free from standing water so as to prevent conditions conducive to decay or deterioration of the structure.

(7) Sanitation: The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities.

(8) Storage: Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

(9) Insect and rat harborage: All structures shall be kept free from insect and rat infestation, and where insects or rats are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(10) Exit doors: Every door available as an exit shall be capable of being opened easily from the inside.

(11) Stairs, porches and railings: Stairs, porches, railings, and other exit facilities shall be adequate for safety.

(12) Exit facilities: All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

§4115. Light, ventilation, and space requirements

(1) General: All spaces or rooms shall be provided sufficient light so as not to endanger health and safety. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

(2) Light in habitable rooms: Every habitable room, except kitchens, toilet rooms, basement or cellar rooms, and interior rooms of townhouses and row houses shall have at least one window facing directly to the outdoors, a court or a porch. Every habitable room, except kitchens and toilet rooms, shall have at least one door or window which can be opened to adequately ventilate the room. Kitchens, toilet rooms without windows, basement or cellar rooms, and interior rooms of townhouses and row houses shall have natural or mechanical ventilation.

(3) Common halls and stairways: Every common hall and stairway in every building, other than one family dwellings, shall be adequately lighted at all times with an illumination of at least a 60 watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and

passageways.

(4) Other spaces: All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary condition, and the safe use of the space and the appliances, and fixtures.

(5) Toilet rooms: Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section 4115 (2) except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

(6) Cooking: Primary cooking facilities shall not be permitted in any sleeping room or dormitory unit, except for efficiency apartments.

(7) Separation of unit: Dwelling units shall be separate and apart from each other. With the exception of cribrooms or rooms accommodating handicapped individuals, sleeping rooms shall not be used as the only means of access to other sleeping rooms.

(8) Privacy: Hotel units, lodging units, and dormitory units shall be designed to provide privacy and be separate from other adjoining spaces.

(9) Common access: A habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(10) Basement rooms and cellar rooms: Basement and cellar rooms partially below grade shall not be used for sleeping purposes unless the basement and cellar room (or rooms) is (are) within the specifications for sleeping rooms as provided for in this Chapter.

(11) Dwelling units: Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(12) Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 64 square feet of floor area.

(13) Overcrowding: If any room used for residential purposes is overcrowded as defined in Section 4106 (27), the code official may order the number of persons sleeping or living in said room to be reduced.

(14) Prohibited use: It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space, or public space.

(15) Minimum ceiling heights: Habitable rooms shall have a clear ceiling height over the minimum area required by this Chapter at not less than 7 feet, 4 inches, except that in attics, basements, or top half-stories the ceiling height shall be not less than 7 feet over not less than one-third of the minimum area required by this Chapter when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of 5 feet or more may be included.

(16) Minimum ceiling heights in mobile homes: Habitable space in a mobile home shall have a minimum ceiling height of 7 feet over fifty percent of the floor area, and the floor area where the ceiling height is less than five feet shall not be considered in calculating floor area.

(17) Required space in mobile homes: Every mobile home shall contain a minimum gross floor area of not less than 150 square feet for the first two occupants, and 100 square feet for each additional occupant.

§4116. Plumbing facilities and fixtures requirements

(1) General: Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(2) Water closet and lavatory: Every dwelling unit shall contain a lavatory and a water closet supplied with cold running water. The water closet shall not be located in a habitable room. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

(3) Bathtub or shower: Every dwelling unit shall contain a room which affords privacy to a

person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(4) Sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Section 4116(2) and shall be supplied with hot and cold running water.

(5) Rooming house: At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(6) Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

(7) Privacy: Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

(8) Direct access: Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. At least one toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

(9) Same story: Toilet rooms and bathrooms serving hotel units, lodging units, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

(10) Floors: Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

(11) Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed.

(12) Maintained clean and sanitary: All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.

(13) Access for cleaning: Plumbing fixtures shall be installed so as to permit easy access for cleaning both the fixtures and the areas about them.

(14) Water conservation: Plumbing fixtures which are replaced shall be of water saving construction and use.

(15) Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

(16) Supply: The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(17) Water heating facilities: Water heating facilities shall be properly installed, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature nf not less than 110 degrees F.

(18) Connections: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(19) Maintenance: Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterinration or health hazards.

(20) Storm drainage: An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises.

§4117. Heating, cooking and refrigeration

(1) Heating: Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F., at a point 3 feet above the floor and 3 feet

from an exterior wall in all habitable rooms, bathrooms and toilet rooms.

(2) Cooking facilities: In every dwelling unit that contains cooking and baking facilities for the purpose of preparation of food, such facilities shall be properly installed by the owner and operated and kept in a clean and sanitary working condition by the occupant.

(3) Refrigeration: In every dwelling unit that contains a refrigeration unit for the temporary preservation of perishable foods, such unit shall be capable of maintaining an average temperature below 45 degrees F and shall be properly installed by the owner and operated and kept in a clean and sanitary working condition by the occupant.

(4) Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards.

(5) Installation: All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

(6) Flue: All fuel-burning equipment designed to be connected to a flue, chimney or vent shall be connected in an approved manner.

(7) Clearances: All required clearances from combustible materials shall be maintained.

(8) Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

(9) Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided to the fuel-burning equipment.

(10) Fireplaces: Fireplaces and other devices intended for use similar to a fireplace, including wood-and-coal-burning stoves, shall be stable and structurally safe and connected to approved chimneys.

(11) Climate control: When facilities for interior climate control (heating, cooling, or humidity) are integral functions of structures used as dwelling units, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

§4118. Electrical facilities

(1) Outlets required: Where there is electric service available to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least two separate and remote outlets, one of which may be a ceiling or wall type electric light fixture. In a kitchen, three separate and remote wall type electric convenience outlets or two such convenience outlets and one ceiling or wall type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture, in addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(2) Installation: All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(3) Defective system: Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

§4119. Fire safety requirements

(1) General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade.

(2) Direct exit: Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

(3) Locked doors: All doors in the required means of egress shall be readily openable from the inner side. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(4) Fire escapes: All required fire escapes shall be maintained in working condition and structurally sound.

(5) Exit signs: All exit signs shall be maintained, illuminated and visible.

(6) Accumulations: Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(7) Flammable matter: Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste-paper, boxes, and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

(8) Residential unit: A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees F. or lower.

(9) Fire alarms: Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(10) Fire suppression system: Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

(11) Fire extinguishers: All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.

§4120. Responsibilities of persons

(1) Cleanliness: Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

(2) Disposal of rubbish: Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight fitting covers as required by this Chapter.

(3) Disposal of garbage: Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner, securely wrapping such garbage and placing it in tight garbage storage containers as required by this Chapter, or by such other disposal method as may be required by applicable laws or ordinances.

(4) Rubbish storage facilities: Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.

(5) Food preparation: All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage when necessary.

(6) Supplied fixtures and equipment: The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

(7) Furnished by occupant: The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

§4121. Extermination

(1) Owner: The owner of any structure shall be responsible for extermination of insects, rats, vermin, or other pests within the structure prior to renting, leasing or selling the structure.

(2) Tenant-occupant: The tenant occupant of any structure shall be responsible for the continued rat proof condition of the structure, and if the tenant occupant fails to maintain the rat proof condition, the cost of extermination shall be the responsibility of the tenant occupant.

(3) Single occupancy: The occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rats or other pests in the structure or on the

premises.

(4) Multiple occupancy: Every owner, agent or operator of two or more dwelling units or multiple occupancies, or rooming houses, shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises.

SUBCHAPTER III. ADMINISTRATION AND ENFORCEMENT

§4122. General

The provisions of this Subchapter shall govern the administration and enforcement procedures of the State Housing Code. Any municipality or county that adopts the Code as its own may use these administrative and enforcement procedures as their own or may develop procedures which are similar in nature.

§4123. Administrative liability

Except as may otherwise be provided by State statute, no officer, agent or employee of the State of Delaware, or any Delaware community, charged with the enforcement of this Chapter shall be rendered personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Chapter. No person who institutes, or assists in the prosecution of, a criminal proceeding under this Chapter shall be liable for damage therefor unless such person acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any civil suit brought against any officer, agent, or employee of the State of Delaware, or of any Delaware community, as a result of any act required or permitted in the discharge of duties under this Chapter shall be defended by the attorney-at-law of each jurisdiction and of the State of Delawre until the final determination of the proceedings therein.

§4124. Conflict of interest

No officer or employee who has an official duty in connection with the administration and enforcement of this Chapter shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or in making the plans or specifications therefor, unless that person is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and the officer's official duties. Any member of a Board of Appeals, as established under Section 4132 of this Chapter, who has a similar conflicting interest in the subject matter on appeal shall not participate in the voting; however, solely because that member's vote is counted will not make the decision void or voidable if the Board of Appeals, with or without knowledge of the material facts as to that member's interest, decided in good faith by a sufficient vote not counting the vote of the interested Board of Appeals member.

§4125. Records

The code official shall keep or cause to be kept records concerning the enforcement of this Chapter's provisions, which records shall be open to public inspection.

§4126. Duties and powers of code official

(a) General: The code official shall enforce all the provisions of this Chapter relative to the maintenance of structures and premises, except as may otherwise be specifically provided by other regulations.

(b) Notices and orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the Chapter requirements for the safety, health, and general welfare of the public.

(c) Inspections: In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this Chapter.

(d) Right of entry: If any owner, occupant, or other person in charge of a structure subject to the provisions of this Chapter refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Chapter is sought, the code official may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

(e) Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Chapter.

(f) Credentials: The code official or the code official's authorized representative shall disclose proper evidence of their respective office for the purpose of demonstrating authority to inspect any and all buildings and premises in the performance of duties under this Chapter.

(g) Rule-making authority: The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Chapter to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions.

(h) Annual report: At least annually, the Code official shall submit to the chief executive of the community or State a written statement of activities in a form and content as shall be prescribed by the chief executive of that jurisdiction.

§4127. Condemnation

(a) General: When a structure is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, it may be condemned pursuant to the provisions of this Chapter and may be placarded and vacated. Such condemned structure shall not be reoccupied without approval of the code official, but such approval may not be withheld upon completion of specified corrections of violations.

(b) Unsafe structure: An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the structure's occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

(c) Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

(d) Structure unfit for human occupancy: A structure is unfit for human occupancy or use whenever the code official finds that it is unsafe, or because it lacks maintenance and is in extreme disrepair, is unsantiary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment rquired by this Chapter.

(e) Closing of vacant structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use, and is not in danger of structural collapse, the code official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause it to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate in accordance with Section 4134 of the Chapter.

§4128. Notices and orders

(a) Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this Chapter or has reasonable grounds to believe that a violation has occurred, or whenever the code official has condemned any structure or equipment under the provisions of Section 4127, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to order vacation of the premises or to order equipment out of service.

(b) Form: Such notice shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Include a statement of the reason or reasons why it is being issued;

(4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Chapter; and

(5) Include an explanation of the owner's and/or occupant's right to seek modification or

withdrawal of the notice by petition to a Board of Appeals having jurisdiction.

(6) State penalties for non-compliance.

(c) Service: Such service shall be deemed to be properly served upon such owner and/or occupant if a copy thereof is delivered to the owner and/or occupant personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place on or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

(d) Service on occupant: When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.

(e) Penalties: Failure to comply with orders and notices shall be subject to the penalties set forth in Section 4131 (2).

(f) Transfer of ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation has been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§4129. Placarding

(1) Placarding of structure: After the condemnation notice required under the provisions of this Chapter has resulted in an order by virtue of failure to comply within the time given, the code official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words 'Condemned as unfit for human occupancy or use,' and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations and all other occupants shall remove themselves from the property on failure to comply with the correction order in the time specified.

(2) Prohibited use: Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be subject to the penalties set forth in Section 4131 (2).

(3) Removal of placard: The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this Chapter.

§4130. Emergency orders

(1) General: Whenever a code official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the code official may, with proper notice and service in accordance with the provisions of Section 4128, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the code official deems necessary to meet such emergency. Notwithstanding other provisions of this Chapter, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

(2) Hearing: Any person to whom such order is directed shall comply therewith. They may thereafter, upon petition directed to a Board of Appeals having jurisdiction, be afforded a hearing as prescribed in this Chapter. Depending upon the findings of the Board of Appeals at such hearing as to whether the provisions of this Chapter and the rules and regulations adopted pursuant thereto have been complied with, the Board of Appeals shall continue such order or modify or revoke it.

§4131. Violations

(1) Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this

Chapter, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Chapter.

(2) Penalty for violation: Any person who shall violate any provision of this Chapter or who fails to comply with any notice or order issued by a code official pursuant to the provisions of this Chapter, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) or imprisoned for a term not exceeding thirty (30) days, or both. Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense. The Superior Court shall have exclusive and original jurisdiction over offenses prosecuted under this Chapter.

(3) Prosecution: In case any violation order is not promptly complied with, the code official may direct the State Attorney General, city solicitor, or the community attorney-at-law to institute an appropriate action or proceeding at law to seek the penalty provided in Section 4131 (2). Also, the code official may ask such legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

a. To restrain, correct or remove the violation or refrain from any further execution of work;

b. To restrain or correct the erection, installation, or alteration of such structure;

c. To require the removal of work in violation; or

d. To prevent the occupancy or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Chapter, or in violation of a plan or specification under which an approval, permit or certification was issued.

§4132. Right to appeal

(1) State Board of Appeals, composition: There shall be created a State Board of Appeals for the State of Delaware. The State Board of Appeals shall consist of five members appointed by the Governor. The terms of the members shall be staggered. The first and second appointees shall serve for a term of two years, the third and fourth appointees shall serve for a term of three years and the fifth appointee, who shall serve as Chairperson, shall serve for a term of four years. Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of that person's term, shall be filled only for the remainder of that term. At least two but no more than three members of the State Board shall be affiliated with one of the major political parties, and at least one but no more than two members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall be eligible for appointment as a member of the State Board.

(2) Community Board of Appeals, composition: A Community Board of Appeals may be created in each community of the State. A Community Board of Appeals shall consist of five members who shall be residents of that community and who shall be appointed by the chief executive of the community for staggered terms as outlined for the State Board of Appeals in Section 4132 (1) above. Until a community appoints a Board of Appeals, appeals from actions taken by the code official shall be to the State Board of Appeals.

(3) Board of Appeals, rules and regulations: Each Board of Appeals shall adopt and publish rules and regulations as may be necessary to govern its administrative procedures and proceedings.

(4) Procedure for Appeals: Any person aggrieved by an action taken by the code official may appeal from such action by filing written notice of appeal with the appointed State Board of Appeals or any Community Board of Appeals having jurisdiction, within ten days after the giving or posting of notice of such action. An appeal under this subsection shall stay the effect of the Notice of Violation or Condemnation and shall prevent the code official from proceeding with the remedies provided under this Chapter pending decision by a Board of Appeals. An appeal to the Superior Court by an aggrieved person from a decision of such Board or Appeals shall be made in the manner provided for appeals from administrative decisions.

(5) Vote: A Board of Appeals shall hear all appeals relative to the enforcement of this Chapter within its jurisdiction within a reasonable period of time after the filing of an appeal, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the action appealed from, and shall make such other order or determination as in it deems just. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

(6) Financial interest: A member of a Board of Appeals shall not participate in any hearings or

voté on any appeal in which that member has a direct or indirect financial interest.

(7) Records: Each Board of Appeals shall keep a written or recorded record of each meeting showing clearly the basis for each decision made by the Board.

§4133. Demolition

(1) General: The code official may order the owner of premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or, if it can be made safe by repair, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

(2) Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any lien in the manner provided for service of a summons by a court of record. If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation in accordance with the rules of the Superior Court.

(3) Restraining actions: Anyone affected by any such order may within thirty days after service of such order, apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found unreasonable, the court may issue a restraining order.

(4) Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate as provided in Section 4134.

(5) Salvage Materials: When any structure has been ordered razed and removed the Code official or other designated officer may sell the salvage and valuable materials resulting from such razing or removal, such materials to be sold at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§4134. Creation of tax lien

There is hereby created a tax lien on real property for monies expended by the State, or a community, for razing, demolition, removal or repairs of buildings or abatement of other unsafe conditions constituting a threat to the public health and safety where the responsible party refuses or fails to comply with the lawful order of the code official after due notice thereof, either actual or constructive. Upon certification of a tax lien to the appropriate State or community official by the code official, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes, and paid to the State or community, when collected, by the appropriate county government.

§4135. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining protions of this Chapter which shall continue in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable.

§4136. Saving clause

This Chapter shall not affect violations of any other ordinance, code or regulation of the State of Delaware, county or municipality existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be enforced to the full extent of the law under the provisions of such ordinances, codes, or regulations in effect at the time the violation was committed."

Approved July 12, 1985.

CHAPTER 154

FORMERLY

SENATE BILL NO. 157

AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO SUPPLEMENTAL COMPENSATION.

WHEREAS, the decision in State of Delaware, et al. v. Kopec, et al., Del. Super., C.A. No. 82C-JA-42 and 82C-JA-54, Walsh, J. (July 25, 1984) ("the Kopec decision"), provides that the amendment to Chapter 59, Title 29, Delaware Code, effective July 1, 1981, 63 Del. Laws, Ch. 80, does not apply to employees who qualified to receive benefits prior to July 1, 1981; and

WHEREAS, the Kopec decision states that the supplemental pay provided by Chapter 59, Title 29, Delaware Code could be terminated for those employees who qualified to receive benefits prior to July 1, 1981 if there was a clear legislative intent to do so; and

WHEREAS, the General Assembly intended the amendment to Chapter 59, Title 29, Delaware Code, effective July 1, 1981 to apply to all employees.

NOW, THEREFORE:

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

Section 1. Amend Section 5933, Chapter 59, Delaware Code by designating Section 5933, Chapter 59, Title 29, Delaware Code as subsection (a) and by adding the following subsection (b):

"(b) Subsection (a) of this Section applies to officers or employees of the State who qualified to receive supplemental compensation under Section 5933 of Title 29 subsequent to June 30, 1981. Officers or employees of the State who qualified to receive supplemental compensation under Section 5933 of Title 29 prior to July 1, 1981, and remain entitled to receive such supplemental compensation, shall have such supplemental compensation terminated as of September 1, 1985."

Approved July 12, 1985.

CHAPTER 155

FORMERLY

SENATE BILL NO. 162

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE BY PROVIDING FOR THE EXEMPTION OF FOREIGN SALES CORPORATIONS AND FOREIGN SALES SERVICE CORPORATIONS FROM THE PROVISIONS OF THE CORPORATION INCOME TAX AND BY PROVIDING FOR THE APPLICATION OF OCCUPATIONAL AND BUSINESS LICENSES AND FEES FOR SUCH CORPORATIONS, AND BY PROVIDING FOR THE EXEMPTION FOR SMALL FOREIGN SALES CORPORATIONS FROM SUCH LICENSES AND FEES.

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

Section 1. This Act may be referred to as "The International Trade Act of Delaware".

Section 2. Amend §1902(b), Chapter 19, Title 30, Delaware Code, by adding new subparagraphs (11) and (12) to read as follows:

"(11) A corporation which qualifies as a Foreign Sales Corporation (FSC) under the provisions of subchapter N of Chapter 1 of the Federal Internal Revenue Code and which has in effect for the entire taxable year a valid election under Federal law to be treated as a FSC and has and remains qualified under the provisions of subparagraphs (i) through (iii) of paragraph 12 hereof.

(12) A corporation which has as its primary purpose the provision of services to a foreign sales corporation(s) (FSC) as described in subparagraph (11) above, and which meets the following qualifications for exemption from taxation under this chapter, hereinafter referred to as a Foreign Sales Service Corporation (FSSC):

(i) The FSC or FSSC must maintain, by itself or through an agent or a person under contract, an office within this State; and

(ii) The FSC, by itself or through an agent or a person under contract or FSSC on behalf of a FSC, has participated within this State in the solicitation (other than advertising) or the negotiation or the making of the contract for a FSC(s) derived from one or more transactions for the taxable year; and

(iii) The FSC or FSSC shall file, under rules and regulations prescribed by the Secretary of Finance, an information return stating its intention to qualify as a FSC or FSSC and an annual information return verifying compliance with the FSC or FSSC qualification rules for exemption.

The Secretary of Finance shall, on or before April 15 of each year, beginning April 15, 1986, make an annual report to the Governor and General Assembly of this State as to the revenue collected from and employment created by all FSC(s) and FSSC(s) qualifying or previously qualified under the rules and regulations prescribed by the Secretary of Finance.

A corporation shall be deemed to have as its primary purpose the provision of services to a FSC(s) if 80% or more of its gross receipts for the taxable year, as defined in §2301(e), Chapter 23 of this Title, are derived from a FSC(s). An office as used in this subparagraph shall mean a place for the transaction of business. Any other terms used in this subparagraph shall have the same meaning as were used in a comparable context in the provisions of the Internal Revenue Code of 1954 and amendments thereto."

Section 3. Amend §2301, Chapter 23, Title 30 of the Delaware Code by adding a subparagraph (89) to subsection (a) as follows:

"(89) Foreign Sales Corporation (FSC), $100. 'Foreign Sales Corporation' includes every corporation engaged in business as a foreign sales corporation (FSC) as defined in §1902(b) of this Title except a Small FSC as defined in §922(b), subchapter N of Chapter 1 of the Federal Internal Revenue Code."

Section 4. Amend §2301, Chapter 23, Title 30 of the Delaware Code by adding a subparagraph (90) to subsection (a) as follows:

"(90) Foreign Sales Service Corporation (FSSC), $100. 'Foreign Sales Service Corporation' includes every corporation engaged in business as a foreign sales service corporation (FSSC) as defined in §1902(b) of this Title."

Section 5. Amend §2301, Chapter 23, Title 30 of the Delaware Code by adding a new subsection (q) as follows:

"(q) A Foreign Sales Corporation (FSC) as defined in §1902(b) of this Title, shall be exempt from payment of fees as set forth in subsection (d) this section."

Section 6. This Act shall become effective for taxable years beginning after December 31, 1984.

Approved July 12, 1985.

CHAPTER 156

FORMERLY

SENATE BILL NO. 176

AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO THE SALE AND DELIVERY OF ALCOHOLIC BEVERAGES DURING THE TIME OF PARTICULAR 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 §714, Chapter 7, Title 4 of the Delaware Code by adding thereto a new subsection designated as (h) to read as follows:

"h. The prohibitions of sale and delivery of spirits, wines, or beer under subsections (c) and (e) of this section as it relates to elections shall not apply to municipal or school board elections.

Approved July 12, 1985.

CHAPTER 157

FORMERLY

SENATE BILL NO. 196
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55A, TITLE 29, DELAWARE CODE, RELATING TO THE INCLUSION OF STATE OF DELAWARE GOVERNMENTAL SUBDIVISIONS.

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

Section 1. Amend §5551(6), Chapter 55A, Title 29, Delaware Code by deleting the words, "county or municipality" as they appear therein and substituting in lieu thereof the words, "county or municipality, including State governmental subdivisions,"

Section 2. Amend §5555, Chapter 55A, Title 29, Delaware Code, by adding the words ", including State governmental subdivisions," after the word "municipality" or "municipalities" wherever it appears.

Approved July 12, 1985.

CHAPTER 158

FORMERLY

SENATE BILL NO. 201
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2 AND 3

AN ACT TO AMEND CHAPTER 51, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURE IN THE SUPERIOR COURT; AND PROVIDING FOR A BILL OF RIGHTS FOR CHILDREN WHO ARE REQUIRED TO TESTIFY BEFORE THE COURT, OR WHO ARE OTHERWISE REQUIRED TO PARTICIPATE IN A CRIMINAL TRIAL.

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

Section 1. Amend Chapter 51, Part III, Title 11 of the Delaware Code by adding thereto a new subchapter, designating as Subchapter III, which new subsection shall read as follows:

"SUBCHAPTER III. CHILD VICTIMS AND WITNESSES

§5131. Legislative Intent

The General Assembly finds that it is necessary to provide child victims and witnesses with additional consideration, and different treatment, than that usually required for adults. It is the therefore intent of the General Assembly to provide each child who is involved in a criminal proceeding within the Superior Court with certain fundamental rights and protections.

§5132. 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) 'Child' shall mean a person who has not yet reached his or her eighteenth birthday.

(b) 'Victim' or 'witness' shall not include any child accuses of committing a felony; provided however, that the words "victim" or "witness" may, in the Court's discretion, include:

(1) a child where such child's participation in a felony appears to have been induced, coerced or unwilling; or

(2) a child which has participated in the felony, but who has subsequently and voluntarily agreed to testify on behalf of the State.

§5133. Expedited Proceedings

In all criminal proceedings in the Superior Court involving a child victim or witness, the Court and the prosecution shall take appropriate action to ensure a prompt trial in order to minimize the length of ime a child victim or witness must endure the stress of his or her involvement in the proceedings. In ruling on any motion or other request for a delay or continuance of proceedings, the Court shall consider and give weight to any adverse impact such delay or continuance might have on the well-being of any child victim or witness.

§5134. Additional Rights and Services

(a) A child victim or witness is entitled to an explanation, in language understood by the child, of all legal proceedings in which the child is to be involved.

(b) A child victim or witness is entitled to be accompanied, in all proceedings, by a "friend" or other person in whom the child trusts, which person shall be permitted to advise the judge, when appropriate and as a friend of the Court, regarding the child's ability to understand proceedings and questions.

(c) A child victim or witness is entitled to information about, and referrals to, appropriate social services and programs to assist such child and the child's family, in coping with the emotional impact of the crime, and the subsequent Court proceedings in which the child is to become involved."

Section 2. This Act shall be known and referred as the "Bill of Rights for Child Victims and Witnesses."

Approved July 12, 1985.

CHAPTER 159

FORMERLY

SENATE BILL NO. 231

AN ACT TO AMEND TITLE 11, SECTION 4214, DELAWARE CODE, RELATING TO HABITUAL CRIMINALS.

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

Section 1. Amend Section 4214 (b) of Title 11 of the Delaware Code by inserting the following language at the end of said subsection after the word "degree":

"Title 16, Section	Crime
4751	Manufacture, delivery or possession with intent to manufacture or deliver a narcotic drug
4752	Manufacture, delivery or possession with intent to manufacture or deliver non-narcotic, controlled substance
4752A	Unlawful delivery or attempt to deliver non-controlled substance
4753A	Trafficking in marijuana, cocaine, illegal drugs or methamphetamine."

Approved July 12, 1985.

CHAPTER 160

FORMERLY

SENATE BILL NO. 238

AN ACT TO AMEND TITLES 5, 6 AND 30 OF THE DELAWARE CODE BY REVISING THE PROVISIONS OF THE DELAWARE BANKING LAWS RESTRICTING PARTICIPATION BY BANKS IN EXPORT TRADING COMPANIES; AND BY PROVIDING STATE ANTITRUST EXEMPTION FOR ACTIVITIES OF EXPORT TRADING COMPANIES PERMITTED BY FEDERAL LAW; BY PROVIDING AN EXEMPTION FROM THE TAXATION OF NET INCOME FOR EXPORT TRADING COMPANIES; AND BY PROVIDING FOR THE EXEMPTION OF EXPORT TRADING COMPANIES FROM THE PROVISIONS OF THE MERCANTILE TAX.

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

Section 1. This Act may be referred to as "The Export Trading Company Act".

Section 2. Amend Title 5, Delaware Code, by adding a new Chapter 12 as follows:

"CHAPTER 12. BANK OWNERSHIP AND PARTICIPATION IN EXPORT TRADING COMPANY ACT.

§1201. Participation by Banks Located in the State of Delaware in Export Trading Companies

Notwithstanding any other provision of this Chapter, banks regulated hereunder may invest or otherwise participate in the capital and financing of, management, direction and advising of export trade companies as defined and to the extent permitted by Federal Law 15 U.S.C. 4001 et seq. Whatever may be done by such banks hereunder may be done directly or indirectly by contractual arrangements or by subsidiary and affiliate companies owned or controlled alone or together with other persons to the extent permitted by law, and may be delegated to their officers, employees or other trustees or persons appointed to such effect."

Section 3. Amend Title 6, Delaware Code, by adding a new Chapter 74 as follows:

"CHAPTER 74. EXPORT TRADING COMPANIES

§7401. Definitions

(a) As used in this Chapter:

The terms 'export trade', 'services', 'export trade services', 'export trading company', 'State', 'United States', and 'antitrust laws' shall have the same meaning as such terms are defined in the Federal Law, 15 U.S.C. 4002.

(b) 'Director' shall mean the Director of the Delaware Development Office or his delegatee.

§7402. Income and Mercantile Tax Exemption

An Export Trading Company, with Registered Office or other office or offices in the State of Delaware, shall be exempt from income and mercantile tax to the extent set forth under the provisions of Chapters 19 and 23 of Title 30 of this Code. For purposes of this Chapter, an Export Trading Company shall be deemed to have an office in the State of Delaware if, subject to rules and regulations of the Director, it performs export trade services.

§7403. Qualification for Exemption

(a) Any company or association proposing to qualify as an Export Trading Company under this Chapter shall file an application with the Director for approval. Such application shall contain such information as the Director may by regulation require, and shall specifically acknowledge applicant's agreement to be bound by the conditions set forth in rules and regulations issued pursuant to this section.

(b) In determining whether to approve an application for qualification as an Export Trading Company, the Director shall consider:

Whether the organization satisfies in its stated purposes the basic aim of encouraging and expanding export trade; whether the activities undertaken in Delaware will be a significant factor in or contribute significantly to encouraging export trade; whether the tax exemption provided hereunder will serve as a significant incentive and aid to encouraging export trade, and whether export trade opportunities will be improved and initiated, particularly for small- and medium-sized producers, by creation of the Export Trading Company.

(c) The Director may adopt rules and regulations and issue orders under this Chapter for the following purposes; to prescribe information or forms required in connection with an application; to establish procedures in connection with approvals and the filing of required reports; and to issue orders and establish procedures governing such issuances pursuant to and under this Chapter.

(d) The Director upon the determination that any Export Trading Company qualified under this Chapter or doing business in this State is in violation of the conditions set forth in this Chapter or regulations, rules, or orders issued pursuant thereto, may order such Export Trading Company to take steps to remedy such violation or disqualify said company as an Export Trading Company under this section.

§7404. Antitrust Exemption

The remedies and causes of action provided under the laws of the United States, to the exclusion of any remedies provided under the Delaware Antitrust Act, Delaware Code, Title 6, §2101 through 2114, shall apply to any conduct or activity of an Export Trading Company qualified under this chapter relating to export trade."

Section 4. Amend §1902(b), Title 30, Delaware Code by adding a new subparagraph (13) to read as follows:

"(13) Every export trading company as defined in §7401, Title 6 of this Code."

Section 5. Amend §2301, Title 30 of the Delaware Code by adding a new subsection (r) as follows:

"(r) Export trading companies as defined in §7401, Title 6 of this Code shall be exempt from payment of fees as set forth in subsection (d) of this section."

Section 6. This Act shall become effective for taxable years beginning after June 30, 1985.

Approved July 12, 1985.

CHAPTER 161

FORMERLY

SENATE SUBSTITUTE NO. 1

TO

SENATE BILL NO. 244
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2 AND
SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

AN ACT TO ADD A NEW CHAPTER 74, TITLE 7 OF THE DELAWARE CODE, RELATING TO THE PREVENTION, DETECTION, INVESTIGATION, AND CORRECTION OF UNDERGROUND STORAGE TANK LEAKS.

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 7 of the Delaware Code by creating a new Chapter 74 to read as follows:

"Chapter 74. Delaware Underground Storage Tank Act.

§7401. Declaration of Purpose.

The Legislature finds and declares that the storage of petroleum products and other hazardous liquids in underground storage tanks is emerging as a major cause of groundwater contamination in the State; that the State's groundwater resources are vital to the population and economy of the State; that millions of gallons of gasoline and other hazardous substances are stored in underground storage tanks; that leaks of stored substances are occurring in a significant number of these tanks due to corrosion, structural defect, and improper installation; that leaks are often difficult to detect early because of insufficient product inventory or other control systems; and that it is necessary to provide for more stringent control of the installation, operation, retrofitting and abandonment of underground storage tanks to prevent leaks, and where leaks should occur, detect them at the earliest possible stage and thus minimize further degradation of groundwater.

§7402. 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) 'Abandoned storage system' means a storage system which (1) is not intended to be returned to service, or (2) has been out of service for over three years, or (3) has been rendered permanently unfit for use.

(b) 'Department' means the Department of Natural Resources and Environmental Control.

(c) 'Existing tank' means a tank for which installation began prior to the effective date of this Chapter.

(d) 'Facility' means any location or part thereof containing one or more underground storage tanks.

(e) 'New tank or facility' means a tank or facility for which the installation began or or after the effective date of this Chapter.

(f) 'Operator' means any person operating a facility whether by lease, contract, or other form of agreement.

(g) 'Out of Service' means a storage system which:

(1) is not in use; that is, which does not have regulated substances added to or withdrawn from the storage system; and

(2) is intended to be placed in service.

(h) 'Owner' means;

(1) in the case of an underground storage tank in use on the effective date of this Chapter, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances; and

(2) in the case of any underground storage tank in use before the effective date of this Chapter, but no longer in service on the date of enactment of said Act, any person who owned such tank immediately before the discontinuation of its use.

(i) 'Person' means any 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.

(j) 'Release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing into groundwater, surface water or soils.

(k) 'Retrofit' means to modify a storage system to meet standards contained in regulations to be promulgated under this Act.

(l) 'Regulated Substance' means:

(1) any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and any amendments thereto; but not including any substances regulated as a hazardous waste under Delaware's Regulations Governing Hazardous Wastes;

(2) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

(m) 'Secretary' means the Secretary of the Department of Natural Resources and Environmental Control.

(n) 'State' means the State of Delaware.

(o) 'Underground Storage Tank' means a containment vessel, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected thereto, is 10 per centum or more beneath the surface of the ground. Such term does not include any:

(1) septic tank;

(2) pipeline facility (including gathering lines) regulated under:

(i) the Natural Gas Pipeline Safety Act of 1968, or

(ii) the Hazardous Liquid Pipeline Safety Act of 1979, or,

(iii) any interstate agreement comparable to the provisions of those Acts set forth at §7402(15)(b)1- 2 of this Title.

(3) surface impoundment, pit, pond, lagoon;

(4) storm water wastewater collection system;

(5) flow- through process tank;

(6) liquid trap or associated gathering lines directly related to oil or gas production or gathering operations; or

(7) storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.

(p) 'Used Oil' means a petroleum based synthetic oil used as an engine lubricant, engine oil, motor oil, or lubricating oil for use in an internal combustion engine, or a lubricant for motor vehicle transmissions, gears, or axles which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

§7403. Referenced Standards.

The Department shall use the recommendations and Standard Procedures of the following organizations in developing the regulations required by this Chapter:

(a) National Fire Protection Association (N.F.P.A.);

(b) American Petroleum Institute (A.P.I.);

(c) National Association of Corrosion Engineers (N.A.C.E.);

(d) Underwriters Laboratories (U.L.); and

(e) American Society for Testing and Materials (A.S.T.M.)

Underground storage tanks installed after the enactment of this Chapter shall be in accordance with the appropriate standards cited herein and the regulations promulgated by the Department.

§7404. Exemption.

The following classes of tanks are exempt from all provisions of this Chapter with the exception of the application of §7406 of this Title:

(a) agricultural and residential tanks of 1,100 gallons or less used for storing motor fuel for non-commercial purposes; and

(b) tanks containing heating fuels which are used for consumptive purposes on the premises where stored.

§7405. Notification.

(a) Underground storage tank owners shall register the following on forms provided by the Department:

(1) within sixty (60) days after enactment all new underground storage facilities used for storing regulated substances, at least ten days prior to installation. Notice shall specify the date of installation, location, type of construction, size of tanks to be installed and the type of substance to be stored.

(2) All existing undergound storage facilities, used for storing regulated substances, with 180 days of enactment of this Chapter. Notice shall specify, to the extent known, the location, size, type of construction and age of tanks, and the type of substance stored.

(3) All abandoned or non-operational underground storage tanks taken out of service after January 1, 1974. All underground storage tanks covered by this subparagraph (3) must be registered within nine months of the date of enactment of this Chapter (unless the owner knows the tank was subsequently removed from the ground). Notice shall specify, to the extent known, the date taken out of operation, the location, size, type of construction and age of tank, and type of substance stored, and quantity of regulated substances left stored in such tank on the date taken out of operation.

(b) Within 30 days of enactment, the Department shall prescribe the form of the notice and the information to be included in the notification under §7405(a)(2) and (3) of this Title.

§7406. Release, Prohibition, Reporting, Correction.

(a) No person shall knowingly allow a release from an underground storage tank to continue without taking immediate steps to report the release to the Department.

(b) Responsible parties shall take measures for the prompt control, containment, removal of the released substance to the satisfaction of the Department.

(c) The Department may assume control of any release situation when it is determined that responsible parties are not responding promptly. However, all liability will remain with the responsible party.

7407. Release Detection, Prevention and Correction Regulations.

(a) The Department, after notice and opportunity for public comment, and within 12 months after enactment of this Chapter, shall promulgate release detection, prevention, and correction regulations applicable to underground storage tanks, as may be necessary to protect human health and the environment.

(b) In promulgating regulations under this Section, the Department shall take into consideration factors which affect tank integrity, including, but not limited to: tank location, type and age, soil conditions, hydrogeology, compatibility of the stored substances and the materials of which the tank is constructed, current industry recommended practices, national consensus codes, and the impact of the regulations on the regulated community. The Department shall distinguish in such standards between requirements appropriate for new tanks, for tanks in existence on the date of promulgation of the standards and for abandoned tanks. The Department shall require permits for certain classes of tanks or for tanks located in certain environmentally sensitive areas where such a permit system would lead to

better management of groundwater resources.

(c) The Department's regulations shall, at a minimum, include the following provisions:

(1) a requirement that a product inventory or other such control system, adequate to identify releases from underground storage tanks, be maintained;

(2) procedures to follow when inventory or other such control system records indicate an abnormal loss or gain which is not explainable by spillage, temperature verifications, or other known causes;

(3) a requirement that appropriate corrective action be taken in response to a release from an underground storage tank as may be necessary to protect human health and the environment;

(4) a requirement to maintain records documenting actions taken in accordance with §7407 (c) (1)- (3) of this Title;

(5) a requirement for an enforcement program; and

(6) a requirement for standards that will ensure against any future release from an underground storage tank being closed or otherwise taken out of operation.

§7408. Inspection and Monitoring.

(a) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this Chapter, any owner or operator of any underground storage tank used for storing regulated substances shall, upon the request of any duly designated officer or employee of the State, furnish information relating to such tanks or contents and permit such person at all reasonable times and in accordance with the provisions of 7 Del. C. §6024, to have access to, and to copy all records relating to such tanks, and to conduct such monitoring as such officer deems necessary. For the purposes of evelopng or assisting in the development of any regulation or enforcing provisions of this part, such officer, employee, or representative are authorized:

(1) to enter at reasonable times an establishment or other place where an underground storage tank is located;

(2) to inspect and obtain samples from any person of such regulated substances and to conduct monitoring of the tanks, contents or surrounding soils. Each such inspection shall be commenced and completed with reasonable promptness.

(b) In submitting data under this Chapter, a person required to provide such data may:

(1) designate the data which such owner or operator believes is entitled to protection under this subsection; and

(2) submit such designated data separately from other data submitted under this Chapter.

(c) Any such records, reports or information obtained shall be entitled to protection under Section 1905 of Title 18 of the United States Code.

§7409. Response Fund.

The Department will investigate within 12 months from the time of enactment of this Chapter, the feasibility of establishing a response fund to provide means for cleanup costs and damages directly attributable to releases for which the owner or operator cannot be identified, or for which the cleanup costs and damages exceed the owner or operator's financial capacity.

§7410. Financial Responsibility.

The Department will promulgate regulations containing requirements for maintaining evidence of financial responsibility as deemed necessary and desirable for taking reasonable corrective action for property damages caused by accidental releases arising from operating an underground storage tank.

Such means of financial responsibility may include, but not be limited to, insurance, guarantee, surety bond, letter of credit, proof of assets, or qualification as a self insurer. In promulgating requirements under this subsection, the Department is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this section.

§7411. Enforcement.

(a) Whenever, on the basis of any information, the Secretary determines that any person is in violation of any requirement of this Chapter, or any rule or regulation promulgated hereunder, the Secretary shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the 30the day after the Secretary's notification, the Department may issue an order requiring compliance within a specified time period.

(b) If such violator fails to take corrective action within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance and the Secretary may suspend or revoke any permit issued to the violator.

(c) Any order or any suspension or revocation of a permit shall become final unless, not later than 30 days after the order or notice of the suspension or revocation is served, the person or persons named therein request a public hearing. Upon such request, the Secretary shall conduct a public hearing in accordance with section 6006 of this Title. In connection with any proceeding under this paragraph, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and may promulgate rules for discovery procedures.

(d) Any order issued under this Section shall state with reasonable specificity the nature of the violation and specify a time for compliance and assess a penalty, if any, which the Secretary determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

(e) In lieu of the compliance order procedure in section 7411 (a) of this Title, any person who violates a provision of this Chapter, any rule or regulation, or any order of the Secretary, shall be liable for a civil penalty of not less than $1,000, nor more than $25,000 for each day violation. The Superior Court shall have jurisdiction of offenses under this subchapter.

§7512. Appeals

(a) Any person whose interest is substantially affected by any action of the Secretary may appeal to the Environmental Appeals Board in accordance with section 6008 of this Title.

(b) Any person or party to an appeal before the Board who is substantially affected by a decision of the Board may appeal to the Superior Court in accordance with section 6009 of this Title.

§7513. Variances.

Variances and temporary emergency variances may be granted by the Secretary from any regulation adopted pursuant to this Chapter in accordance with section 6011 and section 6012 of this Title.

§7414. Leaking Underground Storage Tank Committee.

There is hereby established a Leaking Underground Storage Tank Committee which shall be composed of, but not limited to, the Secretary of the Department of Natural Resources and Environmental Control, the Secretary of the Department of Administrative Services, the Director of the Delaware Geological Survey, the State Fire Marshal, a member of the Delaware Petroleum Council, a member of the Pennsylvania/Delaware Services Station Dealers Association, an installer of underground storage tanks, a representative of the insurance industry, the Insurance Commissioner or his designee, a representative of the agricultural community, a representative of the chemical industry, a representative from an environmental interest group, two State Senators who shall be appointed by the President Pro Tempore of the Senate, and two State Representatives who shall be appointed by the Speaker of the House of Representatives. The Governor shall designate the Chairperson. The whole Committee shall guide development of the regulations and other requirements of this chapter.

7415. Implementation and Reporting Requirements.

The Department, in conjunction with the Delaware Geological Survey, shall conduct a study to demonstrate the feasibility of a comprehensive inventory of underground storage tanks to include new, existing and abandoned tanks. It shall be conducted within an area of the State to be designated by the Department and the Committee. The Delaware Geological Survey shall investigate the feasibility of utilizing aerial photographs and other new or advanced techniques for locating abandoned tanks. The Department shall report to the legislature within six months of the date of adoption of implementation and reporting requirements. The report shall include a critique of the management experience gained which will serve as a basis for identifying staff and automated data processing needs for a comprehensive inventory."

§7416. Risk Assessment.

Because groundwater protection and management is an underlying issue related to leaking underground storage tanks, information on the risks to groundwater resources will be needed to facilitate implementation of the regulations.

The Delaware Geological Survey shall, under the auspices and direction of the Committee, and in cooperation with the Department, examine the need for prioritizing possible leak risks. The Survey may assist the Committee by identifying areas where existing or abandoned leaking underground storage tanks would pose the most significant risk."

Approved July 12, 1985.

CHAPTER 162

FORMERLY

SENATE BILL NO. 247

AN ACT TO AMEND CHAPTER 44, TITLE 18, DELAWARE CODE RELATING TO THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.

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

Section 1. Amend Section 4408, Chapter 44, Title 18, Delaware Code by adding thereto a new subsection to read as follows:

"(11) If the Association, or any designee thereof reinsured by the Association, submits a rate filing in another state and said rate filing is not approved within 30 days by that state, then the Association or its designee may:

a. deny payment of claims from claimants of said state; or,

b. grant priority to the payment of claims submitted to the Association or its designee from claimants located in another state (s) in which a rate filing has been approved."

Approved July 12, 1985.

CHAPTER 163

FORMERLY

SENATE BILL NO 254
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2
AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO INCREASE OF SALARY FOR PARTICULAR KENT COUNTY OFFICIALS.

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

Section 1. Amend Title 10, Delaware Code, Section 2101(b)(2), by striking the figure "$9,000.00" and by inserting in lieu thereof the figure "$12,000.00".

Section 2. Amend Title 10, Delaware Code, Section 2301(2), by striking the figure "$9,000.00" and by inserting in lieu thereof the figure "$12,000.00".

Section 3. Amend Title 9, Delaware Code, Section 4104(a), by striking the figure "$9,000.00" and by inserting in lieu thereof the figure "$12,000.00".

Section 4. Amend Title 9, Delaware Code, Section 8405, by striking the figure "$9,000.00" and by inserting in lieu thereof the figure "$12,000.00".

Section 5. Amend Title 9, Delaware Code, Section 9306, by striking the figure "$9,000.00" and inserting in lieu thereof the figure "$12,000.00".

Section 6. Amend Title 9, Delaware Code, Section 9402(2), by striking the figure "$9,000.00" and inserting in lieu thereof the figure "$12,000.00".

Section 7. Amend Title 9, Delaware Code, Section 9602(2), by striking the figure "$9,000.00" and inserting in lieu thereof the figure "$12,000.00".

Section 8. Amend Title 10, Delaware Code, Section 2502(2), by striking the figure "$9,000.00" and inserting in lieu thereof the figure "$12,000.00".

Section 9. Amend Title 12, Delaware Code, Section 2504(2), by striking the figure "$9,000.00" and inserting in lieu thereof the figure "$12,000.00".

Section 10. This Act shall be effective July 1, 1985.

Approved July 12, 1985.

CHAPTER 164

FORMERLY

SENATE BILL NO. 270
AS AMENDED BY SENATE AMENDMENTS NO. 1 AND 2

AN ACT AMENDING CHAPTERS 13 AND 15, TITLE 30 OF THE DELAWARE CODE RELATING TO INHERITANCE AND ESTATE TAXES.

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

Section 1. Amend Chapter 13, Title 30 of the Delaware Code by striking Sections 1301, 1304, 1305, 1306, 1310, 1314, 1322, 1323, 1341 and 1342 in their entirety and substituting in lieu thereof new Sections 1301, 1304, 1305, 1306, 1310, 1314, 1322, 1323, 1341 and 1342 to read as follows:

"§1301. Definitions.

(a) 'Executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified and acting in the State, then any person in actual or constructive possession of any property of the decedent.

(b) 'Gross estate' of a decedent means the fair market value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, to the extent so provided in this chapter.

(c) 'Beneficiary' means any heir, legatee, devisee, grantee or other person who receives or is entitled to property which is included in the gross estate of the decedent under this chapter.

(d) 'Personal property' means all kinds of personal property whether tangible or intangible, except tangible personal property having a situs without this State, unless otherwise specified.

(e) 'Real property' means real property situated within this State, but not real property situated without this State unless otherwise specified.

(f) 'Stepchild' means a child of a spouse of the decedent to whom the decedent stood in the mutually acknowledged relation of a parent for not less than 10 years before death, if the relationship began at or before such person's 15th birthday and was continuous for ten years thereafter.

§1304. Powers of appointment and certain income interests.

(a) The value of the gross estate shall include the value of property with respect to which the decedent exercised or released, effective upon his death, a general power of appointment, or with respect to which the decedent at any time exercised or released a general power of appointment, either in whole or in part and irrespective of the means by which such exercise or release was accomplished, if such property would have been included in the gross estate had it been owned by the decedent. The value of the gross estate shall also include the value of property with respect to which the decedent possessed a general power of appointment created after July 31, 1985 conferred upon the decedent by the decedent's spouse.

(b) The value of the gross estate shall include the value of property with respect to which the decedent exercised a general power of appointment within 6 months of his death,if the property affected by such exercise would have been subject to §1306 of this title had such property been owned by the decedent at the time of such exercise and had been transferred by him at that time

(c) The value of the gross estate shall include the value of property with respect to which the decedent at any time exercised a general power of appointment, if the property affected by such exercise would have been subject to §1307 of this title had such property been owned by the decedent at the time of his death or if possession or enjoyment of the property can, through ownership of such interest, be obtained by anyone only by surviving the decedent.

(d) The value of the gross estate shall include the value of any property to which this subsection applies in which the decedent had a qualifying income interest for life. This subsection applies to any property if: (1) a deduction was allowed with respect to the transfer of such property to the decedent under 26 U.S.C. Section 2523(f) of the Federal Internal Revenue Code, as presently enacted or hereafter amended, or any successor to such section relating to similar subject matter; or (2) a deduction was allowed for such property as Delaware qualified terminable interest property under section 1323(b) of this chapter. This subsection does not apply to property described in the preceding sentence if 26 U.S.C. Section 2519 of the Federal Internal Revenue Code applied with respect to a disposition by the decedent of part or

all of such property. For purposes of this chapter, property includable in the gross estate of the decedent under this subsection shall be treated as property passing from the decedent. This subsection shall not apply to any qualifying income interest created by testamentary disposition of decedents dying prior to the effective date of this subsection or to any qualifying income interest in property transferred into an irrevocable inter vivos trust prior to August 1, 1985.

(e) A disclaimer or renunciation,or lapse of a general power of appointment, shall not be deemed to be an exercise or release of such power.

(f) For purposes of this chapter, the term 'general power of appointment' means a power which is exercisable in favor of the decedent, his estate, his creditors or the creditors of his estate; except that a power of appointment which is exercisable by the decedent only in conjunction with another person who is either the creator of the power or who has a substantial interest in the property, subject to the power, which is adverse to exercise of the power in favor of the decedent, shall not be deemed a general power of appointment.

(g) The value of property with respect to which the decedent possessed a power of appointment other than a general power of appointment as herein defined and the value of property with respect to which decedent possessed but did not exercise or release a general power of appointment shall not be included in the value of the gross estate of the decedent.

§1305. Jointly owned property.

The gross estate shall include the value of all property to the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety, or deposited with any banking institution or depository in the joint names of the decedent and any other person and payable to either or the survivor, except such part thereof as may be proved to have originally belonged to such other person or never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth; provided, nevertheless, in the case of any interest in property held by the decedent and the decedent's spouse as either tenants by the entirety, or joint tenants with right of survivorship one-half of the value of such interest shall be included in the gross estate, but only if the decedent and the spouse of the decedent are the only joint owners of such interest.

§1306. Transfers in contemplation of death.

(a) General rule. - The value of the gross estate shall include the value of all taxable gifts, as defined in §1401, made by the decedent in contemplation of death.

(b) Application of general rule. If the decedent made a taxable gift, as defined in §1401, within a period of 6 months ending with the date of his death, such taxable gift shall, unless shown to the contrary, be deemed to have been in contemplation of death within the meaning of this Chapter; but no such taxable gift made by the decedent more than 6 months ending with the date of his death, shall be treated as having been made in contemplation of death.

§1310. Proceeds of life insurance.

(a) The gross estate shall include the value of the decedent's interest in life insurance policies insuring the life of anyone other than the decedent.

(b) Notwithstanding the provisions of section 1309 or of any provision of law, the proceeds of policies of life insurance insuring the life of the decedent shall be exempt from and not subject to the tax imposed by this chapter. Refunds of unearned premiums for the current policy period and post mortem dividends shall be considered proceeds of life insurance for purposes of this subsection.

1314. Valuation of farm and small business real property.

(a) In General. - If the decedent was, at the time of his death, a resident of the State and the person filing the return of tax imposed by this chapter elects the application of this section, the value of qualified real property shall be its value under 26 U.S.C . Section 2032A of the Federal Internal Revenue Code, or such similar subsequent tax legislation, hereafter referred to as "I.R.C. §2032A," whether or not a federal estate tax return is required to be filed on behalf of such decedent. The aggregate decrease in the value of qualified real property which results from the application of this section with respect to the gross estate of any decedent shall not exceed $500,000.

(b) Election. The election under this section shall be made not later than the time prescribed by §§1342 and 1343 of this title for filing the return of the tax imposed by this chapter. The election shall be made on the return of tax required by this chapter, and shall be made in the manner provided in I.R.C. §2032A.

(c) Special Rules. - For purposes of this section:

(1) 'Qualified real property' means real property located in the State and meeting the requirements of I.R.C. §2032A.

(2) All references to 'estate tax' in I.R.C. §2032A shall be deemed to be 'inheritance tax' for purposes of this section, and all references to the tax imposed by section 2001 in I.R.C. §2032A shall be deemed to be the tax imposed by section 1322 of this title.

(3) Despite the provisions of I.R.C. §2032A, there is no provision under this section for the qualified heir to furnish bond in lieu of personal liability.

(d) Disposition and Recapture. - If there is a disposition of the qualified real property or if the qualified heir ceases to use the qualified real property for the qualified use as provided in I.R.C. §2032A, or if there is an involuntary conversion resulting in additional tax liability under I.R.C. §2032A, there will be additional inheritance tax imposed as provided in I.R.C. §2032A as modified by §1314(c)(2).

(e) Limitations on Assessment. - the statutory period for assessment of additional tax shall not expire before the expiration of 3 years from the date the Secretary of Finance is notified of the event giving rise to the liability for additional tax.

§1322. Tax imposed.

A tax computed at the following rates is hereby imposed on the transfer to each beneficiary of his net taxable share of the gross estate as determined in accordance with §1321 of this title:

(1) Class A. Where the property or any interest or estate therein passes to or for the use of the husband or wife of the decedent, the tax on such property, interest or estate shall be at the following rates:

(a) On that part of its value exceeding $70,000 and not exceeding $100,000, 2 percent;

(b) On that part of its value exceeding $100,000 and not exceeding $200,000, 3 percent; and

(c) On that part of its value exceeding $200,000, 4 percent.

(2) Class B. Where the property or any interest or estate therein passes to or for the use of a parent, grandparent, child by birth, wife or widow of a son or the husband or widower of a daughter, a child by legal adoption or the lineal descendant of the decedent, a stepchild of the decedent, the tax on such property, interest or estate shall be at the following rates:

(a) On that part of its value exceeding $10,000 and not exceeding $25,000, 1 percent;

(b) On that part of its value exceeding $25,000 and not exceeding $50,000, 2 percent;

(c) On that part of its value exceeding $50,000 and not exceeding $75,000, 3 percent;

(d) On that part of its value exceeding $75,000 and not exceeding $100,000, 4 percent;

(e) On that part of its value exceeding $100,000 and not exceeding $200,000, 5 percent;

(f) On that part of its value exceeding $200,000, 6 percent.

(3) Class C. Where the property or any interest or estate therein passes to or for the use of any person not described in Class B whose relationship to the decedent is within five degrees of consanguinity, whether by the whole or half blood, and whether a blood relative of the decedent or a relative by virtue of legal adoption, the tax shall be at the following rates:

(a) On that part of its value exceeding $3,000 and not exceeding $25,000, 5 percent;

(b) On that part of its value exceeding $25,000 and not exceeding $50,000, 6 percent;

(c) On that part of its value exceeding $50,000 and not exceeding $100,000, 7 percent;

(d) On that part of its value exceeding $100,000 and not exceeding $150,000, 8 percent;

(e) On that part of its value exceeding $150,000 and not exceeding $200,000, 9 percent;

(f) On that part of its value exceeding $200,000, 10 percent.

(4) Class D. Where the property or any interest or estate therein passes to or for the use of any person, not described in Class A, Class B or Class C of this section, the tax shall be at the following rates:

(a) On that part of its value exceeding $1,000 but not exceeding $25,000, 10 percent;

(b) On that part of its value exceeding $25,000 but not exceeding $50,000, 12 percent;

(c) On that part of its value exceeding $50,000 but not exceeding $100,000, 14 percent;

(d) On that part of its value exceeding $100,000, 16 percent.

§1323. Deductions allowable in determining value of each beneficiary's taxable share of the gross estate.

(a) In determining the value of each beneficiary's net taxable share of the gross estate, the deductions allowable from the value of property included in the gross estate to which the beneficiary is entitled, shall be:

(1) Funeral expenses;

(2) Administration expenses;

(3) Claims against the estate;

(4) Unpaid mortgages on, or any indebtedness in respect of, property included in the value of the gross estate, the amount of such mortgage or indebtedness to be limited to that proportion of such mortgage or indebtedness as the decedent's interest in such property included in the gross estate bears to the total value of such property.

(b) In determining the value of each beneficiary's net taxable share of the gross estate, there shall be allowed as a deduction from the value of property included in the gross estate to which such beneficiary is entitled the value of all such property which qualifies for the federal estate tax marital deduction under 26 U.S.C. Section 2056 of the Federal Internal Revenue Code as presently enacted or hereafter amended, or any successor to such section relating to similar subject matter. For purposes of this section, property which could be qualified as qualified terminable interest property under 26 U.S.C. Section 2056(b)(7) of the Federal Internal Revenue Code shall be deemed to qualify for the deduction provided by this subsection, whether or not a federal estate tax return is required to be filed on behalf of such decedent, only if an election is made to so qualify such property on a timely filed inheritance tax return. Such an election may be made with respect to the tax imposed by this chapter regardless of whether an election is made under 26 U.S.C. §2056(b)(7) of the Federal Internal Revenue Code. Property which is deducted from the gross estate by reason of the election provided in this subsection shall be known as Delaware qualified terminable interest property.

(c) Where any property, real, personal or mixed, which can be identified as having been received by the decedent, or to which he is entitled, as beneficiary of the estate of any person who died within 2 years prior to the death of the decedent, or which can be identified as having been acquired by the decedent in exchange for property so received, if an inheritance tax under this chapter was collected from such estate, and if such property included in decedent's gross estate, a deduction of an amount equal to the value of such property at the time of the prior decedent's death shall be allowed.

(d) In determining the value of each beneficiary's net taxable share of the gross estate, no deduction shall be allowed by reason or on account of the payment, or liability for payment, of any Delaware inheritance tax, or of any Delaware estate tax, or of any estate, inheritance, legacy or succession tax of the United States or of any state or jurisdiction outside of this State.

1341. Inheritance tax returns.

(a) Resident returns. The executor of every resident decedent of this State shall make a return with respect to the inheritance tax imposed by subchapter II of this chapter according to the forms and regulations prescribed by the Secretary of Finance or his delegate if any one of the following conditions applies:

(1) The value of the gross estate at the death of the decedent exceeds $70,000;

(2) The value of the gross estate at the death of the decedent exceeds $10,000 and 1 or more of the beneficiaries are persons described in Class B of §1322 of this title;

(3) The value of the gross estate at the date of death of the decedent exceeds $3,000 and 1 or more of the beneficiaries are persons described in Class C of §1322 of this title;

(4) The value of the gross estate at the death of the decedent exceeds $1,000 and 1 or more of the beneficiaries are persons described in Class D of §1322 of this title;

(5) In all other cases where the decedent owned an inheritable or joint title to real property.

(b) Nonresident returns. The executor of every nonresident decedent of this State who, at the time of his death, owned any tangible personal property, real property or any interest therein, which is made subject to this chapter by §1303 of this title, shall make a return with respect to the inheritance tax imposed by subchapter II of this chapter according to the forms and regulations prescribed by the Secretary of Finance or his delegate.

1342. Filing returns and payments - time and place.

(a) Returns made under this chapter shall be filed within 9 months of the date of the decedent's death; provided, nevertheless, that in any case where an estate shall, before the expiration of nine months from the date of the decedent's death, become involved in litigation before any Court the determination of which may affect the computation of Delaware Inheritance Tax, the due date of the return shall be thirty days after the conclusion of the litigation.

(b) Any executor required to make and file a return under this chapter shall, without assessment, notice or demand, pay the tax due to the Department of Finance on or before the date fixed for filing such return, determined without regard to any extension of time for filing the return.

(c) The Secretary of Finance shall prescribe the place of filing any returns required under this chapter and for the payment of any tax due under this chapter."

Section 2. Amend Sections 1502 and 1509, Chapter 15, Title 30 by striking said sections in their entirety and substituting in lieu thereof new Sections 1502 and 1509 to read as follows:

"§1502. Computation of Tax.

The Delaware estate tax shall be computed as follows: The aggregate amount of the taxes due to the State, under the provisions of chapter 13 of this title, in respect to any property, estate or interest therein belonging to the decedent at the time of his death shall first be ascertained. To such amount there shall be added the aggregate amount of all estate, inheritance, legacy and succession taxes actually paid to any other state or territory of the United States or to the District of Columbia in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with his estate. The sum resulting from such addition shall then be deducted from an amount equal to the amount of the maximum credit allowable to the estate of the decedent by the federal estate tax law (26 U.S.C. §2001) or laws for estate, inheritance, legacy or succession taxes paid to any state or territory or to the District of Columbia. The remainder shall constitute and be the Delaware estate tax upon the estate of the decedent. In case of any estate where the amount to be deducted is equal to or greater than the amount of the maximum credit allowable by the federal estate tax law (26 U.S.C. §2001), then the estate shall be exempt from the Delaware estate tax prescribed by this section.

§1509. Refund of taxes erroneously paid.

When any amount has been erroneously paid as Delaware tax or interest on such tax, the Secretary of Finance, on satisfactory proof of such erroneous payment and upon the recommendation of the Department of Finance, may refund and pay to the executor, administrator, trustee or person who has paid any such tax or interest in error the amount of such tax or interest so paid. All applications for the repayment of such tax shall be made within 3 years from the date of payment. In case of the pendency, at the time of payment or at any time during the 3 year period, of litigation with respect to the liability for the federal estate tax or for the Delaware estate tax of the estate on behalf of which such payment for the Delaware estate tax has been made, application for the repayment of such amount erroneously paid as the Delaware estate tax or interest may be made at any time within 6 months after the final determination of such litigation. Interest on such refunds shall be allowed at the rate of 1% per month or fraction thereof from the date the application was received by the Department of Finance, except that no interest shall be allowed if refund is made within 45 days after the date the application is received by the Department of Finance."

Section 3 Amend §1309(c), Chapter 13, Title 30 of the Delaware Code by striking said §1309(c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) Exemption of annuities under certain trusts and plans.

Notwithstanding the provisions of this section or of any provisions of law, there shall not be deemed to be a transfer from any decedent the value of an annuity or other payment received by an beneficiary under any arrangement referred to in 26 U.S.C. Section 2039(c) or (e) of the Federal Internal Revenue Code as presently enacted or hereafter amended, or any successor to such section relating to similar subject matter."

Section 4. This Act shall become effective with respect to decedents dying on or after July 1, 1985.

Approved July 12, 1985.

CHAPTER 165

FORMERLY

SENATE BILL NO. 280
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 18, OF THE DELAWARE CODE BY PROVIDING FOR A GENERAL ADMINISTRATIVE PENALTY FOR VIOLATIONS OF ANY PROVISIONS OF THE DELAWARE INSURANCE CODE.

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

Section 1. Amend Title 18, Chapter 3, of the Delaware Code by adding a new section thereto to read as follows:

"§334. Administrative Penalty.

(a) Notwithstanding any other provisions of Title 18 of the Delaware Code or any regulation implementing the provisions of said Title, the Commissioner may, if he finds after notice and hearing that any person, insurer, or insurance holding company, has violated any provision of Title 18 of the Delaware Code or any regulation implementing the provisions of said Title, impose or order an administrative penalty in an amount of money that is reasonable and appropriate in view of the facts and circumstances surrounding the violation. In determining what the amount of penalty shall be, the Commissioner may take into consideration such matters as the nature of the violation, the amount of loss resulting from the violator's conduct, the intent of the violator, the damages caused by the violation, any efforts made by the violator to correct the violation and prevent a reoccurrence, and the recommendations of any hearing officer. In no event shall the administrative penalty per violation exceed $15,000 for those licensed under Chapter 17, Title 18 of the Delaware Code, and $50,000 per violation for insurance companies, insurance holding companies, and all other persons licensed under Title 18 of the Delaware Code.

(b) Before the Commissioner may impose or order a penalty to be paid pursuant to the provisions of this section, the violator shall be given notice of the violation, and an opportunity to be heard at a public hearing. The procedures for said notice and hearing, and any appeal from the Commissioner's decision shall be the same as set forth in the State Administrative Procedures Act, 29 Del. C. Chapter 101.

(c) Upon written request reasonably made by a party to a hearing held pursuant to this section, and at such a person's expense, the Commissioner shall cause a full stenographic or electronic record of the proceeding to be made. If transcribed, a copy of such record shall be furnished to the Commissioner without cost to the Commissioner or the State and shall be part of the Commissioner's record of the hearing, and a copy shall likewise be furnished to any other party to the hearing, at the request and expense of such other party. If no such record is made or transcribed, the Commissioner shall prepare a summary record of the proceedings and evidence.

(d) Any administrative penalty imposed pursuant to this section may be in addition to any penalty, fine or sentence ordered by a court in any civil or criminal proceeding.

(e) Any penalty that may be imposed or ordered by the Commissioner after the hearing shall be paid to the State Treasurer for deposit in the General Fund."

Approved July 12, 1985.

CHAPTER 166

FORMERLY

SENATE BILL NO. 283

AN ACT TO AMEND CHAPTER 3, TITLE 3 OF THE DELAWARE CODE BY CREATING A DELAWARE AGRICULTURAL MARKETING FUND.

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

Section 1. Amend Chapter 3, Title 3 of the Delaware Code by creating a new section 305 to read as follows:

"§305 DELAWARE AGRICULTURE MARKETING FUND.

There is established a Delaware Agriculture Marketing Fund to which shall be credited all funds appropriated by the General Assembly of this State for the administration of this Chapter, and all funds received through the sale of promotion and marketing products under this Chapter.

All revenues derived from the sale of promotion and marketing products under the administration of the Delaware Department of Agriculture shall be paid to the State Treasurer and credited to the Delaware Agriculture Promotion Fund for use in connection with agricultural promotion or marketing."

Approved July 12, 1985.

CHAPTER 167

FORMERLY

SENATE BILL NO. 287
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 1, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE STATE BOARD OF ACCOUNTANCY.

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 1, Title 24 of the Delaware Code by striking said Chapter in its entirety and substituting in lieu thereof the following:

"CHAPTER 1. ACCOUNTANTS, CERTIFIED PUBLIC AND PUBLIC.

§101. Definitions.

For purposes of this Chapter, unless the context indicates differently:

'Board' means the State Board of Accountancy.

'Certificate' means a certificate of certified public accountant.

'Certified public accountant' means the holder of a certificate of certified public accountant issued by the Board pursuant to the provisions of this Chapter or prior law of this State.

'Certified public accounting' or 'the practice of certified public accountancy' shall mean public accounting that is being practiced by a certified public accountant.

'Firm' means a sole proprietorship, a partnership, or a corporation under Title 8, Chapter 6 of the Delaware Code or under a similar statute of another jurisdiction.

'Nonpublic entity' shall mean an entity other than one whose securities trade in a public market either on a stock exchange (domestic or foreign) or in the over-the-counter market including securities quoted only locally or regionally; or that makes a filing with a regulatory agency in preparation for the sale of any class of its securities in a public market.

'Permit to practice' or 'permit' shall mean a permit to practice public accountancy or a permit to practice certified public accountancy pursuant to this Chapter.

'Public accountant' means the holder of a permit to practice public accountancy issued by the Board pursuant to the provisions of this Chapter.

'Public accounting' or 'the practice of public accountancy' shall mean performing or offering to perform by a person or firm, for a client or potential client, audit, review, or compilation services as defined by the American Institute of Certified Public Accountants.

"State" means the State of Delaware.

§102. Board of Accountancy: Appointment; term; qualifications; vacancies; removal of member.

The State Board of Accountancy shall consist of nine members who are State residents, as follows:

(a) four certified public accountants three of whom must hold valid permits to practice issued pursuant to this Act;

(b) two public accountants who hold valid permits to practice issued pursuant to this Act;

(c) two members from the public at large who are neither certified public accountants nor public accountants; and

(d) one practicing attorney who is neither a certified public accountant nor a public accountant.

The five persons constituting the State Board of Accountancy on the effective date of this Chapter shall continue in office as members of the Board until the expiration of the terms for which they were appointed. Upon the enactment of this Chapter, the governor shall appoint one public

accountant and one member from the public at large for a term of one year (not to be considered a full term); and one public accountant and one member from the public at large to serve for a term of three years. Both public accountants so appointed by the governor shall be qualified to obtain permits to practice public accountancy as soon as such permits become available. Upon the expiration of the term of any member, a successor shall be appointed by the Governor for a term of three years. No person who has served two successive complete terms shall be eligible for reappointment until after the lapse of one year. Appointment to fill an unexpired term is not to be considered a complete term. Each member shall hold office until a successor is appointed and qualified. Any vacancy in the membership of the Board shall be filled by the Governor for the unexpired portion of the three year term. The Governor shall remove from the Board any member whose certificate of certified public accountant or permit to practice has been revoked or suspended and may, after hearing, remove any member of the Board for neglect of duty or other just cause.

§103. Election of officers; bylaws; quorum.

The Board shall elect annually from its members a president and a secretary. The Board may adopt and promulgate such by laws as may be necessary to govern its proceedings, to define the duties of its officers and to effectuate the intent and purpose of this Chapter. A majority of the members of the Board shall constitute a quorum for the transaction of all business.

§104. Compensation of Board members.

Each member of the Board shall be paid not more than $50 per day for the time actually expended and incurred in the performance of his or her duties under this Chapter, not to exceed $500 per year.

§105. General powers of the Board.

The Board shall have the following powers:

(a) To provide for and to regulate the issuance of certificates pursuant to this Chapter;

(b) To provide for and to regulate the issuance of all permits to practice pursuant to this Chapter;

(c) To prescribe the place of examination for all examinations provided for in this Chapter. The Board shall use the Uniform Certified Public Accountant Examination and the advisory grading service of the American Institute of Certified Public Accountants or its successor organization, the National Society of Public Accountants Uniform State Examination and the advisory grading service of the National Society of Public Accountants, and in addition shall use such other examinations provided for in this Chapter;

(d) To suspend for a fixed term or revoke the certificate or permit to practice of any individual or firm, or to censure, reprimand, or warn the holder of any such certificate or permit as provided for in this Chapter;

(e) To arrange for assistance in the performance of its duties, and to administer and enforce the laws of the State relating to the practice of certified public accountants and public accountants, and to request the Attorney General to bring a prosecution for a violation of this Chapter;

(f) To keep minutes and records of all its transactions and proceedings. Copies thereof, duly certified by the Secretary of the Board, shall be received as evidence in all courts of this State;

(g) To become a member of the National Association of State Boards of Accountancy or its successor organization, and to pay such dues as said association shall establish, to send delegates to the annual meeting of the Association and to defray their expenses;

(h) To adopt, promulgate and enforce such administrative rules and regulations not inconsistent with this Chapter, or other laws of the State, as it deems necessary to carry into effect the provisions of this Chapter; and

(i) To promulgate, amend, and enforce rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of accounting.

§106. Certified public accountant and public accountant; who may use title; status of.

(a) Only a person who holds a valid certificate of certified public accountant granted by the Board pursuant to this Chapter or issued under the laws of another jurisdiction may assume or use the title or designation certified public accountant or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such a person is a certified public accountant; however, any certificate holder who is engaged in the practice of public accounting without a valid permit to practice certified public accountancy issued by the

Board shall be precluded from assuming or using the title or designation certified public accountant or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant.

(b) Only a person who holds a valid permit to practice public accountancy issued by the Board pursuant to this Chapter may assume or use the title or designation public accountant or the abbreviation P.A. or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant.

§107. Status of existing certificates preserved.

(a) Any person legally authorized to practice as a certified public accountant in this State at the time this Chapter takes effect shall thereafter possess the same rights and privileges as persons whom certificates of certified public accountant shall be issued pursuant to this Chapter, subject however, to the power of the Board, as provided in this Chapter, to suspend or revoke the certificate of such person or censure or reprimand such person for any of the causes set forth in this Chapter.

(b) Any person who has successfully passed the Uniform Certified Public Accountant Examination, under this Chapter and regulations of the Board in effect on or before June 30, 1985, who has not been issued a certificate because of not having met the experience requirements of such prior law and regulations, shall be granted such certificate upon submitting an appropriate application to the Board and the Board having approved such application as meeting the applicable requirements.

(c) Any person who holds a valid certificate issued under this Chapter and regulations of the Board in effect on or before June 30, 1985, shall be deemed to have sufficient education and experience to satisfy the experience requirement of subsection (c) (2) of Section 109.

§108. Certificate, requirements for obtaining.

(a) The certificate of certified public accountant shall be granted by the Board to any person who:

(1) has attained the age of eighteen years;

(2) is of good character. (Good character for purposes of this Section means lack of a history of dishonest or criminal acts.) The Board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is substantial connection between the lack of good character of the applicant and the professional responsibilities of a certificate holder and if the finding by the Board of lack of good character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a certificate because of lack of good character, the Board shall furnish the applicant a statement containing the findings of the Board, a complete record of the evidence upon which the determination was based, and a notice of the applicant's right of appeal;

(3) meets one of the following education requirements:

(A) holds a Master's Degree, conferred by a college or university recognized by the Board at the time of graduation, with a concentration in accounting, or what the Board determines to be substantially the equivalent of such concentration;

(B) holds a Baccalaureate Degree, conferred by a college or university recognized by the Board at the time of graduation, with a concentration in accounting or what the Board determines to be substantially the equivalent of such concentration;

(C) holds an Associate Degree, conferred by a college or university recognized by the Board at the time of graduation, or a degree from a two-year college, accredited by the Middle States Association of Colleges and Secondary Schools, the Accrediting Commission of the Association of Independent Colleges and Schools, or a similar accrediting association recognized by the Board at the time of graduation, with a concentration in accounting, or what the Board determines to be substantially the equivalent of such concentration; and

(4) Except as otherwise provided in Section 114 of this title, after meeting the requirements of paragraphs (1), (2), and (3) of subsection (a) of this Section, shall have successfully passed the Uniform Certified Public Accountant Examination and such other examinations as the Board may determine to be appropriate.

(b) A candidate who expects to meet the requirement within 120 days following the examination, shall be eligible to take the examination provided he or she also meets the requirements of paragraphs (1) and (2) of subsection (a) of this Section. In the case of any candidate admitted to the examination on the expectation that he or she will complete the education requirement within 120 days, no certificate shall be issued, nor shall credit for the examination or any part of it be given, unless such education requirement is in fact completed within that time or

within such time as the Board in its discretion may determine upon application.

(c) The Board may require an applicant to appear in person before the Board in connection with his or her application for a certificate as a certified public accountant.

§109. Permits to practice certified public accountancy: requirements for obtaining - individual

(a) Each certificate holder who has met the experience requirements of this section and who intends to be or is engaged in the practice of certified public accountancy in the State, whether as a principal of a firm or as an employee of a firm, shall be required to obtain and maintain a valid permit to practice certified public accountancy. The Board shall grant or renew permits to persons who make application and demonstrate their qualifications therefor in accordance with the following subsections of this section.

(b) Permits shall initially be issued, and renewed, for periods of two years but in any event shall expire on June 30, 1987, and each biennial period thereafter following issuance or renewal. Applications for such permits or renewals shall be made in such form as the Board shall by regulation specify, and the Board shall grant or deny any such application no later than 120 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied, or where the Board is not able to determine whether it should be granted or denied, the Board may issue to the applicant a provisional permit, which shall expire ninety days after its issuance or when the Board determines whether or not to issue or renew the permit for which application was made, whichever shall first occur.

(c) An applicant for initial issuance of a permit under this Section shall show:

(1) that the applicant holds a valid certificate;

(2) that the applicant meets one of the following experience requirements:

(A) has at least the equivalent of one year's accounting experience as an employee of a firm engaged in the practice of certified public accountancy; or not less than one year's experience as an accountant in government, commerce, industry, or other field of endeavor, which in the opinion of the Board is substantially equivalent to one year's experience as an employee of a firm engaged in the practice of certified public accountancy; or two years' full-time experience as an owner, principal, or employee of a firm engaged in the practice of public accountancy which is the principal source of the firm's earned income; when such experience has occurred after the individual has obtained the education requirement described in Section 108 (a) (3) (A); or

(B) has at least the equivalent of two years' accounting experience as an employee of a firm engaged in the practice of certified public accountancy; or not less than two years' experience as an accountant in government, commerce, industry, or other field of endeavor, which in the opinion of the Board is substantially equivalent to two years' experience as an employee of a firm engaged in the practice or certified public accountancy; or four years' full-time experience as an owner, principal, or employee of a firm engaged in the practice of public accountancy which is the principal source of the firm's earned income; when such experience has occurred after the individual has obtained the education requirement described in Section 108 (a) (3) (B), or

(C) has at least the equivalent of four years' accounting experience as an employee of a firm engaged in the practice of certified public accountancy; or not less than four years' experience as an accountant in government, commerce, industry, or other field of endeavor, which in the opinion of the Board is substantially equivalent to four years' experience as an employee of a firm engaged in the practice of certified public accountancy; or eight years' full-time experience as an owner, principal, or employee of a firm engaged in the practice of public accountancy which is the principal source of the firm's earned income; when such experience has occurred after the individual has obtained the education requirement described in Section 108 (a) (3) (C); and

(3) if the applicant's certificate was issued more than four years prior to his or her application for issuance of an initial permit under this Section, that the applicant has, in the two years immediately preceding such application, fulfilled no less than the 80 hours of continuing professional education that would have been applicable under subsection (e) of this Section for renewal of such permit.

(d) the Board shall issue a permit to a holder of a certificate issued by another state upon a showing that the applicant:

(1) meets all current requirements in this State for issuance of a certificate at the time the application is made; or

(2) at the time of the issuance of the applicant's certificate in the other state, met all such requirements then applicable in this State; or

(3) had four years experience in the practice of certified public accountancy or equivalent meeting requirements prescribed by the Board by regulation, with such experience having been obtained after passing the examination upon which his or her certificate was based and within the ten years immediately preceding his or her application; and

(4) The applicant meets the requirements of subsection (c) (2) of this Section; and the requirements of subsection (c) (3) of this Section, if applicable.

(e) An applicant for renewal of a permit under this Section shall show that he or she has fulfilled requirements of continuing professional education consisting of no less than 80 hours in the two-year renewal period that has elapsed since the last biennial renewal date of such general kinds and in such subjects as shall have been specified by the Board by regulation. Prorated continuing professional education requirements consisting of no less than 40 hours are to be met by an applicant whose initial permit was issued less than two years and at least one year prior to the renewal date. No continuing professional education is required of an applicant whose initial permit was issued less than one year prior to the renewal date. The Board may also provide by regulation that fulfillment of continuing professional education requirements of other states will be accepted in lieu of the foregoing requirements, provided that such other states have at least 80 hours required in a two-year period.

(f) Applicants for initial issuance or renewal of permits under this Section shall in their applications list all states in which they have applied for or hold certificates or permits, and each holder of or applicant for a permit under this Section shall notify the Board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate or permit by another state.

§110. Status of existing public accountants preserved.

(a) Any person who submits an appropriate application to the Board for issuance of an individual permit to practice public accountancy within one year after June 30, 1985, will be issued such permit to practice by the Board provided that the applicant:

(1) has attained the age of eighteen years;

(2) is of good character, as defined in paragraph (2) of subsection (a) in Section 108. The Board may refuse to grant a permit to practice public accountancy on the ground of failure to satisfy this requirement only if there is substantial connection between the lack of good character of the applicant and the professional responsibilities of a permit holder and if the finding by the Board of lack of good character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a permit because of lack of good character, the Board shall furnish the applicant a statement containing the finding of the Board, a complete record of the evidence upon which the determination was based, and a notice of the applicant's right of appeal; and

(3) is engaged in the practice of public accounting as a principal (as distinguished from employee) within this State on or before June 30, 1985. For purposes of this Section, the Board may consider this requirement as having been met by such principals who, on or before June 30, 1985, were engaged in other occupations in addition to the practice of public accounting in this State.

(b) In order to meet the requirements of subsection (a) of this Section, applicants may be required to furnish to the Board evidence that they have held themselves out to the public as being engaged in the practice of public accounting as principals (as distinguished from employees) and that they did perform public accounting for others, for consideration.

(c) Any person issued a permit to practice public accountancy under this Section shall thereafter possess the same rights and privileges as persons to whom permits to practice public accountancy shall be issued pursuant to Section 111, subject however, to the power of the Board, as provided in this Chapter, to suspend or revoke the permit of such person or censure or reprimand such person for any of the causes set forth in this Chapter.

§ 111. Permits to practice Public Accountancy: requirements for obtaining individual.

(a) Each person who intends to be or is engaged in the practice of public accountancy in this State, whether as a principal of a firm or as an employee of a firm, shall be required to obtain and maintain a valid permit to practice public accountancy. The Board shall grant and renew permits to persons who make application and demonstrate their qualifications therefor in accordance with the following subsections of this section.

(b) Permits shall initially be issued and renewed for periods of two years but in any event shall expire on June 30, 1987, and each biennial period thereafter following issuance or renewal. Applications for such permits or renewals shall be made in such form as the Board shall by regulation specify, and the Board shall grant or deny any such application no later than 120 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied, or where the Board is not able to determine whether it should be granted or denied, the Board may issue to the applicant a provisional permit, which shall expire ninety days after its issuance or when the Board determines whether or not to issue or renew the permit for which application was made, whichever shall first occur.

(c) An applicant for initial issuance of a permit under this section shall show that her or she:

(1) meets the requirements of subsections (a) (1) and (2) of section 108;

(2) meets, as a minimum, the education requirement of subsection (a) (3) (c) of Section 108;

(3) has passed either all parts of the National Society of Public Accountants Uniform State Examination, or both the Accounting Practice and Auditing portions of the Uniform Certified Public Accountant Examination; and

(4) has passed the American Institute of Certified Public Accountants self study course and examination in professional ethics."

(d) An applicant for renewal of a permit under this Section shall show that he or she has fulfilled requirements of continuing professional education consisting of no less than 80 hours in the two-year renewal period that has elapsed since the last biennial renewal date of such general kinds and in such subjects as shall have been specified by the Board by regulation. Prorated continuing professional education requirements consisting of no less than 40 hours are to be met by an applicant whose initial permit was issued less than two years and at least one year prior to the renewal date. No continuing professional education is required of an applicant whose initial permit was issued less than one year prior to the renewal date. The Board may also provide by regulation that fulfillment of continuing professional education requirements of other states will be accepted in lieu of the foregoing requirements, provided that such other states have at least 80 hours required in a two-year period.

§112. Permits to practice - firms.

(a) Each firm which intends to be or is engaged in the practice of certified public accountancy or the practice of public accountancy in the State of Delaware shall be required to obtain and maintain a valid permit to practice. The Board shall grant or renew permits to firms that make application and demonstrate their qualifications therefor in accordance with the following subsections of this Section.

(b) Permits shall be initially issued and renewed for period of two years but in any event expiring on June 30, 1987, and each biennial period thereafter following issuance or renewal. Applications for permits and renewals of permits shall be made in such form as the Board may by regulation specify, and the Board shall grant or deny any such application no later than 120 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied or where the Board is not able to determine whether it should be granted or denied, the Board may issue to the applicant a provisional permit, which shall expire ninety days after its issuance or when the Board determines whether or not to issue or renew the permit for which the application was made, whichever shall first occur.

(c) An applicant for initial issuance or renewal of a permit to practice certified public accountancy under this Section shall be required to show that each principal who regularly works in this State, and each employee holding a certificate who regularly works in this State, except for employees who have not yet accumulated sufficient experience to qualify for a permit under Section 109, holds a valid individual permit to practice certified public accountancy issued under Section 109, and that each other principal holds a certificate and is licensed to practice certified public accountancy in some other state.

(d) An applicant for initial issuance or renewal of a permit to practice public accountancy under this Section shall be required to show that each principal who regularly works in this State, and each employee who regularly works in this State, except for employees who have not yet met the requirements to qualify for a permit under Section 111, holds a valid individual permit to practice.

(e) An applicant for initial issuance or renewal of a permit to practice under this Section shall be required to register each office of the firm within the State with the Board and to show that each

such office is under the charge of a person holding a valid permit to practice issued under this Chapter.

(f) Each holder of or applicant for a permit under this Section shall notify the Board in writing, within 30 days after its occurrence, of any change in the identities of principals who work regularly within this State, any change in the number or location of offices within this State, any change in the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension of a permit by any other state.

§113. Examinations.

(a) All examinations provided for in this Chapter shall be in writing and shall be conducted by the Board. The time and place of holding examinations shall be duly advertised for not less than three consecutive days in two newspapers with general circulation in this State and not less than thirty days prior to the due date for applications to take each examinations.

(b) The Board shall by regulation prescribe the terms and conditions for granting credit to a candidate for a certificate or an applicant for a permit to practice public accountancy for his or her satisfactory completion of a written examination in any one or more of the subjects of the Uniform Certified Public Accountants Examination, the National Society of Public Accountants Uniform State Examination, and any written examination in any other subject or subjects given by the Board or by the licensing authority in any other jurisdiction.

(c) A person who has previously taken the Uniform Certified Public Accountants Examination under this Chapter and regulations of the Board in effect on December 31, 1975, shall continue to be permitted to take this examination and receive a certificate in accordance with such prior law and regulations.

(d) The examinations shall take place as often as the Uniform Certified Public Accountant Examination is available from and at such times as specified by the American Institute of Certified Public Accountants, or its successor organization.

§114. Waiver of examination.

(a) The Board may waive the examination of, and issue a certificate to any person possessing qualifications equivalent to those set forth in Section108 (a) (1), (2), and (4) of this Chapter who at the time of application for said certificate:

(1) is engaged full time in the practice of certified public accountancy in this State; and

(2) is the holder of a certificate under the laws of another jurisdiction, provided the requirements for such certificate in the jurisdiction which has granted it to the applicant are, in the opinion of the Board, equivalent to those provided in this Chapter; or is the holder of a currently valid certificate, license, or degree of a foreign country constituting a recognized qualification for the practice of public accountancy in such country, which in the opinion of the Board, is comparable to that of a certified public accountant of this State.

(b) In the event such holder of an out-of-state certificate (or such holder of a foreign certificate, license, or degree) meets all the requirements for a certificate other than being engaged full-time in the practice of certified public accountancy in this State, the Board may, in its discretion, issue a temporary certificate. The temporary certificate shall be effective only until the Board shall notify him or her that the requirement for full-time practice has been met or, absent such notice, until it expires by its own terms. In no event shall a temporary certificate be in effect for more than one year after the date of its issuance.

§115. Transition period, waiver of violation.

For the one year period ending June 30, 1986, any individual or firm practicing certified public accountancy or public accountancy without a valid permit to practice issued by the Board pursuant to this Chapter shall be deemed not in violation of the prohibition against engaging in such practice without a permit, provided that an application for such permit has not been denied or that such permit has not been revoked or suspended by the Board pursuant to the provisions of this Chapter.

§116. Prohibited services.

(a) No person or firm shall perform compilation, review or audit services except holders of a valid permit to practice issued pursuant to this Chapter.

(b) Audit services provided by public accountants shall be limited to services for non public entities.

§117. Revocation; suspension; censure; notice.

(a) After notice and hearing the Board may suspend for a period not to exceed two years or may revoke any certificate or permit to practice issued under this Chapter or any other law of this State, or may censure, reprimand, or warn any holder of such certificate or permit, for any one of the following causes:

(1) Fraud or deceit in obtaining any certificate or permit to practice issued under this Chapter;

(2) Dishonesty, fraud, or gross negligence in the practice of certified public accountancy or public accountancy;

(3) Violation of a rule of professional conduct promulgated by the Board under the authority granted by this Chapter;

(4) Entering a plea of guilty or nolo contendere to, or being found guilty of a felony under the laws of any State or of the United States;

(5) Entering a plea of guilty or nolo contendere to, or being found guilty of any crime, an element of which is dishonesty or fraud, under the laws of any State or or the United States;

(6) Cancellation, revocation, suspension, or refusal to renew the authority of an individual, firm, or principal of a firm to practice certified public accountancy in any other State for any cause other than failure to pay an annual registration fee in such other State;

(7) Suspension or revocation of the right to practice before any state or federal agency; and

(8) Any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.

(b) After notice and hearing the Board may revoke the permit to practice of a firm if at any time it does not have or meet all the qualifications prescribed in this Chapter. In its decretion, and for good cause shown, the Board may stay such order of revocation for a period of time not to exceed one year to permit the firm to requalify for a permit.

§118. Disciplinary action; procedure.

(a) The Board or any aggrieved person may prefer any charge or charges against individual holding a certificate or any individual or firm holding a permit to practice. Such charge or charges shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary of the Board.

(b) Upon the filing of such charge or charges with the Board which states matters of fact which in the opinion of a majority of the Board would, if true, be sufficient cause for censure or more severe disciplinary action, the Board shall fix a time and place for a hearing of such charge or charges.

(c) A copy of the charge or charges together with a notice of time and place of hearing, shall be personally served on the accused, or sent by registered or certified mail to the last known address of such individual or firm at least 30 days before the date fixed for the hearing. At any hearing the accused individual shall have the right to appear in person or by counsel or both. A firm may be represented at such hearing by a duly authorized representative of such firm who shall be a principal thereof and permit holder of this State in good standing or by counsel or both. At any hearing, the accused individual or firm shall have the right to cross-examine witnesses in defense of such charges, and to produce evidence and witnesses on behalf of the accused. If the accused fails to appear at said hearing, the Board may proceed to hear and determine the validity of the charges against the accused. The accused shall be entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses and the production of documents on behalf of the accused.

(d) The Board or any member thereof may issue subpoenas to compel the attendance of witnesses and the production of documents and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with, or upon hearing under, this Chapter. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence. The Board shall not be bound by technical rules of evidence. A record from which a verbatim transcript can be prepared shall be made of hearings. Transcripts shall be prepared at the request and expense of any party. At all hearings, the Attorney General of this State, or one of his deputies designated by him, or such other legal counsel may be employed by the Board, shall appear and represent the Board.

(c) If, after such hearing, a majority of the Board vote in favor of sustaining the charges, the Board may suspend or revoke the certificate of the accused person or the permit to practice of the accused individual or firm may warn, censure or reprimand such accused person or firm. The written decision of the Board shall be delivered personally to the accused or sent by registered or certified mail to the last known address of the accused.

§119. Appeals.

(a) Any complainant, or any person or firm affected by any action of the Board in denying, suspending, revoking, or refusing to renew a certificate or permit to practice, may appeal therefrom to the Superior Court within 30 days from the date of receipt of the written decision of the Board.

(b) In case of every appeal to the Superior Court, the cause shall be determined by the Court from the record, which shall include a typewritten copy of the evidence and the findings of the Board. The Board shall file with the Court a certified transcript of the record before the Board 15 days after service on the Board of notice of the appeal. The Court may reverse, affirm, or modify the findings of the Board, or remand the cause to the Board for a rehearing. In case any cause shall be remanded to the Board for rehearing, the procedure and rights of all parties to such cause shall be the same as in the case of the original hearing before the Board.

§120. Reinstatement.

Upon application in writing, and after hearing pursuant to notice, the Board may issue a new certificate to an individual or permit to practice to an individual or firm whose certificate or permit has been revoked or modify the suspension of any certificate or permit which has been suspended.

§121. Ownership of working papers.

All statements, records, schedules, working papers and memoranda made by a certified public accountant or a public accountant incident to or in the course of professional service to clients by such accountants, except reports submitted by such an accountant to a client shall be and remain the property of such accountant in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of such accountant or to his or her corporation.

§122. Register, publication of.

The Board shall have printed and published at least biennially for public distribution a register which shall contain the names, arranged in alphabetical order and addresses, of all persons and firms holding certificates and permits to practice under this Chapter, the names of members of the Board, and other matters as may be deemed proper by the Board. A copy of such register shall be mailed to each certificate and permit holder.

§123. Fees.

The Board shall by regulation establish fees to be charged which shall not be less than:

(a) $25 to an applicant for examination or reexamination in each half day portion of the Uniform Certified Public Accountants Examination or the National Society of Public Accountants Uniform State Examination.

(b) $125 to an applicant for a certificate who is a certified public accountant under the laws of another state or territory of the United States, or of any foreign government.

(c) $100 to an applicant for the issuance or renewal of an individual permit to practice;

(d) $50 to $100 to an applicant for the issuance or renewal of a firm permit to practice; the amount to be determined based on the number of principals in the firm who are engaged in the practice of certified public accountancy or public accountancy in the State as follows:

$50 per firm with one or two principals;

$75 per firm with three to five principals; or

$100 per firm with six or more principals.

§124. Annual report and receipt.

The Board shall report annually to the Governor the number of certificates and permits issued or renewed and receipts and expenses under this Chapter. All income shall be deposited to the

credit of the State Treasurer as part of the General Fund of the State, in accordance with Chapter 61 of Title 29.

§125. Violations and penalties; jurisdiction.

(a) Any person who represents himself or herself to the public as having a certificate or permit to practice certified public accountancy provided for in this Chapter, or assumes to practice certified public accountancy in this State without having received such certificate or permit, or having received such certificate or permit provided for in this Chapter, thereafter loses the same by revocation or suspension and continues to practice as a certified public accountant, or otherwise wrongfully uses such title or any other title mentioned in Section 106 (a) of this Chapter, or violates any of the provisions of this Chapter, shall be fined not less than $100 nor more than $500 or imprisoned not more than six months or both.

(b) Any person who represents himself or herself to the public as having a permit to practice public accountancy provided for in this Chapter, or assumes to practice public accountancy in this State without having received such permit, or having received such permit provided for in this Chapter, thereafter loses the same by revocation or suspension and continues to practice as a public accountant, or otherwise wrongfully uses such title or any other title mentioned in Section 106 (b) of this Chapter, or violates any of the provisions of this Chapter, shall be fined not less than $100 nor more than $500 or imprisoned not more than six months or both.

(c) Any firm that engages in the practice of certified public accountancy or public accountancy in this State without having received a permit to practice from the Board or having received a permit provided for in this Chapter, thereafter loses the same by revocation or suspension and continues to engage in the practice of certified public accountancy in this State, or violates any of the provsions of this Chapter shall be fined not less than $200 nor more than $1000. Where a partnership or corporation engages in the practice of certified public accountancy or public accountancy in this State in violation of this Chapter, every partner of such partnership and every officer, director, shareholder, or principal of such corporation shall be deemed to be in violation of this Chapter.

(d) The Superior Court of this State shall have exclusive original jurisdiction of any violation of this Chapter, notwithstanding any other law of this State to the contrary.

§126. Injunction against unlawful practice.

The Chancery Court may, in an action at the suit of Attorney General or of the Board, prevent and restrain any person or firm from engaging in the practice of certified public accountancy or public accountancy in this State who has not first obtained the applicable permit or permits as provided for in this Chapter or prevent and restrain the violation of any person or firm of the provisions of this Chapter."

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Approved July 12, 1985.

CHAPTER 168

FORMERLY

SENATE BILL NO. 305
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 90, TITLE 29 DELAWARE CODE RELATING TO THE COMPOSITION OF THE DIVISIONAL ADVISORY COUNCILS OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

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

Section 1. Amend §9008 (c), Chapter 90, Title 29 of the Delaware Code by striking the last sentence in its entirety and substituting in lieu thereof the following:

"(c) Appointments to each Council shall also include at least one member who as a child received services specified in §9003 (3); and at least one parent or guardian of a child served by the Department at the time of appointment."

Approved July 12, 1985.

CHAPTER 169

FORMERLY

SENATE BILL NO. 307

AN ACT TO AMEND CHAPTER 27, TITLE 30 OF THE DELAWARE CODE, RELATING TO MANUFACTURERS' LICENSE REQUIREMENTS AND TAXES.

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

Section 1. Amend Chapter 27, Title 30 of the Delaware Code by adding thereto a new Section 2704 to read as follows:

"§2704. Exemption of Gross Receipts Attributable to Intermediate Products.

(a) Notwithstanding any other provision of this Chapter, for purposes of this Chapter 'gross receipts' shall not include that portion of the receipts realized by a manufacturer on the sale, transfer or consumption of an ultimate product that is attributable to the manufacturer's cost of manufacturing an intermediate product in a new or expanded facility. The portion of such receipts attributable to the cost of manufacturing the intermediate product shall be that proportion of such receipts allocated to this State pursuant to §2701 (1) of this Title that the manufacturer's cost of manufacturing the intermediate product in the new or expanded facility bears to the manufacturer's total cost in Delaware of manufacturing the ultimate product.

(b) As used in this Section:

(1) 'New or expanded facility' is any qualified property within the meaning of §2010 (2) of this Title that is located within this State and that (i) is placed in service by the manufacturer as owner, lessee or sublessee after June 30, 1985, (ii) is used by the manufacturer in or in connection with a manufacturing process or procedure not engaged in by the manufacturer within this State prior to the date such property was placed in service by the manufacturer and (iii) is employed by the manufacturer in the manufacture of an intermediate product that, in or in connection with the subsequent manufacture by the manufacturer of an ultimate product in an existing facility, is consumed or becomes an integral part of the ultimate product. 'New or expanded facility' shall not include any existing facility but shall include any improvements or addition to an existing facility other than any improvement or addition resulting from a repair, refurbishing, retooling (such as retooling by an automobile manufacturer), recycling or other similar process or procedure that merely preserves or restores the value of an existing facility.

(2) 'Existing facility' is any property placed in service by the manufacturer as owner, lessee or sublessee before July 1, 1985.

(3) 'Ultimate product' is any product (i) the manufacture of which involves the consumption of an intermediate product, or (ii) that contains an intermediate product as an integral part.

(4) 'Intermediate product' is any product manufactured by the manufacturer and used by the manufacturer in connection with any subsequent manufacturing process or procedure that results in an ultimate product.

(5) 'Placed in service' shall have the meaning ascribed to such phrase under §167 of the Internal Revenue Code (26 U.S.C.A. §167) and regulations promulgated thereunder.

(6) The manufacturer and each related person with respect to the manufacturer within the meaning of §2010(10) of this Title shall be treated as one person.

(c) Subsection (a) of this Section shall not apply to any gross receipts realized by the manufacturer prior to the date upon which the manufacturer's aggregate investment in the new or expanded facility first equals or exceeds $200,000. In the case of a facility owned by the manufacturer, investment by the manufacturer shall equal the original cost of such facility to the manufacturer. In the case of a facility leased or subleased by the manufacturer, investment by the manufacturer shall equal 8 times the net annual rent paid by the manufacturer for the use of such facility, less any gross rental income received by the manufacturer from sublessees of any portion of such facility during the period of time to which such net rent paid by the manufacturer relates.

(d) Subsection (a) of this Section shall not apply to any gross receipts realized by the manufacturer prior to the date on which the manufacturer first employs in or in connection with the new or expanded facility 5 or more employees on a regular and full time basis, at least 25 percent of whom are residents of this State on such date.

(e) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry

out the purposes of this Section."

Section 2. All references contained in this Act to Sections of the Delaware Code are references to such Sections as in effect on the date of enactment of this Act.

Section 3. This Act shall become effective on July 1, 1985.

Approved July 12, 1985.

CHAPTER 170

FORMERLY

HOUSE BILL NO. 56

AN ACT TO ALLOW FOR THE EXCHANGE OF LANDS LOCATED IN THE CITY OF DOVER, KENT COUNTY, DELAWARE, BETWEEN THE STATE OF DELAWARE AND DORIS R. DORZBACK AND DONNA D. STONE.

WHEREAS, the State of Delaware is the owner of the certain lands situated in the City of Dover, Kent County, Delaware, such lands lying on the easterly side of Kings Highway between Loockerman and Division Streets, and sharing common boundaries with the abovementioned property, as appears of record in the Office of the Recorder of Deeds for Kent County in Deed Record Book T, Volume 34, Page 259; and

WHEREAS, Doris R. Dorzback and Donna D. Stone are the owners of certain lands situated in the City of Dover, Kent County, Delaware, such lands lying on the easterly side of Kings Highway between Loockerman and Division Streets and bounded on the north and east by lands of the state of Delaware, on the south by lands now or formerly of Joseph, Inc. and on the west by the easterly right-of-way line of Kings Highway, as appears of record in the Office of the Recorder of Deeds for Kent County in Deed Record Book C, Volume 31, Page 104; and

WHEREAS, the Department of Natural Resources and Environmental Control is desirous of constructing a walkway connecting the rear parking lot to the front entrance of the Richardson & Robbins building located on the aforesaid lands; and

WHEREAS, additional land is necessary to construct said walkway; and

WHEREAS, it would be advantageous to both the aforementioned property owners for the use and control of their lands to have their boundary lines adjusted through the exchange of small areas abutting the common boundary lines.

NOW THEREFORE:

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

Section 1. The Governor and the Secretary of the Department of Natural Resources and Environmental Control of the State of Delaware, are hereby authorized, empowered and directed to execute and deliver, subject to the provisions of Section 2 and 3 hereof, in the name of the State, and under the Great Seal of the State of Delaware affixed by the Secretary of State, a deed to Doris R. Dorzback and Donna D. Stone for the following described lands and premises:

Parcel 1:

BEGINNING at a point on the easterly right-of-way line of Kings Highway, said point being located S 6° 30' W 75.05 feet from the intersection of the centerline of paving extended of Reed Street, with the easterly right-of-way line of Kings Highway.

Thence from said point of Beginning, along a new line now established separating the lands of Doris R. Dorzback and Donna D. Stone from lands of the State of Delaware, S 83° 30' E 81.24 feet to a point on the original property line between lands of the State of Delaware and lands of Doris R. Dorzback and Donna D. Stone, thence with same S 84° 40' W 83.00 feet to a point on the easterly right-of-way line of Kings Highway, thence with same N 6° 30' E 17.02 feet to the point of Beginning. Containing 691 square feet of land more or less.

Parcel 2:

BEGINNING at a point, a new corner for lands of the State of Delaware and lands of Doris R. Dorzback and Donna D. Stone, said point being located the three following described courses and distances from the intersection of the centerline of paving extended of Reed Street, with the easterly right-of-way line of Kings Highway, 1) along the easterly right-of-way line of Kings Highway S 6° 30' W 75.05 feet to a point on the new dividing line between lands of the State of Delaware and lands of Doris R. Dorzback and Donna D. Stone, thence with same, 2) S 83° 30' E 81.24 feet to a point, 3) S 83° 30' E 82.58 feet to the point of Beginning, thence from said point of Beginning, along a new line now established separating the lands of Doris R. Dorzback and Donna D. Stone from lands of the State of Delaware S 10° 46' 25" E 75.64 feet to a point on the original property line between lands of the State of Delaware and lands of Lockwood C. Emmert thence with same, S 82° 39' 25" W 16.93 feet to a point, thence along the original property line between lands of the State of Delaware and lands now or formerly of Doris R. Dorzback and Donna D. Stone N 1° 59' E 76.52 feet to the point of Beginning. Containing 639 square feet of land more or less.

Section 2. The deed described in Section 1 shall be executed and delivered to the said Doris R. Dorzback and Donna D. Stone at such time that a deed in form acceptable to the Secretary of the Department of Natural Resources and Environmental Control is executed and delivered from the said Doris R. Dorzback and Donna D. Stone to the State of Delaware conveying a fee simple title to the following described lands and premises:

BEGINNING at a point on the original division line between the lands of Doris R. Dorzback and Donna D. Stone and lands of the State of Delaware, said point being located the two following described courses and distances from the intersection of the centerline of paving extended of Reed Street, with the easterly right-of-way of Kings Highway, 1) along the easterly right-of-way line of Kings Highway S 6° 30' W 75.05 feet to a point on the new dividing line between lands of the State of Delaware and lands of Doris R. Dorzback and Donna D. Stone thence with same, 2) S 83° 30' E 81.24 feet to the point of Beginning, thence from said point of Beginning along the original division line between the lands of Doris R. Dorzback and Donna D. Stone and lands of the State of Delaware N 84° 40' E 83.00 feet to a corner formed by the original division line between the lands of Doris R. Dorzback and Donna D. Stone and lands of the State of Delaware, thence along the original easterly division line S 1° 59' W 17.07 feet to a point, thence along a new line now established separating lands of the State of Delaware and lands of Doris R. Dorzback and Donna D. Stone N 83° 30' W 82.58 feet to the point of Beginning. Containing 703 square feet of land more or less.

Section 3. All expenses of preparation and recording incurred in connection with the deeds described in Sections 1 and 2 shall be borne by the said Doris R. Dorzback and Donna D. Stone; and in the event that the said deeds described herein are not executed and delivered within six months of the effective date of this Act, then the authorization herein shall be null and void.

Approved July 12, 1985.

CHAPTER 171

FORMERLY

HOUSE BILL NO. 156

AN ACT TO AMEND CHAPTER 55, TITLE 25 OF THE DELAWARE CODE, TO REQUIRE A LANDLORD TO DISCLOSE THE TENANT'S CANCELLATION RIGHTS ON THE FACE OF THE APPLICATION FORM.

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

Section 1. Amend Section 5511(d), Chapter 55, Title 25 of the Delaware Code, by adding the following at the end thereof:

"The landlord must supply the tenant with a copy of the written application form or a written receipt which shows the date of the application and discloses the tenant's rights upon the landlord's rejection or tenant's cancellation of the application."

Approved July 12, 1985.

CHAPTER 172

FORMERLY

HOUSE BILL NO. 164
AS AMENDED BY HOUSE AMENDMENT NOS. 2, 4, 5, AND 6

AN ACT TO AMEND TITLES 24, 29 AND 30 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL THERAPY; AND PROVIDING FOR A DELAWARE OCCUPATIONAL THERAPY ACT.

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 24 of the Delaware Code by adding thereto a new Chapter 20, which new chapter shall read as follows:

"CHAPTER 20. OCCUPATIONAL THERAPY

§2001. Objectives of Board

The primary objectives of the Board of Occupational Therapy Practice 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 complaint hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against practitioners. Nothing in this Chapter shall be deemed a direct or indirect commitment by the General Assembly to a present or future requirement that insurers or other third parties must offer or provide coverage for the services of practitioners licensed under this Chapter.

§2002. 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 Occupational Therapy Practice which shall administer and enforce this Chapter.

(b) 'Occupational therapy' shall refer to the evaluation and adaptation of occupational performance, that is, the ability to perform occupations, or tasks, required in daily self-care, work, and leisure routines. An occupational therapist shall assess, consult regarding, and treat as indicated, individuals whose occupational performances are impaired by congenital, developmental, or learning deficits; physical illness or injury; psychological dysfunction; cultural differences; economic or environmental deprivation; or the aging process. The end products of occupational therapy include optimal independent functioning, prevention of further disability and health maintenance.

(c) Occupational therapy services shall include, but are not limited to the following: assessment of self care, work and leisure routines, administration and interpretation of standardized and non standardized evaluation tools (such as sensory, manual muscle, and range of motion tests); development of self-care, prevocational, work, and leisure routines and habits; facilitation of developmental, sensory motor, sensory integrative, and perceptual function; use of specifically selected therapeutic, manual, and creative activities and exercises designed and adapted to enhance functional performance; the design, fabrication, and application or selected orthotic, prosthetic, and adaptive devices; consultation regarding the adaptation of environments for persons who are handicapped. These services shall be provided to individuals, groups or organizations through medical, health, educational, and social systems.

Occupational therapy shall not include medical diagnosis of disease or injuries, the practice of medicine or surgery, or the prescription of drugs.

(c) 'Occupational therapist' shall mean a person licensed to practice occupational therapy under this Chapter.

(d) 'Occupational therapy assistant' shall mean a person licensed to assist in the practice of occupational therapy under the supervision of or in consultation with a licensed occupational therapist. The manner of supervision shall be determined by regulations adopted by the Board.

(c) 'Occupational therapy aide' means a person who only performs support activities in the practice of occupational therapy under the supervision of a licensed occupational therapist and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy. The manner of supervision shall be determined by regulations adopted by the Board.

(f) 'Person' shall mean any individual, partnership, unincorporated organization, corporate body or any other entity, except that only an individual may be licensed under this Chapter.

(g) 'Association' shall mean Delaware Occupational Therapy Association.

(h) 'American Occupational Therapy Association' is the nationally recognized professional association for occupational therapists and occupational therapy assistants.

(i) 'Field Work' shall mean supervised experience which emphasizes the application of an academically acquired body of knowledge arranged by the accredited or approved educational institution attended by the applicant.

§2003. License to Practice

No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or occupational therapy assistant, or to render occupational therapy services in this State unless he or she is licensed in accordance with the provisions of the Chapter. It shall be unlawful for any person, or for any business entity, its employees, agents or representatives to use in connection with his or its name or business activity the words 'Occupational Therapist', 'Occupational Therapist, Registered', 'Licensed Occupational Therapist', 'Occupational Therapist Assistant', 'Licensed Occupational Therapist Assistant', the letters 'OT', 'OTR', 'OTR/L', 'COTA', 'COTA/L', or any other words, letters abbreviations or insignia indicating or implying directly or indirectly that occupational therapy services are rendered unless such person is licensed under this Chapter.

§2004. Persons and Practices Not Affected

Nothing in this Chapter shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person registered or licensed in this State by any other law from engaging in the profession or occupation for which he or she is licensed; or

(b) Any person employed as an occupational therapist or occupational therapy assistant by the Government of the United States, if such person provided occupational therapy solely under the direction or control of the organization by which he or she is employed; or

(c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee; or

(d) Any person employed by an occupational therapist as an occupational therapy aide; or

(e) Any person fulfilling the supervised field work experience requirements of this Chapter, if such activities and services constitute the requirements for licensure.

(f) Any visiting occupational therapist who teaches temporarily at an accredited or approved educational program or who lectures or instructs participants at seminars sanctioned by the Delaware Occupational Therapy Association.

§2005. Board of Occupational Therapy; Appointment; Qualifications; Term of Office; Compensation

(a) The Board of Occupational Therapy shall consist of five members all of whom are residents of this State and shall be appointed by the Governor. The Board shall consist of three professional members at least two of whom shall be licensed occupational therapists, one may be a licensed occupational therapy assistance, and two public members. The public members shall not be nor ever have een occupational therapists nor members of the immediate family of an occupational therapist, employed by an occupational therapist, have a material financial interest in the providing of goods and services to occupational therapists, or engaged in an activity directly related to occupational therapy. Such public members shall have an interest in health care and be accessible to inquires, 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, except that each member shall serve until his successor is duly 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.

(d) While serving on the Board, no member shall be a President, Chairman or other official of a professional association for occupational therapists.

(e) A member of the Board shall receive fifty dollars ($50.00) for each meeting attended, but not more than five hundred dollars ($500.00) in any calendar year.

§2006. Officers; Conduct of Business

(a) The Board shall elect annually from its members, a Chairman, a Vice Chairman and a Secretary. 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 twice a year, and at such other times as the Chairman deems necessary, or at the request of a majority of Board members.

(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.

§2007. Powers and Duties

(a) The Board of Occupational Therapy Practice shall have authority to:

(1) Formulate rules and regulations. Each rule and regulation shall implement or clarify a specific section of this Chapter;

(2) Designate a national examination approved by the American Occupational Therapy Association to be taken by persons applying for licensure, except applicants who qualify for licensure by reciprocity;

(3) Grant licenses to all persons who meet the qualifications for licensure;

(4) 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;

(5) 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 in areas not covered by the Chapter;

(6) 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;

(7) Bring proceedings in court for the enforcement of this Chapter;

(8) 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 of papers, records or other documentary evidence.

§2008. Application Procedure

(a) An applicant who is applying for examination and licensure under this Chapter shall have the following qualifications:

(1) Applicant shall present evidence satisfactory to the Board of Occupational Therapy of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the Board.

(i) The occupational therapy educational program shall be accredited by the Committee on Allied Health Education and Accreditation/American Medical Association in collaboration with

the American Occupational Therapy Association.

(ii) The occupational therapy assistant educational program shall be approved by the American Occupational Therapy Association.

(2) Applicants shall submit to the Board evidence of having successfully completed a period of supervised field work experience arranged by the recognized educational institution where he or she met the academic requirements or by the nationally recognized professional association.

(3) The applicant shall not have been convicted of a felony, professionally penalized or convicted of drug addition, shall not have been penalized or convicted for a willful violation of any confidential communication, nor have been professionally penalized or convicted for fraud.

(4) Each applicant shall provide such information as may be required on an application form designed and furnished by the Board.

§2009. Examination of Applicants

(a) Applicants for licensure shall be examined at a time and place and under such supervision as the Board may require. Examinations shall be given at least twice each year at such places as the Board may determine. The Board shall give reasonable public notice of these examinations in accordance with its rules and regulations. The examination shall be an examination approved by the American Occupational Therapy Association.

(b) In the event the applicant has already taken and passed a national examination approved by the American Occupational Therapy Association evidence acknowledging same shall be submitted. The Board shall accept such certificate and thereby waive a written examination.

(c) In addition to the requirement of §2008 (2) and §2009 (b), a foreign trained applicant shall be eligible for licensure as an occupational therapist or as an occupational therapy assistant after submitting to the Board satisfactory evidence of:

(1) graduation from a school offering a program in occupational therapy or occupational therapy assistant which has been approved for the educational preparation of occupational therapists or occupational therapist assistants by the appropriate accrediting agency recognized by the American Occupational Therapy Association.

§2010. Reciprocity

(a) Upon payment of the appropriate fee the Board shall waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the Board to be equivalent to the requirements for licensure of this Chapter.

(b) Upon receipt of an application for reciprocity, the Board shall contact each jurisdiction 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 that a disciplinary proceeding or unresolved complaint is pending, the applicant shall not be licensed until the proceeding or the complaint has been resolved.

§2011 Examination Fee

The amount to be charged for an examination fee 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.

§2012 Application Fee; Renewal; Inactive Status; Misrepresentation

(a) Each application for license under this Chapter shall be accompanied by a fee set forth in rules and regulations Licenses shall expire biennially on December 31 and may be renewed upon submission of a renewal application provided by the Board an payment of the renewal fee along with the evidence of continuing education courses as may be required by the rules and regulations set forth by the Board. If the renewal fee is not paid by the expiration date, a license shall automatically expire. A license or registration which has thus expired may within 5 years of its expiration date, be renewed upon the payment to the Board of the sum of $100.00. Reactivation of an expired license more than 5 years after ts expiration date may be renewed only by complying with the provisions herein relating to the issuance of an original license or registration.

(b) The Board shall also keep an inactive register. Any person who has been licensed in the State and is neither residing within the State nor actively engaged in the practice of occupational therapy in the State may upon request, be placed on the inactive register. Provisions for inactive status shall be

established and set up by the Board.

(c) Any applicant who knowingly or wilfully makes a false statement of fact in making an application under this Chapter shall be subject to prosecution for perjury. The Board shall have full authority to investigate, in accordance with law, every applicant for a license or registration regarding that applicant's qualifications. Any prosecution under this subsection for perjury and its related offenses shall be within the exclusive jurisdiction of the Superior Court.

§2013. Violations; Grounds for Professional Discipline

(a) Practitioners regulated under this Chapter shall be subject to those disciplinary actions set forth in §2014 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 occupational therapy;

(2) Illegal, incompetent or negligent conduct in the practice of occupational therapy;

(3) The practitioner habitually indulges in the use of narcotics or other habit forming drugs, or is habitually intemperate;

(4) That the practitioner has been convicted of a felony;

(5) That the practitioner, as a therapist 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 directly or indirectly has engaged in the division, transfer, assignment, rebate, or refunding of fees received for professional services, or to profit by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person. This does not preclude a practitioner from practicing or being employed by a licensed physician, hospital, health maintenance organization, nursing home, home health agency, rehabilitation agency or public or non public schools. Nothing in this section shall be construed as prohibiting the members of any regularly and properly organized business entity recognized by Delaware law, and composed of occupational therapists, from making any division of their total fees among themselves as they determine by contract necessary to defray their joint operating costs.

(7) 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 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 §2014.

(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.

§2014. Remedial Actions and Disciplinary Sanctions

(a) 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 §2013 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 of the probation,

(ii) Limit all practice and professional activities to those areas prescribed by the Board, or

(iii) Continue or renew his professional education until the required degree of skill, as evidenced by successful completion of a designated examination, has been attained in those areas which are the basis of the problem;

(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/or welfare of the public if the licensee is allowed to continue to practice with reasonable skill and safety.

(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.

§2015. Complaints; Board Hearings; Procedure

(a) Any member of the public or practitioner who has a question or complaint concerning any aspect of the practice of occupational therapy 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) Upon the receipt of a complaint against a practitioner, 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 90 days of receiving the complaint unless circumstances surrounding the complaint warrant a lengthier investigation. 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 will be effected in the same manner as with civil litigation.

(c) 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 a decision. A copy of the decision shall be mailed immediately to the complainant, and 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 to the Superior Court within that time.

(d) Where either the complainant or the practitioner is in disagreement with the action of the Board, either person 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 Board's decision. 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 appeal.

§2016. Practicing Without a License

(a) Where the Board has determined that a person is practicing occupational therapy within this State without having lawfully obtained a license therefore, or that a person previously licensed is unlawfully practicing although his license has been suspended or revoked, the Board shall warn such persons. If the offense continues, the Board shall make complaint to the Attorney General. The complaint shall include all evidence known to, or in the possession of, the Board.

(b) Where a person not currently licensed as an occupational therapist is tried and convicted of unlawfully practicing occupational therapy, the offender shall, upon the first offense be fined between $100.00 and $500.00 and shall pay all costs.

(c) Where a person previously convicted of unlawfully practicing occupational therapy is convicted a second or subsequent time of such offense, the fine assessed against such person shall be increased by

$500.00 for each subsequent offense.

§2017. Practice, Referral and Consultation

An occupational therapist may undertake consultation or evaluation of an individual as to the need for their services without the necessity of a referral by a licensed physician. However, an occupational therapist shall not provide occupational therapy treatment to an individual for a specific medical condition without a referral from a licensed physician unless the occupational therapy treatment is administrated by the public or private school or college systems of the State of Delaware."

Section 2. Amend §10161, Chapter 101, Title 29 of the Delaware Code by adding thereto a new subsection, designated as subsection (24), which new subsection shall read as follows:

"(24) Board of Occupational Therapy Practice."

Section 3. Amend §8810 (b), Chapter 88, Title 29 of the Delaware Code by adding thereto a new paragraph (18) which shall read as follows:

"(18) Board of Occupational Therapy Practice."

Section 4. Amend §2301 (a), Chapter 23, Title 30 of the Delaware Code by redesignating paragraphs (47) through (87) as paragraphs (48) through (88) and by adding a new paragraph (47) to read as follows:

"(47) Occupational therapist, $50.00. 'Occupational Therapist' includes every person engaged in the business of occupational therapy as defined in Chapter 20 of Title 24."

Section 5. Members of the initial Board shall be appointed in such a manner that the terms of 2 members expire on June 30, 1986, and that the terms of the remaining 3 members shall expire on June 30, 1987. Thereafter, appointments shall be made for terms of 3 years.

Section 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Approved July 12, 1985.

CHAPTER 173

FORMERLY

HOUSE BILL NO. 177
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 95, TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURT JUDGMENT AND EXECUTION DOCKETS.

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

Section 1. Amend Section 9562, Chapter 95, Title 10 of the Delaware Code by striking the said Section 9562 in its entirety and substituting, in lieu thereof, a new Section 9562 to read as follows:

"§9562. Necessity of judgment and execution docket.

There shall be a judgment and execution docket for each Justice of the Peace Court, the size, type and mode of said dockets to be as prescribed by the Chief Magistrate."

Section 2. Amend Section 9564, Chapter 95, Title 10 of the Delaware code by striking the phrase, "in docket separate from the judgment docket," where found in said Section 9564.

Section 3. Amend Section 9565, Chapter 95, Title 10 of the Delaware Code by striking the said Section 9565 in its entirety and substituting, in lieu thereof, a new Section 9565 to read as follows:

"§9565. Indexing of dockets.

The indexing of the judgment and execution dockets shall be as prescribed by the Chief Magistrate."

Approved July 12, 1985.

CHAPTER 174

FORMERLY

HOUSE BILL NO. 227

AN ACT TO AMEND CHAPTERS 51 AND 53, TITLE 3 AND CHAPTER 81, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON APPLE PROMOTION, THE PROMOTION OF APPLES AND TAX UPON APPLES.

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

Section 1. Amend Chapters 51 and 53, Title 3, Delaware Code by striking said Chapters in their entirety.

Section 2. Amend Chapter 81, Title 29, Delaware Code by striking Section 8106 in its entirety.

Approved July 12, 1985.

CHAPTER 175

FORMERLY

HOUSE BILL NO. 230

AN ACT TO AMEND CHAPTER 20, TITLE 13 OF THE DELAWARE CODE RELATING TO THE COMMISSION ON FAMILY LAW.

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

Section 1. Amend §2002, Chapter 20, Title 13 of the Delaware Code by striking the number "9" as it appears therein and substituting in lieu thereof the number "11".

Section 2. Further amend §2002 by striking the words "and at least 1 member shall be a member of the Senate when appointed" and substituting in lieu thereof the following:

", at least 1 member shall be a member of the Senate, at least 1 member shall be a pediatrician licensed to practice in this State, and at least 1 member shall be a psychologist licensed in this State specializing in the psychology of children when appointed".

Section 3. Amend §2003, Chapter 20, Title 13 of the Delaware Code by redesignating subparagraphs (3), (4) and (5) as (4), (5) and (6).

Section 4. Further amend §2003, by striking subparagraph (2) in its entirety and substituting in lieu thereof two new subparagraphs designated (2) and (3) as follows:

"(2) Additional members Two additional members shall be appointed to take office September 1, 1985 in order to increase the membership of the Commission from the initial 9 members to 11 members. One of the additional members shall be appointed for a term of 2 years and the other shall be appointed for a term of 3 years.

(3) Subsequent members After the initial appointment of members and the additional members of the Commission, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint sufficient new members of the Commission each year for a 3 year term so that the membership totals 11 citizens. They shall also jointly appoint members of the Commission to complete the remaining portion of the term of a member who has resigned or has been removed from the Commission."

Approved July 12, 1985.

CHAPTER 176

FORMERLY

HOUSE BILL NO. 258

AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, RELATING TO PARTNERSHIP TAX RETURNS AND PENALTIES FOR FAILURE TO FILE PARTNERSHIP TAX RETURNS AND RELATED INFORMATION.

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

Section 1. Amend Section 1174, Chapter 11, Title 30 of the Delaware Code by striking the Section in its entirety and substituting in lieu thereof the following:

"§1174. Partnership Return.

(a) Every partnership having any income derived from sources in this State, determined in accordance with the applicable rules of §1122 of this title as in the case of a non-resident individual, shall make a return for the taxable year setting forth all items of income, gain, loss and deduction, and the names and addresses of the individuals, whether residents or non-resident, who would be entitled to share in the net income if distributed, the amount of the distributive share of each individual, and such other pertinent information as the Director of Revenue may prescribe by rules or instruction. Such returns shall be filed on or before the date prescribed for filing a federal partnership return. For purpose of this subsection, 'taxable year' means a year or period which would be a taxable year of the partnership if it were subject to tax under this chapter.

(b) Every partnership having a resident partner, and which is not otherwise required to file a return for a taxable year pursuant to subsection (a) of this section, shall make a return for the taxable year setting forth all items of income, gain, loss and deduction and shall file a copy of each Schedule K 1 of a resident partner which was required to accompany the partnership's federal partnership return for such taxable year. Such Schedules K 1 shall be filed on or before the date prescribed for filing a federal partnership return. For purpose of this subsection, 'taxable year' means a year or period which would be a taxable year of the partnership if it were subject to tax under this Chapter."

Section 2. Amend paragraph (1), subsection (c), Section 1194, Chapter 11, Title 30 of the Delaware Code by substituting for "§1174" in each place it appears in such paragraph (1) the following:

"§1174 (a)".

Section 3. Amend paragraph (2), subsection (c), Section 1194, Chapter 11, Title 30 of the Delaware Code by adding at the end thereof the following new sentence" "The maximum penalty for any one taxable year shall not exceed $10,000."

Section 4. Amend Section 1194, Chapter 11, Title 30 of the Delaware Code by redesignating subsection (d) thereof as subsection (e), by redesignating subsection (c) thereof as subsection (f), and by inserting new subsection (d) to read as follows:

"(d) (1) If any partnership required to file a return or one or more Schedules K 1 under §1174 (b) of this title for any taxable year fails to file such return or Schedules K 1 at the time prescribed therefor (determined with regard to any extension of time for filing) 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) of this subsection, the amount of penalty for any month is $25, multiplied by the number of Schedules K-1 required to have been filed by §1174 (b) of this title." Section 5. This Act shall take effect January 1, 1985.

Approved July 12, 1985.

CHAPTER 177

FORMERLY

HOUSE BILL NO. 273

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF VEHICLES.

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

Section 1. Amend §2118, Subchapter I, Chapter 21, Title 21, Delaware Code, by redesignating subsection (q) as subsection (r) and inserting a new subsection (q) to read as follows:

"(q) 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 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."

Approved July 12, 1985.

CHAPTER 178

FORMERLY

HOUSE BILL NO. 286

AN ACT TO AMEND CHAPTERS 3, 21, 23, 25 AND 31, TITLE 21 OF THE DELAWARE CODE RELATING TO CERTAIN FEES COLLECTED BY THE DIVISION OF MOTOR VEHICLES.

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 314, Title 21 of the Delaware Code by striking the figure "$5" in each place it appears and substituting in lieu thereof the figure "$15".

Section 2. Amend Section 2158, Title 21 of the Delaware Code by striking the section in its entirety and substituting in lieu thereof a new section to read as follows:

"Section 2158. Fee for duplicate certificate of registration or registration plate and validation stickers.

(a) The fee for a duplicate certificate of registration shall be $2.

(b) The fee for a duplicate registration plate shall be $5.

(c) The fee for a duplicate registration validation sticker shall be $1."

Section 3. Amend Section 2305, Title 21 of the Delaware Code by striking the figure "$2" and substituting in lieu thereof the figure "$4".

Section 4. Amend Section 2508, Title 21 of the Delaware Code by striking the figure "$2" and substituting in lieu thereof the figure "$4".

Section 5. Amend Section 2503 (a), Title 21 of the Delaware code by striking the figure "$2" and substituting in lieu thereof the figure "$4".

Section 6. Amend Section 2504 (c), Title 21 of the Delaware Code by striking the figure "$2" and substituting in lieu thereof the figure "$4".

Section 7. Amend Section 2510 (c), Title 21 of the Delaware Code by striking the figure "$2" and substituting in lieu thereof the figure "$4".

Section 8. Amend Section 2510 (e), Title 21 of the Delaware Code by striking the figure "$2" and substituting in lieu thereof the figure "$4".

Section 9. This Act shall take effect on September 1, 1985.

Approved July 12, 1985.

CHAPTER 179

FORMERLY

HOUSE BILL NO. 291
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND PART III, TITLE 19, OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend §3313(f) of Chapter 33 of Title 19, Delaware Code by deleting the second paragraph in its entirety and by substituting in lieu thereof the following new paragraph:

"The weekly benefit amount payable to an individual for any week which begins after March 31, 1980, and which begins in a period with respect to which such individual is receiving or is eligible to receive a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment which is based on the previous work of such individual or which begins in a period with respect to which such individual is receiving or is eligible for sickness disability or workmen's compensation benefits shall be reduced (but not below 0) by the sum of the prorated weekly amount of such pension, retirement or retired pay, annuity or other payment and the prorated weekly amount of such disability or workmen's compensation benefits payment which is reasonably attributable to such work; provided that, in the case of the pension retirement or retired pay, annuity or other payment, if the provision of the Federal Unemployment Tax Act permit:

(1) The requirements of this paragraph shall only apply in the case of a pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained (or contributed to) by a base period or chargeable employer (as determined under this Act);

(2) The amount of any such reduction shall be determined taking into account contributions made by the individual for the pension, retirement or retired pay, annuity or other similar periodic payment;

(3) Any overpayment which may result from the retroactive application of this paragraph may, at the discretion of the Secretary of Labor, be waived."

Section 2. Amend §3325 of Chapter 33 of Title 19, Delaware Code by deleting it in its entirety and substituting in lieu thereof the following new Section:

"§3325. Recoupment of Overpayments of Benefits

Any person who has received any sum as benefits under this Chapter to which it is finally determined that he was not entitled, shall be liable to repay in cash said overpayment, to the Department for the Unemployment Compensation Fund, or to have such sum deducted from future benefits payable to him under this Chapter. The person shall be so liable regardless of whether such sum was received through fraud or mistake, or whether he was legally awarded the payment of benefits at the time but on appeal was subsequently found not to be entitled thereto. If the person becomes eligible for benefits before such sum is completely repaid, the Department shall deduct the remaining balance of such sum from such benefits. Except where the person obtained the overpayment by fraud, the Department may, in its discretion, elect not to require repayment of such sum in cash, and elect to only deduct such sum from subsequently awarded benefits.

The Department shall issue a notice of overpayment and an order for recoupment, stating their grounds therefor, before initiating action to collect the overpayment. Unless the person files an appeal to the Unemployment Insurance Appeals Board within ten days after such order was mailed to him at his last known address, the order shall be final and recoupment shall be made in accordance with such order. Appeal from the Unemployment Insurance Appeals Board decision to Superior Court may be made in the same fashion as an appeal of the Appeal Board's benefit decisions.

In any case under this Section in which a claimant is liable to repay to the Department any sum for the Unemployment Compensation Fund, such fund shall be collectible without interest in the name of the Department.

The Department may write off in whole or in part an overpayment debt after a period of three years, when it has ascertained after investigation and after reasonable attempts at collection that the overpayment debt is wholly or partly uncollectable. The Department may prescribe the appropriate accounting methods by which the uncollected portion of the debt shall be written off its accounts instead of being carried indefinitely as an uncollected debt."

Approved July 12, 1985.

CHAPTER 180

FORMERLY

HOUSE BILL NO. 300
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 11, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF BINGO.

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

Section 1. Amend §1102 (1), Subchapter I, Chapter 11, Title 28 of the Delaware Code by striking the period "." at the end thercof and substituting in lieu thereof the following: "; and also means 'Instant Bingo' ."

Approved July 12, 1985.

CHAPTER 181

FORMERLY

HOUSE BILL NO. 355

AN ACT TO AMENDING CHAPTER 61, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF AN INDIRECT COSTS SPECIAL FUND ACCOUNT.

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

Section 1. Amend Section 6102, Chapter 61, Title 29 of the Delaware Code by adding a new subsection (k) to read as follows:

"(k) Provisions of this chapter to the contrary notwithstanding, the Office of 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. Specifically, this fund may reimburse the State Auditor's Office for federal audits performed if the audited agency has deposited sufficient federal funds to compensate the Auditor of Accounts for services rendered. Federal reimbursements deposited in such special fund, 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 time as the Chairman may determine."

Section 2. This Act shall become effective on July 1, 1985.

Approved July 12, 1985.

CHAPTER 182

FORMERLY

HOUSE BILL NO. 357

AN ACT TO AMEND CHAPTER 258, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE 'THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE' TO BORROW $1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME" TO PROVIDE SPECIFICALLY THAT THE PRINCIPAL AND INTEREST SHALL NOT BE TAXABLE, TO PROVIDE A MAXIMUM BONDED INDEBTEDNESS FOR PURPOSES OF THIS ACT NOT TO EXCEED $2,000,000.00, AND TO PROVIDE THAT THE ELECTION MAY BE BY PAPER BALLOT.

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

Section 1. Section 2, Chapter 258, Volume 55, Laws of Delaware, be and the same is hereby amended by adding at the end thereof the following sentence:

"All bonds issued by the Town Council pursuant to the provisions of this Chapter shall be exempt from all State, County or Municipal Taxes."

Section 2. Section 7, Chapter 258, Volume 55, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 7 and substituting in lieu thereof a new Section 7 to read as follows:

"Section 7. At the special election, every owner of property, whether an individual, partnership or corporation, shall have one (1) vote and the said vote may be cast either in person or by proxy. In addition, every person who is a bona fide resident of the Town of Selbyville but who is not a property owner and who would be entitled at the time of holding of the special election to register and vote in the Annual Municipal Election if such Annual Municipal Election were to be held on the day of the special election shall have one (1) vote whether or not such person be registered to vote in the Annual Municipal Election, and the said vote may be cast either in person or by proxy."

Section 3. Section 8, Chapter 258, Volume 55, Laws of Delaware, be and the same is hereby amended by adding at the end of said Section 8 the following:

"Paper ballots or voting machines, at the discretion of the Town Council may be used in the special election."

Section 4. Section 10, Chapter 258, Volume 55, Laws of Delaware, be and the same is hereby amended by striking out the third sentence of said Section 10 and substituting in lieu thereof a new third sentence to read as follows:

"The Mayor and Council shall provide in the annual budget and in the fixing of any tax, sewer charge or tax, for the payment of interest on and principal of said bonds at the maturity or maturities thereof and a sinking fund therefor without limitation as to any amount to be raised by taxation."

Section 5. Section 11, Chapter 258, Volume 55, Laws of Delaware, be and the same is hereby amended by striking out the words and figures "One Million Dollars ($1,000,000.00)" as the same appear in said Section and substituting in lieu thereof the words and figures "Two Million Dollars ($2,000,000.00)"

Approved July 12, 1985.

CHAPTER 183

FORMERLY

HOUSE BILL NO. 358

AN ACT TO AMEND SECTION 1001, TITLE 5 OF THE DELAWARE CODE TO AMEND THE DEFINITION OF A "QUALIFYING ASSOCIATION" AND A "QUALIFYING CORPORATION" UNDER THE CONSUMER CREDIT BANK ACT.

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

Section 1. Amend Section 1001(3), Title 5 of the Delaware Code by inserting after the words "offers" appearing therein the following:

"in the State of Delaware".

Section 2. Amend Section 1001(4), Title 5 of the Delaware Code by inserting after the words "current rendering" in each of the two places where those words appear in the subsection the following:

"in the State of Delaware".

Approved July 12, 1985.

CHAPTER 184

FORMERLY

HOUSE BILL NO. 373

AN ACT ENTITLED "THE OCCUPATIONAL AND BUSINESS LICENSES AND TAXES AMENDMENTS OF 1985", AMENDING CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION OF MANUFACTURERS FROM THE WHOLESALE TAX; AND AMENDING CHAPTER 27, TITLE 30, DELAWARE CODE, RELATING TO THE MANUFACTURER LICENSE TAX RATE, A MONTHLY DEDUCTION FROM GROSS RECEIPTS AND FILING REQUIREMENTS; AND AMENDING CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO THE WHOLESALER LICENSE TAX WITH RESPECT TO A MONTHLY DEDUCTION FROM GROSS RECEIPTS; AND AMENDING CHAPTER 21, TITLE 30, DELAWARE CODE, RELATING TO GENERAL PROVISIONS CONCERNING OCCUPATIONAL AND BUSINESS LICENSES AND TAXES.

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 2908, Title 30 Delaware Code, by striking subsection (a) and by redesignating subsections (b). (c), (d), (e), (g), (h) and (i) as subsections (a), (b), (c), (d), (e), (f) and (g).

Section 2. Amend Section 2702, Title 30, Delaware Code, by striking paragraph (1) from subsection (b) and substituting in lieu thereof a new paragraph (1) to read as follows:

"(1) In addition to the license fee required by subsection (a) of this section, every manufacturer shall pay a license fee of 3/10 of 1 percent of the aggregate gross receipts of such manufacturer, which fee shall be payable monthly on or before the twentieth day of each month with respect to the aggregate gross receipts for the immediately preceding month. In computing the fee due on such aggregate gross receipts for each month, there shall be allowed a deduction of $500,000. For purposes of this subsection, all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one, and shall be allowed only one monthly deduction from the aggregate gross receipts of the entire enterprise. The monthly returns shall be accompanied by a certified statement on such forms as the Department of Finance shall require in computing the fee due."

Section 3. Amend Section 2902, Title 30, Delaware Code, by inserting in paragraph (1) of subsection (c), between the first and second sentences thereof, the following:

"In computing the fee due on such aggregate gross receipts for each month, there shall be allowed a deduction of $10,000. For purposes of this subsection, all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one, and shall be allowed only one monthly deduction from the aggregate gross receipts of the entire enterprise."

Section 4. Amend Chapter 21, Title 30, Delaware Code, by striking Section 2114 in its entirety.

Section 5. Effective Dates.

(a) Section 1 of this Act shall be effective retroactively to June 12, 1984.

(b) Sections 2, 3 and 4 of this Act shall be effective on July 1, 1985.

Approved July 12, 1985.

CHAPTER 185

FORMERLY

HOUSE BILL NO. 365
AS AMENDED BY HOUSE AMENDMENT NO. 1

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:

Accounting Code	Organization/Description	Amount
(10-10-001)	Delaware Justice Information System	
	Local Police Coordination	$ 30,000
	Aid to Local Law Enforcement	300,000
(12-05-001)	State Treasurer - Administration	
	Municipal Street Aid	$ 2,500,000
(20-06-016)	Office of Arts Council	
	Delaware Arts Council	$ 380,000
(35-01-001)	Dept. of Health & Social Services - Secretary	
	Adolescent Program	$ 300,000

Accounting Code	Organization/Description	Amount
(35-14-001)	Division of Aging	
	Senior Centers	
	Absolom Jones Senior Center	$ 65,920
	Brandywine Senior Center	44,480
	Bridgeville Senior Center	53,160
	Cape Henlopen Senior Center	91,320
	Chesapeake and Delaware Senior Center	22,080
	Clarence Fraim Senior Center	88,560
	DeLaWarr Senior Center	48,480
	Frederica Adult Center	43,600
	Harrington Senior Center	39,200
	Harvest Years Senior Center	21,760
	Howard Weston Senior Center	153,320
	Indian River Senior Center	29,600
	Jewish Community Center	39,480
	Jimmy Jenkins Senior Center	47,400
	Julia Tallman Golden Age Center	49,840
	Kirkwood United Methodist Church Senior Center	12,080
	Laurel Senior Center	81,400
	Lewes Senior Citizens Center	17,414
	M.O.T. Senior Center	46,080
	Mid-County Senior Center	91,940
	Milford Senior Center	51,200
	Modern Maturity Center	113,440
	Nanticoke Senior Center	80,080
	New Castle Senior Center	37,800
	Newark Senior Center	77,480
	Northeast Senior Center	56,540

Oak Grove Senior Center, Inc.	95,880
Peoples Settlement - Senior Citizens Program	40,640
St. Ann's Neighborhood Services	65,840
St. Anthony's Senior Center	66,960
St. Hedwig's Senior Center	142,760
St. Patrick's Senior Center	89,200
St. Peter's Adult Center	65,400
St. Thomas Senior Center	82,760
Sellers Senior Center	51,480
Smyrna- Clayton Senior Center	12,300
West Center City Senior Activity Center	62,640
Wilmington Senior Center	127,760
TOTAL - Section 1	$ 5,917,274

Section 2. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Category/Description	Amount
One-Time Appropriations	
Delaware Association for Blind Athletes	$ 5,000
Delaware Crime Stoppers	10,000
Delaware Reporting Service - Computer	10,000
VFW Post 3792	5,500
Arts/Historical/Cultural/Tourism	
Delaware Agriculture Museum	$ 20,000
Delaware Citizens Committee (Channel 64)	50,000
Delaware City Day Committee	5,000
Delaware State Fair	30,000
Historical Society of Delaware	30,000
Miss Delaware Pageant	3,800
Mohawk Foundation, Inc.	30,000
Namaan's Kill Questors	2,000
New Castle - Separation Day	7,000
WHYY	205,000
Aging - Other	
Delaware Senior Citizen, Inc. Newspaper	$ 25,000
Geriatric Services of Delaware, Inc.	50,000
Meals on Wheels - Lewes and Rehoboth	18,000
Rehabilitative Opportunities for Homebound Residents	15,000
Sussex County Home Services (HOPE Program)	20,000
West Center City Community Center - Physical Fitness Program	5,000
Family and Youth Services	
Residential Treatment	
Aid-in- Dover, Inc. (Eight-O- One)	$ 30,000
Childhood Village	15,000
Children's Home, Inc.	30,000
Diamond State Youth, Inc.	77,000
Independent Living	20,000
Turning Point Ranch for Boys	50,000
Education	
Beechwood Individualized Parent/Child Program	$ 60,000
Other	
Big Brothers/Big Sisters of Delaware, Inc.	$ 28,000

Child, Inc.	45,000
Children's Bureau of Delaware	70,000
Delaware Assn. of Chiefs of Police - Camp Barnes	15,000
Del. Guidance Services for Children & Youth, Inc.	90,000
Juvenile Education Awareness Program	10,000
Parents Anonymous of Delaware	10,000
Peoples Place II	50,000
Turnabout Counseling Center/Seaford Action Committee	95,000
United Cerebral Palsy of Delaware, Inc.,	22,000
YMCA of Southern Delaware - Mini- Bike	20,000
Youth Guidance Program	11,750

Adult Day Care

Total Living Care, Inc.	$ 13,381

Handicapped/Health/Labor

AHEDD, Inc. - Kent/Sussex	$ 15,000
Adult Educable Mentally Retarded	38,000
Arthritis Foundation	5,000
Delaware Association for Blind Athletes	5,000
Delaware Association for the Blind	30,000
Delaware Hospice, Inc.	80,000
Delaware Vietnam Veterans Leadership Program	7,500
Easter Seal Society for Crippled Children & Adults of Delaware	45,000
Institute for Development of Human Resources	18,000
Jobs for Delaware Graduates	100,000
Kent/Sussex Industries	20,000
Mancus Foundation	20,000
Mary Campbell Center, Inc.	100,000
New Castle County Alliance for the Mentally Ill	15,000

Alcohol/Drug Abuse

1212 Program	$ 10,000
Limen House	20,000
Open Door, Inc.	50,000
Resource Center, Inc.	25,000

Neighborhood/Community Services

Broader Community Services, Inc.	$ 7,500
Civil Air Patrol - Cadet Program	7,000
Claymont Community Center	165,000
Community Design Center	7,500
Community Legal Aid - Social Security Advocacy	40,119
CONTACT Wilmington	15,000
Delaware Crop Improvement Association	2,000
Delaware Safety Council, Inc.	33,000
Eastlawn Area Human Services, Inc.	65,000
Eastside Citizens, Inc.	35,000
Edgemoor Educational and Recreational Community Center	115,000
Food Conservers	35,000
Girls Club of Delaware	20,000
Greater Elsmere Recreation & Education Center	80,000
Hilltop Lutheran Neighborhood Center	20,000
Hockessin Community Center	30,000
Home of Divine Providence, Inc.	20,000
Latin American Community Center, Inc.	22,000
M.O.T. Community Action	28,000
Mary Mother of Hope House - Phase I	27,000
Mary Mother of Hope House - Phase II	16,500
Mary Mother of Hope House - Emmanuel Dining Room	30,000
Mary Mother of Hope - House of Joseph	15,000
Neighborhood House, Inc.	30,000
New Castle County Crisis Pregnancy Center	15,000
Newark Housing Ministries	15,000
Rosehill Community Center, Inc.	80,000
Salvation Army Emergency Housing	40,000
Slaughter Neck Community Action Committee	25,000

South Wilmington Medical Center	50,000
Southwest Wilmington Community Center	80,000
Sussex County Community Action	27,500
Tri-State Bird Rescue and Research	5,000
Union Baptist Services	37,500
West End Neighborhood House, Inc.	20,000
Whatcoat Social Service Agency	21,000
YWCA of New Castle County	14,000
TOTAL - Section 2	*$ 3,207,550*

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	$ 7,693
Belevedere Volunteer Fire Company	Belevedere	7,693
Brandywine Hundred Fire Co. No. 1	Bellefonte	7,693
Christiana Fire Co.	Christiana	7,693
Claymont Fire Co.	Claymont	7,693
Cranston Heights Fire Co.	Cranston Heights	7,693
Delaware City Fire Co.	Delaware City	7,693
Elsmere Fire Co.	Elsmere	7,693
Five Points Fire Co. No. 1	Richardson Park	7,693
Goodwill Fire Co. No. 1	New Castle	7,693
Hockessin Fire Co.	Hockessin	7,693
Holloway Terrace Fire Co.	Holloway Terrace	7,693
Mill Creek Fire Co.	Marshallton	7,693
Minquadale Fire Co.	Minquadale	7,693
Minquas Fire Co. No. 1	Newport	7,693
Odessa Fire Co., Inc.	Odessa	7,693
Port Penn Volunteer Fire Co., Inc.	Port Penn	7,693
Talleyville Fire Co., Inc.	Talleyville	7,693
Townsend Fire Co., Inc.	Townsend	7,693
Volunteer Hose Co., Inc.	Middletown	7,693
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	7,693

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers	$ 7,693
Camden-Wyoming Fire Co.	Camden	7,693
Carlisle Fire Co.	Milford	7,693
Cheswold Volunteer Fire Co.	Cheswold	7,693
Citizens' Hose Co. No. 1, Inc.	Smyrna	7,693
Clayton Fire Co.	Clayton	7,693
Robbins Hose Co. (Dover Fire Dept.)	Dover	7,693
armington Volunteer Fire Co.	Farmington	7,693
Felton Community Fire Co.	Felton	7,693
Frederica Volunteer Fire Co.	Frederica	7,693
Harrington Fire Co.	Harrington	7,693
Hartly Volunteer Fire Co.	Hartly	7,693
Houston Volunteer Fire Co.	Houston	7,693
Leipsic Volunteer Fire Co.	Leipsic	7,693
Little Creek Volunteer Fire Co.	Little Creek	7,693
Magnolia Volunteer Fire Co.	Magnolia	7,693
Marydel Volunteer Fire Co., Inc.	Marydel	7,693
South Bowers Fire Co.	South Bowers	7,693

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 7,693
Blades Volunteer Fire Co., Inc.	Blades	7,693
Bridgeville Volunteer Fire Co.	Bridgeville	7,693
Dagsboro Volunteer Fire Co.	Dagsboro	7,693
Delmar Fire Department	Delmar	7,693
Ellendale Volunteer Fire Co.	Ellendale	7,693
Frankford Volunteer Fire Co.	Frankford	7,693
Georgetown Fire Co., Inc.	Georgetown	7,693
Greenwood Volunteer Fire Co.	Greenwood	7,693

Gumboro Volunteer Fire Co.,Inc.	Gumboro	7,693
Indian River Volunteer Fire Co.	Indian River	7,693
Laurel Fire Department, Inc.	Laurel	7,693
Lewes Fire Department, Inc.	Lewes	7,693
Millsboro Fire Co.	Millsboro	7,693
Milton Volunteer Fire Co.	Milton	7,693
Millville Volunteer Fire Co.	Millville	7,693
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	7,693
Roxanna Volunteer Fire Co.	Roxanna	7,693
Seaford Volunteer Fire Dept., Inc.	Seaford	7,693
Selbyville Volunteer Fire Co., Inc.	Selbyville	7,693
Slaughter Beach Memorial Fire Co.	Slaughter Beach	7,693
	TOTAL	$ 461,580

(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	$ 1,458
Blades Volunteer Fire Co., Inc.	Blades	1,458
Bridgeville Volunteer Fire Co.	Bridgeville	1,458
Bowers Volunteer Fire Co., Inc.	Bowers	1,458
Brandywine Hundred Fire Co., No. 1	Bellefonte	1,458
Camden Wyoming Fire Co.	Camden	1,458
Carlisle Fire Co.	Milford	1,458
Cheswold Volunteer Fire Co.	Cheswold	1,458
Christiana Fire Co.	Christiana	1,458
Claymont Fire Co.	Claymont	1,458
Cranston Heights Fire Co.	Cranston Heights	1,458
Dagsboro Volunteer Fire Co.	Dagsboro	1,458
Delaware City Fire Co.	Delaware City	1,458
Delmar Fire Department	Delmar	1,458
Ellendale Volunteer Fire Co.	Ellendale	1,458
Elsmere Fire Co.	Elsmere	1,458
Felton Community Fire Co.	Felton	1,458
Five Points Fire Co. No. 1	Richardson Park	1,458
Frankford Volunteer Fire Co. No. 1	Frankford	1,458
Frederica Volunteer Fire Co.	Frederica	1,458
Goodwill Fire Co. No. 1	New Castle	1,458
Greenwood Volunteer Fire Co.	Greenwood	1,458
Gumboro Volunteer Fire Co., Inc.	Gumboro	1,458
Harrington Fire Co.	Harrington	1,458
Hartly Volunteer Fire Co., Inc.	Hartly	1,458
Holloway Terrace Fire Co.	Holloway Terrace	1,458
Hockessin Fire Co.	Hockessin	1,458
Laurel Fire Department, Inc.	Laurel	1,458
eipsic Volunteer Fire Co.	Leipsic	1,458
Lewes Fire Department, Inc.	Lewes	1,458
Magnolia Volunteer Fire Co.	Magnolia	1,458
Mill Creek Fire Co.	Marshallton	1,458
Millville Volunteer Fire Co., Inc.	Millville	1,458
Milton Volunteer Fire Co.	Milton	1,458
Minquadale Fire Co.	Minquadale	1,458
Minquas Fire Co. No. 1	Newport	1,458
Port Penn Volunteer Fire Co.	Port Penn	1,458
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,458
Roxanna Volunteer Fire Co.	Roxanna	1,458
Seaford Volunteer Fire Co., Inc.	Seaford	1,458
Selbyville Volunteer Fire Co., Inc.	Selbyville	1,458
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,458
Talleyville Fire Co., Inc.	Talleyville	1,458
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,458
	TOTAL	$ 64,152

(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	$	1,458
Bethany Beach Volunteer Fire Co.	Bethany Beach		1,458
Blades Volunteer Fire Co.	Blades		1,458
Bowers Volunteer Fire Co., Inc.	Bowers		1,458
Brandywine Hundred Fire Co. No. 1	Bellefonte		1,458
Bridgeville Volunteer Fire Co.	Bridgeville		1,458
Camden-Wyoming Fire Co.	Camden		1,458
Carlisle Fire Co.	Milford		1,458
Cheswold Volunteer Fire Co.	Cheswold		1,458
Christiana Fire Co.	Christiana		1,458
Citizens' Hose Co. No. 1, Inc.	Smyrna		1,458
Claymont Fire Co.	Claymont		1,458
Clayton Fire Co.	Clayton		1,458
Cranston Heights Fire Co.	Cranston Heights		1,458
Dagsboro Volunteer Fire Co.	Dagsboro		1,458
Delaware City Fire Co.	Delaware City		1,458
Delmar Fire Department	Delmar		1,458
Robbins Hose Co. (Dover Fire Dept.)	Dover		1,458
Elsmere Fire Co.	Elsmere		1,458
Farmington Volunteer Fire Co.	Farmington		1,458
Felton Community Fire Co.	Felton		1,458
Five Points Fire Co. No. 1	Richardson Park		1,458
Frederica Volunteer Fire Co.	Frederica		1,458
Georgetown Fire Co.	Georgetown		1,458
Greenwood Fire Co. No. 1	Greenwood		1,458
Goodwill Fire Co. No. 1	New Castle		1,458
Harrington Fire Co.	Harrington		1,458
Hartly Volunteer Fire Co., Inc.	Hartly		1,458
Hockessin Fire Co.	Hockessin		1,458
Holloway Terrace Fire Co.	Holloway Terrace		1,458
Indian River Volunteer Fire Co.	Indian River		1,458
Laurel Fire Dept., Inc.	Laurel		1,458
Leipsic Volunteer Fire Co.	Leipsic		1,458
Lewes Fire Department, Inc.	Lewes		1,458
Little Creek Volunteer Fire Co.	Little Creek		1,458
Magnolia Volunteer Fire Co.	Magnolia		1,458
Marydel Volunteer Fire Co.	Marydel		1,458
Mill Creek Fire Co.	Marshallton		1,458
Millsboro Fire Co.	Millsboro		1,458
Millville Volunteer Fire Co., Inc.	Millville		1,458
Milton Volunteer Fire Co.	Milton		1,458
Minquadale Fire Co.	Minquadale		1,458
Minquas Fire Co. No. 1	Newport		1,458
Odessa Fire Co., Inc.	Odessa		1,458
Port Penn Volunteer Fire Co., Inc.	Port Penn		1,458
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach		1,458
Roxanna Volunteer Fire Co.	Roxanna		1,458
eaford Volunteer Fire Department, Inc.	Seaford		1,458
Selbyville Fire Co., Inc.	Selbyville		1,458
Slaughter Beach Memorial Fire Co.	Slaughter Beach		1,458
South Bowers Fire Co.	South Bowers		1,458
Ellendale Volunteer Fire Co.	Ellendale		1,458
Houston Volunteer Fire Co.	Houston		1,458
Talleyville Fire Co., Inc.	Talleyville		1,458
Townsend Fire Co.,Inc.	Townsend		1,458
Volunteer Hose Co., Inc.	Middletown		1,458
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor		1,458
	TOTAL	$	83,106

(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	$	2,332
Brandywine Hundred Fire Co., No. 1	Bellefonte		2,332
Christiana Fire Co.	Christiana		2,332
Claymont Fire Co.	Claymont		2,332

Delaware City Fire Co.	Delaware City		2,332
Elsmere Fire Co.	Elsmere		2,332
Five Points Fire Co. No. 1	Richardson Park		2,332
Goodwill Fire Co.No. 1	New Castle		2,332
Mill Creek Fire Co.	Marshallton		2,332
Talleyville Fire Co., Inc.	Talleyville		2,332
Volunteer Hose Co., Inc.	Middletown		2,332
Wilmington Manor Volunteer Fire Co.	Wilmington Manor		2,332
Kent County			
Camden-Wyoming Fire Company	Camden	$	2,332
Carlisle Fire Co.	Milford		2,332
Citizens' Hose Co., No. 1, Inc.	Smyrna		2,332
Hartly Volunteer Fire Co., Inc.	Hartly		2,332
Robbins Hose Co., (Dover Fire Dept.)	Dover		2,332
Sussex County			
Bethany Beach Volunteer Fire Co.	Bethany Beach	$	2,332
Lewes Fire Department, Inc.	Lewes		2,332
Millsboro Fire Co.	Millsboro		2,332
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach		2,332
Seaford Volunteer Fire Co., Inc.	Seaford		2,332
	TOTAL	$	51,304

(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. $ 61,544

(ii) The maintenance of aerial or platform trucks and for the training of personnel in the techniques of extinguishinghighrise fires throughout the City of Wilmington. $ 6,996

TOTAL $ 68,540

(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	$	7,926
Blades Volunteer Fire Co., Inc.	Blades		7,926
Bowers Volunteer Fire Co., Inc.	Bowers		7,926
Bridgeville Volunteer Fire Co.	Bridgeville		7,926
Camden-Wyoming Fire Co.	Camden		7,926
Carlisle Fire Co.	Milford		7,926
Cheswold Volunteer Fire Co.	Cheswold		7,926
Citizens' Hose Co. No. 1, Inc.	Smyrna		7,926
Clayton Fire Co.	Clayton		7,926
Dagsboro Volunteer Fire Co.	Dagsboro		7,926
Delmar Fire Department	Delmar		7,926
Robbins Hose Co., (Dover Fire Dept.)	Dover		7,926
Ellendale Volunteer Fire Co.	Ellendale		7,926
Farmington Volunteer Fire Co.	Farmington		7,926
Felton Community Fire Co.	Felton		7,926
Frankford Volunteer Fire Co.	Frankford		7,926
Frederica Volunteer Fire Co.	Frederica		7,926
Georgetown Fire Co., Inc.	Georgetown		7,926
Greenwood Volunteer Fire Co.	Greenwood		7,926
Gumboro Volunteer Fire Co., Inc.	Gumboro		7,926
Harrington Fire Co.	Harrington		7,926
Hartly Volunteer Fire Co.	Hartly		7,926

Houston Volunteer Fire Co.	Houston	7,926
Indian River Volunteer Fire Co.	Indian River	7,926
Laurel Fire Department, Inc.	Laurel	7,926
Leipsic Volunteer Fire Co.	Leipsic	7,926
Lewes Fire Department, Inc.	Lewes	7,926
Little Creek Volunteer Fire Co.	Little Creek	7,926
Magnolia Volunteer Fire Co.	Magnolia	7,926
Marydel Volunteer Fire Co., Inc.	Marydel	7,926
Millsboro Fire Co.	Millsboro	7,926
Milton Volunteer Fire Co.	Milton	7,926
Millville Volunteer Fire Co.	Millville	7,926
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	7,926
Roxanna Volunteer Fire Co.	Roxanna	7,926
Seaford Volunteer Fire Dept., Inc.	Seaford	7,926
Selbyville Volunteer Fire Co., Inc.	Selbyville	7,926
Slaughter Beach Memorial Fire Co.	Slaughter Beach	7,926
South Bowers Fire Co.	South Bowers	7,926
	TOTAL	$ 309,114

(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	$ 1,458
American Legion, Sussex Post #8	Georgetown	1,458
American Legion, Kent Post #14	Smyrna	1,458
Sussex Memorial Post #7422, V.F.W.	Millsboro	1,458
TOTAL		$ 5,832
Total - Section 3		$ 1,043,628

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	$ 18,470
Veterans of Foreign Wars, Department of Delaware	18,470
Disabled American Veterans, Department of Delaware	15,390
Vietnam Veterans of America	15,390

(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	$ 4,490
American Legion, Department of Delaware	4,490
Disabled American Veterans, Department of Delaware	4,490
Vietnam Veterans of America	4,490
Jewish War Veterans of the U.S., Department of Delaware	2,570
Delaware Veterans of World War I	1,920
Paralyzed Veterans of America, Department of Delaware	3,850

(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 $3,630 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 $3,630 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 $1,450 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	$	102,730

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.

Section 9. The provisions of House Joint Resolution No. 2, as amended by House Amendment No. 1, of the 132nd General Assembly shall continue in effect for the term of this Act.

Section 10. No funds appropriated in this Act shall be expended in a political campaign or for partisan political purposes.

Section 11. 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 12. 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 federal, county and municipal governments and the private sector in the support of arts and cultural programs.

Section 13. 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 1987 in grants-in-aid to agencies for the purpose of relocation, purchasing buildings or rehabilitation or renovation of buildings.

Section 14. 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, 1986, shall revert to the General Fund of the State of Delaware.

Section 15.(a) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation in Section 2 of this Act at the beginning of the first quarter of Fiscal Year 1986 for the agencies as follows:

Delaware Association for Blind Athletes
Delaware Association of Police Chiefs - Camp Barnes
Delaware City Day Committee
Delaware Citizens Committee (Channel 64)
Delaware Reporting Service
Delaware State Fair
New Castle - Separation Day
V.F.W. Post 3792
WHYY

(b) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation in Section 1 of this Act at the beginning of the first quarter of Fiscal Year 1986 for the municipalities which receive $4,000 or less from the line item Aid to Local Law Enforcement.

(c) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation to fire companies listed in Section 3 of this Act at the beginning of the first quarter of Fiscal Year 1986.

(d) The State Treasurer is authorized to take the necessary steps to make a full payment in July, 1985, to all recipients of municipal street aid whose total for Fiscal Year 1986 is less than $50,000; for recipients of municipal street aid whose total is between $50,001 and $200,000 payments shall be made in two equal installments, one in July, 1985, and the other in January, 1986; for recipients of municipal street aid whose total is over $200,000, payments shall be made quarterly.

Section 16. Section 2 of this Act provides an appropriation to the Mary Campbell Center. None of these funds shall be used by the Mary Campbell Center for any capital expenditures such as payment of debt service or capital improvements.

Section 17. Section 1 of this Act provides an appropriation for Municipal Street Aid which amount is distributed by the State Treasurer to municipalities in accordance with the provisions of Sections 5161 through and including Section 5166, Subchapter III, Part IV, Title 30, Delaware Code. For fiscal year ending June 30, 1986, the State Treasurer shall submit to the Controller General of the State of Delaware a copy of the annual report from each municipality showing the annual expenditures of municipal street aid funds.

Section 18. Paragraph (d), Chapter 65, Title 29, Delaware Code, provides that monies appropriated for grants-in-aid shall be paid in installments of twenty-five percent each quarter of the fiscal year. An installment payment may be delayed or withheld if the grant-in-aid recipient because of, but not limited to, the following:

(a) Has not submitted a quarterly statement of expenditures if required to do so;

(b) Expended funds from the grant-in-aid for purposes not intended by the General Assembly; and

(c) Expended funds for day care, relocation, purchasing buildings or rehabilitation or renovation of buildings.

Upon notification by the Chairman of the Joint Finance Committee, the State Treasurer shall be directed to withhold such installment payment(s).

Section 19. (a) It is the intent of the General Assembly that each Grant-in-Aid recipient shall submit one of the following with its application for a grant award in Fiscal Year 1987:

(i) An audit prepared by a Certified Public Accountant covering the prior full fiscal year of the receiving agency, or

(ii) A Balance Sheet reflecting total Assets, Liabilities, and Fund Balances covering the prior fiscal year of the receiving agency; Statements of Support, Revenue and Expenses and Changes in Fund Balances covering the prior fiscal year of the receiving agency; and Statements of Functional Expenses covering the prior fiscal year of the receiving agency.

(b) Fire companies listed in this Act shall submit financial information on the form approved by the State Treasurer, the Budget Director and the Controller General. Consequently, the listed fire companies are exempt from the provisions of Subsection (a) of this Section.

(c) Veterans' organizations in Subsection (4) of this Act are exempt from the provisions of this Section.

(d) Recipients of the appropriation for Municipal Street Aid and recipients of the appropriation for Aid to Local Law Enforcement shall be exempt from the provisions of this Section.

(e) Non-compliance by a Grant-in-Aid recipient with the provisions of this Section shall automatically disqualify the applicant for consideration of a Grant-in-Aid award in Fiscal Year 1987.

(f) For Fiscal Year 1986, it is the legislative intent that a Grant-in-Aid recipient listed in Sections 1 or 2 of this Act shall not be entitled to receive any of the funds appropriated by this Act unless certain financial information has been received by the Office of the Controller General on or before July 25, 1985. Such financial information shall be in the form as defined in Subsection (a)(i) or Subsection (a)(ii) of this Section covering full fiscal year of the receiving agency. If any Grant-in-Aid recipient fails to comply with this Subsection (f) the funds appropriated by this Act to that recipient shall revert to the General Fund of the State.

Approved July 12, 1985.

CHAPTER 186

FORMERLY

HOUSE BILL NO. 158

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE I, SECTION 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE COMPOSITION OF GRAND JURIES.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 132nd General Assembly, being Chapter 404, Volume 64, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE COMPOSITION OF GRAND JURIES.

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

Section 1. Section 4, Article I of the Constitution of the State of Delaware is amended by striking said section in its entirety and by substituting in lieu thereof the following:

'§4. Trial by Jury.

Section 4. Trial by jury shall be as heretofore.'"

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 132nd General Assembly.

NOW, THEREFORE:

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

Section 1. The said proposed amendment is hereby concurred in and adopted, and shall forthwith become a part of the Constitution of the State of Delaware.

Effective June 30, 1985.

CHAPTER 187

FORMERLY

HOUSE BILL NO. 119
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 12, TITLE 3, DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE PESTICIDE 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 1218(b), Chapter 12, Title 3, Delaware Code by striking "annual certification fee" and substituting in lieu thereof "annual certification fee for commercial applicators".

Section 2. Amend Section 1224, Chapter 12, Title 3, Delaware Code by striking the title of said section and substituting in lieu thereof a new title to read as follows:

"§1224. Unlawful acts; criminal penalties; jurisdiction."

Section 3. Amend Section 1224(d), Chapter 12, Title 3, Delaware Code by striking paragraph (d) in its entirety and substituting in lieu thereof a new paragraph (d) to read as follows:

"(d) Justice of the Peace Courts and the Court of Common Pleas shall have concurrent jurisdiction over offenses under this Chapter."

Section 4. Amend Section 1225, Chapter 12, Title 3, Delaware Code by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"§1225. Civil penalties; exemptions.

(a) Civil Penalties

(1) In addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this act or a rule or regulation adopted thereunder, or any order issued pursuant to, the Secretary, may assess a civil penalty not to exceed one thousand dollars ($1,000.00) upon a person other than a private applicator for each offense.

(2) No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in accordance with 29 Del. C. Ch. 101.

(3) In determining the amount of the penalty, the Secretary shall consider the appropriateness of such penalty to the size of the person's ability to continue in business, and the gravity of the violation. Whenever the Secretary finds the violation occurred despite the exercise of due care or did not cause significant harm to health or the environment, the Secretary may issue a warning in lieu of assessing a penalty.

(4) In cases of inability to collect such civil penalty or failure of any person to pay all, or such portion of such penalty as the Secretary may determine, the Secretary shall refer the matter to the Attorney General's Office of the State of Delaware who shall recover such amount by action in the appropriate court.

(b) The penalties provided by this Chapter shall not apply to:

(1) Any carrier while lawfully engaged in transporting a pesticide or device within this State, if such carrier shall, upon request, permit the Department to copy all records showing the transactions in and movement of the pesticide or device;

(2) Any person who prepares or packs any pesticide or device intended solely for export to a foreign country according to the specifications or directions of the purchasers;

(3) The manufacturer or shipper of a pesticide for experimental use only;

(i) by or under the supervision of an agency of this State or of the Federal Government authorized by law to conduct research in the field of pesticides; or

(ii) by other if the pesticide is not sold and if the container thereof is plainly and conspicuously marked 'for experimental use only, not to be sold', together with the manufacturer's name and address; provided, however, that if any experimental use permit has been obtained from the Department, pesticides may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit."

Section 5. Amend Section 1207, Chapter 12, Title 3, Delaware Code by adding thereto a new subsection (d) to read as follows:

"(d) If the application for renewal of any license provided for in this Chapter is not filed prior to the first day of January in any year, a penalty of twenty per centum shall be assessed and added to the renewal fee and shall be paid by the applicant before the renewal license shall be issued."

Approved July 19,1985.

CHAPTER 188

FORMERLY

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

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE BY ADOPTING A REVISED UNIFORM LIMITED PARTNERSHIP ACT RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

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. Amend Chapter 17, Title 6, Delaware Code, by deleting therefore Sections 17-101 through 17-1107, and by adding thereto new Sections 17-101 through 17-1108 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 §17-201 of this title, 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 a 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 §17 402 of this title.

(4) 'Foreign limited partnership' includes a partnership formed under the laws of any state or under the laws of any foreign country or other foreign jurisdiction and having as partners 1 or more general partners and 1 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 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 as provided in §17-301 and §17 306 of this title or, in the case of a foreign limited partnership, in accordance with the laws of the state or foreign country or other foreign jurisdiction under which the limited partnership is organized.

(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 1 or more general partners and 1 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, corporation, custodian, nominee or any other individual or entity in its own or any representative capacity.

(12) 'State' means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than the State of Delaware.

§17-102. Name set forth in certificate

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:

a. It is also the name of a general partner or the corporate name of a corporate general partner; or

b. 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 partnership agreement;

(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 foreign 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 corporation or limited partnership reserved, registered or organized under the laws of the State of Delaware with the written 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', 'Syndicate', Limited or 'Trust' (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, together with a duplicate copy, which may be either a signed or conformed copy, specifying the name to be reserved and 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, together with a duplicate copy, which may be either a signed or conformed copy, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the Secretary of State a notice of cancellation, executed by the applicant or transferee, together with a duplicate copy, which may be either a signed or conformed copy, specifying the name reservation to be cancelled and the name and address of the applicant or transferee. Any duplicate copy filed with the Secretary of State as required by §17-103(b) of this title shall be returned by the Secretary of State to the person who filed it or his representative with a notation thereon of the action taken with respect to the original copy thereof by the Secretary of State.

(c) A fee as set forth in §17-1107(a)(1) of this title 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 or cancellation of any such reservation.

§17-104. Registered office; 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(a)(2) of this title 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 §17-202 of this title. 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 1 or more limited partnerships may resign and appoint a successor registered agent by paying a fee as set forth in §17-1107(a)(2) of this title 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 §17-202 of this title.

(d) The registered agent of 1 or more limited partnerships may resign without appointing a successor registered agent by paying a fee as set forth in §17-1107(a)(2) of this title 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 120 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 and on or about the date of the filing of said certificate, notices were 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 120 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 an 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) of this section, it shall be lawful to serve the process against the limited partnership upon the Secretary of State, and such service shall be as effectual for all intents and purposes as if made in any of the ways provided for in subsection (a) hereof. In the event that service is effected through the Secretary of State in accordance with this subsection, the Secretary of State shall forthwith notify the limited partnership by letter, certified mail, return receipt requested, directed to the limited partnership at the address of a general partner as it appears on the records relating to such limited partnership on file with the Secretary of State or, if no such address appears, at its last registered office. Such letter shall enclose a copy of the process and any other papers served on the Secretary of State pursuant to this subsection. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the Secretary of State that service is being effected pursuant to this subsection, and to pay the Secretary of State the sum $50 for the use of the State of Delaware, which sum shall be taxed as part of the costs in the proceeding if the plaintiff shall prevail therein. The Secretary of State shall maintain an alphabetical record of any such service setting forth the name of the plaintiff and defendant, the title, docket number and nature of the proceeding in which process has been served upon him, the fact that service has been effected pursuant to this subsection, the return date thereof, and the day and hour when the service was made. The Secretary of State shall not be required to retain such information for a period longer than 5 years from his receipt of the service of process.

§17-106. Nature of business permitted

A limited partnership may carry on any business that a partnership without limited partners may carry on with the exception of the business of granting policies of insurance, or assuming insurance risks or banking as defined in Section 126, Title 8 of the Delaware Code.

§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.

§17-108. Indemnification

Subject to such standards and restrictions, if any, as are set forth in its partnership agreement, a limited partnership may, and shall have the power to, indemnify and hold harmless any partner or other person from and against any and all claims and demands whatsoever.

SUBCHAPTER II. FORMATION; CERTIFICATE OF LIMITED PARTNERSHIP

§17-201. Certificate of limited partnership

(a) In order to form a limited partnership 1 or more persons (but not less than all of the general partners) must execute a certificate of limited partnership. The certificate of limited partnership shall be filed in the Office of the Secretary of State and set forth:

(1) The name of the limited partnership;

(2) The address of the registered office and the name and address of the registered agent for service of process required to be maintained by §17-104 of this title;

(3) The name and the business, residence or mailing address of each general partner; and

(4) 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 date or 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 of limited partnership 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 false in any material respect, shall promptly amend the certificate.

(c) Notwithstanding the requirements of subsection (b) of this section, no later than 90 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) The admission of a new general partner;

(2) The withdrawal of a general partner; or

(3) A change in the name of the limited partnership, or, except as provided in §17-104 (b) and (c) of this title, a change in the address of the registered office or a change in the name or address of the registered agent of the limited partnership.

(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 completion of winding up of the partnership, or at any other time there are no limited partners, or as provided in §17-104 (d) of this title, or upon a merger or consolidation as provided in §17-211 (b) of this title. 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 or time (which shall be a date or time certain) of cancellation if it is not to be effective upon the filing of the certificate; and

(5) Any other information the person filing the certificate of cancellation determines.

§17-204. Execution

(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 general partners;

(2) A certificate of amendment must be signed by at least 1 general partner and by each other general partner designated in the certificate of amendment as a new general partner; 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 or partnership agreement or amendment thereof by an attorney in fact. Powers of attorney relating to the signing of a certificate or partnership agreement or amendment thereof by an attorney in-fact need not be sworn to, verified or acknowledged, and 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 in the third degree, that, to the best of the general partner's knowledge and belief, the facts stated therein are true

§17-205. Execution, amendment or cancellation by judicial order

(a) If a person required by §17-204 of this title to execute any certificate fails or refuses to do so, any other person who is adversely affected by the failure or refusal, may petition the Court of Chancery to direct the execution of the certificate. If the Court finds that the execution of the certificate 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.

(b) If a person required to execute a partnership agreement or amendment thereof fails or refuses to do so, any other person who is adversely affected by the failure or refusal, may petition the Court of Chancery to direct the execution of the partnership agreement or amendment thereof. If the Court finds that the partnership agreement or amendment thereof should be executed and that any person so designated has failed or refused to do so, it shall enter an order granting appropriate relief.

§17-206. Filing

(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 certificate of amendment or cancellation (or of any judicial decree of amendment or cancellation) and of any restated certificate 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, the certificate of cancellation (or of any judicial decree of amendment or cancellation) or restated certificate 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 endorsed, to the person who filed it or his representative.

(b) Upon the filing of a certificate of amendment (or judicial decree of amendment) or restated certificate in the Office of the Secretary of State, or upon the future effective date or time of a certificate of amendment (or judicial decree thereof) or restated certificate, as provided for therein, the certificate of limited partnership shall be amended or restated as set forth therein. Upon the filing of a certificate of cancellation (or a judicial decree thereof), or upon the future effective date or time of a certificate of cancellation (or a judicial decree thereof), as provided for therein, or as specified in §17-104 (d) of this title, the certificate of limited partnership is cancelled.

(c) A fee as set forth in §17-1107 (a) (3) of this title shall be paid at the time of the filing of a certificate of limited partnership, a certificate of amendment, a certificate of cancellation or a restated certificate.

(d) A fee as set forth in §17-1107 (a) (4) of this title 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 (a) (5) of this title shall be paid for each oage copied.

§17-207. Liability for false statement

(a) If any certificate of limited partnership or certificate of amendment or cancellation contains a materially false statement, one who suffers loss by reasonable reliance on the statement may recover damages for the loss from:

(1) Any general partner who executes the cetificate and 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 that any arrangement or other fact described in the certificate is false in any material respect or has changed, making the statement false in any material respect, if that general partner had 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 general partner shall have any liability for failing to cause the amendment or cancellation of a certificate to be filed or failing to file a 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 90 days of when that general partner knew or should have

known to the extent provided in subsection (a) that the statement in the certificate was false in any material respect.

§17-208. 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 is notice of all other facts set forth therein which are required to be set forth in a certificate of limited partnership by §17-201 (a) (l) through (3) of this title.

§17-209. Delivery of Certificates to limited partners

Upon the return by the Secretary of State pursuant to §17 206 of this title of a certificate marked 'Filed', the general partners shall promptly deliver or mail a copy of the certificate to each limited partner if the partnership agreement so requires.

§17-210. Restated certificate

(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 1 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 or limited partnership.

(b) If the restated certificate of limited partnership merely restates and integrates but does not further amend the initial certificate of limited partnerhship, 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 specifically designated in its heading as a 'Restated Certificate of Limited Partnership' together with such other words as the partnership may deem appropriate and shall be executed by a general partner and filed as provided in §17-206 of this title 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 specifically designated in its heading as an 'Amended and Restated Certificate of Limited Partnership' together with such other words as the partnership may deem appropriate and shall be executed by at least 1 general partner and by each other general partner designated in the restated certificate of limited partnership as a new general partner and filed as provided in §17-206 of this title in the Office of the Secretary of State.

(c) A restated certificate of limited partnership 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, and the future effective date or time (which shall be a date or time certain) of the restated certificate if it is not to be effective upon the filing of the restated certificate. A restated certificate shall also state that it was duly executed and is being filed in accordance with this session. If the restated certificate only restates and integrates and does not further amend the limited partnership's certificate of limited partnership as theretofore amended or supplemented and there is no discrepancy between those provisions and 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, or upon the future effective date or time of a restated certificate of limited partnership as provided for therein, 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.

§17-211. Merger and Consolidation of Limited Partnerships

(a) Pursuant to an agreement, a domestic limited partnership may merge or consolidate with or into one or more limited partnerships formed under the laws of the State of Delaware or any other state, with such limited partnership as the agreement shall provide being the surviving or resulting limited partnership.

(b) A domestic limited partnership that is not the surviving or resulting limited partnership in the merger or consolidation shall file a certificate of cancellation, which shall have an effective

date not later than the effective date of the merger or consolidation.

(c) If following a merger or consolidation of one or more domestic limited partnerships and one or more limited partnerships formed under the laws of any state, the surviving or resulting limited partnership is not a domestic limited partnership, there shall be attached to the certificate of cancellation filed pursuant to §17-203 of this title for each such domestic limited partnership a certificate executed by the surviving or resulting limited partnership, stating that the surviving or resulting limited partnership agrees that it may be served with process in the State of Delaware in any action, suit or proceeding for the enforcement of any obligation of such domestic limited partnership, irrevocably appointing the Secretary of State as its agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to it by the Secretary of State. In the event of service hereunder upon the Secretary of State, the procedures set forth in §17-911 (c) of this title shall be applicable, except that the plaintiff in any such action, suit or proceeding shall furnish the Secretary of State with the address specified in the certificate provided for in this section and any other address which the plaintiff may elect to furnish, and the Secretary of State shall notify the surviving or resulting limited partnership at all such addresses furnished by the plaintiff in accordance with the procedures set forth in §17-911 (c) of this title.

(d) When the certificate of cancellation required by §17-211 (b) of this title shall have become effective, for all purposes of the laws of the State of Delaware, all of the rights, privileges and powers of each of the limited partnerships that have merged or consolidate, and all property, real personal and mixed, and all debts due to any of said limited partnerships, as well as all other things and causes of action belonging to each of such limited partnerships shall be vested in the surviving or resulting limited partnership, and shall thereafter be the property of the surviving or resulting limited partnership as they were of each of the limited partnerships that have merged or consolidate, and the title to any real property vested by deed or otherwise, under the laws of the State of Delaware, in any of such limited partnerships, shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said limited partnerships shall be preserved unimpaired, and all debts, liabilities and duties of each of the limited partnerships that have merged or consolidated shall thenceforth attach to the surviving or resulting limited partnership, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

SUBCHAPTER III. LIMITED PARTNERS

§17-301. Admission of additional limited partners

After the formation of a limited partnership, a person may be admitted as an additional limited partner:

(1) 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 consent of all partners; and

(2) In the case of an assignee of a partnership interest, as provided in §17-704 (a) of this title.

§17-302. Classes and voting

(a) A partnership agreement may provide for classes or groups of limited partners having such relative rights, powers and duties as the partnership agreement may provide, and may make provision for the future creation in the manner provided in the partnership agreement of additional classes or groups of limited partners having such relative rights, powers and duties as may from to time be established, including rights, powers and duties senior to existing classes and groups of limited partners.

(b) Subject to §17-303 of this title, the partnership agreement may grant to all or certain identified limited partners or a specified class or group of the limited partners the right to vote (on a per capita or any other basis) separately or with all or any class or group of the limited partners or the general partners, on any matter.

(c) A partnership agreement which grants a right to vote may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any limited partners, waiver of any such notice, action by consent without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

§17-303. Liability to third parties

(a) Except as provided 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) of this section by virtue of his possessing or exercising 1 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, or to be an officer, director or stockholder of a corporate general partner;

(2) To consult with or advise a general partner with respect to any matter, including the business of the limited partnership;

(3) To act as surety, guarantor or endorser for the limit partnership, to guaranty or assume one or more specific obligations of the limited partnership or to provide collateral for the limited partnership;

(4) To call, request or attend or participate at a meeting of the partners or the limited partners;

(5) To wind up a limited partnership pursuant to §17-803 of this title;

(6) To take any action required or permitted by law to bring or pursue a derivative action in the right of the limited partnership;

(7) to serve on a committee of the limited partnership or the limited partners;

(8) To propose, or approve or disapprove, by voting (by number, financial interest, class, group or as otherwise provided in a partnership agreement) or otherwise, 1 or more of the following matters:

a. The dissolution and winding up of the limited partnership;

b. The sale, exchange, lease, mortgage, assignment, pledge or other transfer of, or granting of a security interest in, any asset or assets of the limited partnership;

c. The incurrence, renewal, refinancing or payment or other discharge of indebtedness by the limited partnership;

d. A change in the nature of the business;

e. The admission, removal or retention of a general partner;

f. The admission, removal or retention of a limited partner;

g. A transaction or other matter involving an actual or potential conflict of interest;

h. An amendment to the partnership agreement or certificate of limited partnership; or

i. Such other matters as are stated in the partnership agreement; or

(9) Any right or power granted or permitted to limited partners under this chapter and not specifically enumerated in this subsection (b).

(c) The enumeration in subsection (b) of this section 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 §17-102 (2) of this title, 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) of this section, 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, within a reasonable time after 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) of this section 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) of this section:

(1) If such person knew or should have known either that no certificates 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 such person was a general partner at the time of the transaction, acted in reasonable reliance on such belief and extended credit to the partnership in reasonable reliance on the credit of such person.

§17-305. Access to information

Each limited partner has the right, subject to such reasonable standards as may be set forth in the partnership agreement or otherwise established by the general partners, to obtain from the general partners from time to time upon reasonable demand for any purpose reasonably related to the limited partner's interest as a limited partner:

(1) True and full information regarding the status of the business and financial condition of the limited partnership;

(2) Promptly after becoming available, a copy of the limited partnership's federal, state and local income tax returns for each year;

(3) A current list of the name and last known business, residence or mailing address of each partner;

(4) A copy of the partnership agreement and certificate of limited partnership and all amendments thereto, together with executed copies of any powers of attorney pursuant to which the partnership agreement and any certificate and all amendments thereto have been executed;

(5) True and full information regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each partner and which each partner has agreed to contribute in the future, and the date on which each became a partner; and

(6) Other information regarding the affairs of the limited partnership as is just and reasonable.

§17-306. Time of admission

A person acquiring a partnership interest is admitted as a limited partner upon the later to occur of (i) the formation of a limited partnership or (ii) the time provided in a partnership agreement, or if no such time is provided therein, then when the person's admission is reflected in the records of the limited partnership.

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 partnership agreement, 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 §17 602 of this title;

(2) The general partner ceases to be a member of the limited partnership as provided in §17-702 of this title;

(3) The general partner is removed as a general partner in accordance with the partnership agreement;

(4) Unless otherwise provided in the partnership agreement, or with the specific written consent of all partners, the general partner:

a. Makes an assignment for the benefit of creditors;

b. Files a voluntary petition in bankruptcy;

c. Is adjudged a bankrupt or insolvent, or has entered against him an order of relief in any bankruptcy or insolvency proceeding;

d. Files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation;

e. 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

f. 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 partnership agreement, 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:

a. His death; or

b. 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 limited partnership.

§17-403. General powers and liabilities

(a) 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 of a partner in a partnership without limited partners.

(b) Except as provided in this chapter, a general partner of a limited partnership has the liabilities of a partner in a partnership without limited partners to persons other than the partnership and the other partners. Except as provided in this chapter or in the partnership agreement, a general partner of a limited partnership has the liabilities of a partner in a partnership without limited partners to the partnership and to the other partners.

§17-404. Contributions by a general partner

A general partner of a limited partnership may make contributions to the limited 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 a 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. Classes and voting

(a) A partnership agreement may provide for classes or groups of general partners having such relative rights, powers and duties as the partnership agreement may provide, and may make provision for the future creation in the manner provided in the partnership agreement of additional classes or groups of general partners having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of general partners.

(b) The partnership agreement may grant to all or certain identified general partners or a specified class or group of the general partners the right to vote (on a per capita or any other basis), separately or with all or any class or group of the limited partners or the general partners, on any matter.

(c) A partnership agreement which grants a right to vote may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any general partners, waiver of any such notice, action by consent without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

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 contribution

(a) Except as provided in the partnership agreement, 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 agreed value (as stated in the records of the limited partnership) of the 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 entering into of a partnership agreement or an amendment thereto which, in either case, reflects the obligation, and before the amendment thereof to reflect the compromise, may enforce the original obligation to the extent that, in extending credit, the creditor reasonably relied on the obligation of a partner to make a contribution.

(c) A partnership agreement may provide that the interest of any partner who fails to make any contribution that he is obligated to make, shall be subject to specified penalties for, or specified consequences of, such failure. Such penalty or consequence may take the form of reducing the defaulting partner's proportionate interest in the limited partnership, subordinating his partnership interest to that of nondefaulting partners, a forced sale of his partnership interest, forfeiture of his partnership interest, the lending by other partners of the amount necessary to meet his commitment, a fixing of the value of his partnership interest by appraisal or by formula and redemption or sale of his partnership interest at such value, or other penalty or consequence.

§17-503. Allocation of profits and losses

The profits and losses of a limited partnership shall be allocated among the partners, and among classes or groups 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 agreed value (as stated in the records of the limited partnership) of the contributions made by each partner to the extent they have been received by the limited partnership and have not been returned.

§17-504. Allocation of distributions

Distributions of cash or other assets of a limited partnership shall be allocated among the

partners, and among classes or groups 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 agreed value (as stated in the records of the limited partnership) of the contributions made by each partner to the extent they have been received by the limited 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 §17-608 (c) of this title, to the extent and at the times or upon the happening of the events specified in the partnership agreement.

§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 in addition to any remedies otherwise available under applicable law.

§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 partnership agreement and in accordance with the partnership agreement. If the partnership agreement 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 partnership 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 partnership agreement, 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 §§17-607 and 17-804 of this title, 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 at the time of the distribution, 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 limited 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 1 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 limited 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 agreed value (as set forth in the records of the 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. A partner has no interest in specific limited partnership property.

§17-702. Assignment of partnership interest

(a) Unless otherwise provided in the partnership agreement:

(1) A partnership interest is assignable in whole or in part;

(2) An assignment of a partnership interest does not dissolve a limited partnership or entitle the assignee to become or to exercise any rights or powers of a partner;

(3) An assignment entitles the assignee to share in such profits and losses, to receive such distribution or distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(4) A partner ceases to be a partner and to have the power to exercise any rights or powers of a partner upon assignment of all of his partnership interest.

(b) The partnership agreement may provide that a partner's interest in a limited partnership may be evidenced by a certificate of partnership interest issued by the limited partnership and may also provide for the assignment or transfer of any partnership interest represented by such a certificate and make other provisions with respect to such certificates.

§17-703. Rights of judgment 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 partnership agreement so provides; or

(2) All 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 contributions as provided in §17-502 of this title. 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 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 Subchapters V and VI of this Chapter.

§17-705. Powers 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 under the partnership agreement of an assignee 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 partnership agreement;

(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 partnership agreement 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 1 or more additional general partners if necessary or desired; or

(4) Entry of a decree of judicial dissolution under §17-802 of this Title.

§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

(a) 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, and in connection therewith, may appoint a liquidating trustee.

(b) Upon dissolution of a limited partnership and until the filing of a certificate of cancellation as provided in §17-203 of this Title, the persons winding up the limited partnership's affairs may, in the name of, and for and on behalf of, the limited partnership prosecute and defend suits, whether civil, criminal or administrative, gradually settle and close the limited partnership's business, dispose of and convey the limited partnership's property, discharge the limited partnership's liabilities, and distribute to the partners any remaining assets of the limited partnership, all without affecting the liability of limited partners.

§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 (whether by payment or by establishment of reserves) other than liabilities for distributions to partners under §17-601 or §17-604 of this Title;

(2) Unless otherwise provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distributions under §17-601 or §17-604 of this Title; 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:

(1) 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 §17-106 of this Title.

§17-902. Registration required; application

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:

(1) 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:

a. 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;

b. The state, territory, possession or other jurisdiction or country where organized, the date of its organization and a statement from a general partner that, as of the date of filing, the foreign limited partnership validly exists as a limited partnership under the laws of the jurisdiction of its organization;

c. The nature of the business or purposes to be conducted or promoted in the State of Delaware;

d. The address of the registered office and the name and address of the registered agent for service of process required to be maintained by §17-904(b) of this Title;

e. 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 §17-910(b) of this Title;

f. The name and business, residence or mailing addresses of each of the general partners; and

g. The date on which the foreign limited partnership first did, or intends to do, business in the State of Delaware.

(2) A fee as set forth in §17-1107(a)(6) of this Title 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 endorsed, 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; 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 written 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(a)(7) of this Title 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 §17-905 of this Title. 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(a)(7) of this Title 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 successors 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 §17-905 of this Title.

(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(a)(7) of this Title 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 120 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 and on or about the date of the filing of said certificate, notices were 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 120 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 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. Amendments to application

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 false 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(a)(6) of this Title.

§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(a)(6) of this Title. 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:

(1) The validity of any contract or act of the foreign limited partnership;

(2) The right of any other party to the contract to maintain any action, suit or proceeding on the contract; or

(3) 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 §17-903 of this Title 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; Liability

Section 17-204(c) and 17-207 of this Title 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 Sate 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 Sate 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 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) of this Section, it shall be lawful to serve the process against the foreign limited partnership upon the Secretary of State, and such service shall be as effectual for all intents and purposes as if made in any of the ways provided for in subsection (a) hereof. In the event service is effected through the Secretary of State in accordance with this subsection, the Secretary of State shall forthwith notify the foreign limited partnership by letter, certified mail, return receipt requested, directed to the foreign limited partnership at the address of a general partner as it appears on the records relating to such foreign limited partnership on file with the Secretary of State or, if no such address appears, at its last registered office. Such letter shall enclose a copy of the process and any other papers served on the Secretary of State pursuant to this subsection. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the Secretary of State that service is being effected pursuant to this subsection, and to pay to the Secretary of State the sum of $50 for the use of the State of Delaware, which sum shall be taxed as a part of the costs in the proceeding if the plaintiff shall prevail therein. The Secretary of State shall maintain an alphabetical record of any such service setting forth the name of the plaintiff and defendant, the title, docket number and nature of the proceeding in which process has been served upon him, the fact that service has been effected pursuant to this subsection, the return date thereof and the day and hour when the service was made. The Secretary of State shall not be required to retain such information for a period longer than 5 years from his receipt of the service of process.

§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 Title 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 in accordance with subsection (a) of this Section, the Secretary of State shall forthwith notify the foreign limited partnership thereof by letter, 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. Such letter shall enclose a copy of the process and any other papers served upon the Secretary of State. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the Secretary of State that service is being made pursuant to this subsection, and to pay to the Secretary of State the sum of $50 for the use of the State of Delaware, which sum shall be taxed as part of the costs in the proceeding, if the plaintiff shall prevail therein. The Secretary of State shall maintain an alphabetical record of any such process setting forth the name of the plaintiff and defendant, the title, docket number and nature of the proceeding in which process has been served upon him, the return date thereof, and the day and hour when the service was made. The Secretary of State shall not be required to retain such information for a period longer than 5 years from his receipt of the service of process.

SUBCHAPTER X. DERIVATIVE ACTIONS

§17-1001. Right to bring action

A limited partner may bring an action in the Court of Chancery in the right of a limited partnership to recover a judgment 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 actions 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. Complaint

In a derivative action, the complaint shall set forth with particularlity 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 judgment, 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 proceeds 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 of chapter

(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 circumstances 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 this Chapter.

(b) Except as provided in subsections (c) and (f) of this Section, all limited partnerships formed on or after July 1, 1973, and prior to the effective date, under Chapter 17 of this Title as hereby repealed, shall continue to be governed by that Chapter until January 1, 1985, the "extended effective date", at which time such limited partnerships shall be governed by this Chapter.

(c) Except as provided in subsection (e) of this Section, a limited partnership formed prior to July 1, 1973, shall continue to be governed by Chapter 17 of this Title in effect prior to the adoption of Chapter 17 of this Title 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 of this Chapter, 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 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:

(1) 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;

(2) Sections 17-501, 17-502 and 17-608 of this Title shall apply only to contributions and distributions made after the effective date; and

(3) Section 17-704 of this Title shall apply only to assignments made after the effective date.

§17-1105. Cases not provided for in this chapter

In any case not provided for in this Chapter the Delaware Uniform Partnership Law (Chapter 15 of this Title) and the rules of law and equity, including the Law Merchant, shall govern.

§17-1106. Prior law

Except as set forth in §17-1104 of this Title, Chapter 17 of this Title 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 or cancellation of reservation pursuant to §17-103(b) of this Title, a fee in the amount of $75.

(2) Upon the receipt for filing of a certificate under §17-104(b), 17-104(c) or 17-104(d) of this Title, a fee in the amount of $50.

(3) Upon the receipt for filing of a Certificate of Limited Partnership under §17-201 of this Title, a Certificate of Amendment under §17-202 of this Title, a Certificate of Cancellation under §17-203 of this Title or a restated Certificate of Limited Partnership under §17-210 of this Title, a fee in the amount of $200.

(4) For certifying copies of any paper on file as provided for by this Chapter, a fee in the amount of $10 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 per page shall be paid. The Secretary of State may issue microfiche copies of instruments on file as well as other documents, and for each such microfiche a fee of $2 shall be paid therefor.

(6) Upon the receipt for filing of an application for registration as a foreign limited partnership under §17 902 of this Title, a certificate under §17-905 of this Title or a certificate of cancellation under §17-906 of this title, a fee in the amount of $200.

(7) Upon the receipt for filing of a certificate under §17-904(c), 17-904(d) or §17-904(e) of this Title, a fee in the amount of $50.

(8) For preclearance of any document for filing, a fee in the amount of $50.

(9) For preparing and providing a written report of a record search, a fee in the amount of $30.

(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 paragraph (4) of this subsection, a fee in the amount of $10.

(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.

(12) The Secretary of State may in his discretion charge a fee of $25 for each check received for payment of any fee that is returned due to insufficient funds or the result of a stop payment order

(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 times 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 funds shall be deposited in a financial institution which is a legal depository of State of Delaware 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.

§17-1108. Reserved power of State of Delaware to alter or repeal chapter

All provisions of this Chapter may be altered from time to time or repealed and all rights of partners are subject to this reservation."

Section 2. This Act shall become effective on August 1, 1985.

Approved July 19, 1985.

CHAPTER 189

FORMERLY

HOUSE BILL NO. 219
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 55, TITLE 25, OF THE DELAWARE CODE RELATING TO NOTICE OF RENT INCREASES.

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

Section 1. Amend Section 5501, Chapter 55, Title 25 of the Delaware Code, by adding thereto two new subsections (e) and (f) to read as follows:

"(e) Landlord shall give a minimum of 60 days written notice of any increase in the rent payable by the tenant. Such notice shall include the amount of the rental increase and its effective date.

(f) Upon receipt by tenant of written notice from landlord of an increase in the rent payable by the tenant, the tenant shall have a minimum of 15 days during which the tenant must respond in writing to the landlord stating one of the following conditions:

(1) Tenant agrees to accept the amount of the rental increase and its effective date as an amendment to the existing lease between landlord and tenant; or

(2) Tenant requests a new lease in writing from the landlord stating all of the terms of the lease including the new amount of rent and its effective date; or

(3) The tenant will terminate and vacate the premises under the terms of the current lease."

Approved July 19, 1985.

CHAPTER 190

FORMERLY

HOUSE BILL NO. 221
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 10 AND 11, DELAWARE CODE, RELATING TO VIOLATION OF PROBATION CASES.

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

Section 1. Amend §925, Chapter 9, Title 10, Delaware Code, by adding thereto a new subparagraph to read as follows:

"(17) Determine and enter disposition for alleged violations of probation by juveniles in accordance with the procedures established at 11 Del.C. §4334. The term Commissioner or any probation counselor as used in 11 Del.C. §4334 shall include the appropriate member of the Department of Services for Children, Youth and Their Families."

Approved July 19, 1985.

CHAPTER 191

FORMERLY

HOUSE BILL NO. 246
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION.

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

Section 1. Amend §10001, Chapter 100, Title 29, Delaware Code by striking existing §10001 in its entirety and substituting in lieu thereof the following:

§10001. Declaration of Policy

It is vital in a democratic society that public business be performed in an open and public manner so that our citizens shall have the opportunity to observe the performance of public officials and to monitor the decisions that are made by such officials in formulating and executing public policy; and further, it is vital that citizens have easy access to public records, in order that the society remain free and democratic. Toward these ends, and to further the accountability of government to the citizens of this State, this chapter is adopted, and shall be construed."

Section 2. Amend §10002 (a), Chapter 100, Title 29, Delaware Code by striking existing §10002 (a) in its entirety and substituting in lieu thereof the following:

"(a) 'Public Body' means, unless specifically excluded, any regulatory, administrative, advisory, executive, appointive, or legislative body of the State,or of any political subdivision of the State, including, but not limited to, any board, bureau, commission, department, agency, committee, ad hoc committee, special committee, temporary committee, advisory board and committee, subcommittee, legislative committee, association, group, panel, council, or any other entity or body established by an Act of the General Assembly of the State, or established by any body established by the General Assembly of the State, or appointed by any body or public official of the State, or otherwise empowered by any State governmental entity, which, (1) is supported in whole or in part by any public funds, or (2) expends or disburses any public funds, including grants, gifts, or other similar disbursals and distributions, or (3) is impliedly or specifically charged by any other public official, body, or agency to advise or to make reports, investigations, or recommendations. Public Body shall not include the General Assembly of the State, nor any caucus thereof, or committee, subcommittee, ad hoc committee, special committee, or temporary committee."

Section 3. Amend §10002 (d), Chapter 100, Title 29 of the Delaware Code by striking the first sentence in its entirety and substituting in lieu thereof the following:

"'Public Record' is information of any kind, owned, made, used, retained, received, produced, composed, drafted, or otherwise compiled or collected, by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced."

Section 4. Amend §10002 (d), Chapter 100, Title 29 of the Delaware Code by striking subsection (10) in its entirety and substituting in lieu thereof the following:

"(10) Subject to the provisions of Subsection (f) of Section 10004 of this Title with respect to release of minutes of executive sessions, any record of discussions held in executive session pursuant of Subsections (b) and (c) of Section 10004."

Section 5. Amend §10002, Chapter 100, Title 29 of the Delaware Code by striking subsection (f) in its entirety and substituting in lieu thereof the following:

"(f) 'Agenda' shall include but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore under subsection (b) of Section 10004 of this Title."

Section 6. Amend §10002 (g), Chapter 100, Title 29 of the Delaware Code by striking the phrase "Farmers' Bank of the State of Delaware or the" in its entirety as it appears.

Section 7. Amend §10004 (b), Chapter 100, Title 29 of the Delaware Code by striking the first sentence up to the colon in its entirety and substituting in lieu thereof the following:

"A public body may call for an executive session closed to the public pursuant to subsection (c)

and (c) of this section, but only for the following purposes".

Section 8. Amend §10004 (b), Chapter 100, Title 29 of the Delaware Code by striking subsection (4) in its entirety and substituting in lieu thereof the following:

"(4) Strategy sessions, including those involving legal advice or opinion from an attorney at law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body."

Section 9. Amend §10004 (b), Chapter 100, Title 29 of the Delaware Code by striking subsections (9), (10), (11), (12), and (13) in their entirety and substituting in lieu thereof the following:

"(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open."

Section 10. Amend §10004, Chapter 100, Title 29 of the Delaware Code by striking Subsection (c) in its entirety and substituting in lieu thereof the following:

"(c) A public body may hold an executive session closed to the public upon affirmative vote of a majority of members present at a meeting of the public body. The vote on the question of holding an executive session shall take place at a meeting of the public body which shall be open to the public, and the results of the vote shall be made public and shall be recorded in the minutes. The purpose of such executive sessions shall be set forth in the agenda and shall be limited to the purposes listed in subsection (b) of this Section. Executive sessions may be held only for the discussion of public business, and all voting on public business must take place at a public meeting and the results of the vote made public."

Section 11. Amend §10004 (e), Chapter 100, Title 29 of the Delaware Code by striking subsections (2), (3), and (5) in their entirety and substituting respectively in lieu thereof the following:

"(2) All public bodies shall give public notice of their regular meetings and of their intent to hold an executive session closed to the public, at least seven days in advance thereof. The notice shall include the agenda, if such has been determined at the time, and the dates, times, and places of such meetings; however, the agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

(3) All public bodies shall give public notice of the type set forth in paragraph (2) of this subsection of any special or rescheduled meeting as soon as reasonably possible, but in any event no later than 24 hours before such meeting. A special or rescheduled meeting shall be defined as one to be held less that seven days after the scheduling decision is made. The public notice of a special or rescheduled meeting shall include an explanation as to why the notice required by paragraph (1) of this subsection could not be given.

(5) When the agenda is not available as of the time of the initial posting of the public notice it shall be added to the notice at least six hours in advance of said meeting, and the reasons for the delay in posting shall be briefly set forth on the agenda."

Section 12. Amend §10004, Chapter 100, Title 29 of the Delaware Code by striking subsection (f) in its entirety and substituting in lieu thereof the following:

"(f) Each public body shall maintain minutes of all meetings, including executive sessions, conducted pursuant to this section, and shall make such minutes available for public inspection and copying as a public record. Such minutes shall include a record of those members present and a record, by individual members (except where the public body is a town assembly where all citizens are entitled to vote), of each vote taken and action agreed upon. Such minutes or portions thereof, and any public records pertaining to executive sessions conducted pursuant to this section, may be withheld from public disclosure so long as public disclosure would defeat the lawful purpose for the executive session, but no longer."

Section 13. Amend §10005, Chapter 100, Title 29, Delaware Code by striking the section in its entirety and substituting in lieu thereof the following:

"Section 10005. Enforcement

(a) Any action taken at a meeting in violation of this chapter may be voidable by the Court of Chancery. Any citizen may challenge the validity under this chapter of any action of a public body by filing suit within 60 days of the citizen's learning of such action but in no event later than 6 months after the date of the action.

(b) Any citizen denied access to public records as provided in this chapter may bring suit within 60 days of such denial. Venue in such cases where access to public records is denied shall be placed in a court of competent jurisdiction for the county or city in which the public body ordinarily meets or in which the plaintiff resides.

(c) In any action brought under this section, the burden of proof shall be on the custodian of records to justify the denial of access to records, and shall be on the public body to justify a decision to meet in executive session or any failure to comply with the provision of this chapter.

(d) Remedies permitted by this section include an injunction, a declaratory judgment, writ of mandamus and/or other appropriate relief."

Approved July 19, 1985.

CHAPTER 192

FORMERLY

HOUSE BILL NO. 282
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS; CORRECTION OF PERTINENT DATA BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; THE FINFISHERIES DEVELOPMENT FUND; AND ENFORCEMENT OF REPORTING REQUIREMENTS.

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

Section 1. Amend Section 903, Title 7 of the Delaware Code by adding a new subsection "(i)" to read as follows:

"(i) The Department is authorized to collect pertinent data with respect to fisheries, including, but not limited to, information regarding the type and quantity of fish or weight thereof, areas in which fishing was conducted and time of fishing. The information collected by or reported to the Department shall be confidential and shall not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order."

Section 2. Amend Section 916, Title 7 of the Delaware Code by adding to subsection (b) new paragraphs "(4)", "(5)", "(6)" and "(7)" to read as follows:

"(4) Postage for mailing notices of public hearings, fishery reports and other materials related to finfisheries management;

(5) Printing materials pertaining to the promulgation of regulation, printing notices of public hearings and other meetings, printing announcements, and printing information pertinent to finfisheries management;

(6) Conducting research on, and taking inventories of, finfish of significance to Delaware's commercial and recreational fishermen, such research and inventorying to be contracted out or performed by Department personnel."

Section 3. Amend Section 936, Title 7 of the Delaware Code by adding a new subsection "(e)" to read as follows:

"(e) Any commercial food fishing license holder who does not file a monthly report on his or her catch by effort, species and weight on forms provided by the Department, as required in Section 914 (6) of this Chapter, by 4:30 p.m. of the last working day of the month following the month for which the report is due may have his or her commercial food fishing license revoked by the Director until such time when all reporting requirements are fulfilled in a manner acceptable to the Director."

Approved July 19,1985.

CHAPTER 193

FORMERLY

HOUSE BILL NO. 283
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS; SALE, TRADE OR BARTER OF FOOD FISH; FOOD FISHING EQUIPMENT PERMITS, REQUIREMENTS AND RESTRICTIONS; AREAS RESTRICTED FOR USING CERTAIN FISHING EQUIPMENT; INTERFERING WITH FISHING EQUIPMENT; GILL NETS, USE OF ELECTRIC LIGHTS; AND JURISDICTION OVER VIOLATIONS AND FORFEITURE PROCEEDINGS.

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 §913, Title 7 of the Delaware Code by striking from subsection (a) the words and phrase "or use a drifting gill net".

Section 2. Further amend §913, Title 7 of the Delaware Code by striking from subsection (d) the words and phrase "(a) or (b)" and substituting in lieu thereof the words and phrase "(a), (b), (d) or (c)".

Section 3. Further amend §913, Title 7 of the Delaware Code by adding to subsection (e) the following sentence:

"Each foodfish purchased, traded for or bartered for shall constitute a separate violation."

Section 4. Further amend §913, Title 7 of the Delaware Code by renumbering existing subsections "(d)" and "(e)" "(f)" and "(g)", respectively, and by inserting new subsections numbered "(d)" and "(e)" to read as follows:

"(d) No individual shall fish with a drifting gill net unless said individual has been issued a valid commercial food fisherman's license and appropriate fishing equipment permits by the Department.

(e) No individual who catches or takes any species of food fish from or out of the tidal waters of this State shall give or transfer said food fish without compensation to another individual for subsequent sale, trade, or barter unless the individual giving or transferring said foodfish has been issued a valid commercial food fishing license by the Department."

Section 5. Amend §915, Title 7 of the Delaware Code by striking from subsection (g) the words and phrase "more than 18 inches in diameter" and substituting in lieu thereof the words and phrase "exceeding the dimensions prescribed by paragraph (b)(5) of this section".

Section 6. Amend §917, Title 7 of the Delaware Code by striking from subsection (i) the letter "(B)" following the numeral "16" and before the word "terminates".

Section 7. Amend §918, Title 7 of the Delaware Code by striking the words and phrase "without reasonable cause, as" and substituting in lieu thereof the word ", except".

Section 8. Further amend §918, Title 7 of the Delaware Code by striking the word "intentionally".

Section 9. Amend §923, Title 7 of the Delaware Code by designating the second sentence of subsection (a) as a separate subsection numbered "(b)", and by renumbering existing subsections "(b)", "(c)", "(d)", and "(e)" as "(c)", "(d)", "(e)", and "(f)" respectively.

Section 10. Amend §925, Title 7 of the Delaware Code by designating the second sentence of subsection (a) as a separate subsection numbered "(b)" and by renumbering existing subsection "(b)" as "(c)".

Section 11. Amend §927, Title 7 of the Delaware Code by inserting in subsection (c), following the word "violation" and before the next comma, the words and phrase "if the fair market value of the forfeited finfish or other items exceeds $100".

Section 12. Further amend §927, Title 7 of the Delaware Code by adding to subsection (e) a second sentence to read as follows:

"The Justices of Peace Courts shall have jurisdiction or any violation in which the forfeiture sought is of finfish or other items of $100 or less in fair market value."

Section 13. Amend §934, Title 7 of the Delaware Code by striking existing subsection (c) in its entirety and substituting in lieu thereof the following:

"(c) Any authorized employee of the Department who has seized any finfish pursuant to this section may seek to have finfish forfeited. If the fair market value of the seized finfish exceeds $100, then the Superior Court shall have jurisdiction over the alleged violation, and any forfeiture of the finfish shall be in accordance with the appropriate rules of procedure of the Superior Court and the provisions of §935 of this Chapter. If the fair market value of the seized finfish is $100 or less, then the Justices of the Peace Courts shall have jurisdiction over the alleged violation, and any forfeiture of the finfish shall be in accordance with the appropriate rules of procedures of the Justices of the Peace Courts."

Section 14. Amend §936, Title 7 of the Delaware Code by striking from subsection (b)(3) the words and phrase "of said finfish or other items is sought" and substituting in lieu thereof the following:

"involves finfish or other items exceeding $100 in fair market value. The Justices of Peace Courts shall have jurisdiction of a violation in which forfeiture involves finfish or other items with a fair market value of $100 or less."

Approved July 19, 1985.

CHAPTER 194

FORMERLY

HOUSE BILL NO. 284
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS AND MARKING REQUIREMENTS FOR FISHING EQUIPMENT.

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

Section 1. Amend Section 920, Title 7, of the Delaware Code by striking from subsection (a) (l) the words and phrase "internal waters of this state" and substituting in lieu thereof the words and phrase "Delaware River and Bay, Atlantic Ocean out to three nautical miles, Indian River and Bay, Rehoboth Bay, and Little and Big Assawoman Bays, during the period beginning at 12:01 a.m., April 1 of each year, and ending at 12:00 p.m., November 30 of each year".

Section 2. Amend Section 920, Title 7, of the Delaware Code by adding to subsection (a) (l) additional sentences to read as follows:

"During the period beginning at 12:01 a.m., December 1 of each year, and ending at 12:00 p.m., March 31 in the ensuing year, in the Delaware River and Bay, Atlantic Ocean out to three nautical miles, Indian River and Bay, Rehoboth Bay, and Little and Big Assawoman Bays, red or international orange floats at least 8 inches in diameter may be substituted for the required end flags on fixed nets. In the tributaries to the Delaware River and Bay, Indian River and Bay, Rehoboth Bay, Little and Big Assawoman Bays and the Chesapeake Bay, a red or international orange float that measures at least 8 inches in diameter may be substituted for the required flags at any time."

Section 3. Further amend Section 920, Title 7, of the Delaware Code by inserting in subsection (a) (6) the word "any" between the words "of" and "reflective", and by striking the word "tape" and substituting in lieu thereof the word "material".

Section 4. Further amend Section 920, Title 7 of the Delaware Code by striking from subsection (a) (9) the word "tape" and substituting in lieu thereof the word "material".

Approved July 19, 1985.

CHAPTER 195

FORMERLY

HOUSE BILL NO. 307
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO POLITICAL CONTRIBUTIONS BY INSURERS.

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

Section 1. Amend §2304(6), Chapter 23, Title 18 of the Delaware Code by striking said subsection in its entirety and by substituting in lieu thereof the following:

"(6) Prohibited political contributions; penalty.

(a) No insurer shall directly or indirectly pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any candidate for the office of Insurance Commissioner of the State of Delaware, or for nomination for such office, or for the reimbursement or indemnification of any person for money or property so used.

(b) Any officer, director, stockholder or agent of any insurer which violates any of the provisions of this section, who participates in, aids, abets, or advises or consents to any such violation, or any person who solicits or knowingly receives any money or property in violation of this section, shall, in addition to any other penalties imposed by law, be punished by imprisonment for not more than 1 year and a fine of not more than $1,000; and any officer or director abetting in any contribution made in violation of this section shall be liable to the insurer for the amount so contributed."

Approved July 19, 1985.

CHAPTER 196

FORMERLY

HOUSE BILL NO. 310
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO HEALTH AND LIFE INSURANCE CARRIERS REPORTING THEIR GROSS PREMIUMS AND MAKING PAYMENTS TO ALL NONPROFIT ORGANIZATIONS WITHIN THIS STATE THAT PROVIDE AMBULANCE OR RESCUE SERVICES INCLUDING ORGANIZATIONS SUCH AS VOLUNTEER FIRE COMPANIES, THE VETERANS OF FOREIGN WARS AND THE AMERICAN LEGION.

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

Section 1. Amend Chapter 7, Title 18, Delaware Code, by adding thereto a new section to be designated as §713 which new section shall read as follows:

"§713. Reporting gross premiums by life and health insurers and payments to all nonprofit organizations that provide ambulance or rescue services including organizations such as volunteer fire companies, the Veterans of Foreign Wars and the American Legion

(a) The Insurance Commissioner each year shall ascertain the total amount of gross premiums received by insurance companies and agents thereof as payment for all types of life and/or health insurance coverage within this State. The Insurance Commissioner shall then notify the State Treasurer of the total amount of such gross premiums and also the names and addresses of all nonprofit organizations that provide ambulance and/or rescue services within this State, including, but not limited to, organizations such as volunteer fire companies, the Veterans of Foreign Wars and the American Legion. After the Insurance Commissioner so informs the State Treasurer, the State Treasurer shall:

(1) establish a special fund each year. This special fund shall be created out of the existing annual premium taxes paid by insurance companies and agents thereof pursuant to the provisions of this chapter on all types of life and/or health insurance coverage within this State. The special fund shall be created out of the aforesaid premium taxes, and shall be equal to one-tenth of one percent (.1%) of the gross premiums received by insurance companies and agents thereof for all types of life and/or health insurance coverage within this State.

(2) distribute on a pro rata basis the proceeds of the special fund to the aforementioned nonprofit organizations within this State that are engaged in providing ambulance and/or rescue services.

(b) The Insurance Commissioner shall have the authority to request and receive any information regarding any insurance company's business relating to any type of life and/or health insurance coverage sold or offered for sale within this State for the purpose of determining the gross premiums received for such insurance coverage in order to determine the amount of the special fund.

(c) For the purpose of implementing this section, the Insurance Commissioner is authorized to promulgate rules and regulations that are consistent with the provisions of this section."

Approved July 19, 1985.

CHAPTER 197

FORMERLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 311
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NOS. 1 AND 3

AN ACT AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE FIRST STATE IMPROVEMENT FUND.

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

Section 1. Amend Chapter 50, Title 29 of the Delaware Code by adding a new Subchapter V to read as follows:

"SUBCHAPTER V. FIRST STATE IMPROVEMENT FUND

§5080. Establishment

(a) A special fund is created in the Office of the State Treasurer to be known as the 'First State Improvement Fund', hereinafter referred to in this Subchapter as the 'Fund'.

(b) The Fund initially shall consist of $40,000,000. The General Assembly at any time may appropriate money to be added to the Fund in addition to this initial amount.

§5081. Purposes

As prescribed by §5083 of this Subchapter, and except as specifically provided in §5085 of this Subchapter, the Fund shall be expended for minor capital improvements in public schools and State facilities, to match funds provided by local communities for capital improvements related to Delaware's 1987 Bicentennial celebration, and for economic development projects.

§5082. Investment and Accounting

The Fund shall be established as a special fund of the State and shall be invested by the Treasurer in securities consistent with the investment policies established by the Cash Management Policy Board. All income earned, and gains realized from the sales of such securities, shall be reinvested in the Fund. Losses from any sales of securities shall be charged to the Fund.

§5083. Appropriations from the Fund

(a) No money shall be expended from the Fund except pursuant to an appropriation incorporated in the annual bond bill passed by the General Assembly and approved by the Governor.

(b) For any one fiscal year the joint legislative committee shall not recommend, and the General Assembly shall not appropriate, an amount greater than one-quarter of the initial principal, plus anticipated interest, available in the Fund.

§5084. Bicentennial Community Improvement Projects

(a) Any appropriations from the Fund for Bicentennial Community Improvement Projects shall be used to match funds provided by unincorporated areas, incorporated municipalities or counties. The Bicentennial Community Improvement Committee shall by rule establish the amount of non-Fund participation required for eligibility for matching funds.

(b) There is established a Bicentennial Community Improvement Committee, comprising the Chairman or his designee and Vice Chairman or his designee of the Joint Finance Committee, the Chairman or his designee and Vice Chairman or his designee of the Joint Bond Bill Committee, the President Pro Tem of the Delaware State Senate or his designee, the Minority Leader of the Senate or his designee, the Speaker of the State House of Representatives or his designee, the Minority Leader of the House or his designee, the Secretary of Administrative Services, the Secretary of State, Secretary of the Department of Transportation, the Director of the Delaware Developement Office and the Chairman of the Delaware Heritage Commission. The Secretary of State shall serve as Chairman of the Committee. The Committee shall adopt rules and regulations

necessary to implement this Section, including guidelines for the distribution of these matching funds.

§5085. Emergency and Special Appropriations

(a) The provisions of §5083 of this Subchapter to the contrary notwithstanding, in the event of an emergency involving the health, safety or welfare of the citizens of the State, any portion of the balance remaining in the Fund may be expended pursuant to an act of appropriation passed by the General Assembly, with the concurrence of three fifths of all of the Members elected to each House thereof, and approved by the Governor.

(b) The provisions of §5083 of this Subchapter to the contrary notwithstanding, in the event of cutbacks in federal funding of State programs affecting the health, safety or welfare of the citizens of the State, and upon the recommendation of the Joint Finance Committee, any portion of the balance remaining in the Fund may be expended pursuant to an act of appropriation passed by the General Assembly and approved by the Governor, including the annual budget bill.

§5086. Termination

The First State Improvement Fund shall terminate on September 30, 1988. Any unencumbered monies in the Fund not previously appropriated by the General Assembly at that time shall revert to the General Fund.

§5087. Liberal Construction of Subchapter

This Subchapter, being necessary for the prosperity and welfare of the State and its citizens, shall be construed liberally to effect the purposes of this Subchapter.

§5088. Inconsistent Laws Superseded

Insofar as any provision of this Subchapter is inconsistent with any general, special or local laws, or part thereof, this Subchapter shall be controlling."

Section 2. This Act shall become effective upon its enactment into law.

Approved July 19, 1985.

CHAPTER 198

FORMERLY

HOUSE BILL NO. 313
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO ADD A NEW CHAPTER RELATING TO MOTOR CARRIER SAFETY; PROVIDING FOR THE IMPOSITION OF DUTIES UPON THE DEPARTMENT OF PUBLIC SAFETY, THE STATE POLICE AND OTHER POLICE OFFICERS; PRESCRIBING PENALTIES AND FURTHER PROVIDING FOR ENFORCEMENT OF THIS ACT.

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

Section 1. Amend Title 21, Delaware Code by adding thereto a new Chapter 47 to read as follows:

"CHAPTER 47. MOTOR CARRIER SAFETY - RESPONSIBILITY

§4701. Statement of legislative purpose.

The purpose of this Act is to reduce truck and bus related accidents on our highways by minimizing the causes related to mechanical failures, driver error, and careless safety practices by motor carriers, and to standardize regulations for the transportation industry.

§4702. Adoption of federal requirements.

The State of Delaware hereby adopts the following parts of the Code of Federal Regulations, Title 49, Chapter III, Subchapter B, except as modified by this Chapter; Part 390, Part 391, Part 392, Part 393, Part 395, Part 396 and Part 397 being Federal Regulations adopted pursuant to the Department of Transportation Act (49 U.S.C. §1655) and Section 204 of the Interstate Commerce Act, as amended (49 U.S.C. §304).

§4703. Exceptions to Part 390.

Section 390.40 of Part 390 is hereby stricken in its entirety.

§4704. Exceptions to Part 391.

(a) Section 391.11(b)(1) of Part 391 is stricken in its entirety and in its place is inserted the following:

'(1) Is at least 21 years old if engaged in interstate commerce or at least 18 years or older and has at least 1 year previous experience as an operator of a motor vehicle if engaged in interstate commerce.'

(b) Strike Section 391.69 of Part 391 in its entirety.

§4705. Exceptions to Part 392.

(a) Amend Section 392.4 of Part 392 by adding a new subparagraph (e) to read as follows:

'(e) Nothing in this section shall preclude prosecution under Section 4177 of this Title.'

(b) Amend Section 392.5 of Part 392 by adding a new subparagraph (c) to read as follows:

'(c) Nothing in this section shall preclude prosecution under Section 4177 of this Title.'

§4706. Exceptions to Part 396.

Subsection (a) of Section 396.9 is stricken in its entirety and the following is substituted in its place:

'(a) Personnel authorized to perform inspections Every special agent of the Federal Highway Administration, Secretary of Public Safety, his deputies, state

police, other sworn police officers, and size and weight enforcement technicians of the Division of State Police working in conjunction with and in the physical presence of a uniformed police officer, are hereby authorized to enter and perform inspections of any motor vehicle, cargo, and driver of any motor carrier for compliance with safety regulations adopted pursuant to this Chapter. State Police size and weight enforcement technicians shall have the same authority and duties enforcing this Chapter as granted in Section 710 of this Title.'

§4707. Fines, penalties, voluntary assessments.

(a) Any person, driver, or motor carrier who violates any provision of any subpart of this Chapter, or fails to do any act required by any subpart in this Chapter or does any act forbidden in this Chapter or subpart of the Code of Federal Regulations hereby adopted shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine for each violation of not less than $25 nor more than $100, or imprisonment for not more than 30 days or both. Any such person, driver, or motor carrier committing a second or subsequent offense within 2 years upon conviction thereof shall be sentenced to pay a fine of not less than $100 nor more than $500 or imprisonment for not less than 60 days nor more than 1 year, or both.

(b) Section 709 of this Title shall be applicable to this Chapter.

§4708. Out of service violations.

The Secretary of Public Safety, his deputies, state police, and other police officers authorized by law to make arrests for violations of the motor vehicle and traffic laws of the State are hereby authorized to place any vehicle, driver, or operator out of service for any violation of this Chapter.

§4709. Jurisdiction.

Justices of the Peace shall have original jurisdiction to hear, try and finally determine alleged violations of this Chapter.

§4710. Authority to enforce regulations.

(a) The Secretary of Public Safety, his deputies, state police, and other sworn police officers are hereby authorized to make arrests without a warrant for any violation of this Chapter committed in their presence.

(b) The Secretary of Public Safety, his deputies, state police, and other sworn police officers authorized by the law to make arrests for violations of this Chapter without a warrant are authorized upon reasonable and probable cause to believe, based upon personal investigation of a motor vehicle accident which may include information obtained from eyewitnesses that a violation has been committed by any person then and there present and to arrest such person without a warrant.

§4711. Authority to promulgate rules and regulations.

The Secretary of Public Safety has authority to promulgate rules and regulations to carry out the stated purposes of this Chapter.

§4712. Conflicts with other requirements of Delaware Motor Vehicle Code.

Nothing contained in this Chapter shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by this Chapter, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used.

Compliance with this Chapter does not relieve the obligation to comply with other Chapters of Titles 21 and 29, however, if a conflict occurs, the State or Federal Regulation herein adopted which promotes the greater degree of safety shall control."

Section 2. This Act shall become effective upon its enactment into law.

Approved July 19, 1985.

CHAPTER 199

FORMERLY

HOUSE BILL NO. 31
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE 18 OF THE DELAWARE CODE RELATING TO PROPERTY INSURANCE CONTRACTS.

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

Section 1. Amend Chapter 41, Title 18 of the Delaware Code by adding a new subchapter to read as follows:

"SUBCHAPTER III. DECLINATIONS, RENEWALS AND CANCELLATIONS OF PROPERTY INSURANCE CONTRACTS

§4120. Scope

This Subchapter shall apply to policies of property insurance, other than policies of inland marine insurance and policies of property insurance issued through a residual market mechanism, covering risks to property located in this State which take effect or are renewed after the effective date of this Subchapter and which insure any of the following contingencies:

(a) Loss of or damage to real property which consists of not more than four residential units, one of which is the principal place of residence of the named insured, or

(b) Loss of or damage to personal property in which the named insured has an insurable interest where:

(1) the personal property is used for personal, family or household purposes, and

(2) the personal property is within a residential dwelling.

§4121. Definitions

(a) 'Renewal' or 'to renew' means the issuance and delivery by an insurer at the end of a policy period of a policy superceding a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of an existing policy beyond its policy period or term. For the purposes of this subchapter, any policy period or term of less than six months shall be considered a policy period or term of six months and any policy period or term of more than one year or any policy with no fixed expiration date shall be considered a policy period or term of one year.

(b) 'Nonpayment of premium' means the failure of the named insured to discharge any obligation in connection with the payment of premiums on policies of property insurance subject to this subchapter, whether such payments are directly payable to the insurer or its agent or indirectly payable under a premium finance plan or extension of credit. 'Nonpayment of premium' shall include the failure to pay dues or fees where payment of such dues or fees is a prerequisite to obtaining or continuing property insurance coverage.

(c) 'Termination' means either cancellation or nonrenewal of property insurance coverage in whole or in part. A cancellation occurs during the policy term. A nonrenewal occurs at the end of the policy term as set forth in subsection (a). For purposes of this subchapter, the transfer of a policyholder between companies within the same insurance group shall be considered a termination, but requiring a reasonable deductible, reasonable changes in the amount of insurance or reasonable reductions in policy limits or coverage shall not be considered a termination if such requirements are directly related to the hazard involved and are made on the renewal date of the policy.

(d) 'Declination' is the refusal of an insurer, an agent or a broker to issue a property insurance policy on a written nonbinding application or written request for coverage. For the purpose of this subchapter, the offering of insurance coverage with a company within an insurance group which is different from the company requested on the nonbinding application or written request for coverage or the offering of insurance upon different terms than requested in the nonbinding application or written request for coverage shall be considered a declination.

§4122. Notification and Reasons for a Declination or Termination

(a) Upon declining to insure any real or personal property subject to this subchapter, the

insurer, agent or broker making such declination shall either provide the insurance applicant with a written explanation of the specific reasons for the declination or an explanation will be provided within twenty-one (21) days of the timely receipt of the applicant's written request for such an explanation. An applicant's written request shall be timely under this subsection if received within 90 days of the date of notice of the declination. In the event of a declination by an insurer of a risk submitted by an agent or broker on behalf of the applicant, the insurer shall provide that agent or broker with a written explanation of the reasons for the declination. In the event the agent or broker is unable to effect insurance for the applicant through an admitted insurer other than a residual market mechanism, the agent or broker shall submit an explanation in writing to the applicant of all insurer declinations. No agent, broker or insurer not represented by an agent or broker shall decline to provide an insurance application form or other means of making a written request for insurance to a prospective applicant who requests insurance coverage from the agent, broker or insurer.

(b) A notice of cancellation of property insurance coverage by an insurer shall be in writing, shall be delivered to the named insured or mailed to the named insured at the last known address of the named insured, shall state the effective date of the cancellation and shall be accompanied by a written explanation of the specific reasons for the cancellation.

(c) At least 30 days before the end of a policy period, as described in §4121(a) of this Act, an insurer shall deliver or mail to the named insured, at the last known address of the name insured, either of the following:

(1) Written notice of the insurer's offer to renew the policy if the applicable premium for the policy is received within a specified billing period, or

(2) Written notice of the insurer's intention not to renew the policy upon expiration of the current policy period. The notice of intention not to renew shall include or be accompanied by a written explanation of the insurer's specific reason or reasons for the nonrenewal.

Proof of mailing of either notice shall be retained by the insurer for a period of not less than one year. If the insurer fails to comply with either subparagraphs (1) or (2) of this subsection, coverage shall be deemed renewed under the same terms and conditions until the named insured has accepted replacement coverage with another insurer or until the named insured has agreed to the nonrenewal.

§4123. Permissible cancellations

After coverage has been in effect for more than 60 days or after the effective date of a renewal policy a notice of cancellation shall not be issued unless it is based upon at least one of the following reasons:

(a) Non-payment of premium.

(b) Discovery of fraud or material misrepresentation made by or with the knowledge of the named insured in obtaining the policy, continuing the policy, or in presenting a claim under the policy.

(c) Discovery of willful or reckless acts or omissions on the part of the named insured which increase any hazard insured against.

(d) The occurrence of a change in the risk which substantially increases any hazard insured against after insurance coverage has been issued or renewed.

(e) A violation of any local fire, health, safety, building or construction regulation or ordinance with respect to any insured property or the occupancy thereof which substantially increases any hazard insured against.

(f) A determination of the Insurance Commissioner that the continuation of the policy would place the insurer in violation of the insurance laws of this State.

(g) Real property taxes owing on the insured property have been delinquent for two or more years and continue delinquent at the time notice of cancellation is issued.

§4124. Discriminatory practices prohibited

The declination or termination of a policy of property insurance subject to this subchapter by an insurer, agent or broker is prohibited if the declination or termination is:

(a) Based upon the race, religion, nationality, ethnic group, age, sex, or marital status of the applicant or named insured.

(b) Based solely upon the lawful occupation or profession of the applicant or named

insured, except that this provision shall not apply to an insurer, agent or broker which limits its market to one lawful occupation or profession or to several related lawful occupations or professions.

(c) Based upon the age or location of the residence of the applicant or named insured unless such decision is for a business purpose which is not a mere pretext for unfair discrimination.

(d) Based upon the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured.

(e) Based upon the fact that the applicant or named insured previously obtained insurance coverage through a residual market insurance mechanism.

§4125. Enforcement Provisions

(a) Upon a complaint of person filed within 90 days of any violation of this subchapter, the Commissioner shall determine whether such complaint is reasonably founded. If the Commissioner determines that such complaint is reasonably founded, or if the Commissioner otherwise has reason to believe that an insurer, agent or broker has engaged in practices which violate this subchapter and that a proceeding in respect thereto would be in the public interest, the Commissioner shall set a date for a public hearing to determine whether a violation of this subchapter has in fact occurred. Such hearing shall be held upon no less than 10 days notice to the person charged and the complainant, if any. Such notice shall set forth the specified grounds upon which the complaint is based. If a hearing is based upon a complaint, the hearing shall be set no later than 30 days from the date the complaint was filed. The hearing shall take place before a hearing examiner who shall make a record of the evidence and set forth findings and conclusions. Once a prima facie violation of this subchapter has been established, the person charged in the complaint shall have the burden of showing that such violation was based on a reason not prohibited by the subchapter. The findings of fact determined by the hearing examiner shall be reviewed by the Commissioner who shall issue a final order. A petition for hearing may be filed within 30 days of the final order of the Commissioner.

(b) If the Commissioner determines a final order that:

(1) An insurer has violated §4123 and §4124 of this subchapter, the Commissioner may require the insurer to:

a. Accept the application or written request for insurance coverage at a rate and on the same terms and conditions as are available to other risks similarly situated, or

b. Reinstate insurance coverage to the end of the policy period, or

c. Continue insurance coverage at a rate and on the same terms and conditions as are available to other risks similarly situated.

(2) Any person has violated any provision of this subchapter,the Commissioner may:

a. Issue a cease and desist order to restrain such person from engaging in practices which violate this subchapter, or

b. Assess a penalty against such person of up to $500 for each violation of this Chapter.

§4126. Civil Liability and Actions

(a) If the Commissioner determined in a final order that an insurer has violated §4123 or §4124 of this Chapter, the applicant or named insured aggrieved by the violation may bring an action in a court of competent jurisdiction in this State to recover from such insurer any loss, not otherwise recovered through insurance, which would have been paid under the insurance coverage that was declined or terminated in violation of this subchapter.

(b) Any amounts recovered under subsection (1) of this section shall not be duplicative of any recovery obtained through the exercise of any other statutory or common law cause of action arising out of the same occurrence. No action under this section shall be brought two years after the date of a final order of the Commissioner finding a violation of §4123 or §4124 of this Subchapter.

§4127. Judicial Review

Any person aggrieved by any determination or order of the Commissioner under this Subchapter may seek judicial review in the Superior Court. Failure of the Commissioner to act upon a complaint under this Subchapter within 30 days of the filing of such complaint shall constitute a determination that the complaint was not reasonably founded. Review in the Superior Court shall be

de novo.

§4128. Immunity

(a) There shall be no liability on the part of and no cause of action shall arise against:

(1) The Insurance Commissioner,

(2) Any insurer or its authorized representatives, agents, or employees,

(3) Any licensed insurance agent or broker, or

(4) Any person furnishing information to an insurer as to reasons for a termination or declination for any communication giving notice of or specifying the reasons for a declination.

(b) Subsection (a) of this section shall not apply to statements made in bad faith with malice in fact."

Section 2. This Act shall take effect six months after its enactment into law.

Approved July 19, 1985.

CHAPTER 200

FORMERLY

SENATE BILL NO. 253

AN ACT TO AMEND CHAPTER 121, VOLUME 32, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER AND LIGHT COMMISSIONERS FOR 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 Chapter 121, Volume 32, Laws of Delaware, as amended, by adding thereto a new Section 12 to provide as follows:

"Section 12. Anything in this Act to the contrary notwithstanding, the Board of Water and Light Commissioners are hereby authorized, from time to time and in the Commissioners' sole discretion, to make payments of money out of surplus earnings to the Mayor and Council of New Castle."

Approved July 29, 1985.

CHAPTER 201

FORMERLY

SENATE BILL NO. 317

AN ACT TO ALLOW WILLIAM JOHN HUSBANDS, A RESIDENT, TO MARRY CHRISTINA M. ELLIFRITZ, A RESIDENT.

WHEREAS, William Husbands wishes to marry Christina Ellifritz on September 28, 1985 in the State of Delaware; and

WHEREAS, Christina Ellifritz currently lives with William Husbands' parents in Elsmere, and both William Husbands and Christina Ellifritz wish to marry in Delaware; and

WHEREAS, William Husbands is currently serving in the U. S. Navy and is stationed in San Diego, California; and

WHEREAS, William Husbands will not be able to return to Delaware more than 24 hours prior to the time of his scheduled marriage; and

WHEREAS, §107(a), Title 13 of the Delaware Code states that a resident of Delaware must wait 24 hours after acquiring a marriage license before the marriage ceremony may take place; and

WHEREAS, William Husbands and Christina Ellifritz could be married but for the waiting period requirements of the Delaware Code; and

WHEREAS, it is the public policy of the State to encourage marriage.

NOW, THEREFORE:

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

Section 1. William Husbands and Christina Ellifritz are hereby exempted from the application of §107(a), Title 13 of the Delaware Code and are specifically permitted to marry on September 28, 1985, or within 30 days thereafter; the Clerk of the Peace for New Castle County shall issue to William Husbands and Christina Ellifritz an official marriage license pursuant to this Act, the provisions of Chapter 1, Title 13, or any other law of this State to the contrary notwithstanding.

Approved August 29, 1985.

CHAPTER 202

FORMERLY

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

AN ACT TO AMEND SUBCHAPTER II, TITLE 30 OF THE DELAWARE CODE RELATING TO CHILD CARE DEDUCTION FOR PERSONAL INCOME TAX PURPOSES OF RESIDENT INDIVIDUALS.

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

Section 1. Amend Subchapter II, Title 30, Delaware Code by adding thereto a new section designated as §1114 to read as follows:

"§1114. Child Care and Dependent Care Expense Credit

(a) A resident individual shall be entitled to a credit against that individual's tax otherwise due under this chapter in the amount of twenty five percent (25%) of the child and dependent care expense credit allowable for federal income tax purposes for the same tax year. In no event shall the allowable credit under this subsection exceed the tax otherwise due under this chapter.

(b) In the case of a husband and wife who file a joint federal return but who elect to determine their Delaware taxes separately, the credit allowed pursuant to this subsection may only be applied against the tax imposed on the spouse with the lower taxable income, computed without regard to such credit, and shall not exceed such tax."

Section 2. This Act shall be applied to all tax years beginning on or after January 1, 1987.

Approved September 5, 1985.

CHAPTER 203

FORMERLY

SENATE BILL NO. 29
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 2

AN ACT TO AMEND SUBCHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE PERSONAL INCOME TAX.

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

Section 1. Amend §1106, Chapter II, Title 30, of the Delaware Code by striking in its entirety paragraph (3) from subsection (b) and substituting in lieu thereof a new paragraph (3) to read as follows:

"(3) Amounts received as pensions by persons under age 60 from employers, the United States, the State or any subdivision thereof, not to exceed $2,000. For taxable years beginning on or after January 1, 1987, amounts received as pensions by persons age 60 or older from employers, the United States, the State or any subdivision thereof, not to exceed $3,000."

Section 2. This Act shall take effect January 1, 1987.

Approved September 5, 1985.

CHAPTER 204

FORMERLY

HOUSE BILL NO. 337

AN ACT ENTITLED " THE TAX REDUCTION ACT OF 1985", WHICH AMENDS CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, RELATING TO THE REDUCTION OF PERSONAL INCOME TAX RATES.

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

Section 1. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by inserting in paragraph (2) of subsection (a) thereof, following the words "after December 31, 1984," and before the words "the amount of tax", the words "and before January 1, 1986.".

Section 2. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by adding a new paragraph (3) to subsection (a) thereof to read as follows:

"(3) For taxable years beginning after December 31, 1985, the amount of tax shall be determined as follows:

1.2% of the amount of taxable income not in excess of $1,000;
1.6% of the amount of taxable income in excess of $1,000, but not in excess of $2,000; 2.5% of the amount of taxable income in excess of $2,000, but not in excess of $3,000; 3.5% of the amount of taxable income in excess of $3,000, but not in excess of $4,000; 4.3% of the amount of taxable income in excess of $4,000, but not in exeess of $5,000; 5.1% of the amount of taxable income in excess of $5,000, but not in excess of $6,000; 5.9% of the amount of taxable income in excess of $6,000, but not in excess of $8,000; 6.6% of the amount of taxable income in excess of $8,000, but not in excess of $10,000; 6.7% of the amount of taxable income in excess of $10,000, but not in excess of $15,000; 6.9% of the amount of taxable income in excess of $15,000, but not in excess of $20,000; 7.2% of the amount of taxable income in excess of $20,000, but not in excess of $25,000; 7.7% of the amount of taxable income in excess of $25,000, but not in excess of $30,000; 9.0% of the amount of taxable income in excess of $30,000, but not in excess of $40,000; 9.7% of the amount of taxable income in excess of $40,000."

Section 3. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by striking from subsection (c) thereof the phrase "paragraph (2)" where it appears and substituting in lieu thereof the phrase "paragraph (3)".

Section 4. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by striking in its entirety the final sentence of subsection (c) and substituting in lieu thereof the following:

"In the event of any revocation of the tax rates established by paragraph (3) of subsection (a) of this section, the following rates shall become effective:

1.2% of the amount of taxable income not in excess of $1,000; 1.6% of the amount of taxable income in excess of $1,000, but not in excess of $2,000; 2.5% of the amount of taxable income in excess of $2,000, but not in exeess of $3,000; 3.5% of the amount of taxable income in excess of $3,000, but not in excess of $4,000;4.3% of the amount of taxable income in excess of $4,000, but not in excess of $5,000; 5.1% of the amount of taxable income in excess of $5,000, but not in excess of $6,000; 5.9% of the amount of taxable income in excess of $6,000, but not in excess of $8,000; 6.6% of the amount of taxable income in excess of $8,000, but not in excess of $10,000; 6.7% of the amount of taxable income in excess of $10,000, but not in excess of $15,000; 6.9% of the amount of taxable income in excess of $15,000, but not in excess of $20,000; 7.2% of the amount of taxable income in excess of $20,000, but not in excess of $25,000; 7.7% of the amount of taxable income in excess of $25,000, but not in excess of $30,000; 9.0% of the amount of taxable income in excess of $30,000, but not in excess of $40,000; 10.0% of the amount of taxable income in excess of $40,000, but not in excess of $50,000; 11.1% of the amount of taxable income in excess of $50,000."

Section 5. Effective with respect to taxable years beginning after December 31, 1985, amend Section 1161, Chapter 11, Title 30 of the Delaware Code by striking from subdivision (1) thereof the figure "$800" and ubstituting in lieu thereof the figure "$1,000".

Section 6. Effective with respect to taxable years beginning after December 31, 1985, amend Section 1161, Chapter 11, Title 30 of the Delaware Code by striking from subdivision (1) the figure "$1,600" and substituting in lieu thereof the figure "$2,000".

Approved September 5, 1985.

CHAPTER 205

FORMERLY

SENATE BILL NO. 45

AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF CERTAIN MOTOR VEHICLES FROM THE OPERATION OF THE MOTOR FUEL TAX.

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

Section 1. Amend §5224, Chapter 52, Title 30, Delaware Code, by adding a new subsection to read as follows:

"(d) This Chapter shall not apply to any motor vehicle being road-tested for sale or any motor vehicle being delivered to or from a motor vehicle dealer, provided that said vehicle displays a valid dealer's license plate."

Approved September 6, 1985.

CHAPTER 206

FORMERLY

SENATE BILL NO. 59

AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO ESTABLISHMENT OF REALISTIC DATES FOR COMPLETING THE DUTIES OF THE SENTENCING ACCOUNTABILITY COMMISSION.

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

Section 1. Amend Chapter 65, Subchapter X, Title 11, Delaware Code by striking Subsections (a) and (b) of §6581 and substituting in lieu thereof, the following:

"(a) A computer driven model of proposed sentencing criteria shall be created by March 1, 1985 which will be able to project the effect of alternative policy decisions on the Department of Correction resources. Sentencing guidelines will be drafted with nonbinding pilot testing by July 1, 1985.

The Commission shall submit to the Supreme Court on or before March 1, 1986, sentencing guidelines developed in accordance with §6580(c) for adoption by Court rule. Such guidelines shall have no force or effect unless so adopted, and shall not in any event authorize or be construed as authorizing the exercise of any power or duty exceeding or conflicting with those heretofore or hereafter granted by Act of the General Assembly or pursuant to inherent authority granted under the Delaware Constitution.

(b) The Commission on or before July 1, 1987 shall recommend to the Governor and the General Assembly legislation necessary for the implementation of the sentencing guidelines."

Approved September 6, 1985.

CHAPTER 207

FORMERLY

SENATE BILL NO. 80
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 19, TITLE 11, DELAWARE CODE RELATING TO PROVIDING STATEWIDE AUTHORITY TO CERTAIN POLICE OFFICERS UNDER CERTAIN CONDITIONS.

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

Section 1. Amend §1911, Subchapter 1, Chapter 19, Title 11, Delaware Code by striking said subsection in its entirety and inserting in lieu thereof §1911 to read as follows:

"§1911. Police Officers; Statewide Authority

(a) For purposes of this section 'police officer' means any police officer holding current certification by the Council on Police Training as provided by Chapter 84, Title 11, Delaware Code and who is:

(1) A member of the Delaware State Police,

(2) A member of the New Castle County Police,

(3) A member of the Police Department, Bureau or Force, of any incorporated city or town, or

(4) A member of the Delaware River and Bay Authority Police.

(b) A police officer may arrest without a warrant at any location within the State any person he has reasonable grounds to believe is committing or attempting to commit a felony in his presence.

(c) An 'on-duty' police officer may arrest at any location in the State any person for any offense committed within the jurisdiction of the officer's employing agency and for whose arrest a warrant has been issued. The 'on-duty' police officer shall where acting outside of his jurisdiction take reasonable measures to notify the primary jurisdictional police agency of the intended time and place of the execution of the arrest warrant.

(d) A police officer may render assistance to another police officer at any location within the State when he reasonably believes that the police officer to be assisted is lawfully performing his duty and that death or injury will occur to that police officer if assistance is not provided.

(e) A police officer acting under the authority of this Section shall be considered to be acting within the scope of his employment.

(f) The provisions of this Section shall not serve to limit the authority of members of the Delaware State Police or other police officers as provided for elsewhere in this Title or by other authority."

Section 2. This Act shall become effective July 1, 1985.

Approved September 6, 1985.

CHAPTER 208

FORMERLY

SENATE BILL NO. 168
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", RELATING TO THE POWER OF THE TOWN TO BORROW MONEY AND ISSUE BONDS.

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

Section 1. Amend Section 24, Chapter 212, Volume 25 Laws of Delaware, as amended, by striking Section 24 in its entirety and inserting in lieu thereof the following new section 24 to read as follows:

"Section 24. In addition to other borrowing powers granted to the Town under this Charter or by special act, the Commissioners of the Town shall have authority to borrow money for any proper municipal purpose through the issuance of bonds or certificates of indebtedness to secure the repayment thereof, on the full faith and credit of the Town, or such other security or securities as the Commissioners shall elect, for the payment of principal thereof and interest due thereon.

(a) By way of illustration and not in limitation, "any proper municipal purpose" includes, but is not limited to:

(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) erecting, extending, enlarging, maintaining, or repairing any plant, building, machinery, or equipment for the manufacture, supplying, or distribution of gas, water, electricity, sewerage, or drainage system, or any of them, and the condemning or purchasing of any lands, easements, and rights of way which may be required therefor;

(3) constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing, and maintaining of curbing and gutters, including storm sewers, along the same, and the condemning or purchasing of lands, easements or rights of way which may be required therefor;

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

(5) defraying the costs to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter;

(6) paying all expenses deemed necessary by the Town Commissioners for the issuance of said bonds or certificates of indebtedness, including bond discount and legal expenses of bond counsel.

(b) All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the Town pursuant to the provisions of this section, and the interest thereon, shall be exempt from all State, County, or Municipal taxes.

(c) In no event shall the indebtedness of the Town of Bethany Beach, authorized by this section, at any one time exceed, in the aggregate, fifteen percent (15%) of the assessed valuation of all real property within the corporate limits of the town of Bethany Beach and subject to assessment for the purpose of levying the annual town taxes as provided in this Charter.

(d) In order to proceed under the power granted in this section, the Commissioners of Bethany Beach shall authorize such borrowing in the following manner:

(1) The Commissioners of Bethany Beach by Resolution shall give notice to the residents and property owners of the Town that the Commissioners of Bethany Beach propose to borrow a certain sum of money for a stated municipal purpose. 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 are deemed pertinent by the Commissioners of Bethany Beach 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 two issues of a newspaper having a general circulation in the Town not less than thirty (30) days nor more than forty-five (45) days prior to the day set for the public hearing. In addition to such publication, the Town Commissioners shall cause to be posted in at least five (5) public places in the Town of Bethany Beach not less than thirty (30) days and not more than forty- five (45) days prior to the day set for the public hearing notices concerning such public hearings.

(3) If following the public hearing, the Commissioners determine to proceed with the proposed borrowing they shall pass a second Resolution 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 said money, the said Special Election to be for the purpose of voting for or against the proposed loan. The passage of the second Resolution calling a Special Election shall ipso facto be considered the determination of the Commissioners of Bethany Beach 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 Bethany Beach not less than thirty (30) days not more than forty five (45) days prior to the Special Election.

In addition to such publication, the Commissioners of Bethany Beach shall cause to be posted in at least five (5) public places in the town of Bethany Beach not less than 30 days and nor more than forty- five (45) days prior to the Special Election public notices concerning the Special Election.

In addition to the time and place of the Special Election, such notices shall contain the same information as required under §24(d)(1) above.

(5) At such Special Election, any person who is entitled to vote in the annual town election shall be entitled to one vote.

(6) any Special Election held pursuant to the provisions of this section shall be conducted by voting machines, electronic voting systems, or printed ballots as permitted by law which shall have the following designation:

[ ] For the proposed borrowing

[ ] Against the proposed borrowing

The voter shall be instructed to mark the box for which he casts his vote. The Mayor of the Town of Bethany Beach, by and with the advice and consent of the majority of the Commissioners of Bethany Beach shall appoint three (3) persons to act as a Board of Special Election. The polling places shall be opened for a minimum of six hours as specified by resolution of the Commissioners. Persons in the polling place at the time appointed for closing of the polls shall be entitled to vote.

(7) The Board of Special Election shall be the sole and final judges of the legality of the votes offered at such special election. It shall keep a true and accurate list of all persons voting. It shall count the votes for and against the proposed borrowing 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 borrowing and the number of void votes and shall deliver the same to the Commissioners of Bethany Beach which said certificate shall be retained by the Commissioners of Bethany Beach with the other papers of the Commissioners of Bethany Beach.

(8) If a majority of the votes cast at such special election shall be in favor of such borrowing, the Commissioners shall proceed with the issuance of the said bonds or certificates of indebtedness.

(e) The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the interest rate, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination, the name thereof and any other matter relative or appurtenant matter pertaining thereto shall all be determined by the Commissioners of Bethany Beach after said Special Election.

(f) The bonds may be sold at either public or private sale. If the bonds shall be offered for public sale they shall be sold to the best and most responsible bidder(s) therefore after advertisement in a manner to be prescribed by the Commissioners of Bethany Beach for at least

one (1) month before offering the same for sale.

(g) The Commissioners of Bethany Beach shall provide for the payment of interest on and principal of the said bonds or certificates of indebtedness at the maturity thereof. The said Commissioners are authorized and empowered, at their discretion, to levy a special tax upon all the real estate within the Town or only upon such real estate as is directly benefited by the improvements paid for by the proceeds of such borrowing to pay interest on said bonds and/or principal; and at their discretion, to establish a sinking fund adequate to the redemption, at or before maturity, of all bonds or certificates of indebtedness which may be issued under the provisions of this Section; provided however, that the amount to be raised under any special tax for this purpose shall not in any one year exceed a sum equal to five per centum of the total bonded indebtedness. The special tax provided for in this Section shall be collected from the owners of real estate in the same manner as the other taxes levied by the said Commissioners are collected. Said Commissioners may also appropriate and set aside for such sinking fund so much of the general funds of said town as they may from time to time think advisable. The sinking fund provided for by this Section shall be deposited in federally insured deposits in a bank, trust company, or other banking institution until such time as it may be needed for the redemption of the bonds.

(h) Unless any such bond(s) or certificate(s) of indebtedness shall provide otherwise, the full faith and credit of the Town of Bethany Beach shall deemed to be pledged for the due payment of the bonds and the interest thereon issued under the provisions of this section when the same shall have been properly executed and delivered for value notwithstanding any other provision of this Charter.

(i) No action contesting the authorization of any bonds or certificates of indebtedness issued under this section shall be brought after the expiration of sixty days from the publication of a notice in at least two newspapers, one of which shall be of general circulation in the Town of Bethany Beach and one of which shall be of general circulation in the State of Delaware, which notice shall announce the following information:

(1) that the Commissioners of Bethany Beach have determined to borrow a certain sum of money and to issue bonds or certificates of indebtedness therefor;

(2) that the proposal has been approved by a majority of those casting votes at a special election in the Town called for the purpose of voting for or against the borrowing;

(3) the amount of money to be borrowed;

(4) the purpose for which it is to be borrowed;

(5) that any person desiring to challenge the authorization of such bonds(s) or certificate(s) of indebtedness must bring his or her action within sixty (60) days from the date of publication of such notice or forever be barred from doing so.

In the event that the two newspapers do not publish the notice on the same date, the date of the last publication shall control.

Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

Section 2. Amend Section 15, Chapter 212, Volume 25 Laws of Delaware as amended, by striking the last two paragraphs thereof and inserting in lieu thereof the following:

"The Commissioners shall have the power to borrow money on the full faith and credit of the Town, without approval of the voters and without regard to the provisions of Section 24 of this Charter, such sum or sums not exceeding in the aggregate Four Hundred Thousand Dollars ($400,000.00), for general purposes and an additional sum or sums not exceeding Nine Hundred Fifty Thousand Dollars ($950,000.00) for the specific purpose of improving or expanding the water plant and system, when, in the opinion of the majority of the Commissioners elected, the needs of the Town require it; provided, however, that any new borrowings under this Section made after the effective date of this Act shall, by their terms, be repayable in full within five (5) years of the date of each such borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of indebtedness of the Commissioners duly authorized by Resolution of the Commissioners and signed by the President and attested by the Secretary of the Commissioners with the town seal affixed. No Commissioner shall be liable for the payment of any such note or any other evidence of indebtedness because it is signed by him as a Commissioner, provided that he is so authorized by Resolution of Commissioners. Such notes or evidences of indebtedness and the interest thereon shall be exempt from all taxation by the State of Delaware, its agencies and political subdivisions.

Any sum(s) of money borrowed on the full faith and credit of the Town shall be paid from the

general funds of the Town. At no time shall the amount of outstanding principal from any such borrowing or borrowings under this section exceed the sum of One Million Three Hundred Fifty Thousand Dollars ($1,350,000.00).

Approved September 6, 1985.

CHAPTER 209

FORMERLY

SENATE BILL NO. 237
AS AMENDED BY HOUSE AMENDMENT NOS. 1,2 AND 3

AN ACT TO AMEND TITLE 17, CHAPTER 13, DELAWARE CODE, RELATING TO THE VACATION, ABANDONMENT AND CLOSURE OF PUBLIC ROADS, BRIDGES AND OTHER RIGHTS OF WAY.

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

Section 1. Amend Section 1301 through 1307, Chapter 13, Title 17, Delaware Code by striking said sections in their entirety and inserting in lieu thereof the following:

"§1301. Jurisdiction of Superior Court and Department of Transportation

(a) The Superior Court shall have jurisdiction to vacate public roads, bridges and all other rights of way, including, but not limited to alleys, pathways, walkways and the like, whether within the jurisdiction of the Department, the County in which it is located, municipalities, towns, any governmental authority or the general public; including areas, not within the jurisdiction of a governmental authority, but for which the general public or specific members of the public have acquired an interest. The Court shall, in its final order, decide all questions raised concerning the vacation or collateral issues including the award of damages and shall further have the authority to review any decision made by the Department, County, or other governmental authority concerning the abandonment or vacation of such rights of way.

(b) The Department shall have jurisdiction and authority to conduct such administrative hearings and procedures as defined herein to vacate or abandon public roads, bridges and all other rights of way, as provided herein.

(c) This chapter shall not preclude the Department from seeking equitable relief in the Court of Chancery for this State on any issue, including, but not limited to injunctive relief, actions to acquire or quiet title, declaratory judgment or any other matter in the nature of an equitable remedy.

§1302. Petition for Vacation and/or Abandonment; Notice Requirements

(a) In any action commenced in Superior Court, five or more residents of the county in which the road, bridge or right-of-way desired to be vacated or to be abandoned is located, the Department, or the County in which the road or bridge is located, may apply to the Superior Court of such County for the vacation or declaration of abandonment thereof, by first giving notice to the Department, and to the County, if neither is the applicant, and to all persons owning property abutting or contiguous to, or which is accessible only by, along or across that part of the road, bridge or right-of-way desired to be vacated, or declared to be abandoned, by mailing to the Department, the County and to such persons or their legal representatives, if known, at their last known address, written notice of their intent to file such petition with the Court at least ten (10) days prior to filing.

(b) Upon the filing of any petition in Superior Court to vacate or to seek a declaration of abandonment of any road, bridge, or other right of way, formal notice shall be provided by the petitioner to the Secretary of the Department, and the chief executive officer(s) of the County in which the right of way is located, by service of process as provided by law. Written notice by registered mail, return receipt requested to such party or their legal representative at their last known post office address at the time of the filing of the application, shall also be made upon all persons owning property abutting or contiguous to or which is only accessible by, along or across that part of the road, bridge or right of way desired to be vacated or declared to be abandoned and by posting signs at 100 foot intervals along such road, bridge or right-of-way desired to be vacated or declared to be abandoned clearly indicating such intent, at least 20 days prior to the hearing date set by the Court on such petition and also by publishing notice at least once per week for two consecutive weeks, to all such parties in interest in a newspaper of general circulation in the County in which said road, bridge or right-of-way is located, clearly providing the place, time and hearing date on the petition set by the Court, at least twenty (20) days prior thereto.

(c) In all cases in which an order of abandonment or vacation is sought by administrative action by the Department, such action may be commenced by the Department, the County or other governmental authority or five or more residents of the County in which the road is located, in accordance with the terms of this chapter.

§1303. Definitions

For purposes of this chapter the following definitions shall apply:

(a) 'Abandonment' shall mean the loss of all right, title and interest and jurisdiction in any road, bridge or other right-of-way, previously held by the Department, other governmental authority or the general public and originally created solely by public use, in which the Department, other governmental authority or the general public have clearly indicated an intent to surrender all right, title, interest and jurisdiction therein through lack of use, care or maintenance thereof.

(b) 'Public Use' shall mean the consistent use by one or more members of the general public for a minimum period of seven (7) years over an area to which no other person or entity has a clear, legal or equitable right. This section shall not apply to any area owned or controlled by the Department or other governmental authority.

(c) 'State Maintained Street' shall mean any road, bridge or other right-of-way regardless of use which is within the control or jurisdiction of the Department.

(d) 'Vacation' shall mean the transfer of all right, title, interest and jurisdiction in any road, bridge or other right-of-way when the Department, other governmental authority or the general public have clearly indicated an intent to abandon through lack of use, care or maintenance thereof any road, bridge or other right-of-way originally created solely by public use.

§1304. Vacation and Abandonment Hearing

(a) In all proceedings in Superior Court, after all interested parties have received notice in accordance with this Chapter, a hearing shall be held in Superior Court, at which time, each party before the court, including the Department, the County in which the right-of-way is located, all abutting land owners or all interested parties, may present relevant evidence regarding the necessity or advisability of the continued use of the road, bridge or right-of-way for the benefit of the general public or interested parties. Upon conclusion of the hearing, the Superior Court shall order whether said road, bridge, or other right-of-way shall be vacated or declared to be abandoned. Any administrative hearing conducted by the Department shall address the same issues and utilize the criteria defined in this chapter.

(b) The Court shall also decide such other collateral issues which are raised at the hearing, including, but not limited to, whether the Department holds title to the road, bridge or other right-of-way by virtue of 17 Del. C. §509, by deed transfer or by some other means; whether the Department, County, other governmental authority, or the general public has an interest in such road, bridge, or right-of-way by virtue of dedication, easement, or some other means; whether such parties have a compensable interest and to whom the land, bridge or other right-of-way shall revert in the event of vacation or declaration of abandonment.

(c) Any administrative hearing to consider the question of abandonment or vacation shall be conducted in accordance with the terms of this chapter.

(d) There is a rebuttable presumption, as to all roads, bridges or other rights-of-way created or used at any time within this State, that each shall continue in existence until officially vacated or abandoned by judicial or administrative action pursuant to this Chapter.

(e) In determining whether any road, bridge or other right-of-way should be vacated or declared to be abandoned, the Court or the administrative agency shall make a determination as to whether the Department, other governmental agency or general public have a use or need for the continued existence of such road, bridge, or right-of-way and the judgment of the Department to keep it open shall be paramount. In making a determination in this regard, the Court or the Department shall consider such items as may be pertinent including, but not limited to: alternative routes, fitness for travel of the respective routes, previous relocation of routes performed by public authority, use of the new route as a bypass rather than an independent route, service, maintenance and repair of the respective routes, barricades or other man made or natural obstructions within and along the routes, the financial impact upon any interested party and any other item which the Court or the Department may deem pertinent.

(f) Any state maintained street shall not be vacated or abandoned without the consent of the Department.

(g) As the result of the public use, as defined herein, the general public may have acquired a right to the use of such right-of-way, if clearly evidenced intent has been demonstrated such as by the grant of an easement or dedication, regardless of whether such area is classified as a state maintained street, as defined herein. Any such right of the general public to use such right-of-way shall not place the responsibility of maintenance with the Department or any other governmental authority, without formal acceptance of such responsibility.

§1305. Right-of-Way Jurors; Appointment and Direction as to Return

(a) If the Superior Court orders that the road, bridge or other right-of-way shall be vacated, or

declared to be abandoned, it shall then appoint five (5) judicious and impartial right-of-way jurors of the county to view said road, bridge or right-of-way and make return on a date fixed by the Court. The Court shall authorize the right-of-way jurors, so appointed, to employ, if necessary, a surveyor, and direct said right-of-way jurors to determine who shall enclose the area vacated or abandoned or any part thereof, and what portion of the costs such persons or agencies ought to pay respectively, all of which shall be set out in the return.

(b) The right-of-way jurors named in the commission shall be first sworn or affirmed as shall be directed in the commission.

(c) The return of the jurors shall be made to the Superior Court or to a Judge thereof, who shall file the same in the Office of the Prothonotary.

(d) In all cases such right-of-way jurors shall assess the damages which the Department, County, governmental authority, owner or other parties in interest will sustain by reason of such road, bridge or right-of-way vacation or abandonment; including but not limited to loss of use, impact upon other roads, bridges or right-of-way, improvements previously made thereto, loss of benefit or esthetic value to the public, inconvenience or the use of road or bridge materials and considering all circumstances of benefit or injury which may accrue to any such party in interest therefrom and make a recommendation to the Court, in the return, as to apportionment thereof.

§1306. Damages; Hearing

(a) On a day fixed by the Court, a hearing shall then be had on the issue of damages as presented in the return. At such hearing all interested parties may present evidence and argument regarding the question of damages, their amount and apportionment, as are permitted under this section or at the discretion of the Court. At the close of said hearing, the Court shall enter an order affixing damages in such manner as it determines the evidence warrants.

(b) All damage questions shall be decided as provided in this chapter and shall include the right of the Department to recover the actual value of the real property, if it holds title thereto; to recover reasonable expenses for its loss of use of said vacated land, bridge, or right-of-way, whether jurisdiction has been acquired by title, dedication, easement or some other means; and any reasonable costs and expenses incurred as a result of said vacation or abandonment resulting from an impact to other lands, bridges or rights-of-way, within the jurisdiction of the Department.

(c) Payment of damages shall be in such amounts and under such terms and conditions as the Superior Court, by order, shall direct. Any order of the Superior Court to vacate or abandon a road, bridge, or right-of-way shall not become final until all damages have been paid in accordance with the Court's order.

(d) Whenever any interested party neglects or omits to pay or tender the amount of ascertained damages to the parties or persons entitled to the same, said interested party shall be subject to the contempt power of the Court, upon proper application by any party or person to whom damages are payable pursuant to the terms of the Court's order regarding same.

(e) Any other provision of this chapter notwithstanding, the Court or the Department in making a determination as to what damages shall be paid by the Department only two factors shall be considered: (1) only persons owning real property abutting the road or part thereof to be vacated or abandoned shall be entitled to recover damages. (2) Any damages which may be otherwise recoverable by such persons from the Department must be offset by a monetary estimate of the benefit to be derived by said abutting real property owner.

(f) Any hearing on damages conducted at an administrative hearing shall be as provided herein.

§1307. Appeal

Any interested party before the Superior Court may appeal the Court's decision to the Supreme Court, within thirty (30) days of the final order thereon, regarding the question of whether the road, bridge or right-of-way shall be vacated or abandoned or the question of the amount of damages and their apportionment or any other matter raised at the Superior Court hearing."

Section 2. Amend §1308(b), Chapter 13, Title 17, Delaware Code by striking the words "vacating roads or bridges" and substituting in lieu thereof the following:

"vacating or abandoning roads, bridges or other rights-of-way,"

Section 3. Amend §1309, Chapter 13, Title 17, Delaware Code by striking said section in its entirety and by inserting in lieu thereof the following:

"§1309. Costs of Proceedings

The costs of proceedings for vacating, or abandoning a road, bridge or other right-of-way shall be paid by the petitioners, unless such petition is granted in which case such costs shall be paid by the party or persons authorized by the return to enclose it and in the pro-rata share fixed by the return, before such enclosure."

Section 4. Amend §1311, Chapter 13, Title 17, Delaware Code by striking said section in its entirety and inserting in lieu thereof the following:

"§1311. Vacation of Public Roads by Administrative Action of Department; Procedure

In all cases in which the necessity for existing public roads has ceased to exist because they have been superceded by improved roads or highways constructed by the Department whether a state maintained street or otherwise; or their necessity has ceased to exist as a part of the general highway system of the State; the Department may vacate or abandon such public roads or such part thereof as the Department may deem proper, and may determine who shall enclose the same. The Department, may at any time, determine that a public road, not serving the general public and not maintained by the Department for a period of twenty (20) years, shall be abandoned and no longer be under the Department's jurisdiction. The procedure therefor shall be as follows:

(a) Whenever the necessity for the continuation of an existing public road in this State or a portion thereof, shall cease to exist, as stated in this section, the Department, shall by resolution, signed by the Secretary, fix a time and place at which persons interested, including the County wherein the road is located, may be heard with respect to the vacation or abandonment thereof. A copy of the resolution shall be published in a newspaper of the County in which the public road is located in at least two issues thereof, prior to the date fixed for the hearing, and likewise a copy of the resolution shall be sent by mail addressed to the chief executive officer(s) of the County wherein the road is located and to the owners of the land abutting or contiguous to the road, or part thereof, and to owners whose land is accessible only by, along or across that part of the road, at least 20 days prior to the day fixed for the hearing. The copy shall be addressed to the owners at their last known post office addresses, if such can be ascertained by reasonable inquiry, otherwise the publication of the resolution shall be deemed to be sufficient.

(b) The Department shall, on the day and time fixed, proceed to hear persons interested and shall consider any objection to the vacation or abandonment of the road, or part thereof and shall make a determination concerning the same. If the Department determines that no necessity exists for continuation of the public road, or part thereof, it may order the same to be vacated or abandoned and may determine who shall enclose the same. The order of the Department shall be entered in the road books or records of the County in which the public road is located, after any appeal time as lapsed, together with a description of the road, or part thereof, ordered to be vacated or abandoned and thereupon the road, or part thereof, shall cease to exist as a public road, and the persons entitled to enclose the same may proceed to use and occupy the vacated or abandoned road.

(c) The Department may vacate any public road in this State running parallel with an improved highway in this State, provided, that all the abutting property owners along the public road consent to the vacating of such public road and signify such consent in writing and provided further that such vacation shall have no significant adverse impact upon any party or person owning property which is only accessible by, along or across that part of the road to be vacated; provided however, that circuity of access alone shall not be considered significant adverse impact for purposes of this section.

(d) Whenever any public road is vacated or abandoned pursuant to this section, unless specifically determined otherwise by the Department, the abutting property owners on either side thereof shall be permitted to extend the boundaries of their respective property to the middle of such vacated or abandoned public road and shall own all of that land to said middle of the vacated or abandoned public road. If required, the Department may issue a deed of such land suitable for filing.

(e) The Department, at an administrative hearing conducted after prior notice to all interested parties as provided in this chapter, may determine and award an apportionment of damages under the criteria set forth in this chapter. Such award of damages shall be strictly enforceable by any party or person by application to the Superior Court, which may then adopt, modify or remand such award in the form of an enforceable order."

Section 5. Amend §1312, Chapter 13, Title 17, Delaware Code by striking said section in its entirety and inserting in lieu thereof the following:

"§1312. Appeal from Administrative Decision

Any interested party appearing before the Department may appeal such administrative decision to the Superior Court within 30 days of the final order therefrom. Regarding the question of whether the road shall be vacated or abandoned or the question of the amount of damages and their

apportionment. Any appeal not made pursuant to this section shall be barred and the decision of the Department shall be strictly enforceable by the Superior Court, pursuant to this chapter."

Section 6. Amend Chapter 13, Title 17 of the Delaware Code by adding a new §1313 as follows:

§1313. Road Closures.

(a) For purposes of this section, the following definitions shall apply:

(1) "Closure" - means the physical erection of temporary or permanent barricades and/or construction or reconstruction in any manner inhibiting the movement of vehicular or pedestrian traffic at any point along or adjacent to any road, street, bridge or other right-of-way.

(2) "Governmental Authority" - means the Department of Transportation in the case of any State maintained road, street, bridge or other right-of-way, or any other county, municipality or other political subdivision having the care, custody, control or jurisdiction of any road, street, bridge or other right-of-way.

(3) "Private Owner" - means any non-public owner or owners of any land dedicated to public use or to which the public may otherwise have a right to use as a road, street, bridge or other right-of-way.

(4) "Notice" means publication once a week for two consecutive weeks in a newspaper of general circulation within the county in which such road, street, bridge or other right-of-way is located and written correspondence from the petitioner to each governmental authority or private owner having jurisdiction of or owning property abutting such road, street, bridge or other right of way in the form of a registered letter, return receipt requested.

(b) The Superior Court may, upon hearing and notice as provided in this Section and upon a specific finding of the existence of a safety hazard or other valid public purpose, order temporary or permanent closure of any road, street, bridge or other right-of-way within this State. The Court in making its determination, may further order, the Governmental Authority having control or jurisdiction of such road, street, bridge or other right-of-way to prepare a statistical and factual report to be submitted to the Court detailing the usage of the road, the specific safety or other valid public purpose or reason ordering its closure and the impact such action will have upon the users of such road, street, bridge or other right-of-way.

(c) Upon the receipt of any report prepared by the Governmental Authority relating to any right-of-way within its respective control or jurisdiction, the Court may order a hearing or take any other such action which it determines to be necessary to evaluate and determine whether such road, street, bridge or other right-of-way should be closed and the means and methods of such closure.

Section 5. Strike the words "freeholder" or "freeholders" wherever it appears in this chapter and substitute in lieu thereof the words "juror" or "jurors" respectively.

Approved September 6, 1985.

CHAPTER 210

FORMERLY

SENATE BILL NO. 288

AN ACT TO AMEND CHAPTER 11, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF DENTAL EXAMINERS.

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

Section 1. Amend Section 1101, Subchapter I, Chapter 11, Title 24 of the Delaware Code by repealing said section in its entirety and inserting in lieu thereof the following:

"Section 1101. Establishment; composition; qualifications.

The Delaware State Board of Dental Examiners, hereafter in this Chapter referred to as the "Board", shall consist of seven members. Five of those members shall be residents of this State who have been licensed to practice, and have been actively practicing, dentistry in this State for a period of five years immediately preceding their appointment to the Board. One member of the Board shall be a resident of this State who has been licensed to practice, and has been actively practicing, dental hygiene in this State for a period of five years immediately preceding appointment to the Board.

One member of the Board shall be a resident of this State for the five years preceding appointment to the Board. Said public member shall not be nor ever have been licensed as a dentist nor as a dental hygienist; nor be a member of the immediate family of a dentist or dental hygienist; shall not have been employed by a dentist; shall not have had a material financial interest in the providing of goods and services to those licensed in this Chapter; nor have been engaged in any activity directly related to dentistry or dental hygiene; shall not have been licensed in any health-related field nor be licensed to practice law. Said public member shall be accessible to inquiries, comments and suggestions from the general public.

The dental hygiene member and the lay member of the Board shall have full voting privileges, except that they shall not be empowered to pass upon the clinical competency of persons who have applied to be licensed as dentists. Nor shall the lay member of the Board be empowered to pass upon the clinical competency of a person who has applied to be licensed as a dental hygienist."

Section 2. Amend Section 1102, Subchapter I, Chapter 11, Title 24 of the Delaware Code by repealing said section in its entirety and substituting in lieu thereof the following:

"Section 1102. Appointments; tenure; persons ineligible; removal.

All members of the Board shall be appointed by the Governor for a term of four years or until their successors are appointed and qualified. No person shall be eligible for appointment to the Board who is in any manner connected with or interested in any dental college or the dental department of any college or university or the dental supply business. No person shall be eligible for appointment to the Board who is an officer of either the Delaware State Dental Society or the Delaware Dental Hygienists' Association.

The Governor may remove from office at any time any member of the Board for continued neglect of duty required by this Chapter or for incompetence or unprofessional or dishonorable conduct."

Section 3. Amend Section 1104 (a), Subchapter I, Chapter 11, Title 24 of the Delaware Code by adding a new paragraph to said subsection to be designated as paragraph (5), which shall read as follows:

"(5) Adopt regulations and procedures regarding the administration of analgesia, sedation or anesthesia, other than local, as the Board may deem proper, including the adoption of regulations and procedures requiring dentists to be certified by the Board prior to the administration of analgesia, sedation or anesthesia other than local, if such certification is deemed proper by the Board."

Section 4. Amend Section 1104 (b), Subchapter I, Chapter 11, Title 24 of the Delaware Code by repealing said subsection in its entirety and inserting in lieu thereof the following:

"(b) Prior to the issuance of a certificate to practice dentistry, a majority of the dental members of the Board must find that the applicant has successfully passed his or her examination. Prior to the issuance of a certificate to practice dental hygiene, a majority of the dental and dental hygiene members of the Board must find that the dental hygiene applicant has successfully passed his or her examination. A concurrence of the majority of the entire Board, including the dental hygiene member and the public member of the Board, shall be necessary to revoke or suspend either a certificate as a dentist or dental hygienist issue under this chapter."

Section 5. Amend Section 1122 (a) (1), Subchapter II, Chapter 11, Title 24 of the Delaware Code by the deleting the number "14" where said number appears in s. 1122 (a) (1) and substitute in lieu thereof the number "60".

Section 6. Amend Section 1122 (a) (2) (D), Subchapter II, Chapter 11, Title 24 of the Delaware Code by repealing said subparagraph in its entirety and substituting in lieu thereof the following:

"(4) he or she has spent one year as a dental intern or resident in a school, institution or hospital approved by the Board, or, in lieu thereof, one year of active service as a dental officer with the armed forces of the United States, or has had five years of active dental practice of some other state or territory of the United States; and accompanied by the examination fee established by the Board."

Section 7. Amend Section 1125 (b), Subchapter II, Chapter 11, Title 24 of the Delaware Code by repealing said subsection in its entirety and substituting in lieu thereof the following:

"(b) The biennial certificate of registration shall be issued by the Secretary-Treasurer of the Board upon payment of a fee established by the Board and upon the furnishing of satisfactory proof that the dentist has met continuing education requirements established by the Board by regulation."

Section 8. Amend Subchapter II, Chapter 11, Title 24 of the Delaware Code by adding a new section thereto, which shall be designated as Section 1135 and shall read as follows:

"S. 1135. Disciplinary procedures; complaints, hearings; appeals.

(a) Any practitioner or member of the public who has a question or complaint concerning any aspect of the practice of dentistry or dental hygiene 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.

The Board shall investigate any complaint, including oral complaints; and shall follow through on those complaints which, upon investigation, appear to be valid and well-founded. In cases where the complainant is known to the Board it shall, within six weeks after the receipt of the complaint, notify the complainant whether or not it will take any action in the matter. If the Board decides to take no action it shall, by letter, state its reasons therefor. A record shall be kept of each complaint, formal or informal, for a period of five years.

(b) Upon receipt of a complaint against a practitioner, the Board shall determine what action (if any) it shall take. 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, unless circumstances surrounding the complaint warrant a lengthier investigation. The Board shall fix 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 will be effected in the same manner as with civil litigation.

(c) All hearings shall be informal without 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 a decision. A copy of the decision shall be mailed immediately to the complainant and 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 to the Superior Court within that time.

(d) Where either the complainant or the practitioner is in disagreement with the

action of the Board, either person may appeal the Board's decision to the Superior Court within thirty days of service, or of the postmarked date of the Board's decision. Upon such appeal, the Court shall hear the evidence on the record, and the filing of an appeal shall act as a stay of the Board's decision, pending final determination of the appeal."

Section 9. Amend Section 1151, Subchapter III, Chapter 11, Title 24 of the Delaware Code by repealing said section in its entirety and substituting in lieu thereof the following section:

"Section 1151. Application of registration; qualifications of applicants.

Any person desiring to become registered as a dental hygienist in this State shall:

(a) Be at least eighteen years of age; and

(b) Be a person of good moral character; and

(c) Furnish satisfactory proof to the Board that he or she was graduated from high school and that he or she graduated from a dental hygiene academic program at least two academic years in duration which has been approved by the Board or, if graduated from a dental hygiene school prior to 1953, that he or she graduated from a dental hygiene program of at least one year in duration, which program was approved by the Board at the time of graduation; and

(d) File a written application for registration as a dental hygienist with the Secretary-Treasurer of the Board at least sixty days before the time set for the examination. Such application shall be verified under oath and accompanied by the examination fee established by the Board."

Section 10. Amend Section 1154 (b), Subchapter III, Chapter 11, Title 24 of the Delaware Code by repealing said subsection in its entirety and inserting in lieu thereof the following:

"(b) The biennial certificate of registration shall be issued by the Secretary-Treasurer of the Board upon payment of the fee as established by the Board and upon the furnishing of satisfactory proof that the dental hygienist has met continuing education requirements established by the Board by regulation and has successfully completed a course in cardiopulmonary resuscitation approved by the Board."

Section 11. Amend Section 1157 (b), Subchapter III, Chapter 11, Title 24 of the Delaware Code by repealing said subsection in its entirety and substituting in lieu thereof the following:

"(b) The registered dental hygienist may remove calculus deposits, plaque, acretions and stains from all surfaces of the teeth and make instrumental examinations of the teeth for cavities and assemble all necessary information for use by the dentist in diagnosis and treatment planning and may perform such prophylactic or preventive measures in the case of teeth, including the application of chemicals to the teeth designed and approved for the prevention of dental caries, as the Board may from time to time authorize, but shall not perform any other operation on the teeth or tissues of the mouth."

Section 12. Amend Chapter 11, Title 24 of the Delaware Code by striking the word "oral" whenever said word immediately precedes the words "hygiene" or "hygienist(s)" and inserting in lieu thereof the word "dental".

Section 13. Amend Subchapter V, Chapter 11, Title 24 of the Delaware Code by adding a new section which shall read as follows:

"Section 1192. Reports of dental malpractice actions.

The prothonotary in each county of the State of Delaware shall report to the Board the adjudication of any dental malpractice claim against a dentist which was filed in their offices or the settlement of any dental malpractice claim which was filed in their offices."

Section 14. Amend Subchapter V, Chapter 11, Title 24 of the Delaware Code by adding a new section to be designated as Section 1193 and to read as follows:

"Section 1193. Dental malpractice limitations.

No action for recovery of damages against a dentist, dental hygienist or dental assistant for personal injury, including death, allegedly suffered in the course of dental treatment, shall be brought after the expiration of two years from the date upon which such injury occurred; provided, however, that:

(1) Solely in the event of a personal injury the occurrence of which, during such period of two years was unknown to and could not in the exercise of reasonable diligence have been discovered by the injured person, such action may be brought prior to the expiration of three years from the date upon which such injury occurred, and not thereafter; and

(2) A minor under the age of six years shall have until the latter time for bringing such an action as provided for hereinabove or until the minor's sixth birthday in which to bring an action.

Section 15. Amend Section 1152, Subchapter III, Chapter 11, Title 24 of the Delaware Code by striking the first paragraph of said section in its entirety and substituting in lieu thereof the following:

"An applicant for a certificate of registration as a dental hygienist shall appear before the Board at the first meeting following the filing of his or her application and pass a satisfactory examination consisting of practical clinical demonstrations and a written examination on such subjects as the Board may prescribe. The written examination shall be prepared by the Board in conjunction with the Dental Hygiene Advisory Committee."

Section 16. Amend Chapter 11, Title 24 of the Delaware Code by creating a new section 1110 to read as follows:

§1110 Dental Hygiene Advisory Committee.

(a) The Delaware Dental Hygiene Advisory Committee, heretofore established and hereafter in this Chapter referred to as the "Committee" shall serve the Board on matters pertaining to the policy and practice of dental hygiene.

(b) The Committee shall henceforth be appointed by the Governor and shall consist of three duly licensed practicing Dental Hygienists of the State of Delaware. Each member of the Committee at the time of his or her appointment, shall have been a resident of and in the active and reputable practice of dental hygiene in the State of Delaware for the two years immediately preceding their appointment. No person shall be eligible for appointment who is in any manner connected with or interested in any Dental Hygiene College or the Hygiene Department of any college or university or any commercial dental emterprise.

The length of term for each such Committee member shall be three years, or until their successors are nominated and qualified, with the terms rotating so that one new member is added, one member retired, each year.

All present appointments to the Committee shall remain in effect until their terms of appointment expire.

The Governor may remove any member form the Committee at any time for continued neglect of duty or for incompetency or unprofessional or dishonorable conduct."

Approved September 6, 1985.

CHAPTER 211

FORMERLY

SENATE BILL NO. 306
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE RELATING TO RESIDENTIAL MENTAL HEALTH TREATMENT SERVICES PROVIDED BY THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

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

Section 1. Amend §9003 (3), Chapter 90, Title 29, Delaware Code by striking the word "inpatient".

Section 2. Amend §9003 (3), Chapter 90, Title 29, Delaware Code by adding a new subsection in §9003 (3) k which shall state the following:

"k. A continuum of residential mental health services, which shall include, but not be limited to, inpatient psychiatric hospitalization for all children requiring such care; mental health residential treatment centers; and specialized mental health treatment services in other group-care facilities and foster homes."

Section 3. Amend Chapter 90, Title 29, Delaware Code by adding a new section §9019 which shall state the following:

"§9019. Liability for maintenance of children in residential Mental Health Services; collection remedies

(a) Any person liable for the support of a child under any law of this State shall be liable for the care, maintenance and support furnished to a child committed or admitted to residential mental health services provided by the Department of Services for Children, Youth and Their Families.

(b) The Department of Services for Children, Youth and Their Families may collect from any such person all monies necessary to discharge and pay all liability of such child for his care, maintenance and support; provided however, that such liability is based upon ability to pay and in accordance with §7940, Subchapter III, Chapter 79, Title 29, Delaware Code.

(c) The Department of Services for Children, Youth and Their Families may also proceed for the recovery of the monies necessary for care, maintenance and support in an action to be brought in any court of competent jurisdiction in the name of the Department.

Approved September 6, 1985.

CHAPTER 212

FORMERLY

SENATE BILL NO. 311

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY (FY 1986 BUDGET BILL), AND SENATE BILL NO. 2 OF THE 133RD GENERAL ASSEMBLY; AUTHORIZING THE PURCHASE, TRANSFER, AND SALE OF CERTAIN REAL PROPERTIES BY THE STATE, CERTAIN OF ITS AUTHORITIES, AND NEW CASTLE COUNTY; CLARIFYING PROVISIONS PERTAINING TO THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY AND THE DELAWARE TRANSPORTATION AUTHORITY WITH RESPECT TO THE ISSUANCE AND ADMINISTRATION OF BONDS; ESTABLISHING PROCEDURES FOR THE INVESTMENT OF CERTAIN FUNDS; PLACING CERTAIN CONDITIONS ON THE APPROPRIATIONS CONTAINED IN THIS ACT AND PREVIOUS ACTS OF THE STATE; AND MAKING CERTAIN OTHER CHANGES TO THE DELAWARE CODE AND LAWS OF DELAWARE.

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

Section 1. Authorization of Twenty-Year Bonds. The State hereby authorizes the issuance of $18,410,814 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 1986 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department, Agency, or Instrumentality	Amount
Delaware Development Office	$ 632,000
Department of State	250,000
Department of Administrative Services	2,851,000
Department of Natural Resources & Environmental Control	4,373,814
Department of Transportation	3,500,000
University of Delaware	3,640,000
Delaware Technical & Community College	1,100,000
State Board of Education (As Provided Below)	2,064,000

Purpose	Maximum State Share	Local Share	Maximum Total Cost
Cape Henlopen School District	$1,864,000	$1,243,000	$3,107,000
MCI - Statewide	200,000	80,000	280,000
Subtotal	$2,064,000	$1,323,000	$3,387,000

TOTAL	$18,410,814

Section 2. Authorization of Ten-Year Bonds. The State hereby authorizes the issuance of $23,687,037 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 1986 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department, Agency, or Instrumentality	Amount
Department of Health & Social Services	$ 615,000
Department of Natural Resources & Environmental Control	167,537
Department of Transportation	22,904,500
TOTAL	$23,687,037

Section 3. Appropriation of First State Improvement Fund. The State hereby authorizes the appropriation of Twelve Million Five Hundred Thousand Dollars ($12,500,000.00) from the First State Improvement Fund to the following departments, agencies, and instrumentalities of the State and in the following amounts for the purposes set forth in the Fiscal Year 1986 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department, Agency, or Instrumentality	Amount
Delaware Development Office	$ 3,418,000
Department of State	1,350,000
Department of Administrative Services	2,403,814
Department of Health & Social Services	2,578,000
Department of Services for Children, Youth & Their Families	260,000
Department of Public Safety	75,000
Department of Agriculture	50,000
Delaware National Guard	64,186
State Fire Prevention Commission	101,000
State Board of Education (As Provided Below)	2,200,000

Purpose	Maximum State Share	Local Funds	Maximum Total Cost
MCI - Statewide	$2,000,000	$ 800,000	$2,800,000
Brandywine School Dist.	200,000	-0-	200,000
Subtotal	$2,200,000	$ 800,000	$3,000,000

TOTAL $12,500,000

Section 4. Appropriation of General Funds. The State Treasurer and Secretary of Finance are hereby authorized and directed to transfer $10,265,200 from the General Fund to the following departments, agencies, and instrumentalities of the State and in the following amounts for the purposes set forth in the Fiscal Year 1986 Capital Improvements Project Schedule attached hereto and made a part hereof. This is a supplementary appropriation of the monies appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended or unencumbered as of June 30, 1988, shall revert to the General Fund of the State of Delaware.

Department, Agency or Instrumentality	Amount
State Budget Office	$ 300,000
Department of State	200,000
Department of Administrative Services	3,432,000
Department of Health & Social Services	800,000
Department of Correction	321,000
Department of Natural Resources & Environmental Control	2,364,186
Department of Public Safety	400,000
Department of Community Affairs	$ 250,000
Delaware National Guard	259,814
State Fire Prevention Commission	222,400
Delaware Technical & Community College	250,000
State Board of Education	1,465,800
TOTAL	$10,265,200

Section 5. 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:

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Account Code	Amount
Delaware Development Office	63/387	10-03-003-53-14	$600,000
TOTAL			$600,000

Section 6. Deauthorization of State Guaranteed Bonds.

(a) Amend §5054(d)(2) of Title 29 of the Delaware Code, as amended, by striking the number "$31,378,000" wherever it appears in said Subsection and inserting in lieu thereof the number "$28,733,899".

(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. The provisions of Section 11 of Chapter 387 of Volume 63 of the Laws of Delaware shall apply in this regard.

Section 7. 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 State Treasurer's Bond Reversion Account (12-05-003-40-00).

Department or Agency	Authorized Vol. & Ch.	Project Account Code	Amount
Dept. of Health & Social Services	62/407	35-06-002-51-15	$ 410
Dept. of Health & Social Services	62/407	35-11-002-51-14	10
Dept. of Natural Resources and Environmental Control	64/343	40-06-001-55-12	100,000
Dept. of Public Safety	62/407	45-03-001-51-12	21
TOTAL			$100,441

Section 8. Transfers from Reversion Account. The State Treasurer shall transfer, as funds become available, the sum of Three Million Six Hundred Forty Seven Thousand Eight Hundred Sixty Dollars ($3,647,860.00) from the State Treasurer's 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 1986 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department or Agency	Amount
Department of Natural Resources & Environmental Control	$ 697,463
Department of Community Affairs	50,000
Department of Transportation	50,000
University of Delaware	40,000
Delaware State College	870,000
Delaware Technical & Community College	275,000
State Board of Education (As Provided Below)	1,665,397

Purpose	Maximum State Share	Local Share	Maximum Total Cost
School Building Maintenance	$ 800,000	$ 0	$ 800,000
Delmar Roof Replacement	76,800	51,200	128,000
Appoquinimink School District	300,000	200,000	500,000
Sussex County Consortium	320,000	0	320,000
Christina Autistic House	168,597	0	168,597
Subtotal	$1,665,397	$ 251,200	$1,916,597
TOTAL			$3,647,860

Section 9. Transfers From the School Bond Reversion Account. Notwithstanding the provisions of any other State law, the State Treasurer shall transfer the sum $6,403 on deposit in the School Bond Reversion Account (12 05 003 60 00) for the following purpose in the following amount as set forth in the Fiscal Year 1986 Capital Improvements Projects Schedule attached hereto and made a part hereof:

	State Board of Education
Christina Autistic House	$6,403

Section 10. DOT – Reprogramming of Prior Authorizations. Pursuant to previous Acts of the General Assembly, certain highway projects were authorized for DTA Corridor/Non-Corridor, DTA Suburban Streets, Paving and Rehabilitation, and Suburban Streets. Because projects authorized have either been completed at less than anticipated cost or cannot proceed any further, the General Assembly hereby authorizes the sum of Five Hundred Twenty-Five Thousand Five Hundred Dollars ($525,500.00) previously appropriated to the following accounts and in the following amounts, to be used to carry out new projects as set forth in the Fiscal Year 1986 Capital Improvements Project Schedule attached hereto and made a part hereof.

Funds Reprogrammed

Fund	Amounts
Suburban Streets (55-05-000-56-00)	$ 287,500
DTA Suburban Streets (55-05-000-69-00)	61,000
Pave & Rehabilitation (55-05-000-64-00)	27,000
DTA Corridor/Non-Corridor (55-05-000-66-00)	150,000
TOTAL	$ 525,500

In order to accomplish this reprogramming, the State Treasurer is authorized and directed to reduce the unencumbered balance in project code 55-05-000-69-00 by Sixty-One Thousand Dollars ($61,000.00) and to increase the unencumbered balance in project code 55-05-000-56-00 by Sixty One Thousand Dollars ($61,000.00). It is the intent of the General Assembly that this fund transfer shall be accomplished with funds appropriated from the DTA Road Improvement Fund.

Section 11. Delaware Transportation Authority (DTA) Bonds. Pursuant to Section 1302 of Title 2 of the Delaware Code, as amended, the General Assembly hereby authorizes additional bonds of the Authority not to exceed the sum of Four Million Forty-Seven Thousand Dollars ($4,047,000.00) to carry out improvements to the State's highway and road system as further detailed in the Fiscal Year 1986 Capital Improvements Project Schedule attached hereto and made a part hereof.

Section 12. Delaware Transportation Authority–Appropriation of Surplus Balances.

There is hereby appropriated the sum of Nineteen Million Six Hundred Thousand Dollars ($19,600,000.00) in Authority funds from the Road Improvement Fund of the Delaware Transportation Authority established pursuant to Section 1310(c)(11) of Title 2 of the Delaware Code, as amended, and by resolution or indenture of the Authority. Such funds shall be applied to the following project accounts in the following amounts:

Department of Transportation	Amount
Corridor/Non-Corridor (55-05-000-66-00)	$ 9,403,000
Paving & Rehabilitation, Resurfacing (55-05-000-64-00)	10,197,000
TOTAL	$19,600,000

The Secretary of the Department of Transportation shall transfer from funds in the DTA Road Improvement Fund on deposit with the Trustee to the appropriate special funds of the State, such amounts and at such times 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 or specifically rescinded by an act of the General Assembly.

Section 13. Roadway Maintenance and Miscellaneous Projects. There is hereby appropriated the sum of Three Million One Hundred Sixty Thousand Dollars ($3,160,000.00) from the General Fund of the State to the Revenue Fund of the Delaware Transportation Authority (20386-1). The funds appropriated by this Section shall then be made available to the Road Improvement Fund established pursuant to Section 1310(c)(11) of Title 2 of the Delaware Code and a resolution and indenture of the Delaware Transportation Authority. The sum of Two Million Dollars ($2,000,000.00) of these funds shall be used by the Department of Transportation to carry out necessary Roadway Maintenance projects as determined by the Secretary of the Department of Transportation. The sum of One Million Dollars ($1,000,000.00) shall be used for Drainage and Miscellaneous Projects and the sum of One Hundred Sixty Thousand Dollars ($160,000.00) shall be used for Commuter Rail.

Section 14. Capital Investment Fund. There is hereby appropriated the sum of One Million Nine Hundred Thousand Dollars ($1,900,000.00) from the Capital Investment Fund, held by the State Treasurer, to Delaware Technical and Community College to supplement the sum of One Million One Hundred Thousand Dollars ($1,100,000.00) appropriated in Section 1 of this Act for the purposes of completing the Wilmington Campus expansion.

Section 15. Delaware Transportation Authority. Amend Section 1312 of Chapter 13 of Title 2 of the Delaware Code, as amended, by striking the entire section following the phrase "w. Road Maintenance" and inserting in lieu thereof:

"The Authority may issue bonds for the purposes set forth in subdivision (1) above including bonds to fund reserves and to pay costs of issuing such bonds without the approval of the General Assembly; provided, however, that the proceeds of such bonds are not applied to the costs of financing feeder roads.

The Authority shall not issue bonds for the purposes set forth in Sections (2) or (3) above without the approval of the General Assembly. The proceeds of bonds authorized to be applied to purposes described in Sections (2) and (3) above shall be:

(a) limited to amounts authorized or to be authorized by the General Assembly from time to time in an annual capital improvements project schedule forming part of the State's capital improvement acts, and

(b) transferred periodically by the Authority to the applicable special funds of the State to meet the costs of such projects. The approval of amounts to be expended for such purposes in an annual capital improvements project schedule shall constitute the approval of the issuance of bonds in such amounts for such purposes. Bonds issued for such purposes may include additional amounts necessary to fund reserves and to pay costs of issuing the bonds.

The Authority may issue bonds to refund any bonds previously issued by the Authority for any purpose and to fund reserves and pay costs of issuing bonds without the approval of the General Assembly.

No bonds shall be issued by the Authority for any purpose, including any refunding bonds, 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 and the motor carrier registration reimbursement fund required by this Chapter 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 (5) year period. A determination by the Authority that the report satisfied the requirements of this paragraph shall be conclusive."

Section 16. Fiscal Year 1986 Budget Act Amendment. In order to clarify the intent of the General Assembly in the Fiscal Year 1986 Budget Act (House Bill 350 of the 133rd General Assembly), such Act is amended by deleting the last sentence in Section 45, Subsection 88, and inserting in lieu thereof the following:

"These funds shall be used for such projects as the Legislature subsequently approves for the purpose of resurfacing and rehabilitating secondary roads, streets, and highways throughout the State."

Section 17. Industrial Revenue Bonds - Administration.

(a) Amend Chapter 50 of Title 29 of the Delaware Code, as amended, by adding a new Subchapter VI as follows:

"SUBCHAPTER VI Allocation of State Private Activity Bond Ceiling to Governmental Units, Establishment of Industrial Revenue Bond Committee and Reporting Requirements

§5090. Definitions.

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Authority" means The Delaware Economic Development Authority created by Section 5053 of this Title.

(2) "Chairman" means the Chairman of the Authority.

(3) "Code" means the Internal Revenue Code of 1954, as amended.

(4) "Committee" means the Industrial Revenue Bond Committee established pursuant to §5092.

(5) "Private activity bond" has the meaning ascribed in Section 103(n)(7) of the Code and in the regulations thereunder.

(6) "Regulations" means the regulations, temporary or otherwise, under Section 103(n) of the Code issued and promulgated by the United State Department of the Treasury.

(7) "State" means the State of Delaware.

(8) "State ceiling" means the aggregate ceiling on private activity bonds that may be issued by the State and by other governmental units within the State during each calendar year after 1984, pursuant to Section 103(n)(4) of the Code.

§5091. Allocation of State Ceiling.

(a) The $200,000,000 State ceiling for all private activity bonds issued in calendar year 1985 after the effective date of this provision by the State and by any other governmental units within the State having authority to issue private activity bonds shall, unless hereafter modified in accordance with the provisions of Subsection (e) of this Section, be allocated as follows: (1) to the State, $120,000,000; (2) to Sussex County, $20,000,000; (3) to New Castle County, $35,000,000; and (4) to the City of Wilmington, $25,000,000; and (5) to Kent County, $0.

(b) The $200,000,000 State ceiling for all private activity bonds issued in calendar year 1986 and thereafter by the State and by any other governmental units within the State having authority to issue private activity bonds shall, unless hereafter modified in accordance with the provisions of Subsection (e) of this Section, be allocated as follows: (1) to the State - $100,000,000; (2) to Kent County - $20,000,000; (3) to Sussex County - $20,000,000; (4) to New Castle County - $35,000,000; and (5) to the City of Wilmington - $25,000,000.

(c) The Chairman is designated as the public official responsible for hereafter assigning the State's private activity bond limit allocated under Subsection (a)(1) or (b)(1) of this Section to agencies of the State authorized to issue private activity bonds. Unless and until the Chairman makes a different assignment, all of the State's private activity bond limit allocated under Subsection (a)(1) or (b)(1) of this Section is assigned to the Authority.

(d) Any governmental unit (other than the State) authorized to issue private activity bonds that is allocated a private activity bond limit may assign all or any portion of such private activity bond limit to the State. The Chairman may, on behalf of the State, assign to any governmental unit or agency within the State authorized to issue private activity bonds any private activity bond limit allocated or assigned to the State or any agency of the State pursuant to this Section. Any such assignment shall be made in writing, a record of such assignment shall be maintained by the assignee in its records for the term of all private activity bonds it issues in each calendar year while such assignment is applicable, and a copy of such assignment shall be filed with the Chairman. The Chairman shall maintain a record of such assignment during the term of all private activity bonds issued by the assignee in each calendar year to which such assignment applies. No assignment of any private activity bond limit under the authority of this Subsection (c) shall result in loss of qualification for tax-exempt status for any private activity bond issued prior to the date of such assignment.

(e) To the full extent allowable under Section 103(n) of the Code and the regulations thereunder, the Governor of the State shall have the right to modify the allocations made in Subsections (a) and (b) of this Section; provided,

however, that no such modification shall cause a private activity bond issued prior to the date of such modification to lose its qualification for tax-exempt treatment under the Code. The authority given to the Governor shall be exercisable by the Governor in his discretion, but in so doing, the Governor shall consider any recommendation by the Committee that is adopted by a majority of the Committee's members.

§5092. Industrial Revenue Bond Committee.

(a) There is hereby established the Industrial Revenue Bond Committee, to be composed of the Chairman of the Authority, and one representative each from Sussex County, New Castle County, Kent County and the City of Wilmington appointed by each jurisdiction pursuant to those procedures deemed by such jurisdiction to be necessary and appropriate. The Chairman of the Authority shall be the chairman of the Committee.

(b) The Committee shall make recommendations to the Governor of the State regarding modification of the allocation of the State ceiling made in Subsection (a) or (b) of §5091 and to make recommendations to the Chairman regarding assignments and reassignments of private activity bond limits pursuant to Subsection (d) of §5091. The Committee shall also be responsible for monitoring the volume of private activity bonds issued by each of the participating jurisdictions and for recommending changes in the allocation of the State ceiling and assignments and reassignments of private activity bond limits as circumstances dictate.

(c) The Committee shall meet at such times and in such places as its members determine to be appropriate for carrying out its functions and purposes. The Committee shall engage in other activities to promote the cooperation of jurisdictions on economic development projects within the State and shall report to the Governor and the General Assembly at the conclusion of each year on the projects financed with private activity bonds and on other matter as appropriate.

§5093. Reports to Chairman of the Authority.

(a) On or before the 15th day after the effective date of this provision, and on or before the 15th day of each month thereafter, Sussex County, Kent County, New Castle County and the City of Wilmington shall each file with the Chairman such reports as the Chairman may deem to be necessary to carry out the purposes of this Subchapter VI. Each such report shall contain at least the following information with respect to each private activity bond issued (or approved for issuance by an inducement resolution or other comparable preliminary approval) by such jurisdiction during the calendar year since the period covered by the immediately preceding report:

(1) A brief description of the project financed or to be financed with the proceeds of such private activity bond;

(2) The face amount of such private activity bond issued or approved; and

(3) The date of issuance of such private activity bond, if issued, or the date of the inducement resolution (or other comparable preliminary approval) approving the issuance of such bond if such bond has not yet been issued.

(b) Amend §5055 of Chapter 50 of Title 29 of the Delaware Code, as amended, by adding new Subsections (d) and (e) as follows:

"(d) The Council on Development Finance is delegated the authority and responsibility for conducting a public hearing following reasonable public notice prior to the issuance by the Authority of any bond. The Council on Development Finance shall adopt such rules and procedures as it determines to be necessary or desirable in fulfilling its responsibilities.

(e) For purposes of Section 103(k) of the Internal Revenue Code of 1954, as amended, the Governor of the State, or an elected official of the State designated by the Governor for this purpose as permitted by the Code, shall have the authority and responsibility for approving, or withholding approval of, the issuance by the Authority of any bond. If, in

connection with an application for the issuance of any bond by the Authority, the Governor or the elected official designated by the Governor advises the Attorney General of the State that the Governor or such elected official is unable or believes it would be inappropriate for him to consider such application, then the Attorney General shall have the authority and responsibility for approving, or withholding approval of, the issuance of such bond by the Authority."

(c) Amend §5053(h) of Chapter 50 of Title 29 of the Delaware Code, as amended, by deleting the following sentence at the beginning of Subsection (h):

"The Authority shall cause an audit of its books and accounts to be made annually by a certified public accountant licensed to practice in the State."

and substituting in lieu thereof the following:

"The Authority shall cause an audit of its bonds issued under Section 5054(d) to be made annually by a certified public accountant licensed to practice in the State."

Section 18. Health Facilities Subsidy Fund. Amend Senate Bill No. 2 of the 133rd General Assembly by deleting the first sentence (beginning with the word "Principal" and ending with "$4,000,000.00") as it appears in Section 2 of said bill, and inserting in lieu thereof the following:

"One half of the principal payments of such loans shall be deposited in the Health Facilities Subsidy Fund and the other half shall be deposited in the State Treasurer's Bond Reversion Account (12-05-003-40-00) until the principal in the Subsidy Fund, to include the accrued earnings credited to principal, as provided in Section 9008 of this Title, has reached the sum of Four Million Dollars ($4,000,000.00)."

Section 19. First State Improvement Fund. Amend Section 5082, Title 29 of the Delaware Code by designating the existing Section as paragraph (a) and by adding new paragraphs (b) through (c) to read as follows:

"(b) The State Treasurer shall establish as line items within the State's Capital Improvement Fund project descriptions and amounts, by Department, for each project authorized from funds made available by the First State Improvement Fund.

(c) Upon execution of the foregoing, each Department authorized to expend funds from the First State Improvement Fund may commence to encumber and disburse such monies as are necessary, within the limits of the appropriations contained herein, for the timely completion of these projects. Funds so encumbered and disbursed shall be recorded by the State Treasurer in the same manner as projects authorized to be completed by the State with the proceeds of bonds issued by the Delaware Transportation Authority. Monies on deposit in the State's Capital Improvement Fund shall be used to defray the costs of projects authorized for expenditure from the First State Improvement Fund, and subsequently shall reimburse the Capital Improvement Fund once each year (commencing on August 1, 1986)."

Section 20. Board of Education - Brandywine School District. It is the intent of the General Assembly that the sum of One Million One Hundred Thousand Dollars ($1,100,000.00) appropriated in Section 3 and Two Hundred Thousand Dollars ($200,000.00) appropriated in Section 4 of this Act be used by the Brandywine School District for the purpose of preparing for the expected relocation of activities at the Edgemoor School and for other educational, recreational, and cultural activities being developed for the Mount Pleasant Junior High School property.

Upon approval by the Director of the Delaware Development Office, the Superintendent of the Brandywine School District ("Superintendent") is authorized to spend not more than One Hundred Thousand Dollars ($100,000.00) for administrative, architectural and developmental purposes. The Superintendent shall make a complete accounting to the State Auditor for the expenditure of these funds

From the total appropriation of One Million Three Hundred Thousand Dollars ($1,300,000.00), an amount not to exceed One Million Two Hundred Thousand Dollars ($1,200,000.00) shall be held by the State to match funds secured by the District. For each increment of Two Hundred Thousand Dollars ($200,000.00) of matching funds secured by the District, the District may spend Three Hundred Thousand Dollars ($300,000.00) of the One Million Two Hundred Thousand Dollars ($1,200,000.00) held in reserve. Matching funds secured by the District must be verified by the Director of the Delaware Development Office before the funds held in reserve may be spent. If the District has not secured the required funds by December 31, 1987, all unencumbered funds shall be reverted to the State Treasurer's Bond Reversion Account (12-05-003-40-00).

Section 21. Athletic Complex. The sum of One Hundred Twenty-Five Thousand Dollars ($125,000.00) appropriated in Section 3 of this Act to the Delaware Development Office shall be used to study the feasibility of and develop plans for a baseball stadium on the University of Delaware's property in Newark, New Castle County, Delaware. An amount not to exceed Forty Thousand Dollars ($40,000.00) may be used for the feasibility study to be conducted jointly by the University of Delaware and the Delaware Development Office. The balance of the total appropriation may be expended for preliminary site work and planning if:

(a) The study concludes that the project is economically feasible;

(b) The University of Delaware agrees to accept ownership of and complete operating responsibility for any facility to be constructed; and

(c) The President of a minor league at the "AA" or "AAA" level and a specific franchise affiliated with a major league franchise, agree by March 1, 1986, to enter into a ten (10) year lease of the proposed facility from the University of Delaware.

Upon certification by the Director of the Delaware Development Office and the University of Delaware that the above conditions have been satisfied, the balance of any remaining funds may be transferred to the University of Delaware and used by the University of Delaware for design and site development work. All plans and designs for this facility are subject to the joint approval of the Director of the Delaware Development Office and the University of Delaware. Should the above conditions not be satisfied, the remaining funds shall be reverted to the State Treasurer's Bond Reversion Account (12-05-003-40-00).

Section 22. New Castle County Corporate Commons. The sum of Six Hundred Thousand Dollars ($600,000.00) appropriated in Section 1 of this Act to the Delaware Development Office shall be used to help pay for the construction of and improvements to roads within the New Castle County Corporate Commons airport site. This appropriation shall constitute the last appropriation for road improvements within the site.

Section 23. New Castle County Airport Land Acquisition.

(a) It is the intent of the General Assembly that not more than Three Hundred Seventy-Five Thousand Dollars ($375,000.00) appropriated to the Delaware Development Office ("Office") in Section 3 of this Act be used to supplement funds of One Hundred Fifty Thousand Dollars ($150,000.00) provided by New Castle County to purchase eight (8) parcels of approximately eleven and one-half (11.5) acres between Old Churchman's Road and New Churchman's Road, on the east and west respectively and County Road 339A on the south and Wilmington/New Castle County Airport on the north, one-half mile east of Airport Road. The Director of the Delaware Development Office is authorized and directed to enter into a contract with the County to assist the County in the purchase of the property. The County shall bear the costs of a certified appraisal of the property, which must be completed before an Agreement of Sale for the lands purchased is entered into by the County. This property will be owned and maintained by New Castle County. In the event this property is sold, New Castle County shall pay the State its pro rata share of the net sales income and said funds shall be deposited in the State Treasurer's Bond Reversion Account (12-05-003-40-00) for future appropriation by the General Assembly.

(b) It is the intent of the General Assembly that these lands be used as a general aviation area so that ten (10) acres located from County Road 339 through 503 New Churchman's Road be used as a site for an industrial park. This industrial park will be owned and operated by New Castle County.

Section 24. State Police Helicopter.

It is the intent of the General Assembly that Four Hundred Thousand Dollars ($400,000.00) appropriated to the Department of Public Safety in Section 4 of this Act shall be used as the first of two installments to purchase a State Police helicopter through a lease/purchase agreement.

Section 25. Acquisition of Historic Properties for the Public Benefit.

(a) The protection of Buena Vista in New Castle County from suburban, industrial and commercial intrusion promotes the important public purpose of preserving one of Delaware's historic landmarks and protecting its open space. The sum of Two Hundred Fifty Thousand Dollars ($250,000.00) appropriated in Section 1 of this Act to the Department of State shall be used to purchase approximately forty-four (44) acres and the residence thereon located south of Buena Vista. This parcel and its residence is commonly known as the "Ellegood Property" and is more particularly described in an appraisal by Appraisal-Consultants, Inc. dated June 11, 1984.

(b) The contract for sale shall contain covenants requiring that the land be used

only for the maintenance of open space and shall not be sold, leased or otherwise developed except for farm leasing. The contract for sale must be signed by both the seller and the State by December 31, 1985. If it is not signed by this date, the Two Hundred Fifty Thousand Dollars ($250,000.00) appropriated for the purchase of the property shall be transferred to the State Treasurer's Bond Reversion Account (12-05-003-40-00).

(c) Farm leasing shall be allowed on the approximately one hundred thirty (130) acres received by the State from Delaware Wild Lands, Inc. on December 12, 1984. These lands are north and west of Buena Vista in New Castle County and are more fully described in an appraisal by Appraisal-Consultants, Inc. dated June 20, 1984.

Section 26. Wilmington Public Building.

It is the intent of the General Assembly that One Million Seven Hundred Fifty-One Thousand Dollars ($1,751,000.00) appropriated to the Department of Administrative Services in Section 2 of this Act and One Million Five Hundred Forty-Nine Thousand Dollars ($1,549,000.00) appropriated in Section 4 of this Act be used to continue renovations on the Wilmington Public Building. If the State is awarded any payments as the result of suits against providers of any materials or services relating to the design or construction of the Wilmington Public Building, these funds shall be deposited in the State Treasurer's Bond Reversion Account (12-05-003-40-00) for future appropriation by the General Assembly.

Section 27. State Building Improvements.

(a) The sum of Four Hundred Twenty-One Thousand Eight Hundred Fourteen Dollars ($421,814.00) appropriated in Section 3 of this Act to the Department of Administrative Services shall be used for minor capital and energy improvements in State buildings. Funds used to match matching Federal energy conservation funds shall not be allocated without prior approval of the State Energy Weatherization Committee. State funds used to match Federal matching energy conservation funds administered by the Committee shall be provided by the agency or public school district which owns the facility designated for the energy conservation project. The Secretary of Administrative Services may use funds appropriated in this Section to temporarily replace substandard warehouses used to store surplus food with private leased space.

(b) Amend Volume 64, Chapter 131 of the Laws of Delaware by deleting in Section 14(a) the phrase "to match an equal amount of federal funds" in its entirety.

(c) Amend Volume 64, Chapter 343 of the Laws of Delaware by deleting in the final three sentences of Section 28 and by adding the following:

> "The Secretary of Administrative Services shall, with the prior approval of Legislative Council, spend funds appropriated to the Legislative Hall/Tatnall Building project for minor capital improvements within Legislative Hall."

Section 28. Georgetown State Office Building/Sussex County Family Court. The sum of One Million One Hundred Thousand Dollars ($1,100,000.00) appropriated to the Department of Administrative Services in Section 1 of this Act shall be utilized for the construction of the State Office Building and Family Court facility for Sussex County on the property previously known as the "Conaway Motors Building," Georgetown, Delaware. The Secretary of Administrative Services is authorized to utilize any funds previously appropriated for the Georgetown office space in Volume 64, Chapter 131 of the Laws of Delaware or the Conaway Motors Building in Volume 64, Chapter 343 of the Laws of Delaware for this project.

Section 29. Kent County Family Court/Youth Diagnostic Center. Amend Section 15, Volume 64 of Chapter 131 of the Laws of Delaware by striking lines 31 through 33 on page 11 and inserting in lieu thereof the following:

> "The Family Court and Youth Diagnostic Center for Kent County. It is the intent of the General Assembly that the Secretary of the Department of Administrative Services is directed to purchase land in Kent County, Delaware, for the purposes of constructing a Family Court and Youth Diagnostic Center. The Secretary of the Department of Administrative Services may use funds previously appropriated for the project and/or any future partial settlement between the Department of Natural Resources and Environmental Control, the Delaware Development Office and Chesapeake Utilities Corporation, a Delaware Corporation, for purchase of the land or construction of the facility. The State-owned property located on North and New Streets in Kent County, Dover, Delaware, has been found to be unsuitable for construction of the Kent County Family Court and Youth Diagnostic Center and as a result of the above described settlement the property shall be reconveyed to

Chesapeake Utilities Corporation by the State."

Section 30. Asbestos.

(a) The sum of One Million Nine Hundred Eighty-Two Thousand Dollars ($1,982,000.00) appropriated to the Department of Administrative Services in Section 3 of this Act and One Million Eighteen Thousand Dollars ($1,018,000.00) appropriated in Section 4 of this Act shall be used to implement a comprehensive program of asbestos control in State-owned facilities and public schools. The Secretary of Administrative Services is hereby directed to develop a prioritized listing of asbestos control projects in accordance with the consultant's studies performed for the Department of Administrative Services and for the Department of Public Instruction. In developing a list of priority asbestos control projects, the Secretary of Administrative Services will review recommendations from a Committee on Asbestos Control Measures composed of the Secretary of Health and Social Services, the Superintendent of the Department of Public Instruction, the Budget Director, the Director of the Delaware Development Office, and the Secretary of the Department of Natural Resources and Environmental Control, or their representatives.

(b) These funds may be used by the Secretary of Administrative Services for any activity relating to the detection, removal, encapsulation and/or enclosure of asbestos in State-owned buildings and public schools, including the relocation of personnel, functions or activities, whenever necessary at discretion of the Secretary of Administrative Services.

(c) Of the Three Million Dollars ($3,000,000.00) herein appropriated, One Million Dollars ($1,000,000.00) shall be made available for asbestos control projects in public schools in the State of Delaware. Funds allocated by the Secretary of Administrative Services for use by local school districts shall constitute the State's sixty (60) percent share of a minor capital improvement as defined by Section 7528 of Title 29 of the Delaware Code. Each qualifying school district shall authorize its forty (40) percent share which, together with the State match, shall be used to complete the designated asbestos control project. If the school district is able to obtain federal funds for an approved asbestos removal project, each qualifying school district shall be authorized its forty (40) percent share which, together with the State match, shall be used to qualify for amount of federal funds equal to the sum of the State and local school district share. No local school district may participate in the use of these funds without first providing its local share pursuant to the provisions of this Section and other pertinent provisions of Delaware law.

(d) The Secretary of Administrative Services shall approve the standards and specifications for all asbestos control projects funded with State monies from any source. In addition, the Secretary of Administrative Services may adopt regulations governing contractor certification, project specifications, and any other aspects of asbestos control projects. The Secretary of Administrative Services may utilize funds appropriated pursuant to this Section to develop a final plan of renovations for the Jesse Cooper Building located in Dover, Kent County, Delaware.

(e) The selection of asbestos abatement contractors will be based solely upon qualifications, experience and ability to perform asbestos abatement activities. The Department of Administrative Services shall approve the selections of the asbestos abatement contractors for all asbestos control projects funded with State monies from any source. In order to accomplish the purpose expressed herein, any relevant Delaware law, rule or regulation to the contrary is hereby waived.

Section 31. Barber Shop Equipment.

The sum of Eleven Thousand Dollars ($11,000.00) appropriated in Section 4 of this Act to the Department of Correction shall be used to purchase equipment for a barber shop to be located at the Central Delaware Correctional Center in Smyrna, and administered by the Prison Industries Program.

Section 32. Dredging Operations.

The sum of One Hundred Twenty Five Thousand Dollars ($125,000.00) appropriated to the Department of Natural Resources and Environmental Control in Section 4 of this Act shall be used to operate a dredge on Noxontown Pond in New Castle County, Delaware, during fiscal year 1986.

Section 33. Marine Access Areas.

It is the intent of the General Assembly that Fifty Thousand Dollars ($50,000.00) appropriated in the Section 2 of this Act to the Department of Natural Resources and Environmental Control shall be used to continue the program of improving or constructing boat launching facilities at Cedar Creek and at other facilities statewide. In addition, Fifty Thousand Dollars ($50,000.00) appropriated in Section 2 to the Department of Natural Resources and Environmental Control shall

be used to construct boat launching facilities at Newport along the Christina River in New Castle County, Delaware.

Section 34. State Dredge.

It is the intent of the General Assembly that Five Hundred Thousand Dollars ($500,000.00) appropriated in Section 4 of this Act to the Department of Natural Resources and Environmental Control shall be used as the first of two installments to purchase a dredge through a lease/purchase agreement with the manufacturer of the dredge. The present dredge shall be sold and the proceeds of this sale shall be used as partial payment for the new dredge within the lease/purchase agreement.

Section 35. State Park Development. It is the intent of the General Assembly that the sum of Four Hundred Twenty-Six Thousand Dollars ($426,000.00) appropriated to the Department of Natural Resources and Environmental Control in Section 4 of this Act be used to pay necessary salaries and procure necessary supplies and contractual services for State park improvements throughout the State. Of this amount, Twelve Thousand Dollars ($12,000.00) shall be used for construction of a pavilion at Bellevue State Park.

Amend Section 32(c) of Volume 64, Chapter 343, of the Laws of Delaware by deleting said Section in its entirety.

Section 36. Rockwood - Second Payment of Four. In Section 37 of the Fiscal Year 1985 Bond Bill (Volume 64, Chapter 343 of the Laws of Delaware), the General Assembly directed the Department of Natural Resources and Environmental Control to assist New Castle County in the purchase of lands surrounding Brinhurst Estate, known as "Rockwood," located off of Shipley Road in New Castle County, Delaware. It is the intent of the General Assembly that One Hundred Twenty-Five Thousand Dollars ($125,000.00) appropriated to the Department of Natural Resources and Environmental Control in Section 1 of this Act be expended for the second of four payments for this property.

Section 37. Acquisition of Natural Lands.

(a) It is the intent of the General Assembly that Thirty-Three Thousand Dollars ($33,000.00) appropriated in Section 1 of this Act to the Department of Natural Resources and Environmental Control be used to purchase approximately seven (7) acres of natural land located east of Ellendale commonly known as "New Market Wetland." These funds should also be used by the Department of Natural Resources and Environmental Control to purchase approximately thirty (30) acres located on the southern side of The James Bank approximately two (2) miles east of Laurel commonly known as "The Phillips Property."

(b) It is also the intent of the General Assembly that Four Hundred Sixty Thousand Eight Hundred Fourteen Dollars ($460,814.00) appropriated in Section 1 and Thirty Nine Thousand One Hundred Eighty-Six Dollars ($39,186.00) appropriated in Section 4 of this Act to the Department of Natural Resources and Environmental Control be used to purchase eighty-six (86) acres of land bordered on three sides by White Clay Creek Preserve, fronting on Corner Ketch Road commonly known as the "Thayer Tract."

(c) It is also the intent of the General Assembly that One Hundred Thousand Dollars ($100,000.00) allocated in Section 1 of this Act to the Department of Natural Resources and Environmental Control be used to supplement funds of One Hundred Thousand Dollars ($100,000.00) provided by New Castle County to purchase approximately twenty one (21) acres of land located on Possum Hollow Road, off Possum Park Road, northeast of Newark, an inholding of Middle Run Valley Natural Area, commonly known as "Fox Den Farms." All expenses related to the acquisition and maintenance of this property shall be borne in total by New Castle County. The Secretary of the Department of Natural Resources and Environmental Control is authorized and directed to enter into a contract with the County to assist the County in the purchase of the property for an amount not in excess of one-half of the appraised value. The appraised value shall be determined by a certified appraisal, the expense of which shall be borne by the County.

(d) It is the intent of the General Assembly that Twenty Five Thousand Dollars ($25,000.00) designated for the acquisition of Moccasin Woods in Section 45(c) of Senate Bill 556 of the 132nd General Assembly (Volume 64, Chapter 343 of the Laws of Delaware) shall be used by the Department of Natural Resources and Environmental Control to purchase approximately three (3) acres of land commonly known as the "Curtis Tract" between Paper Mill Road and White Clay Creek, adjacent to State owned lands of approximately twenty five and one half acres (25.5) within the City of Newark, New Castle County, Delaware.

Section 38. Shoreline Stabilization.

(a) It is the General Assembly's intent that Seven Hundred Fifty Thousand Dollars

($750,000.00) appropriated in Section 4 of this Act to the Department of Natural Resources and Environmental Control be used for shoreline stabilization projects along the coast of the State (River, Bay and Oceanfront). Of this amount, not less than Five Hundred Thousand Dollars ($500,000.00) shall be used to stabilize the shoreline along the Indian River Inlet.

(b) In the event that local or county governments irrevocably pledge non-State funds to the restoration or improvement of publicly accessible beaches, the Secretary shall give first priority to matching these partner contributions with funds not in excess of the amounts dedicated by said local or county governments.

Section 39. Land and Water Conservation Fund.

The sum of Five Hundred Thousand Dollars ($500,000.00) appropriated in Section 4 of this Act to the Department of Natural Resources and Environmental Control shall be used to establish the Land and Water Conservation Fund ("Fund"). The Fund shall be used in conjunction with non-State and private resources to plan, acquire and/or develop land and water for use as, or in connection with open spaces for public recreation and conservation. The Fund may accept private contributions. The use and administration of the Fund shall be governed by subsequent action of the General Assembly.

The Fund shall be established as a Special Fund of the State and shall be invested by the State Treasurer of the State in securities consistent with the policies established by the Cash Management Policy Board. The Fund may accept private contributions. All income earned and profit realized from sales of these securities shall be reinvested in the Fund. Losses from any sales of securities shall be charged to the Fund.

Section 40. Community Living for Single Parents and Children. The sum of Two Hundred Fifty Thousand Dollars ($250,000.00) appropriated in Section 4 of this Act to the Department of Community Affairs shall be used to establish a Fund for Community Living for Single Parents and Children. The Secretary of the Department of Community Affairs may establish procedures and regulations for the administration of a Fund to provide capital loans to qualified organizations for the purpose of establishing self-supporting communities for single parents with dependent children.

Section 41. Department of Transportation Equipment. The Secretary of the Transportation is directed to expend funds not in excess of the One Million Dollars ($1,000,000.00) authorized in Section 2 of this Act on equipment necessary to carry out the duties of the Department of Transportation. The Secretary of Transportation shall first expend any available General Funds on equipment with an anticipated useful life of five (5) years or less. To the extent the Department's needs are not met by this source of funds, the Secretary of the Department of Transportation is authorized to supplement the General Fund sources with funds authorized by the Act, for any equipment needed for the construction or maintenance of the State's highways and roads or for the administration of the Department.

Section 42. Department of Transportation Compensation. Each year the Federal Highway Administration makes available additional funding for highway projects. In order for a State to take advantage of this opportunity, the projects must be ready to immediately utilize the funding. The Secretary of Transportation is hereby authorized to pay overtime wages during fiscal year 1986 to the Department of Transportation's employees that are preparing projects for authorization. In order to accomplish the purpose expressed herein, any relevant Delaware law, rule or regulation to the contrary is hereby waived.

Section 43. Department of Transportation Accounts.

(a) Any funds appropriated from any source to the Department of Transportation shall be accounted for by program category as specified in the Fiscal Year 1986 Capital Improvements Project Schedule attached hereto and made a part hereof. Amounts indicated for individual projects in the "Supplemental List of Transportation Projects" are the Department's best estimates of cost, but may vary depending on bid results and project designs. It is the intent of the General Assembly that the Secretary of Transportation make all reasonable efforts to insure the timely completion of projects subject to the limitation of the total funds available in each program.

(b) The Secretary of Transportation is directed to continue inspecting the condition of bridges in the State of Delaware and to use the Bridge Program funds made available by this and previous acts to insure that bridge repairs and replacements are carried out in an expeditious manner.

Section 44. Delmar Rest Stop.

It is the intent of the General Assembly that Fifty Thousand Dollars ($50,000.00) appropriated to the Department of Transportation in Section 8 of this Act shall be used for any appropriate work leading to the establishment of a public rest stop to be located approximately two (2) miles north of Delmar on U.S. Route 13 in Sussex County, Delaware.

Section 45. Department of Agriculture – Minor Capital Improvements. It is the intent of the General Assembly that Fifty Thousand Dollars ($50,000.00) appropriated in Section 3 of this Act to the Department of Agriculture shall be used for minor capital improvements by the Department of Agriculture. Any surplus balances remaining from funds previously appropriated to the Department of Agriculture for the Exhibition Building at the Delaware State Fairgrounds (65-01-001-55-12) shall be used for other Departmental minor capital improvement projects as the Secretary of Agriculture deems essential.

Section 46. Hurst Tools

One Hundred Eighty Thousand Dollars ($180,000.00) appropriated in Section 4 of this Act to the State Fire Prevention Commission shall be used to purchase nineteen (19) hurst tools. The State Fire Prevention Commission shall distribute the hurst tools to fire companies in Delaware.

Section 47. Delaware Technical and Community College – Terry Campus.

The sum of Two Hundred Fifty Thousand Dollars ($250,000.00) appropriated to Delaware Technical and Community College in Section 4 of this Act shall be used to study and provide preliminary plans for additional facilities at Delaware Technical and Community College's Terry Campus.

Section 48. Appropriations for Minor Capital Improvements.

The sum of Two Million Two Hundred Thousand Dollars ($2,200,000.00) appropriated by Section 3 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:

	Maximum State Share	Local Share	Maximum Total Cost
Appoquinimink	$ 44,774	$ 29,849	$ 74,623
Brandywine	223,973	149,315	373,288
Special Schools	10,494	-0-	10,494
Caesar Rodney	101,588	67,725	169,313
Cape Henlopen	64,524	43,016	107,540
Special Schools	2,816	-0-	2,816
Capital	112,220	74,813	187,033
Christina	289,627	193,085	482,712
Special Schools	22,606	-0-	22,606
Colonial	186,042	124,028	310,070
Special Schools	7,295	-0-	7,295
Delmar	13,276	8,851	22,127
Indian River	119,426	79,617	199,043
Kent Vo-Tech	32,768	-0-	32,768
Lake Forest	61,875	41,250	103,125
Laurel	36,692	24,461	61,153
Milford	62,627	41,751	104,378
New Castle Vo-Tech	142,032	-0-	142,0320
Red Clay Consolidated	263,417	175,611	439,028
Special Schools	14,362	-0-	14,362
Seaford	61,757	41,171	102,928
Smyrna	53,433	35,622	89,055
Sussex Vo-Tech	42,130	-0-	42,130
Woodbridge	30,246	20,164	50,410
Subtotal	2,000,000	1,150,329	3,150,329
Vocational Equipment	85,000	56,667	141,667
State Board of Education	115,000	76,667	191,667
TOTAL	$2,200,000	$1,283,663	$3,483,663

Section 49. St. Jones River – Pier. It is the intent of the General Assembly that the sum of Twenty-Four Thousand Dollars ($24,000.00) appropriated in Section 4 of this Act to the Department of Natural Resources and Environmental Control be transferred to the St. Jones Watershed Association ("Association") to construct a public fishing and crabbing pier at the St. Jones River access site near Barkers Landing, Kent County, Delaware. This authorization is conditioned

upon a finding by the Secretary of Natural Resources and Environmental Control that said funds are sufficient to adequately construct the pier and upon a determination by the Secretary of Natural Resources and Environmental Control that:

(1) Adequate plans and an estimate are submitted to the Secretary of Natural Resources and Environmental Control and are approved.

(2) Properly certified vouchers for construction are submitted and do not exceed the authorized amount herein.

(3) The Association saves harmless the Department of Natural Resources and Environmental Control and State of Delaware from any damages or injuries arising from or as a result of construction of the pier.

(4) The Association agrees to transfer ownership of the pier to the Division of Fish and Wildlife upon completion of construction and acceptance of the Department of Natural Resources and Environmental Control.

Section 50. Claymont Railroad Station. It is the intent of the General Assembly that the sum of One Hundred Forty Thousand Dollars ($140,000.00) appropriated in Section 2 of this Act and One Hundred Sixty Thousand Dollars ($160,000.00) appropriated in Section 13 of this Act be authorized to be expended by the Delaware Department of Transportation for construction, reconstruction, and/or rehabilitation of the Claymont Railroad Station, the West Yard or other capital improvements as shall be determined to be necessary by the Secretary of Transportation. Expenditure of such funds shall be conditioned upon a prior determination of the Secretary of Transportation that any transportation subsidy to be paid by the State shall be within reasonable and affordable limits in order to justify such expenditure.

Section 51. Department of Transportation - Traffic Signals and Safety Devices. It is the intent of the General Assembly that the sum of Eight Hundred Seventeen Thousand Dollars ($817,000.00) appropriated in Section 2 of this Act be expended by the Department of Transportation for traffic signals and other safety devices. Of the aforesaid amount, Five Hundred Eleven Thousand Dollars ($511,000.00) shall be utilized for traffic signals already determined to be warranted by the Department of Transportation; One Hundred Seventy-Six Thousand Dollars ($176,000.00) shall be utilized for miscellaneous safety projects; and the balance of One Hundred Thirty Thousand Dollars ($130,000.00) shall only be expended upon the condition that the Department of Transportation evaluate the need for various additional traffic signals and make a determination that such signals are warranted.

Section 52. 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 53. 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 54. 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 55. Effective Date.

This Act shall take effect in accordance with the provisions of State law.

Approved September 6, 1985.

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1986

I. Corridor/Non-Corridor

SR 7, US 13 to PA Line	$ 3,900,000
US 202, I- 95 to PA Line	1,300,000
US 113A, SR 10 to US 13	800,000
SR 141, Prices Corner to Concord Pike	1,500,000
US 13 through Smyrna	1,600,000
Interstate 4R and Edgemoor Rd. Inter.	1,300,000
Saulsbury/Denny's Road	1,000,000
SR 273, SR 7 to US 13	1,200,000
US 13, Relief Route	1,000,000
Subtotal	$13,600,000

II. Paving and Rehabilitation (4R)

SR 2, SR 7 to Cranston Heights Bridge $ 500,000	
US 13 Seaford to K/S Line	1,425,000
SR 1, Indian River Inlet to Rehoboth Avenue	1,350,000
SR 1, Penn. Ave. to N. Bethany Limits 275,000	
US 13, St. Georges Br. to Tybouts Corner	225,000
US 9, US 13 to SR 20	550,000
US 13, Appoquinimink Creek to Boyd's Corner	125,000
SR 141, US 13 to Newport	400,000
US 301, Mt. Pleasant to Boyd's Corner 105,000	
SR 299, Middletown to US 13	275,000
SR 896, Mt. Pleasant to Summit Bridge	1,270,000
Preliminary Engineering:	100,000
Road 13 (Papermill Rd.), Cleveland Ave. to SR 7	
SR 16, US 13 to US 113	
SR 9, N.B., Delaware St. to Roger's Rd.	
Roger's Road, N.C. Ave. to US 13	
SR 26, MD Line to SR 24	
Subtotal	$ 6,600,000

III. Paving and Rehabilitation (100% State Funded)

Maint. No.	Road Name/No.	From	To
N5	Del. Rt. 7	U.S. Rt. 13	Pigeon Run Dev.
N210	Del. Rt. 141	I.C.I.	U.S. Rt. 202
N34A	Road 34A	U.S. 13	Dead End
N353	Dayett Mill Road	Del. Rt. 72	Dayett Mill
N261	Mt. Cuba Road	R.R. Tracks	1000' W. of R.R. Track
N305	Walnut Hill Road	PA Line	Branch Road, Rd. 292
N406	Lower Twin Lane Rd.	R.R. Tracks	Del. Rt. 7
N221	Beaver Valley Rd.	Del. Rt. 100	Road 221B
N237	Del. Rt. 48	.2 Mi. E. of Center Rd.	Reading R.R.
N257	Yorklyn Rd.	Old Lancaster Pike	Del. Rt. 82, Rd. 261
N204	Ebright Road	Naamans Rd., Rd. 17	PA State Line
N406	Lower Twin Lane Rd.	Wrangle Hill Rd.	R.R. Tracks
N221	Beaver Valley Rd.	Rd. 221B	Del. Rt. 92
N318B	Library Rd.	Old Capital Trail	Kirkwood Highway
N246	Center Mill Rd.	Old Kennett Rd.	PA State Line
N297	Pigeon Hollow Rd.	Corner Ketch Rd.	Dead End
N283	Stoney Batter Rd.	.55 Mi. E. Limestone Rd.	Mill Creek Rd.
N227	Mt. Lebanon Rd.	Rockland Rd.	U.S. 202
N28	S. Heald St.	U.S. 13	To Roger's Rd.
N352	Red Mill Rd.	Ogletown	Darwin Drive
N399	Chesapeake City Rd.	MD Line	Del. 896 Bridge
N381	Hamburg Rd.	Del. Rt. 7	Del. Rt. 9

N268	Alopocas Drive	Augustine Cut-Off	New Bridge Rd.
N7115	Washington Street	Road 21	Dead End
N215	Weldin Rd.	Foulk Rd.	Shipley Rd.
N12	Old Capital Trail	Kirkwood Highway	Red Clay Creek
N276	Loveville Rd.	Del. Rt. 48	Old Wilmington Rd.
N235	Rockland Rd.	Rt. 100	Rockland Mill
N11B	New Road	Wilmington Ave.	Dead End
N355B	Old Harmony Rd.	Harmony Rd.	Dead End
N255	Old Public Rd.	End	Benge Rd.
N17C	Whites Village Rd.	Del. Rt. 92	Dead End
N209	Grubb Rd.	Foulk Rd.	Marsh Rd.
N504	18th St.	Washington St.	Bayard Blvd.
N409	Kirkwood-St. Geo. Rd.	Cemetery	Del. Rt. 71
N259	Barley Mill Rd.	Centerville Rd.	Del. Rt. 141
N390	Ironside Rd.	Old Baltimore Pike	Welch Tract Rd.
K66	White Oak Rd.	U.S. 13	Del. Rt. 9
K100	Road 100	Road 101	Road 104
K202	Road 202	Road 203	Railroad Ave.-Wyoming
K166	Road 166	Road 165	Road 168
K165	Road 165	Road 101	Road 166
K314	Road 314	Road 61	Road 315
K227	Road 227	Road 228	Road 232
K159	Road 159	Del. Rt. 8	Road 162
K206	Road 206	Road 217	Dover/Hazzlttvile Rd.
K108	Road 108	Road 246	R.R. at Viola
K202	Road 202	Road 52	Road 203
K164	Road 164	Road 100	Road 101
K56	Felton-Sandtown Rd.	Del. Rt. 12	Road 242
K251	Road 251	Felton-Sandtown Rd.	Del. Rt. 10
N471	Road 471	Road 47	U.S. 13 S.B.
K4	US 13A	Derby's Pond	Road 193
K199A	Road 199A	Road 73	Road 199
N493	Road 493	Road 491	End of Surf. Treat.
K249	Road 249	Begin Surf. Treat.	End Surf. Treat.
K357	Old Lebanon Road	Pedestrian Bridge	Hawthorne St.
K4	U.S. 13A	Canterbury	Derby's Pond
K39	Del. Rt. 6	Del. Rt. 300	U.S. Rt. 13 S.B.
K54	Road 54	.5 Mi. W. of Rd. 235	U.S. 13A
K101	Road 101	Road 73	Del. Rt. 8
K51	Division St.- Dover	Ridgely St.	Kings Hwy.
K3	Governors Ave.	Division St.	Walker Road
K54	Road 54	Del. Rt. 10	.5 Mi. W. of Rd. 235
K9	Del. Rt. 6	Road 82	Woodland Beach
K430	Road 430	U.S. 13 N.B.	Road 429
K275	Center St.-Harrington	Delaware Ave.	West St.
K73	Dover-Hzzltvile Rd.	100' W. of Rd. 198	Road 195
S246	Road 246	Cedar St.- Georgetown	Road 244
S207	Road 207	Road 206	Del. Rt. 30
S198	Road 198	Del. Rt. 1	Road 222
S74	Road 74	Del. Rt. 24	Road 62
S600	Road 600	U.S. Rt. 13A	Del. Rt. 16
S34	Road 34	Road 587A	Del. Rt. 16
S412	Road 412	Road 410	Road 433
S531	Road 531	Road 46	Road 532
S257	Road 257	Road 88	1 Mi. N.E. of Rd. 88
S472	Road 472	Road 62	Road 432
S266	New Road-Lewes	Del. Rt. 1	Road 267
S257	Road 257	1 Mi. N.E. of Rd. 88	Road 258
S280B	Road 280B	Road 285	Road 277
S336A	Road 336A	Road 331	Road 336
S386	Polly Branch Rd.	Del. Rt. 54	Road 386A
S558	Road 558	Road 553	Del. Rt. 18
S34	Road 34	Road 583	Road 587A
S270A	Road 270A	Del. Rt. 1	Road 270
S22	Del. Rt. 5	U.S. 9	Del. Rt. 16
S82	Slag Road- Millsboro	U.S. Rt. 113	Road 326
S20A	Road 20A	Del. Rt. 20	Del. Rt. 20
S506	Road 506	Road 24	Road 498
S386	Polly Branch Rd.	Road 386A	Selbyville Limits
S352	Road 352	Road 84	Del. Rt. 26
S339	Old Landing Road	End	U.S. Rt. 113
S280	Road 280	Road 292	Road 285

5290	Road 290	Road 280	U.S. Rt. 9
552A	Road 52A	Del. Rt. 17	End
562	Road 62	Del. Rt. 20	Market St.-Georgetown
562	Road 62	Road 64	Road 24
524	Del. Rt. 24	Road 289	Del. Rt. 1
5310	Road 310	Del. Rt. 24	Road 308
5277	Road 277	Road 285A	Road 275
5361A	Road 361A	Del. Rt. 1	Road 51
594	Kings Hwy.-Milford	U.S. 113	Lakeview Ave.
524	Del. Rt. 24	Del. Rt. 5	Road 48
536	Del. Rt. 36	Road 626	Road 42
5213	Road 213	Road 565	Road 113

Subtotal $12,000,000

IV. Suburban Streets, Drainage and Miscellaneous

Afton - Wrexham Road	86-420	$ 29,000
Arundel - Carsdale Court	86-33	10,000
Arundel - Fawkes Drive	86-191	15,000
Ashley - Valley Road	86-204	74,000
Ashley Place (Circle)	86-27	90,000
Avalon - Wilson Street	86-25	28,000
Bellevue Hills - Eskridge Road	86-375	12,000
Boulder Brook - Shipley Road	86-50	34,000
Bowers Beach - Road 18	86-519	7,000
Bowers Beach Streets	86-408	11,000
Brackenville Woods	86-80	1,000
Brandywood - Valley Avenue	86-465	91,000
Broadkill Beach I	86-3	5,400
Broadkill Beach I	86-4	19,700
Brookmeade III	86-447	39,000
Brookside Park - Section C	86-511	47,000
Cape Henlopen Dr. (Rd. 19) - Seashore Park	86-363	85,000
Caravel Farms	86-505	37,000
Caravel Farms - Savannah Drive	86-130	23,000
Chalfonte - Foulk Woods, Deepwood Drive	86-211	38,000
Chalfonte, Drainage	86-235	38,000
Chapel Hill	86-222	91,000
Chelsea Estates - Mark Drive	86-134	39,000
Chelsea Estates - Paul Road	86-331	12,000
Chestnut Hill	86-1	69,400
Chestnut Hill Estates	86-188	61,000
Church Road	86-42	30,000
Claymont - New York Avenue	86-450	30,000
Cleland Course	86-203	8,500
Cleveland Ave. - Nottingham Rd. to Rt. 896	86-317	20,000
College Rd., Bikepath, Saulsbury to Oakland	86-246	20,000
Commerce Street (Townsend)	86-536	43,500
Dartmouth Woods - Ross Road	86-466	8,000
Deacon's Walk - Worral Drive	86-339	51,000
Deerhurst	86-175	8,000
Delaplane Manor	86-268	27,000
Ditch on Road 314	86-487	9,000
Douglas Street - Road 115	86-276	13,000
Duncan Glen	86-365 & 366	27,000
Duncan Woods	86-186	11,000
Duross Heights	86-333	22,000
Duross Heights	86-336	5,000
Eastburn Acres	86-41	50,000
Ebenezer Church Road	86-79	29,000
Ebenezer Church Road	86-62	11,400
Edgebrooke	86-432	46,000
Edward Street - Georgetown	86-489	28,000
Eighteenth St. - N. Market to Washington St.	86-325	23,300
Eighteenth St. - Washington St. to Baynard	86 318	15,000
Elmhurst Place	86-328	25,000
Elmwood Forest	86-362	6,000
Eskridge Highway	86-121	50,000
Foulk Road - Maplewood Drive	86-469	33,000

Fourth Street - Dead End	86-407	6,000
Frederica - Road 389	86-404	9,000
Garfield Park - Chase Avenue	86-490	37,000
Garfield Park - Donhaven Drive	86-491	52,000
Glasgow Pines	86-37	28,600
Grade Crossing Improvements	86-520	73,500
Grade Crossing Improvements	86-364	9,000
Green Meadow - Wilson Road	86-59	10,000
Greenleaf Manor	86-38	31,000
Greenmount - Lincoln Avenue	86-20	46,000
Hayden Park - Hayden Avenue	86-207	131,000
Heritage Farms	86-103	14,000
Hickory Hills	86-68	20,000
Hickory Hills - All Streets	86-71	68,000
Hickory Hills - Revere Court	86-69	30,700
High Point - Marsh Road	86-49	25,000
Highlands of Heritage Park	86-340	12,000
Hillside Road - Md. Ave. to Dead End	86-451	7,000
Holloway Terrace - West Avenue	86-506	6,000
Holly Hill Road	86-178	25,000
Holly Oak Terrace - Hillside Road	86-376	10,000
Holly Woods Park	86-369	95,000
Hudson's Development	86-140	75,000
Irving Place	86-395	8,000
Jackson Street - Front Street	86-405	13,000
Jefferson Farms	86-479	67,000
Jefferson Farms - Montpelier Boulevard	86-508	14,000
Keystone	86-14	18,800
Kings Highway - Division Street to U.S. 13	86-380	106,000
Kingsridge - Empire Road	86-52	84,000
Knollwood - Alcott Avenue	86-419	15,000
Lamatan - Road 292	86-61	24,000
Lancaster Village - Ogle Avenue	86-514	2,000
Laurel Glen - Glen Drive	86-84	30,000
Liftwood - Old Mill Road	86-426	14,000
Little Creek Drainage	86-219	45,200
Lore Avenue - Euclid Avenue	86 439	18,000
Lowbert Street - Road 389	86-403	11,000
Madeline Gardens	86-455	24,000
Maplecrest - All Streets	86-193	25,000
Maribou Meadows - Maribou Drive	86-129	31,000
Maryland Avenue - S. Broom St. to Madison	86-504	79,000
Maryland Avenue - 1500 Block	86-170	9,000
Maryland Avenue - Wilmington Blvd. to City Line (expansion joints)		26,100
Mayfield Winstead Road	86-3	14,900
McDaniel Heights & Crest	86-233	61,000
Meadowood Spruceglen Drive	86-106	57,000
Mechanic Street Wyoming	86-529	67,000
Miller Road - 30th Street to Lea Boulevard	86-320	64,800
Minquadale Liberty Boulevard	86 133	15,000
Montclair	86 172	14,000
Monticello Boulevard	86-509	24,000
Murray's Development	86 277	11,000
Newkirk Estates	86-109	27,000
Newport Road Newport to Delcastle	86-255	35,000
North Shores	86 7	25,200
Oak Hill	86 238	36,000
Oak Hill Spruce Avenue	86 518	78,000
Oak Point Acres	86-488	63,000
Old Capital Trail	86 540	5,000
Old Capital Trail	86 541	8,000
Old Dixie Line Road from Dead End to West Chestnut Hill Road	86 311	20,000
Ott's Chapel Road from Turnpike Overpass to just South of Road 364	86 314	30,000
Park Drive Landscaping	86 389	36,000
Park Drive Route 896 to End	86-389	18,000
Park Drive S. College Avenue to End	86-85	80,000
Pineview Drive Road 355	86 397	6,000
Race Street Road 116	86 278	11,000
Radnor Green Osage & Benning	86 414	6,000

Radnor Woods	86-392	40,000
Ramsey Road #287	86-183	19,000
Red Mill Farms - Dunbar Drive	86-132	6,000
Redmill Farms - Cordele Road	86-478	34,000
Rentz Lane	86-63	15,000
Richardson Estates	86-95	31,000
Road 36, Milford	86-279	79,000
Road 58	86-158	17,000
Road 66 - Road 64 to Road 62	86-305	71,300
Road 207	86-521	19,000
Road 213, Redden	86-283	43,000
Road 363 (from Casho Mill Road to West Newark Limits)	86-312	36,000
Road 377	86-159	25,000
Road 433, Summit Bridge	86-131	7,000
Road 431 - Road 472 to Road 20	86-515	137,000
Road 493 - Road 24 to Road 492	86-303	73,600
Robscott Manor	86-513	38,000
Rolling Park - Mt. Vernon Drive	86-21	12,000
Route 40 - Brookmont Drive	86-361	30,000
Route 42 - Road 156 to Road 41	86-377	162,000
Route 273, New Castle	86-493	119,000
Route 896 - Road 395	86-157	12,000
Savannah Road – Grade Crossing	86-296	74,500
Sedgley Farms	86-55	17,000
Sharpley - Cranebrook Drive	86-176	24,000
Shelley Farms - Sonnet Drive	86-128	13,000
Sheridan Square	86-94	1,000
Sherman - Virginia Avenue	86-394	15,300
Signal Modification, Route 72 Old Baltimore Pike	86-82	11,000
Silverside Road	86-236	3,000
Silverside Road, Flashing Light	86-224	12,000
Sixteenth St. - Poplar Street to French Street		24,700
South Broom St. - Lancaster Ave. to Md. Ave. (expansion joints)		23,600
South Broom St. - Maryland Ave. to Lancaster	86-503	20,000
South Dillwyn Road	86-245	50,000
St. Agnes Street	86-406	9,000
Stockton - All Streets	86-293	64,000
Stone's Throw	86-34	84,000
Stratford - E. Edenburg Drive	86-482	104,000
Swanwyck Estates - Limestone Avenue	86-510	27,000
Sycamore Gardens	86-269	3,000
Sylvan Acres - Pine Street	86-284	29,000
Tavistock - Aldham Court	86-213	2,000
Tavistock - Burnley Road	86-214	3,000
Tavistock - Kilburn Road	86-216	11,000
Tavistock - Taunton Road	86-215	8,000
Telegraph Road	86-174	57,000
Town of Camden Dead End	86-275	98,000
Traffic Signal Installation	86-227	31,000
Tybrook - All Streets	86-184	62,000
Union Street - Pa. Ave. to Lovering Avenue	86-323	101,300
Village Meeting House Hill	86-125	53,000
Walnut Drive - Road 535	86-266	52,000
Walnut Street - 8th Street to 16th Street		138,400
Washington Heights - Atlantic Avenue	86 169	31,000
Webb's Lane - Road 27 to Road 24	86-502	60,500
Webb's Lane - School to Road 190	86-500	70,000
Webster Farms	86 2	26,800
West Main Street (from Del. Ave. to Main St.)	86-313	15,000
Westover Hills	86-83A	115,000
Westover Hills	86-285	11,000
Westview Drive Road 355	86-396	23,000
Wilmington Manor	86 360	45,000
Woodbine All Streets	86 468	48,000
Woodcrest Curtis Avenue	86 15	20,400
Woodcroft Avenue	86 460	11,000
Wynnbrook Avenue	86 428	38,000
Acorn Lane Road 16 to Road 66	86 499	29,500

Adam's Dam Road (#233)	86-181	45,000
Arnett Road - Road 530	86-263	83,000
Banksville Park	86-139	110,000
Blue Rock Manor	86-176	93,000
Br. 172A	86-387	6,900
Brookside Park - Section M	86-512	73,500
Capitol Trail Farms	86-229 & 230	67,000
Carrcroft - Drainage	86-470	48,000
Cleland Heights - DuPont Street	86-179	24,000
Cooper Farms	86-241 & 185	35,000
Dartmouth Woods	86-330	30,000
Denton Manor	86-399	35,000
Devonshire Woods	86-462	35,100
Dunleith	86-147	87,500
Edgemoor Gardens	86-454	19,000
Elmwood - All Streets	86-472	35,000
Hamilton Park	86-267	160,000
Harmony Hills	86-477	30,000
Hasting Estates	86-122	35,000
Heather Woods	86-329	64,000
Hidden Acres	86-402	40,000
Holly Oak	86-223	25,000
Indian Field	86-418	11,000
Klair Estates	86-192	3,000
Landers Lane	86-507	16,000
Lindamere - Brandywine - P. E.	86-449	29,200
Longwood - Greenmount Road	86-467	31,000
Loockerman Street - New Street to Forest	86-382	34,000
Mermaid Boulevard	86-286	44,000
Road 105	86-398	31,500
Sherwood Forest - All Streets	86-473	40,000
Shipley Heights	86-441	48,700
Truitt's Park	86-89	10,000
Ashbourne Hills		54,000
Blue Hen Ridge Drive		52,500
Branch Road		3,000
Church Street		3,500
City of New Castle - Drainage		47,000
City of Wilmington, 800 S. Heald Street		35,000
City of Wilmington, 600 S. Walnut St., Entrance		6,000
City of Wilmington, 800 S. Walnut St., Entrance		6,000
Cleland Heights		22,000
Dorman Street - Harrington		54,000
Frenchtown Rd., Basin Rd., to Rt. 13 - P.E.		7,000
Hayden Park - Overland Avenue		29,000
Jackson, Union, Lancaster - City of Wilmington		1,300
Lancaster Ave., Sidewalk & Fencing - 4200 Block		22,000
Magnolia		25,000
Milford		25,000
Milford Hydrants		5,400
Miscellaneous Projects - 3rd Rep. District		24,500
Miscellaneous Projects - 4th Rep. District		40,000
Miscellaneous Projects - 18th Rep. District		10,000
Miscellaneous Projects - 35th Rep. District		100,000
Miscellaneous Projects - 1st Sen. District		120,000
Miscellaneous Projects - 2nd Sen. District		91,000
Miscellaneous Projects - 3rd Sen. District		13,000
Miscellaneous Projects - 7th Sen. District		5,600
Miscellaneous Projects - 9th Sen. District		22,500
Miscellaneous Projects - 15th Sen. District		126,500
Miscellaneous Projects - 17th Sen. District		160,000
Miscellaneous Projects - 18th Sen. District		27,700
Miscellaneous Projects - 19th Sen. District		91,000
Miscellaneous Projects - 20th Sen. District		10,500
Old Capital Trail - St. James Church Rd. to Dead End	28,000	
Orchard Lane		46,800
Pencader Drive		48,000
Port Penn, Vol. Fire Company Water System		25,000
Road 59		26,000
Route 61		60,000
Scottfield - Scottfield Drive		20,000

South Street (Townsend)		160,500
Speed Humps		15,000
Westhaven Speed Humps		2,000
Wyoming Drainage		8,000
Contingency		11,400
	Subtotal	$9,920,000

Department and Project	New G. O. Bond Authorizations	Deauthorizations	Reversion & Reprogramming	New DTA Bonds	DTA Road Improvement Fund	First State Improvement Fund	All Other Funds	Total Funds
DELAWARE STATE COLLEGE								
Old Library - Renovations	$ -0-	$ -0-	$ 170,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 170,000
Loockerman Hall - Renovations	-0-	-0-	150,000	-0-	-0-	-0-	-0-	150,000
HE & BA Building - A/C	-0-	-0-	350,000	-0-	-0-	-0-	-0-	350,000
MCI	-0-	-0-	200,000	-0-	-0-	-0-	-0-	200,000
Subtotal	$ -0-	$ -0-	$ 870,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 870,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE								
Wilmington Campus Building Completion	$ 1,100,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$1,900,000	$ 3,000,000
MCI & Equipment - Statewide	-0-	-0-	200,000	-0-	-0-	-0-	-0-	200,000
Terry Campus - Planning	-0-	-0-	-0-	-0-	-0-	-0-	250,000	250,000
Instructional Computers-Terry	-0-	-0-	75,000	-0-	-0-	-0-	-0-	75,000
Subtotal	$ 1,100,000	$ -0-	$ 275,000	$ -0-	$ -0-	$ -0-	$2,150,000	$ 3,525,000
STATE BOARD OF EDUCATION								
Cape Henlopen School District Completion	$ 1,864,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 1,864,000
Howard Career Center - Boilers	-0-	-0-	-0-	-0-	-0-	-0-	265,800	265,800
MCI - Statewide	200,000	-0-	-0-	-0-	-0-	2,000,000	-0-	2,200,000
School Building Maintenance	-0-	-0-	800,000	-0-	-0-	-0-	-0-	800,000
Delmar - Roof Replacement	-0-	-0-	76,800	-0-	-0-	-0-	-0-	76,800
Appoquinimink School District	-0-	-0-	300,000	-0-	-0-	-0-	-0-	300,000
Kent County Orthopedic School - Planning	-0-	-0-	-0-	-0-	-0-	-0-	100,000	100,000
Sussex County Consortium	-0-	-0-	320,000	-0-	-0-	-0-	-0-	320,000
Brandywine School District	-0-	-0-	-0-	-0-	-0-	200,000	1,100,000	1,300,000
Christina - Autistic House	-0-	-0-	175,000	-0-	-0-	-0-	-0-	175,000
Subtotal	$ 2,064,000	$ -0-	$ 1,671,800	$ -0-	$ -0-	$ 2,200,000	$1,465,800	$ 7,401,600
GRAND TOTAL	$38,853,750	$ 3,244,101	$ 4,179,763	$ 4,047,000	$22,760,000	$12,500,000	$12,165,200	$97,749,814

Department and Project	New G. O. Bond Authorizations	Deauthorizations	Reversion & Reprogramming	New DTA Bonds	DTA Road Improvement Fund	First State Improvement Fund	All Other Funds	Total Funds
DEPARTMENT OF AGRICULTURE								
MCI - Statewide	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 50,000	$ -0-	$ 50,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 50,000	$ -0-	$ 50,000
DELAWARE NATIONAL GUARD								
MCI - Statewide	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 30,186	$ 189,814	$ 220,000
NCC - Maintenance Shop	-0-	-0-	-0-	-0-	-0-	34,000	-0-	34,000
Dagsboro - Maintenance Shop	-0-	-0-	-0-	-0-	-0-	-0-	70,000	70,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 64,186	$ 259,814	$ 324,000
STATE FIRE PREVENTION COMMISSION								
Hurst Tools	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 180,000	$ 180,000
Architectural Planning - Fire School Training Equip. Storage/Maintenance Bldg. & Fire Marshal's Office Bldg.	-0-	-0-	-0-	-0-	-0-	101,000	42,400	143,400
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 101,000	$ 222,400	$ 323,400
UNIVERSITY OF DELAWARE								
Composites Manufacturing Building - 1 of 2	$ 750,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 750,000
Swine Research Facility	-0-	-0-	40,000	-0-	-0-	-0-	-0-	40,000
Morris Library - Completion	1,607,250	1,282,750	-0-	-0-	-0-	-0-	-0-	2,890,000
Subtotal	$ 2,357,250	$ 1,282,750	$ 40,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 3,680,000

Department and Project	New G. O. Bond Authorizations	Deauthorizations	Reversion & Reprogramming	New DTA Bonds	DTA Road Improvement Fund	First State Improvement Fund	All Other Funds	Total Funds
DEPARTMENT OF PUBLIC SAFETY								
Helicopter	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 400,000	$ 400,000
MCI - Statewide	-0-	-0-	-0-	-0-	-0-	75,000	-0-	75,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 75,000	$ 400,000	$ 475,000
DEPARTMENT OF COMMUNITY AFFAIRS								
Architectural Barrier Removal	$ -0-	$ -0-	$ 50,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 50,000
Single Parent Housing Facility	-0-	-0-	-0-	-0-	-0-	-0-	250,000	250,000
Subtotal	$ -0-	$ -0-	$ 50,000	$ -0-	$ -0-	$ -0-	250,000	$ 300,000
DEPARTMENT OF TRANSPORTATION								
Drainage & Miscellaneous (56/00)	$ -0-	$ -0-	$ -0-	$ -0-	$ 1,000,000	$ -0-	$ -0-	$ 1,000,000
Corridor/Non Corridor (66/00)	-0-	-0-	200,000	4,047,000	9,403,000	-0-	-0-	13,650,000
Suburban Streets (56/00)	9,571,500*	-0-	348,500	-0-	-0-	-0-	-0-	9,920,000
Engineering & Contingencies (57/00)	700,000*	-0-	-0-	-0-	-0-	-0-	-0-	700,000
Equipment (58/00)	1,000,000*	-0-	-0-	-0-	-0-	-0-	-0-	1,000,000
Advance Right-of-Way (59/00)	300,000*	-0-	-0-	-0-	-0-	-0-	-0-	300,000
Advance Planning (60/00)	300,000*	-0-	-0-	-0-	-0-	-0-	-0-	300,000
Traffic Control Devices, Safety & Miscellaneous (61/00)	1,217,000*	-0-	-0-	-0-	-0-	-0-	-0-	1,217,000
Dirt Roads/Surface Treatment (62/00)	1,000,000*	-0-	-0-	-0-	-0-	-0-	-0-	1,000,000
Safety Improvements (63/00)	300,000*	-0-	-0-	-0-	-0-	-0-	-0-	300,000
Paving & Rehabilitation 4R (64/00)	6,600,000*	-0-	-0-	-0-	-0-	-0-	-0-	6,600,000
Paving & Rehabilitation, Resurfacing (64/00)	1,776,000*	-0-	27,000	-0-	10,197,000	-0-	-0-	12,000,000
Bridges (65/00)	3,500,000	-0-	-0-	-0-	-0-	-0-	-0-	3,500,000
DTA Capital/Operation (67/00)	140,000*	-0-	-0-	-0-	160,000	-0-	-0-	300,000
Maintenance (68/00)	-0-	-0-	-0-	-0-	2,000,000	-0-	-0-	2,000,000
Subtotal	$26,404,500	$ -0-	$ 575,500	$ 4,047,000	$22,760,000	$ -0-	$ -0-	$53,787,000

*General Obligation Bonds Not To Exceed 10 Years in Maturity

Department and Project	New G. O. Bond Authorizations	Deauthorizations	Reversion & Reprogramming	New DTA Bonds	DTA Road Improvement Fund	First State Improvement Fund	All Other Funds	Total Funds
DEPT. OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES								
MCI - Statewide	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 260,000	$ -0-	$ 260,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 260,000	$ -0-	$ 260,000
DEPARTMENT OF CORRECTION								
Barber Shop	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 11,000	$ 11,000
MCI - Statewide	-0-	-0-	-0-	-0-	-0-	-0-	310,000	$ 310,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 321,000	$ 321,000
DEPT. OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL								
Water Pollution Control Projects	$ 1,500,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 1,500,000
Rockwood (2nd of 4)	-0-	125,000	-0-	-0-	-0-	-0-	-0-	125,000
Tax Ditches	-0-	67,537*	382,463	-0-	-0-	-0-	-0-	450,000
Shoreline Stabilization - Indian River Inlet	-0-	-0-	-0-	-0-	-0-	-0-	500,000	500,000
Shoreline Stabil.-Statewide	-0-	-0-	-0-	-0-	-0-	-0-	250,000	250,000
Park Development	-0-	-0-	-0-	-0-	-0-	-0-	426,000	426,000
Beach Preservation - Statewide	150,000	-0-	-0-	-0-	-0-	-0-	-0-	150,000
Superfund - Phase II	1,500,000	-0-	-0-	-0-	-0-	-0-	-0-	1,500,000
Bypass System-Ind. River Inlet	-0-	5,000	315,000	-0-	-0-	-0-	-0-	320,000
Conservation Program	180,000	-0-	-0-	-0-	-0-	-0-	-0-	180,000
Land and Water Conservation Fund	-0-	-0-	-0-	-0-	-0-	-0-	500,000	500,000
New Market Wetland Acquisition	-0-	3,000	-0-	-0-	-0-	-0-	-0-	3,000
James Branch Acquisition	-0-	30,000	-0-	-0-	-0-	-0-	-0-	30,000
Thayer Acquisition	-0-	460,814	-0-	-0-	-0-	-0-	39,186	500,000
Milford Bulkhead/Spillway Comp.	-0-	320,000	-0-	-0-	-0-	-0-	-0-	320,000
Marine Access Areas	100,000*	-0-	-0-	-0-	-0-	-0-	-0-	100,000
St. Jones River - Pier	-0-	-0-	-0-	-0-	-0-	-0-	24,000	24,000
New Castle County Dredge	-0-	-0-	-0-	-0-	-0-	-0-	125,000	125,000
State Dredge	-0-	-0-	-0-	-0-	-0-	-0-	500,000	500,000
Fox Den Acquisition	-0-	100,000	-0-	-0-	-0-	-0-	-0-	100,000
Subtotal	$ 3,430,000	$ 1,111,351	$ 697,463	$ -0-	$ -0-	$ -0-	$2,364,186	$ 7,603,000

*General Obligation Bonds Not To Exceed 10 Years in Maturity

Department and Project	New G. O. Bond Authorizations	Deauthorizations	Reversion & Reprogramming	New DTA Bonds	DTA Road Improvement Fund	First State Improvement Funds	All Other Funds	Total Funds
DEPARTMENT OF ADMINISTRATIVE SERVICES								
Public Building	$ 1,751,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 1,549,000	$ 3,300,000
Conaway Motors/Sussex County Family Court	1,100,000	-0-	-0-	-0-	-0-	-0-	-0-	1,100,000
Old DNREC Laboratory	-0-	-0-	-0-	-0-	-0-	-0-	125,000	125,000
Sabo Building	-0-	-0-	-0-	-0-	-0-	-0-	140,000	140,000
Central Maintenance Facility	-0-	-0-	-0-	-0-	-0-	-0-	175,000	175,000
MCI & Energy Improvements	-0-	-0-	-0-	-0-	-0-	421,814	-0-	421,814
Asbestos	-0-	-0-	-0-	-0-	-0-	1,982,000	1,018,000	3,000,000
Central Fueling	-0-	-0-	-0-	-0-	-0-	-0-	125,000	125,000
Carvel Elevators	-0-	-0-	-0-	-0-	-0-	-0-	300,000	300,000
Subtotal	$ 2,851,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 2,403,814	$ 3,432,000	$ 8,686,814
DEPT. OF HEALTH & SOCIAL SERVICES								
Steam Dist. System - DSH	$ 615,000*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 615,000
Minor Capital Improvements	-0-	-0-	-0-	-0-	-0-	800,000	-0-	800,000
CT Building - Energy Conser.	-0-	-0-	-0-	-0-	-0-	147,000	-0-	147,000
Stockley Center - Replace Roofs	-0-	-0-	-0-	-0-	-0-	50,000	-0-	50,000
GBHC - Tilton Roof Replacement	-0-	-0-	-0-	-0-	-0-	125,000	-0-	125,000
Alcohol & Drug Abuse-Detox. Cen.	-0-	-0-	-0-	-0-	-0-	50,000	-0-	50,000
DSH - Main Bldg - Phase III	-0-	-0-	-0-	-0-	-0-	65,000	-0-	65,000
DSH - Roof Replacement	-0-	-0-	-0-	-0-	-0-	150,000	-0-	150,000
DSH - K/S Bldg. San. Part.	-0-	-0-	-0-	-0-	-0-	36,000	-0-	36,000
DSH - Roadway Repairs	-0-	-0-	-0-	-0-	-0-	120,000	-0-	120,000
Stockley Center-Rep. Fl. Cov.	-0-	-0-	-0-	-0-	-0-	45,000	-0-	45,000
Stockley Center-Rep. Wat. Lines	-0-	-0-	-0-	-0-	-0-	150,000	-0-	150,000
Furniture & Equipment-Statewide	-0-	-0-	-0-	-0-	-0-	-0-	500,000	500,000
DSHCI - Air Conditioning Prickett Building	-0-	-0-	-0-	-0-	-0-	840,000	-0-	840,000
Pyle State Service Center	-0-	-0-	-0-	-0-	-0-	-0-	300,000	300,000
Subtotal	$ 615,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 2,578,000	$ 800,000	$ 3,993,000

*General Obligation Bonds Not To Exceed 10 Years in Maturity

FISCAL YEAR 1986 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

Department and Project	New G. O. Bond Authorizations	Deauthorizations	Reversion & Reprogramming	New DTA Bonds	DTA Road Improvement Fund	First State Improvement Fund	All Other Funds	Total Funds
STATE BUDGET OFFICE								
Police Message Switcher	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 300,000	$ 300,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 300,000	$ 300,000
DELAWARE DEVELOPMENT OFFICE								
Wyoming Foreign Trade Zone	$ 32,000	$ -0-	$ -0-	$ -0-	$ -0-	$ 168,000	$ -0-	$ 200,000
Athletic Complex-Planning	-0-	-0-	-0-	-0-	-0-	125,000	-0-	125,000
NCC Corporate Commons	-0-	600,000	-0-	-0-	-0-	-0-	-0-	600,000
Entrance Road - State-Owned Industrial Park	-0-	-0-	-0-	-0-	-0-	100,000	-0-	100,000
Van Wingerden Road (SR 413)	-0-	-0-	-0-	-0-	-0-	150,000	-0-	150,000
Port of Wilmington Crane	-0-	-0-	-0-	-0-	-0-	2,500,000	-0-	2,500,000
Airport Land Acquisition	-0-	-0-	-0-	-0-	-0-	375,000	-0-	375,000
Subtotal	$ 32,000	$ 600,000	$ -0-	$ -0-	$ -0-	$ 3,418,000	$ -0-	$ 4,050,000
DEPARTMENT OF STATE								
Dickinson Plantation	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 125,000	$ 125,000
MCI - Statewide	-0-	-0-	-0-	-0-	-0-	-0-	75,000	75,000
Bicentennial Community Projects	-0-	-0-	-0-	-0-	-0-	1,350,000	-0-	1,350,000
Ellegoode Acquisition	-0-	250,000	-0-	-0-	-0-	-0-	-0-	250,000
Subtotal	$ -0-	$ 250,000	$ -0-	$ -0-	$ -0-	$ 1,350,000	$ 200,000	$ 1,800,000

CHAPTER 213

FORMERLY

SENATE BILL NO. 312

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 §5103, Title 25, Delaware Code, by redesignating said Section in its entirety as subsection (a) of §5103 and by striking from said subsection (a) the fourth sentence thereof, and by substituting therefor the following:

"Notwithstanding anything to the contrary in this Section, Chapters 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 for a commercial unit (as defined in §5102(1) of this Title:

(1) consisting of an aggregate rentable area (as defined in §5102(12) of this Title) in excess of 5,000 square feet; or

(2) comprising part of a structure or building containing three or more commercial units; or
(3) leased for a manufacturing or industrial use under the terms of the rental agreement."

Section 2. Further amend §5103, Title 25, Delaware Code, by adding thereto a new subsection (b), which subsection shall read as follows:

"The exemptions provided for by subsection (a) of this Section shall not apply to any rental agreement for a commercial unit entered into on or before the date on which the Act creating this subsection (b) shall be effective by reason of the signature of the Governor or otherwise by operation of law, or to any renewal of such agreement after such date, unless by express, written agreement of the parties."

Approved September 6, 1985.

CHAPTER 214

FORMERLY

SENATE BILL NO. 315

AN ACT TO RE-INCORPORATE THE TOWN OF NEWPORT.

WHEREAS, it is deemed advisable that the Charter of the Town of Newport, set forth in Chapter 283, Volume 52, 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 1-01. Incorporation

The inhabitants of the Town of Newport within the corporate limits as hereinafter defined in this Charter, Section 1-02, or as subsequently altered by annexation procedure as provided by law, are hereby declared to be a body politic incorporated in law and equity to be known as the "Town of Newport" and shall continue to be a municipal corporation and body politic in perpetuity.

Section 1-02. Geographic Boundaries

The geographic boundaries of the Town of Newport are hereby established and declared to be as follows:

BEGINNING at a point at the low water mark of the Christiana River and the westerly side of Mary Street and thence northerly to the north side of the Philadelphia, Wilmington and Baltimore Railroad's right-of-way and thence westerly with the north side of the said right-of-way five hundred seventy-six feet to a point in the easterly side of a twenty five foot wide lane, known as Krebs Lane and thence along said easterly side of said lane, about 550 feet to the southerly line of land of Elizabeth L. Ball, thence North 85 degrees 31 minutes East 122 feet to a point thence along another line of land of said Elizabeth L. Ball, North 3 degrees and 58 minutes West 122 feet to the southerly side of Market Street, also known as Newport-Christiana Turnpike, thence along southerly side of said Market Street approximately three hundred thirteen feet to a point, thence northerly seventy feet to the northerly side of Market Street at its intersection with the easterly line of land now owned by Clara Weingarten, thence North six degrees West five hundred ninety-five and nine-tenths feet to a stone, thence North twenty-four degrees and eighteen minutes West seven hundred fifty and fifty-one hundredths feet to a stone in southeasterly side of a sixty foot wide roadway belonging to Claud Banta and extending from the Newport Gap Turnpike to the plot of land known as Tuxedo Park and thence along said southeasterly side of said sixty-foot wide roadway easterly to the Newport Gap Turnpike approximately eight hundred ninety-nine feet and thence south along the said Newport Gap Turnpike two hundred ninety-three feet to the present boundaries of said Town of Newport and thence Easterly on a line parallel to and 760 feet Northerly from the Northerly side of Christian Street to the land formerly owned by Robert Lynam thence Southerly along the line of said Robert Lynam's land and the present boundary line of the Town of Newport to the northern side of St. James' Cemetery, thence Easterly along the Northerly side of said Cemetery to the intersection of the present limit of Town of Newport with the Westerly line of land of Frank A. Herpel, thence Southerly along the line of said land of Frank A. Herpel 382 feet to a corner to the land of St. James' Cemetery, the Industrial Trust Company and Frank A. Herpel, thence Easterly along the line of land of Frank A. Herpel to a point in said line one hundred twenty-five feet Westerly from the Westerly side of Larch Avenue as laid out on the Plot of Newport Heights and thence Southerly on a line parallel to and one hundred twenty-five feet distant from the Westerly side of said Larch Avenue, approximately five hundred fifty-six feet to the southerly side of Ayre Street as laid out on the Plot of Newport Heights and thence westerly along the southerly side of said Ayre Street approximately fifty feet to the westerly side of Lot 87 as shown on the Plot of Newport Heights and thence southerly along said westerly side of said lot eighty-seven feet to the northerly side of the right of-way of the Philadephia, Wilmington and Baltimore Railroad and thence westerly with the north side of said right-of-way approximately five hundred sixteen feet to the present boundaries of the Town of Newport and thence along said boundary and limits of the said Town of Newport to the Christiana River, low water mark, thence with low water of said river to the place of Beginning.

FURTHER, the Town of Newport shall include the following parcels that have been annexed:

ALL that piece or parcel of land which adjoins a portion of the easterly boundary of the Town of Newport, State of Delaware, BEGINNING at a point in the corner of Water Street

(Fifty Feet Wide) where it meets the easterly boundary of the Town of Newport, thence a strip of land Fifty Feet Wide extending in an easterly direction Sixteen Hundred Thirty Two (1632') feet from the point of beginning. Being a Sixteen Hundred Thirty Two Feet Easterly Extension of Water Street. (Ordinance No. 332 adopted March 6, 1975)

ALL the pieces or parcels of Land which adjoin and are contiguous to a portion of the easterly boundary of the Town of Newport in Christiana Hundred, State of Delaware, described herein, BEGINNING at the easterly boundary of the Town of Newport and extending easterly to the easterly boundary of Marsh Lane as described in a survey of property for Harvey, Knotts, and Schmusser, by Marvin S. Smith, Civil Engineer, dated November 30, 1967, of the Newport Industrial Park, Inc. and including all the parcels of land contained between the southern limits of the Penn Central Railroad and the low water mark of the Northern Banks of the Christiana River. (Ordinance No. 335 adopted November 20, 1975)

ALL that piece or parcel of land which adjoins the boundary of the Town of Newport and owned by the Conrad Area School District and presently the site of the Henrick J. Krebs Junior School. (Ordinance No. 339 adopted June 3, 1977)

ALL that piece of parcel of land which adjoins and is contiguous to a portion of the easterly boundary of the Town of Newport in Christiana Hundred, State of Delaware, being a piece or parcel of real estate consisting of 8.9649 acres more or less bounded on the east side by Marsh Lane and on the south side by the Christiana River as more fully described as parcel No. 2 in a survey of the Newport Industrial Park, Inc., dated November 30, 1967, by Marvin S. Smith, Civil Engineer. (Ordinance No. 374 adopted May 7, 1981)

ALL the pieces and parcels of land, now described as one parcel, with improvements thereon which adjoin and are contiguous to a portion of the northeasterly boundary of the Town of Newport in Christiana Hundred, State of Delaware, BEGINNING at a point on the Southerly side of Ayre Street, at varying widths, a common Corner of the property herein being described, being the prolongation of the easterly division line of Lot No. 86 of the William Brown estate in Newport Heights, and Lot No. 1 of Cropper & Thomas, Inc., and further located along the southerly side of Ayre Street from the southwesterly end of a junction curve, having a radius of 20.00', joining the southerly side of Ayre Street by the following course and distance: South 75 - 28' - 00" West, 63.95'; thence from the point and place of the beginning, leaving the southerly side of Ayre Street, along a division line of Lot No. 1 of Cropper & Thomas, Inc., and along the lands, now or formerly, of the Philadelphia, Baltimore and Washington Railroad Company, South 00 - 12' - 00" East, 151.73' to a corner of the lands, now or formerly, of the Philadelphia, Baltimore and Washington Railroad Company and Lot No. 86 of the William Brown Estate in Newport Heights; thence along the northerly right-of-way line, now or formerly of the Philadelphia, Baltimore & Washington Railroad Company, by a curve to the right, having a radius of 5,301.56' an arc distance of 100.55', (chord bearing and distance: South 81 - 49' - 19" West 100.55') to a common corner of Lot No. 87 of the William Brown Estate in Newport Heights and Lot No. 35 of the Industrial Trust Company Subdivision; thence leaving the northerly right-of-way line, now or formerly, of the Philadelphia, Baltimore & Washington Railroad Company, along a division line of Lot No. 35 of the Industrial Trust Company Subdivision, North 00 - 12' - 00" West, 146.21' to a corner of the said Lot, a 1" iron pipe, on the previously mentioned Southerly side of Ayre Street; thence along the southerly side of Ayre Street, by the following two courses and distance: (1) North 84 13'00" East, 40.60' to an angle point, a 1" iron pipe; and (2) North 75 - 06' - 00" East, 61.17' to the first mentioned point and place of beginning. Containing within the said described metes and bounds 0.3364 Acres of Land, be the same, more or less. (Ordinance No. 379 adopted March 3, 1983)

The jurisdiction of the Town shall extend over all wharves, docks, piers, and other construction in the Christina River adjoining the limits of Newport and for thirty yards in the Christina River beyond such wharves, docks, piers, and other construction.

The Mayor and Commissioners of the Town of Newport, at any time hereafter, may cause a survey and plat to be made of the said Town and said plat, when made and approved by the Mayor and Commissioners, shall be recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of law and equity in this State.

Section 1 03. Annexation

The Town of Newport shall have the power to annex any additional continguous territory upon the petition of a majority of the real property owners and qualified voters (as defined in this Charter) within said territory; each such real property owner being entitled to one vote irrespective of the number of parcels owned or the acreage contained therein; and the Town may extend and apply to such additional territory all laws, ordinances, resolutions, rules and regulations in force within said Town, so far as they may be locally applicable. Before any additional territory shall be annexed to said Town, the Mayor and Commissioners shall pass a resolution describing and defining accurately the territory proposed to be annexed, shall provide for the zoning of the annexed

territory, and shall give notice that the petition for such annexation has been presented by causing copies of said resolution to be posted in at least five public places in the Town; and within thirty days thereafter, if sufficient cause to the contrary be not shown to the Mayor and Commissioners, it may by ordinance, three-fifths of all the members concurring therein, annex to said Town the territory described and defined in said resolution, and such territory shall thereupon become a part of said Town. The Town may annex additional contiguous territory by such other procedures as may be set forth under the laws of the State of Delaware.

ARTICLE II - POWERS OF THE TOWN

Section 2-01. Powers of the Town

The Town of Newport shall have all the powers granted to municipal corporations and to cities and towns by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The Town of Newport shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The Town of Newport, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal, or mixed, and all the rights, privileges, franchises, powers and immunities now or heretofore belonging to, possessed by, or enjoyed by the Commissioners of Newport.

The Town of Newport may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas or electric system, or other municipal purposes, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware, or restricted by this Charter, the Town of Newport shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

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

All laws, ordinances, resolutions, rules and regulations for municipal purposes now in force within the Town, not inconsistent with, nor modified or repealed by the provision of the 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 2-02. 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 civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III - THE MAYOR AND COMMISSIONERS

Section 3-01. Form of Government

The form of government established by this Charter shall be known as the Mayor and Commissioners form. The administrative duties of the Mayor and Commissioners may be delegated, as provided in Article IX and other provisions of this Charter, to a Town Manager.

Section 3-02. The Commissioners

The Commissioner shall consist of five (5) Commissioners at large, one of whom shall be the Mayor. It shall be the duty of each Commissioner to propose necessary and appropriate legislation and resolutions for Commission consideration; serve on committees designated by the Mayor and Commissioners. It is the duty of the Commissioners to attend regular and special meetings and public hearings on proposed legislation; be available and responsive to constituents; and perform all other duties as provided in this Charter and by law.

Section 3-03. The Mayor

It shall be the duty of the Mayor to preside at all meetings of the Commissioners and to see that the laws, ordinances, rules and regulations of the Town are fully executed. He/she shall have custody of the seal of the Corporation and shall have the right of affixing the seal. The Mayor may

vote on all ordinances, acts, resolutions or motions which a Commissioner may vote on, pursuant to this Charter. He/she shall approve the monthly list of drafts of the Town Clerk, unless such power is delegated to the Town Manager by ordinance. The Mayor shall also have the power to administer oaths and affirmations. The Mayor shall appoint all committees, subject to confirmation by Commissioners and shall be recognized as the head of the Town Government. The Mayor may appoint, subject to confirmation by the Commissioners, a Town Manager to oversee and manage the administrative affairs of the Town.

Section 3-04. The Vice-Mayor

At the organizational meeting (see Sec. 3-12) of the Mayor and Commissioners, the Commissioners shall elect, by a majority vote, among its members a Vice-Mayor who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy occurs, shall become Mayor for remainder of the unexpired term. The Mayor may also vote for a Vice-Mayor.

Section 3-05. Qualifications for Mayor and Commissioners

Any qualified voter of the Town of Newport who is at least twenty-one (21) years of age, who is a United States citizen, who has not been convicted of a felony as that crime is designated by the State of Delaware, who has resided in the Town for at least two (2) years next preceding his/her election, and has currently paid all Town taxes due, shall be eligible to hold the office of Mayor or Commissioner; provided that the "qualified voter" as used herein shall mean a person who is a registered voter at the time his/her nominating petition is filed.

Section 3-06. Election and Terms of Office

The general municipal election shall be held on the First Monday in April each and every year from 12 o'clock noon until 8 o'clock in the evening, local time. The Mayor and Commissioners of said Town shall continue to hold office during the respective terms for which they were elected or until their successors have been duly chosen and qualified.

Section 3-07. General Powers and Duties

All powers of the Town shall be vested in the Mayor and Commissioners, except as otherwise provided by law or this Charter, and the Mayor and Commissioners shall provide for the exercise thereof and for performance of all duties and obligations imposed on the Town by law.

Section 3-08. Commissioners Prohibitions

A. Holding Other Office Except where authorized by law, no Mayor or Commissioner shall hold any other Town office, or Town employment during the term for which elected to Commissioner, and no Mayor or Commissioner shall hold any compensated appointive Town office or employment until one (1) year after the expiration of the term for which elected to office.

B. Appointment and removals. Neither the Mayor nor the Commissioners shall in any manner dictate the appointment or removal of the Town administrative officers or employees whom the Town manager or any of his/her subordinates are empowered to appoint, but the Mayor and Commissioners may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.

C. Interference with Administration. Except for the purpose of inquiries and investigations, the Mayor and Commissioners shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Mayor nor the Commissioners, nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 3-09. Vacancies and Forfeiture of Office

A. Vacancies. The office of Mayor or Commissioner shall become vacant upon death, removal from the Town, resignation, removal from office in any manner authorized by law, or forfeiture of office.

B. Forfeiture of Office. The Mayor or Commissioners shall forfeit office if: (1) he/she lacks, at any time during his/her term of office, any qualification for the office prescribed by this Charter or by law; (2) violates any express prohibition of this Charter; (3) is convicted of a felony as that term is defined by the State of Delaware; (4) failure to attend three (3) successive monthly meetings at any time or failure to attend four (4) regular meetings in a twelve (12) months period.

C. Filling of Vacancies. In case of vacancy for any cause in the office of Mayor, the Vice-Mayor, shall fill such vacancy. In the case of a vacancy for any cause in the office of Commissioner, the Commission, including the Mayor, upon majority vote shall make a temporary appointment to fill such vacancy at the next regular meeting. Such appointment shall continue until

the next general municipal election. Thereafter, such office shall be filled by election and the person so elected shall serve for the remainder of the term of the Commissioner whose office became vacant.

Section 3-10. Judge of Qualifications of Members

The Mayor and Commissioners shall be the judge of the election and the qualifications of the Mayor and Commissioners and of the grounds for forfeiture of their office, and for such purposes, shall have power to subpoena witnesses, take testimony, and require the production of records. A Mayor or Commissioner charged with conduct constituting grounds for forfeiture of his/her office, except for forfeiture by virtue of violation of Sec. 3-09 B(4), shall be entitled to a public hearing on demand; and notice of such hearing shall be posted in five (5) prominent locations in the Town, one of which shall include the Town Hall, at least ten (10) days in advance of the hearing.

Section 3-11. Mayor and Commissioners Compensation and Expenses

The Mayor and Commissioners shall determine the annual salary of the Mayor and Commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of members of the Mayor and Commission elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Members of the Mayor and Commission shall receive reimbursement for actual and necessary expenses incurred in traveling when on official business. The salary of the Mayor may exceed that of the Commissioners.

Section 3-12. Meetings of Commissioners

The Mayor and Commissioners shall hold an organizational meeting in the evening of the second Monday in April the regular municipal election and shall meet regularly at least once a month thereafter. Additional meetings may be held on a regular, adjourned or special basis, provided notice is given in accordance with the law of the State of Delaware and the rules of the Mayor and Commissioners. Special meetings may be called by the Mayor, or by written request of any two members of the Commission and, whenever practical, upon no less than eight hours notice to each member. All meetings shall be open to attendance by the public, provided however, the Commissioners may recess for the purpose of discussing, in an executive session pursuant to the Sunshine Law of the State of Delaware, or any other matter appropriate for executive session, provided that the general subject matter for consideration is expressed in the motion calling for such session.

The Mayor and Commissioners 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 adjourned or special meeting, called as aforesaid as the Mayor and Commissioners has at a regular meeting.

Section 3-13. Rules of Procedure

The Mayor shall determine the rules of procedure and order of business at the meetings. The Mayor and Commissioners shall provide for keeping a minute book of its proceedings, which shall be a public record and open to public inspection. Voting, except on procedural motions, may be by roll call but in any event the ayes and nays and abstentions shall be recorded in the minutes.

Section 3-14. Quorum and Majority Requirement

A majority of the members of the Commission shall constitute a quorum to do business. No ordinance shall be valid unless it shall have the affirmative vote of a majority of the members of the Commissioners. Resolutions, orders and motions shall be valid upon the affirmative vote of a majority of the members of the Commissioners present. No member shall be excused from voting on ordinances, resolutions, orders or motions except where a member of Commissioners has a conflict of interest, in which event, said member shall disqualify himself/herself from voting.

Section 3-15. Organizational Meeting

An organizational meeting of the Commissioners of Newport shall be held immediately following the annual election on the second Monday in April. At the Organizational meeting, the Commissioners, including those elected that day, shall select from amongst themselves one Commissioner, who shall be the presiding officer of the Commissioners and shall be called "Mayor". The Mayor shall have a term of one year. Any Commissioner may vote for himself/herself in the selecting of the Mayor. If the Commissioners are unable to select one of their number as Mayor, then the Mayor shall be chosen by drawing lots from a box.

ARTICLE IV - ASSESSMENT OF PROPERTY; TAXES

Section 4-01. Property Assessment Procedure

A. Generally. There annually shall be made a true, just and impartial valuation and assessment of all real estate within the Town except such real estate as is exempt from municipal assessment and taxation by virtue of any State law, and also of such personal property as is subject to County assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds or automobiles be assessed or taxed.

B. Use of County Assessments. It shall be lawful for the Town to enter into an agreement with the Board of Assessment for New Castle County to inspect and copy, or to obtain copies, of the assessments made for County purposes. Annually, the Commissioners shall make a judgment regarding whether the Town will utilize such County assessments and whether said County assessments are a true, just and impartial evaluation. The Commissioners then shall order the adoption of such County assessment for municipal purposes or the adoption of assessments as determined by the Town assessment authority; provided, however, that adoption of the County assessment for municipal purposes shall not preclude the Town from modifying the County assessment list to take into account new construction or changes in ownership or use not reflected in the County assessment list, or clear cases of inequitable assessment.

The determination to use the County assessments shall be made by ordinance before February 1st of any year and shall continue in effect from year to year until revoked by ordinance. Notice of a determination to use the County assessments shall be given to the Assessor or Board of Assessment prior to March 1st in the year that the determination is made and shall be published at least once a week for two (2) weeks prior to March 1st of each year in at least two (2) newspapers in the municipality, or to the extent no such newspaper exists, then in a newspaper of general circulation in New Castle County.

C. Approval and Posting of Assessment Roll. Each year, there shall be prepared and submitted to the Commissioners at least 60 days before the beginning of the tax year, two or more copies of the assessment roll, which shall show the location of each parcel of taxable real and personal property by street and number or other suitable description. When the Commissioners approve the roll as prepared, or as modified by the Commissioners, then a full and complete transcript thereof shall be posted in a place in the Town designated by the Commissioners. Such posting shall take place at least 45 days before the beginning of the tax year and shall remain posted up to, but not including, the appeal day as herein set out. Notice of the time and place where the assessment list may be viewed shall be given by posting such announcement in at least five (5) public places throughout the Town.

D. Assessment Board of Appeals. Each year, at least 30 days before the beginning of the tax year, the Commissioners shall hold a Board of Appeals, which Board shall continue open from 7 p.m. to 9 p.m., during which time the Commissioners acting as such Board shall hear and determine appeals from assessments and shall make such corrections and additions as may be deemed necessary and proper. The decision of a majority of the Commissioners sitting on appeals shall be final and conclusive in respect to all appeals.

No Commissioner shall sit on his/her own appeal, but the same shall be heard and determined by the other Commissions. After the said valuation and assessment shall be examined and adjusted by the Commissioners, all property taxes shall be examined and adjusted by the Commissioners, all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.

Section 4 02. Levy of Taxes

The Commissioners shall, after having ascertained the revenue necessary to balance the budget and having apportioned said sum on the assessment and valuation as provided for in this Charter, shall, on the first day for the fiscal year, furnish the Town Treasurer with a copy of the final assessment roll containing the names of the taxables, as well as the owners of real estate and the tax on the entire valuation and assessment at a rate per one hundred dollars. The Assessment roll shall be certified true and correct by a majority of all the Commissioners.

Section 4 03. Payment of Taxes

All taxes shall be paid to the Town Clerk at the Town Hall during regular business hours. All taxes are due on June 30th (or the next banking day, if June 30th is a weekend or holiday) of each year. On all taxes paid after June 30th there shall be paid a penalty at the rate of two percent (2%) per month or fraction thereof for each month unpaid after date due. All tax bills shall be sent out on or before May 15th of each year. Appropriate legal action shall be taken against all delinquent taxpayers whose taxes have become delinquent for a period of two (2) years or more.

Section 4 04. Collection of Delinquent Taxes - Generally

A. Tax Liens. The provisions of Title 25, Delaware Code Annotated, Chapter 29, as amended, with reference to tax liens shall be deemed and held to apply to all taxes imposed under the provisions of this Charter.

B. Debt Action. The Town Clerk may recover the amount of the tax due in an action of debt against the delinquent taxpayer in any court of competent jurisdiction; and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against property owned by the defendant, in whole or in part, together with such description of the property as will be sufficient to identify the same and the year for which the taxed were levied. The right of appeal shall be the same as in other civil actions.

If a judgment be rendered in favor of the Town Clerk, there shall be an allowance for the additional expense in attending to the suit, including counsel fees. The amount of accrued interest, which shall be taxed by the court in the costs, thereupon execution shall issue against the real estate of defendant. No execution against the real estate shall issue except out of the Superior Court. Where such judgment is recovery from a lower court of competent jurisdiction and it is the desire of the Town Clerk to proceed against the real estate of the defendant, the Town Clerk shall take a transcript of the judgment from such lower court and cause the same to be entered in the Superior Court in and for New Castle County. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment, as aforesaid, shall be deemed to relate back and take effect from the date of the Certified Town Clerk assessment roll.

C. Remedies Cumulative. The remedies herein provided are cumulative and, if two or more proceedings are pending to recover the amount due for taxes upon the same property for any year, neither proceedings shall be pleaded in bar or in suspension of other proceedings. However, when the full amount due for taxes upon the property for the year shall have been paid to the plaintiff in any proceeding, together with all costs in all proceedings then pending, the plaintiff shall enter upon the records thereof discontinuances thereof.

Section 4-05. Collection of Delinquent Taxes - Monition

A. Monition Method Established. In addition to all existing methods and authority for the collection of taxes or special assessments due the Town of Newport, the monition method and authority is established.

B. Praecipe; Judgment; Monition. The Town may file, or cause to be filed, a praecipe in the office of the Prothonotary of the Superior Court in and for New Castle County, which praecipe shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the tax or assessment was laid, and a statement of the lot number or numbers of the particular section in which said property is located. For the purpose of this and the next section, the street number or numbers also shall be sufficient identification and description of said property.

The Prothonotary shall make a record of the same on the judgment records of said Superior Court against the property mentioned or described in said praecipe. Thereafter, upon a praecipe for monition filed in the office of said Prothonotary by the Town, a monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien.

C. 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 taxes or assessments 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 shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing the date prior to the filing of the lien in the office of the Prothonotary for New Castle County, and the Town of Newport may proceed to sell the property herein mentioned or described for the purposes of collecting the judgment for the taxes or assessments herein stated.

Names of Person in Whose Name Property Is Assessed	Description of Property	Year or Years	Amount of Judgment

D. Posting of Monition; Sheriff's Return; Alias and Pluries Monition. Said monition, or copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessments is a lien. The Sheriff shall make due and proper return of his/her proceedings under said Monition to said Prothonotary within ten (10) days after the posting of said copy of monition as aforesaid. Alias or Pluries Monition may issue upon like praecipe. The posting of said Monition shall constitute notice to the owner or owners and all persons having any interest is said property.

E. Issuance and Form of Writ of Venditioni Exponas. At any time after the expiration of twenty days following the return of the Sheriff upon such Monition, unless before the expiration of

said twenty days, the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted bill or a duplicate thereof, bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon praecipe filed by the Town of Newport through its attorney or any other person authorized on its behalf to collect taxes or assessments due to the Town of Newport, a writ of Venditioni Exponas shall issue out of the office of the said Prothonotary directed to the Sheriff, commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his/her proceedings thereunder in the same manner as is not applicable with respect to similar writs of Venditioni Exponas issued out of the said Superior Court.

Said writ shall be substantially in the following form:

COUNTY OF NEW CASTLE:

: SS.

STATE OF DELAWARE:

TO THE SHERIFF OF NEW CASTLE COUNTY

GREETINGS:

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the ___ day of _____, A.D. 19_, IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, 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 in the ___ day of _____, A.D. 19_.

We therefore now command you to expose to public sale 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 ($_____) lawful money of the United Stated, which to the said Town of Newport, a municipal corporation of the State of Delaware, is due and owing, as also the sum of _____ Dollars ($_____) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said _____ was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday, the ___ day of _____, next, to render to the said Town of Newport, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ;

WITNESSETH, The Honorable _____ at Wilmington, the ___ day of _____, A.D. 19_.

_____

Prothonotary

Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

F. Title of Property Sold. Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof, and likewise freed and discharged from any dower or courtesy or statutory right, in the nature of a dower or courtesy, whether absolute or inchoate, in or to said real estate, and form all equity of redemption and liens and encumbrances held by persons and corporations against said property.

G. Redemption by Owner. The owner of any such real estate sold under the provisions of this Charter or his/her legal representatives may redeem the same at any time within three months from the day the sale thereof is approved by the Court, by paying to the purchaser of his/her legal representative, successors or assigns, the amount of the purchase price and fifteen percent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his/her legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the Town of Newport, by paying said amount into said Court for the use of said purchaser his/her legal representative or assigns.

H. Petition by Purchasers for Deed of Conveyance. In the event that the owner of said property or his/her legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his/her 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 said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the petitioner; and thereupon, the said Superior Court shall have power, after a hearing upon said petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said petition, and a description of said property by street number or by lot number or numbers of the particular section in which said property is located, together with a description of said property by metes and bounds.

I. 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/her legal representative, shall redeem said real estate, he/she may prefer to said Superior Court a petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the judgment under which said real estate was sold, a memorandum that the real estate described in the proceeding upon which said judgment was entered has been redeemed, and thereafter, the said owner shall hold such redeemed real estate subject to the same liens and the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

J. No Proceedings Unless Tax is a Lien Upon Property. 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 said petition in the office of the Prothonotary, be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for Town purposes which may hereafter be lawfully assessed on real estate shall constitute a prior lien thereon for a period of ten years from the first day of the Town tax year succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided.

K. Counsel Fees; Purchase by Town. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be full paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may be charged with or liable to. The Town of Newport shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Charter, and in the event that such person or persons is the highest and best bidder or bidders therefor, the title thereto shall be taken in the name of the Town of Newport. The Commissioners, by resolution duly adopted, are authorized and empowered to sell and convey any real estate purchased under the provisions herein.

L. Definition of Superior Court. Whenever the Superior Court is mentioned in this or the preceding Section of 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 or the preceding Section, may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

M. Fees and Costs. The fees and costs to be fixed in all monition proceedings under this and the preceding Sections, where not otherwise provided for, shall be set by the Commissioners by ordinance. All other charges not covered by this and the preceding Sections shall be the same as are provided by law.

ARTICLE V - ORDINANCE PROCEDURE

Section 5-01. Ordinances Generally

In addition to such acts of the Commissioners as are required by this Charter or by law to be by ordinance, every act of the Commissioners establishing a fine or penalty shall be by ordinance. Except as otherwise provided, every legislative act of Commissioners which shall have the force of law shall be by ordinance and shall include an enacting clause which reads: "The Commissioners of the Town of Newport hereby ordinance:".

Section 5-02. Commissioners Action on Ordinance

A. Every proposed ordinance shall be introduced in writing. Any ordinance which amends an existing ordinance shall set out in full that part of the ordinance, section or subsection to be repealed or amended, and shall indicate the matter to be omitted. Every ordinance, except general modifications and revisions of Town ordinances, shall contain not more than one subject, which shall be clearly expressed in its title.

B. An ordinance may be introduced by any Commissioner. Upon introduction of any ordinance,

copies thereof shall be distributed to each Commissioner and the Town Solicitor, and a reasonable number of copies shall be filed in the Town Hall and such other places as the Commissioners may designate. No ordinance shall be passed unless it shall have read in full or abstract at a previous meeting. After first reading, the proposed ordinance shall be posted in five (5) prominent locations in the Town, one of which shall include the Town Hall, at least seven (7) days prior to the established hearing date, stating the time and place where said ordinance will be given a public hearing and be considered for final passage.

C. At the time of the stated meeting and public hearing, which can be a regular, adjourned or special meeting, the proposed ordinance shall be read in full or subtract and considered for passage. After the public hearing and consideration, the Commissioners may pass the proposed ordinance, or a substitute version thereof, which is substantially similar thereto.

D. All ordinances must be passed by at least three (3) Commissioners.

Section 5 03. Effective Date

Except as otherwise provided in this Charter, every adopted ordinance shall become effective immediately upon adoption or at a later date as specified in the Ordinance.

Section 5-04. Adoption of Codes of Technical Regulations

The Commissioners may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that a copy of each adopted code of technical regulations as well as of the adopting ordinance shall be made available by the Town Clerk or for purchase at a reasonable price.

Section 5 05. Authentication and Recordation

The Town Clerk shall authenticate by his/her signature and record in full, in a properly indexed book for that purpose, all ordinances, resolutions and regulations adopted by the Commissioners.

Section 5-06. Emergency Ordinances

A. To meet a public emergency affecting life, health, property or the public peace, the Commissioners may adopt emergency ordinances; but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by the Town for any of its utilities, or authorize the borrowing of not more than three-tenths of one percent (0.3%) of the assessed valuation of the assessable and taxable real property within the limits of the Town of Newport for emergency purposes.

B. An emergency ordinance shall be introduced in the form 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.

C. An emergency ordinance may be adopted without a first reading, but copies of the ordinance shall be made available to the public prior to the meeting considering approval thereof, and time shall be set aside, prior to Commissioners' vote, for public comment.

D. An emergency ordinance may be adopted only by an affirmative vote of at least three (3) Commissioners After its adoption, the ordinance shall become effective upon its adoption or at such later time as it may specify; but, every emergency ordinance, including any amendment made therein after its adoption, shall automatically stand repealed as of the ninety first (91st) day following the date on which it was adopted, unless extended by regular ordinance enacted by the Commissioners, and it shall be the duty of the Town Secretary to so notify the Commissioners.

ARTICLE VI FINANCES AND INDEBTEDNESS

Section 6 01. Fiscal Year

The Town's fiscal year, which shall constitute the budget and accounting year, but need not constitute the tax year, shall commence on January 1st of each year and conclude upon December 31st of the following year, but the Commissioners may, by ordinance, adopt a different fiscal year.

Section 6 02 Payment of Moneys Out of the Town Treasury

All payments out of the Town Treasury shall be by check drawn by the Town Clerk and signed by the Town Manager and the Mayor or one other Commissioners.

Section 6 03. Annual Operating Budget

A. It shall be the duty of the Commissioners, at least before the end of the fiscal year, to adopt the annual operating budget for the next fiscal year. Such budget shall be adopted by resolution with a hearing as required by Section 6-05 of this Charter. The consideration of the operating budget shall begin forthwith upon the receipt from the Town Clerk or Town Manager of an annual written operating budget message and the proposed annual operating budget, which shall be submitted at the first regular meeting in October of each year. The proposed budget shall be regarded as having been introduced immediately upon its receipt.

B. The annual operating budget shall provide for discharging any deficit and shall provide appropriations to the Commissioners and all officers, departments, boards and Commissioners which form a part of the Town Government, and for all other items which are to be paid out of the revenue of the Town. All appropriations shall be made in lump sum amounts and according to the following classes of expenditures for each office, department, board or commission:

(1) Personal services;

(2) Materials, supplies and equipment;

(3) Debt service; and

(4) Such additional classes as the Town Clerk or Town Manager shall recommend in the proposed annual operating budget.

Expenditures for the repair of any property and for the acquisition of any property or for any work or project which does not have a probable useful life to the Town of a least five (5) years following the time the expenditure is made for it shall be deemed to be ordinary expenses to be provided for in the annual operating budget. Appropriations for the use of any departmental board or commission shall be made to the department with which it is connected.

Section 6-04. The Capital Plan and Capital Budget

A. Generally. The Commissioners shall adopt a capital plan and capital budget. The Capital plan and budget shall be submitted with the annual operating budget on or before the regular meeting in October. Such budget shall be adopted by resolution with a hearing as required by Section 6-05 of this Charter.

B. The Capital Plan. The capital plan should embrace all physical public improvements and preliminary studies and surveys relative thereto, the acquisition of property of a permanent nature, and the purchase of equipment for any public improvement when first erected or acquired that are to be financed in whole or in part from funds subject to control or appropriation by the Mayor and Commissioners. It should show the capital expenditures which are planned for each of the five (5) ensuing fiscal years. For each separate purpose, project, facility, or other property there should be shown the amount, if any, and the source of the money that has been spent, encumbered, or is intended to be spent or encumbered prior to the beginning of the ensuing fiscal year and also the amounts and the sources of the money that are intended to be spent during each of the ensuing five (5) years.

C. The Capital Budget. The capital budget shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from funds subject to control or appropriation by the Commissioners, and shall be in full conformity with that part of the capital plan applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the capital budget, constitute appropriations or such amounts.

Section 6-05. Commissioners Action on the Budgets

A. The Commissioners shall cause to be posted in at least five (5) prominent places located in the Town, a general summary of the proposed capital and operating budget, a notice of the times and places where copies of such budgets are available for inspection and the time and place for a public hearing on such budgets. Such notice shall be posted at least seven (7) days prior to such hearing.

B. After the public hearing the Commissioners may adopt, by resolution, the budgets with or without amendment. The Commissioners may insert new items of expenditure or may increase, decrease, or strike out items of expenditure.

C. The budget and tax rate shall be adopted prior to the beginning of the fiscal year for which such budget relates. If the Commissioners fail to so adopt, the budget for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items prorated accordingly, until such time as the Commissioners adopt a budget for the ensuing fiscal year.

D. All amendments to the budget shall be made at meetings open to the public.

Section 6-06. Power to Raise Revenue

A. The Commissioners shall have the power to levy and collect taxes on real property within the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than 2% of the assessed valuation of the assessable and taxable real estate within the Town in any year clear of all delinquencies and expenses of collection; provided, however, in addition thereto, the Commissioners shall have the power to levy the taxes necessary to service the bonded indebtedness of the Town.

B. The Commissioners shall have the right to grant or refuse, and to charge fees for licenses or permits for all trades or businesses, of any description, within the Town and to control their use of any property within the Town. The Commissioners shall have the power to levy and collect franchise fees.

C. The Commissioners shall have the power to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

D. The Commissioners shall have the power to fix the rates for utilities operated by the Town and to collect and utilize revenues from such utilities for the benefit of the Town.

E. The Commissioners shall have the right to levy and collect taxes upon all gas mains, water lines and telephone, telegraph power poles or other erections of like character erected within the limits of the Town of Newport, together with the wires, cables and appliances thereto or thereon attached, as well as such wires, cables and appliances which may be installed underground, and to this end may, at any time, direct the same to be included in or added to the Town assessment. In cases the owner or lessee of such poles or erections and such wires, cables and appliances shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected as in the case of other taxes.

Section 6-07. Borrowing for Current Expenses and Capital Expenditures

A. Whenever the needs of the Town shall require more money than is, at the time, in the Town treasury from current receipts, the Commissioners may, and it is hereby authorized and empowered, to anticipate current fiscal year revenue by borrowing such amounts as are needed; provided, however, the amount of such indebtedness shall not at any time exceed one-half of one percent (0.5%) of the assessed valuation of the assessable and taxable real property within the limits of the Town, except in the case of a Declared Emergency in which case the limit shall not exceed one percent (1%) of the assessed valuation upon the affirmative vote by all five Commissioners.

B. The Town of Newport shall have the full power and authority to borrow, for the exclusive purpose of financing a capital asset, upon the faith and credit of the Town of Newport, a sum or sums of money not exceeding five percent (5%) of the total assessed property value, exclusive of borrowing against current expenses referred to in subsection A hereof, when in the opinion of the majority of the Commissioners the needs of the Town demand it. The Commissioners may secure such sum or sums of money by promissory note or notes, or certificates of indebtedness of the Town of Newport, duly authorized by resolution of the Commissioners, signed by the Town Secretary, and by the Mayor or Acting Mayor, with or without the corporate seal of the Town affixed in accordance with the request of the person or corporation advancing the money on said notes or certificates, and no Commissioner or officer shall be personally liable for the payment of such note or notes, because of his/her signature as an officer of the Town of Newport or as a Commissioner or his/her approval of the authorizing resolution. Provided however; that any sum of money borrowed by the Commissioners on the full faith and credit of the Town as aforesaid, shall be repaid in full, together with all interest and charges thereon, within a period not to exceed the estimated useful life of the capital asset or five (5) years whichever is less.

This provision in no way shall be intended to apply to the right of the Commissioners to submit to the voters for their approval major capital improvement projects to be financed by long term bond issue as provided for in this Charter.

Section 6-08. Power to Incur Bonded Indebtedness

A. Power to Borrow Money. The Town may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the Town, or by issuing revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment for the furnishing of water, for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing, or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the Town in the cost of

any permanent municipal improvement; or to replace any monies advanced from current funds of the Town to finance any one or more of such projects; or to carry out any capital improvement project deemed by the Commissioners to be necessary to the proper execution of any function or power of the Town.

If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed fifteen (15) percentum of the assessed value of all the real estate subject to taxation located within the Town.

If revenue bonds are isrued, each such bond shall recite in substance that said bond, including interest therein, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town of Newport within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the Town may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town of revenue subsequently received from the undertaking. If revenue bonds are issued, the Commissioners shall prescribe and have collected reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall review such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient to pay, when due, all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and to provide for all expenses of operation and maintenance of such undertaking, payments in lieu of taxes, depreciation and other reserves.

No capital improvement bonds, notes or certificates of indebtedness may be authorized, which bonds are payable more than forty (40) years from the date of issuance thereof.

B. Method of Borrowing Money. Before the Town may incur indebtedness by the issuance of bonds as set out in the preceding Section, the borrowing of money shall have been authorized by the Commissioners and shall have been approved in the manner set out in this Section.

(1) The Commissioners shall, by resolution, propose to the qualified voters according to law in the Town of Newport the purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in the Town and posting of the announcement in at least five (5) prominent places in the Town, one of which shall include the Town Hall, at least ten (10) days prior to the hearing date.

(2) A public hearing shall be held, at which time all interested persons shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Commissioners.

(3) If the Commissioners desire to continue with the bond proceeds, they shall then, by resolution, direct that the question be submitted to the public by a referendum. An election shall be held not less than thirty (30) days nor more than sixty (60) days after the date of such resolution.

(4) The notice of the time and place for holding said special election shall be printed in a newspaper of general circulation in the Town once a week for two consecutive weeks prior to the election and notice of such election shall be placed in five (5) prominent places in the Town, one of which shall include the Town Hall, at least ten (10) days prior to the special election. The special election shall be conducted by the Election Board as herein established and as provided for by regular general elections.

(5) The Commissioners shall cause the Election Board to prepare the ballots for the voting machines and to hold the referendum. At said referendum, all qualified voters of the Town of Newport shall be entitled to vote.

(6) The Election Board shall count the votes for and against the proposed bond issue and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed issue; and shall deliver the same to the Commissioners, which certificate shall be entered on the minutes and the original thereof filed by the Town Secretary. No bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.

(7) The form of the bonds or certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to any registration thereof, shall be determined by the Commissioners. The bonds shall be sold to the highest bidder after at least one month's notice, published at least twice in a newspaper of general circulation in the Town

and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Commissioners shall provide, in the budget, for revenues sufficient to pay the interest and principal on said bonds or certificates at the maturity or maturities thereof. The full faith and credit of the Town shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

Section 6-09. Independent Audit

Annually, the Commissioners shall designate a firm of certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of fiscal transactions of the Town government and shall submit their report to the Commissioners. Such accountants shall have no direct or indirect personal interest in the fiscal affairs of the Town government or of any of its officers. They shall not maintain any accounts for the Town, but shall, within specifications approved by the Commissioners, audit the books and documents of all appropriate officers and employees of the Town government in all departments, offices and agencies. Designation of the accountants shall be made by the Commissioners not later than thirty days after the beginning of the fiscal year for which the audit is to be conducted. When received, the audit report shall become part of the Town minutes.

ARTICLE VII - TOWN APPOINTIVE OFFICES

Section 7-01. Town Solicitor

The Mayor with the advice and consent of three Commissioners shall appoint an officer of the Town who shall have the title of Town Solicitor. He/she shall be a member of the Bar of the State of Delaware and shall have practiced law for at least five years prior to appointment. It shall be the duty of the Town Solicitor to give legal advice to the Commissioners, the Town Manager and, as authorized by the Commissioners, to department heads and other officers of the Town, and all Town departments, offices or agencies; he/she shall represent the Town in all legal proceedings and shall perform such other legal services as may be required by the Mayor, Commissioners, Town Manager, this Charter, law or ordinance. The Mayor and Commissioners may procure such additional legal services as it may deem to be required. The Town Solicitor shall serve at the pleasure of the Mayor and three Commissioners.

Section 7-02. Assessor

The Mayor shall appoint, with the approval of three Commissioners, an assessor who shall be a legally qualified voter of the Town. The assessor shall be appointed at the first regular meeting in May for a term of one year and prior to entering upon the duties of the office, as set forth in Article IV shall be duly qualified by oath or affirmation to perform the duties of the office to the best of his/her ability and knowledge, without favor or partiality.

Section 7-03. Town Secretary

The Mayor shall appoint with the advice and consent of a majority of all the Commissioners an officer of the Town who shall have the title Town Secretary. The Town Secretary shall be appointed at the organizational meeting for a term of one year. The Town Secretary shall give notice of the Commissioners' meetings to its members and the public, keep minutes of the meetings and hearings and all official proceedings, file and keep in a safe place the Seal of the Town, attest the same when authorized by the Commissioners, keep all papers and documents relative to the affairs of the Town which shall be deemed appropriate to be kept in his/her office, and perform such other duties as may be designated by the Mayor and Commissioners, Town Manager, this Charter or ordinance. The responsibilities and duties of the Town Secretary may be assigned to or combined with another office or department of the Town government upon approval of the Mayor and Commissioners.

Section 7-04. Town Clerk

The Mayor shall, with the advice and consent of three Commissioners, unless there is a Town Manager appointed, in which case the Town Manager shall, appoint a Town Clerk. The Town Clerk may be a full time employee of the Town, who shall collect taxes, water bills, and perform any and all administrative duties of the Commissioners and/or the Town Manager, as required by them.

The Town Clerk shall keep a true, accurate and detailed account of all monies received and all monies paid out by the Town in all its activities and for all its departments, offices and agencies; shall preserve all financial records, but under a records disposal program and schedule approved by the Mayor and Commissioners, may periodically destroy such records and documents, as authorized by State law. The Town Clerk shall make such reports at such time as the Mayor and Commissioners and Town Manager shall direct and which shall keep the Town government and the public informed of the financial condition of the Town. The Town Clerk shall have such other duties as may be prescribed by this Charter, by law or ordinance. The Town Clerk shall be custodian of all funds of the Town, and shall deposit them on a regular basis in banking institutions as designated by the

Mayor and Commissioners. The books, records and accounts of the Town Clerk shall be open at all times to inspection by the Mayor and Commissioners and the public, under such regulations as the Mayor and Commissioners may prescribe.

Section 7-05. Members of Board, Bureaus and Commissions

Except as expressly otherwise provided and subject limitations set forth in this Charter, the Mayor shall appoint, with the advice and consent of three Commissioners, all members of the Boards, Bureaus and Commissions created by this Charter, by law or by ordinance.

Section 7-06. Alderman

The Mayor may appoint with the advice and consent of three Commissioners an officer of the Town who shall have the title Alderman. The Alderman may be removed from office by the Mayor subject to the approval of three Commissioners. Any Magistrate or Justice of the Peace serving the State of Delaware may be designated to also serve as Alderman for the Town, but he/she shall not be a Commissioner or the Town Solicitor.

Before appointment of any person to the position of Alderman, his/her ability and qualifications to act in this capacity must be approved by the Resident Judge of the Superior Court for New Castle County. All costs attributable to certification shall be borne by the Town. In the event that there is no certified Alderman within the Town, the members of the Town of Newport Police Department are directed to take all violators to the nearest available Magistrate, who is authorized to serve in the capacity of Alderman.

The compensation of the Alderman shall be fixed by resolution, and unless otherwise provided by the Mayor and Commissioners by resolution, the Alderman shall not retain any fines levied by the Court, but must pay such fines into the Town Treasury within fifteen (15) days of collection. Before entering upon the duties of his/her office, he/she shall be sworn or affirmed by the Mayor or by any one of the Commissioners or by any Justice of the Peace, to perform the duties honestly, faithfully, and diligently. The Alderman shall have jurisdiction of all violations of ordinances of the Town and of all misdemeanors prescribed by any law of the State of Delaware committed within the boundaries of the Town. The Alderman shall have power and authority to hold for bail, fine or imprison offenders, compel the attendance of persons accused of violation of Town ordinances by service or process either within or without the limits of the Town, compel the attendance of witnesses, and hold or punish for contempt; provided that in the case of a violation of an ordinance, he/she shall impose no fine or penalty in excess of that fixed by the ordinance, and shall not commit to prison for a longer term than thirty (30) days in default of the payment of a fine imposed by him/her. He/she shall keep a book to be called "Alderman's Docket", in which shall be entered at large all his/her official acts. If any vacancy shall occur in the office of the Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by the Mayor and Commissioners at any meeting thereafter for the residue of the term. If any Alderman shall be removed from office by the Mayor and Commissioners as herein provided, he/she shall deliver to his/her successor in office within two days after selection of his/her successor, all books and papers belonging to his/her office, and shall pay over to the Town Clerk all monies belonging to the said Town within five days after removal; upon neglect or failure to pay over to the Town Clerk, within the time aforesaid, all monies belonging to the Town, he/she shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

The Alderman, at every stated meeting of the Commissioners, shall report to them all fines and penalties imposed by him/her since their last meeting, and to pay to the Town Clerk all such fines and penalties received by him/her during the said time, and in default of making such report or paying such fines and penalties for a period of thirty (30) days after such report should be made and such fines and penalities should be paid aforesaid, he/she shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Twenty Dollars ($20.00) nor more than One Hundred Dollars ($100.00).

Section 7-07. Town Fire Marshall

The Mayor shall appoint, with the advice and consent of three Commissioners, an officer of the Town who shall have the title of Town Fire Marshall. The Town Fire Marshall shall have the duty and authority of inspecting the buildings, premises and property within the corporate limits for compliance with fire prevention regulations, codes and rules. The Town Fire Marshall shall enforce the Fire Prevention Code of the Town of Newport and shall have the power to issue orders, pursuant to that Code, for the removal and abatement of hazardous conditions. The Town Fire Marshall shall have such other duties and powers as set forth in the Fire Prevention Code of the Town of Newport.

Section 7-08. Town Building Inspector

The Mayor shall appoint, with the advice and consent of three Commissioners, an officer of the Town who shall have the title of Town Building Inspector. The Town Building Inspector shall have

the duty to review all building plans, issue building permits and enforce all building codes, except plumbing codes if there is a Town Plumbing Inspector, adopted by ordinance. The Town Building Inspector shall have the authority to inspect all buildings in the corporate limits of the Town of Newport and to issue stop work orders and such other orders as are necessary to obtain conformance to the Building Codes. The Town Building Inspector shall be compensated at a rate to be determined by the Mayor and three Commissioners. The Town Building Inspector shall submit a monthly report to the Mayor and Commissioners, prior to the regular monthly meeting.

Section 7-09. Town Plumbing Inspector

The Mayor may appoint with the advice and consent of three Commissioners an officer of the Town who shall have the title of Town Plumbing Inspector. The Town Plumbing Inspector shall have the duty to review all plumbing plans, issue plumbing permits and enforce all plumbing codes, adopted by ordinance. The Town Plumbing Inspector shall have the authority to inspect all buildings in the corporate limits of the Town of Newport and to issue stop work orders and such other orders as are necessary to obtain conformance to the Plumbing Codes. The Town Plumbing Inspector shall be compensated at a rate to be determined by the Mayor and three Commissioners. The Town Plumbing Inspector shall submit a monthly report to the Mayor and Commissioners, prior to the regular monthly meeting.

ARTICLE VIII - ELECTION RULES AND PROCEDURE

Section 8-01. The General Municipal Election

The general municipal election shall be held in the Town Hall or some suitable building within the Town limits designated by the Mayor and Commissioners on the First Monday in April, of each and every year. The Town Clerk shall, at least 15 days before any election or referendum, give notice of such election, together with the officers to be elected thereat, the referenda to be considered and any other matter to be voted on, by posting notices in five (5) or more public places in the Town of Newport.

Section 8-02. Filing for the Office of Commissioner

Filing for the Office of Commissioner shall be by letter signed by the candidate and there shall be no party designation on any such letter beside the name of any candidate or on any ballot in any municipal election.

All persons desiring to be candidates at any municipal election shall file with the Town Clerk or Town Manager of the Town of Newport a written and signed statement of their candidacy at the Town Hall during normal business hours not later than thirty (30) days before the election. The Town Clerk and Town Manager are authorized to accept a notice of withdrawal signed by the candidate up until twenty (20) days before the election.

Section 8 03. Term of Office of Commissioners and Mayor

Commissioners shall serve a term of two (2) years commencing with the Organizational Meeting following their election. All Commissioners shall serve at large. The election of three (3) Commissioners shall be held in odd numbered years. The election of two (2) Commissioners shall be held in even numbered years. The Mayor shall be selected by and from the Commissioners at the Organizational Meeting and shall serve a term of one (1) year.

Section 8 04. The Election Board of the Town of Newport

All municipal elections shall be held by an Election Board consisting of not less than three (3) nor more than five (5) qualified voters, not commissioners, appointed by the Mayor, with the advice and consent of three Commissioners.

The Election Board shall consist of:

(1) A chairperson, who shall oversee elections generally;

(2) At least one inspector, who shall be responsible for compliance with proper procedures; and

(3) At least one judge who shall be responsible for the determination of the legality of the votes offered; and

(4) An alternate to fill any vacant position. When the polls have been closed, the Election Board shall publicly count and/or tabulate the ballots, certify the results of the election to each of the persons elected and the Commissioners of Newport by giving them "Certificates of Election" and enter the results of the election, by name and ballot count, as a minute of such election in a book designated for that purpose. Compensation of members of the Election Board

shall be set by the Commissioners.

Section 8-05. Voter Qualifications

Every person domiciled in the Town of Newport who shall have reached the age of eighteen (18) years who is a citizen of the United States and who can prove the foregoing by proper identification, shall be entitled to vote at all regular and special municipal elections and referenda, except as otherwise provided in the Charter. Domicile in any area annexed to the Town by virtue of any action taken under this Charter or the laws of the State of Delaware shall constitute, for the purpose of this Section, domicile in the Town.

The Commissioners, by ordinance duly adopted, may provide for the registration of voters and require that a person, otherwise qualified to vote, must also be properly registered in order to vote in the municipal elections. Any such ordinance providing for registration of voters shall make adequate provision for the preparation and custody of registration books and for the entry therein of the names of registered voters, their qualifications as such, the fact of their voting at each municipal election, and such other matters as may be required by this Charter of the Laws of the State of Delaware. Reasonable opportunity shall be provided for voters to register, and there shall be at least five (5) registration days in each year, the last one of which shall be not more than 30 days prior to any election or referendum. Hours of registration shall be determined by ordinance. The ordinance may provide for permanent registration lists.

Section 8-06. Absentee Voting

The Commissioners may prescribe, by ordinance, for absentee registration and for the casting of absentee ballots by qualified voters unable to be at the polls at any election or referendum.

Section 8-07. Polling Places and Regulations

The Commissioners shall designate the polling places which shall be open from 12 o'clock noon to 8 o'clock p.m. on all municipal election and referendum days. In addition, the Commissioners may, by ordinance, make all necessary regulations not inconsistent with this Charter or with State laws, for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

Section 8-08. Voting Machines

Voting machines shall be used at all municipal election, in which a contest exists, and shall be so constructed as to permit the voter to vote for the candidates fully nominated pursuant to the provisions of this Charter. The official ballots provided for municipal elections shall contain the names of all nominees for the office of Commissioners, listed alphabetically under a heading reading "CANDIDATES FOR COMMISSIONER". Thereunder shall be a designation of the number of Commissioner seats open and the terms therefore and an instruction to vote for only that number of nominees for Commissioner. A plurality of all votes cast shall make the choice. A separate designation shall be made for the one-year term on the ballot.

Section 8-09. Failure to Hold Election, Uncontested Election

A failure to hold an election, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until their successors are chosen. Any qualified voter under this Charter can bring an action in any competent court in the State of Delaware to compel the Commissioners to cause such an election to be held, at which election all of the Commissioners shall be elected. In the event of a tie between candidates then the candidates shall draw lots from a box to determine who received the higher vote.

In the event an election is not contested, it shall and may be lawful to have the candidates assume office without the holding of a formal election, pursuant to State Law. The requirement for a voting machine shall be dispensed within the event the entire election is uncontested.

ARTICLE IX - TOWN MANAGER

Section 9-01. Appointment; Qualifications; Compensation

The Mayor may appoint a Town Manager for an indefinite term and fix his/her compensation subject to confirmation and approval of three of the Commissioners. The Town Manager should be appointed on the basis of his/her executive and administrative qualifications. In the performance of his/her duties and the exercise of his/her powers, the Town Manager shall not be influenced by any matters whatsoever of a political or factional nature. He/she need not be a resident of the Town or State at the time of his/her appointment, but may reside outside the Town while in office, only with the approval of the Commissioners.

Section 9-02. Removal

A. The Town Manager may be removed by the Mayor with the consent of three of the Commissioners or all of the Commissioners without the Mayor's consent. Before such removal shall become effective, the Mayor and/or Commissioners shall, by the Mayor and majority vote of all the Commissioners or by all the Commissioners, without the consent of the Mayor, adopt a preliminary resolution stating the reasons for removal and may suspend the Town Manager from duty without pay and for a period that the Mayor and Commissioners deem appropriate.

B. Within five (5) days after a copy of the resolution is delivered to the Town Manager, he/she may file with the Commissioners a written request for a public hearing. This hearing shall be held at a Commissioners' meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Town Manager may file with the Commissioners a written reply not later than five (5) days before the hearing.

C. The Commissioners may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of the Mayor and three of the Commissioners or by all the Commissioners without consent of the Mayor at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Town Manager, if he/she has not requested a public hearing, or at any time after the public hearing if he/she his requested one.

The Town Manager, if suspended without pay, shall receive compensation for the period of suspension if he/she is not ultimately removed. The action of the Mayor and/or Commissioners in suspending or removing the Town Manager shall not be subject to review by any court or agency.

Section 9 03. Absence of Town Manager

In case of the temporary absence or disability of the Town Manager, the Mayor with the advice and consent of three of the Commissioners may designate some qualified person, who may be an elected or appointed official of the Town of Newport, to perform the duties of such office during such absence or disability.

In the case of the permanent absence of a Town Manager, the Mayor with the advice and consent of three of the Commissioners may designate a qualified person to serve until a new Town Manager is hired, unless there is a decision not to have a Town Manager, in which event the Mayor shall designate each Commissioner as a Department Head of the various Town Departments.

Section 9 04. Powers and Duties of the Town Manager

The Town Manager shall be the chief administrative officer of the Town. He/she shall be responsible to the Commissioners of Newport for the proper administration of the affairs of the Town placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

A. Personnel. The Town Manager shall have the power to make such appointments and to hire employees at such compensation as the Commissioners, by resolution, shall determine, subject to such rules and regulations as may be adopted by the Commissioners. All employees shall be hired for an indefinite term and may be removed by the Town Manager at any time unless otherwise provided by resolution of the Commissioners. The Town Manager shall be the sole judge of the competence or incompetence of any such person so appointed or hired by him/her. However, the Commissioners shall sit as a Board of Appeal for the protection of Town employees at those times when three of the Commissioners are agreed that a review of the action of the Town Manager would be in the best interests of the Town of Newport. An aggrieved employee of the Town shall have the right to petition for a hearing before such Board of Appeal; provided that the petition is received by the Commissioners within ten (10) days of receipt of written notice of termination or suspension. The decision of a majority of the Commissioners who hear the appeal shall be final and conclusive.

B. The Town Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter, or by ordinance, resolution or other law.

C. The Town Manager shall attend meetings of the Commissioners as directed by the Commissioners and shall have the right to take part in the discussion, but shall not vote.

D. The Town Manager shall see that all laws, ordinances, provisions of this Charter and acts of the Mayor and Commissioners, subject to enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.

E. The Town Manager shall prepare and submit the annual operating budget, capital plan and capital budget to the Commissioners according to the requirements of this Charter.

F. The Town Manager shall submit to the Commissioners and make available to the public a complete report on the financial and administrative activities of the Town as of the end of each

fiscal year.

G. The Town Manager shall keep the Commissioners fully advised as to the financial condition and true needs of the Town and make such recommendations to the Mayor and Commissioners concerning the affairs of the Town as he/she deems desirable.

H. The Town Manager shall prepare and submit such reports or special assignments as may be required by the Mayor and Commissioners. He/she shall perform such other duties as may be prescribed by this Charter or required by him/her by Ordinance or Resolution of the Commissioners.

I. The Town Manager shall have charge and supervision of the streets, gutters, curbs, waterworks, sidewalks, boardwalks, jetties, piers, parks and other administrative affairs of the Town and all work relating thereto.

J. The Town Manager shall supervise the receiving of all taxes, assessments, rentals, license fees, and other charges due the Town.

K. The Town Manager may execute on behalf of the Town, when authorized by the Commissioners, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed.

ARTICLE X - TOWN ADMINISTRATION

Section 10-01. Police Department

A. There shall be a Police Department which shall be directed and supervised by a police officer of the Town who shall have the title of Chief of Police. The Commissioners shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the Police Department. The Police Department shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The Police Department shall have such other duties as the Commissioners shall, from time to time, prescribe. The Chief of Police and the members of the Police Department shall be subject to the direction of the Town Manager, acting on behalf of the Commissioners.

Section 10-02. Board of Health

A. The Board of Health shall consist of five (5) members, who must be residents of Newport, one of whom shall be a practicing physician, if available, and one of whom may be a Commissioner, who is assigned to the Board of Health. The Board shall be appointed by the Mayor with the advice and consent of three Commissioners. A majority of the Board shall constitute a quorum. Members shall serve at the pleasure of the Mayor and three Commissioners for a period of one (1) year and shall be appointed at the first regular meeting of the Commissioners in May or until their successors are duly appointed and qualified.

B. The Board of Health shall have cognizance of and interest in the life and health of the people of Newport and shall report to the Commissioners in writing whatever, in its judgment, is injurious to the health and safety of the citizens and shall make recommendations to the Commissions concerning whatever may contribute to the health and sanitation of the citizens of the Town of Newport. The Board shall have all powers now or hereafter vested by the laws of the State of Delaware in Boards of Health generally, and also such additional powers as may be conferred by ordinance.

C. The Board of Health shall organize by the election of a Chairperson and Secretary within ten (10) days after notice of their appointment and shall keep a record of their proceedings and acts.

D. The Board of Health, at a regular or special meeting, may authorize any of its members, agents or employees of the Town with the consent of the Town Manager and under his/her direction to make an inspection of private property, upon presenting official identification, and where there is good cause shown that a violation of the health and sanitation code or related health ordinances exists on such property and provided that the owner is advised at least three (3) days in advance of such inspection, and that the inspection is made at a reasonable hour; except that such requirements shall not apply in the case of an emergency.

E. The Board of Health shall have the power to recommend the adoption of ordinances relating to the health of the citizens or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the same and such ordinances, when adopted by the Commissioners, shall extend to an area outside the Town limits for a distance of one (1) mile.

Section 10-03. Creation of Departments

The Commissioners may establish Town departments, offices or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices or agencies;

provided however, that the number of departments, offices or agencies shall not be excessive, and each of which shall be headed by or under the direction of the Town Manager or a single person appointed by the Town Manager; provided however, that special offices, commissions, committees and boards appointed or selected by the Mayor, with the advice and consent of the Commissioners may not be included in the above-referenced limitations or under the direction of the Town Manager.

Section 10-04. Purchases and Contracts

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, as required by resolution of the Commissioners.

Section 10-05. Administrative Policy

A. The administrative policies of the Town of Newport shall be prepared by the Town Manager and shall be adopted by the Commissioners by ordinance with or without amendment. However, all appointments and promotions of Town employees under the direction of the Town Manager shall be made solely on the basis of merit and fitness for the position concerned.

B. The Commissioners shall establish, by ordinance, a code of ethics which shall apply to all employees and officials of the Town including, but not limited to, appointed, elected, part-time employees and officials and members of boards, committees and commissions.

ARTICLE XI - PLANNING

Section 11-01. Planning Commission

The Mayor, with the advice and consent of three Commissioners, shall appoint a Planning Commission consisting of five members at large. Appointments should be made at the first meeting of the Commissioners in May. All appointments shall be for terms of three years. Appointments during the transition period shall be fixed by ordinance, but terms shall not exceed three years. The compensation of the Planning Commission, if any, shall be determined by the Commissioners. They shall receive reimbursement for actual and necessary expenses incurred in traveling on official business approved by the Commissioners.

The powers, duties and scope of activities of the Planning Commission shall be determined by ordinance. The Commission shall advise the Mayor and 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.

The Planning Commission shall elect annually, from among its members, a Chairperson and Secretary. The Commission 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 Town Manager.

Section 11-02. Comprehensive Development Plan

A. Development. The Commissioners shall adopt, and may from time to time modify, a comprehensive development plan setting forth, in graphic and textual form, policies to govern the future physical development of the Town. Such plan may cover the entire Town and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas. Such comprehensive development plan shall show, among other things, existing and proposed public ways, streets, bridges, tunnels, viaducts, parks, parkways, playgrounds, sites for public buildings and structures, pierhead and bulkhead lines, waterways, routes of railroads and buses, locations of sewers, water mains, and other public utilities, and other appurtenances of such a plan, including certain private ways. Such plan shall be adopted and have the effect as set out herein.

B. Adoption of the Development Plan. Upon receipt from the Town Manager of the proposed comprehensive plan, portions thereof, or proposed modifications thereto, the Commissioners shall refer such proposal to the Planning Commission, which shall, within a time specified by the Commissioners, report its recommendations thereon. After receipt of the recommendations of the Planning Commission, the Commissioners shall hold a public hearing on the proposed comprehensive plan or modification thereof, and may thereafter adopt it by ordinance with or without amendment. The comprehensive development plan shall serve as a guide to all future action of the Commissioners concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

C. Implementation of the Development Plan. The Commissioners may, by ordinance, adopt land use and development regulations including, but not limited to zoning and subdivision regulations. The Commissioners may, by ordinance, provide for redevelopment, rehabilitation,

conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight, or other conditions of deterioration, and the achievement of the most appropriate use of land.

Before acting on any proposed ordinance concerning land use and development regulations, urban renewal, or expenditures for capital improvements, where such ordinance refers to a matter covered by the comprehensive development plan or the official map, the Commissioners shall refer the proposal to the Planning Commission, which shall, within a time specified by the Commissioners and prior to the public hearing on the proposed ordinance, report its recommendations thereon. Upon adopting any such ordinance, the Commissioners shall make findings and report on the relationship between the ordinance and the comprehensive plan, and in the event that the ordinance does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with such findings and report.

Section 11-03. Official Map

A. Adoption of Official Map. The Commissioner shall have the authority to adopt an official map showing the public ways and parks within the Town as therefore laid out and established by law and the private ways then existing and used in common by more than two owners. Such official map is hereby declared to be established to conserve and promote the public health, safety and general; welfare. Upon the adoption of such an official map, and upon any change therein or addition thereto made, as hereinafter provided, the Town Secretary shall forthwith file with the Recorder of Deeds in and for New Castle County a certificate of such action and a copy of such official map as adopted or as changed or added to.

B. Changes in Official Map. The Commissioners may, whenever and as often as it may deem it for the public interest, change or add to such official map so as to place thereon lines and notations showing existing or proposed locations not theretofore mapped of new or widened public ways and new or enlarged parks and proposed discontinuances in whole or in part of existing or mapped public ways and parks. No such change or addition shall become effective until after a public hearing in relation thereto before the Commissioners, at which parties in interest shall have an opportunity to be heard. At least ten days' notice of such a public hearing shall be given by advertisement in a newspaper of general circulation in the Town.

After the Commissioners have adopted an official map as herein provided, no public way shall be laid out, altered, relocated or discontinued if such laying out, alteration, relocation or discontinuance is not in accordance with such official map as it then appears. After such adoption, no person shall open a way for public use, except as provided under this Charter, unless the location of such way is in accordance with the official map as it then appears, and the grading, surfacing and draining of such way have been approved by the Commissioners or the Town Manager.

Upon final action by the proper authorities in laying out, altering or relocating a proper way, or in the discontinuing the whole or any part thereof, or in establishing or enlarging a public park or closing thereof in whole or in part, the lines and notations showing such improvement, discontinuance or closing as so established or affected shall, without further action by the Commissioners, be made a part of the official map.

C. Enforcement of Official Map. Officers and employees of the Town, may so far as they deem it necessary in carrying out the provisions of the preceding Section, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks.

The Commissioners may petition the Court of Chancery for the State of Delaware to enforce any of the provisions of the preceding two Sections, and any ordinance made thereunder, by restraining by injunction violations thereof.

Section 11-04. Limitations on Planning

The provisions of the preceding three Sections shall not be construed to authorize the taking of land nor the authorization of the Town to lay out or construct any way which may be indicated on any plan or plot until such way has been laid out as a public way in the manner prescribed by law; nor shall any of the provisions of the preceding three Sections be construed to render the Town liable for damages except as may be sustained by reason of changes in the official map.

ARTICLE XII - GENERAL PROVISIONS

Section 12-01. Personal Financial Interest

Any Commissioner, officer or employee who has a substantial financial interest, 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/her capacity as a Town Commissioner, officer or employee in the making of such sale or in the making or performance of such contract. Any Town Commissioner, officer or employee who willfully conceals such substantial interest or willfully violates the requirements of this section shall be

guilty of malfeasance in office or position and shall forfeit his/her 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 Town Manager or the Commissioner

Section 12-02. Performance Bonds

The Town Manager, Town Clerk and Alderman, and such other officers and employees of the Town as the Commissioners may require, shall give bonds for the faithful performance of their duties in such amounts and with such surety as may be approved by the Commissioners. The premiums on such bonds shall be paid by the Town.

Section 12-03. Actions or Suits; Notice of Claim

No action, suit or proceeding shall be brought or maintained against the Town of Newport for damages, either compensatory or punitive, on account of any physical injury or injuries, death or injury to property by reason of negligence, simple, gross, or willful or wanton of the said Town of Newport, 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 Newport in writing of the time, place, cause, circumstances of the occurrence, character and extent of the injury sustained or damages suffered, name and residence of person or persons on whose behalf the claim is made, names of witnesses to the occurrence, and that the person on whose behalf the claim is made will claim damages therefor from the Town. Such notice shall be directed to the Mayor of the Town of Newport by certified mail with return receipt requested and postage paid.

Section 12-04. Oath of Office

Every member of the Mayor and Commissioners, the Town Manager, and the Town Secretary, the Alderman, the heads of all departments, and such other officers or employees as Commissioners may by ordinance require, shall, before entering upon the duties of their office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Secretary:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, that I will uphold the Charter and ordinances of the Town of Newport, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

The Mayor, Commissioners, Alderman, and Town Secretary shall have the power to administer oaths required by this Charter.

Section 12 05. Charter Amendments

The Mayor and Commissioners may, by ordinance, provide a procedure by which it may propose to the voters an amendment to this Charter, but said procedure shall, in all respects, comply with applicable State law. Referendum on such amendments proposed may be held at a regular or special election, as determined by the Mayor and Commissioners by resolution. Amendments to this Charter to be voted on at referendum shall be presented for voting by ballot title. The ballot title may differ from its legal title and shall be a clear, concise statement describing the substance of the proposed amendment without argument or prejudice. Below the ballot title shall appear the following question: "Shall the Above-described Amendment be Adopted?". Immediately below such question shall appear the following words, "YES" and "NO", and to the left of each, a square in which, by making a mark, the voter may cast his/her vote. Votes shall be counted and results determined in the same manner as for Commissioners' election. Amendments receiving a majority of the votes cast on the question shall be processed and adopted in accordance with State Law.

Section 12 06. General Prohibitions

A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office because of sex, age, race or political or religious opinions or affiliations.

B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter, or the regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions and regulations.

C. No person who seeks appointment or promotion with respect to any Town position or appointive Town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or in connection with, his/her test, appointment, proposed appointment, promotion or proposed promotion.

D. No officer or employee of the Town, whether elected or appointed, shall promise an appointment to any Town position as a reward for any political activity.

E. Any person who, by himself/herself, or with others, willfully violates any of the provisions of this Section shall be guilty of a misdemeanor and may be prosecuted in the Alderman's Court or any Magistrates Court, and, upon conviction thereof, shall be fined not more than three hundred dollars, ($300.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and shall further be ineligible for a period of five years thereafter, to hold any Town office or position, and if an officer or employee of the Town, shall immediately forfeit his/her office or position.

Section 12-07. Indemnification of Officials and Employees

The Town Solicitor and/or other retained counsel shall undertake the representation or defense, without charge to the offender, of any Town official, employee, including the Mayor and Commissioners, the Town Manager, committee members, advisory board members and all other employees, with respect to any claim or cause of action arising out of or related to the performance by said official of employee of his/her public duties, provided that such activities:

(1) were done in good faith; and

(2) were done in the reasonable belief that such activities were in the best interest of the Town and in the furtherance of the official practices and policies of the Town; and

(3) were within the scope of authority of the person so acting; and

(4) were within the course of employment of the person so acting; and

(5) were not willful, malicious or wanton, as determined by the Town Solicitor, subject to the approval of the Mayor and Commissioners.

Section 12-08. Transfer of Powers

If a Town department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the Town department, office or agency designated in this Charter, or if said Charter makes no provision, then as designated by the Commissioners. All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this Charter, and in each case, shall be maintained, carried on, or death with by the Town department, office or agency appropriate under this Charter and Charter amendments.

Section 12-09. Severability

If any provision of this Charter and Charter amendments, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Charter are declared to be severable.

ARTICLE XIII INITIATIVE AND REFERENDUM

Section 13-01. General Authority

A. Initiative. The qualified voters of the Town shall have power to propose ordinances to the Mayor and Commissioners and, if the Mayor and Commissioners fail to adopt an ordinance so proposed without any change in substance, other than those changes recommended by the Town Solicitor for reasons of legality, to adopt or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.

B. Referendum. The qualified voters of the Town shall have power to require reconsideration by the Mayor and Commissioners of any adopted ordinance and, if the Mayor and Commissioners fail to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the budget or capital plan or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Section 13-02. Commencement of Proceedings; Petitioners' Committee; Affidavit

Any five qualified voters may commence initiative or referendum proceedings by filing with the Town Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the Town Secretary shall issue the appropriate petition blanks to the petitioners' committee.

Section 13-03. Petitions

A. Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the Town equal in number to at least 50 percent of the total number of qualified voters registered to vote at the last regular municipal election.

B. Form and Contents. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be and that each signor had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

D. Time for Filing Referendum Petitions. Referendum petitions must be filed within 60 days after adoption by the Mayor and Commissioners of the ordinance sought to be reconsidered.

Section 13-04. Procedure After Filing

A. Certificate of Town Secretary; Amendment. Within twenty days after the petition is filed, the Town Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Town Secretary within two days after receiving the copy of his/her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections B and C of Section 13-03, and within five days after it is filed the Town Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request the Commissioners review under subsection B of this Section within the time required, the Town Secretary shall promptly present his/her certificate to the Mayor and Commissioners and the certificate shall then be a final determination as to the sufficiency of the petition.

B. Mayor and Commissioners' Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Mayor and Commissioners. The Mayor and Commissioners shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Commissioners' determination shall then be a final determination as to the sufficiency of the petition.

C. Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 13-05. Referendum Petitions; Suspension of Effect of Ordinance

When a referendum petition is filed with the Town Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is a final determination of insufficiency of the petition, or

(2) The petitioners' committee withdraws the petition, or

(3) The Mayor and Commissioners repeal the ordinance, or

(4) Five days have elapsed after a vote of the Town on the ordinance.

Section 13-06. Action by Mayor and Commissioners. When an initiative or referendum petition has been finally determined sufficient, the Mayor and Commissioners shall promptly consider the proposed initiative ordinance in the manner provided in Article IV or reconsider the referred

ordinance by voting its repeal. If the Mayor and Commissioners fail to adopt a proposed initiative ordinance without any change in substance within 60 days or fail to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the Town.

B. Submission to Voters. The vote of the Town on a proposed or referred ordinance shall be held not less than 60 days and not later than 6 months from the date of the final Mayor and Commissioners' vote thereon. If no regular Town election is to be held within the period prescribed in this subsection, the Mayor and Commissioners shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Mayor and Commissioners may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

C. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the Town by filing with the Town Secretary a request for withdrawal signed by at least three members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 13-07. Results of Election

A. Initiative. If two-thirds of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the manner as ordinances of the same kind adopted by the Mayor and Commissioners. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum. If two-thirds of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE XIV - TRANSITIONAL PROVISIONS

Section 14-01. Former Government in Force

All ordinances, resolutions, orders, rules or regulations in force in the Town of Newport, made or enacted by the Commissioners of Newport at the time this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Commissioners otherwise provide by ordinance, resolution, order, rule or regulation, whichever may be appropriate, notwithstanding any change in organization effected by this Charter.

All acts and doings of the Commissioners of Newport or any officer of said Town, lawfully performed under the provisions of any law of this State, or any ordinance of said Town are hereby ratified and confirmed and continue in force. All debts, fines, penalties or forfeiture due said Town, and all debts due from said Town to any person or persons or to any corporation are declared to be unaffected and unimpaired, and all the Laws of this State for the collection and enforcement of taxes in said Town, heretofore assessed and uncollected shall continue in full force until the same shall be lawfully paid.

Section 14-02. Continuance in Office

All persons holding any elective or non-elective office or employment with the Commissioners of Newport at the time this Charter takes effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceding the adoption of this Charter until removed or until the compensation is changed.

Section 14-03. Inconsistent Acts

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.

Section 14-04. Effective Date

This Charter shall be taken as and deemed to be a Public Act of the State of Delaware. This Charter shall be effective immediately upon passage and signature of the Governor.

Approved September 6, 1985.

CHAPTER 215

FORMERLY

SENATE BILL NO. 318

AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE APPLICATION OF THE FEDERAL FAIR LABOR STANDARDS ACT TO CERTAIN PROVISIONS OF STATE LAW REGARDING STATE PERSONNEL PRACTICES AND TO THE STATE MERIT SYSTEM RULES.

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

Section 1. Amend Chapter 59, Title 29 of the Delaware Code by adding a new Section 5955 to read as follows:

"§5955. Federal Fair Labor Standards Act; Application to State Personnel Practices and Merit System Rules.

Notwithstanding any other provision of State law, the Federal Fair Labor Standards Act, Chapter 2, Title 29 of the United States Code, shall supersede State law relating to State personnel practices and shall supersede the rules adopted by the State Personnel Commission pursuant to this Chapter, but only to the extent such provisions of State law or merit rules are in conflict with the provisions of the Fair Labor Standards Act; provided, however, that this supersession of State law and the merit system rules shall continue in effect only so long as, and only to the extent that, the provisions of the Federal Fair Labor Standards Act, by their own terms or by judicial interpretation, are deemed to apply to State government personnel practices. To the extent necessary for State compliance with the Fair Labor Standards Act, the Director of the Office of State Personnel shall have the authority to implement this section, including, but not limited to, the authority to determine where conflicts exist between State law or merit rules and the Federal Act, and to resolve such conflicts by appropriate rulings and regulations."

Approved September 6, 1985.

CHAPTER 216

FORMERLY

HOUSE BILL NO. 144
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLES 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO SALARIES OF ELECTED OFFICIALS OF SUSSEX COUNTY.

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

Section 1. Amend §9402(3), Chapter 94, Title 9, Delaware Code, by striking the figure "$6,000" and inserting in lieu thereof the figure "$9,000".

Section 2. Amend §9602(3), Chapter 94, Title 9, Delaware Code, by striking the figure "$6,000" and inserting in lieu thereof the figure "$9,000".

Section 3. Amend §2101(b)(2), Chapter 21, Title 10, Delaware Code, by striking the figure "$6,000" and inserting in lieu thereof the figure "$9,000".

Section 4. Amend §2301(3), Chapter 23, Title 10, Delaware Code, by striking the figure "$6,000" and inserting in lieu thereof the figure "$9,000".

Section 5. Amend §2502(3), Chapter 25, Title 10, Delaware Code, by striking the figure "$6,000" and inserting in lieu thereof the figure "$9,000".

Section 6. Amend §2504(3), Chapter 25, Title 12, Delaware Code, by striking the figure "$6,000" and inserting in lieu thereof the figure "$9,000".

Section 7. The provisions of this Act shall become effective July 1, 1985.

Approved September 6, 1985.

CHAPTER 217

FORMERLY

HOUSE BILL NO. 302
AS AMENDED BY
HOUSE AMENDMENT NOS. 1, 2 AND 3 AND SENATE AMENDMENT NOS. 2 AND 5

AN ACT TO AMEND CHAPTER 5, TITLE 7, PART 1 OF THE DELAWARE CODE RELATING TO THE REQUIREMENTS AND FEES FOR DELAWARE RESIDENT AND NON-RESIDENT HUNTING, TRAPPING AND FISHING LICENSES.

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 501, Chapter 5, Part 1, Title 7, Delaware Code by striking the section in its entirety and substituting in lieu thereof a new section to read as follows:

"§501. License requirements for residents and instruction for minors

(a) Every resident of this State, except as otherwise provided in this chapter, shall obtain a general license before hunting, trapping and/or fishing in this State; and every resident required to obtain a hunting license who was born after January 1, 1967 shall have satisfactorily completed not less than ten hours of instruction, which includes, but is not limited to, the safe and proficient use of hunting equipment, hunter responsibility, principles of wildlife management, wildlife identification, and, to the degree practical, a live firing experience before such person makes application for a hunting license. Proof of completion of authorized hunter education courses of other States or Canadian Provinces shall be accepted and deemed having met the instruction requirement.

(b) Commencing July 1, 1986, every resident, except as otherwise provided, shall obtain a Trapping License before trapping any animals regulated by this Title."

Section 2. Amend Section 504, Chapter 5, Part 1, Title 7 Delaware Code by striking the section in its entirety and substituting in lieu thereof a new section to read as follows:

"§504. License fees for residents

Residents shall pay to the Department or its duly authorized agents the following license fees:

(1) $12.50 for a General Hunting License.

(2) $3.50 for a Trapping License.

(3) $8.50 for a General Fishing License."

Section 3. Amend Section 506, Chapter 5, Part 1, Title 7, Delaware Code by striking the section in its entirety and substituting in lieu thereof a new section to read as follows:

"§506. License requirements for non-residents

(a) Every non-resident, except as otherwise provided in this chapter, shall obtain a general license before hunting, trapping, and/or fishing in this State; and every non-resident required to obtain a hunting license who was born after January 1, 1967, shall have satisfactorily completed not less than ten hours of instruction, which includes, but is not limited to, the safe and proficient use of hunting equipment, hunter responsibility, principles of wildlife management, wildlife identification, and, to the degree practical, a live firing experience before such person makes application for a hunting license. This instruction is to be provided by personnel of the Department or its authorized agents. Proof of completion of authorized hunter education courses of other States or Canadian Provinces shall be accepted and deemed having met the instruction requirement.

(b) In addition to the licensing requirements for hunting as described in paragraph (a) of this section, every non-resident, commencing July 1, 1986, except as otherwise provided, must obtain a Big Game/Trapping License before hunting deer, turkey or trapping."

Section 4. Amend Section 508, Chapter 5, Part 1, Title 7, Delaware Code by striking the section in its entirety and substituting in lieu thereof a new section to read as follows:

"§508. License fees for non-residents

Non-residents shall pay to the Department or its duly constituted agents the following license fees:

(1) $45.00 for a General Hunting License.

(2) $25.00 for a Big Game/Trapping License.

(3) $15.00 for a General Fishing License.

(4) $5.20 for a 7-day Fishing License (good for 7 consecutive days from the date of issuance)."

Section 5. The revised fee schedule will take effect as follows:

(a) General Hunting License fee - 5 days after this Bill becomes law

(b) General and 7-day Fishing License fees - January 1, 1986

(c) Big Game and Trapping License and fees - July 1, 1986

Approved September 6, 1985.

CHAPTER 218

FORMERLY

HOUSE BILL NO. 385

AN ACT TO AMEND SECTIONS 5915 AND 5917, CHAPTER 59, TITLE 11 OF THE DELAWARE CODE REGARDING DISPOSITION OF FINES AND COSTS.

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

Section 1. Amend §5915(a), Chapter 59, Title 11 of the Delaware Code by striking the last full sentence of §5915(a) and substituting in lieu thereof a new sentence to read as follows:

"All fines and penalties collected for each calendar month shall be paid over by the justices to the State Treasurer within 15 days after the first day of the succeeding calendar month, provided that any such fines or forfeitures which, by the laws of this State, are due and payable to a County or municipality thereof shall be paid by each justice to the County or municipality entitled thereto."

Section 2. Amend §5915, Chapter 59, Title 11 of the Delaware Code by adding a new subsection (d) thereof to read as follows:

"(d) All fines collected for the violation of any of the provisions of this Title, in the limits of any County, incorporated city or town in this State where arrests are procured by the authorized representatives of that County, incorporated city or town, shall be paid to that County, incorporated city or town within which such offense was committed for the use of that County, incorporated city or town. Nothing in this subsection shall be construed to entitle any County to fines, penalties or forfeitures arising from an arrest made under this Title by an authorized representative of that County for a violation committed within any incorporated city or town. All the fines, penalties and forfeitures imposed and collected in any County of this State for violation of any of the laws of this Title, where the arrests are procured by the authorized representatives of the Department of Public Safety, shall inure and be paid to the State Treasurer for the General Fund. Such fines, penalties and forfeitures shall be collected as other fines, penalties and forfeitures are collected under the laws of this State, and the officers collecting them shall make a monthly report thereof to the State Treasurer on blanks to be furnished for that purpose by the Department of Public Safety. All costs collected for the violation of any of the provisions of this Title shall be paid to the jurisdiction whose court imposed said costs."

Section 3. Amend §5917, Chapter 59, Title 11 of the Delaware Code by adding a new subsection (d) thereof to read as follows:

"(d) All fines collected for the violation of any ordinance, code or regulation of any County or municipality of this State where a summons was issued or where an arrest was procured by the authorized representatives of that County or municipality, shall be paid to that County or municipality within which such violation occurred for the use of that County or municipality; otherwise such fines shall inure and be paid to the State Treasurer for the General Fund. Nothing in this subsection shall be construed to entitle any County to fines, penalties or forfeitures arising from a summons issued or an arrest made under this Section by an authorized representative of that County for a violation committed within any incorporated city or town. Fines, penalties and forfeitures collected under the provisions of this Section shall be collected and disbursed as other fines, penalties and forfeitures are collected and disbursed under the laws of this State, and the officers collecting them shall make a monthly report thereof to the State Treasurer on blanks to be furnished for that purpose by the Department of Public Safety. All costs collected for the violation of any County or municipal ordinance, code or regulation shall be paid to the jurisdiction whose court imposed said costs."

Approved September 6, 1985.

CHAPTER 219

FORMERLY

HOUSE BILL NO. 209

AN ACT TO AMEND CHAPTER 63, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COMPOSITION OF THE BUDGET COMMISSION.

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

Section 1. Amend §6302, Chapter 63, Title 29 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§6302. Composition of the budget commission

There shall be a Budget Commission which shall consist of the Governor, the Lt. Governor, the Secretary of State, the State Treasurer, the Secretary of Finance."

Approved October 10, 1985.

CHAPTER 220

FORMERLY

HOUSE BILL NO. 386

AN ACT TO AMEND CHAPTER 73, TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGISTRATION PROCEDURE FOR BROKER-DEALERS, INVESTMENT ADVISORS AND AGENTS, AND MAKING APPROPRIATION THEREFOR.

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 73, Title 6, of the Delaware Code by striking §7314 (b) in its entirety and substituting in lieu thereof the following:

"(b) Except as provided in subsection (g) below, every applicant for initial or renewal registration as a broker-dealer or investment advisor shall pay a filing fee of $150. Every applicant for initial, transfer or renewal registration as an agent shall pay a filing fee of $20.

Section 2. Amend Chapter 73, Title 6 of the Delaware Code by striking the words "and (b)" as they appear on the first line of §7314 (f).

Section 3. Amend Chapter 73, Title 6 of the Delaware Code by striking §7314 (g) in its entirety and substituting in lieu thereof the following.

"(g) Broker-dealers or investment advisors filing as required under subsection (f) of this section shall be registered upon such filing being received by the commissioner and upon the payment of a fee of $10."

Section 4. For the purpose of implementing this Act the Office of Attorney General is hereby appropriated for the fiscal year ending June 30, 1986, the following:

(2.0)	Salaries	$28,200
	Other Employment Costs	7,000
	TOTAL	$35,200

Section 5. This Act is a supplementary appropriation, and the money appropriated herein shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 6. Any moneys remaining unexpended or unencumbered by June 30, 1986 shall revert to the General Fund of the State of Delaware.

Approved October 10, 1985.

CHAPTER 221

FORMERLY

SENATE BILL NO. 277
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 19, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF NURSING.

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

Section 1. Amend Section 1922 (c)(2) of Title 24 of the Delaware Code by striking said paragraph in its entirety and by substituting in lieu thereof the following:

"(2) The Board shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing to be served upon the practitioner at least 30 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."

Section 2. Amend Section 1918 (b) of Title 24 of the Delaware Code by striking the period "." at the end of the first sentence thereof and substituting in lieu thereof the following:

", provided that the applicant has successfully completed continuing education requirements as may be established by the Board."

Approved January 30, 1986.

CHAPTER 222

FORMERLY

SENATE BILL NO. 279

AN ACT TO AMEND TITLE 24, CHAPTER 27, DELAWARE CODE, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.

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

Section 1. Amend §2704, Chapter 27, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§2704. Compensation.

Each member of the Board shall receive compensation at the rate of $50.00 per meeting if he or she attends; provided, however, no member shall receive compensation for the year in excess of $500.00 and the Board shall not be paid for more than 10 meetings during a calendar year."

Section 2. Amend §2724, Chapter 27, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§2724. Reciprocity.

Upon payment to the Board of a fee and on submission of a written application on forms provided by the Board, the Board shall issue a certificate of registration to a professional land surveyor who is registered or licensed as a professional land surveyor by another state of the United States, its possessions or the District of Columbia, provided that:

(1) the requirements for licensure or registration in such other state, possessions or District of Columbia at the time of licensure or registration are equal to or greater than the requirements set forth in this Chapter; and

(2) the applicant shall successfully complete a written examination administered by the Board of no more than two hours' duration. The scope of said examination shall be limited to Delaware law pertaining to the practice of land surveying in this state."

Section 3. Amend §2729, Chapter 27, Title 24 of the Delaware Code by striking the first paragraph thereof and substituting in lieu thereof the following:

"Certificates of registration shall expire biennially on June 30 and may be renewed upon submission of a renewal application provided by the Board and payment of the renewal fee along with the evidence of successful completion of continuing education courses as may be required by the rules and regulations set forth by the Board. The secretary of the Board shall notify every registrant of the date of expiration of his or her certificate and the amount of fee that shall be required for renewal at least one month prior to the expiration thereof. Failure to give or receive such notice shall not prevent the certificate from becoming invalid after its expiration date."

Approved January 30, 1986.

CHAPTER 223

FORMERLY

SENATE BILL NO. 281

AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF EXAMINERS OF PSYCHOLOGISTS.

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

Section 1. Amend Section 3502 (b) Title 24, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) The Board shall consist of 7 members: five licensed psychologists and two public members, (appointed by the Governor, who are residents of this state). The public members shall not nor ever have been psychologists; nor members of the immediate family of a psychologist; shall not have been employed by a psychologist; shall not have had a material financial interest in the providing of goods and services to psychologists; nor have been engaged in an activity directly related to psychology. The public members shall be accessible to inquiries, comments and suggestions from the general public."

Section 2. Amend Section 3507 (a) (1), Title 24, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(1) Is domiciled in the state at the time of licensing or, if not domiciled in Delaware, has worked at least one day a week as a psychologist in the State of Delaware for a six-month period immediately prior to the time of license application; and"

Section 3. Amend Section 3517, Title 24, Delaware Code by adding a new subsection thereto which shall read as follows:

"(h) Nothing in this chapter shall be construed to prevent psychological assistants from rendering psychological services, other than diagnosis and formulation of a treatment plan, under the direct supervision and control of a licensed psychologist pursuant to rules and regulations adopted by the Board. Provided, however, that such psychological assistants shall have obtained educational training of at least a master's degree in psychology or related field and shall render such psychological services from the office of the supervising psychologist who shall be responsible for the services rendered by the psychological assistant and subject to disciplinary action for activities undertaken by the assistant acting under his direction and control. Prior to rendering of any psychological services by a psychological assistant, the supervising psychologist shall file with the Board a certified copy of college transcripts of the psychological assistant indicating that the assistant has obtained at least a master's degree in psychology or related field and shall also file with the Board a job description of the position of psychological assistant which shall include anticipated duties of the psychological assistant."

Section 4. Further amend Section 3517, Title 24, Delaware Code by striking from Section 3517 (b) the following:

"the state or its political subdivision,"

Section 5. Further amend Section 3517, Title 24, Delaware Code adding a new subsection thereto which shall read as follows:

"(i) This Chapter shall not apply to persons rendering psychological services in institutions operated by the state or its political subdivisions who were hired by the state or its political subdivisions prior to July 31,1985."

Approved January 30, 1986.

CHAPTER 224

FORMERLY

SENATE BILL NO. 282

AN ACT TO AMEND TITLE 24, CHAPTER 37, DELAWARE CODE RELATING TO THE BOARD OF EXAMINERS OF SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS AND HEARING AID DISPENSERS.

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

Section 1. Amend Chapter 37 of Title 24 of the Delaware Code by striking said Chapter in its entirety and by substituting in lieu thereof the following:

"CHAPTER 37. SPEECH PATHOLOGISTS, AUDIOLOGISTS AND HEARING AID DISPENSERS

§ 3701. Declaration of purpose.

It is declared to be the policy of this State that it is necessary to provide regulatory authority over persons offering speech/language, audiology and hearing aid services to the communicatively handicapped people of this State. The purpose of this Board is to safeguard the public health, safety and welfare; assure minimal practitioner competency; and assure ethical professional conduct by practitioners regulated under this Chapter.

§ 3702. Definitions.

For purposes of this Chapter, the following terms, unless otherwise indicated, shall be deemed to have the following meanings:

(1) "Board" means the State Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers.

(2) "Person" means any individual, organization or corporate body, except that only individuals can be licensed under this Chapter.

(3) "Speech/Language Pathologist" means a person who practices speech/language pathology, and who presents oneself to the public by any title or description of services incorporating the terms speech pathologist, language pathologist, speech and/or language therapist, speech and/or language correctionist, speech and/or language clinician, voice therapist, communicologist, aphasiologist or any other similar title or description of service.

(4) "Practice of speech/language pathology" means the application of principles, methods and procedures for measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, language, voice, rate or rhythm for the purpose of evaluating, preventing, ameliorating or modifying such disorders in individuals and/or groups.

(5) "Speech pathology aide" means a person who meets minimum qualifications which the Board may establish which enables them to assist speech/language pathologists in their professional endeavors, but only while under the direct supervision of a licensed speech/language pathologist.

(6) "Audiologist" means a person who practices audiology and who presents oneself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, aural rehabilitator or any other similar title or description of service.

(7) "Practice of audiology" means the application of principles, methods and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation and rehabilitation related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups. For the purpose of this subsection, the terms "habilitation" and "rehabilitation" include, but are not limited to, hearing aid evaluation, recommendation and fitting.

(8) "Audiology aide" means a person, other than a hearing aid dispenser, who meets minimum qualifications which the Board may establish, which enables that person to assist audiologists in their professional endeavors, but only under the direct supervision of a licensed audiologist.

(9) "Hearing aid dispenser" means a person engaged in the evaluation or measurement of the power or range of human hearing by means of an audiometer of any other means devised for the purpose of selecting, adapting and distributing or selling of hearing aids. This testing in no way includes medical diagnosis or audiologic evaluation. Dispensers may provide instruction, orientation and counseling on the use and operation of a hearing aid, and they may use an otoscope or "ear light" to evaluate the feasibility of and use of ear molds and ear mold impressions.

§ 3703. License required.

(a) Separate licenses shall be granted in speech/language pathology, audiology and for hearing aid dispensers. A person may be licensed in more than one specialty if such person meets the requirements of each specialty for which licensure is sought.

(b) No person shall practice speech/language pathology or audiology, nor engage in the sale or fitting of hearing aids in this State, unless such person is licensed in accordance with this Chapter.

§ 3704. Application for license.

(a) Each person seeking licensure under this Chapter shall make application to the Board on forms and in such manner as prescribed by the Board.

(b) The application shall be accompanied by a non-refundable fee, the amount of which is to be prescribed by the Board.

(c) The Board shall issue a license to all applicants who meet the requirements of this Chapter and who pay the license application fee.

§ 3705. Persons and practices not affected by this Chapter.

Nothing in this Chapter shall be construed as preventng or restricting:

(1) A physician from engaging in the practice of medicine in this State, or any person performing industrial hearing screening under the supervision of a physician.

(2) Any person licensed in this State by any other law from engaging in the profession or occupation for which he is licensed.

(3) The performance of speech/language pathology or audiology services in this State by any person not a resident of this State who is not licensed under this Chapter if such services are performed for no more than 30 days in any calendar year and in cooperation with a person licensed under this Chapter, if such person meets the qualifications and requirements for application for licensure described in this Chapter, or holds a valid license from another state which has requirements equivalent to this Chapter, or holds a certificate of clinical competence in speech/language pathology or audiology issued by the American Speech, Language and Audiology Association.

(4) The activities and services of a person pursuing a course of study leading to the required degree in speech/language pathology or audiology at a college or university if such activities and services constitute a part of a supervised course of study and are clearly designated as such.

§ 3706 Qualifications of applicants for licensure.

To be eligible for licensure by the Board as a speech/language pathologist, audiologist or hearing aid dispenser, the applicant must:

(1) Possess such educational, experience and other qualifications as required by the Board in its rules and regulations for the area in which licensure is sought, provided that:

a. For audiologists and speech/language pathologists, these requirements shall not exceed the current standards promulgated by the American Speech/Language and Hearing Association.

b. For hearing aid dispensers, these requirements shall not exceed current standards promulgated by the National Hearing Aid Society.

(2) Submit to the Board the name and address of the firm, business, clinic and/or principal place of employment which the applicant owns or is affiliated with if actively practicing their licensed specialty. Applicants not actively engaged in their licensed specialty shall provide a principal address at which they may be contacted.

(3) Submit, if a hearing aid dispenser, documentation as set forth in Board rules and regulations to substantiate a capacity and capability to provide timely and quality services and/or repairs to hearing aids dispensed or sold within the State.

§ 3707. Licensing under special conditions.

(1) Upon payment of a non-refundable application fee, the Board shall waive the examination and educational requirements and grant a license to applicants who, at any time in the two years prior to the effective date of this law, were actively engaged in the practice of speech/language pathology or audiology in Delaware upon proof of bona fide practice presented to the Board in the manner prescribed by the Board's rules and regulations providing that they file an application within one (1) year of the effective date of this law.

(2) Upon payment of a non-refundable application fee, the Board shall waive the examination and educational and experience requirements and grant a license to applicants who submit proof of current licensure in a state, territory or the District of Columbia if the applicant is a licensee in a venue which has standards equivalent to this State.

(3) Upon payment of a non-refundable application fee, the Board shall waive the examination and education and experience requirements and grant a license to applicants holding a current certificate of clinical competence from the American Speech, Language and Hearing Association in the area in which they are applying for licensure.

§ 3708. Temporary license and permits.

A temporary license, valid for one year from the date of issuance and not renewable, shall be issued by the Board under the following circumstances:

(1) Speech/language pathologists and audiologists who have completed all academic and clinical practicum requirements in their specialty but have not completed a clinical fellowship year (CFY) may be issued a temporary permit by:

a. Filing an application with a notarized copy of the CFY plan signed by a sponsor holding a valid state license.

b. Payment of a temporary license fee.

(2) A person who has not taken the hearing aid dispenser's examination may be issued a temporary permit by:

a. Filing an application with a notorized signature of a sponsor licensed under this chapter stating a willingness to provide direct supervision and training of the applicant.

b. Payment of a temporary license fee.

§ 3709. Examination.

(1) Examination for speech/language pathologists and audiologists shall be the same as those promulgated by the American Speech/Language and Hearing Association or one selected by the Board to be equivalent.

(2) Examination for hearing aid dispensers shall be the same as those promulgated by the National Hearing Aid Society or one selected by the Board to be equivalent.

(3) The Board shall hold or make available at least two (2) examinations each year at a time and place established by the Board.

(4) Those failing an examination may be reexamined within one year of the first examination upon payment of a reexamination fee.

(5) Persons failing two examinations must submit to the Board proof of additional education and/or training as may be required in the rules and regulations and may not be reexamined for a period of at least one year from the time of the second failure.

§ 3710. Expirations and renewals of licenses.

Licenses shall expire biennially on July 31 and may be renewed upon submission of a renewal application provided by the Board and payment of the renewal fee along with the evidence of successful completion of continuing education courses as may be required by the rules and regulations set forth by the Board. The Secretary of the Board shall notify every registrant of the date of expiration of his or her license and the amount of fee that shall be required for renewal at least one month prior to the expiration thereof. Failure to give or

receive such notice shall not prevent the license from becoming invalid after its expiration date.

Any licensee whose license lapses as a result of failure to renew may regain his or her license within twelve months of such lapse upon payment to the Board of an amount not to exceed two times the biennial relicensure fee. Otherwise, licensure may be regained solely by filing a new application for licensure and fulfilling the requirements for licensure as spelled out in this Chapter.

§ 3711. Fees and revenues.

All fees and revenues received by the Board shall be paid to the State Treasurer upon receipt and shall be credited to the General Fund of the State in accordance with Chapter 61 of Title 29 of the Delaware Code. Such fees shall be set by the Board and revised from time to time to provide a continued means to financially administer this Act.

The application fee shall not be refundable under any circumstances. If an applicant fails to appear for a scheduled examination, the fee may be refunded at the discretion of the Board.

§ 3712. Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers.

(1) The Board shall consist of nine members appointed by the Governor: two speech/language pathologists, two audiologists, two hearing aid dispensers and three public members. All members of the Board shall be residents of this State. The public members shall not be nor ever have been a speech/language pathologist, audiologist or hearing aid dispenser, nor a member of the immediate family of a speech/language pathologist, audiologist or hearing aid dispenser; shall not have been employed by a speech/language pathologist, audiologist or hearing aid dispenser; shall not have had a material financial interest in the providing of goods and services to those licensed in this Chapter; nor have been engaged in an activity directly related to speech/language pathology, audiology or the practice of hearing aid dispensers. Such public members shall be accessible to inquiries, comments and suggestions from the general public.

(2) No member of the Board may be an officer of a professional association representing speech/language pathologists, audiologists or hearing aid dispensers. Each professional member of the Board shall be an exclusive practitioner of his or her specialty.

(3) The Board shall elect from its membership a President and a Secretary. Five members shall constitute a quorum for the conduct of Board business. The Board shall hold at least one meeting each year. Additional meetings may be held upon the call of the Chair, or at the written request of five members of the Board.

§ 3713. Compensation.

Each member of the Board shall receive compensation at the rate of $50 per meeting if he or she attends; provided, however, that no member shall receive compensation for the year in excess of $500 and the Board shall not be paid for more than ten meetings during a calendar year.

§ 3714. Powers and duties.

The Board shall have the authority and the duty to:

(1) review and approve applications for licensure in each professional specialty.

(2) arrange and set dates and times for examination of candidates in each professional specialty.

(3) establish, publish and promulgate rules and regulations necessary to carry out the intent of this Chapter.

(4) establish and publish continuing education requirements for license renewal in each professional specialty.

(5) investigate, conduct hearings and take action on complaints lodged with the Board against individuals licensed under this Chapter.

(6) adopt and publish a code of ethics for each professional specialty and promulgate within sixty days of adoption.

(7) establish and publish standards for electronic equipment used for the purpose of

measuring hearing, and require written proof of calibration for such equipment annually.

§3715. Suspension or revocation of license or temporary permit.

The Board may refuse to issue a license or may suspend or revoke the license or permit of any licensee if he or she has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct may include:

(1) obtaining a license or permit by fraud, misrepresentation or concealment of material facts;

(2) practicing while knowingly suffering from a contagious or infectious disease;

(3) false or deceptive advertising;

(4) excessive use or abuse of drugs or alcohol;

(5) having been convicted of a felony;

(6) violating any provision of this Chapter, or violating the rules and regulations of the Board, or violating the Code of Ethics established by the Board.

§ 3716. Complaints.

Any practitioner or member of the public who has a question or complaint concerning any aspect of the practice of the professions regulated in this Chapter 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.

The Board shall investigate any complaint, including oral and anonymous complaints; and shall follow through on those complaints which, upon investigation, appear to be valid and well-founded. In cases where the complainant is known to the Board it shall, within six weeks after receipt of the complaint, notify the complainant whether or not it will take any action in the matter. If the Board decides to take no action it shall, by letter, state its reasons therefor. A record shall be kept of each complaint, formal or informal, for a period of at least five years.

§ 3717. Hearings and appeals procedures.

(a) Upon receipt of a complaint against a practitioner, the Board shall determine what action (if any) it shall take. 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, unless circumstances surrounding the complaint warrant a lengthier investigation. 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 will be effected in the same manner as with civil litigation.

(b) All hearings shall be informal without 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 a decision. A copy of the decision shall be mailed immediately to the complainant, and 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 to the Superior Court within that time.

(c) Where either the complainant or the practitioner is in disagreement with the action of the Board, either person may appeal the Board's decision to the Superior Court within thirty days of service, or of the postmarked date of the Board's decision. 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 appeal.

§ 3718. Practicing without a license.

(a) Where the Board has determined that a person is practicing speech/language pathology, audiology or is practicing as a hearing aid dispenser within this State without having lawfully obtained a license therefor, or that a person previously licensed is unlawfully practicing although his or her license has been suspended or revoked, the Board shall formally warn such a 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) Any person who violates § 3703 of this Chapter shall be liable to a civil penalty of not more than $2500 for the first offense; and not more than $5000 for the second and each subsequent offense, which penalty may be sued for, and recovered by and in the name of the Board.

§ 3719. Severability.

The provisons of this Chapter are severable. If any part of the Chapter is declared invalid or unconstitutional, such a declaration shall not affect the parts that remain."

Approved January 30, 1986.

CHAPTER 225

FORMERLY

SENATE BILL NO. 295

AN ACT TO AMEND CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE DEVELOPMENT OFFICE.

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

Section 1. Amend Section 5009, Chapter 50, Title 29 of the Delaware Code by striking subsection (a) in its entirety and substituting in lieu thereof the following:

"(a) The Director and all employees of the office shall be exempt from Chapter 59 of this title."

Approved January 30, 1986.

CHAPTER 226

FORMERLY

SENATE BILL NO. 299

AN ACT TO AMEND CHAPTER 15, TITLE 28 OF THE DELAWARE CODE, RELATING TO THE DELAWARE GAMING CONTROL BOARD.

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

Section 1. Amend Section 1502, Chapter 15, Title 28 of the Delaware Code by striking subsection (e) in its entirety and by substituting in lieu thereof the following:

"(e) Compensation - Each member of the Board shall receive compensation at the rate of $50 per meeting if he or she attends; provided, however, that no member shall receive compensation for the year in excess of $500 and the Board shall not be paid for more than ten meetings during a calendar year."

Section 2. Amend Section 1502, Chapter 15, Title 28 of the Delaware Code by striking the first sentence in subsection (f) and by substituting in lieu thereof the following:

"(f) *Meetings; quorum* - The Board shall hold a regularly scheduled business meeting 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."

Approved January 30, 1986.

CHAPTER 227

FORMERLY

SENATE BILL NO. 293

AN ACT TO AMEND SECTION 201, SUBCHAPTER II, TITLE 26 OF THE DELAWARE CODE, RELATING TO GENERAL JURISDICTION AND POWERS OF THE PUBLIC SERVICE COMMISSION.

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

Section 1 Amend Section 201, Subchapter II, Title 26 of the Delaware Code by inserting the following after the first sentence thereof:

"Such regulation shall include the regulation of the rates, terms and conditions for any attachment (except by a governmental agency insofar as it is acting on behalf of the public health, safety or welfare) to any pole, duct, conduit, right of-way or other facility of any public utility, and, in so regulating, the Commission shall consider the interests of subscribers, if any, of the entity attaching to the public utility's facility, as well as the interests of the consumer of the public utility service."

Approved February 3, 1986.

CHAPTER 228

FORMERLY

HOUSE BILL NO. 404
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT.

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

Section 1. Amend Sec. 513, Title 13, Delaware Code by deleting the existing paragraph (a) (12) thereof; designating existing paragraph (a) (13) as new paragraph (a) (12); and by designating existing subsection (b) as paragraph (b) (1) and substituting "income" for "wage(s)" where it appears in the new paragraph (b) (1); and by adding new paragraphs (b) (2) through (12) as follows:

"(2) Where no withholding order is in effect for orders of support entered under this Chapter, Chapter 6 of this title, or where the order is one of unallocated alimony and child support under Chapter 15 of this title including orders issued prior to the effective date of this Act, the obligor's income shall be attached automatically upon the filing of a verified notice by the obligee of a default in payment for seven working days, or earlier at the request of the obligor.

If the existing support order does not include payment on arrears, then the income attachment shall be issued in the amount of current support plus an amount payable toward arrears of up to 10 percent of the current support order or $5, whichever is greater. The verified notice shall specify the amount requested to reduce the arrears. The remedy specified for recovery of arrearages shall be in addition to and not in substitution for remedies available elsewhere in this Title.

(3) Where an order for attachment is to be issued under this subsection or Chapter 4 of this Title, the obligor shall be notified upon the filing of the verified notice. The obligor shall have 10 days from the date of filing to file an affidavit in opposition to the attachment based only upon an assertion of a mistake of fact concerning the identity of the parties, the delinquency of payment, or the jurisdiction of the Court. Any other defenses to the amount of the obligation may be raised only in accordance with other provisions of this Title. Full payment upon receipt of the verified notice shall not constitute grounds for contesting withholding. The Court shall, upon consideration of the affidavit(s), determine whether an issue of material fact or defense permissible under this section exists and shall, in accordance with that determination, either schedule a hearing or immediately issue the attachment. In either event, a final determination shall be made and both parties notified within 45 days of the filing of the verified notice. If the obligor fails to file an affidavit in opposition to the attachment within 10 days of the filing of the verified notice, the Court shall immediately issue the attachment.

(4) In all cases where the Division of Child Support Enforcement does in fact represent the State and/or the obligee, the Division shall be authorized to file the verified notice on behalf of said obligee.

(5) For purposes of Chapter 4, 5 and 6 of this Title, 'Income' is defined as any form of payment made by the obligor's employer to an individual, regardless of source, including, but not limited to: wages, salary, commission, vacation pay, severance pay, bonuses, compensation as an independent contractor, workers' compensation, disability, sick pay, SUB benefits, unemployment compensation, railroad retirement, pensions, annuity and retirement benefits; provided, however, that income excludes:

(i) Any amounts required by law to be withheld, other than creditor claims, including, but not limited to, Federal, State and local taxes, Social Security and other mandatory retirement and disability contributions;

(ii) Union dues;

(iii) Any amounts exempted by Federal law;

(iv) Public Assistance payments; and

(v) Tax refunds, which shall be governed by Sec. 1205-1209

of Title 30 and Sec. 454 of the Social Security Act.

(6) 'Employer' includes an individual, partnership, association, corporation, trust, Federal agency, State agency or political subdivision paying or obligated to pay income.

(7) Any attachment or execution to enforce an order for child support or unallocated alimony and child support entered under this Title shall not be subject to the exemptions or limitations set forth in Sec. 3502 or 4913 of Title 10 or Sec. 5503 of Title 29. Said attachment for support shall also have priority over any other attachment, except an attachment for Federal tax liens, regardless of whether such other attachment was perfected prior to the support attachment. The support attachment shall be subject to the limitations set forth in Section 303(b) of the Consumer Credit Protection Act (15 USC. 1673(b)); provided, however, that an attachment of unemployment compensation shall not exceed 50 percent of the weekly payment thereof.

(8) Upon receipt of a certified copy of an order of income withholding from the Court, the employer shall deduct the specified sum from the wages due the obligor- employee and shall, at or before the time the obligor- employer is paid, mail or otherwise deliver the said deduction to the Division of Child Support Enforcement or the obligee as directed, and shall continue to do so for so long as the obligor remains in his employ or until the Court orders otherwise. The withholding shall be effective with regard to any payment by the employer to the obligor after a reasonable time to give effect to the withholding, but in no event shall such withholding be delayed more than 14 days from the date of its receipt by the employer. In every case, the remittance shall be by check or money order payable as directed and the remittance shall specify the obligor- employee's name and social security number. In the event the employer is withholding from more than one employee, and the payee is the Division of Child Support Enforcement, payment for the total amount may be remitted by a single check. Upon the termination of the obligor's employment, the employer shall notify the Court of said termination and shall provide the Court, if known, with the obligor- employee's last known address, along with the name and address of his future employer.

(9) Upon receipt of the certified copy of the order of income withholding from the Court by certified mail, the employer becomes primarily liable for the payment of the obligations set forth in such order, 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 income attachment and is found to be in contempt by the Court.

(10) Any employer who fails to comply with the terms of this section or who dismisses, terminates or causes the termination of a obligor'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. If the employer is a corporation, criminal liability shall be established pursuant to Sec. 281-284 of Title 11.

(11) Withholding of income under this Section shall remain in effect as long as the order for support upon which it is based, or any modification thereof.

(12) The Division of Child Support Enforcement is designated as the State Income Withholding Agency. The Division shall distribute all amounts received promptly in accordance with Sec. 457 of the Social Security Act and shall allocate amounts received when there is more than one obligee in accordance with rules promulgated by the Secretary of the Department of Health and Social Services."

Section 2. Amend Sec. 516, Title 13, Delaware Code by deleting subsections (b), (d), (e), (f) and (g) in their entirety and by designating existing subsections (h) and (i) as new subsections (d) and (e) respectively and adding subsections (b) and (f) to read as follows:

"(b) Order by income attachment and/or by direct payment an additional amount toward arrears in addition to any amount ordered pursuant to Sec. 513(b) of this Title.

(f) Information regarding the amount of arrearages owed by an obligor shall be made available by the Division of Child Support Enforcement to any consumer credit bureau organization upon the request of the organization, subject to the following:

(1) The amount of arrearages are not less than $500.00.

(2) The information shall be made available only after the obligor owing the arrearages has been notified of the proposed action and given a period of 20 days to contest the accuracy of the information.

(3) A fee for furnishing the information in an amount not exceeding the actual cost thereof may be imposed on the requesting organization by the Division of Child Support Enforcement."

Section 3. Amend Sec. 512, Title 13, Delaware Code, by designating existing Sec. 512 as subsection (a) of Sec. 512 and by adding a new subsection (b) of said section to read as follows:

"(b) Title 10, Delaware Code, Section 913 notwithstanding, the report and recommendations of the Master with regard to a permanent, temporary, interim or emergency order entered under Chapters 4, 5 or 6 of this Title shall become effective and enforceable immediately as an Order of

the Family Court when announced by the Master. Said Order shall remain in full force and effect unless and until a party files a petition for a review de novo within 15 days of the date said Order is announced and makes application for and is granted a stay by order of a judge of the Family Court."

Section 4. Amend Sec. 515, Title 13, Delaware Code by adding new subsection (d) to said section as follows:

"(d) The Family Court shall by Rule provide for expedited procedures for the determination and enforcement of support obligations established under this Chapter, Chapter 4 and Chapter 6 of this Title. These procedures shall include, except in appropriate cases and on a showing of good cause as herein provided, the mandatory use of such expedited process before a hearing can be held before a judge. The Court shall by Rule adopt procedures to provide, in appropriate cases, for the determination that there is good cause to proceed directly to a hearing before a judge."

Section 5. Amend Sec. 921, Title 10, Delaware Code, by adding a new subsection (13) of said section as follows:

"(13) Actions concerning appeals from administrative decisions of the Division of Child Support Enforcement, in accordance with the Delaware Administrative Procedures Act, Chapter 101 of Title 29."

Section 7. Amend Sec. 10161, Title 29, Delaware Code, by adding a new subsection (25) of said section to read as follows:

"(25) Division of Child Support Enforcement".

Section 8. Amend Sec. 1206, Title 30, Delaware Code, by striking existing subsection (a) of said section in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) 'Claimant Agency' is defined as the Department of Health and Social Services by assignment from a public assistance recipient pursuant to Title 31, Delaware Code, Sec. 503 (d), or as the legal representative of a custodial parent who has applied for non-public assistance services of the Division of Child Support Enforcement or the Department of Health and Social Services for any indebtedness due and owing to said Department."

Section 9. Amend Sec. 10102(4), Title 29, Delaware Code, by adding after the word "State" the following:

"except for appeals from the Division of Child Support Enforcement, which will be heard by the Family Court of the State."

Section 10. Amend Sec. 513 (a), Title 13, Delaware Code, by striking existing subparagraphs (1) and (2) of said section and by substituting in lieu thereof new subparagraphs (1) and (2) as follows:

"(1) Order the defendant to pay a certain sum periodically into the Division of Child Support Enforcement or directly to a dependent, his guardian, custodian, or trustee, for his support for so long as the obligation of support shall exist;

(2) Order the defendant to pay a specific total amount into the Division of Child Support Enforcement or directly to a dependent, his guardian, custodian or trustee, in a lump sum or in such stated periodic amounts as the Court deems proper;".

Section 11. The provisions of this Act shall be liberally construed in order to effectively carry out the purpose of this Act.

Section 12. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 13. This Act shall become effective 30 days after it is enacted except that Section 8 of this Act shall be effective for payments made by the State after January 1, 1987.

Approved February 3, 1986.

CHAPTER 229

FORMERLY

SENATE BILL NO. 218
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO APPRENTICESHIP PROGRAMS, GROUNDS FOR DISCIPLINE AND DISCIPLINARY SANCTIONS FOR PILOTS.

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

Section 1. Amend Title 23, Chapter 1, Section 102 of the Delaware Code by adding a new paragraph (12) to read as follows:

"(12) Create and administer an apprenticeship program which designates minimum educational and experience requirements."

Section 2. Amend Title 23, Chapter 1, Section 114 of the Delaware Code by deleting the first sentence in its entirety and substituting in lieu thereof the following:

"No person shall be entitled to a license in any class without first having completed the apprenticeship program enacted by Regulation of the Board."

Section 3. Amend Title 23, Chapter 1, Section 118 by deleting said section in its entirety and substituting in lieu thereof the following:

"§118. Grounds for Discipline

(a) Pilots regulated under this chapter shall be subject to disciplinary action if after a hearing the Board finds:

1. Illegal, incompetent or negligent conduct in the performance of piloting;

2. Excessive use or abuse of drugs (including alcohol, narcotics or chemicals);

3. Failure to file a marine casualty report;

4. Failure to obey Rule of the Nautical Road;

5. Violation of a lawful provision of this chapter, or any lawful regulation established thereunder.

(b) A pilot 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, including alcohol and/or drug abuse;

3. Permanent emotional disorder or mental illness.

(c) If a pilot's physical or mental capacity to practice safely is at issue in a non-disciplinary remedial proceeding, the Board may order a pilot 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 pilot liable to temporary suspension or revocation of license in accordance with §120 of this Title.

(d) Where a pilot 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 each order.

(e) Subject to Subchapter IV of Chapter 101 of Title 29 no license shall be restricted, suspended or revoked by the Board, and no pilot's right to practice shall be limited by the Board, until such pilot has been given notice, and an opportunity to be heard in accordance with the Administrative Procedures Act."

Section 4. Amend Title 23, Chapter 1 by adding thereto a new Section 120 to read as follows:

"§120. Disciplinary Sanctions

(a) 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 §118 of this title applies to a pilot regulated by this chapter:

(1) Issue a letter of reprimand;

(2) Censure a pilot;

(3) Place a pilot on probationary status, and require the pilot to:

a. Report regularly to the Board upon the matters which are the basis of the probation;

b. Limit all practice and professional activities to those areas prescribed by the Board, and/or

c. 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,

d. Attend an alcohol and/or drug treatment program approved by the Board.

(4) Suspend any pilot's license; or

(5) Revoke a pilot'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 pilot'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."

Approved February 4, 1986.

CHAPTER 230

FORMERLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 278

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, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

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

Section 1. Amend Section 1 of House Bill No. 350 of the 133rd 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, 1986; 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 Bill No. 350, as hereinafter prescribed.

Page	Line	Organization/Line	From	To	Increase (Decrease)
75	1	(95-00-000) PUBLIC EDUCATION			
76	1	(95-01-005) Educational Contingency			
76	4	Formula Employees (7902.3)	134,009.5	136,009.5	2,000.0
76	22	(95-01-006) Pass Through/K12 Programs			
76	51	Career Development and Accountability Programs	2,300.0	300.0	(2,000.0)

Section 2. Amend Section 1 of House Bill No. 350 of the 133rd General Assembly of the State of Delaware by recomputing all sub-totals and totals and by renumbering sections affected by this Act.

Section 3. Amend House Bill No. 350 of the 133rd General Assembly of the State of Delaware by striking the salary schedule contained in Subsection 11(k)(1) in its entirety and by substituting in lieu thereof the following:

* Years of Exp.	No Degree	Bach. Degree	Bach. Degree Plus 15 Grad. Credits	Bach. Degree Plus 30 Grad. Credits	Mast. Degree	Mast. Degree Plus 15 Grad. Credits	Mast. Degree Plus 30 Grad. Credits	Mast. Degree Plus 45 Grad. Credits	Doctor's Degree
0	$11,076	$11,870	$12,466	$13,062	$13,459	$14,055	$14,650	$15,047	$15,444
1	11,473	12,268	12,863	13,459	13,856	14,451	15,047	15,444	15,842
2	11,870	12,665	13,260	13,856	14,254	14,849	15,444	15,842	15,239
3	12,268	13,062	13,658	14,254	14,650	15,246	15,842	16,239	16,636
4	12,665	13,459	14,055	14,650	15,047	15,644	16,239	16,636	17,034
5	13,062	13,856	14,451	15,047	15,444	16,041	16,636	17,034	17,431
6	13,459	14,254	14,849	15,444	15,842	16,439	17,034	17,431	17,829
7	13,856	14,650	15,246	15,842	16,239	16,835	17,431	17,829	18,226
8	14,254	15,047	15,644	16,239	16,636	17,232	17,829	18,226	18,624
9	14,650	15,444	16,041	16,636	17,034	17,729	18,226	18,624	19,021
10	15,047	15,842	16,439	17,034	17,431	18,027	18,624	19,021	19,418
11	15,444	16,239	16,835	17,431	17,829	18,424	19,021	19,418	19,815
12	15,842	16,636	17,232	17,829	18,226	18,820	19,418	19,815	20,213
13	16,239	17,034	17,629	18,226	18,624	19,218	19,815	20,213	20,610
14	16,636	17,431	18,027	18,624	19,021	19,615	20,213	20,610	21,008
15	17,034	17,829	18,424	19,021	19,418	20,013	20,610	21,008	21,405

16	17,431	18,226	18,821	19,418	19,815	20,410	21,008	21,405	21,802

This salary schedule shall become effective with the fiscal year beginning July 1, 1986."

Section 4. Amend House Bill No. 350 of the 133rd General Assembly of the State of Delaware by striking the salary schedule contained in Subsection 11(k)(9) in its entirety and substituting in lieu thereof the following:

" Years of experience with autistic persons	Director-Specialist
0	$26,773
1	27,843
2	28,972
3	30,134
4	31,296
5	32,458
6	33,620
7	34,782
8	35,944
9	37,090

This salary schedule shall become effective with the fiscal year beginning July 1, 1986."

Section 5. Amend House Bill No. 350 of the 133rd General Assembly by striking Section 220 in its entirety and by substituting in lieu thereof the following:

"Section 220. All personnel employed on February 15, 1986, and paid in accordance with the salary schedules contained in Sections 1305(a) and 1332(a), Title 14, Delaware Code for months of service specified as per Section 1305(b), Title 14, Delaware Code shall receive a one-time salary payment, in addition to the salary otherwise provided, according to the following schedule:

Ten-month employee - $285.00
Eleven-month employee - $313.50
Twelve-month employee - $342.00"

Approved February 4, 1986.

CHAPTER 231

FORMERLY

SENATE BILL NO. 298

AN ACT TO AMEND CHAPTER 14, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF ELECTRICAL EXAMINERS.

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

Section 1. Amend Section 1404, Chapter 14, Title 24 of the Delaware Code by striking said Section in its entirety and substituting in l'eu thereof the following:

"§1404. Compensation of Board members

Each member of the Board shall receive compensation at the rate of $50 per meeting if he or she attends; provided, however, that no member shall receive compensation for the year in excess of $500 and the Board shall not be paid for more than ten meetings during a calendar year."

Section 2. Amend Section 1405, Chapter 14, Title 24 of the Delaware Code by striking subsection (a) in its entirety and substituting in lieu thereof the following:

"(a) 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 written request of a majority of Board members."

Approved February 4, 1986.

CHAPTER 232

FORMERLY

SENATE BILL NO. 332

AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COMMISSION OF VETERANS AFFAIRS.

WHEREAS, the State of Delaware has no single State Commission established by statute, to represent and advise Veterans of the Armed Services, their dependents and survivors, on matters pertaining to education, employment, health, and financial support and to assist them in securing the benefits and privileges authorized them under State and Federal law; and

WHEREAS, previous measures such as SJR 26, 129th General Assembly and Executive Order No. 67 were directives of a transitory nature; and

WHEREAS, the Veterans of Delaware are desirous of a permanent body to represent their interest in State government.

NOW, THEREFORE:

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

Section 1. Amend Title 29 of the Delaware Code, Chapter 87 by adding new sections 8720 through 8725 to read as follows:

"§8720. Delaware Commission on Veterans' Affairs - Establishment, Composition, Powers

(a) There is hereby established The Delaware Commission of Veterans' Affairs, hereafter referred to as the 'Commission'.

(b) The Commission shall be composed of 11 members, who shall be veterans appointed by the Governor for four year terms, except that initial appointments to the Commission shall consist of four veterans to serve four year terms, four veterans to serve three year terms, and three veterans to serve two year terms. Thereafter, all terms shall be for four years. During the course of a member's term, they must remain members in good standing of the nominating organization. If a vacancy occurs, the new appointment shall be for the balance of the original term. The Governor shall make all appointments to the Commission from lists containing at least three names of members recommended by each of the statewide veterans membership organizations incorporated in the State of Delaware, chartered by Congress, or authorized under Title 38 United States Code, to represent veterans in Delaware. The Governor shall select one member from each list submitted by the statewide veterans membership organizations. For purposes of this Section, a veteran is any person who has served honorably on active duty in the U. S. Army, Air Force, Navy, Marine Corp or the Coast Guard for a minimum period of two years and has been honorably discharged or relieved from active duty. The minimum period of two years of active duty may be waived if: (1) Earlier release was granted because the individual was wounded or injured in the line of duty and rendered unfit for further service; or (2) the individual was released prior to two years of active duty for the convenience of the government.

§8721. Duties and Responsibilities

(a) The Commission shall assume all duties and responsibilities of the current appointed Veterans Affairs Committee.

(b) With the concurrence of the Secretary of State, the Commission shall hire through the State Merit System employment process and employ an Executive Secretary and a clerical assistant to perform those duties prescribed by the Commission. All employees of the Commission, including the Executive Secretary, shall be veterans as defined in §8720 (b) of this Title. Said employees shall report to the Secretary of State on all administrative matters and shall report to the Commission on all substantive matters.

(c) The Commission shall consult with and advise the Department of State with respect to establishment and administration of the Delaware Veterans Memorial Cemetery.

(d) The Commission shall establish a repository for all Veterans' 'Statement of Service' or similar documentary verification of Active Armed Service.

(e) The Commission shall represent the State of Delaware in concert with other States' Veterans Agencies and the U. S. Veterans Administration on matters of mutual interest and concern.

(f) The Commission shall coordinate with and, if requested, advise all departments and agencies

of the State of Delaware on all matters pertaining to education, training, employment, medical, and financial benefit programs for veterans, their dependents, and survivors.

(g) The Commission shall initiate, review, and/or sponsor State legislation pertaining to veterans.

(h) The Commission and/or its executive secretary shall augment, not replace, nor infringe upon the functions of the service officers (representatives) of Veterans Organizations.

(i) The Commission shall submit to the Governor and to the General Assembly an annual report of the Commission's activities and recommendations.

§8722. Authority

The Commission is hereby authorized to develop and promulgate bylaws, rules and regulations not inconsistent with the law, which are necessary for the enforcement and implementation of the provisions of this Act and all applicable Federal rules and regulations.

§8723. Organization and Operation

(a) Any veterans organization as defined in Section 8720 (b) of this Title may petition the Governor to remove from the Commission, a member which said organization recommended, provided the reasons for said removal are clearly stated in said petition.

(b) In the event any Commissioner fails to attend three successive scheduled meetings without just cause such failure shall be sufficient grounds for the representative of the particular Veterans Organization to be removed by the Governor.

(c) Prospective members of the Commission shall be recommended by the respective veterans organizations and appointed by the Governor as vacancies occur.

(d) The names of prospective members of the Commission shall be submitted to the Governor by letter from the senior official of each respective statewide veterans organization.

(e) The members of the Commission shall elect one of their members to serve as Chairperson and one as Vice-Chairperson who shall not serve consecutive terms. Such elections shall be held annually in September.

(f) The Chairperson and Vice Chairperson shall serve as voting members of the Commission.

(g) The Executive Secretary shall attend all meetings of the Commission, keep a full and true record of its proceedings, preserve at its general office all its books, documents, and papers, and perform such other duties as the Commission may prescribe.

(h) The Commission shall hold monthly meetings at such time and location as prescribed by the Chairperson. Special meetings may be called by the Chair or a majority of the Commission membership.

(i) A quorum shall consist of a simple majority of the Commission members.

(j) Members of the Commission shall serve without compensation except that they may be reimbursed for reasonable and necessary travel expenses incident to their duties as members of the Commission to the extent that funds are available and in accordance with State law.

(k) The Commission's Executive Offices shall be located in Dover, Delaware.

§8724. Funding

Annually, the Commission shall submit a proposed budget to the Department of State for review and approval by that Department. The Department of State shall then recommend to the General Assembly that the Commission's budget be included as a line item within said Department's funding.

§8725. Relationship to Other State Agencies

(a) Unless otherwise indicated, the duties, responsibilities and authority set forth in the preceding Sections 8721 and 8723 of this Chapter are reserved specifically to the Commission.

(b) The Commission may request the advice, opinion, or assistance of other appropriate State agencies as necessary to properly discharge its duties and responsibilities.

(c) The Department of State shall provide reasonable office and meeting facilities and other logistic support as requested by the Commission.

(d) The Department of State shall maintain an overview of the Commission's operation in order to insure proper use of, and accountability for, State funds appropriated for that purpose."

Section 2. This Act shall take effect immediately upon its enactment into law.

Approved February 4, 1986.

CHAPTER 233

FORMERLY

HOUSE BILL NO. 403

AN ACT TO AMEND TITLE 30, CHAPTER 20, SUBCHAPTER III, RELATING TO TARGETED AREAS.

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

Section 1. Amend §2020 of Title 30, Chapter 20, Subchapter III, by striking from subparagraph (1)(b) of the said §2020 the numeral and punctuation "(3)" wherever the same appears.

Approved February 4, 1986.

CHAPTER 234

FORMERLY

HOUSE BILL NO. 408
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE, AND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE, ESTABLISHING A DIVISION OF CORPORATIONS CORPORATE REVOLVING FUND AND A FEE SCHEDULE FOR SPECIAL REQUEST SERVICES.

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 §2311, Chapter 23, Title 29 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§2311. Disposition of moneys received

(a) All fees which are by law taxable by and payable to the Secretary of State, except those fees collected pursuant to Section 391(h), Title 8, shall be collected by him and paid into the State Treasury.

(b) There is hereby created within the Division of Corporations, a Special Fund to be designated as the Division of Corporations Corporate Revolving Fund which shall be used in the operation of the Division of Corporations in the performance of special requests for services and the funding of seven appropriated Special Funds positions.

(c) All fees which are by law payable to the Secretary of State pursuant to 8 Del. C. §391(h) shall be deposited in the State Treasury to the credit of said Division of Corporations Corporate Revolving Fund. No other fees or taxes collected by the Secretary of State shall be deposited in said fund.

(d) Funds in the Division of Corporations Corporate Revolving Fund shall be used by the Division of Corporations in the performance of the functions and duties involved in creating and maintaining the capability to perform services in response to special requests for the same day service and 24-hour turnaround service.

(e) The maximum unencumbered balance which shall remain in the Division of Corporations Corporate Revolving Fund at the end of any fiscal year shall be $100,000.00, and any amount in excess thereof shall be transferred to the General Fund of the State."

Section 2. Amend §391, Chapter 3, Title 8 of the Delaware Code by adding a new §391(h) to read as follows:

"(h) In addition to those fees charged under §391(a) of this Title, there shall be collected by and paid to the Secretary of State the following:

(1) For all services described in §391(a) of this Title that are requested to be completed within the same day as the day of the request, the additional sum of up to $100.00; and

(2) For all services described in §391(a) of this Title that are requested to be completed within a 24-hour period from the time of the request, the additional sum of up to $50.00.

The Secretary of State shall establish (and may from time to time alter or amend) a schedule of specific fees payable pursuant to paragraph (1) of this subsection."

Section 3. The Secretary of State shall not charge or collect the fees provided for in Section 2 of this Act until such time as the Division of Corporations certifies to the Budget Director and the Controller General's office that the necessary positions to ensure the performance of the special services for which fees are to be charged are in place.

Approved February 4, 1986.

CHAPTER 235

FORMERLY

HOUSE BILL NO. 409

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TERM OF OFFICE OF SHERIFF FOR KENT AND SUSSEX COUNTIES.

WHEREAS, an Amendment to the Constitution of the State of Delaware was proposed in the 132nd General Assembly, being Chapter 178, Volume 64, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE TERM OF OFFICE OF SHERIFF FOR KENT AND SUSSEX COUNTIES.

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 22 of Article III of the Constitution of the State of Delaware by striking said section in its entirety and substituting in lieu thereof a new Section 22 to read as follows:

'Section 22. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriff 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.'"

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 132nd 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 January 30, 1986.

CHAPTER 236

FORMERLY

HOUSE BILL NO. 424

AN ACT SPECIFYING CERTAIN CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF FUNDS PREVIOUSLY APPROPRIATED FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986.

WHEREAS, it is the goal of the State of Delaware to provide for a professional development system applicable to teachers and specialists in the public elementary and secondary schools of this State. The system is intended:

(a) to enhance the ability of the State in concert with local school districts, to attract and retain excellent teachers and specialists; and

(b) to encourage excellent teaching by continuing development of the Department of Public Instruction's "Delaware Instructional Improvement Model", a system of appraisal procedures that fairly and equitably assess the performance of teachers and specialists, recognize good performance, identify needed improvement in performance, and provide an opportunity for staff development to further strengthen skills and to remediate weaknesses; and

WHEREAS, the Department of Public Instruction continues to develop the "Delaware Instructional Model", a program for the development of appraisal instruments, procedures, materials and training for the evaluation of teachers and specialists. It is anticipated that the model will address the following issues:

(a) Core criteria and standards to be used in the appraisals; and

(b) Uniform application of the appraisal system in school districts throughout the State; and

(c) Field testing of the appraisal system prior to implementation on a statewide basis; and

(d) Training for all personnel assigned to or responsible for the appraisal system prior to their commencing with appraisal duties; and

(e) Training for all personnel who will be evaluated concerning the appraisal system; and

WHEREAS, the Christina School District in the State of Delaware is in the process of developing and piloting an incentive program to reward teachers and specialists exhibiting competency. Those procedures developed by the Department of Public Instruction in the Delaware Instructional Improvement Model will be used by that school district as the primary method of teacher and specialist performance appraisals. It is anticipated that the Pilot Teacher Incentive Program shall continue through June 30, 1989. As part of the program, the local school district has been requested to report on the progress of the incentive program to the State Board of Education on June 30 of each of the three years of the program's duration.

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

Section 1. The provisions of Volume 65, Chapter 87, Laws of Delaware, to the contrary notwithstanding, of the amount appropriated to the State Board of Education (95-01-005) entitled "Educational Contingency - School District Appropriations all other costs - General Contingency", funds in an amount not to exceed the sum of $50,000.00 shall be used by the Board to reimburse the Christina School District for costs and expenses incurred in connection with the District's administration of the Pilot Teacher Incentive Program. The disbursement of these funds is subject to approval by the Superintendent of Public Instruction, the Budget Director and the Controller General. These funds shall be a continuing appropriation, and shall not be subject to reversion until June 30, 1987.

Section 2. This bill shall become effective upon its enactment into law.

Approved February 4, 1986.

CHAPTER 237

FORMERLY

SENATE BILL NO. 171
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE ADOPTING THE UNIFORM DETERMINATION OF DEATH ACT.

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

Section 1. Amend Chapter 17, Title 24 of the Delaware Code by adding a new Section 1760 thereto to read as follows:

"§1760. Determination of Death

(a) An individual who has sustained either:

(1) Irreversible cessation of circulatory and respiratory functions, or

(2) Irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards.

(b) This section shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this section among states enacting it.

(c) This section may be cited as the Uniform Determination of Death Act."

Approved February 5, 1986.

CHAPTER 238

FORMERLY

SENATE BILL NO. 285

AN ACT TO AMEND CHAPTER 101, SUBCHAPTER VII, TITLE 29 OF THE DELAWARE CODE RELATING TO AGENCIES AFFECTED BY THE ADMINISTRATIVE PROCEDURES ACT.

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

Section 1. Amend Section 10161, Chapter 101, Subchapter VII, Title 29 of the Delaware by adding the following subsections at the end of the current list of subsections:

"(24) Board of Dental Examiners;

(25) Board of Nursing;

(26) Board of Examiners in Optometry;

(27) Board of Examiners of Psychologists;

(28) Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers;

(29) Board of Registration for Professional Land Surveyors;

(30) Board of Accountancy."

Approved February 5, 1986.

CHAPTER 239

FORMERLY

SENATE BILL NO. 314
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MANDATORY RETIREMENT AGE FOR STATE EMPLOYEES.

WHEREAS, the mandatory retirement age for State employees is age 70 years; and

WHEREAS, many State employees are physically and mentally able to continue to perform capably in their jobs after age 70, and the State could well benefit from the experience and acquired expertise of such employees; and

WHEREAS, the existence of a uniform mandatory retirement age is designed to promote orderly planning in State government and to allow for mobility and flexibility within the State's personnel system, and 70 years is widely accepted as a desirable retirement age for these purposes; and

WHEREAS, in order to reconcile these competing values -- permitting valuable State employees with motivation and ability to continue working while preserving the personnel management utility of uniform mandatory retirement - the current mandatory retirement at age 70 must be made less inflexible; and

WHEREAS, any process permitting exceptions to an otherwise uniform mandatory retirement age must be carefully administered in order to ensure fairness to all State employees and to retain managerial flexibility; and

WHEREAS, in order to retain managerial flexibility, the affected agency must be given the discretion, subject to review for abuse, to grant or deny an exception to mandatory retirement where an employee demonstrates motivation and ability to continue to perform well and where the agency demonstrates a special need for the employee's continued services; and

WHEREAS, in order to ensure fairness to all State employees, the decision to grant or deny an exception to mandatory retirement must be reviewed by a State official or public body with a government-wide perspective to guarantee reasonably uniform application of the exception-making process.

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

Section 1. Amend §5521, Title 29 of the Delaware Code by adding a new subsection '(c)' as follows:

"(c) The provisions of subsection (a) to the contrary notwithstanding, an employee at the mandatory retirement age may continue his or her employment on a year-to-year basis if approved by the employing agency under the following conditions:

(1) Not later than six months before his or her mandatory retirement date, an employee may apply, on a form prescribed by the Director of the Office of State Personnel, for permission to continue State employment beyond the mandatory retirement date; as part of the application the employee shall execute an authorization permitting the employing agency to obtain copies of the employee's medical records and a current medical opinion from the employee's physician (s); the employing agency also may require the applicant employee to undergo a physical examination at the employee's expense;

(2) Not later than four months before the mandatory retirement date of the applicant employee, the head of the employing agency, in the exercise of sound discretion, shall grant or deny the application to continue State employment beyond the mandatory retirement date; the agency head shall inform the applicant employee in writing of the reasons for granting or denying the application;

(3) If the employee's application is denied, he or she shall have the right to appeal such decision to the State personnel Commission; the notice of appeal, stating the reasons therefor on a form prescribed by the Director of the Office of State Personnel, must be filed with the Personnel Commission not later than 15 days after the date of the decision denying the application;

(4) The Personnel Commission shall reverse the decision denying the application if it determines, after a hearing on the matter, that the decision was an abuse of the sound discretion of the head of the employing agency; the decision of the Personnel Commission shall be made not later than 30 days before the mandatory retirement date of the applicant employee;

(5) The effect of a decision to permit an employee to continue State employment beyond 70 years of age shall be to postpone for one year that employee's mandatory retirement date; annually thereafter the employee may request permission to continue State employment beyond the postponed mandatory retirement date; such request shall be made and decided according to the procedures set forth in this subsection;

(6) Whether the head of the employing agency grants or denies the employee's application to continue State employment after the mandatory retirement date, a copy of the decision shall be provided to the Director of the Office of State Personnel, who shall report to the Governor and to the General Assembly each January 15 regarding the practical application of this subsection and any recommended revisions in the exception-making process.

(7) The provisions of this subsection shall not apply to those officials and employees described in subsection (b) of this section."

Section 2. This Act shall take effect immediately upon its enactment into law but shall not apply to employees who retired from State employment prior to July 1, 1985.

Approved February 5, 1986.

CHAPTER 240

FORMERLY

SENATE BILL NO. 326

AN ACT TO AMEND SUBCHAPTER III, CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITY RATES.

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

Section 1. Amend Section 303 Subchapter III, Chapter 1, Title 26 of the Delaware Code by striking subsection (b) thereof in its entirety and substituting in lieu thereof the following:

"(b) The Public Service Commission shall require all utilities operating within its jurisdiction to produce evidence at a public hearing of the need for a change in the fuel adjustment as a part of the rate-making procedure. Notwithstanding any other provisions of this Chapter, such fuel adjustment may include a separate component to adjust for or correct for any difference between actual allowable fuel costs incurred by the utility and fuel costs recovered through base rates and the fuel adjustment. Notice of such hearing shall be advertising in at least 1 newspaper in each of the three counties. As in other applications before the Public Service Commission, the burden of proof that the fuel adjustment change is required shall be upon the utility. No change in the fuel adjustment shall be authorized by the Commission except by affirmative vote of the majority of all members appointed to the said Commission. The Commission shall consider the evidence for and against the proposed change as it would all evidence in any other rate-making procedure."

Section 2. This Act shall take effect 30 days after its enactment into law.

Approved February 5, 1986.

CHAPTER 241

FORMERLY

HOUSE BILL NO. 416

AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO EXECUTE ON BEHALF OF THE STATE OF DELAWARE A PROPERTY LINE AGREEMENT AND DEED FOR THE PURPOSE OF RESOLVING A PROPERTY LINE ENCROACHMENT THUS ENABLING NEW CASTLE COUNTY GOVERNMENT TO HAVE A CLEAR TITLE TO A PARCEL OF LAND.

WHEREAS, by House Bill No. 931 of the 128th General Assembly, also known as Chapter 370, Volume 60, Laws of Delaware, a certain parcel of land known as the Warden's Residence was transferred to New Castle County Government. However, no deed was executed or recorded evidencing this transfer of land; and

WHEREAS, Section 21 (b) (1) and 2 (d), the Fiscal Year 1985 Capital Budget, also known as Chapter 343, Volume 64, Laws of Delaware, authorized New Castle County to sell the parcel of land known as the Warden's residence; and

WHEREAS, a recent survey of this parcel of land has revealed a minor encroachment by the neighboring property owners upon this parcel; and

WHEREAS, this encroachment hinders the sale of the Warden's Residence by New Castle County Government.

NOW THEREFORE:

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

Section 1. The Secretary of the Department of Administrative Services is authorized and directed to sign a property line agreement with neighbors presently encroaching on the parcel known as the Warden's Residence.

Section 2. The Secretary of the Department of Administrative Services is authorized and directed to sign on behalf of the State of Delaware a Master Deed quit claiming to the neighbors adjacent to the Warden's Residence all of the State's right, title and interest in a small portion of the parcel which is encumbered by the encroachment (See reference to Exhibit A).

Approved February 5, 1986.

CHAPTER 242

FORMERLY

SENATE BILL NO. 359

AN ACT TO AMEND CHAPTER 87, VOLUME 65, 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, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.", BEING HOUSE BILL NO. 350 OF THE 133RD 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 87, Volume 65, Laws of Delaware, by striking the following line item in its entirety as it appears in said Section 1 under the heading of (10-07-001) Criminal Justice Council:

"Contractual Services	353.1"

and insert in lieu thereof the following:

"Contractual Services	323.1"

Section 2. Amend Section 1 of Chapter 87, Volume 65, Laws of Delaware, by striking the following line items in their entirety as they appear in said Section 1 under the heading of (15-02-001) Public Defender:

"Salaries (62.0)	$1,495.3
"Other Employment Costs	414.8"

and insert in lieu thereof the following:

"Salaries (64.0)	$1,520.3
Other Employment Costs	419.8"

Section 3. Amend Section 1 of Chapter 87, Volume 65, Laws of Delaware, by striking "(611)" as it appears on page 34, line 28 of said bill, and substituting in lieu thereof the following:

"(663)"

Section 4. Amend Chapter 87, Volume 65, Laws of Delaware, by striking Section 111 in its entirety where it originally appeared in House Bill No. 350 on page 136, lines 28 through 31. Thereafter, renumber the sections accordingly.

Section 5. Amend Section 1, Chapter 87, Volume 65, Laws of Delaware, by striking the following in its entirety as it appears in said Section 1 under the heading (10-02-005) Budget Office - Other Items (One-Time Appropriations), the subheading 37-05 Children/Youth & Families - Ferris School:

"Other Vehicles"

and insert in lieu thereof the following:

"Other Capital Outlay"

Section 6. Amend Section 45, subsection (58), Chapter 87, Volume 65, Laws of Delaware, by striking the word "Vehicles" as it appears in said Section 45, subsection (58) and inserting in lieu thereof the following:

"Capital Outlay"

Approved February 7, 1986.

CHAPTER 243

FORMERLY

SENATE BILL NO. 206
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE RELATING TO GRANDPARENT VISITATION.

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

Section 1. Amend §950 (7), Chapter 9, Title 10, Delaware Code by adding a new sentence thereto to read as follows:

"Provided, however, that when the natural or adoptive parents of the child are cohabiting as husband and wife, grandparent visitation shall not be granted over both parents' objection."

Approved February 12, 1986.

CHAPTER 244

FORMERLY

SENATE BILL NO. 347

AN ACT TO AMEND CHAPTER 80 PART VIII, TITLE 7, DELAWARE CODE, AUTHORIZING THE GOVERNOR TO WITHDRAW THE STATE OF DELAWARE FROM THE NORTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT AND FOR THE PURPOSE OF ENACTING ON THE PART OF THIS STATE A COMPACT PURSUANT TO STATE AND FEDERAL LAW FOR THE INTERSTATE MANAGEMENT OF LOW-LEVEL RADIOACTIVE WASTE TO BE CALLED THE "APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT"; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF THE PARTY STATES, CREATING AN APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION; PROVIDING FOR THE MEMBERSHIP OF THE COMMISSION; ESTABLISHING PROCEDURES, A BUDGETARY SYSTEM, AND INITIAL FUNDING OF THE COMMISSION; ESTABLISHING THE POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR A HOST STATE SELECTION PROCESS FOR THE DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES; PROVIDING FOR CERTAIN FEES AND SURCHARGES; PROVIDING FOR THE CLOSURE OF A REGIONAL FACILITY UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR A PROHIBITION OF CONFLICTS-OF-INTEREST OF OR BY THE COMMISSIONERS, PROVIDING FOR CRIMINAL SANCTIONS FOR THE MISCONDUCT OF COMMISSIONERS WHILE SERVING IN THEIR OFFICIAL CAPACITIES; PROVIDING A LIST OF INITIALLY ELIGIBLE STATES; PROVIDING FOR CONGRESSIONAL REVIEW AND RATIFICATION; PROVIDING FOR WITHDRAWAL FROM THE COMPACT; PROVIDING FOR TERMINATION OF THE COMPACT; PROVIDING CERTAIN PROHIBITIVE ACTS; PROVIDING FOR COMPENSATION AND CLEANUP DURING A REGIONAL FACILITY'S OPERATION AND POST-CLOSURE PERIOD; PROVIDING FOR THE COMPENSATION OF THOSE INJURED BY OR THROUGH THE OPERATION OF, OR AFTER THE CLOSURE OF, THE REGIONAL DISPOSAL FACILITY, WITH LIABILITY TO BE APPORTIONED IN ACCORDANCE WITH THE PERCENTAGE OF LOW-LEVEL RADIOACTIVE WASTE STORED AT THE REGIONAL FACILITY; PROVIDING FOR THE SEVERABILITY OF THIS ACT; AND GENERALLY RELATING TO THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT.

WHEREAS, the signatory parties recognize that the proper management of low-level radioactive waste is a common concern; and

WHEREAS, the proper management of low-level radioactive wastes under a comprehensive management compact will efficiently serve and benefit the health, safety and welfare of Delawareans; and

WHEREAS, a comprehensive plan of proper management administered by an interstate commission will provide effective oversight of low-level radioactive waste; and

WHEREAS, pursuant to the Atomic Energy Act and the Low-Level Radioactive Waste Policy Act, the United States Congress has mandated that states provide the capacity within their borders or within a regional compact's borders for the disposal and management of low-level radioactive waste; and

WHEREAS, Delaware's membership in the Appalachian States Low-Level Radioactive Waste Compact, unlike the Northeast Interstate Low-Level Radioactive Waste Management Compact, guarantees that the State of Delaware will never have to host a regional facility for the disposal of low-level radioactive wastes so long as its waste volume/curies remain below 25% of that generated by Pennsylvania; and

WHEREAS, Delaware's membership in the Appalachian States Low-Level Radioactive Waste Compact ensures the shortest possible transportation route to a disposal facility for low-level radioactive wastes produced in Delaware; and,

WHEREAS, on January 10, 1986, the Delaware Low-Level Radiological Waste Policy Task Group overwhelmingly recommended to the Governor and the General Assembly that the State of Delaware withdraw from the Northeast Interstate Low-Level Radioactive Waste Management Compact and in its stead, pass legislation in order to become a member of the Appalachian States Low-Level Radioactive Waste Compact;

and,

WHEREAS, for the purpose of enacting on the part of this State a compact pursuant to State and Federal law for the interstate management of low-level radioactive waste to be called the "Appalachian States Low-Level Radioactive Waste Compact"; defining certain terms; providing for certain rights, responsibilities, and obligations of the party states, creating an Appalachian States Low-Level Radioactive Waste Commission; providing for the membership of the Commission; establishing procedures, a budgetary system, and initial funding of the Commission; establishing the powers and duties of the Commission; providing for a host state selection process for the development and operation of regional facilities; providing for certain fees and surcharges; providing for the closure of a regional facility under certain circumstances; providing for a prohibition of conflicts-of-interest of or by the Commissioners, providing for criminal sanctions for the misconduct of Commissioners while serving in their official capacities; providing a list of initially eligible states; providing for Congressional review and ratification; providing for withdrawal from the Compact; providing for termination of the Compact; providing for enforcement of the provisions of the Compact; providing certain prohibitive acts; providing for compensation and cleanup during a regional facility's operation and post-closure period; providing for the compensation of those injured by or through the operation of, or after the closure of, the regional disposal facility, with liability to be apportioned in accordance with the percentage of low-level radioactive waste stored at the regional facility; providing for the severability of this Act; and generally relating to the Appalachian States Low-Level Radioactive Waste Compact.

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

Section 1. Amend Chapter 80 Part VIII, Title 7, Delaware Code, by striking Part VIII, Chapter 80, in its entirety.

Section 2. Amend Title 7 of the Delaware Code by adding a new Part VIII, Chapter 80, to read as follows:

"PART VIII

CHAPTER 80. APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT

§8001. Governor to enter into Compact; provisions thereof.

The Governor of this State shall execute a Compact on behalf of the State with the Commonwealth of Pennsylvania, the State of West Virginia, and with any other eligible state or states as may enter into the Compact, legally joining therein in the form substantially as follows:

APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT

The State of Delaware hereby solemnly convenants and agrees with the Commonwealth of Pennsylvania, the State of West Virginia and any other eligible states as defined in Article 5(A) of this Compact and the United States of America, upon the enactment of concurrent legislation by the Congress of the United States and by the respective state legislatures, as follows:

PREAMBLE

Whereas, the United States Congress, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. §§2021b-2021d) has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level radioactive waste;

Whereas, under §4(a)(1)(A) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. §2021d(a)(1)(A)), each state is responsible for providing for the capacity

for disposal of low-level radioactive waste generated within its borders;

Whereas, to promote the health, safety and welfare of residents within the Commonwealth of Pennsylvania and other eligible states as defined in Article 5(A) of this compact shall enter into a compact for the regional management and disposal of low-level radioactive waste.

Now, therefore, the Commonwealth of Pennsylvania, the State of Delaware and the State of West Virginia and other eligible states hereby agree to enter into the Appalachian States Low-Level Radioactive Waste Compact.

ARTICLE 1

DEFINITIONS

As used in this Compact, unless the context clearly indicates otherwise:

(a) "Broker" means any intermediate person who handles, treats, processes, stores, packages, ships or otherwise has responsibility for or possesses low-level waste obtained from a generator.

(b) "Carrier" means a person who transports low-level waste to a regional facility.

(c) "Commission" means the Appalachian States Low-Level Radioactive Waste Commission.

(d) "Disposal" means the isolation of low-level waste from the biosphere.

(e) "Facility" means any real or personal property, within the region, and improvements thereof or thereon, and any and all plant, structures, machinery and equipment, acquired, constructed, operated or maintained for the management or disposal of low-level waste.

(f) "Generate" means to produce low-level waste requiring disposal.

(g) "Generator" means a person whose activity results in the production of low-level waste requiring disposal.

(h) "Hazardous life" means the time required for radioactive materials to decay to safe levels, as defined by the time period for the concentration of radioactive materials within a given container or package to decay to maximum permissible concentrations as defined by Federal law or by standards to be set by a host state, whichever is more restrictive.

(i) "Host state" means Pennsylvania or other party state so designated by the Commission in accordance with Article 3 of this compact.

(j) "Institutional control period" means the time of the continued observation, monitoring and care of the regional facility following transfer of control from the operator to the custodial agency.

(k) "Low-level waste" means radioactive waste that:

(1) is neither high-level waste or transuranic waste, nor spent nuclear fuel, nor by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954 as amended; and

(2) is classified by the Federal government as low-level waste, consistent with existing law; but does not include waste generated as a result of atomic energy defense activities of the Federal government, as defined in Public Law 96-573, or Federal research and development activities.

(l) "Management" means the reduction, collection, consolidation, storage, packaging or treatment of low-level waste.

(m) "Operator" means a person who operates a regional facility.

(n) "Party state" means any state that has become a party in accordance with Article 5 of this compact.

(o) "Person" means an individual, corporation, partnership or other legal entity, whether public or private.

(p) "Region" means the combined geographical area within the boundaries of the party states.

(q) "Regional facility" means a facility within any party state which has been approved by the Commission for the disposal of low-level waste.

(r) "Shallow land burial" means the disposal of low-level radioactive waste directly in subsurface trenches without additional confinement in engineered structures or by proper packaging in containers as determined by the law of the host state.

(s) "Transuranic waste" means low-level waste containing radionuclides with an atomic number greater than 92 which are excluded from shallow-land burial by the Federal government.

ARTICLE 2

THE COMMISSION

(A) Creation and Organization.

(1) Creation - There is hereby created the Appalachian States Low-Level Radioactive Waste Commission. The Commission is hereby created as a body corporate and politic, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties, but separate and distinct from the respective signatory party states. The Commission shall have central offices located in Pennsylvania.

(2) Commission Membership - The Commission shall consist of two voting members from each party state to be appointed according to the laws of each party state, and two additional voting members from each host state to be appointed according to the laws of each host state. Upon selection of the site of the regional facility, an additional voting member shall be appointed to the Commission who shall be a resident of the county or municipality where the facility is to be located. The appointing authority of each party state shall notify the Commission in writing of the identities of the members and of any alternates. An alternate may vote and act in the member's absence. No member shall have a financial interest in any industry which generates low-level radioactive waste, any low-level radioactive waste regional facility or any related industry for the duration of the member's term. No more than one-half the members and alternates from any party state shall have been employed by or be employed by a low-level waste generator or related industry upon appointment to or during their tenure of office; provided, that no member shall have been employed by or be employed by a regional facility operator. No member or alternate from any party state shall accept employment from any regional facility operator or brokers for at least three years after leaving office.

(3) Compensation - Members of the Commission and alternates shall serve without compensation from the Commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

(4) Voting Power - Each Commission member is entitled to one vote. Unless otherwise provided in this compact, affirmative votes by a majority of a host state's members are necessary for the Commission to take any action related to the regional facility and the disposal and management of low-level waste within that host state.

(5) Organization and Procedure -

(a) The Commission shall provide for its own organization and procedures, and shall adopt by-laws not inconsistent with this compact and any rules and regulations necessary to implement this compact. It shall meet at least once a year in the county selected to host a regional facility and shall elect a chairman and vice chairman from among its members. In the absence of the chairman, the vice chairman shall serve.

(b) All meetings of the Commission shall be open to the public with at least 14 days advance notice, except that the chairman may convene an emergency meeting with less advance notice. Each municipality and county selected to host a regional facility shall be specifically notified in advance of all Commission meetings. All meetings of the Commission shall be conducted in a manner that substantially conforms to the Federal Administrative Procedure Act (5 U.S.C. Ch. 5, Subch. II, and Ch. 7). The Commission may, by a two-thirds vote, including approval of a majority of each host state's Commission members, hold an Executive Session closed to the public for the purpose of: considering or discussing legally privileged or proprietary information; to consider dismissal, disciplining of, or hearing complaints or charges brought against an employee or other public agent unless such person requests such public hearing; or to consult with its attorney regarding information or strategy in connection with specific litigation. The reason for the Executive Session must be announced at least 14 days prior to the Executive Session, except that the chairman may convene an emergency meeting with less advance notice, in which case the reason for the Executive Session must be announced at the open meeting immediately subsequent to the Executive Session. All action taken in violation of this open meeting provision shall be null and void.

(c) Detailed written minutes shall be kept of all meetings of the Commission. All decisions, files, records and data of the Commission, except for information privileged against introduction in judicial proceedings, personnel records and minutes of a properly convened Executive Session, shall be open to public inspection subject to a procedure that substantially conforms to the Freedom of Information Act (Public Law 89-554, 5 U.S.C. S552) and applicable Pennsylvania law, and may be copied upon request and payment of fees which shall be no higher than necessary to recover copying costs.

(d) The Commission shall select an appropriate staff, including an Executive Director, to carry out the duties and functions assigned by the Commission. Notwithstanding any other provision of law, the Commission may hire and/or retain its own legal counsel.

(e) Any person aggrieved by a final decision of the Commission which adversely affects the legal rights, duties or privileges of such person, may petition a court of competent jurisdiction, within 60 days after the Commission's final decision, to obtain judicial review of said final decisions.

(f) Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not be personally liable for actions taken in their official capacity.

(B) Powers and Duties.

The Commission:

(a) Shall conduct research and establish regulations to promote a reasonable reduction of volume and curie content of low-level wastes generated in the region. The regulations shall be reviewed and, if necessary, revised by the Commission at least annually.

(b) Shall ensure, to the extent authorized by Federal law, that low-level wastes are safely disposed of within the region except that the Commission shall have no power or authority to license, regulate or otherwise develop a regional facility, such powers and authority being reserved for the host state(s) as permitted under the law.

(c) Shall designate as "host states" any party state which generates 25 percent or more of Pennsylvania's volume or total curie content of low-level waste generated based on a comparison of average over three successive years, as determined by the Commission. This determination shall be based on volume or total curie content, whichever is greater.

(d) Shall ensure, to the extent authorized by Federal law, that low-level waste packages brought into the regional facility for disposal conform to applicable state and Federal regulations. Low-level waste brokers or generators who violate these regulations will be subject to a fine or other penalty imposed by the Commission, including restricted access to a regional facility. The Commission may impose such fines and/or penalties in addition to any other penalty levied by the party states pursuant to Article 4(D).

(e) Shall establish such advisory committees as it deems necessary for the purpose of advising the Commission on matters pertaining to the management and disposal of low-level waste.

(f) May contract to accomplish its duties and effectuate its powers subject to projected available resources. No contract made by the Commission shall bind a party state.

(g) Shall prepare contingency plans for management and disposal of low-level waste in the event any regional facility should be closed or otherwise unavailable.

(h) Shall examine all records of operators of regional facilities pertaining to operating costs, profits or the assessment or collection of any charge, fee or surcharge, and may make recommendations to the host state(s) which shall review the recommendations in accordance with its (their) own sovereign laws.

(i) Shall have the power to sue and be sued subject to Article 2(A)(5)(e) and may seek to intervene in any administrative or judicial proceeding.

(j) Shall assemble and make available to the party states and to the public, information concerning low-level waste management and disposal needs, technologies and problems.

(k) Shall keep current and annual inventories of all generators by name and quantity of low-level waste generated within the region, based upon information provided by the party states. Inventory information shall include both volume in cubic feet and total curie content of the low-level waste and all available information on chemical composition and toxicity of such wastes.

(l) Shall keep an inventory of all regional facilities and specialized facilities, including, but not necessarily restricted to, information on their size, capacity, and location, as well as specific wastes capable of being managed, and the projected useful life of each regional facility.

(m) Shall make and publish an annual report to the governors of the signatory party states and to the public detailing its programs, operations and finances, including copies of the annual budget and the independent audit required by this compact.

(n) Notwithstanding any other provision of this compact to the contrary, may, with the unanimous approval of the Commission members of the host state(s), enter into temporary agreements with non-party states or other regional boards for the emergency disposal of low-level waste at the regional

facility, if so authorized by law(s) of the host state(s), or other disposal facilities located in states that are not parties to this agreement.

(o) Shall promulgate regulations, pursuant to host state law, to specifically govern and define exactly what would constitute an emergency situation and exactly what restrictions and limitations would be placed on temporary agreements.

(p) Shall not accept any donations, grants, equipment, supplies, materials or services, conditional or otherwise, from any source, except from any Federal agency and from party states which are certified as being legal and proper under the laws of the donating party state.

(C) Budget and Operation.

(1) Fiscal Year - The Commission shall establish a fiscal year which conforms to the fiscal year of the Commonwealth of Pennsylvania.

(2) Current Expense Budget - Upon legislative enactment of this Compact by two party states and each year until the regional facility becomes available, the Commission shall adopt a current expense budget for its fiscal year. The budget shall include the Commission's estimated expenses for administration. Such expenses shall be allocated to the party states according to the following formula:

Each designated initial host state will be allocated costs equal to twice the costs of the other party states, but such costs will not exceed $200,000. Each remaining party state will be allocated a cost of one half the cost of the initial host state, but such costs will not exceed $100,000. The party states will include the amounts allocated above in their respective budgets, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the Commission in quarterly installments during the fiscal year.

(3) Annual Budget Request - For continued funding of its activities, the Commission shall submit an annual budget request to each party state for funding, based upon the percentage of the region's waste generated in each state in the region, as reported in the latest available annual inventory required under Article 2(B)(k). The percentage of waste shall be based on volume of waste or total curie content as determined by the Commission.

(4) Annual Report to Include Budget - The Commission shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the ensuing year.

(5) Annual Independent Audit -

(a) As soon as practicable after the closing of the fiscal year, an audit shall be made of the financial accounts of the Commission. The audit shall be made by qualified certified public accountants selected by the Commission, who have no personal direct or indirect interest in the financial affairs of the Commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the Commission shall direct. Copies of the report shall be distributed to each Commission member and shall be made available for public distribution.

(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the Commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files and all other papers, things, or property belonging to or in use by the Commission and necessary to facilitate the audit; and, they shall be afforded full

facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians.

ARTICLE 3

RIGHTS, RESPONSIBILITIES AND

OBLIGATIONS OF PARTY STATES

(A) Regional Facilities.

There shall be regional facilities sufficient to dispose of the low-level waste generated within the region. Each regional facility shall be capable of disposing of such low-level waste but in the form(s) required by regulations or license conditions. Specialized facilities for particular types of low-level waste management, reduction or treatment may not be developed in any party state unless they are in accordance with the laws and regulations of such state and applicable Federal laws and regulations.

(B) Equal Access to Regional Facilities.

Each party state shall have equal access as other party states to regional facilities located within the region and accepting low-level waste, provided, however, that the host state may close the regional facility located within its borders when necessary for public health and safety. However, a host state shall send notification to the Commission in writing within three (3) days of its action, and shall, within thirty (30) working days, provide in writing the reasons for the closing.

(C) Initial Host State.

Pennsylvania and party states which generated 25 percent or more of the volume or curies of low-level waste generated by Pennsylvania based on a comparison of averages over the three years 1982 through 1984 are designated as "initial host states" and are required to develop and host low-level waste sites as regional facilities. The percentage of waste from each state shall be determined by cubic foot volume or total curie content, whichever is greater.

(D) Exemption From Being Initial Host State.

Party states which generated less than 25 percent of the volume or curies of low-level waste generated by Pennsylvania based on a comparison of averages over the years 1982 through 1984 shall be exempt from initial host state responsibilities. These states shall continue to be exempt as long as they generate less than the 25 percent threshold over successive 3-year periods. Once a state generates an average of 25 percent or more of the volume or curies generated by Pennsylvania over a successive 3-year period, it shall be designated as a "host state" for a 30-year period by the Commission and shall immediately initiate development of a regional facility to be operational within five years. Such host state shall be prepared to accept at its regional facility low-level waste at least equal to that generated in the state. With Commission approval, any party state may volunteer to host a regional facility. The percentage of waste from each state shall be determined by either a cubic foot volume or total curie content, whichever is greater.

(E) Useful Life of Regional Facilities.

Pennsylvania and other host states are obligated to develop regional facilities for the duration of this compact. All regional facilities shall be designed for at least a 30-year useful life. At the end of the facility's life, normal closure and maintenance procedures shall be initiated in accordance with the applicable requirements of the host state and the Federal government. Each host state's obligation for operating regional facilities shall remain as long as the state continues to produce over a 3-year period 25 percent or more of the

volume or curies of low-level waste generated by Pennsylvania.

(F) Duties of Host State.

Each host state shall:

(a) Cause a regional facility to be sited and developed on a timely basis.

(b) Ensure by law, consistent with applicable state and Federal law, the protection and preservation of public health, safety and environmental quality in the siting, design, development, licensure, or other regulation, operation, closure, decommissioning, long-term care and the institutional control period of the regional facility within the state. To the extent authorized by Federal law, a host state may adopt more stringent laws, rules or regulations than required by Federal law.

(c) Ensure and maintain a manifest system which documents all waste-related activities of generators, brokers, carriers and related activities of generators, brokers, carriers and operators, and establish the chain of custody of waste from its initial generation to the end of its hazardous life. Copies of all such manifests shall be submitted to the Commission on a timely basis.

(d) Ensure that charges for disposal of low-level waste at the regional facility are sufficient to fully fund the safe disposal and perpetual care of the regional facility and that charges are assessed without discrimination as to the party state of origin.

(e) Submit an annual report to the Commission on the status of the regional facility which contains projections of the anticipated future capacity.

(f) Notify the Commission immediately if any exigency arises requiring the possible temporary or permanent closure of a regional facility within the state at a time earlier than was projected in the state's most recent annual report to the Commission.

(g) Require that the institutional control period of any disposal facility be at least as long as the hazardous life, as defined in Article 1(h), of the radioactive materials that are disposed at that facility.

(h) Prohibit the use of any shallow land burial, as defined in Article 1(r), and develop alternative means for treatment, storage and disposal of low-level waste.

(i) Establish by law, to the extent not prohibited by Federal law, requirements for financial responsibility, including, but not limited to:

(i) Requirements for the purchase and maintenance of adequate insurance by generators, brokers, carriers and operators of the regional facility;

(ii) Requirements for the establishment of a long-term care fund to be funded by a fee placed on generators to pay for preventative or corrective measures of low-level waste to the regional facility; and

(iii) Any further financial responsibility requirements that shall be submitted by generators, brokers, carriers, and operators as deemed necessary by the host state.

(G) Duties of Party State.

Each party state:

(a) Shall appropriate its portion of the Commission's initial and annual

budgets as set out in Article 2(C)(2) and (3).

(b) To the extent authorized by Federal law shall develop and enforce procedures requiring low-level waste shipments originating within its borders and destined for a regional facility to conform to volume reduction, packaging, and transportation requirements and regulations as well as any other requirements specified by the regional facility. Such procedures shall include but are not limited to:

(i) Periodic inspections of packaging and shipping practices;

(ii) Periodic inspections of low-level waste containers while in custody of carriers; and

(iii) Appropriate enforcement actions with respect to violations.

(c) To the extent authorized by Federal law, shall after receiving notification from a host state or other person that a person in a party state has violated volume reduction, packaging, shipping or transportation requirements or regulations, take appropriate action to ensure that violations do not recur. Appropriate action shall include, but is not limited to, the requirement that a bond be posted by the violator to pay the cost of repackaging at the regional facility and the requirement that future shipments be inspected. Appropriate action may also include suspension of the violator's use of the regional facility. Should such suspension be imposed, the suspension shall remain in effect until such time as the violator has, to the satisfaction of the party state imposing such suspension, complied with the appropriate requirements or regulations upon which the suspension was based and has taken appropriate action to ensure that such violation or violations do not recur.

(d) Shall maintain a registry of all generators and quantities generated within the state.

(H) Liability.

In the event of liability arising from the operation of any regional facility and during and after closure of that facility, each party state shall share in that liability in an amount equal to that state's share of the region's low-level waste disposed of at the facility. If such liability arises from negligence, malfeasance or neglect on the part of a host state or any party state, then any other host or party state(s) may make any claim allowable under law for that negligence, malfeasance or neglect. If such liability arises from a particular waste shipment or shipments to, or quantity of waste or condition at, the regional facility, then any host or party state may make any claim allowable under law for such liability. The percentage of waste shall be based on volume of waste or total curie content.

(I) Failure of Party State to Fulfill Obligations.

A party state which fails to fulfill its obligations, including timely funding of the Commission may have its privileges under the Compact suspended or its membership in the Compact revoked by the Commission and be subject to any other legal and equitable remedies available to the party states.

ARTICLE 4

PROHIBITIVE ACTS AND PENALTIES

(A) Prohibition.

It shall be unlawful for any person to dispose of low-level waste within the region except at a regional facility unless authorized by the Commission.

(B) Waste Disposed of Within Region.

After establishment of the regional facility(s), it shall be unlawful for any person to dispose of any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the Commission and by law of the host state in which said disposal takes place. For the purposes of this compact, waste generated within the region excludes radioactive material shipped from outside the party states to a waste management facility within the region. In determining whether to grant such authorization, the factors to be considered by the Commission shall include, but not be limited to, the following:

(a) The impact on the health, safety and environmental quality of the citizens of the party states;

(b) The impact of importing waste on the available capacity and projected life of the regional facility;

(c) The availability of a regional facility appropriate for the safe disposal of the type of low-level waste involved.

(C) Waste Generated Within Region.

Any and all low-level waste generated within the region shall be disposed of at a regional facility, except for specific cases agreed upon by the Commission, with the affirmative votes by a majority of the Commission members of the host state(s) affected by the decision.

(D) Liability.

Generators, brokers and carriers of wastes, and owners and operators of sites shall be liable for their acts, omissions, conduct, or relationships in accordance with all laws relating thereto. The party states shall impose a fine for any violation in an amount equal to the present and future costs associated with correcting any harm caused by the violation and shall assess punitive fines or penalties if it is deemed necessary. In addition, the host state shall bar any person who violates host state or Federal regulations from using the regional facility until that person demonstrates to the satisfaction of the host state the ability and willingness to comply with the law.

(E) Conflict of Interest.

(1) Prohibitions -

No commissioner, officer or employee shall:

(a) Be financially interested, either directly or indirectly, in a contract, sale, purchase, lease or transfer of real or personal property to which the Commission is a party.

(b) Solicit or accept money or any other thing of value in addition to the expenses paid to him by the Commission for services performed within the scope of his official duties.

(c) Offer money or anything of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Commission.

(2) Forfeiture of Office or Employment -

Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit his office or employment.

(3) Agreement Void -

Any contract or agreement knowingly made in contravention of this section is void.

(4) Criminal and Civil Sanctions -

Officers and employees of the Commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

ARTICLE 5

ELIGIBILITY, ENTRY INTO EFFECT,

CONGRESSIONAL CONSENT, WITHDRAWAL

(A) Eligibility.

Only the States of Pennsylvania, West Virginia, Delaware and Maryland are eligible to become parties to this compact.

(B) Entry into Effect.

An eligible state may become a party state by legislative enactment of this compact or by executive order of the governor adopting this compact; provided, however, a state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened thereafter, unless the legislature shall have enacted this compact before such adjournment.

(C) Congressional Consent.

This compact shall take effect when it has been enacted by the legislatures of Pennsylvania and one or more eligible states. However, Article 4(B) and (C) shall not take effect until Congress has consented to this compact. Every fifth year after such consent has been given, Congress may withdraw consent.

(D) Withdrawal.

A party state may withdraw from the Compact by repealing the enactment of this compact, but no such withdrawal shall become effective until two years after enactment of the repealing legislation. If the withdrawing state is a host state, any regional facility in that state shall remain available to receive low-level waste generated within the region until five years after the effective date of the withdrawal.

ARTICLE 6

CONSTRUCTION AND SEVERABILITY

(A) Construction.

The provisions of this compact shall be broadly construed to carry out the purpose of the compact, but the sovereign powers of a party state shall not unnecessarily be infringed.

(B) Severability.

If any part or application of this compact is held invalid, the remainder, or its application to other situations or persons, shall not be affected.

S8002. Governor's representatives.

The Governor shall, in accordance with the provisions of this Compact, appoint

2 Commissioners familiar with the problems inherent in the disposal of low-level radioactive waste to represent the State of Delaware on the Appalachian States Low-Level Radioactive Waste Commission. The Commissioners shall serve for 4-year staggered terms in order that one Commissioner be reappointed or replaced every 2 years. The Governor shall also appoint 1 alternate Commissioner to serve in the place of one of the original Commissioners, should he be unable to attend a Commission meeting or otherwise fulfill the duties of his appointive office.

The Governor's representatives shall serve without compensation but shall be reimbursed for necessary expenses incurred in and incident to the performance of their duties from a fund specifically reserved for the purpose by the State.

S8003. Budgetary processes.

The term "budgetary processes" in Article 2(C)(2) of the Appalachian States Low-Level Radioactive Waste Compact shall be construed to include a proposed budget presentation to the State Budget Director by the State's representatives on the Appalachian States Low-Level Radioactive Waste Commission, or the appropriate state agency, for each state fiscal year, in accordance with the rules and practices of the State governing administrative agencies. Each such budget proposal shall include a statement of monies required to administer, manage and support the implementation of the Appalachian States Low-Level Radioactive Waste Compact during the ensuing fiscal period. The statement shall include any request for appropriation of funds by said representatives or state agency, and shall be accompanied by a tabulation of similar requests which said Commission makes or expects to make each other signatory party, and the formula or factors upon which such respective requests are based. Further, the term "budgetary processes" as applied to the State, shall not be considered complied with until it includes appropriation by the General Assembly and the signing of the appropriation into law by the Governor.

S8004. Effectuation by Governor.

The Governor is authorized to take such action as may be necessary and proper in his discretion to effectuate the Appalachian States Low-Level Radioactive Waste Compact and the initial organization and continued operation of the Commission.

S8005. Severability.

If any provision of this Act or the application thereof to any person or circumstances is held invalid for any reason, the invalidity shall not effect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Act are declared to be severable."

Section 3. Upon the date of Congressional consent hereto, to the terms of the Appalachian States Low-Level Radioactive Waste Compact, the State of Delaware shall be obligated to remit to the Commission a sum not in excess of $100,000 in order to discharge its obligation under the Compact. In succeeding years the amount of the State's appropriation needed to meet its obligation may vary.

Approved February 19, 1986.

CHAPTER 245

FORMERLY

SENATE BILL NO. 228
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, CHAPTER 65 OF DELAWARE CODE, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH CLASS A FELONS AND FELONY SEX OFFENDERS MAY BE OUTSIDE THE CONFINES OF THE CORRECTIONAL INSTITUTION TO WHICH THEY ARE CLASSIFIED.

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

Section 1. Amend Title 11, Delaware Code, Chapter 65, §6537 by designating the existing section as (a) and by adding thereto a new subsection (b) as follows:

"(b) Notwithstanding any other provision of this Section or Title to the contrary, the Department shall have no authority to place any person convicted of a Class A felony, during the first ten years of said sentence, or of any A or B felony sex offense, during the first ten years of said sentence, or any person sentenced pursuant to §4204(k) of the Title on any program or status beyond the confines of a secured institution to which he or she must be classified. In the event of the death or serious illness of an immediate family member, or a similar emergency, the Commissioner of Correction shall have the authority to permit such person an escorted visit within the State under strict security. In the event that there exists extraordinary circumstances, excluding emergency situations authorized by the Commissioner pursuant to the previous sentence of this Subsection, and the Commissioner of Corrections agrees, he may petition the Superior Court, after notice to the Attorney General, for permission to exempt an individual from the limitations contained in this Section."

Approved February 21, 1986.

CHAPTER 246

FORMERLY

SENATE BILL NO. 245
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, BY ESTABLISHING A FIRE MARSHAL'S ADVISORY BOARD AND A FIRE SCHOOL ADVISORY BOARD.

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

Section 1. Amend §6618, Chapter 66, Title 16 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§6618. Advisory Boards

(a) Fire School Advisory Board. The Delaware Volunteer Firemen's Association shall appoint from its members a 6-man Fire School Advisory Board. Two members shall come from New Castle County, 2 from Kent County and 2 from Sussex County. The State Fire Prevention Commission shall consult the advisory board on any Fire School matters whether administrative or technical and receive recommendations thereon.

(b) Fire Marshal's Advisory Board. The Delaware Volunteer Firemen's Association shall appoint from its members a 6-man Fire Marshal's Advisory Board. Two members shall come from New Castle County, 2 from Kent County and 2 from Sussex County. The State Fire Prevention Commission and the Fire Marshal shall consult the advisory board on any matters involving the Fire Marshal which may be of concern to the Delaware Volunteer Firemen's Association."

Approved February 21, 1986.

CHAPTER 247

FORMERLY

SENATE BILL NO. 273
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 10, TITLE 14 OF THE DELAWARE CODE, RELATING TO NOMINATIONS OF SCHOOL BOARD MEMBERS.

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

Section 1. Amend §1075(l), Chapter 10, Title 14, of the Delaware Code by adding at the end thereof the following sentence:

"In computing the time period prescribed above, if the last day of the period so computed is a Saturday, a Sunday or a legal holiday, then the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday."

Approved February 21, 1986.

CHAPTER 248

FORMERLY

SENATE BILL NO. 335

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" RELATING TO AUTHORITY OF CITY TO SELL PROPERTY.

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

Section 1. Amend Section 4(A), Chapter 42, Volume 53, Laws of Delaware as amended by deleting the words "Fifty Thousand Dollars ($50,000.00)" as they appear and substituting in lieu thereof the following:

"One Million Dollars ($1,000,000.00)".

Approved February 21, 1986.

CHAPTER 249

FORMERLY

SENATE BILL NO. 337

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" RELATING TO QUALIFICATIONS FOR MAYOR AND CITY COUNCILPERSONS.

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

Section 1. Amend Section 5, Chapter 42, Volume 53, Laws of Delaware as amended by deleting said section in its entirety and substituting in lieu thereof the following:

"QUALIFICATIONS FOR MAYOR AND CITY COUNCILPERSONS.

Section 5. Qualifications for Mayor and for City Councilpersons shall be as follows:

(1) A bona fide citizen of the United States and of the State of Delaware and a resident of the City of Seaford for at least one (1) year next preceding the annual election; provided, however, that no full-time employee of the City of Seaford shall serve as Mayor or City Councilperson during such time as he/she is a full- time employee of the City of Seaford; and

(2) At least eighteen (18) years of age; and

(3) A non-delinquent taxpayer of all capitation and property taxes of the City of Seaford for at least one (1) year next preceding the annual election."

Approved February 21, 1986.

CHAPTER 250

FORMERLY

SENATE BILL NO. 349

AN ACT TO AMEND CHAPTER 258, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE 'THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE' TO BORROW $1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME" TO PROVIDE FOR THE ISSUING OF BOND ANTICIPATORY NOTES.

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 10, Chapter 258, Volume 55, Laws of Delaware, by adding, at the end of said Section 10, the following new paragraph:

"In anticipation of the issuance of said bonds at any time after a special election resulting in a vote in favor of the bond issue, The Mayor and Council of the Town of Selbyville may issue and sell bond anticipatory notes of The Mayor and Council of the Town of Selbyville at either public or private sale for not less than par and accrued interest. Said notes may be renewed from time to time by the issuance and sale of new notes. Said notes shall bear interest at a rate determined by the Council to be fair and reasonable. All such notes shall mature and be paid not later than two (2) years from the date of issuance. The total amount of said notes outstanding at any one time shall not exceed the amount for which the special election resulted in a favorable vote. Said notes shall be redeemed at par and accrued interest prior to their maturity if The Mayor and Council of The Town of Selbyville shall have reserved the right to do so by an express provision in the note or notes. The principal and any interest due on said notes may be paid from the proceeds of the sale of the bonds authorized by this Chapter. Both interest on and principal of any bond anticipatory notes shall not be subject to taxation by the State of Delaware or any political subdivision thereof."

Approved February 21, 1986.

CHAPTER 251

FORMERLY

SENATE BILL NO. 358

AN ACT TO AMEND CHAPTER 212, VOLUME 65, LAWS OF DELAWARE, RELATING TO THE REVERSION RATHER THAN DEAUTHORIZATION OF A SPECIFIC FUND LINE.

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 1, Chapter 212, Volume 65, Laws of Delaware, by deleting the figure "$18,410,814" wherever it appears in said Section and by inserting in lieu thereof the figure "$17,810,814".

Section 2. Amend Section 1, Chapter 212, Volume 65, Laws of Delaware, by deleting the figure "$632,000" wherever it appears in said Section and by inserting in lieu thereof the figure "$32,000".

Section 3. Amend Section 5, Chapter 212, Volume 65, Laws of Delaware, by deleting said Section in its entirety.

Section 4. Amend Section 7, Chapter 212, Volume 65, Laws of Delaware, by adding a new line before the total line and after "Department of Public Safety" to read as follows:

"Delaware Development Office 63/387 10-03-003-53-14 $600,000". Thereafter, the total line should be recomputed.

Section 5. Amend Section 8, Chapter 212, Volume 65, Laws of Delaware by deleting line "Three Million Six Hundred Forty-Seven Thousand Eight Hundred Sixty Dollars ($3,647,860.00)" wherever it appears and inserting in lieu thereof the following:

"Four Million Two Hundred Forty-Seven Thousand Eight Hundred Sixty Dollars ($4,247,860.00)".

Section 6. Amend Section 8, Chapter 212, Volume 65, Laws of Delaware, by adding a new line and amount after "Delaware Technical and Community College $275,000" to read as follows:

"Delaware Development Office $600,000".

Section 7. Amend Section 22, Chapter 212, Volume 65, Laws of Delaware, by deleting the words "Section 1" as they appear in said Section and inserting in lieu thereof "Section 8".

Section 8. Amend the Fiscal Year 1986 Capital Improvements Project Schedule to track the changes effected by the reversion addressed in this Bill.

Approved February 21, 1986.

CHAPTER 252

FORMERLY

SENATE BILL NO. 373

AN ACT TO AMEND CHAPTER 8, TITLE 29, DELAWARE CODE, RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICTS.

NOW, THEREFORE:

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

Section 1. Amend §832(5) Title 29 of the Delaware Code by striking the phrase "to the intersection of County Road 299 (extended) and Middle Run Creek; thence easterly along an imaginary line to the intersection with the center line of New Linden Hill Road and Polly Drummond Road" and substituting in lieu thereof the following:

"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".

Section 2. Amend §832(6) Title 29 of the Delaware Code by striking the phrase "New Linden Hill Road; thence westerly along an imaginary line to its intersection with the center line of the fork ofIMiddle Run Creek above County Road 299" and substituting in lieu thereof the following:

"Foxden Road, thence westerly along the center line of Foxden Road to its intersection with the center line of Middle Run Creek."

Approved April 3, 1986.

CHAPTER 253

FORMERLY

SENATE BILL NO. 376

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS BY KENT COUNTY, DELAWARE TO FINANCE IMPROVEMENTS TO VARIOUS SANITARY DISTRICTS CREATED BY THE COUNTY.

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

Section 1. Kent County is hereby authorized to issue bonds to finance improvements to facilities of its sanitary sewer districts including capitalized interest on funds borrowed to finance such facilities. The faith and credit of Kent County shall be pledged to the payment of such bonds.

Section 2. The maximum amount of bonds to be issued to finance improvements to any sanitary sewer district, listed in Section 3 below, may be established by a bond resolution adopted by the Levy Court of the County at a regular or special meeting of the Levy Court, notwithstanding the provisions of Chapter 46, Title 9, Delaware Code, as amended.

Section 3. Any bonds issued pursuant to this Act may be sold at public or private sale, at such interest rate or rates as the Levy Court of Kent County shall provide for in the applicable bond resolution.

Section 4. Any other provision of law notwithstanding, the proceedings taken by Kent County to establish the following sanitary sewer districts are hereby determined to be regular and proper and the establishment of such sanitary districts is hereby validated and confirmed: Capitol Park Sanitary District Extension No. 1; Capitol Park Sanitary District; Bowers Sanitary District; Cheswold Sanitary District; Cheswold Sanitary District Extension No. 1; Felton Sanitary District; Village of Garrisons Lake Sanitary District Extension No. II; Isaac Branch Sanitary District; Magnolia Sanitary District; Tidbury Branch Sanitary District.

Section 5. Any other provision of law notwithstanding, the proceedings taken by Kent County and any of the sanitary sewer districts named in this Act on or prior to the effective date of this Act with respect to the issuance and sale of obligations of Kent County to finance any part of the cost of increasing, improving and reconstructing facilities described in §4616 of Title 9 of the Delaware Code are hereby determined to be regular and proper and such authorizations are hereby validated and confirmed.

Approved April 3, 1986.

CHAPTER 254

FORMERLY

HOUSE BILL NO. 415

AN ACT TO AMEND CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FREDERICA", RELATING TO THE MAYOR AND TOWN COUNCIL.

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

Section 1. Amend Section 3 of Chapter 32, Volume 47, Laws of Delaware by deleting the first and second paragraphs in their entirety and substituting in lieu thereof the following:

"The Government of the town and the exercise of all powers conferred upon it by the charter or by-laws of the State of Delaware shall be vested in a town council composed of a mayor and four council members, all of whom shall be elected at-large by the qualified voters of the town, as is more fully set forth in the charter. The council members shall each serve a term of two years."

Section 2. Amend Section 4 of Chapter 32, Volume 47, Laws of Delaware by striking the last sentence of the last paragraph in its entirety.

Section 3. Amend Section 4 of Chapter 32, Volume 47, Laws of Delaware by adding thereto the following four paragraphs:

"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. 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.

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.

The mayor shall have the same right as other officers and council members 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.

The mayor shall serve a term of two years."

Approved April 3, 1986.

CHAPTER 255

FORMERLY

HOUSE BILL NO. 418

AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH", RELATING TO THE TERRITORY AND LIMITS OF THE TOWN.

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

Section 1. Amend Section 2 of Chapter 59, Volume 63, Laws of Delaware by striking Section 2 in its entirety and substituting in lieu thereof a new Section 2 to read as follows:

"Section 2. Territory and Limits

(a) The limits and bounds of the Town of Dewey Beach are hereby established and declared to be as follows:

(b) Starting at a point at the low water mark of the Atlantic Ocean shoreline, said point being the northerly boundary of Rehoboth-by-the-Sea; thence easterly into the Atlantic Ocean 500 feet; thence southerly and parallel to the shoreline to a point 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 along the easterly right-of-way of Highway One, to a point approximately 65 feet south of Anchor Way; thence in a 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 a point on the Rehoboth Bay westerly of Bayard Avenue, said point being the boundaries of Rehoboth-by-the-Sea; thence with the boundaries of Rehoboth-by-the-Sea a northeasterly direction to the westerly side of Bayard Avenue; thence with the westerly side of Bayard Avenue, northerly across Route 1; thence with the westerly boundaries of Rehoboth-by-the-Sea, to the shores of Lake Comegys; thence with the southerly shore of Lake Comegys to its easterly side; thence across Route 1 to the southerly edge of Silver Lake; thence with Silver Lake and the boundaries of Rehoboth-by-the-Sea to a point; thence easterly with the boundaries of Rehoboth-by-the-Sea, said boundary being the southerly line, and extensions thereof, of Block 51 as shown on the plot plan of Rehoboth-by-the-Sea, to the low water mark of the Atlantic Ocean, 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 the area south of Rehoboth-by-the-Sea which is bounded on the east by the Atlantic Ocean, on the west by the Rehoboth Bay and which extends southward to the south side of Collins Street on the ocean block and 65 feet southerly of Anchor Way on the bay side and also includes 500 feet of the Atlantic Ocean adjacent to the shoreline.

(c) The Commissioners of Dewey Beach may, at any time hereafter cause a survey and plot to be made of said Town, and the said plot or any supplement thereto, when so made and approved by said The Commissioners of Dewey Beach, signed by the President, who shall affix thereto the municipal corporate seal of the Town, attested by the Secretary of the said The Commissioners of Dewey Beach, and upon being recorded in the Offices of the Recorder of Deeds of the State of Delaware, in and for Sussex County, shall be, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity of this State.

(d) The Commissioners of Dewey Beach shall have the power to annex additional territory adjoining the corporate limits of the Town of Dewey Beach as hereinbefore set forth or as hereafter extended pursuant to the procedure hereinafter set forth and to apply to all such additional territory all laws, ordinances, resolutions and policies in force with the Town so far as they may be locally applicable. The Commissioners of Dewey Beach shall adopt a Resolution proposing to the property owners and the residents of both the Town and of the Territory proposed to be annexed that The Town of Dewey Beach proposes to annex certain territory which adjoins its then limits and territory. The Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution setting forth the information shall be printed in a newspaper published in The Town of Dewey Beach at least one week prior to the date set for the public hearing, or, if no newspaper is published in The Town, publication shall be had in a newspaper having a general circulation both in the Town and in the territory proposed to be annexed, or, at the discretion of The Commissioners of Dewey Beach, the said Resolution shall be posted in four (4) public places both in The Town and in the territory proposed to be annexed.

Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then be passed by a majority of The Commissioners of Dewey Beach ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing on

the subject of the proposed annexation. The passage of this Resolution shall ipso facto be considered the determination of the Commissioners of Dewey Beach to proceed with the matter of the proposed annexation.

The notice of the time and place of holding the said Special Election shall be printed within thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper published in The Town, or, if no newspaper is published in The Town, the notice may be printed within thirty (30) days immediately preceding the date of the Special Election in two (2) issues of a newspaper having a general circulation in The Town and in the territory proposed to be annexed, or, in the discretion of The Commissioners of Dewey Beach the said notice may be posted in five (5) public places both in The Town and in the territory proposed to be annexed, at least fifteen (15) days prior to the date of the Special Election.

At the Special Election, every property owner or leaseholder as defined in this Charter, whether an individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the Town of Dewey Beach who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. At the said Special Election, every property owner or leaseholder, as defined in this Charter, of the territory proposed to be annexed, whether an individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the territory proposed to be annexed who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. Property owners or leaseholders, as defined in this Charter, whose propety or whose improvement located on leased land is exempt from taxation or is not assessed shall not be entitled to vote. The books and records of the Town of Dewey Beach in the case of town property owners, or leaseholders as defined in this Charter or residents and the books and records of Sussex County in the case of property owners, leaseholders as defined in this Charter, or residents of the territory proposed to be annexed shall be conclusive evidence of the right of such persons, firms or corporations to vote at the Special Election.

In the event that an individual, partnership or corporation holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual, partnership or corporation to vote at the said Special Election, a duly authenticated copy of the Power of Attorney shall be filed in the office of the Town Clerk of The Town of Dewey Beach. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the Special Election.

Voting machines shall be used in any annexation election and the form of the ballot to be inserted in the machine shall be as follows:

___ For the proposed annexation
___ Against the proposed annexation

(CHECK THE ONE BLOCK FOR WHICH YOU CAST YOUR VOTE)

The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom shall reside and own property in The Town, and at least one of whom shall reside and own property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in the Municipal Building and the Board of Election shall have available, clearly marrked, two (2) ballot boxes. All ballots cast by those persons, partnerships or corporations authorized to vote as residents, property owners or leaseholders in the territory proposed to be annexed shall be deposited in one such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents, property owners or leaseholders of The Town shall be deposted in the other such ballot box. The polling places shall be opened from 1:00 o'clock p.m., prevailing time, until 6:00 o'clock p.m., prevailing time, on the date set for the Special Election.

Immediately upon the closing of the polling places, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to The Commissioners of Dewey Beach. The said certificate shall be filed with the papers of the Commissioners of Dewey Beach.

In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from The Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, a subsequent election may be held at any time. If a favorable vote for annexation shall have been cast, The Commissioners of Dewey Beach shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County in Georgetown, Delaware, but in no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of The Town of Dewey Beach from the time of recordation. The failure of The Commissioners of Dewey Beach to record the description and plot within the time

hereinbefore specified shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of favorable election."

Approved April 8, 1986.

CHAPTER 256

FORMERLY

HOUSE BILL NO. 468

AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 9, TITLE 5 OF THE DELAWARE CODE TO REMOVE INVESTMENT LIMITATIONS IN WHOLLY-OWNED SUBSIDIARIES.

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

Section 1. Amend Subchapter 1, Chapter 9, Title 5 of the Delaware Code by designating the current paragraph appearing as Section 910 as subsection (a).

Section 2. Amend Subchapter 1, Chapter 9, Title 5 of the Delaware Code by adding thereto a new subsection (b) of Section 910 to read as follows:

"(b) Notwithstanding anything contained in Section 910(a) to the contrary, a bank or trust company may invest in the corporate stock, bonds, notes or other obligations of one or more of its wholly-owned operating subsidiaries which engage in activities in which and to the extent to which the bank or trust company itself may engage without regard to the limitation set forth in Section 910(a)."

Approved April 9, 1986.

CHAPTER 257

FORMERLY

HOUSE BILL NO. 390

AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT BY DELETING THE REQUIREMENT THAT COPIES OF RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES BE DELIVERED TO THE DIRECTOR OF RESEARCH OF LEGISLATIVE COUNCIL.

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

Section 1. Amend §604 (a), Chapter 6, Title 29, Delaware Code by striking the phrase "and the Director of Research of Legislative Council" wherever it appears therein.

Approved April 21, 1986.

CHAPTER 258

FORMERLY

HOUSE BILL NO. 411
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE, RELATING TO EXEMPTIONS FROM CIVIL LIABILITY OF CERTAIN PERSONS ASSOCIATED WITH NON- PROFIT SPORTS PROGRAMS.

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

Section 1. Amend Chapter 68, Title 16, Delaware Code, by establishing a new Subchapter V to read as follows:

"SUBCHAPTER V. NON- PROFIT SPORTS LIABILITY LIMITATION ACT

§6835. Definitions

As used in this subchapter:

(1) The term 'compensation' does not include:

(a) any gift; or

(b) any reimbursement for any reasonable expense, incurred for the benefit of a non- profit sports program.

(2) The term ' member of the qualified staff' means any person who:

(a) is a manager, coach, umpire, or referee;

(b) an assistant to a manager, coach, umpire, or referee; or

(c) prepares any playing field for any practice session or any formal game.

(3) The term 'negligent act or omission' shall be defined in accordance with applicable State law, except that such meaning shall not include any reckless act or omission nor any grossly negligent act or omission.

(4) The term 'non- profit sports program' means any program (whether or not it is registered with or recognized by the State or any political subdivision of the State:

(a) that is in a competitive sport formally recognized as a sport, on the date the cause of action to which this Act applies arises, by the Amateur Athletic Union or The National Collegiate Athletic Association;

(b) that is organized for recreational purposes and whose activities are substantially for such purposes; and

(c) no part of whose net earnings inures to the benefit of any private person.

§6836. Limitation on Liability or Non-profit Sports Programs

(a) Uncompensated qualified staff - Any person who renders services without compensation as a member of the qualified staff of a non- profit sports program shall not be liable under the laws of this State for civil damages resulting from any negligent act or omission of such qualified member occurring in the performance of any duty of such qualified member to the extent that said damages exceed either existing liability insurance coverage applicable to the negligent act or omission or the minimum liability insurance coverage required by law if no coverage applicable to the negligent act or omission exists.

(b) Sponsors and operators - Any person who sponsors or operates a non- profit sports program shall not be liable under the laws of this State for civil damages resulting from any negligent act or omission of any person who renders services without compensation as a member of the qualified staff of a non- profit sports program and occurring in the performance of any duty of such qualified member to the extent that said damages exceed either liability insurance coverage applicable to the negligent act or omission or minimum liability insurance coverage required by law if no coverage applicable to the negligent act or omission exists.

§6537. Applicability

The provisions of this Act shall apply to any cause of action arising after the enactment of this Act."

Approved April 21, 1986.

CHAPTER 259

FORMERLY

SENATE BILL NO. 344

AN ACT TO AMEND CHAPTER 29, TITLE 29, OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS.

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

Section 1. Amend Section 2905, Chapter 29, Title 29 of the Delaware Code by striking it in its entirety.

Approved April 28, 1986.

CHAPTER 260

FORMERLY

SENATE BILL NO. 345

AN ACT TO AMEND CHAPTER 23, TITLE 19, OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS.

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

Section 1. Amend Section 2392(c), Subchapter V, Chapter 23, Title 19, of the Delaware Code by striking the words "State Auditor" wherever it appears therein and substituting in lieu thereof the words "Division of Industrial Affairs."

Approved April 28, 1986.

CHAPTER 261

FORMERLY

HOUSE BILL NO. 495

AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, TO REQUIRE THE ATTORNEY GENERAL TO DEFEND IN LIABLE ACTIONS THOSE PERSONS ENGAGED IN PROFESSIONAL ENGINEERING REGULATORY ACTIVITIES.

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

Section 1. Amend §2813, Chapter 28, Title 24, Delaware Code, by designating the existing paragraph as paragraph (a) and adding thereto a new paragraph (b) to read as follows:

"(b) The Attorney General shall represent the Council, any Council member, and at the express request of the Council, any person appointed or employed by the Council in any civil action against such person arising from services for the State of Delaware. If the Attorney General determines he is unable to represent the Council, or any Council member or any person whom he is requested by the Council to represent, and in all criminal actions, the provisions of 10 Delaware Code, §3925 shall apply."

Approved May 2, 1986.

CHAPTER 262

FORMERLY

SENATE BILL NO. 336
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 21, TITLE 21, DELAWARE CODE, AND CHAPTER 30, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION OF VEHICLES OWNED AND USED BY THE DELAWARE CIVIL AIR PATROL FROM REGISTRATION FEES AND THE MOTOR VEHICLES DOCUMENT FEE.

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

Section 1. Amend §2159(a), Subchapter IV, Chapter 21, Title 21, Delaware Code, by inserting immediately following the words "welfare work" as they appear in the first sentence of said subsection (a) the following:

", and all motor vehicles owned and used by the Delaware Civil Air Patrol (CAP) registered in this State and used by the organization for its respective functions or duties."

Section 2. Amend §3002(a) (6), Chapter 30, Title 30, Delaware Code, by striking the ",or" and inserting the following:

"and the Delaware Civil Air Patrol; or"

Approved May 8, 1986.

CHAPTER 263

FORMERLY

SENATE BILL NO. 343

AN ACT TO AMEND CHAPTER 29, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE AUDITOR OF ACCOUNTS.

WHEREAS, the Congress of the United States enacted the "Single Audit Act of 1984," Public Law 98-502; and

WHEREAS, one of the provisions of the Act calls for the audits of recipients of federal funds to be made annually unless the State has, by January 1, 1987, a statutory requirement for less frequent audits; and

WHEREAS, it has been the practice of the Auditor of Accounts to conduct audits biennially for at least the last 25 years due to staffing limitations.

NOW THEREFORE:

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

Section 1. Amend Chapter 29, Title 29 of the Delaware Code by striking §2906(a) in its entirety and substituting in lieu thereof the following:

"(a) The Auditor of Account shall conduct postaudits of all the financial transactions of all state agencies. Insofar as possible the audits shall be made no less frequently than biennially."

Approved May 9, 1986.

CHAPTER 264

FORMERLY

HOUSE BILL NO. 444
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 4

AN ACT TO AMEND CHAPTER 5, TITLE 18, DELAWARE CODE RELATING TO EMERGENCY POWERS OF THE INSURANCE COMMISSIONER TO REGULATE CANCELLATION AND NONRENEWALS OF COMMERCIAL, MUNICIPAL AND PROFESSIONAL LIABILITY INSURANCE POLICIES.

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

Section 1. Amend Section 531, Chapter 5, Title 18 by renumbering said Section as Section "532".

Section 2. Amend Title 18 of the Delaware Code, Section 531, Chapter 5, by adding a new Section 531, as follows:

"§531. Emergency Powers to Regulate Liability Insurance Cancellations and Nonrenewals

(a)(1) Whenever the Insurance Commissioner in his discretion finds that an abnormal disruption has occurred or is occcurring in the liability insurance market, which has created or will create a situation where the availability of commercial, municipal or professional liability insurance is affected and such disruption will affect the normal transaction of business in this State, as to mid-term cancellations, or affect the health, safety and welfare of Delaware citizens as to nonrenewals, the Commissioner may promulgate regulations regarding cancellations and nonrenewals to safeguard the interests of policyholders and the public generally.

(2) When the Commissioner has reasonable cause to believe that a specific line of commercial, municipal or professional liability insurance is unavailable and that such unavailability is a threat to the public health, safety and welfare, he may declare such line to be 'critical' and immediately suspend and enjoin any proposed nonrenewal of coverage of policies of insurance relating to such line and extend policy renewal dates pending a hearing. Within 30 days thereafter, the Commissioner shall hold a public hearing in accordance with procedures mandated by the Administrative Procedures Act. The Commissioner shall serve upon known affected insurers and any other persons involved a copy of such notice, including an order to extend the date of policy terminations pending the public hearing.

(3) Within fifteen days after the public hearing the Commissioner shall find whether or not the specific line is in fact 'critical.' The Commissioner may find that the specific line is 'critical' if he finds both that:

(i) The type of coverage is generally unavailable in Delaware at any price reasonably related to the risk assumed; and

(ii) That the unavailability of this type of coverage constitutes a threat to the public health, safety and welfare.

(4) If the Commissioner finds that (i) and (ii) above are present, he may declare the line of coverage is 'critical'. Such declaration shall be effective for 90 days from the date when first declared critical under (2) above.

(b) Such regulation shall apply to commercial liability insurance policies, other than automobile, but including commercial multi-peril insurance policies and municipal or professional liability coverages. It does not apply to reinsurance, excess and surplus lines insurance, residual market risks, workers' compensation insurance, multi-state location risks, policies subject to retrospective rating plans, excess or umbrella policies and such other policies that are exempted by the Commissioner of Insurance.

(c) Such regulation shall provide that no cancellation or nonrenewal of a policy under this Act shall be effective in this State unless such cancellation or nonrenewal is based upon any one of the following reasons:

(1) nonpayment of premium;

(2) material misrepresentation or nondisclosure to the company of a material fact at the time of acceptance of the risk;

(3) increased hazard or material change in the risk assumed which could not have been reasonably contemplated by the parties at the time of assumption of the risk;

(4) substantial breaches of contractual duties, conditions or warranties that

materially affect the nature and/or insurability of the risk;

(5) fraudulent acts against the company by the insured or its representatives that materially affect the nature of the risk insured;

(6) lack of cooperation from the insured on loss control matters affecting insurability of the risk;

(7) bona fide loss of or substantial changes in applicable reinsurance. The insurer shall give 60 days notice to the Insurance Commissioner and the insured under this Section and shall supply such information at that time as the Insurance Commissioner shall require;

(8) material increase in exposure arising out of changes in statutory or case law subsequent to the issuance of the insurance contract;

(9) bona fide loss of or reduction in available insurance capacity. The insurer shall give 60 days notice to the Insurance Commissioner and the insured under this Section and shall supply such information at that time as the Insurance Commissioner shall require;

(10) any other reasons approved by the Commissioner.

(d) This Section shall not apply to an insurer issuing a notice of cancellation with respect to any policy which has been in effect for less than 60 days at the time the notice is mailed or delivered.

(c) A notice of cancellation or nonrenewal of insurance coverage by insurer shall be in writing, shall be mailed or delivered to the first named insured at the mailing address as shown on the policy. Notices of cancellation or nonrenewal shall be mailed or delivered at least 60 days but no more than 120 days prior to the effective date of the cancellation or nonrenewal. Notices of cancellation based upon non-payment of premium shall be mailed or delivered at least 10 days prior to the effective date of cancellation. The notice shall state the effective date of the cancellation.

(f) The insurer shall provide the first named insured with a written statement setting forth the reasons for cancellation or nonrenewal where the named insured agrees in writing to hold the insurer harmless from liability for any communication giving notice of or specifying a reason for a cancellation or nonrenewal, or for any statement made in connection with an attempt to discover or verify the existence of conditions which would be a reason for a cancellation or nonrenewal under this Section.

(g) For purposes of this Section, the transfer of a policyholder between companies within the same insurance group is not a refusal to renew. In addition, changing deductibles, changes in premium, changes in the amount of insurance or reductions in policy limits or coverage are not refusals to renew, if such changes are reasonably related to the risk involved.

(h) Notice of nonrenewal is not required if:

(1) the insurer has offered to issue a renewal policy; or

(2) a named insured has obtained replacement coverage or has agreed in writing to obtain replacement coverage.

(i) Any cancellation or nonrenewal not in compliance with the notice provision of this Section is not effective until proper notice is given.

(j) No policy of commercial, municipal or professional liability insurance, subject to this Section, shall be extended beyond its termination date for a period of more than ninety (90) days. The premium on such policies may reflect any change in rates approved by the Insurance Commissioner.

(k) Rate filings for any line or class affected by this Section shall be approved or disapproved within 30 days of their filing.

(l) In addition to these provisions, the Commissioner may implement a market assistance plan providing for a voluntary group of insurers in order to aid insureds in obtaining commercial insurance coverages specified therein."

Section 2. The Insurance Commissioner shall adopt regulations governing the application of this Act. Any regulations issued pursuant to this Act shall be applicable for a period of not more than 180 days from the effective date of such regulation.

Section 3. This Act shall become effective immediately upon its adoption.

Approved May 9, 1986.

CHAPTER 265

FORMERLY
HOUSE BILL NO. 497
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 4, VOLUME 65, LAWS OF DELAWARE, (ALSO BEING HOUSE BILL NO. 99) RELATING TO THE TRANSFER OF $70,000 TO FUND AN ACTUARIAL ANALYSIS FOR "POOLING" OF INSUREDS IN DELAWARE TO ANALYZE WHETHER MUNICIPALITIES, COUNTIES, AND VARIOUS COMMERCIAL INSUREDS CAN REDUCE THEIR COSTS AND ASSURE CONTINUED AVAILABILITY OF LIABILITY INSURANCE, AND TO CREATE SUCH A "POOL".

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

Section 1. The Title provisions of Chapter 4, Volume 65, Laws of Delaware (also being House Bill No. 99 of the 133rd General Assembly) is hereby amended by adding thereto the following:

", and for such start-up funds to thereafter be used to fund an actuarial analysis for "pooling" of insureds in Delaware to analyze whether municipalities, counties, and various commercial insureds can reduce their costs and assure continued availability of liability insurance, and to fund the creation of such a pool."

Section 2. Amend Section 2 of Chapter 4, Volume 65, Laws of Delaware by striking the last sentence commencing with the words "Such sum ($70,000)" and ending with the words "June 30, 1986" as they appear therein and substituting in lieu thereof the following:

"such transfer is a continuing appropriation into the fiscal year ending June 30, 1987. On or before June 1, 1986 such sum ($70,000) shall be transferred by the Office of the Insurance Commissioner into a special line of the General Fund Operating Budget Unit, Insurance Commissioner's Office (12-03-001) to be used for the purposes set forth in Section 3 below."

Section 3. Amend Chapter 4, Volume 65, Laws of Delaware, by adding thereto two new sections to be designated as Sections 3 and 4 to read as follows:

"Section 3. After transference by the Office of the Insurance Commissioner the funds shall be used to fund a study of the feasibility of creating a pool of insureds in Delaware to reduce costs and assure availability of liability insurance, and to fund the creation of such a pool if feasible.

Section 4. Funds not expended for these purposes shall revert to the General Fund of the State on June 30, 1987. The Insurance Commissioner shall report to the General Assembly on the results of this study and shall make recommendations as to whether or not to implement such a plan."

Approved May 9, 1986.

CHAPTER 266

FORMERLY

HOUSE BILL NO. 455

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON" BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, LAWS OF DELAWARE, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE BORROWED IN ANTICIPATION OF REVENUES ON THE FULL FAITH AND CREDIT OF THE TOWN.

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

Section 1. Amend Section 29(a) 42, Chapter 501, Volume 61, Laws of Delaware, as amended by Chapter 265, Volume 64, Laws of Delaware, by striking the words "Two Hundred Fifty Thousand Dollars ($250,000.00)" where they appear therein and by substituting in lieu thereof the words "Five Hundred Thousand Dollars ($500,000.00)."

Approved May 19, 1986.

CHAPTER 267

FORMERLY

HOUSE BILL NO. 505
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE CODE RELATING TO HARNESS RACING COMMISSIONS ON PARI-MUTUEL AND TOTALIZATOR POOLS.

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

Section 1. Amend §556, Chapter 5, Title 28, Delaware Code by striking Subsections (b) and (c) in their entirety and substituting in lieu thereof a new Subsection to read as follows:

"(b) In addition to the commissions authorized by Subsection (a) of this Section, the Commission shall authorize as commissions to the licensee operating a racing meet pursuant to this Chapter 7% of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day on any and every racetrack licensed under this Chapter where the patron is required to select two or more horses in a single race or where the patron is required to select two or more horses in more than one race."

Approved May 19, 1986.

CHAPTER 268

FORMERLY

SENATE BILL NO. 354
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE PERMITTING THE VIOLENT CRIMES COMPENSATION BOARD TO GRANT AWARDS FOR OTHER THAN PECUNIARY LOSS, INCREASING THE QUALIFYING AMOUNT FOR A ONE MEMBER QUORUM AND REQUIRING THE VICTIMS TO REPORT THE CRIME WITHIN SEVENTY-TWO HOURS.

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

Section 1. Amend §9005(l), Chapter 90, Title ll of the Delaware Code by adding at the end thereof the following:

"In addition to any amount awarded by the Board to indemnify the victim for pecuniary loss, the Board may, subject to the limitations of §9007(d) of this Chapter, award the victim a further amount for any scarring, disfigurement, or mental suffering, resulting from injuries of a permanent nature provided that such scarring, disfigurement, or mental suffering are a direct result of such crime."

Section 2. Amend Chapter 90, Title ll of the Delaware Code by striking the amount "$500" appearing in §9003 and substituting the amount "$1,000" in lieu thereof.

Section 3. Amend §9006(a), Chapter 90, Title ll of the Delaware Code by adding a new subsection (5) to read as follows:

"(5) Where the claimant has failed to report the crime to a law enforcement agency within 72 hours of its occurrence, provided however, that the Board, in its discretion, may waive this requirement if the circumstances of the crime render this requirement unreasonable."

Section 4. The provisions of Section 2 and 3 of this Act shall be effective upon the signature of the Governor. The provisions of Section 1 shall apply retroactively to all claims filed with or heard by the victims of Violent Crime Compensation Board on or after October 15, 1985. Any claimant whose claim was heard and decided by the Board after October 15, 1985 may file with the Board in writing within sixty (60) days of the enactment of this Act an amended claim under the provisions of Section 1 of this Act. ailure by the claimant to file with the Board within sixty (60) days in writing an amended claim under Section 1 of this Act shall operate as an absolute bar to asserting an amended claim under Section 1 hereafter.

Approved May 21, 1986.

CHAPTER 269

FORMERLY

SENATE BILL NO. 423
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO CREATE A VOLUNTEER FIREMEN'S PENSION PLAN AND TO PROVIDE FOR THE ADMINISTRATION AND FUNDING THEREOF.

WHEREAS, Volunteer Firemen provide a valuable and necessary service to the State of Delaware; and

WHEREAS, the men and women who perform these valuable services do so on a volunteer basis and receive no monetary compensation for their services; and

WHEREAS, in performing their duties as volunteer firemen they do so under hazardous and often life threatening conditions; and

WHEREAS, the Delaware Volunteer Firemen's Association has developed and is recommending a pension plan for long time members of the Association; and

WHEREAS, it is the recommendation of the Association that the Plan be funded entirely by the participating fire companies and its members within the State; and

WHEREAS, the General Assembly recognizes its obligation to assist the Volunteer Firemen's Association in developing and implementing this plan.

NOW, THEREFORE:

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

Section 1. Amend Title 16, Delaware Code, by adding a new Chapter 66A to read as follows:

"CHAPTER 66A. DELAWARE VOLUNTEER FIREMEN'S PENSION PLAN

§6651. Definitions

(a) 'Board' shall mean the Board of Pension Trustees established by §8308, Chapter 83, Title 29, Delaware Code.

(b) 'Member' shall mean an actively participating volunteer of one of the State of Delaware Volunteer Fire Departments, Ladies Auxiliaries thereof and service organizations, providing volunteer ambulance services.

(c) 'Credited Service' shall mean, for any member,

(1) service as a volunteer after June 30, 1986 that has been certified by the employer; and

(2) service as a volunteer prior to July 1, 1986 on the basis of one (1) year of credited service for each three (3) years of service as certified by the employer provided that the member has been actively participating in the organization for the 12 months preceding the effective date of this Act.

(d) 'Fund' shall mean the Fund established by §6661 of this Title.

(e) 'Employer' shall mean the participating State of Delaware Volunteer Fire Departments, Ladies Auxiliaries thereof and service organizations providing volunteer ambulance services.

§6652. Volunteer Firemen's Pension Committee

The Delaware Volunteer Firemen's Association shall appoint, from its membership, a nine (9) person Advisory Committee. Three (3) members shall come from New Castle County, three (3) members from Kent County and three (3) members from Sussex County. The Advisory Committee shall make recommendations to the State Board of Pension Trustees on all pension matters the Advisory Committee deems appropriate.

§6653. Attachment and Assignment of Benefits

The benefits provided by this Chapter shall not be subject to garnishment and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

§6654. Waiver of Benefits

Any individual entitled to any benefits under this Chapter may decline to accept all or any part of such benefits by a waiver signed and filed with the Board. Such waiver may be revoked in writing at anytime, but no payment of the benefits waived shall be made covering the period during which such waiver was in effect.

§6655. Eligibility for Pension

(a) A member shall become eligible to receive a pension beginning with the first month after attainment of age 60 if he has 10 years of credited service.

(b) For purposes of this Section, credited service shall include any period during which a member qualifies for benefits under Chapter 67, Title 18, Delaware Code and/or Workman's Compensation.

(c) An inactive member with a vested right to a pension shall become eligible to receive such pension, computed in accordance with the provisions of this Chapter in effect when he ceased to be a member, beginning with the first month after his attainment of age 60.

§6656. Vested Right to Pension

(a) A member who has 10 years of credited service shall have a vested right to a pension.

(b) A member's vested right shall be forfeited upon his application for a refund of his accumulated contributions, and his membership shall be cancelled.

§6657. Payment of Pension

No pension payment shall be made under this Chapter prior to July 1, 1988, thereafter pension payments shall be made beginning with the month in which the member becomes eligible to receive such pension and ending with the month in which he or she dies.

§6658. Amount of Pension

The amount of the monthly pension payable to an eligible member shall be $5.00 times years of credited service up to a maximum of 25 years.

§6659. Death Benefit

Upon the death of a member, inactive member or retired member, there shall be paid to the designated beneficiary or beneficiaries or, in the absence of a designated beneficiary, to the estate of the member, a lump sum equal to the excess, if any, of the accumulated member contributions with interest over the aggregate of all pension payments made.

§6660. Withdrawal Benefit

(a) Upon the withdrawal from service of a member who is not eligible to receive a pension and does not have a vested right to a pension, his or her accumulated contributions with interest shall be paid to his or her employer for final disposition.

(b) Upon the withdrawal from service of a member who is not eligible to receive a pension but has a vested right to a pension, his or her accumulated contributions with interest shall be paid to such member.

(c) If an individual ceases to be a member his service credits to the date of termination shall be cancelled, but shall be restored if he or she again becomes a member provided that if he or she has withdrawn his contributions he or she repays them with interest at a rate determined by the Board.

§6661. Establishment of Fund

There shall be established a Volunteer Firemen's Pension Fund, hereinafter referred to as 'Fund' to which the employer and member contributions shall be deposited annually and to which earnings on investments, any other contributions, gifts, donations, grants, refunds and reimbursements shall be deposited upon receipt and from which benefits shall be paid and fees and expenses authorized by the Board shall be paid.

§6662. Member Contributions

Member contributions to the Fund shall be $60.00 per annum.

§6663. Employer Contributions

(a) The employer's contribution to the Fund for the fiscal year 1986-1987 shall be $250,000.

(b) The employer's contribution to the Fund for the fiscal year 1987-1988 shall be $250,000.

(c) The employer's contribution to the Fund for fiscal year 1988-1989, and for each fiscal year thereafter shall be a sum approved by the Board on the basis of the most recent actuarial valuation/

(d) The actuary shall prepare an actuarial valuation of the Assets and Liabilities of the Fund as of June 30, 1988 and each year thereafter. On the basis of reasonable actuarial assumptions and tables approved by the Board, the actuary shall determine the normal cost required to meet the actuarial cost of current service and the unfunded accrued liability."

Section 2. This Act shall be effective July 1, 1986.

Approved May 22, 1986.

CHAPTER 270

FORMERLY

HOUSE BILL NO. 470
AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2, AND 3

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO REPORTING REQUIREMENTS AND FINANCIAL DISCLOSURE OF PROPERTY OR CASUALTY INSURERS.

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

Section 1. Amend Chapter 5, Title 18 of the Delaware Code by adding a new Section 526A to read as follows:

"§526A. Supplement To Annual Statement

(a) Each insurer licensed to write property or casualty insurance in this State, as a supplement to Schedule T of its annual statement, shall submit a report on a form furnished by the Commissioner showing its direct writings and experience, prior to reinsurance, in this State and the United States. All such writings and experience shall be required on a line-by-line basis both for the State of Delaware and in total, and where appropriate, on a subline by subline basis.

(b) The supplemental report required by this Section shall include but not be limited to the following types of insurance written by such insurer:

(1) Motor vehicle bodily injury liability insurance;

(2) Motor vehicle property liability insurance;

(3) Motor vehicle personal injury protection insurance;

(4) Uninsured motorist insurance;

(5) Underinsured motorist insurance;

(6) Products liability insurance;

(7) Medical malpractice insurance, by specialty and in total;

(8) Dental malpractice insurance;

(9) Attorneys' malpractice insurance;

(10) Other professional malpractice insurance;

(11) Mid-wives insurance;

(12) Political subdivision liability insurance reported separately as to municipalities, counties, school districts and other authorities;

(13) Errors and omissions liability insurance;

(14) Officers' and directors' liability insurance reported separately as to non-profit and for-profit entities;

(15) Day care facility liability insurance;

(16) Entertainment, recreational and sporting facility liability insurance, by specialty;

(17) Workers' Compensation insurance;

(18) Liquor Liability Insurance

(c) Such supplemental report shall include the following data, both specific to this State and also to the United States, by the type of insurance for the previous year ending on the thirty-first day of December:

(1) Direct premiums written;

(2) Direct premiums earned;

(3) Investment income derived from unearned premium and loss reserves reflecting the overage rate of return on invested assets. Forms to be used in transmitting this data and the formula for the calculations shall be promulgated by the Insurance Commissioner.

(4) Incurred claims, developed as the sum of the following (the report shall include data for each of the following categories used to develop the sum of incurred claims):

a. Dollar amount of claims closed with payment; plus

b. Reserves for reported claims at the end of the current year; minus

c. Reserves for reported claims at the end of the previous year; plus

d. Reserves for incurred but not reported claims at the end of the current year; minus

(e) Reserves for incurred but not reported claims at the end of the previous year; plus

(f) Loss adjustment expenses for claims closed; plus

(g) Reserves for loss adjustment expense at the end of the current year; minus

(h) Reserves for loss adjustment expense at the end of the previous year.

(5) Actual incurred expenses allocated separately to loss adjustment; commissions, other acquisition costs, advertising, general office expenses, taxes, licenses and fees, and all other expenses. This consolidated insurance expense exhibit must be filed in Delaware on or before April 1, of each year;

(6) Net underwriting gain or loss;

(7) Net operation gain or loss, including net investment income;

(8) The number and dollar amount of claims closed with payment, by year incurred and the amount reserved for these claims;

(9) The number of claims closed without payment and the dollar amount reserved for these claims;

(10) The number of claims pending at the end of each year and the amount reserved for these claims; and

(d) This report shall be due by the first of March of each year, and the first report shall be due March 1, 1987.

(e) For the first year only in which the insurer is required to file this supplemental report, the data required by Subsection (c) of this Section shall include the previous calendar year and each of the preceding nine calendar years.

(f) It shall be the duty of the Commissioner to annually compile and review all such supplemental report submitted by insurers pursuant to this Section to determine the appropriateness of premium rates for property or casualty insurance in this State. The Commissioner's findings and the filings shall be published and made available to any interested insured or citizen.

(g) The Commissioner may refuse to continue or may suspend or revoke the certificate of authority of any property or casualty insurer failing to file its supplemental report when due.

(h) The Commissioner may waive, modify or defer the requirements of this Section if he determines the information required under this Section to be reported is not needed."

Section 2. Amend Section 2525, Chapter 25, Title 18 of the Delaware Code by adding a new Subparagraph (c) as follows:

"(c) This Section does not apply to property or casualty insurers to the extent it conflicts with any of the provisions of Section 526A of this Title."

Section 3. This Act shall become effective upon its enactment into law.

Approved May 23, 1986.

CHAPTER 271

FORMERLY

SENATE BILL NO. 386
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SECTION 8305, CHAPTER 83, TITLE 29 OF THE DELAWARE CODE BY PROVIDING FOR BIENNIAL REPORTS TO THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE IMPACT OF TAX PREFERENCES ON STATE REVENUE.

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

Section 1. Amend Section 8305, Chapter 83, Title 29 Delaware Code, by adding thereto a new subsection (6) as follows:

"(6) On or before November 15, biennially, in the year preceding the convening of a new General Assembly, the Division of Revenue, under the supervision of the Secretary of the Department of Finance, shall make a report to the Governor and the General Assembly concerning the effect of certain tax preferences on the revenues collected by the State. For the purposes of this section, "tax preferences" means any law of the United States or the State of Delaware which exempts, in whole or in part, certain persons, income, goods, services or property from the impact of established taxes, including, but not limited because of failure of enumeration, to those devices known as tax deductions, tax exclusions, tax credits, tax deferrals and tax exemptions. "Tax preference" shall not include variations in the rate of income tax, 30 Del. C. Section 1103; standard deductions, 30 Del. C. 1108; or personal exemptions, 30 Del. C. Section 1110.

a. Declaration of Policy. State governmental policy objectives are sought to be achieved both by direct expenditure of governmental funds and by the granting of special and selective tax relief or tax preferences. Both direct expenditures of governmental funds and tax preferences have an effect on the ability of the state government to lower tax rates or to increase expenditures. As a result, tax preferences should receive a regular and comprehensive review by the Governor and the General Assembly as to (1) their total cost, (2) their effectiveness in achieving their objectives, (3) their effect on the fairness and equity of the distribution of the tax burden, and (4) the public and private cost of administering tax preference financed programs. The purpose of this section is to facilitate such review by providing for the generation of information concerning tax preferences and thier effect upon state revenues.

b. Components of the Report. The taxes to be reviewed in the report shall include, but need not be limited to, the personal income tax, corporate income tax, motor vehicle fuel taxes and public utility taxes. The report shall include the following:

1. Each tax preference, its statutory basis, and its purpose.

2. An estimate of the revenue loss to the State, or one of its subdivisions, caused by each tax preference for the last fiscal year and the estimated revenue loss caused by each tax preference for the current fiscal year.

3. An assessment of whether each tax preference is the most fiscally effective means of achieving its purpose and whether or not each tax preference has been successful in meeting the purpose for which it was enacted, and, in particular, whether each tax preference benefits those originally intended to be benefitted, and if not, those who do benefit.

4. A statement of any unintended or inadvertent effects, benefits, or harm caused by each tax preference, including whether each tax preference conflicts with any other state laws or regulations."

Section 2. The first report mandated above shall be made to the Governor and the General Assembly on or before November 15, 1986. The first report shall deal with tax preferences which have been enacted as part of the Delaware Code. In addition, the first report shall report on a study of what would be required to have the second, and subsequent, reports include the impact of all tax preferences, including both those enacted as part of the Delaware Code and those which result from the State's "coupling" with the Federal Tax Code.

Section 3. Sunset Provision: Preparation of the report, as called for in Sections 1 and 2 of this Act, shall be discontinued after preparation of the second report, unless otherwise provided for by action of the General Assembly.

Section 4. The subject report shall be considered a public record in accordance with Title 29, Section 10002 (d).

Approved May 28, 1986.

CHAPTER 272

FORMERLY

SENATE BILL NO. 400
AS AMENDED BY SENATE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF MOTOR VEHICLE UNDER THE MOTOR CARRIERS FUEL PURCHASE LAW.

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

Section 1. Amend §5202(3), Chapter 52, Title 30 of the Delaware Code by striking in the first sentence the phrase "means a passenger vehicle that has seats for more than 9 passengers in addition to the driver," and substituting in lieu thereof the following phrase:

"means a bus operated by a common carrier with seating capacity greater than twenty (20) passengers,."

Approved May 28, 1986.

CHAPTER 273

FORMERLY

HOUSE BILL NO. 145

AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

Section 1. Amend §6607, Chapter 66, Title 18, Delaware Code by striking said section in its entirety.

Approved May 28, 1986.

CHAPTER 274

FORMERLY

SENATE BILL NO. 193
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO 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 comma (,) following the word "Fund" as the same appears in the last sentence of Subsection (c), and substituting a semi-colon (;) in lieu thereof; and by striking the period (.) at the end of said subsection, and substituting in lieu thereof the following:

"; and to reimburse Commissioners for expenses paid to attend meetings of the National Association of Real Estate License Law Officials."

Approved June 4, 1986.

CHAPTER 275

FORMERLY

SENATE BILL NO. 240
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS.

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

Section 1. Amend §6904(b)(1), Chapter 69, Title 29 of the Delaware Code by striking the number "$10,000" as it appears and substitute in lieu thereof the following:

"$20,000"

Section 2. Amend §6904(b)(1), Chapter 69, Title 29 of the Delaware Code by adding after the first sentence the following:

"The Secretary of Administrative Services may exempt any agency from the architect/engineer requirement when the project is of a non-technical nature not requiring architectural and engineering services and the agency demonstrates the necessary expertise to develop suitable plans and specifications. Any agency desiring such an exemption shall submit a written request to the Secretary of Administrative Services. The Secretary of Administrative Services shall render a written decision on the request for exemption."

Approved June 4, 1986.

CHAPTER 276

FORMERLY

SENATE BILL NO. 427

AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN.

WHEREAS, it is deemed desirable that the Charter of The Town of Georgetown, being Chapter 166, Volume 43, Laws of Delaware, as amended, entitled "An Act Amending, Revising and Consolidating The Charter of The Town of Georgetown," together with the various amendments and supplements thereto, be amended and revised in certain respects and consolidated into one complete Act.

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 Georgetown within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided are hereby declared to be a body politic incorporatd in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever by the corporate name of "The Town of Georgetown."

TERRITORIAL LIMITS

Section 2. The present boundaries and limits of The Town of Georgetown are hereby established and declared to extend to the distance of one half mile in every direction from the center of the Public Square of the said Town.

ANNEXATION OF TERRITORY

Section 3. In the event it becomes feasible and necessary in the future for The Town of Georgetown 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 Georgetown, 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 Georgetown shall appoint a Committee composed of not less than hree (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 requestd to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Georgetown. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Georgetown 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 Georgetown may then pass a second Resolution annexing such territory to The Town of Georgetown. Such Resolution shall be passed by the affirmative vote of two thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by five (5) or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of The Town of Georgetown.

(b) If five (5) 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 Georgetown by written Petition with the signature of each such Petitioner duly acknowledge shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Georgetown 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 Georgetown.

(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 Georgetown. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Georgetown 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 he Town Council proposed to the property owners and residents of both The Town of Georgetown 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 Georgetown 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 Georgetown 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 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 Georgetown, or, in the discretion of the Town Council, the said notice may be posted in four (4) public places, both in The Town of Georgetown 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 property owner, whether an individual, partnership or a corporation both in The Town of Georgetown and in the territory proposed to be annexed shall have one (1) vote. Every citizen of either The Town of Georgetown or of the territory proposed to be annexed over the age of eighteen (18) years who is not a property owner shall have one (1) vote. In the case of property owned by husband and wife jointly, the husband and wife shall each have one vote. In the event that a person owns property both in The Town of Georgetown and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in The Town of Georgetown and in the territory proposed to be annexed but does not reside in either place, he may vote only in The Town of Georgetown and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed for taxation shall not be ntitled to vote. The books and records of The Town of Georgetown in the case of property owners and citizens of the Town and the books and records of the Board of Assessment of Sussex County in the case of property owners and residents of the territory proposed 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 in the Office of the Town Manager of The Town of Georgetown. 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 Georgetown 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 Georgetown shall appoint three (3) persons to act as a Board of Special Election, at least one (1) of whom shall own property in The Town of Georgetown 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 Election 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 corporations who are authorized to vote as residents or property owners of The Town of Georgetown 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 five o'clock in the afternoon, 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 the 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 Georgetown. 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 Georgetown 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 he said Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Georgetown shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall 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 Georgetown from the time of recordation. The failure to record the description or 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 Sussex County, no election shall be necessary and the Town Council of The Town of Georgetown 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 Georgetown 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. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Georgetown. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Georgetown 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 Georgetown may then pass a second Resolution annexing such territory to The Town of Georgetown. 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 Georgetown shall* cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, 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 Georgetown 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 four (4) members, each of whose terms shall be for a period of two (2) years, commencing at the Annual Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified. Each member of the Town Council shall be nominated from the Ward in which he resides but shall be elected by the voters at large. The Mayor of The Town of Georgetown and each Town Councilman shall receive as compensation such amount as shall be determined by the Town Council by ordinance or resolution for attendance at any regular meeting, special meeting or workshop meeting. The time of payment is to be determined by the Town Council, but in no event shall such compensation

be paid less frequently than quarterly and at no time shall the compensation to be received by the Mayor during any fiscal year be more than Seven Hundred Fifty Dollars ($750.00) and no member of the Town Council shall receive during any fiscal year more than Five Hundred Dollars ($500.00).

WARD LIMITS

Section 5. There are hereby created and established four (4) Wards for The Town of Georgetown, as follows:

(a) First Ward: The area within the Town limits South of the center line of East Market Street and East of the center line of South Bedford Street.

(b) Second Ward: The area within the Town limits North of the center line of East Market Street and East of the center line of North Bedford Street.

(c) Third Ward: The area within the Town limits North of the center line of West Market Street and West of the center line of North Bedford Street.

(d) Fourth Ward: The area within the Town limits South of the center line of West Market Street and West of the center line of South Bedford Street.

QUALIFICATIONS FOR MAYOR AND TOWN COUNCILMAN

Section 6. The qualifications for Mayor and Town Councilman at the time of his election shall be as follows:

(a) The Mayor shall be at least twenty-one (21) years of age, a citizen of the United States and of the State of Delaware and a bona fide resident of The Town of Georgetown.

(b) The Town Councilman from the First Ward shall be twenty-one (21) years of age, a citizen of the nited States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the First Ward.

(c) The Town Councilman from the Second Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the Second Ward.

(d) The Town Councilman from the Third Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the Third Ward.

(e) The Town Councilman from the Fourth Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the Fourth Ward.

(f) Each of the qualifications for Mayor and Town Councilman shall be continuing qualifications to hold office and the failure of either the Mayor or any Town Councilman 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 MAYOR OR TOWN COUNCILMAN

Section 7. Each candidate for Mayor or Town Councilman shall be nominated as follows:

(a) Each candidate for Mayor and for Town Councilman shall notify the Town Manager in writing of his candidacy.

(b) All notifications of candidacy shall be filed in the Office of the Town Manager at the business office of The Town of Georgetown during the regular business hours and not later than five o'clock in the afternoon, prevailing time, on the fourth Friday in May. If such day be a legal holiday, the last day for filing notification of candidacy shall be the last business day immediately preceding the fourth Friday in May. Such notification of candidancy shall be upon a sutiable form or blank furnished by The Town of Georgetown, which said statement shall be dated, signed by the candidate and witnessed by at least two (2) adult residents of the Town.

(c) The Town Council shall make arrangements for voting machines to be placed in the polling place prior to the time set forth in this Charter for the beginning of the Annual Municipal Election.

(d) The Town Council shall hold a meeting within five (5) days after the close of the time for the filing of notification of candidancy for the purpose of determining the qualifications of the candidates.

MANNER OF HOLDING ANNUAL MUNICIPAL ELECTION

Section 8. 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 evening, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the second Saturday in June, A.D. 1986.

(b) At the Annual Municipal Election to be held on the second Saturday in June, A.D. 1986, the Mayor and one (1) Councilman from the Third Ward and one (1) Councilman from the Fourth Ward shall be elected. The Mayor and each of the Councilmen who are elected shall serve for a term of two (2) years, or until his successor has been duly elected and qualified.

(c) At the Annual Municipal Election to be held on the second Saturday in June, A.D. 1987, one (1) Councilman from the First Ward and one (1) Councilman from the Second Ward shall be elected. Each of the Councilmen so elected shall serve for a period of two (2) years or until his successor has been duly elected and qualified.

(d) Thereafter, at each Annual Municipal Election, there shall be elected two (2) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified, except at the Annual Municipal Election in the year when the Mayor is to be elected, at which time there will be elected a Mayor and two (2) Councilmen.

(f) The Mayor and the members of the Town Council of Georgetown who hold office at the time of passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.

(g) 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 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.

(h) At such Annual Municipal Election every person, male or female, who shall have attained the age of eighteen (18) years on the date of the 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 Registerd 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 birth date of the voter, the date the registrant became a citizen of the United States, the date he registrant became a resident of The Town of Georgetown, and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless he or she will have acquired the qualifications to vote in the Annual Municipal Election for the year in which he or she registers. A person shall be required to register only one time; provided, however, that if a registered voter fails to vote in two (2) consecutive Annual Municipal Elections in which there is a contest, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by 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 last Friday in May prior to the date of the Annual Municipal Election by completing such forms as may be provided by the Town.

(i) All votes offered at the Annual Municipal Election shall be offered in person.

(j) In the event that no person files for office for which an election is to be held within the time set forth in Section 7 of this Charter, the incumbent shall be deemed to be reelected for a full term and it shall not be necessary to have an election.

(k) In the event that only one person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall

be deemed to be elected for a full term and it shall not be necessary to have an election.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 9. (a) Before entering upon the duties of their respective office, the Mayor and each of the Councilmen Elect shall be sworn by a Notary Public to perform faithfully and impartially the duties of their respective offices with fidelity. At 7:30 o'clock in the evening, prevailing time, on the Wednesday following the Annual Municipal Election, the Mayor and 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 a Vice-Mayor, who shall hold office for the term of one (1) year or until his successor shall be duly elected. The Town Council shall likewise select a Secretary from their own number to serve until the organization 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 and employees as may be determined to be necessary.

REGULAR AND SPECIAL MEETINGS

Section 10. The Town Council of The Town of Georgetown shall hold at least one (1) meeting in each month, the time and days of the meeting to be determined by Resolution of the Town Council. If the day selected by the Town Council shall be a legal holiday, the monthly meeting of the Town Council of The Town of Georgetown shall be held on the next succeeding regular business day. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Georgetown, or upon the written request of any two (2) members of the Town Council of The Town of Georgetown, 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 Georgetown 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 Georgetown 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 unnecesary 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 11. 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 12. 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 13. If any vacancy shall occur in the office of Mayor or in the office of Councilman by death, resignation, loss of residence in the Ward which the Councilman represnts, loss of residence in The Town of Georgetown, 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 14. If the Mayor or any Councilman, during his term of office, shall be found guilty of any felony, or if any Councilman shall for any reason cease to be a resident of the Ward which he represents, r if the Mayor or any Councilman shall for any reason cease to be a resident of the Town, he shall forthwith be disqualified to act as Mayor or as a member of Council and his office shall be deemed vacant and shall be filled by the Town Council, as aforesaid.

CONTRACTS

Section 15. (a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars ($500) for materials, supplies, services, work or labor, for the benefit and

use of The Town of Georgetown with the Mayor or any member of the Town Council or with any partnership in which the Mayor or any member of the Town Council is a General Partner, or with any corporation in which the Mayor or any member of the Town Council is a director or controlling stockholder, or with any firm or company in which the Mayor or any member of the Town Council is pecuniarily interested, provided that if all the remaining 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 Ten Thousand Dollars ($10,000);

(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;

(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 materials to be purchased are to be used to complete a project under the supervision of the Town Manager;

(8) 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;

(9) A public emergency as determined by the Town Council exists.

(10) The purchase or contract is for property for which the distance involved or other factors in order to have maintenance performed, as determined by the Town Council, is unreasonable.

DUTIES OF THE MAYOR AND PRESIDENT OF COUNCIL

Section 16. (a) The Mayor shall be 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. For all purposes of voting required by this Act, the Mayor shall be a member of the Town Council. We 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 Mayor 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 Mayor, within thirty (30) days following his election, may appoint, by and with the advice and consent of a majority of the elected members of the Town Council, two (2) suitable persons who shall be qualified voters of The Town of Georgetown 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 Mayor 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 Mayor by certified mail with return receipt requested within ten (10) days following the date that notice or removal is received by such person.

(d) The Mayor may appoint such other committees as he deems necessary for the proper administration of the Town of Georgetown or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(e) It shall be the duty of the Vice-Mayor of the Town Council, in the absence of or inability of the Mayor to act, to preside at all meetings of the Town Council in the event of absence of the Mayor and perform such other duties and to have such other powers of the Mayor as are prescribed by the Charter of The Town of Georgetown or by any ordinance of the Town Council.

SECRETARY

Section 17. (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. He shall keep a full and complete record of all the transactions in The Town of Georgetown. He shall be a voting member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinances or rule of the Town Council of the he Town of Georgetown. We shall file and keep in a safe place the seal of The Town of Georgetown and all papers and documents arising out of the proceedings of the Town Council of The Town of Georgetown relative to the affairs of the Town. He shall deliver the same to his successor in office. We shall attest the seal of The Town of Georgetown when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by ordinance.

(b) All books, records and journals of The Town of Georgetown in the custody of the Secretary may, in the presence of the Mayor, Vice-Mayor, Secretary, Assistant Secretary, any member of the Town Council of The Town of Georgetown or Town Manager, 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 Georgetown.

(d) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

ASSISTANT SECRETARY

Section 18. 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 Georgetown and shall receive such compensation as the Town Council by Resolution shall determine.

ALDERMAN AND ASSISTANT ALDERMAN

Section 19. (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 Georgetown and shall not be a member of the Town Council of The Town of Georgetown. 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 Georgetown. 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 Georgetown.

(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 Georgetown and ordinances duly enacted by the Town Council of The Town of Georgetown and to carry into effect all orders of the Town Council of The Town of Georgetown made pursuant to any law of this State. The Assistant Alderman shall perform the functions f the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods the Assistant Alderman shall have all the powers and duties of the Alderman.

(c) The 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 Georgetown 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 Georgetown and any ordinance enacted thereunder; of all neglects, omissions or defaults 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 Georgetown. 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 Georgetown; 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 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 and 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 Town Manager, within two (2) days after his removal from office, all the books and papers belonging to his office, and to pay over to the Town Manager 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 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 the 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 of the moneys to the Town Manager 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) nor more than One Hundred Dollars ($100) for each day that he fails to deliver the books and papers to the Town Manager or to pay over all moneys to the Town Manager.

TOWN MANAGER

Section 20. (a) The Mayor of The Town of Georgetown, with the concurrence of a majority of all he elected members of the Town Council, may appoint a Town Manager who shall be the Chief Administrative Officer of the Town at such compensation as shall be determined by the Town Council.

(b) The Town Council of The Town of Georgetown shall impose such qualifications for Town Manager as may be deemed necessary; provided however, that no person holding the office of Mayor or Town Councilman shall be chosen to be Town Manager during his term of office as Mayor or Councilman.

(c) The Town Manager shall hold office for an indefinite term and may be removed by a majority vote of the Town Council of The Town of Georgetown. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reasons for his removal. The Manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Town Manager from duty with or without pay but shall in any case cause to be paid him forthwith any unpaid balance of his salary.

(d) In case of the absence or disability of the Town Manager, the Town Council may designate some qualified person to perform the duties of such office during his absence or disability. The compensation which the Town Manager shall receive for the performance of his duties shall be fixed by the Town Council of The Town of Georgetown.

(e) The Town Manager shall be responsible to the Town Council of The town of Georgetown for the proper administration of the affairs of the Town placed in his charge and to that end, he shall have the power to make such appointments and to hire such employees at such compensations as are authorized by the Town Council, subject to such rules and regulations as may be adopted by the Town Council. All employees shall be hired for an indefinite term and may be suspended with or without pay by the Town Manager at any time unless otherwise provided by resolution of Council and shall report all such suspensions to the Town Council at the next meeting of such Town Council whenever such meeting be a regular meeting or a special meeting. The Town Council of The Town of Georgetown shall sit as a Board of Appeal for the protection of Town employees at those times when the majority of all the Town Council are agreed that a review of the action of the Town Manager would be in the best interest of The Town of Georgetown. The decision of the Town Council in such case shall be final and conclusive.

(f) It is the intention of this Charter that, in the performance of his duties, and in the exercise of his powers, the Town Manager shall not be influenced by any matters whatsoever of a political or fractional nature. It is the intention of this Charter that the Town Manager shall be guided solely by matters of expediency and efficiency in the administration of the affairs of the Town placed in his charge. Except for purposes of inquiry, the Town Council shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.

(g) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town under his charge and to make such reports to the Town Council as are required by the Town Council. He shall make such recommendations to the Town Council concerning the affairs of the Town

as may seem to him desirable. He shall keep the Town Council advised of the financial condition and future needs of the Town. He shall prepare and submit to the Town Council the annual budget estimate. He shall render to the Town Council at the regular monthly meeting of each and every month a true, accurate and detailed account of all the moneys collected or received by him in the performance of his duties and shall promptly turn the same over to the Town Council.

(h) In conjunction with the Mayor of The Town of Georgetown, he shall sign warrants pursuant to appropriations or resolutions theretofore made for the Town Council. He shall prepare and submit to the Town Council such reports as may be required by the Town Council. He shall perform such other duties as may be prescribed by this Charter or required of him by Ordinance or Resolution of the Town Council.

(i) The Town Manager and such other officers of the Town as may be designated by vote of the Town Council shall be entitled to a seat in the meetings of the Town Council, but shall not vote therein.

(j) The Town Manager shall have charge and supervision of the streets, gutters, curbs, sidewalks, parks, and other administrative affairs of the Town and all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the Town. He shall have charge of the administration of all provisions of this Charter and ordinances and Resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any ordinance or Resolution of the Town Council. He shall by virtue of his office be the Town Treasurer.

(k) He shall keep a full and strict account of all moneys received and all disbursements made by him and such accounts shall, at all times, be open to inspection to the Town Council.

(l) He shall give to the Town of Georgetown a bond, if required by the Town Council, in such sum and in form with security satisfactory to the Town Council for the faithful performance of the duties of his office and the restoration to The Town of Georgetown, in case of his death, resignation, or removal from office all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the Town.

(m) In the event of a vacancy in the office of the Town Manager for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.

(n) Upon the death, resignation, or removal from office of the Town Manager, the Town Council shall appoint some suitable person, who may be an elected or appointed official of The Town of corgetown, to perform the duties of Town Manager; provided, however, such person shall not serve for a period exceeding ninety (90) days from the date of his appointment.

TOWN SOLICITOR

Section 21. The Mayor of The Town of Georgetown, 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 Georgetown 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 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 Georgetown with the advice and consent of a majority of the elected members of the Town Council at the annual meeting hereinbefore 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 Georgetown. 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 Georgetown.

(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.

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 force 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 shall be appointed by the Mayor at the nnual Meeting for a term of one (1) year or until his successor shall be appointed, by and with the advice and consent of a majority of all the elected members of the Town Council at such compensation as shall be determined by the Town Council. The Chief of Police and the members of the police force shall be subject to the direction of the Town Manager acting for the Town Council. All members of the police force shall be paid such compensation as shall be determined by the Town Council.

(b) Each member of the police force shall have police powers and shall be conservators of the peace throughout The Town of Georgetown, 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 Georgetown. 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 Georgetown.

(c) Every person sentenced to imprisonment by the Alderman or the Assistance 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 Sussex 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 Georgetown 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 Sussex 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 delivered to the correctional institution located in Sussex 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 to The Town of Georgetown. 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 Assistance Alderman of The Town of Georgetown, the records of all fines, penalties, costs imposed or collected by him pursuant to any judgment, order or decree made. The auditor shall, on or before the expiration of ninety (90) days from the end of the fiscal year, annually make and deliver a detailed report of any and all accounts, records, nd books by them examined and audited which report under his hand and seal shall be printed in s 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.

TAX ASSESSOR

Section 25. (a) The Mayor shall appoint a Tax Assessor with the advice and consent of a majority of all the elected members of the Town Council for an indefinite term.

(b) The tax Assessor shall be sworn or affirmed by the Mayor of The Town of Georgetown or by a Notary Public to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment of property and persons subject to taxation 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 Georgetown. Compensation to be by him received for the performance of his duties and the hiring of employees to assist him in the performance of his duties shall be fixed by and subject to the approval of the Town Council of The Town of Georgetown.

(c) In making such assessment, the rules and exemptions now applicable by law to the making of the assessment for Sussex County of persons and property shall be applicable insofar as consistent with the provisions of this Charter. The Tax Assessor may adopt the assessment of Sussex County for any or all property located within the corporate limits of The Town of Georgetown.

ASSESSMENT OF TAXES

Section 26. The Tax Assessor shall, within ninety (90) days prior to the beginning of the next fiscal year, make a just, true and impartial annual valuation within The Town of Georgetown. 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 Sussex County. The Tax Assessor 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 Tax Assessor. 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 whosoever.

(a) The Tax assessor, 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 Georgetown a list containing the ames of all persons assessed and the amount of assessment against each. He 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 Tax Assessor shall make its valuation accordingly.

(c) The real property of the Tax Assessor shall be assessed by the Town Council of The Town of Georgetown.

(d) Immediately upon receiving the annual assessment list from the Tax Assessor, the Town Council of The town of Georgetown 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 Georgetown and there it shall remain for a period of at least ten (10) days for the information of an examination by all concerned. Appended thereto and also five (5) or more 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 Councilman.

(e) The Tax Assessor 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 Tax Assessor by appropriate process.

LEVY OF ANNUAL TAXES

Section 27. (a) At the first regular meeting in the last month of 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 obligations 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 anticipated 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 license fees to be charged for carrying on or conducting of the several businesses, professions or occupations more particularly mentioned or intended so to be in Section 30 of this Charter, as amended; and/or

(5) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment; and/or

(6) The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to realize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources (4), (5) and (6) 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 Georgetown. 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) of assessed valuation thereof.

(d) The Town Council shall cause to be delivered to the Town Manager a duplicate of said Annual Tax List and the Town Manager shall immediately proceed to collect the 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 Georgetown under the existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Georgetown created hereby.

COLLECTION OF ANNUAL TAXES

Section 28. (a) The Town Manager, 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 Georgetown 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 Georgetown. Such lien hall have preference and priority to all other liens on such 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 Town Manager, shall be paid to The Town of Georgetown, and all taxes shall be due and payable at and from the time of the delivery of the Annual Tax List to the Town Manager.

(d) All taxes shall be payable at the Town Office of The Town of Georgetown during the regular business hours of that office.

(e) On all taxes paid after May 31 next succeeding the delivery of the duplicate Annual Tax List to the Town Manager there shall be added a penalty of Five Percent (5%) for each month or fraction thereof such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax. The Town Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid after May 31 of each year 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 penalty imposed thereon.

(f) At the annual meeting of the Town Council of each year, the Town Manager shall account to the Town Council for all taxes and sewer rentals collected by him during the year and shall be liable on his bond for failure to account for any uncollected taxes or sewer rentals unless he can show to the satisfaction of the Town Council that all remedies permitted for the collection of said taxes were pursued without result or, if not pursued the remedies would have been without avail.

(g) The Town Manager, when any tax has become delinquent, may, in the name of The Town of Georgetown, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex 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 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 Manager so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure at the direction of the Town Council:

(1) The Town Manager shall present in the name of The Town of Georgetown to the Superior Court of the State of Delaware, in and for Sussex County, a petition in which shall be stated:

(A) The name of the taxable;

(B) The year for which the tax was levied;

(C) The rate of tax;

(D) The total amount due;

(E) The date from which 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 known 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 Manager 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 Manager 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 Manager 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 Manager 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 Sussex County, and shall endorse upon the said record of said petition the following: "This petition, filed the _____ day of _____, A.D. _____, and the Town Manager of The Town of Georgetown 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 five (5) public places in The Town of Georgetown, one of said public places shall be the Town Office 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, hours, 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 Sussex 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 Manager making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; 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 representatives 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 Georgetown, 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, Five Dollars ($5.00);

(B) For filing and recording the return of sale, Five Dollars ($5.00);

(C) To the Town Manager for preparing the Certificate, Twenty-five Cents ($.25), for making the sale of lands, Two Dollars ($2), for preparing and filing a return, One Dollar and Fifty Cents ($1.50), for posting sale bills, One Dollar ($1). 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 sale.

(10) If any person is assessed for several parcels of land and tenements in the same assessment in The Town of Georgetown, the total of said taxes may be collected from the sale of any part or 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 Manager of The Town of Georgetown 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 Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Town Manager to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and there upon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(12) The Town Manager shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

TOWN BUDGET

Section 29. (a) The fiscal year for The Town of Georgetown 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 Manager 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 containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year, adopt the budget.

(c) The budget shall contain the following information:

(1) An estimate showing the expenses for conducting the affairs 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 ensuring 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.

ENUMERATION OF POWERS

Section 30. (1) Not by way of limitation upon the power vested in the Town Council of The Town of Georgetown to exercise all powers delegated by this Charter to the municipal corporation or to the Town ouncil 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 in habitants and affairs, that is to say:

(1) To prevent vice, drunkeness 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, macademize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, water course, ark, lake, crosswalk, sewer, drain, acqueduct, 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 agreement 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 establishments, 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 nor projection in, over, upon or under any street, highway, alley, lane, water course, park, lake, sidewalk, crosswalk, sewer, drain, acqueduct or pipeline of the Town.

(11) To define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare.

(12) To provide an ample supply of pure water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in 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 Georgetown 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 waste system or the equipment of the Town, to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute 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 therefor 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, lakes, 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 or systems, to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the 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 embankments, or fills for the preservation of any highland 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 person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and for such consideration as the Town Council shall deem in the best interests of the municipality, to use the present and future streets, highways, lanes, alleys, water courses, parks, lakes, sidewalks, crosswalks,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 corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of vending any article or merchandise or service 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 whomsoever.

(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, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.

(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 secure 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 and 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 violations of law or ordinance, or for detention of persons accused of violations 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 Sussex 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 gums, 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) 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 or amounts not to exceed in the total during any fiscal year three percentum (3%) of the total taxes levied on real estate 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 an 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 this source shall not exceed in any one year the sum of Five Hundred Thousand Dollars ($500,000); 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 Georgetown 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 therein attached; expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies 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 any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

(34) 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.

(35) To provide for the collection of and disbursement 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.

(36) 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 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, 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.

(37) To acquire, and/or to vacate the use of lands, tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to The Town of Georgetown 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.

(38) To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

(39) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due the Town by the performance of labor or service for the Town by any person owing the same.

(40) To inquire into and investigate the conduct of any 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.

(41) 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, any 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 this State and approved by a majority of the elected members of the Town Council.

(42) To borrow money in anticipation of revenues on the full faith and credit of The Town of Georgetown 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 Georgetown, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of The Town of Georgetown, duly authorized by Resolution adopted by the Town Council of The Town of Georgetown, and signed by the Mayor of The Town of Georgetown 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 the 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 rapid 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, within interest thereon; and provided that such and valorem taxes shall be levied as is 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 subdivison thereof.

(43) 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 welfare of the Town and its inhabitants; provided, however, that any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within

one (1) 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, laid out, changed, altered, widened, vacated or closed shall by written petition with each signature duly acknowledged request the Town Council to lay out, locate, or open a new street or to widen or alter any existing street or any part thereof or to vacate or abandon a street or any part thereof, the Mayor of The Town of Georgetown 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 laid 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 Georgetown, 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 Georgetown, the Resolution proposing the change in the street structure to the property owners and citizens of The Town of Georgetown shall be passed by a majority of three-fourths (3/4this) 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 Georgetown, or, in the discretion of the Town Council, the Resolution shall be posted in five (5) public places in the Town for at least one (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 said 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 reach 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; that 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 by serving written notice by certified mail with return receipt requested and postage prepared, 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 Sussex County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall, within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of the State of Delaware, in and for Sussex County, for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a commission directed to five (5) freeholders of said county, three (3) of whom shall be residents of the Town of Georgetown, and two (2) of whom shall

be non-residents of said Town, requiring them to asses 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 names 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 so 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 any bank or trust company, with offices in Georgetown, Sussex 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 belong 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 of any part of a day the sum of Five Dollars ($5). After the damage shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or, upon the payment of the costs only, may abandon the proposed improvements. 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 at 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 Manager shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing expenses of such paving, graveling and curbing, or any of them. If such owner or owners be not resident in The Town of Georgetown, 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 Manager 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 of no owners shall reside in said Town, notice served 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, front foot assessments, 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 Manager 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 Georgetown 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 furnishing 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 are 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 said 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 factor 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 Georgetown within thirty (30) days prior to the said Special Election or distributed in circular form at least fifteen (15) days prior to the Special Election, or both, at the discretion of the Town Council.

(5) At the said Special Election, every citizen of The Town of Georgetown shall have one vote and, in addition, every partnership or corporation owning property within the corporate limits of The Town of Georgetown 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 May of The Town of Georgetown, 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 twelve o'clock noon, prevailing time, until five o'clock in the evening, prevailing time, on the date set for the Special Election.

(7) The Board of Special Election 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 certificate 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 bond,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 may be sold at either public or private sale. If it is determined to sell the bonds at public sale, they 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.

(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 Georgetown shall be deemed to be pledged for the due payment of the bonds and interest thereon issued pursuant to the provisions hereof when the same had been properly executed and delivered for value.

(b) The bonded indebtedness shall not at any time succeed in the aggregate the total sum of twenty five percent (25%) of the assessed value of real property situate within the limits of The Town of Georgetown shown by the last assessment proceeding 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

Georgetown for damages, either compensatory or punitive on account of any physical injury to property by reason of the negligence, simple, gross, or wilful or wanton of the said Town of Georgetown, 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 Georgetown 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 Georgetown 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 Georgetown. 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, current 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 the purpose so that the same may be readily examined. It shall furnish the Mayor of The Town of Georgetown copies thereof as they are enacted as therefrom any cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

REVIVAL OF POWERS AND VALIDATING SECTION

Section 37. (a) All powers conferred upon or vested in the Town Council of The Town of Georgetown 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 Georgetown and/or the Town Council of The Town of Georgetown precisely as if each of said powers was expressly set forth in this Charter.

(b) All ordinances adopted by the Town Council of Georgetown 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 Georgetown under the provisions of this Charter.

(c) All of the acts and doings of the Town Council of Georgetown or of any official of the Town Council of Georgetown which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Town Council of Georgetown or under any provision of any prior Charter of the Town Council of The Town of Georgetown, 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 Georgetown shall be due The Town of Georgetown and all debts due from the Town Council of Georgetown shall remain unimpaired until paid by The Town of Georgetown.

(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 Georgetown.

(f) The bonds given by or on account of any official of the Town Council of Georgetown 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 beheld to 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 4, 1986.

CHAPTER 277

FORMERLY

HOUSE BILL NO. 428
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR VETERANS FORMERLY MISSING-IN- ACTION.

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 21, Title 21 of the Delaware Code by adding thereto a new section "2139" to read as follows:

"§2139. Special License Plates for Veterans Formerly Missing-In-Action

(a)(1) The owner of any vehicle described in paragraph (2) of this subsection may apply to the Department for the assignment to that vehicle of a special missing- in--action registration number.

(2) This section applies only to:

a. A private passenger vehicle; or

b. A truck with a three-fourth ton or less manufacturer's rated capacity.

(b) Special registration may be issued under this section only if:

(1) The applicant states that he is a veteran formerly missing- in-action in any war, the Korean conflict or the Viet Nam conflict; and

(2) The United States Department of Defense certifies that the applicant was a veteran formerly missing-in-action in any war, the Korean conflict or the Viet Nam conflict.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided, however, that an original application under this section shall be subject to a $10 administrative fee.

(d) Only 1 such plate shall be issued to an applicant.

(e) The Department shall reserve sufficient special license plates including the letters MIA and numbered consecutively beginning with the numeral 1 as are necessary to immplement this section."

Approved June 4, 1986.

CHAPTER 278

FORMERLY

HOUSE BILL NO. 430

AN ACT TO AMEND CHAPTER 8, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL REGULATION OF FIREARMS.

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

Section 1. Amend Chapter 8, Title 22 of the Delaware Code by adding thereto a new Section 838 to read as follows:

"§838. Limitation on Firearm Regulation

The municipal governments shall enact no law, ordinance, or regulation prohibiting, restricting, or licensing the ownership, transfer, possession, or transportation of firearms or components of firearms, or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11 of the Delaware Code. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985 and any ordinance enacted after July 4, 1985 is hereby repealed."

Approved June 4, 1986.

CHAPTER 279

FORMERLY

HOUSE BILL NO. 575
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE PLANNING BOARD OF NEW CASTLE COUNTY.

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

Section 1. Amend §1342, Subchapter III, Chapter 13, Title 9 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§1342. Planning Board

(a) The Planning Board shall consist of seven members who shall serve without compensation. The County Executive, with the advice and consent of the County Council, shall appoint six members who shall serve for terms of three years, provided that the terms of two members shall expire each year, one term to expire on January 31, and one term to expire on July 31.

(b) The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive.

(c) No person shall serve as a member of the Board for more than six consecutive years, provided that no individual who has previously been appointed to a term of less than three years shall be precluded from thereafter being appointed to serve for up to six more consecutive years.

(d) No person who has served on the Board for six or more consecutive years shall be appointed to an additional term until the expiration of three years from the date on which he ceased to serve as a member of the Board."

Section 2. This Act shall become effective upon its enactment into law, provided, however, that any member presently serving an unexpired term on the New Castle County Planning Board shall continue to serve until said term expires. In order that the terms of members appointed to the New Castle County ounty Planning Board hereafter may be staggered in accordance with the terms of Section 1 above, such members shall be appointed to fill terms which shall expire on the following dates:

1) January 31, 1987;

2) July 31, 1987;

3) January 31, 1988;

4) July 31, 1988;

5) January 31, 1989; and

6) July 31, 1989.

Approved June 10, 1986.

CHAPTER 280

FORMERLY

SENATE BILL NO. 510

AN ACT TO AMEND CHAPTER 74, TITLE 29 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE ISSUING OFFICERS TO ISSUE REFUNDING BONDS TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS OF THE STATE OF DELAWARE.

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

Section 1. Amend Chapter 74, Title 29 of the Delaware Code by adding to Section 7402 a new subsection (c) to read as follows:

"(c) Any other law to the contrary notwithstanding, the General Assembly hereby authorizes the issuance, from time to time, of general obligation bonds to refund, prior to their stated maturity, all or any portion of the outstanding general obligation bonds issued by the State and costs incidental thereto; provided however, that the present value of the aggregate principal and interest payments of the refunding bonds must be less than the present value of the aggregate principal and interest payments on the bonds to be refunded.

(1) The present value of the aggregate principal and interest payments of the refunding bonds and of the bonds to be refunded shall be discounted at the effective interest rate on the refunding bonds, calculated based on the internal rate of return.

(2) Refunding bonds may be issued in a principal amount which exceeds the principal amount of the bonds to be refunded, so long as the present value of the aggregate principal and interest payments of the refunding bonds are less than the present value of the aggregate principal and interest payments on the bonds to be refunded.

(3) The provisions of Section 7423 of this Chapter shall not apply to refunding bonds issued in accordance with, and under the limitation of, this subsection.

(4) The issuing officers, by resolution adopted by unanimous vote and without further authorization of the General Assembly, may resolve to issue refunding bonds authorized by this subsection at any time prior to the final maturity of the bonds to be refunded. Subject to the limitations imposed by this susbsection, but any other law to the contrary notwithstanding, refunding bonds may be sold at public or private sale, above or below par, with principal installments payable at such times and in such amounts and on such other terms and conditions as the issuing officers determine. Without limiting the foregoing, refunding bonds are not required to pay current interest for all or any portion of the issue, and thus may be "zero coupon" or "capital appreciation" bonds.

(5) No refunding bonds may be issued unless all or a portion of the proceeds of the refunding bonds are deposited irrevocably in an account pledged to pay, and are sufficient together with any other available assets in such account to meet, the payment when due of the principal, premium (if any), and interest on the bonds to be refunded. The proceeds of the refunding bonds pledged to pay the bonds to be refunded may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States Government."

Approved June 10, 1986.

CHAPTER 281

FORMERLY

HOUSE BILL NO. 32
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 42, SECTION 4209, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE METHOD OF PUNISHMENT FOR FIRST DEGREE MURDER.

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

Section 1. Amend Chapter 42, Section 4209, Title 11 of the Delaware Code *by striking* subsection (f) of said section in its entirety and substituting in lieu thereof a new subsection (f) to read as follows:

"(f) Method and imposition of sentence of death. The imposition of a sentence of death *shall* be upon such terms and conditions as the trial court may impose in its sentence, including the place, the number of witnesses and conditions of privacy. Punishment of death shall, in all cases, be inflicted by intravenous injection of a substance or substances in a lethal *quantity sufficient* to cause death and until such person sentenced to death is dead, and such execution procedure *shall* be *determined and supervised* by the Commissioner of the Department of Corrections. The administration of the *required* lethal *substance* or substances required by this Section shall not be construed to be the practice of medicine and any pharmacist or *pharmaceutical supplier* is *authorized* to dispense drugs to the Commissioner or his designee, without prescription, for carrying *out the provisions of this* Section, notwithstanding any other provision of law. Such sentence may not be carried out until final review thereof is had by the Delaware Supreme Court as provided for in subsection (g) of this section. The Court or the Governor may suspend the execution of the sentence *until* a later date to be specified, solely to permit completion of the process of judicial review of the conviction.

If the execution of the sentence of death as provided above is held unconstitutional by a court of competent *jurisdiction*, then punishment of death shall, in all cases, be inflicted by hanging by the neck. The imposition of a sentence of death shall be upon *such terms* and conditions as the trial court may impose in its sentence, including the place, the number of witnesses *and conditions* of *privacy*. Such sentence may not be carried out until final review thereof is had by the Delaware Supreme Court *as provided in* subsection (g) of this section. The Court or the Governor *may suspend* the execution of the sentence until a later date to be specified, solely to permit completion of the process of judicial review of the conviction."

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 any other provision or application of this act which can be given effect without the invalid provision or application, and to that and the provisions of this act are declared to be severable.

Section 3. This Act shall become effective only for acts committed after its enactment except that any person sentenced to death for acts committed prior to the enactment of this act shall be permitted to elect lethal injection, as provided herein, as the method of death. The Commissioner of the Department of Correction by regulation shall determine the procedures for such election.

Approved June 13, 1986.

CHAPTER 282

FORMERLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 56
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 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 39, Section 3904, Title 24 of the Delaware Code by striking the words "the Board of Social Work Examiners shall consists of 5 members appointed by the Governor: Three professional members who shall be licensed social workers; and 2 public members," appearing in subsection (a) of Section 3904 and substituting in lieu thereof the words "the Board of Social Work Examiners shall consist of 7 members appointed by the Governor: Four professional members who shall be Licensed Clinical Social Workers; and 3 public members."

Section 2. Amend Chapter 39, Section 3905, Title 24 of the Delaware Code by striking the words, "a President, a Secretary and Treasurer", appearing in Subsection (a) of Section 3905 and substituting in lieu thereof the words, "a President, a Vice-President and Secretary".

Section 3. Amend Chapter 39, Section 3905, Title 24 of the Delaware Code by striking the words "at least 3 members" appearing in subsection (c) of Section 3905 and substituting in lieu thereof the words "at least 4 members".

Section 4. Amend Chapter 39, Section 3907, Title 24 of the Delaware Code by adding the following to subsection (a)1:

", and shall submit proof satisfactory to the Board that subsequent to the receipt of a Master's Degree from an accredited School of Social Work, has acquired two years of clinical social work experience acceptable to the Board. The clinical social work experience shall consist of not less than 3,200 hours, at least 1,600 hours of which have been under professional supervision acceptable to the Board. Acceptable supervision shall mean supervision by a licensed clinical social worker. When such supervision is not available the applicant may be supervised by a master's degree level social worker, a licensed psychologist or a licensed psychiatrist."

Section 5. Amend §3908(b), Title 24, Delaware Code by striking said subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) In the event the applicant has already taken and passed the national examination designed by the American Association of Social Work Boards or its successor the certificate or other evidence of successful completion shall be accepted, and no further state examination shall be necessary."

Section 6. Amend Chapter 39, §3912, Title 24 of the Delaware Code by striking that section in its entirety and substituting therefore the following:

"§3912. Continuing Education

The Board may in accordance with the conditions and limitations set forth in this Chapter, require licensees to maintain continuing education standards. The Board shall establish the minimal continuing education standards required for relicensure. Continuing education may consist of but not be limited to, additional professional development in the field of clinical social work, including attendance at workshops, seminars, lectures, use of accredited tape recorded offerings and preparation of a first time clinical course. Up to 10 hours credit may be granted for course preparation and presentation."

Section 7. Amend Chapter 39, §3908(a), Title 24 of the Delaware Code by striking said subsection (a) in its etirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Board shall, in the same month of each year, or at such times as are determined by the American Associatin of Social Work Boards or its successor, administer a national examination prepared by the American Association of Social Work Boards or its successor, or such portions of the national examination as the Board deems necessary. Such national written examination shall be obtained from, and corrected by, the American Associatin of Social Work Boards or its successor. 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 or she previously failed. 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."

Approved June 18, 1986.

CHAPTER 283

FORMERLY

SENATE BILL NO. 251
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC BEVERAGES.

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 §101, Chapter 1, Title 4, Delaware Code by adding a new subsection to read as follows:

"(39) 'Wine tasting' means the consumption of wine for the purpose of sampling for prospective purchase only. The quantity of any individual wine sampled is not to exceed one ounce."

Section 2. Amend Chapter 5, Title 4, Delaware Code by adding a new subsection designated as §526 to read as follows:

"§526. Wine Tasting

A license to permit wine tasting may be granted by the Commission to any person holding a license under this Title as a retailer. Wine tasting may only take place in a separate portion of a licensee's premises where alcoholic beverages are not sold and shall be an area designated for such purpose by the Commission. No charge may be made for the wine tasting."

Section 3. Amend §554, Chapter 5, Title 4, Delaware Code by adding a new subsectin (ee) to read as follows:

"(ee) For a license to permit wine tasting the license fee shall be $50."

Approved June 18, 1986.

CHAPTER 284

FORMERLY

SENATE BILL NO. 368

AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," TO PERMIT EXEMPTION OF CERTAIN PROPERTY FROM TAXATION OF PROPERTY.

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

Section 1. Section 30(a), Chapter 288, Volume 64, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new subsection to be designated as Subsection (44) to read as follows:

"(44) To exempt by a two-thirds (2/3) vote of all the elected members of the Town Council from all or a part of any municipal ad valorem taxes for a period of not more than five (5) years, persons or corporations who shall desire to establish and expand, or any of them, any business, commercial or industrial enterprise located or to be located within the corporate limits of the Town and shall expend for such establishment and expansion, or any of them of such business, commercial or industrial enterprise an amount not less than One Hundred Thousand Dollars ($100,000.00)."

Section 2. Section 30(a), Chapter 288, Volume 64, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new Subsection to be designated as Subsection (45) to read as follows:

"(45) To exempt by a two-thirds (2/3) vote of all the elected members of the Town Council from all or a part of any municipal ad valorem taxes for a period of not more than ten (10) years, persons or corporations who shall desire to establish and expand, or any of them, any business, commercial or industrial enterprise located or to be located within the corporate limits of the Town and shall expend for such establishment and expansion, or any of them, of such business, commercial or industrial enterprise an amount not less than Five Hundred Thousand Dollars ($500,000.00)."

Section 3. Except as otherwise specifically provided in this Act, the effective date of this Act shall be July 1, 1985.

Approved June 18, 1986.

CHAPTER 285

FORMERLY

SENATE BILL NO. 406

AN ACT TO AMEND AN ACT BEING CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" TO GRANT AUTHORITY TO THE TOWN TO BORROW FOR CURRENT EXPENSES.

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 30, Chapter 237, Volume 51, Laws of Delaware, as amended, by striking the figures "$25,000.00" as the same appears in the second sentence of said Section and substituting in lieu thereof the figures "$500,000.00".

Approved June 18, 1986.

CHAPTER 286

FORMERLY

SENATE BILL NO. 413

AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RELEASE OF TOXIC VAPORS AND FUMES.

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

Section 1. Amend Section 627, Chapter 5, Title 11 of the Delaware Code by striking the word "toxic" wherever it appears therein.

Approved June 18, 1986.

CHAPTER 287

FORMERLY

SENATE BILL NO. 414
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE RELATING TO THE DEFINITION OF CERTAIN ILLEGAL DRUGS.

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

Section 1. Amend Section 4701, Subsection (18), Chapter 47, Title 16 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof a new subsection (18) to read as follows:

"(18) 'Narcotic Drug' means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis.

a. Opium opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation. Such term does not include isoguinoline alkaloids of opium.

b. Poppy straw and concentrate of poppy straw.

c. Coca leaves, except coca leaves and extracts of coca leave from which cocaine, ecgonine and derivatives of ecgonine of their salts have been removed.

d. Cocaine, its salts, optical and geometric isomers, and salts of isomers.

e. Ecgonine, its derivatives, their salts, and salts of isomers.

f. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph (a) through (e)."

Section 2. Amend §4701, Chapter 47, Title 16 of the Delaware Code by redesignating Subsections (8) through (14) as Subsections (9) through (15) and creating a new subsection (8) to read as follows:

"(8) 'Designer Drug' means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance or that was specifically designated to produce an effect substantially similar to that of a controlled substance. Example of chemical classes in which 'Designer Drugs' are found include, but are not limited to the following: Phenethylamines, N Substituted Piperdines, Morphinans, Ecgonines, Quinazolinones, Substituted Indoles, and Arylcycloalkylamines."

Section 3. Amend §4701, Chapter 47, Title 16 of the Delaware Code by redesignating previously existing Subsections (15) through (28) as Subsections (17) through (30) and creating a new Subsection (16) to read as follows:

"(16) 'Isomer' means the optical isomer, except as used in §4714(d) Schedule I of this Title and §4716(b)(4), Schedule II of this Title. As used in §4714(d) Schedule I of this Title, the term 'isomer' means the optical positional or geometric isomer. As used in §4716(b)(4), Schedule II of this Title, the term 'isomer' means the optical or geometric isomer."

Approved June 18, 1986.

CHAPTER 288

FORMERLY

SENATE BILL NO. 441

AN ACT TO AMEND CHAPTER 320, VOLUME 63, LAWS OF DELAWARE, ENTITLED "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", TO REMOVE CERTAIN LIMITATIONS WHICH NOW PREVENT ARTISANS' SAVINGS BANK FROM MAKING 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 Chapter 320, Volume 63, Laws of Delaware, by striking Section 1 thereof in its entirety, and substituting in lieu thereof the following:

'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:

(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.'

Section 2. This Act shall become effective upon its enactment into law."

Approved June 18, 1986.

CHAPTER 289

FORMERLY

SENATE BILL NO. 533

AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE DELAWARE 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 subsection (b)(6) of Section 102, Title 8, Delaware Code, by deleting the period at the end of the subsection and substituting therefor a semicolon.

Section 2. Amend subsection (b) of Section 102, Title 8, Delaware Code, by adding a new subsection (7) to read as follows:

"(7) A provision eliminating or limiting the personal liability of a director to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, provided that such provision shall not eliminate or limit the liability of a director (i) for any breach of the director's duty of loyalty to the corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under section 174 of this Title, or (iv) for any transaction from which the director derived an improper personal benefit. No such provision shall eliminate or limit the liability of a director for any act or omission occurring prior to the date when such provision becomes effective. All references in this subsection to a director shall also be deemed to refer to a member of the governing body of a corporation which is not authorized to issue capital stock."

Section 3. Amend subsection (b) of Section 145, Title 8, Delaware Code, by deleting the phrase "for negligence or misconduct in the performance of his duty."

Section 4. Amend the first sentence of subsection (c) of Section 145, Title 8, Delaware Code, by (a) deleting the phrase "as authorized by the board of directors in the specific case," (b) deleting the word "unless" after the word "amount" and substituting therefor the word "if" and (c) by adding the word "not" after the phrase "determined that he is".

Section 5. Amend subsection (f) of Section 145, Title 8, Delaware Code, by (a) adding to the first sentence thereof the words "and advancement of expenses" after the phrase "the indemnification", (b) adding to that sentence the phrase ", or granted pursuant to, the other subsections of" after the words "provided by", (c) adding to that sentence the phrase "or advancement of expenses" after the phrase "seeking indemnification", (d) deleting the comma after the word "office" and substituting therefor a period, and (e) deleting from that sentence the phrase "and shall continue as to a person who has ceased to be a director, officer, employee or agent, and shall inure to the benefit of the heirs, executors and administrators of such a person".

Section 6. Amend Section 145, Title 8, Delaware Code, by adding a new subsection (j) to read as follows:

"The indemnification and advancement of expenses provided by, or granted pursuant to, this section shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person."

Section 7. This Act shall become effective on July 1, 1986.

Approved June 18, 1986.

CHAPTER 290

FORMERLY

HOUSE BILL NO. 394
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 86, PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR A DIVISION OF LIBRARIES.

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

Section 1. Amend §8610, Chapter 86, Part VIII, Title 29 of the Delaware Code by striking the Title of said §8610 and the first thirteen words of subsection (a) and substituting in lieu thereof the following:

"§8610. Division of Libraries

(a) In addition to any other power granted or duties imposed under this Title, the Division of Libraries shall exercise general direction and control over the furnishing of library services within this State. The Director of the Division shall be the State Librarian, who shall be a graduate of a school accredited by the American Library Association. The Division of Libraries shall have the following functions and duties:".

Approved June 18, 1986.

CHAPTER 291

FORMERLY

HOUSE BILL NO. 498

AN ACT TO AMEND CHAPTER 5, TITLE 4 DELAWARE CODE RELATING TO THE INTEREST OF AN ALCOHOLIC BEVERAGE MANUFACTURER OR SUPPLIER IN AN ESTABLISHMENT WHICH SELLS ALCOHOLIC LIQUORS.

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

Section 1. Amend Chapter 5, Title 4 of the Delaware Code by adding to Section 506 thereof a new Subsection (c) to read as follows:

"(c) This Section shall not be construed to prohibit a manufacturer or supplier doing business as a corporation, or the stockholders or affiliates thereof, from having an interest in or obtaining a license for a boat pursuant to Section 554(b) of this Title."

Approved June 18, 1986.

CHAPTER 292

FORMERLY

HOUSE BILL NO. 525

AN ACT TO AMEND CHAPTER 51, VOLUME 65 OF THE LAWS OF DELAWARE, RELATING TO THE *SUPERIOR COURT*.

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

Section 1. Amend Section 3, Chapter 51, Volume 65 of the Laws of Delaware by striking the words "within one year of the effective date" and substituting in lieu thereof the following:

"on or before January 31, 1987".

Approved June 18, 1986.

CHAPTER 293

FORMERLY

HOUSE BILL NO. 42
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE ELECTION, TERM, QUALIFICATIONS AND DUTIES OF THE LIEUTENANT GOVERNOR.

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 III of the Constitution of the State of Delaware by striking the first paragraph thereof and substituting therefor the following new paragraph:

" A Licutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor. The Lieutenant Governor shall possess the same qualifications of eligibility for office as the Governor and shall be a member of the same political party as the Governor. The Lieutenant Governor shall be elected jointly with the Governor on the same ballot in such manner that a single vote shall be cast for both offices. The Lieutenant governor shall serve as President of the Senate, but shall have no vote unless the Senate be equally divided."

Section 2 The effective date of this Amendment shall be July 1, 1988.

Approved June 12, 1986

CHAPTER 294

FORMERLY

SENATE BILL NO. 432

AN ACT TO AMEND CHAPTER 38, TITLE 31 OF THE DELAWARE CODE RELATING TO THE FOSTER CARE REVIEW BOARD

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

Section 1. Amend §3803(b), Chapter 38, Title 31 of the Delaware Code by striking the number "26" where it appears in the first sentence of §3803(b) and insert in lieu thereof the number "56".

Section 2. Amend §3803(b)(3), Chapter 38, Title 31 of the Delaware Code by striking the number"20" wherever it appears in said section and substitute in lieu thereof the number "50".

Section 3. Amend §3807(3), Chapter 38, Title 31 of the Delaware Code by striking the number "3" wherever it appears in said Section and substitute in lieu thereof the number "5".

Section 4. Amend §3808(l), Chapter 38, Title 31 of the Delaware Code by adding a new sentence to said Section to read as follows:

"To insure a comprehensive monitoring and evaluation effort, the Executive Committee shall solicit comments from biological parents, foster parents, foster children, and placement agencies. The Department of Services for Children, Youth and Their Families shall appoint a liaison to the Foster Care Review Board to assist in monitoring and evaluation."

Section 5. Amend §3808(3), Chapter 38, Title 31 of the Delaware Code by striking the date "June 9, 1983" where it appears in the last sentence of said section and substitute in lieu thereof the following:

"the effective date of this Act."

Section 6. Amend §3809(a), Chapter 38, Title 31 of the Delaware Code by striking §3809(a) in its entirety and substitute in lieu thereof the following:

"(a) The Board is hereby authorized to conduct an administrative review for all children in foster care, no less frequently than once every six months. The frequency of the administrative review may change from time to time in order to comply with the requirements of the Adoption Assistance and Child Welfare Act of 1980, 42 U.S.C. §670, et. seq. (1980) as amended. Internal reviewers employed by the Department of Services to Children, Youth and Their Families, Division of Program Planning and Productivity, may, within the discretion of the Department, participate in the administrative reviews conducted by the Foster Care Review Board."

Section 7. Amend §3809(c), Chapter 38, Title 31 of the Delaware Code by adding a new subparagraph at §3809(c)(7) to read as follows:

"(7) To comply with all of the requirements set forth in the Adoption Assistance and Child Welfare Act of 1980, §§475(5)(B), 427(a)(2)(B), 42 U.S.C. §§675(5)(B), 627(a)(2)(B) (1980) as amended, which requires periodic review of case plans for all children in foster care."

Section 8. Amend §3820, Chapter 38, Title 31 of the Delaware Code by striking said Section in its entirety and substitute in lieu thereof the following:

"The Board shall develop and implement a case review system over a period of time so that by March 1, 1987, 100% of the children in foster care are subject to the case review system. During that time preceding March 1, 1987, when the Board is gradually increasing its case review load, internal reviewers employed by the Department of Services for Children, Youth and Their Families, Division of Program Planning and Productivity, shall continue to conduct administrative reviews for children in foster care whose jurisdiction for purposes of administrative reviews had not yet been assumed by the Board. At all times during the period of transition, the Board and the Department of Services for Children, Youth and Their Families, Division of Program Planning and Productivity, shall cooperate to ensure continuous coverage of the federally mandated review function."

Section 9. This Bill shall become effective upon its enactment into law.

Approved June 19, 1986.

CHAPTER 295

FORMERLY

SENATE BILL NO. 448

AN ACT TO REINCORPORATE THE TOWN OF BETHANY BEACH.

WHEREAS, it is deemed advisable that the Charter of the Town of Bethany Beach, set forth in Chapter 212, Volume 25, 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 concurring therein:

1. Incorporation. The inhabitants of the Town of Bethany Beach within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided, are hereby constituted and declared to be a body politic incorporated in law and equity, by the corporate name of the "Town of Bethany Beach", (hereinafter "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; and as such 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.

The Town shall have perpetual succession and shall succeed to own or possess all property, whether real, personal, or mixed, tangible or intangible, of whatever kind and nature, and all the powers, rights, privileges or immunities now or heretofore belonging to, possess, or enjoyed by the Town of Bethany Beach previously incorporated at Chapter 212, Volume 25, Laws of Delaware, as amended.

2. Territorial Limits. The present territorial limits of the Town are hereby established and declared to be as follows:

Beginning at a point situate on the low water line of the Atlantic Ocean and being on the north side of Fifth Street Extended, thence, by and with the north side of Fifth Street Extended South 80 degrees, 06 minutes, 25 seconds West 417.79 feet more or less to a concrete marker being situate on the west side of Surf Road and being a corner of Lot 12 in a Subdivision known as "Sussex Shores, Section One", thence continuing on the same bearing with the north side of Fifth Street a distance 1,017.60 feet to a concrete marker situate on the north side of Fifth Street on the west side of Delaware Route #1, in line of lands on the Delaware Army National Guard Camp;

Thence, with the westerly right of way line of Route 1 and lands of the Delaware Army National Guard Camp and lands of William P. Short in a southwesterly direction, curving to the right, approximately 72 feet to lands now or formerly of John E. Gibson/Victor G. Trapasso Limited Partnership;

Thence, leaving said westerly right of way of Delaware Route #1, North 02 degrees, 49 minutes, 23 seconds West 81.3 feet to a point in line of lands of the Delaware Army National Guard Camp;

Thence, by and with the line of lands of said Delaware Army National Guard Camp: (1) South 87 degrees, 20 minutes, 10 seconds West 597.18 feet to a concrete marker being a point on said line; thence continuing with the same bearing, a distance of 776.21 feet (in all making a total of 1,373.39 feet) to a concrete marker, said concrete marker being situate on the north bank of the Bethany Beach Canal and being a corner of lands of the Delaware National Guard Camp;

Thence, with the northerly line of the canal right of way owned by the Bethany Beach Improvement Company (a now dissolved corporation of the State of Delaware) to the westerly right- of way line of the Assawoman Canal (sometimes known as the "Free Inland Waterway") connecting Assawoman Bay with the Delaware Bay;

Thence, with the westerly right of way line of said Assawoman Canal to the northerly line of lands formerly of Hiram James and being also the southwesterly corner of the Bethany West Subdivision (see Plot Book 8, page 99 in the Sussex County, Delaware Recorder of Deeds Office).

Thence with the southerly line of the Bethany West Subdivision in a generally easterly direction to a point being the southwest corner of the Beach Wood Subdivision a point being the southwest corner of the Beach Wood Subdivision (see Plot Book 26, page 26 in the Sussex County, Delaware Recorder of Deeds office);

Thence, with the southerly boundary line of the Beach Wood Subdivision in a generally easterly

direction and crossing over County Route 361 (also known as "Kent Avenue") to the easterly side of County Rt. 361;

Thence, with the east side of County Rt. 361 in a northerly direction to a point being the southwesterly corner of the Bethany Proper Limited Partnership Subdivision Phase III, (see Plot Book 26, page 251 in the Sussex County, Delaware Recorder of Deeds Office);

Thence, in a generally easterly, southerly, and then easterly direction with the southern boundary of the Bethany Proper Limited Partnership Subdivision Phase III to the west side of Delaware Route #1; (also known as "Delaware Avenue");

Thence, crossing over said Delaware Route #1 in an easterly direction to a point in the eastern right-of-way of Delaware Route #1 being also the southwestern corner of the Bethany Proper Limited Partnership Subdivision, Phase I (see Plot Book 17, page 110 in the Sussex County, Delaware Recorder of Deeds Office);

Thence, continuing in a generally easterly direction with the southern boundary of said Bethany Proper limited Subdivision Phase I to a point on the west side of Pennsylvania Avenue;

Thence, crossing over Pennsylvania Avenue in an easterly direction to a point on the east side of Pennsylvania Avenue being the southwestern corner of Sea Villa Subdivision (see Plot Book 8, page 434 in the Sussex County, Delaware Recorder of Deeds Office);

Thence, with the southern boundary of said Sea Villa Subdivision North 88 degrees, 37 minutes, 50 seconds East to the law water mark of the Atlantic Ocean;

Thence, with the low water mark of the Atlantic Ocean, in a northerly direction to the point and place of beginning.

The above boundaries having previously been established as follows: (1) By an Act to Incorporate the Town of Bethany Beach, 25 Del. Laws Chapter 212 dated March 26, 1909; by Ordinance 93 of the Town Commissioners of Bethany Beach, annexing 36,001 square feet, dated 18 April, 1980; by Ordinance 103 of the Commissioners of Bethany Beach annexing 14.927 acres, dated 16 October 1981; and by Resolution of the Town Commissioners of Bethany Beach annexing .52 acres, dated August 12, 1971.

The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, or any supplement thereto, when made and approved by said council, signed by the Mayor, and ttested to by the Secretary, with the municipal seal affixed, upon being recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

3. Annexation of Territory. The Town shall have power to annex any additional contiguous territory adjoining the corporate limits of the Town as hereinbefore set forth or as hereafter extended pursuant to the procedure set forth in this section, and to apply to all such additional territory all laws, ordinances, resolutions, and policies in force in the Town so far as they may be locally applicable.

3.1 Initiation of Annexation Proceedings.

3.1.1 By Petition of the Property Owners. Any property owner(s) holding record fee title to real property in territory contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner, shall describe with reasonable certainty the territory proposed for annexation, indicate the property owned by each petitioner therein, and state the reasons for the requested annexation. the Town Council may, within 90 days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said 90 days shall be null and void. For purposes of this §§3.1.1 and 3.1.2, "territory contiguous to the then existing corporate limits of the Town" shall include both real property which, through itself not contiguous to the Town's then existing corporate limits, is contiguous to other real property which is proposed to be included in the annexation and real property which would be contiguous under §3.2.9(b).

3.1.2 By Resolution of the Town Council. The Town Council may, at any time, adopt a resolution proposing the annexation of any territory contiguous to the Town. Such resolution shall describe, with reasonable certainty, the territory proposed to be annexed and state the reasons for the proposed annexation. Upon adoption of such resolution, the Town Council shall proceed as hereafter provided.

3.2 Annexation Procedure. Whether annexation is proposed by petition of the property owners or by resolution of the Town Council, the following procedure shall be complied with:

3.2.1 Resolution and Notice. the Town council shall adopt a resolution notifying the property

owners and the residents of both the Town and the territory proposed to be annexed, that the Town proposes to annex certain territory which adjoins its then corporate limits. The 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 setting forth the information shall be published at least once in at least two newspapers which shall be of general circulation in the Town and in the territory proposed to be annexed. Such publication shall appear not less than 30 days nor more than 60 days before the date set for the hearing. In the event that such publications do not appear on the same date, the date of the last publication shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

In addition to publication as herein provided, the Town Council shall, not less than 30 days nor more than 60 days before the date of such hearing: (1) cause a public notice, containing the full text of the Resolution, to be posted in at least 5 public places in the Town and in at least one place, viewable to the public, in the territory proposed to be annexed; and (2) send a copy of such notice, certified mail, to the owners of record of the lands proposed to be included in the annexation at their address as shown on the public tax records. Written notice to one co-owner shall be notice to all

3.2.2 Public Hearing. At the time, date, and place specified in the Resolution proposing annexation (or at any revised date, time, or place if duly noticed as provided in §3.2.1) the Town Council shall sit to hear comments and opinion from any concerned party regarding the proposed annexation. Such public hearing shall be for the purpose of obtaining public opinion and legislative fact finding and the Town Council shall not be bound, in any way, to act in response to any information or comments offered at such hearing.

3.2.3 Resolution Ordering Special Election. Following the public hearing, but in no event later than 60 days thereafter, the Town Council may pass a resolution ordering a special election to be held not less than 30 days, nor more than 60 days after the date of such resolution proposing the special election. The passage of this Resolution shall ipso facto be considered the determination of the Town Council to proceed with the matter of the proposed annexation. provided, however, that if the annual municipal election is to be held within 120 days of the date of the resolution adopted by Council pursuant to this section, the election on the proposed annexation may be held in conjunction with the annual municipal election and all provisions hereof shall be construed and applied accordingly

3 2 4 Notice of Special Election. Notice of the time and place of said special election shall be published not less than 30 days nor more than 60 days before the date set for said Special Election. Notice shall be published at least once in two newspapers which shall be of general circulation in the Town and in the territory proposed to be annexed. In the event that such publications do not appear on the same date, the date of the last publication shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

In addition to such publication as herein provided, the Town Council shall, not less than 30 days nor more than 60 days before the date of such special election cause, a public notice, containing the full text of the Resolution proposing such Special Election, to be posted in at least 5 public places in the Town and in at least 1 place, viewable to the public, in the territory proposed to be annexed.

3 2 5 Those Entitled to Vote.

(a) At such special election, any person who is lawfully entitled to vote at the annual town election, if it were being held on that day, and any person who would be so entitled if the area proposed to be annexed was already included in the Town, shall be entitled to one vote. (For purposes of this section "lawfully entitled to vote" shall include "registered to vote" if registration is required; but all persons in the area to be annexed shall be deemed to be registered if they would otherwise be entitled to vote.) In addition, each legal entity, other than a natural person, owning property in its own name, either in the Town or in the territory proposed to be annexed, shall be entitled to one vote.

(b) These provisions shall be construed so as to permit only "one man, one vote". Where a voter is entitled to vote by virtue of both residence and ownership of property, that voter shall be entitled to only one vote; where a voter is entitled to vote by ownership of two or more properties, that voter shall be entitled to only one vote.

(c) Any legal entity (other than a natural person) entitled to vote must cast its vote by a duly executed and acknowledged power of attorney. Such Power of Attorney shall be surrendered to the Board of Special Election which shall file same in the Office of the Town Manager Such Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election on behalf of the legal entity granting the power.

3 2 6 Conduct of the Special Election. The Town Council may cause voting machines, electronic voting systems, or paper ballots to be used in the Special Election, as required by law, the form of ballot to be printed as follows

_____ For the proposed annexation.

_____ Against the proposed annexation.

The Mayor shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated the Presiding Officer. The Board of Special Elections shall be the sole and final judges of the legality of the votes offered at such Special Election. It shall keep a true and accurate list of all natural persons and other legal entities voting. Voting shall be conducted in a public place as designated by the Resolution calling the Special election. The polling place shall be open for eight consecutive hours as set by the Town Council, 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 the closing of the polls.

All ballots cast by those persons or other legal entities authorized to vote as residents or property owners in the territory proposed to be annexed shall be deposited in designated ballot box (es) or cast in designated voting machine (s), and all ballots cast by those persons or other legal entities who are authorized to vote as residents or property owners of the Town shall be deposited in other designated ballot box (es) or cast in other designated voting machine (s).

3.2.7 Results of Special Election.

(a) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(b) In the event that the Special Election results in an unfavorable vote for annexation in either or both the Town and the territory proposed to be annexed, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one year from the date of the Special Election.

(c) If the vote in both the Town and in the territory proposed to be annexed is favorable to the proposed annexation, the Town Council shall at its first meeting following the Special Election adopt a resolution annexing the said territory and including it within the limits of the Town. Upon the adoption of said resolution of annexation, a copy thereof, signed by the Mayor, and certified by the Secretary, with municipal seal affixed, together with a plot of the area annexed, shall forthwith be filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The territory so annexed shall be considered to be a part of the Town from the moment the last mentioned resolution is adopted by the Town Council. Failure to record said resolution, or the plot accompanying same, shall not invalidate the annexation, but such recording may be enforced by writ of mandamus or mandatory injunction.

3.2.8 Annexation Agreements. Notwithstanding any provision herein to the contrary, where, pursuant to §3.1.1 of this Charter, annexation proceedings are initiated by a property owner (s) holding record title to real property in territory contiguous to the then existing corporate limits of the Town, such petition may be made contingent upon an annexation agreement with the Town which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities, and public improvements. In the event the Town Council approves such an agreement and votes to accept a petition under §3.1.1 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure; that is: (1) the resolutions and notices adopted by the Town Council pursuant to §3.2.1, §3.2.3, §3.2.4, and §3.2.10 shall recite that the proposed annexation includes and is subject to an annexation agreement, shall briefly summarize its terms, and shall state that copies of the Agreement are available upon request at the Town Hall; (2) if the results of the election are favorable to the proposed annexation as provided by §3.2.7(a) of this Charter, the resolution annexing the territory (as provided by §3.2.7(c) shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference; and the Town shall be bound to honor the provisions of such agreement unless released therefrom by the petitioner(s).

Provided Further, that no agreement made at the time of annexation under this §3.2.8 shall extend beyond seven years from the date the property is annexed into the Town; and such agreements shall be null, void, and unenforceable after the expiration of said seven years.

An annexation agreement may be modified or amended by mutual agreement of the petitioner and the Town Council at any time prior to the resolution ordering the special election pursuant to §3.2.3 of this Charter, but any material modification or amendment shall be deemed to be the withdrawal of the original petition and the filing of a new petition under §3.1.1.

3.2.9 Property Owned by the State of Delaware; Highways, Streets, Roads and Alleys; Ponds, Canals, Streams and Other Waters.

(a) Real property owned by the State of Delaware may be annexed into the Town without the State's casting a vote in the Special Election, provided the state agency having control and supervision thereof does not notify the Town, in writing, of its objection to such annexation within 30 days after receiving written notice of the resolution proposing the annexation as provided in §3.2.1.

(b) Highways, Streets, Roads, and Alleys; Ponds, Canals, Streams, and Other Waters. Contiguity with the Town's existing corporate limits, or with other territory which is itself contiguous with the Town's existing corporate limits, shall not be deemed interrupted by the existence of any highway, street, road, alley, pond, canal, stream, or other body of water which passes through, or lies within the territory to be annexed.

3.2.10 Limitations. No action contesting the annexation of any territory under this Section shall be brought after the expiration of 60 days from the publication of a notice in at least two newspapers, both of general circulation in the Town and in the territory annexed, which notice shall contain the following information:

(a) Notice that the Town has annexed such territory and a description thereof.

(b) Notice that any person or other legal entity desiring to challenge such annexation must bring his/her/its action with 60 days from the date of publication of such notice or forever be barred from doing so.

4. Powers of the Town.

4.1 General. The Town shall have and enjoy all the powers possible for a municipal corporation to have under the Constitution and laws of the State of Delaware, as fully and completely as though they were specifically enumerated in this Charter.

4.2 Enumeration of Powers. Not by way of limitation upon the scope of the powers vested in the Town Council to exercise all powers delegated by this Charter to the Town (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, that is to say, the Town Council:

4.2.1 May have and use a corporate seal which may be altered, changed, or renewed at pleasure.

4.2.2 May hold and acquire by gift, negotiation and purchase, devise, lease, or condemnation, property both real (improved or unimproved) and personal, or mixed, within or without the boundaries of the Town, in fee or lesser estate or interest, necessary or desirable for any municipal or public purpose, including but not limited to, providing site for constructing, improving, extending, altering, or demolishing:

(a) public buildings;

(b) parks;

(c) streets, squares, lanes, alleys, and

(d) sewer systems, including but not limited to sewage lines, conduits, sewage disposal or treatment plants, and all appurtenances thereto;

(e) water systems, including but not limited to, water plants, wells, lines, conduits and all appurtenances thereto;

(f) electric systems, including but not limited to, electric plants, substations, distribution systems, lines, conduits and all appurtenances thereto;

(g) gas systems, including but not limited to, storage tanks, distribution systems, conduits and all appurtenances thereto;

(h) recreational facilities, including but not limited to, public bathing beaches, gymnasiums, athletic fields, bicycle paths, tennis, basketball, or paddleball courts and all appurtenances thereto;

(i) for slum clearance and redevelopment, urban renewal, revitalization, or rehabilitation of blighted areas, or removal of dangerous buildings;

(j) for the protection of the health of the citizens of the town;

(k) for the proper furnishing of adequate municipal services to the citizens of the Town and those persons residing in such proximity to, but beyond, the corporate limits of the Town who can be furnished with such municipal services, in the discretion of the town Council to the mutual benefit and advantage of the Town and such non-residents thereto, upon such terms, charges, and conditions as the Town Council may determine and approve.

4.2.3 May sell, grant, alienate, lease, mortgage, manage, hold and control such property as the interests of the Town may require except as prohibited by the Constitution of the State of Delaware or as restricted by this Charter.

4.2.4 May pay for the acquisition, construction, improvement, repair, extension, alteration, or demolition of any municipal or public property, real, personal, or mixed, from the general fund of the Town, from the proceeds of any bond issue which may be authorized and sold for any of the purposes for which lands and premises are authorized by this Charter to be acquired, and/or from the proceeds of any grant or loan made to the Town by any governmental entity of the United States or the State of Delaware where the proceeds of the grant or loan are for the purposes for which lands and premises are authorized by this Charter to be acquired.

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

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

4.2.7 May ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macademize, pave, gravel, shell, improve, dredge, erect, remove, repair and replace any new or present street, highway, lane, alley water course, park, lake, crosswalk, wharf, dock, sewer, drain, gutter, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town and the beach or beach strand in or contiguous to 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.

4.2.8 May enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners;

4.2.9 May prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post or any other erection or projections in, over, upon or under any street, highway, alley, lane, water course, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the Town;

4.2.10 May provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, or fills for the preservation of any strand or high land within the limits of the Town and contiguous thereto to the end that the same may be preserved and properly protected that the general public might enjoy the use thereof.

4.2.11 May direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.

4.2.12 May 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.

4.2.13 May provide an ample supply of potable 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, water treatment facilities, 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 may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute

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.

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

4.2.15 May 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, lakes, 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 willful or negligent injury or damage to or interference with the electric or gas system or systems of the Town; to furnish or refuse to furnish electric current or gas from the Town's system or systems, to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the Town itself.

4.2.16 May regulate, control or prevent the use or storage of gasoline, naphtha, gun powder, fireworks, tar, pitch, resin, and all other combustible or dangerous materials and the use of candles, lamps, and other lights in stores, shops, and other places; to regulate, suppress, remove or secure any fireplace, stove chimney, oven broiler, or other apparatus which may pose a danger of causing fires;

4.2.17 May provide for the organization of a fire department and the control and government thereof; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Town Council, to contribute, donate or give an amount or amounts to any volunteer fire company or companies incorporated under the laws of the State of Delaware, or any volunteer fire association or associations maintaining and operating fire fighting equipment and service to the Town, provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Town Council shall deem advisable;

4 2 18 May provide for the organization of ambulance, rescue or paramedic services (s) and the control and government thereof, may establish territories within the Town for such services; may, at the discretion of the Town Council, contribute, donate or give an amount or amounts to any such service formed or incorporated under the laws of the State of Delaware, or to any volunteer service maintaining and operating ambulance, rescue or paramedic equipment and services for the inhabitants of the Town, provided that any such contribution, donation or gift may be made subject to such conditions and stipulations to the use thereof as the Town Council may deem advisable.

4 2 19 May prevent vice, drunkeness and immorality;

4.2 20 May prohibit gaming and fraudulent devices;

4.2 21 May prevent and quell riots, disturbances, and disorderly assemblages;

4.2.22 May adopt and enforce such ordinances regulating traffic, on all streets, alleys, avenues, and public ways within the Town as are not inconsistent with the motor vehicle laws of the State of Delaware

4.2.23 May regulate or prohibit the use of public streets, alleys, sidewalks, boardwalks, beaches, parks right of ways, public places and Town-owned lands for commercial uses or activities not otherwise protected from such regulation or prohibition by the Constitutions of either the United States and the State of Delaware, or by any controlling federal statute.

4.2.24 May regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other device for discharging missiles which may cause bodily injury or injuries or harm to persons or property; and to regulate or prevent the use of bonfires, fireworks, bombs and detonating works of all kinds;

4.2.25 May provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;

4.2.26 May prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games;

4.2.27 May direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter and to assess the cost thereof against the owner thereof.

4.2.28 May define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare; and to cause the cost of such abatement or removal to be paid by the legal entity causing or permitting same to exist.

4.2.29 May adopt ordinances providing for the condemnation, upon inspection, of any building or structure in the Town which is determined, on the basis of standards set forth in such ordinance (s) to be a fire hazard or otherwise unsafe, and cause the same to be torn down or removed.

4.2.30 May establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large and to authorize the destruction of the same; and to regulate the keeping of dogs within the Town, and to provide for registration and fees thereof.

4.2.31 May provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment or both, not exceeding $500.00 or thirty days imprisonment.

4.2.32 May 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 of persons convicted of violations of law or ordinance, or for detention of persons accused of violations of law or ordinances, for a reasonable time in cases of necessity prior to hearing and trial; provided that any correctional institution located in Sussex County may be used for any such purpose, in which event the Town shall pay for the board of persons committed thereto for violations of ordinances which are not violations of any general law of the State.

4.2.33 May provide for 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.

4.2.34 May regulate and control the manner of building or removal of dwellings or other structures and to provide for granting permits for same.

4.2.35 May prohibit and prevent the carrying on of construction by private persons or companies at such times and seasons of the year and at such hours of the day as the Town Council may determine necessary and appropriate for the public health and welfare.

4.2.36 May provide for or regulate the numbering of houses and lots on the streets and the naming of the streets and avenues.

4.2.37 May, for the prevention of fire and the preservation of the beauty of the Town, establish a building line for buildings to be erected; to zone or district the town and make particular provision for particular zones or districts with regard to building or building materials; and may prohibit any building or construction except those for which a building permit has been issued as prescribed by the Town Council; and generally to exercise all powers and authorities vested by virtue of 22 Del. C., Chapter 3, as it may hereafter from time to time be amended, or any future corresponding provision of law.

4.2.38 May license, tax and collect fees annually for any and all municipal purposes 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;

4.2.39 may grant licenses and impose fees for licenses, issue permits, and regulate any activity within the corporate limits of the town, specifically including any beach property, whether previously dedicated to or owned by the State of Delaware or the Town;

4.2.40 May grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and

for such consideration 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, boardwalks, crosswalks, wharfs, docks, beaches 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 corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting wharfs and piers; provided, however, that whenever any state or federal law grants exclusive jurisdiction over any such activity to a state or federal agency, the Town shall have no authority inconsistent therewith.

4.2.41 May regulate and control the exercise of any license or franchise mentioned in Section 4.2.40 of this Charter, or intended so to be.

4.2.42 May 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.

4.2.43 May 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.

4.2.44 May establish a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem most appropriate. The method of funding may, if deemed desirable by the Town Council be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in the State and approved by a majority of the elected members of the Town Council.

4.2.45 May determine what purposes are deemed to be public purposes or municipal purposes.

4.2.46 May make, adopt, and establish, alter and amend 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 deemed proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; provided, however that any Ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) mile from said limits.

4.3 Liberal Construction; Manner of Exercise. The powers of the Town under this Charter shall be liberally construed in favor of the Town, and the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the Town shall have and may exercise any and all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter to specifically enumerate

All powers of the Town, 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 ordinance or resolution of the Town Council. The Council may, by resolution, do such other act or thing incidental, necessary, or useful in connection with any of the matters in this Charter duly authorized.

4 4 Intergovernmental Cooperation. The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more States or civil divisions or agencies thereof, or the United States or any agency thereof, except as prohibited or restricted by the Constitution or laws of the State of Delaware r by this Charter

5 Town Council.

5 1 Governing Body. The government of the Town and the exercise of all powers conferred by this Charter except as otherwise provided herein shall be vested in and exercised by a Town Council composed of seven members to be chosen as hereinafter provided.

5.2. Qualifications.

5.2.1 General. Candidates for the Town Council must be at least 21 years of age and otherwise qualified to vote at the annual Town election as provided in §5.4.2. No person having been convicted of a felony shall be qualified to be a candidate for office on the Town Council

5.2.2 Resident and Non-Resident Members. At least four of the seven members of the Town Council must be residents of the Town, but all may be residents of the Town.

(a) Resident Members. any person who, on the date of the filing of notice of intention to run (or on the date of his appointment to fill a vacancy) has actually lived in the Town at least nine (9) months, consecutively or non-consecutively, of the immediately preceding 12-month period, shall be deemed to be a "resident" Town Council member upon taking office, regardless of whether or not that person is also a freeholder in the Town; and if such person subsequently fails to maintain residency in the Town, but continues to be a freeholder in the Town during his or her term of office, that person shall continue to be deemed a "resident" member of the Town Council.

(b) Any person who, on the date of filing of the notice of intention to run (or on the date of his appointment to office in the case of a vacancy) is not a resident of the Town but otherwise qualifies to serve on the Town Council shall be deemed to be a "non-resident" member of the Town Council. If such "non-resident" Town Council member subsequently establishes residency in the Town during his or her term of office, that person shall continue to be deemed to be a "non-resident" member of the Town Council; provided however, that if any "non-resident" member shall, during his or her term of office, cease to be a freeholder in the Town, that person shall be deemed to have vacated his or her office by reason of that fact alone, regardless of whether or not that person has subsequently become a resident of the Town.

5.2.3 Council to Act as Final Judge. The Town Council, by majority vote of its disinterested members, shall be the sole and final judge of the qualifications of its members, and shall interpret and apply the standards set forth in this Charter.

5.3. Term of Office, Staggered Terms.

5.3.1 Term of Office. The term of office for each member of the Town Council shall be two years.

5.3.2 Staggered Terms. The present Commissioners of the Town of Bethany Beach, and other officers appointed to serve, in the office under Chapter 212, Volume 25, Laws of Delaware, as amended, shall continue to serve as Commissioners and officers of the Town from and after the effective date of this Charter, until their successors are duly elected or appointed. At the annual Town Election in 1986 four persons shall be elected to the Town Council to fill the vacancies created by the expiration of the terms of office of the four then outgoing Commissioners and at the annual Town election in 1987, three persons shall be elected to fill the vacancies created by the expiration of the terms of office of the three then outgoing Commissioners. Thereafter, three members of the Town Council shall be elected in odd years, and four members shall be elected in even years.

5.4 Election of Town Council

5.4.1 Notice of Candidacy. In order to be listed on the ballot at any regular or special election for election of Town Council members, each candidate shall file a written notice of intention to seek office with the Town Manager at least forty-five (45) days prior to the date set for the election. If the Town Manager determines that any candidate may not meet the qualifications for office, he shall notify the mayor who shall call a special meeting of the Town Council to be held not less than thirty days prior to the date set for the election, at which the Town Council shall decide the matter. The candidate whose qualifications are at issue shall be notified, by registered mail, of the date,time and place of the hearing, at which he or she may appear and testify. If the Town Council determines that the candidate does not meet the qualifications for office, it shall reject his notice of intention to seek office and his or her name shall not appear on the ballot. In making the determination, only those members of the Town Council who are not running for re-election shall be entitled to vote on the question.

5.4.2 Voter Qualifications. Any person shall be qualified to vote who on the date of the election is a United States citizen, who shall have attained eighteen (18) years of age, who shall be registered under the Town's Voter Registration ordinance(s), and who shall have been either (a) a freeholder in the Town, as defined herein,, for a period of ninety (90) consecutive days immediately preceding the date of the election or (b) a resident of the Town for at least nine (9) months, consecutively or non consecutively of the twelve (12) month period immediately preceding the date of the election in which he or she seeks to vote. For purposes of this Charter: (i) a 'freeholder' shall be deemed to include any natural person who holds title of record to a fee simple estate or a life estate in and to real property located within the Town boundaries; (ii) a 'resident' shall mean any person who has actually lived in the Town at least nine (9) months, consecutively or non consecutively, of the 12 month period immediately preceding the date of the election.

5.4.3 Voter Registration. The Town Council shall enact such ordinances concerning the

registration of qualified voters for municipal elections in the Town 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.

5.4.4 Uncontested Elections. 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.

5.4.5 Date, Time, and Place and Manner of Conducting. (a) Date, Time, and Place. Annual elections for Town Council shall be held on the first Saturday after Labor Day at such time and place, within the Town, as shall be determined by the Town Council. The polls shall remain open for an eight hour period to be determined by the Town Council.

(b) Notice of Elections. Notice of any election to elect members to the Town Council shall be given by posting notice thereof in at least five public places in the Town not less than thirty (30) days before the day of such election and by publishing notice in two newspapers of general circulation in the Town at least thirty (30) days before the day for the election. Such notices shall state the date, time, and place of the election as well as a description of the positions to be filled.

(c) Voting Machines, Paper Ballots. Elections shall be by voting machine, electronic voting system, or by paper ballot as the Town Council shall determine; provided however that voting machines or electronic voting systems shall be used if required by general statute.

(d) Absentee Voting. The Town Council may, (but shall not be required to), by ordinance, provide for a qualified voter (duly registered if required by ordinance) who shall be unable to appear in person to cast his or her ballot at any municipal election by absentee ballot.

(e) Rules Governing Conduct of Elections. The Town Council may, by resolution, adopt such rules, not inconsistent with the provisions of this Charter or with applicable state or federal law, governing the conduct of elections.

(f) Election Board. Every election shall be held under the supervision of an Election Board. The election Board shall consist of one (1) Inspector of the Election and two (2) Judges of the Election. The Inspector and Judges constituting the Election Board shall be qualified voters of the Town and shall be appointed for that purpose by the Town Council at least twenty (20) days before such election. If, at the opening of the polls, there shall not be present the members of the Election Board, then in such case the ranking town officer available at the opening of the polls shall appoint a qualified voter or voters to act as a member or members of the Election Board to fill such vacancies caused by the absence of members of the Election Board. Members of the Election Board shall be the sole and final judges of the conduct of the election and of the legality of the votes offered. The Election Board shall have the power to subpoena persons, and officers of the Town, and books, records and papers relative to the determination of the qualifications of voters and the legality of any vote or votes offered.

(g) Election Results. Upon the close of the election, the votes shall be read and counted and the persons having the highest number of votes shall be declared, by the Election Board, to be duly elected to such vacant offices as then exist, 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.

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

(i) Preservation of Ballots and Records. 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 (10) days, unless an appeal is filed in a court of appropriate jurisdiction.

(j) Election Record Book. The Election Board shall enter in a book, to be provided for that purpose, the results of the election, containing the names of the persons elected. The members of the Election Board shall subscribe the same. The book, containing such matters, shall be preserved by the Town Council.

6 Organization of Town Council.

6.1 Organizational Meeting. An organizational meeting of the Town Council shall be held as soon as practicable, not exceeding twenty four (24) hours, following the determination of the election results by the Election Board. Such meeting shall be held at the usual place for holding regular meetings. The newly elected Council members 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, the Town Alderman, or by

one of the holdover Council members.

6.2 Officers. The seven members of the Town Council shall be elective. All other officers shall be appointed offices, such appointment to be made by the Town Council, as provided in §7 of this Charter. At the organizational meeting, the Town Council members shall elect from among their own members the following officers each and all of whom must be residents of the Town. If, during their term of office, any of these officers shall cease to be a resident of the Town, they shall ipso facto be deemed to have vacated their positions as an officer of the Town Council, but shall not be deemed to have vacated their seat on the Town Council unless they also disqualify by virtue of those provisions of this Charter governing qualifications for Town Council. Each of the following officers of the Town Council shall serve in that position for a term of one year or until the organization meeting after the next succeeding election.

6.2.1 Mayor. The presiding officer of the Town Council shall have the title of 'Mayor'. It shall be the duty of the Mayor to preside at all meetings of the Town Council, to serve as the head of the Town government for all ceremonial purposes or for purposes of military law; to appoint committees, subject to council confirmation, and to perform such other duties as may be prescribed by any ordinance or resolution adopted by the Town Council. The Mayor shall have the same right as other Councilmembers to vote on all matters and may at any time appoint another Councilmember 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 or quorum, the Mayor shall be counted as a member of Council.

The Mayor shall be authorized to act on behalf of the Town, without prior Council approval, in the event of some sudden emergency requiring prompt action in order to protect the public health, safety, and welfare of the Town, its residents and property owners. A 'sudden emergency' for purposes of this section shall include,, by way of example and not in limitation, a major fire or conflagration, significant flooding, or serious storm threatening significant damage, a civic disturbance, or a toxic spill. A 'sudden emergency' shall also include any emergency situation as declared by any County, State, or federal agency having jurisdiction over the Town where the scope of the emergency so declared includes the Town of Bethany Beach. If reasonably possible, the Mayor shall notify each Councilmember, in writing, of the action so taken within 48 hours. Notice shall be complete upon depositing such notice in the U.S. Mail, proper postage affixed, to each Councilmember at his or her last known address.

Any action taken by the Mayor under the powers vested in him under this section shall be as good as the act of the entire Council, provided that the Council may at a regular or special meeting held within 15 days of the Mayor's action, cancel the further implementation of any such action not yet completed and notify any persons or legal entities affected.

6.2.2 Vice Mayor. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor, and shall perform such other duties as may be assigned to him by the Mayor or by ordinance or resolution adopted by the Town Council.

6.2.3 Secretary-Treasurer. The Secretary-Treasurer shall have general supervision of the Town's records, documents, funds, and resources. The Secretary-Treasurer shall cause to be keep a true and faithful record of the proceedings of the Town Council. The Town Council shall cause the preparation of an annual report of the financial condition of the Town showing its receipts and expenditures which report shall be prepared by such skilled accountants or auditors as the Town Council shall, by resolution select. Such annual report, once accepted by the Town Council, shall be open to the inspection of any bona fide resident or freeholder of property in the Town. The Secretary-Treasurer shall give such bond as shall be determined and approved by the Town Council. The Secretary-Treasurer shall also have such other duties as directed by ordinance or resolution of the Town Council.

6.2.4 Filling Vacancies. If a vacancy shall occur in the office of any officer elected by the Town Council, the Council shall fill such vacancy for the unexpired germ by a person qualified to fill the post.

6.2.5 Choice by Lot in Event of Deadlock. In the event the Town Council is unable to elect from among their qualified members a Mayor, Vice-Mayor, or Secretary-Treasurer, such office shall be filled by 'lot' from among them.

6.3 Prohibitions

6.3.1 Holding Other Office. Except where authorized by law, no member of the Town Council, shall hold any other Town Office or Town employment during the term for which he was elected to Council and any former Councilmember shall not hold any compensated appointed Town Office or employment until one year after the expiration of the term for which he or she was elected to the Council.

6.3.2 Contracts with the Town. It shall be unlawful for the Council or the Town's officers, agents, or employees, to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town with any member of Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or has a controlling interest, except with the unanimous consent of the disinterested Council members, and such contract shall be absolutely null and void without such unanimous consent; provided however, that nothing herein shall prohibit the council, the Town's officers, agent or employees, from entering into any such contract without such unanimous approval where the amount involved in the transaction does not exceed the sum of $500.00. No transaction exceeding said $500.00 may be fragmented into two or more smaller transactions so as to avoid the $500.00 limitation. The disinterested members of the Council shall be the final arbiters in determining whether any transaction or series of transactions were so fragmented, and in making such determination shall consider the totality of the circumstances surrounding such transactions.

6.4 Vacancies, Forfeiture of Office

6.4.1 Vacancies. The office of a Town Council member shall become vacant upon his death, resignation, lawful removal from, or forfeiture of his office.

6.4.2 Forfeiture Proceedings. A forfeiture of his office shall occur when any Council member:

(a) lacks, at any time during his or her term of office, any qualification for the office prescribed by this Charter or by law.

(b) wilfully violates any express prohibition of this Charter.

(c) is convicted of a felony or any crime involving moral turpitude.

(d) fails to attend three consecutive regular council meetings without being excused by Council.

6.4.3 Determination Concerning Forfeiture. Where the conditions set forth in 6.4.2 (c) or (d) occur, forfeiture shall be automatic. Where the conditions set forth in 6.4.2 (a) or (b) are alleged to have occurred, a determination concerning such alleged forfeiture shall be made by the Council, but the affected party shall not have a vote in any such decision. Such deliberations may be had in executive session and if the Council determines by a unanimous vote of the Councilmembers entitled to vote on the question, that a forfeiture has occurred, it shall, within forty eight hours of that determination, provide written notice thereof to the affected Councilmember, stating specific reasons. The affected party shall then have ten days in which to make a written demand for a public hearing before the Council, to be held within twenty days of the written demand, at which hearing he or she may appear with the assistance of counsel and present evidence to the relevant issues. Thereafter the Council shall hear any other relevant evidence and vote again on the question of forfeiture; and if a determination of forfeiture is again made by a unanimous vote of the Councilmembers entitled to vote on the question, the decision shall be final.

6.4.4 Failure to Request Hearing as a Bar. Failure of the affected person to make written demand for a public hearing as hereinabove stated shall be an absolute bar to his right to challenge that decision. During, or in connection with, any such proceedings, the Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done if requested in writing by the affected person.

6.5 Filling Vacancies on Council.

In case of a vacancy on the Council, the remaining Councilmembers shall elect another qualified person to serve for the remainder of that vacant seat's term.

6.6 Reimbursement of Expenses.

The Mayor and members of Council shall be reimbursed for their actual and necessary expenses while out of the said Town on business which has been duly authorized by motion, resolution or order of Council.

6.7 Meetings.

6.7.1 Regular Meetings. The Town Council shall meet regularly during the year. The time and place of each regular meeting shall be set by Council each year at their organizational meeting, but Council shall not hereby be prohibited from rescheduling such meetings from time to time during the year as need arises.

6.7.2 Special Meeting; Waiver of Notice. Special meetings shall be called by the Town Clerk upon the written request of the Mayor, or upon the written request of any four members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed

to be considered thereat. Such notice must be deposited in the U.S. mail in the main post office in the Town at least 96 hours prior to the time set for such special meeting, provided, however, that a waiver of such notice, (written, telegraphic, or recorded telephonic message) by all members of Council prior to or immediately upon the convening of such special meeting shall make the 96 hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time and for any purpose named in such waiver, or the transaction of any other business at the meeting, if the waiver so states. Subject to the scope of the notice, the Town Council of the Town 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.

6.7.3 Adjourned Meetings. The Town Council may adjourn its meetings from time to time, stating the date, place, and time to which such meeting shall be adjourned.

6.7.4 Place of Meetings. No action of the Town Council may be taken by the Town Council except at a duly convened regular or special meeting held in the Town of Bethany Beach.

6.8 Manner of Acting.

6.8.1 Rules of Procedure, Record of Proceedings. The Town Council may determine its own rules of procedure and order of business. It shall keep a record of its proceedings.

6.8.2 Ordinances. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the Town, or relating to the government of the Town, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the Town Council shall be by ordinance which:

(a) Adopt or amend an administrative code or establish, 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) Grant, renew or extend a franchise;

(d) Amend or repeal any ordinances previously adopted.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution. Every ordinance shall be introduced in writing. Vote on any ordinance may be by voice vote and the vote of each Council member on any ordinance shall be entered on the record. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the Commissioners elected.

6.8.3 Quorum. Four members of the Town Council shall be physically present in order to constitute a quorum to conduct business, but if a lesser number be present at any regular or properly called special meeting, they may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by the majority of the entire Council.

6.8.4 Vote Necessary to Carry Action. All powers of the Town Council, whether express or implied, shall be exercised in the manner provided herein, or if not prescribed herein, then by ordinance or resolution. In the general performance of their duties, the acts, doings, and determinations of a majority of the entire Town Council shall be as good as the acts, and determinations of all the members of the Council.

6.9 Succession of Authority.

In the event that the Mayor is unavailable or incapable of assuming his responsibilities in a sudden emergency (as defined in §6.2.1) the emergency powers therein vested in the Mayor shall devolve upon the following officers and officials of the Town in the following order of sequence: (1) Vice-Mayor, (2) Secretary-Treasurer, (3) Each of the four remaining Councilmembers in order of their total number of years served on Council, (4) the Town Manager, (5) the Chief of Police, (6) the Building Inspector.

7. Appointed Officers.

7.1. Town Manager.

7.1.1 Appointment, Term. The Council shall appoint a Town Manager who shall be the chief administrative officer of the Town. He shall be appointed solely on the basis of his professional, executive and administrative qualifications. He need not, when appointed, be a resident of the Town or of the State of Delaware, but shall, within six months of his appointment,, as a condition of his employment, become domiciled within such radius of the Town Hall as determined by Council at the time of his appointment. No member of Council shall, during the term for which elected, be appointed to act as Town Manager. The Town Manager shall be removable as provided by ordinance or by the terms of a written agreement between the Town Manager and the Town. In case of the absence, disability, or suspension of the Town Manager, the Council may designate some other competent person to perform the duties of the office during such absence, disability or suspension.

7.1.2 Vacancy from Office. In the event of a vacancy in the office of Town Manager, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.

7.2 Town Solicitor. 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. The 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 Council, the Town Manager, and other officers of the Town, and to perform other legal services as may be required of him by the Council.

7.3 Other Officers, Employees, and Agents. The Town Council may provide for the appointment or hiring of such other officers, employees and agents of the Town, which it may deem proper and necessary, for the proper conduct and management of the Town. Unless governed by the terms of a written contract, a written personnel policy, a written personnel classification or merit system, or a written grievance or disciplinary procedure duly adopted by the Town Council, any such officers, employees and agents of the Town, may be removed at any time by the Town Council at their pleasure.

7.4 Compensation. The Town Council shall by ordinance or resolution fix the amount of any salaries or compensation of the employees, officers and agents of the Town. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation, in addition to the salary or compensation fixed by the Town Council, except for reimbursement for actual and necessary expenses incurred by them in the performance of their duties, if such reimbursement be authorized and approved by motion, resolution or order of Council.

7.5 Personnel Records. The Town Council shall cause to be kept a full and complete record of all officers appointed, and employees and agents hired by the Town, containing the names of such officers, employees and agents, the dates of their employment, any salary or compensation to be by them received and the date of the termination of their services.

8. Assessment for Taxes

8.1 Board of Assessment.

8.1.1 Appointment, Indefinite Term. The Mayor may with the advice and consent of a majority of the entire Council, appoint a Board of Assessment composed of three (3) members, each of whom shall be domiciled within the corporate limits of the Town, and who shall serve for an indefinite term.

8.1.2 Oath, Duties, Compensation. The Board of Assessment shall be sworn or affirmed by the Mayor of the Town of Bethany Beach, or by a Justice of the Peace, or Town Alderman, to perform their duties diligently, with fidelity and without favor to the best of their ability, knowledge, and judgment. It shall be the duty of the Board of Assessment to make a fair and impartial assessment of property subject to taxation situate within the limits of the Town of Bethany Beach and to perform such other duties with reference thereto as shall be prescribed from time to time by the Town Council. The compensation to be by them received for the performance of their duties and 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.

8.1.3 Professional Assessors to Assist. In addition to the appointed Board of Assessment, it shall be within the discretion of the Council to appoint a professional assessor to assist the Board of Assessment in performing the duties of the office to which they were appointed, but the Board of Assessment shall in all instances be responsible for making the final determination.

8.1.4 Adoption of Sussex County Assessments. The Town Council may adopt the assessment of Sussex County for any or all property located within the corporate limits of the Town of Bethany

Beach, in lieu of making its own independent assessment and valuation, anything herein to the contrary notwithstanding. In such event, the assessed values established by Sussex County shall be conclusive for purposes of levying Town taxes,, and the Town Council shall have no authority to hear appeals (under §8.3) regarding same. If the Town Council elects to adopt the Sussex County Assessments, only this section and §8.2.4 of §§8.1, 8.2 and 8.3 shall have effect; but the Town Council will have authority to consider appeals concerning any additions to tax bills under §8.2.4 at any regular or special meeting.

8.2 Assessment Procedure.

8.2.1 Making the Assessment. If appointed, the Board of Assessment shall, prior to the first day of April of each year, make a just, true and impartial annual valuation or assessment of all real estate and improvements located within the Town of Bethany Beach. 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 Sussex County.

8.2.2 Assessment of Members of Board of Assessment. The real property of the members of the Board of Assessment shall be assessed by the Town Council of the Town of Bethany Beach.

8.2.3 Delivery of Assessment List. The Board of Assessment, after making such annual assessment,, shall deliver to the Town Council of the Town of Bethany Beach a list containing the names of owners of all properties assessed and the amount of assessment against each. The Board of Assessment shall also deliver at such time as many copies of said list as the Town Council shall direct.

8.2.4 Additions to Tax Bills. Whether utilizing the Sussex County assessments or those prepared by the Town's own Board of Assessment, the Town Council shall annually, prior to the posting of the assessment list, ,by resolution, provide for the Town Manager a list of any and all charges, costs or other assessments owed to the Town, which list of charges incurred shall include, but not be limited to, the following: water bond sinking funds assessments, curb and gutter assessments, water assessments, weed and grass cutting bills, trash collection bills, and past due water rents. Said amounts,, when adopted and set forth by resolution of the Mayor and Council, shall be shown on the copies of the assessments posted pursuant to the provisions of Section 8.3.1 of this Charter.

8.3 Assessment Appeals.

8.3.1 Posting of Assessment List; Notice. Immediately upon receiving the annual assessment list from the Board of Assessment, the Town Council shall cause a full and complete copy of the same, containing the amount assessed to each taxable, to be made available for public inspection at the Town Office, and there it shall remain for a period of at least thirty (30) days for the information of and examination by all concerned. Appended thereto, and also in five or more public places in the Town, shall be posted notice advertising to all concerned the date and place where the assessment list has been made available, and that, ,upon a certain day mentioned therein (not earlier than 30 days after the availability of the true and correct copy of the assessment list), the Town Council will sit as a Board of Revision and Appeal to hear appeals from the said assessment and to make such corrections and revisions as it deems appropriate. Such notice shall also be published at least once in a newspaper of general circulation in the Town of Bethany Beach not less than 15 days prior to the date set for such appeals.

8.3.2 Appeals Day. On the day set for such appeals, the Town Council shall sit as a Board of Revision and Appeal to hear appeals from the said assessment and to correct and revise the assessment as they deem appropriate. The Town Council shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive, unless an appeal is taken to the Superior Court of the State of Delaware in and for Sussex County within ten (10) days from the date of the Town Council's decision.

No member of the Town Council shall sit on his own appeal, but the same shall be heard and determined by the other members of the Town Council.

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.

9. Levy of Taxes, Tax Limit.

9.1 Determination of Revenue Needs. After the valuation and assessment shall have been examined, revised, and completed 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 obligations of the Town, including reasonable and appropriate reserves, for that fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.

9.2 Determination of Revenue Sources. The Town Council shall 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:

9.2.1 Real Estate and Improvements. The rate of tax on real estate including improvements thereon per One Hundred Dollars ($100) of the assessed value; and/or

9.2.2 Utility Fixtures. The rate of tax upon all poles, construction, erections, wires and appliances more particularly mentioned, or intended so to be in Section 4.2.40 of this Charter and/or

9.2.3 License Fees. The several license fees to be charged for carrying on or conducting of the several businesses, professions or occupations as authorized by Sections 4.2.38 and 4.2.39 of this Charter; and/or

9.2.4 Municipal Services. The several rates to be charged for furnishing water service, front footage assessment, trash collection; and/or

9.2.5 Other Services. The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to realize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources 9.2.3, 9.2.4, and 9.2.5 aforementioned may be determined, fixed assessed, levied and/or altered or changed upon other than a fiscal year basis at any regular or special meeting of the Town Council as the Town Council, in its own proper discretion, shall determine.

9.3 Levy of Tax. The setting of the tax rate pursuant to 9.2.1: (a) shall constitute the levy of such taxes and charges in accordance with the assessment list (subject to any pending assessment appeals to the Superior Court) and (b) shall constitute the Council's direction and authorization to the Town Manager to make collection, when due, of such taxes and charges. The Town Council shall obtain a bond for the Town manager and Finance Director in form suitable to the Town Council with sufficient surety, in favor of the Town of Bethany Beach, in a sum to be determined by the Town Council conditioned upon the faithful discharge of the trusts imposed in them and for the collection of all taxes committed to them, and for the payment by them of the amount of all such taxes, excepting only as far as the Town Council shall make allowances for. The Town Manager shall immediately proceed to collect the same as hereinafter provided.

9.4 Savings Clause. 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 Bethany Beach under the existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in the Town of Bethany Beach created hereby.

9.5 Limitation on Taxes. The total amount of money, to be raised by real property taxes (§9.2.1), utility fixture taxes (§9.2 2), and special taxes levied or imposed in connection with any municipal bond (§12 2 7) shall in no year exceed three percent (3%) of the total assessed valuation of all taxable real estate (and improvements thereon) in the Town.

10 Collection of Taxes.

10 1 Collection by Town Manager. The Town Manager shall, as soon as the Town Council shall have set the tax rate pursuant to §9.2.1, proceed at once to collect the taxes so levied.

10 2 Lien. All taxes so laid or imposed by the Town of Bethany Beach shall be and constitute a lien, for a period of ten (10) years from the date so levied, upon the real estate against which such taxes are laid and imposed. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so levied. Such lien shall have preference and priority to all other liens on such 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.

10.3 Due Date. All taxes, when and as collected by the Town Manager, shall be paid to or deposited to the credit of the Town of Bethany Beach, in federally insured banking institutions approved by the Town Council. All taxes shall be due and payable at and from the time the tax rate is set under §9.2 1

10.4 Place of Payment. All taxes shall be payable at the Town Office of the Town of Bethany Beach during the regular business hours of that office.

10.5 Penalty for Late Payment; Collection Fee. On all taxes paid on or after September 1st of each year, there shall be added a penalty to be determined by Council for each month or fraction thereof such taxes shall remain unpaid, said penalty to be effective on the first day of September, and said penalty shall be collected in the same manner as the original amount of the tax. The Town Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid on September 1st of each year shall be considered delinquent. In effecting a collection of any delinquent tax, the Town Council may impose a collection charge reasonably calculated to recover the costs of collection.

11. Remedies, Powers, and Methods for Collection of Taxes, Assessments and Other Charges Due to the Town.

11.1 Notice Prior to Exercise. Before exercising any of the powers hereinafter given for the collection of taxes, written notice of the amount due shall be sent to the taxable at his last known address.

11.2 Debt Action. The Town Manager, when any tax has become delinquent, may, in the name of the Town of Bethany Beach institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex 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 the case of other judgments recovered before a Justice of the Peace Court or in the Court of Common Pleas, or in the Superior Court as the case may be, provided however that, as to any personal property of the taxable in Sussex County levied upon by the Sheriff within 60 days after the writ of execution was delivered into his hands, the lien of judgment shall have priority over all other liens against such personal property created or suffered by the taxable, (excepting only the liens of the Federal, State or Sussex County government), although such other liens be of date prior to the time of the attachment of the said tax liens to the personal property so levied upon.

11.3 Sale of Lands. Should the Town Manager so elect, and without necessity of employing any or all of the other remedies provided herein, the Town Manager is authorized and empowered to sell the lands and tenements of a delinquent taxpayer or the lands and tenements alienated by a delinquent taxpayer subsequent to the levy of the tax by the following procedure:

11.3.1 The Town Manager shall present in the name of the Town of Bethany Beach to the Superior Court of the State of Delaware, in and for Sussex County, a petition in which shall be stated:

(A) The name of the taxable or assessee;

(B) The year for which the tax was levied, assessed, or charged;

(C) The rate of tax, assessment, or other charge;

(D) The total amount due;

(E) The date from which the penalty for nonpayment, if any, shall commence and the rate of such penalty and any collection charge permitted;

(F) A short description of the lands and tenements proposed to be sold, sufficient to reasonably identify same;

(G) A statement that the bill of said tax, assessment or other charge has been mailed to the taxable at his last known post office address with return receipt requested by certified mail and postage prepaid, together with a notice that the Town Manager would proceed to sell the lands and tenements of the taxable for payment of the tax, assessment, or other charge due the Town; and the date of such mailing;

(H) The petition shall be signed by the Town Manager and shall be verified before a Notary Public.

11.3.2 At least ten (10) days prior to the filing of any such petition as described herein, the Town Manager 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, assessment or other charge due, together with all 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, assessment, or other charge. The Town Manager 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, or if delivery is refused, it shall be sufficient for the Town Manager to file with said petition the evidence that such statement has been mailed in accordance with this subsection and has been returned.

11.3.3 Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Sussex County, and shall endorse upon the said record of said petition the following:

This petition, filed the _____ day of _____, A.D. _____, (giving year and date), and the Town Manager of the Town of Bethany Beach 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.

This endorsement shall be signed by the Prothonotary.

11.3.4 Any sales of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in the Town of Bethany Beach, one of said public places shall be the Town Office and one of which shall be on the premises 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 fifteen (15) days before the day fixed for the sale and the newspaper advertisement shall be published at least fifteen (15) days before the day of the sale.

11.3.5 Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Sussex County, at the next Motion Day thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. 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. If the sale be approved, the Town Manager making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; provided however, that no deed shall be delivered to the purchaser until the expiration of one (1) year from the date of the sale within which time the taxpayer or his alienee, heirs, executors, administrators, or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, the costs, the amount of the purchase price, plus twenty percent (20%), and the expense of having the deed prepared. All taxes assessed after the sale and before the delivery of the deed shall be paid by the purcahser at said sale who shall be reimbursed by the delinquent taxpayer in the event of redemption to which shall be added twenty percent (20%) thereon.

In the event the purchaser refuses to accept the same, or in the event he, his heirs or assigns, cannot be located within the State of Delaware, it shall be lawful for the owner, his heirs, executors, administrators, and assigns, to pay the redemption money to the Town Manager of Bethany Beach and upon obtaining from him a receipt therefore, such receipt shall be considered for all intents and purposes a valid and lawful exercise of the power to redeem the said lands.

In the event the lands have not been redeemed within the redemption year, the Town Manager shall deliver to the purchaser, his heirs, executors, administrator, or assigns, a deed which shall convey the title of the taxable or assessee.

The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

11 3.6 After satisfying the tax, assessment, or other charge 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. If he shall refuse to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank either to the credit of the owner or in a manner in which the fund may be identified.

11.3.7 In the sale of lands for the payment of delinquent taxes, assessments, or other charges 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, in the amount customarily charged:

(A) To the Prothonotary for filing and recording the petition.

(B) For filing and recording the return of sale.

(C) To the Town Manager for (1) preparing the Certificate, (2) making the sale of lands, (3) preparing and filing a return, (4) posting sale bills. In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee, if any, 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.

11.3.8 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 and in the Petition to the court.

11.3.9 If any person is assessed for several parcels of land and tenements in the same assessment in the Town of Bethany Beach, the total of said taxes, assessments, or other charges may be collected from the sale of any part or portion of said lands and tenements.

11.3.10 In the event of death, resignation or removal from office of the Town Manager of the Town of Bethany Beach 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 Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Town Manager to execute and acknowledge a deed conveying to the petitioner the premises so sold, and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.

11.3.11 The Town Manager shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

12. Borrowing Powers

12.1 Short-Term Borrowings by Town Council Without Voter Approval. The Town Council shall have the power to borrow money on the full faith and credit of the Town, without approal of the voters and without regard to the provisions of Section 12.2 of this Charter, such sum or sums not exceeding in the aggregate Four Hundred Thousand Dollars ($400,000.00), for general purposes when, in the opinion of the majority of the Town Council elected, the needs of the Town require it; provided, however, that any new borrowings under this Section 12.1 made after the effective date of this act shall, by their terms, be repayable in full within five (5) years of the date of each such borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of indebtedness of the Town Council duly authorized by Resolution of the Town Council and signed by the Mayor and attested by the Secretary of the Town Council with the town seal affixed. No. Council member shall be liable for the payment of any such note or any other evidence of indebtedness because it is signed by him as a Council member, provided that he is so authorized by Resolution of Town Council. Such notes or evidences of indebtedness and the interest thereon shall be exempt from all taxation by the State of Delaware, its agencies and political subdivisions. Any sum(s) of money borrowed on the full faith and credit of the Town shall be paid from the general funds of the Town. At no time shall the amount of outstanding principal from any such borrowing or borrowings under this Section 12.1 exceed the sum of Four Hundred Thousand Dollars ($400,000.00).

12.2 Long-Term Borrowings, Voter Approval Required. In addition to other borrowing powers granted to the Town under this Charter or by special act, the Town Council shall have authority to borrow money for any proper municipal purpose through the issuance of bonds or other evidence of indebtedness to secure the repayment thereof, on the full faith and credit of the Town, or such other security or securities as the Town Council shall elect, for the payment of principal thereof and interest due thereon.

12.2.1 Proper Municipal Purpose. By way of illustration and not in limitation, "any proper municipal purpose" includes, but is not limited to:

(A) 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

(B) erecting, extending, enlarging, maintaining, or repairing any plant, building, machinery, or equipment for the manufacture, supplying, or distribution of gas, water, electricity, sewerage, or drainage system, or any of them, and the condemning or purchasing of any lands, easements, and right-of-ways which may be required therefore.

(C) constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing, and maintaining of curbing and gutters, including storm sewers, along the same, and the condemning or purchasing of lands, easements or rights of ways which may be required therefor

(D) constructing, laying out, widening, extending, repairing and maintaining boardwalks, pier, jetties, bulkheads, sidewalks, cross walks, or embankments, or any of them, and the condemning or purchasing of any lands, easements, or rights of way which may be required

therefor

(E) defraying the costs to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter

(F) paying all expenses deemed necessary by the Town Council for the issuance of said bonds or other evidence of indebtedness, including bond discount and legal expenses of bond counsel.

12.2.2 Exempt From Taxation. All bonds or other kinds or forms of evidence or evidences of indebtedness issued by the Town pursuant to the provisions of this section, and the interest thereon, shall be exempt from all State, County, or Municipal taxes.

12.2.3 Limit of Aggregate Long-Term Indebtedness. In no event shall the indebtedness of the Town of Bethany Beach, authorized by this Section 12.2, at any one time exceed, in the aggregate, fifteen percent (15%) of the assessed valuation of all real property within the corporate limits of the Town of Bethany Beach and subject to assessment for the purpose of levying the annual town taxes as provided in this Charter.

12.2.4 Procedure; Notice, Hearing, Election. In order to proceed under the power granted in this section, the Town Council shall authorize such borrowing in the following manner:

(A) The Town Council by Resolution shall give notice to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for a stated municipal purpose. 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 are 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.

(B) Notice of the time and place of the hearing on the Resolution authorizing said loan shall be printed in two issues of a newspaper having a general circulation in the Town not less than thirty (30) days nor more than forty five (45) days prior to the day set for the public hearing. In addition to such publication, the Town Council shall cause to be posted in at least five (5) public places in the Town of Bethany Beach not less than thirty (30) days and not more than forty five (45) days prior to the day set for the public hearing notices concerning such public hearings.

(C) If following the public hearing, the Town Council determine to proceed with the proposed borrowing they shall pass a second Resolution 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 said money, the said Special Election to be for the purpose of voting for or against the proposed loan. The passage 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.

(D) The notice of the time and place of holding the said Special Election shall be printed in two (2) consecutive issues of two (2) newspapers having general circulation in the Town of Bethany Beach not less than (30) days nor more than forty five (45) days prior to the Special Election

In addition to such publication, the Town Council shall cause to be posted in at least 5 public places in the Town of Bethany Beach not less than 30 days and not more than 45 days prior to the Special Election public notices concerning the Special Election.

In addition to the time and place of the Special Election, such notices shall contain the same information as required under §12.2.4(A) above.

(E) At such Special Election, any person who is entitled to vote in the annual town election if it were held on that day, shall be entitled to one vote. (For purposes of this section, "entitled to vote" shall include "registered to vote" if voter registration is required for the annual town election)

Any Special Election held pursuant to the provisions of this section shall be conductd by voting machines, electronic voting systems, or printed ballots as permitted by law which shall have the following designation:

( ) For the proposed borrowing

( ) Against the proposed borrowing

The voter shall be instructed to mark the box for which he casts his vote. The Mayor of The Town of Bethany Beach, 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 for a minimum of eight hours as specified by resolution of the Town Council. Persons in the polling place at the time appointed for closing of the polls shall be entitled to vote.

(F) The Board of Special Election shall be the sole and final judges of the legality of the votes offered at such special election. It shall keep a true and accurate list of all persons voting. It shall count the votes for and against the proposed borrowing 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 borrowing and the number of void votes and shall deliver the same to the Town Council which said certificate shall be retained by the Town Council with the other papers of the Town.

(G) If a mjaority of the votes cast at such special election shall be in favor of such borrowing, the Town Council shall proceed with the issuance of the said bonds or evidences of indebtedness.

12.2.5 Form of Bonds. The form of the bonds or evidences of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the interest rate, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination, the name thereof and any other relative or appurtenant matter pertaining thereto shall all be determined by the Town Council after said Special Election.

12.2.6 Public or Private Sale. Bonds may be sold at either public or private sale. If the bonds shall be offered for public sale they shall be sold to the best and most responsible bidder(s) therefore after advertisement in a manner to be prescribed by the Town Council for at least one (1) month before offering the same for sale.

12.2.7 Provision for Payment: Special Tax, Sinking Fund. The Town Council shall provide for the payment of interest on and principal of the said bonds or evidences of indebtedness at the maturity thereof. The said Town Council is authorized and empowered, at its discretion, to levy a special tax upon all the real estate within the Town or only upon such real estate as is directly benefited by the improvements paid for by the proceeds of such borrowing to pay interest and/or principal; and at their discretion, to establish a sinking fund adequate to the redemption, at or before maturity, of all bonds or evidences of indebtedness which may be issued under the provisions of this Section; provided, that the amount to be raised under any special tax for this purpose shall not in any one year exceed a sum equal to five per centum of the total of such indebtedness. The special tax provided for in this Section 12.2.7 shall be collected from the owners of real estate in the same manner as the other taxes levied by the said Town Council are collected. Said Town Council may also appropriate and set aside for such sinking fund so much of the general funds of said town as they may from time to time think advisable. The sinking fund provided for by this Section 12.2.7 shall be deposited in federally insured deposits in a bank, trust company, or other banking institution until such time as it may be needed for the redemption of the bonds.

12.2.8 Full Faith and Credit Unless Otherwise Stated. Unless any such bond(s) or evidence(s) of indebtedness shall provide otherwise, the full faith and credit of the Town of Bethany Beach shall deemed to be pledged for the due payment thereof and the interest thereon issued under the provisions of this section when the same shall have been properly executed and delivered for value notwithstanding any other provision of this Charter.

12.2.9 Statute of Limitations, Sixty Days. No action contesting any proceedings conducted, or action taken, by the Town Council hereunder regarding the authorization of any bonds or evidences of indebtedness issued under this Section 12.2 shall be brought after the expiration of sixty days from the publication of a notice in at least two newspapers, one of which shall be of general circulation in the Town of Bethany Beach and one of which shall be of general circulation in the State of Delaware, which notice shall announce the following information:

(A) That the Town Council has determined to borrow a certain sum of money and to issue bonds or evidences of indebtedness therefor

(B) That the proposal has been approved by a majority of those casting votes at a special election in the Town called for the purpose of voting for or against the borrowing

(C) The amount of money to be borrowed

(D) The purpose for which it is to be borrowed

(E) That any person desiring to challenge the authorization of such bond(s) or evidence(s) of indebtedness must bring his or her action within 60 days from the date of publication of such notice or forever be barred from doing so.

In the event that the two newspapers do not publish the notice on the same date, the date

of the last publication shall control.

Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

13. Use of Town Monies

The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town, or any portion thereof, from time to time, for the improvement, benefit, protection, ornamentation and best interests of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolutions of Council.

14. Annual Audit

The Town Council shall retain a certified public accountant to be the Auditor of Accounts of the Town of Bethany Beach. 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 Bethany Beach, the records of all fines, penalties, costs imposed or collected by them pursuant to any judgment, order or decree made The auditor shall, on or before expiration of one hundred and twenty (120) days from the end of the fiscal year, 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 available for public inspection. Notice of the filing of the auditor's report shall be published at least once in a newspaper of general circulation in the Town of Bethany Beach within thirty (30) days of its receipt by the Town ouncil. The auditor, in the performance of his duties, shall have access to all records and accounts of the offices of the Town.

15. Alderman and Assistant Alderman

15.1 Appointment. The Town Council may appoint suitable persons to serve as Adlerman and Assistant Alderman, each of whom shall serve for a term of one year, or until their successors are duly appointed, subject however, to being removed from office for just cause, at any time by a vote of two- thirds of all the Town Council.

15.2 Qualifications. Any person appointed to serve as Alderman or Assistant Alderman shall be at least twenty- one (21) years of age, a United States citizen, of good character and reputation, shall live within five miles of the limits of the Town, and shall not be a member of the Town Council or otherwise an officer or employee of the Town of Bethany Beach.

15.3 Oath of Office. Before entering upon the duties of his office, the person appointed to serve as Alderman and the person appointed 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 Bethany Beach and ordinances duly enacted by the Town Council of the Town of Bethany Beach.

15.4 Duties. It shall be the duty of the Alderman and Assistant Alderman to enforce all laws enacted for the government of the Town and to carry into effect all orders and directions of the Town Council made pursuant to any law of this State, and to carry into effect any ordinance which the Town Council may legally make or establish.

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 Town Council. During such periods of time, the Assistant Alderman shall have all the duties and powers of the Alderman.

15 5 Alderman's Docket. 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 Assistant Alderman shall each record all official acts and proceedings in the Alderman's Docket

15 6 Jurisdiction. The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace, offenses and violations of any ordinance of the Town committed within the corporate limits of, and within one mile of the corporate limits of, the Town of Bethany Beach. As to such offenses or violations over which they are given jurisdiction by this Charter or by any other law of the State of Delaware, the Alderman and Assistant Alderman shall be authorized and empowered to hold for bail, set bail, impose fines, or imprison, for each offense or violation in accordance with the penalties provided by this Charter, by any Town Ordinance enacted hereunder, or as provided by any law of the State of Delaware; provided however, that the maximum fine which the Alderman or Assistant Alderman may impose shall never exceed the limits established by this Charter

15 7 Civil and Criminal Penalties; Costs. Neither the Alderman nor the Assistant Alderman

shall impose any penalty in excess of Five Hundred Dollars ($500) exclusive of costs nor imprison any offender for more than thirty (30) days, or both, except as otherwise specifically provided in this Charter; but the Alderman and 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, provided 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.

15.8 Monthly Report to Town Council. The Alderman and 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 at such times as the Town Council shall direct.

15.9 Compensation. The Alderman and Assistant Alderman shall receive such compensation as may be fixed from time to time by Resolution of the Town Council, which compensation shall not be contingent upon or related to the amount of any civil or penal fines imposed or collected.

15.10 Removal from Office. If any Alderman or Assistant Alderman shall be removed from office as hereinbefore provided, he shall deliver to the Mayor within five (5) days after his removal from office, all the books and papers belonging to his office, and shall pay over to the Treasurer 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 Assistant Alderman, the Mayor may require the auditor of the Town 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 Mayor within the time specified by this Charter, or to pay over all of the moneys to the Treasurer 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) nor more than One Hundred Dollars ($100) for each day that he fails to deliver the books and papers to the Mayor or to pay over all moneys to the Treasurer.

16. Police Force

16.1 Chief of Police; Police Officers. The Chief of Police and subordinate members of the police force shall each be appointed by the Town Council upon the recommendation of the Town Manager. The terms of employment shall be determined as provided in §7.3 of this Charter ("other officers, employees and agents"). The police force 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, upon recommendation of the Town Manager, shall, from time to time prescribe. Operational control of the daily routine of the Police Department shall be the responsibility of the Chief of Police. The authority of the Chief of Police shall be subordinate and answerable to the Town Manager.

16.2 Power and Duties. Each member of the police force shall have all the police powers and authority of a State Peace Officer and shall be conservators of the peace throughout the Town of Bethany Beach, and they shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. They shall, within the Town limits of the Town of Bethany Beach compel the enforcement of all ordinances enacted by the Town Council of the Town of Bethany Beach and all criminal laws and motor vehicle laws enacted by the State of Delaware. 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 Bethany Beach to any part of the State of Delaware.

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 Sussex County to be there imprisoned for the term of his sentence.

It shall be the duty of the police force to suppress riotous, disorderly or turbulent assemblages of persons in all public ways and places of the Town, and upon view of the above or upon view of any violation of any ordinance of the Town relating to the peace and good order thereof, the police force shall have the right and power to arrest without warrant.

16.3 Arrest Where Alderman or Assistant Alderman Not Available. In the case of an arrest at any time when the Alderman or Assistant Alderman of the Town of Bethany Beach 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 Sussex 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 unto 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 here and determine the charge the person arrested may be delivered to the correctional institution located in Sussex County or held in appropriate holding facilities 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.

17. Subdivision and Land Development

17.1 Power to Regulate. In order to provide for the orderly growth and development of the Town, to promote the health, safety, prosperity, and general welfare of the present and future inhabitants of the Town, to insure the conservation of property values and natural resources, including the protection of the Town's open lands, water resources, and recreational potential, and to afford adequate provisions for public utilities, water supply, drainage, sanitation, vehicular access, educational and recreational facilities, parkland and open space, among other and related activities, the Town may regulate the subdivision of all land in the Town. Such regulation may, through ordinance, include:

(1) Varying procedures for insuring the processing of combining, partitioning, or land subdivision plans, within a reasonable period of time, relative to the number of lots or parcels and the extent of improvements required;

(2) Procedures for insuring that the arrangement of the lots or parcels of land or improvements thereon shall conform to the existing zoning at the time of recordation and that streets, or rights of way, bordering or within subdivided land shall be of such widths and grades and in such locations as may be deemed necessary to accommodate prospective traffic, that adequate easements or rights of way shall be provided for drainage and utilities, that reservations of areas designed for their use as public grounds shall be of suitable size and location for their designated uses, that sufficient and suitable monuments and signage shall be required, that land which might constitute a menace to safety, health or general welfare shall be made safe for the purpose for which it is subdivided, and that adequate provision for water supply is made;

(3) Procedures for encouraging and promoting flexibility and ingenuity in the layout and design of subdivisions and land development, and for encouraging practices which are in accordance with contemporary and evolving principles of site planning and development.

(4) Requiring those subject to such regulation to provide, at their own expense, such municipal or public improvements which are specifically and uniquely attributable to the proposed land subdivision, combining, or partitioning, including, by way of example and not in limitation, the paving of streets, installation of sidewalks, curbs, storm sewers, water lines, sanitary sewer lines, electric distribution lines, street signs, access roads, playgrounds, parks, and open areas. In imposing such requirements, the Town may consider and take into account future as well as immediate needs, and potential as well as present population factors affecting the neighborhood in question.

(5) Procedures for insuring that any improvements to be constructed on such lands are in compliance with all appropriate Town ordinances and that the placement and location of such improvements will not have a significant negative impact on adjoining properties.

(6) Procedures for securing financial guarantees from the developers of such lands to insure satisfactory completion of all such required improvements, which may include extending the term of such guarantee for a reasonable period of time (not exceeding three years) beyond the actual completion of such improvements by the developer or acceptance of such improvements by the Town.

17.2 Recording Unapproved Plans. In the event an ordinance of the Town so provides, no plat, plot, or plan of land shall be received for filing or recording by the Recorder of Deeds in and for Sussex County unless and until such plat, plot, or plan shall have been approved by the Town body so authorized to grant such approvals and the fact of such approvals shall have been endorsed in writing on such plan

18 Streets and Alleys

18.1 Power to Lay Out, Locate, Open, Widen, Alter, Close, Vacate or Abandon. The Town Council shall have the power and authority to lay out, locate, and open new streets or alleys, or to widen or alter existing streets or alleys, or parts thereof, and to close, vacate, or abandon existing or proposed streets or alleys or parts thereof, whenever the Town Council shall deem it in the best interest of the Town

18.2 Initiation of Proceedings The procedures set forth in this Charter to lay out, locate, open, widen, alter, close, vacate, or abandon a street or alley in the Town of Bethany Beach may be commenced by resolution of the Town Council.

18.3 Resolution Proposing Change; Notice, Hearing. Any such resolution shall contain a description of the proposed change and shall fix a time, date, and place when the Town Council shall sit to hear comments and objections concerning the proposal. At least thirty (30) days before the date set for such hearing, the resolution adopted by the Town Council shall be printed in a

newspaper having a general circulation in the Town of Bethany Beach and shall be posted in five (5) public places in the Town.

18.4 Notice to Affected Property Owners. The Town Council shall cause to be sent, certified mail, return receipt requested, to the owner(s) of record of the real estate through or over which such street or alley may run. If the address of the owner be unknown, a copy shall be delivered to any persons occupying the premises, or if none, posted thereon. Notice to affected property owners under this §18.4 shall be provided at least thirty (30) days before the date set for the hearing.

18.5. Hearing. At the time and place in the resolution, the Town Council shall hear such residents or taxables of the Town or owners of the property affected thereby, as shall attend the hearing. After hearing all comments, the Town Council shall, at said meeting, or at a subsequent date, as it may deem proper, adopt a resolution to proceed with, or abandon, the proposed locating, laying out, widening, altering, closing, vacating, or abandoning of any street(s) or alley(s) or parts thereof contemplated in its aforementioned prior resolution.

18.6 Payment of Compensation. In every case where the Town Council shall resolve to proceed with the plan contemplated, or a portion thereof, the Town Council shall award just and reasonable compensation to any person or persons who will thereby be deprived of property by virtue of the execution of the plan so contemplated. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town of Bethany Beach, on a warrant drawn upon him by authority of the Town Council aforesaid upon delivery of a good and sufficient deed conveying a fee simple title unto "The Town of Bethany Beach"; which title shall be clear and free of all liens and incumbrances. Notice of compensation shall be given to affected property owners as provided in §18.4.

18.7 Property Owners Right of Appeal. If the owner be dissatisfied with the amount of compensation or damages allowed by the Town, as aforesaid, said property owner may, within thirty (30) days after such notice, as aforesaid, was mailed, deliverd, or posted on the property, appeal from the written notice of assessment of compensation or damages by depositing in the United States mail, written notice by certified mail with return receipt requested and postage prepaid, to 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 require the Town to condemn his or her property, or any compensable interest therein, in accordance with 10 Del. C. Chapter 61, or any future corresponding provisions of law. In such event, the Town shall proceed in accordance with 10 Del. C. Chapter 61, or any future corresponding provisions of law, to condemn such property, or any interest therein, for the purposes herein stated.

18.8 Disposal of Abandoned and Vacated Street Lands. Whenever the land comprehended or included in any street or part thereof vacated or abandoned under this section be owned by the Town, the Town Council may, in its discretion, sell such land at public or private sale and for such consideration as the Town Council shall deem proper. The Town Council shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title thereto for whatever estate the Town may have therein.

18.9 "Street" Defined. For all purposes of this §18, the word "street" shall be deemed and held to comprehend and include sidewalks, lanes, alleys, roadways, streets, or other highways.

19. Constructing, Paving, and Repairing of Streets. The Town Council shall have full power and authority to regrade, redress and otherwise repair and rebuild all existing streets, lanes, alleys and other public thoroughfares in the Town and, to construct, build, pave, and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares now open or to be hereafter opened for public use in the Town, and in so doing, may employ such contractors, engineers, inspectors and others as the Council shall deem expedient. To this end the Town Council shall have full power and authority to enter into contracts or agreements with the State Highway Department of the State of Delaware for the permanent maintenance, repair and up keep of any street, lane, alley, roadway or other highway within the Town limits.

The Town Council shall also have full power and authority to expend such part or parts of the money of the Town, in the general fund of the Town not otherwise budgeted, towards the carrying out of any powers and authorities granted unto the Town Council under and by virtue of this Section of the Charter.

20. Paving, Guttering and Curbing. In the event that it becomes feasible or necesary in the future for the Town to level, grade, flag, or reflag, curb or recurb, gutter or regutter, pave or repave the sidewalks, curbs, crosswalks or gutters of the Town of Bethany Beach or to repair or improve any curb, sidewalk, gutter or crosswalk, the following procedure shall be followed:

20.1 Resolution. The Town Council shall adopt a resolution stating that on a named day and at a named hour and place, the Town Council will meet to consider the question of laying, installing or constructing new sidewalks, curbs or gutters, or any or all of them, or the repair or replacement of particular sidewalks, curbs or gutters or any or all of them, in the Town, on a named street adjoining, along or in front of the property of a named owner or owners and an assessment of the costs thereof against such owner or owners. The resolution shall be published in a newspaper having

a general circulation in the Town of Bethany Beach at least three weeks prior to the meeting. The Town Council shall hold a public hearing pursuant to said resolution and thereat shall hear the aforesaid owner or owners of property and other residents of the Town appearing on the question referred to in said resolution.

20.2. Determination to Proceed. After such public hearing, the Town Council, either at said public hearing, or at a subsequent regular or special meeting, shall decide whether or not to proceed with the improvements referred to in said resolution, and if it shall determine to proceed, the Town Council shall determine whether the whole or some specified portion of the cost of the improvement adjoining, along or in front of the property of the said owner or owners named in the aforesaid resolution shall be borne by said owner or owners. If said determination shall be that the whole or a specified proportion of said cost shall be borne by the said owner or owners, then and in that event, the said owner or owners shall be compelled to pay the whole or a specified proportion of costs aforesaid, as the case may be. The amount to be paid by the owner of each parcel for their property affected shall be determined according to the lineal footage of their parcel(s) adjoining, along or in front of which the improvement or improvements were made.

20.3. Assessment and Collection of Costs; Lien. Whenever the laying, installing or constructing of new sidewalks, curbs or gutters or any or all of them, or replacement or repair of the sidewalks, curbs or gutters of any or all of them have been made, and the cost thereof ascertained, the Town Council shall ascertain the amount that the owner or owners of each parcel of property shall pay as hereinbefore stated, and shall give written notice thereof to said owner or owners. If such owner or owners shall fail to pay the specified amount within sixty days after the mailing of such notice, the same, together with interest and costs, may be collected by the same procedures as are set forth herein for the collection of taxes. The amount so assessed shall be and constitute a lien upon all the property adjoining, along or in front of which the said work was accomplished, and such liens shall have preference and priority over any other liens or encumbrances against said property for a period of ten years from the date of mailing of the notice, although such other lien or encumbrance be of a date prior to the time of the attaching of such liens for the improvements as provided hereunder.

20.4 Notice. Whenever written notice is required to be given to any "owner" by this section 20, notice to one co owner shall be notice to all. Notice shall be given by mailing same, certified mail, return receipt requested, proper postage affixed, to said owner at his or her last known address; provided however, that the failure of any owner to actually receive such notice, (being returned as, among other reasons, "unclaimed", "refused to accept", "moved, not forwarding address") shall not invalidate any action taken under this section (§20).

20.5 Change in Ownership. The word "owner" as used in this section shall be deemed to mean the freeholders or leaseholders of the property at the time of the resolution adopted under §20.1, and any change in ownership thereafter shall not be deemed or held to affect any of the proceedings described in this section.

20.6 Construction Supervision, Standards. The Town Council in exercising the authority granted by this section, may use such materials and substances and such methods of construction and may employ such contractors, engineers, inspectors and others as the Town Council may deem expedient

21 Jetties, Bulkheads, Embankments and Boardwalks. The Town Council shall have the power and authority to locate, lay out, construct, widen, extend, improve, repair, vacate or abandon jetties, bulkheads, groins and embankments for the preservation of any beach or strand within the limits of the Town or contiguous thereto to the ends that the same may be preserved and property may be protected, or boardwalks and piers, to the end that the general public might enjoy the use thereof. In the locating, laying out, constructing, widening, extending, improving, repairing, vacating or abandoning of any such jetties, bulkheads, groins and embankments, boardwalks and piers, the Town Council shall have full power and authority to use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors, and others the Town Council shall deem expedient and advisable; subject Nevertheless, to any controlling Federal or State statutes or administrative regulations. For the purpose of this section the Town Council shall have full power and authority to expend such part or parts of the money of the Town, in the general fund of the Town not otherwise budgeted.

The Town Council may, by condemnation proceedings, take private lands or the right to use private lands for any of the purposes mentioned in this Section. The proceedings by condemnation under this Section shall be as prescribed in 10 Del. C Chapter 61 or any future corresponding provision of law.

22 Drainage The Town shall have the full jurisdiction and control, within the limits of the Town, of the drainage of all water thereof, together with the right to alter and change the course and direction of any of the natural water courses, runs and rivulets within the limits of the Town and may pass ordinances for the opening of gutters, surface water and underground drains and sewers within the limits of the Town The Town shall also have full power to regulate, maintain, clean and keep the natural water courses, runs and rivulets within the Town limits open and clean and unobstructed and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided by 10 Del. C. Chapter 61 or

any future corresponding provision of law. By like proceedings the Town shall also have the power and authority to enter upon private lands and take, condemn and occupy the same for the purpose of aying down gutters, surface water and underground water drains or sewers, or any of them, within the Town limits.

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

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

The Town Council may, at its option, furnish water from the Town system to places and properties outside the Town limits and upon such special terms, charges and conditions as it shall deem wise.

The Town Council shall have the power to make contracts for the purchase of water and to distribute the same to users within or without the said Town with the same full powers as if such water had been initially reduced to usefulness by the Town itself.

The Town Council shall have the power to enter contracts for the sale of water outside the limits of the Town upon such terms and conditions as the Town Council shall, in the exercise of its sound discretion deem best; and also to enter into mutual aid agreements with other water suppliers conducting operations near the limits of the Town upon such terms and conditions as Town Council shall deem best.

The Town Council shall have power to enact ordinances granting franchises for such term or terms of years as shall seem wise to the Town Council to use the present or future streets, squares, alleys, lanes and beach strand of the Town for the purpose of furnishing water to the Town and to the persons, firms or corporations residing therein, and for the purpose of transmitting the same, or any, or all of them, through, over, across or under said streets, squares, alleys, lanes and beach strands to points outside the Town limits, any such franchise or franchises, to contain such restrictions, conditions, and stipulations as shall, to the said Town Council, seem wise.

The Town may, by condemnation proceedings, take private land and property, or the right to use private land and property, under, over, or on the surface thereof, for the proper furnishing of an ample supply of potable water or the creation, construction, extension, maintenance of a proper water system, or the distribution thereof as above provided. The proceedings by condemnation under this Section shall be the same as prescribed by 10 Del. C. Chapter 61 or any future corresponding provision of law.

§24. Referendum

24.1 Referendum Power The qualified voters of the Town of Bethany Beach shall have the power to require reconsideration by the Town Council of any adopted ordinance and to approve or reject it at an election as provided herein; provided however that such power of refcrendum shall not extend to the budget or capital improvement program or any emergency ordinance, or to any ordinance relating to the appropriation of money or any ordinance relating to the levy of taxes; or to any ordinance authorizing the borrowing of money under §12.2 ('Long-Term Borrowing') or to any ordinance annexing lands into the Town.

24.2 'Qualified Voters'; Persons Entitled to Vote in Referendum At any referendum election conducted under this section, a 'qualified voter' shall mean any person who is entitled to vote in the annual town election if it were held on that day. Each qualified voter shall be entitled to one vote.

24.3 Referendum Petition In order to initiate a referendum under this section, a referendum petition, signed by those persons who are qualified voters (as defined above) at the time such petition is presented to the Town Council (as hereinafter provided) equal in number to 15% of the 'qualified voters' of the Town, with the local address of the person so signing, shall be presented to the Town Council. Each copy of such petition shall contain and have attached thereto throughout its circulation the full text of the ordinance subject to be reconsidered.

Each copy of the petition shall have attached to it, when filed, an affidavit executed by the signer thereof stating that he personally circulated the petition, the number of signatures thereon, that he believes them to be the genuine signatures of the persons whose names they purport to be and, that each person who signed it is qualified to sign the petition, and that each signer had an opportunity, before signing, to read the full text of the ordinance sought to be reconsidered.

24.4 Determination of Sufficiency of Petition

24.4.1 Determination by Council The Town Council may examine, or direct the Town Manager to examine and report back to the Town Council, any petition filed under this section in order to determine its sufficiency. If the Town Council determines that such petition is insufficient for any reason, it shall publicly state such fact and the reasons therefore, and shall return such petition(s) to the person(s) submitting same. Any petition rejected as insufficient on account of an insufficient number of signatures may be 'cured' by the addition of additional signatures of qualified voters and re-submitted within 60 days from the date such petition was first rejected by the Town Council.

24.4.2 Appeal of Council Decision Any person or person, jointed or severally, aggrieved by the decision of the Town Council may present to the Superior Court of the State of Delaware, a petition duly verified, setting forth that such decision is invalid, in whole or in part, specifying the grounds of such invalidity. Such petition shall be presented to the Court within thirty (30) days following the determination by the Town Council as to the insufficiency of such petition. Upon presentation of the petition, the Court may allow a Writ of Certiorari directed to the Town Council to review such decision of the Town Council and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner or his attorney, which shall not be less than ten (10) days and may be extended by the Court. The Court may reverse or affirm, wholly or partly, or may modify the determination brought up for review.

24.4.3 Reconsideration of Ordinance Upon Receipt of Petition Upon determination that a Petition is sufficient (either by the Town Council or by the Superior Court on appeal from decision of the Town Council) the Town Council shall reconsider the referred ordinance at its first regular meeting after the Petition has been finally determined to be sufficient. If the Town Council fails to repeal the referred ordinance, it shall be submitted to the qualified voters as hereinafter provided.

24.4.4 Referendum Election (a) The election on a referred ordinance shall be held not less than sixty (60) days and no later than ninety (90) days from the date that the petition is determined to be sufficient. If the Annual Municipal Election it to be held within ninety days from the date the Petition is determined to be sufficient, such referendum shall be considered as part of that election. If the Annual Municipal Election is not to be held within ninety (90) days from the date the Petition is determined to be sufficient, the Town Council shall provide for a special election. If the Town Council fails to hold a referendum within the time specified in this section, the ordinance for which the petition was filed shall be deemed to be repealed at the expiration of ninety (90) days from the date that the petition was considered to be sufficient, and shall not be passed in the same form for a period of six (6) months from the effective date of repeal.

(b) Notice of the time and place of holding the said Special Election shall be printed in at least two (2) issues of a newspaper having a general circulation in the Town of Bethany Beach and posted in five (5) public places in the Town, not less than thirty (30) days immediately preceding the date of the Special Election. The Mayor of Bethany Beach shall appoint three (3) persons to act as a Board of Special Election, if a Special Election is required. The polling place shall be open for a minimum of eight consecutive hours, the times to be set by resolution of the Town Council. Persons in the polling place at the time set for the closing of the polls shall be entitled to vote even though such votes may be cast after the time set for the closing of the polls.

(c) Immediately after the closing of the polling place or places, the Board of Special Election, or the Board of Election if the referendum is held on the day of the Annual Municipal Election, as the case may be, shall count the ballots for and against the proposition as presented, and shall announce the results thereof. The Board of Special Election or the Board of Election, as the case may be, shall make a certificate under their hands of the number of votes cast for and against the proposed ordinance and the number of void votes, and shall deliver the same to the Town Council. The said certificate shall be filed with the papers of the Town of Bethany Beach.

(d) the form of the ballot of the said Election, whether the same be considered at the Annual Municipal Election or at a Special Election shall be as follows:

( ) For Repealing the Referred Ordinance

( ) Against Repealing the Referred Ordinance

(Check your preference)

(e) At any such Special Election, or Annual Municipal Election as the case may be, voting may be conducted by voting machine, electronic voting system, or paper ballot as the Town Council shall determine in accordance with any controlling federal or state law.

(f) If the majority of the qualified voters voting on a referred ordinance vote in favor of repealing such ordinance, it shall be considered repealed upon the certification of the result of the election by the Board of Special Election in the case of a Special Election or upon the certification by the Board of Election in the case of such referendum being held on the day of the Annual

Municipal Election. No ordinance which has been repealed as the result of a referendum shall be passed again in the same form by the Town Council or Bethany Beach for a period of six (6) months from the date of the referendum.

24.4.5 Non-binding Referendum

Notwithstanding any other provision of this section (§24) to the contrary, the Town Council may, on its own initiative, by resolution, determine to hold an election (either a Special Election or in conjunction with the Annual Municipal election) to obtain the opinion of the qualified voters (as defined herein) of the Town on any subject which the Town Council has under consideration.

Any such election shall be conducted in such manner and with such public notice, as the Town Council shall determine by resolution; provided however that any such resolutions, and any public notices regarding such non-binding referendum election, shall clearly specify that such referendum election is 'non-binding'. The results of any 'non-binding' referendum election conducted under this §24.4.5 shall have no legal effect whatsoever and shall not bind or obligate the Town Council to take any action or refrain from taking any action on the subject referred, but shall merely be informational in nature regarding the opinion of those qualified voters who expressed a preference at such non binding referendum election.

§25. Actions or Suits

No action, suit, or proceeding shall be brought or maintained against the Town of Bethany Beach, its officers (including the members of any board, commission, or agency), employees, or agents, whether now, hereafter, or previously serving as such, and no judgment, damages, penalties, costs, or other money entitlement shall be awarded or assessed against the Town, its officers, (including the members of any board, commission, or agency) employees or agents, whether now, hereafter or previously serving as such, in any civil suit or proceeding at law or inequity, or before any administrative tribunal, arising out of, connected with, or on account of any physical injury or injuries, death, or any other type of personal injury, (including libel or slander), or injury to property (whether real or personal) unless the person by or on behalf of whom such claim or demand is asserted, within one year from the happening of the incident giving rise to such injury shall notify the Town of Bethany Beach 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 Bethany Beach by certified mail with return receipt requested and postage prepaid.

§26. Compendium

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 Bethany Beach. 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, current 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 members of the Town Council of the Town of Bethany Beach copies thereof as they are enacted and therefrom may cause supplements to be compiled and printed to any compendium thereof theretofore printed as above provided.

§27. Survival of Powers and Validating Section

27.1 All powers conferred upon or vested in the Town Council of Bethany 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 Bethany Beach and/or the Town Council of Bethany Beach precisely as if each of said powers was expressly set forth in this Charter.

27.2 All ordinances adopted by the Town Council of Bethany Beach 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, mondified or altered by the Town Council of Bethany Beach under the provisions of this Charter.

27.3 All of the acts and doings of the Town Council of Bethany Beach or of any official, or of the Mayor, or the Town which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Town of Bethany Beach under any provision of any prior Charter of the Town of Bethany Beach, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

27.4 All taxes, assessments, license fees, penalties fines, forfeitures, and other charges due to the Town of Bethany Beach shall be and remain due to the Town of Bethany Beach and all debts due from the Town of Bethany Beach shall remain unimpaired until paid by the Town of Bethany Beach.

27.5 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 of Bethany Beach.

27.6 The bonds given by or on account of any official of the Town of Bethany Beach shall not be impaired or affected by the provisions of this Charter.

27.7 Each member of the Town Council who holds office at the time of approval of this Act shall continue to serve until the expiration of his term of office.

27.8 All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter shall be and the same are hereby repealed to the extent of any such inconsistency.

§28. Separability

If any provision, section, sub-section, paragraph, sentence, or clause of this Charter shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions, sections, sub-sections, paragraphs, sentences or clauses of this Charter.

§29. Public Act

This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

§30. Effective Date

This Charter shall take effect as of October 1, 1986.

Approved June 19, 1986.

CHAPTER 296

FORMERLY
SENATE BILL NO. 227
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 39, TITLE 10 OF THE DELAWARE CODE RELATING TO PLEADING AND PRACTICE IN THE COURTS OF THE STATE OF DELAWARE.

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

Section 1. Amend §3901 of Title 10 by repealing said Section in its entirety and substituting in lieu thereof the following:

"§3901. Affidavits of Defense; Judgments by Default on Written Instruments; Opening Judgments

(a) In all actions upon bills, notes, bonds, or other instruments of writings for the payment of money or for the recovery of book accounts, or foreign judgments, and in all actions of scire facias on recognizances, judgments or mortgages, the plaintiff may specifically require the defendant or defendants to answer any or all allegations of the complaint by an affidavit setting forth the specific nature and character of any defense and the factual basis therefore, by the specific notation upon the face of the complaint that those allegations must be answered by affidavits.

(b) If defense is to a part only of the cause of action, the defendant, or if there be more than one, any one or more of them shall, in such affidavit, specify the sum which he or they admits or admit to be due, and judgment shall be entered for the plaintiff at his election for the sum acknowledged to be due.

(c) A defendant need not file an affidavit to answer any allegation, whether or not designated pursuant to this section, unless the plaintiff or plaintiffs files with his complaint a copy of the instrument of writing, book entries, or claims, or in case of a scire facias, a certified abstract or transcript of the judgment, mortgage, or recognizance, and in case of a suit on a foreign judgment a copy of the judgment, certified to under §1738 of Title 28 of the United States Code.

(d) If the plaintiff or plaintiffs complies with this section, and the defendant or defendants fails to respond to the designated allegations by affidavit filed with the answer or answers, the designated allegations will be deemed admitted, and default judgment may be entered thereon, in the discretion of the Court and upon motion by the plaintiff.

(e) Upon any judgment under this Section a stay of execution for 6 month shall be granted on security being given by the defendant for the payment of such judgment, with interest and costs, in such form as by the rules of the Court are prescribed. In case of a suit by or against a corporation, the affidavit by the cashier or treasurer shall be sufficient in this Section. In case of security being given as aforesaid by the defendant, the entry of such security shall have all the force and effect of a judgment, and at the expiration of the stay given, the judgment, with costs, may be collected by execution process sued out jointly or severally against the principal and surety. Any affidavit authorized under this Chapter may be taken out of this State before any judge of any court of record, the mayor or chief magistrate of any city or borough, a Commissioner of Deeds for this State, or any consul or vice- consul of the United States, or before any notary public of any state or territory within the United States or of the District of Columbia. The affidavit shall be certified under the hand and official seal, or seal of the court, city or borough, as the case may be, of the person taking the same.

(f) Upon sufficient cause shown, the Court may open such judgment and let the defendant into a trial, security being first given, in manner and form as provided in subsection (a) of this section, for the payment of such judgment, with interest and costs, as the plaintiff may recover in such action.

(g) In actions commenced by a capias ad respondendum, if special bail is not given at the term to which the process is returnable, the plaintiff may, at his election, on the last day of the term, cause a common appearance to be entered for the defendant, and move for judgment, under the provisions of this section, in like manner as if special bail had been given.

(h) The amount of a judgment by virtue of this Section, shall be ascertained under the order of the Court, and shall not exceed the sum demanded in the complaint filed by the plaintiff.

(i) The Court, in its discretion, may extend the time in which the defendant or defendants has to answer or otherwise do anything authorized by its rules of Civil Procedure."

Section 2. Amend §3914, Chapter 39 of Title 10 by repealing said Section in its entirety and substituting in lieu thereof the following:

"§3914. Partnership, Proof of

In any action by or against partners, the plaintiff may require the defendant or defendants to deny the allegation of partnership by affidavit filed with the answer, by the specific notation of the need for a denial by affidavit within the paragraph alleging partnership. Any defendant so answering shall deny the existence of the partnership as alleged, and stating to the best of his knowledge and belief, whether there is any partnership in relation to the subject matter of the action, and who are the partners therein. Where plaintiff has complied with this section, failure of any defendant to file an affidavit with his answer shall be deemed an admission of the partnership as alleged."

Section 3. Amend §3915, Chapter 39 of title 10 by repealing said Section in its entirety and substituting in lieu thereof the following:

"§3915. Incorporation or Corporate Existence, Proof of

In any action by or against any corporation, the plaintiff may specifically require the defendant or defendants to deny the allegation of the incorporation and existence of the corporation by affidavit filed with the answer, by the specific notation of the need for denial by affidavit within the paragraph alleging the corporate existence. Any defendant so answering shall deny the incorporation and existence of the corporation as alleged, and stating to the best of affiant's knowledge whether there is any corporation existing which has a relationship to the subject matter of the action. Such affidavit may be made by the president, secretary, treasurer or any director of any corporate defendant. Where plaintiff has complied with this Section, failure of any defendant to file an affidavit with its answer shall be deemed an admission of existence of the corporation as alleged."

Section 4. Amend §3916, Chapter 39 of Title 10 by repealing said Section in its entirety and substituting in lieu thereof the following:

"§3916. Agency in Operation of Motor Vehicle, Proof of

In any action arising out of the operation of any vehicle, in which it is alleged that the operator of the vehicle was a servant, agent or employee of the defendant or defendants, the plaintiff may specifically require the defendant or defendants to deny the allegation that the operator of the vehicle was a servant, agent or employee of the defendant or defendants by affidavit filed with the answer, by the specific notation of the need for denial by affidavit within the paragraph alleging that the operator of the vehicle was a servant, agent or employee of defendant or defendants. Any defendant so answering shall deny that the operator of the vehicle was operating the vehicle at the time of the occurence as a servant, agent or employee of the answering defendant, and/or deny that the operator of the vehicle was operating the vehicle in and about the course of his duties as a servant, agent or employee of the answering defendant and set forth the factual basis for the denial. Where plaintiff has complied with this Section, failure of a defendant to file an affidavit with his answer shall be deemed an admission that the operator of the vehicle was a servant, agent or employee of the defendant."

Section 5. Amend §3917, Chapter 39 of Title 10 by repealing said Section in its entirety and substituting in lieu thereof the following:

"§3917. Signatures in Actions or Written Instruments, Proof of

In any action brought upon any deed, bond, bill, note, or other instrument of writing, a copy of which has been filed with the complaint, the plaintiff may specifically require the defendant or defendants to deny the allegation that the defendant or defendants signature appears on the instrument by affidavit filed with the answer, by the specific notation of the need for denial by affidavit within the paragraph alleging that the signature of defendant or defendants appears upon the instrument. Any defendant so answering shall specifically deny that his signature appears on the instrument. Where plaintiff has complied with this section, failure of any defendant to file an affidavit with his answer shall be deemed an admission of the signature as alleged."

Section 6. This Act shall apply to all civil actions filed on or after the effective date in all Courts of the State of Delaware having jurisdiction to hear, try and finally determine civil actions where the amount in controversy exceeds $2,500.

Section 7 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 shall be held invalid, the remainder of this Act, and the application of the provision or provisions to persons or circumstances other than those to which it was held invalid or inconsistent shall not be affected thereby.

Section 8 This Act shall be effective on the thirtieth day following its enactment.

Approved June 23, 1986.

CHAPTER 297

FORMERLY

HOUSE BILL NO. 312
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2 AND SENATE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT AND COLLECTION OF MOTOR FUEL TAXES

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

Section 1. Amend Section 5101, Title 30 of the Delaware Code by inserting in subdivision (1), following the phrase "after the gasoline reaches the State or who" and before the phrase "desires to purchase gasoline tax free", the following:

"being in the business of selling and or distributing gasoline in bulk quantities".

Section 2. Amend Section 5101 (4), Title 30 of the Delaware Code by inserting the word "gasohol" in the first sentence of said subsection after the word "including" and before the words "casinghead gasoline".

Section 3. Amend Section 5101, Title 30 of the Delaware Code by adding thereto new subdivisions designated (5) and (6) to read as follows:

"(5) A product will be considered 'gasohol' when it is composed of one part anhydrous ethyl alcohol (ethanol) and nine parts unleaded gasoline.

(6) 'Department' means Department of Public Safety.".

Section 4. Amend Section 5131 (3), Title 30 of Delaware Code by striking the words "for operation and operated" as the same shall appear therein and inserting in lieu thereof the following:

"or subject to be licensed for operation".

Section 5. Amend Section 5131 (8), Title 30 of the Delaware Code by striking said subsection in its entirety and inserting in lieu thereof the following:

"(8) 'Special Fuel Supplier' means any person in the business of handling or selling special fuel who delivers or places such fuel into a bulk supply tank or tanks of a special fuel user or special fuel dealer."

Section 6. Amend Section 5131 (9), Title 30 of the Delaware Code by striking said subsection in its entirety and inserting in lieu thereof the following:

"(9) 'Special Fuel Tax Exemption Marker' means a marker or sticker supplied by the Department to be affixed to a special fuel bulk storage tank, or to the pump attached thereto, to certify that tax free fuel may be placed into such tank.".

Section 7. Amend Section 5131, Title 30 of the Delaware Code by adding thereto a new subsection designated as (10) to read as follows:

"(10) 'Department' means the Department of Public Safety."

Section 8. Amend Section 5133 (a) (4), Title 30 of the Delaware Code by striking said subsection (4) in its entirety.

Section 9. Amend Section 5133, Title 30 of the Delaware Code by striking subsection (b) in its entirety and subsituting in lieu thereof the following:

"(b) The Department may, for purposes of identification, required that the above persons apply to the Department for a Special Fuel Tax Exemption marker to be affixed to the applicable bulk supply tank or pump thereof. The Tax Exemption Marker may be revoked by the Department for just cause."

Section 10. Amend Section 5134, Title 30 of the Delaware Code by striking subsection (a) in its entirety and substituting in lieu thereof the following:

"(a) Required it shall be unlawful for any person to act as a special fuel dealer in this State unless such person is the holder of a valid special fuel dealer's license issued to him by the Department.

Except for special fuel which is delivered by a special fuel dealer into a fuel supply tank of any motor vehicle in this State, the use (as defined in this subchaper) of special fuel in this State by any person shall be unlawful unless such person is the holder of a valid special fuel user's license

issued to him by the Department. However, the requirement for a special fuel dealer's or special fuel user's license and bond may be waived by the Department, if said dealer or user has contracted to pay the applicable special fuel tax to a licensed special fuel supplier at the time of purchase. Also, it shall be unlawful for a special fuel supplier to collect the special fuel tax from a special fuel dealer or special fuel user unless the supplier is the holder of a valid special fuel supplier's license. A fee of $10.00 shall be paid to the Department for the issuance of each special fuel license.".

Section 11. Amend Section 5136, Title 30 of the Delaware Code by striking subsection (c) in its entirety and substituting in lieu thereof the following:

"(c) Tax computation - The tax imposed by this subchapter shall be computed by each special fuel dealer or special fuel user by multiplying the tax rate per gallon provided in this subchapter by the number of gallons of special fuel delivered or placed by him into the supply tank or tanks of a motor vehicle, provided, however, that if a special fuel dealer or special fuel user has contracted with a licensed special fuel supplier to have the tax included in the price of the fuel, then the tax shall be computed by the supplier by multiplying the tax rate per gallon provided in this subchapter by the number of gallons of special fuel delivered or placed into the bulk storage tank or tanks of the dealer or user."."

Section 12. Amend Section 5136, Title 30 of the Delaware Code by striking from subsection (j) the phrase "fraudulent report or of neglect or refusal" and substituting in lieu thereof the phrase "false or fraudulent report, or of neglect, failure or refusal."

Section 13. Amend Section 5136, Chapter 51, Title 30 of the Delaware Code by adding two new subsections designated as (k) and (l) to read as follows:

"(k) Notification; redetermination; appeal - Promptly after determination of the amount of monies due to the State under this subchapter for whatever reason, the Secretary of Public Safety shall notify by mail the person against whom the assessment is made. Within 60 days of the date upon which any such determination was mailed, such person may file with the Secretary of Public Safety a petition for redetermination of the assessment. Every petition for redetermination shall state specifically the reasons which the petitioner believes entitles him to such redetermination. It shall by the duty of the Secretary to dispose of a petition for redetermination within 90 days of his receipt of it. The petitioner shall be promptly notified by the Secretary of his decision. Within 60 days after the date of the Secretary's decision, the petitioner may appeal such decision to the Superior court of this State.

(l) Collection of delinquent taxes - If any special fuel dealer, special fuel user or special fuel supplier shall, for a period in excess of 10 days, be in default of payment of any taxes, penalties and/or interest thereon, which are payable under the terms of this subchapter, the Department of Public Safety may issue a warrant under its official seal, signed by its Secretary, and directed to the Sheriff of any county of the State, commanding the Sheriff to levy upon and sell the goods and chattels of such debtor, without exemption, found within his jurisdiction for payment of the amount of such delinquency together with any additional penalties and interest which have accrued and the cost of executing the warrant and conducting the sale, and to return such warrant to the Department and to pay the Department the money collected by virtue thereof within the time specified in the warrant which shall be not less than 20 or more than 60 days from the date the warrant was issued. The Sheriff to whom any such warrant is directed shall proceed upon the same in all respects with like effect and in the same manner as prescribed by law in respect to executions issued against goods and chattels upon judgments by a court of record, and he shall be entitled to the same fees for his services in executing the warrant to be collected in the same manner. The foregoing notwithstanding, nothing in this section shall be construed as forfeiting or waiving any rights of the Department or of this State to collect such taxes by an action upon any bond that may be filed with the Department under any provision of this subchapter where by suit or otherwise; and in case such suit, action or other proceeding shall have been instituted for the ollection of said tax, such suit, action or other proceeding shall not be construed as waiving any other right herein provided."

Section 14. Amend Section 5137, Title 30 of the Delaware Code by striking the phrase "12 calendar months" and substituting in lieu thereof the phrase "36 calendar months".

Section 15. If any provisions of this Act, or its application to any person or circumstances, is determined to be invalid, such invalidity shall not effect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to that end the provision of this Act are declared severable.

Section 16. This Act shall become effective upon its enactment into law.

Approved June 23, 1986.

CHAPTER 298

FORMERLY

HOUSE BILL NO. 516
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE AND TO ADD A NEW CHAPTER TO TITLE 5 OF THE DELAWARE CODE RELATING TO THE ABILITY OF BANKING ORGANZIATIONS TO CLOSE ON HOLIDAYS AND DURING EMERGENCIES.

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

Section 1. Amend Part II, Title 5 of the Delaware Code by adding a new Chapter 13 to read as follows:

"CHAPTER 13. BANKING ORGANIZATION'S POWER TO CLOSE OFFICES ON HOLIDAYS AND DURING EMERGENCIES

§1301. Definitions; Application of Act

As used in this Act, unless the context requires otherwise:

(a) 'Officers' means those persons designated by the banking organization's board of directors or trustees to act for the banking organization.

(b) 'Emergency' means any condition which interferes with the conduct of normal business operations at one or more of a banking organization's offices, or which poses an imminent or exisiting threat to the safety and security of persons or property, or both. Without limiting the generality of the foregoing, an emergency may arise as a result of any one or more of the following: fire, flood, wind, ice, rain or snow, labor dispute, power failure, transportation failure, war, nuclear incident, riot, civil commotion or other acts of lawlessness or violence.

(c) 'Office' means any place at which a banking organization transacts business or conducts operations related to the transaction of business, and shall specifically include, without limiting the generality of the foregoing, automatic teller machines.

§1302. Closing on Legal Holidays

Any banking organization may, at its option, either close or remain open on Saturdays, Sundays and the legal holidays designated in 1 Del. C. §501 and holidays observed by the Federal Reserve Bank for the district which includes Delaware. As to any banking organization electing to remain open on any of such holidays, such day or days shall not constitute a holiday within the meaning of the provisions of the laws of this State, and such banking organization shall incur no liability by reason of remaining open on such holiday. If any banking organization elects to close on any such holidays, any act authorized, required or permitted to be performed at or by such banking organization may be performed on the next succeeding banking day and no liability or loss of rights of any kind shall result from remaining closed, notwithstanding the provsions of any law of this State to the contrary. The provisions of this Section shall not operate to invalidate or prohibit the doing of any act by any person or banking organization on any of such holidays, and nothing in any laws of this State, in any manner whatsoever, shall affect the validity or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any other person or banking organization, because done or performed during any of such holidays, notwithstanding the provisions of any other law of this State to the contrary.

§1303. Proclamation of Emergency

Whenever the Governor declares a disaster or emergency under Chapter 31 of Title 20 of this Code, banking organizations may close one or more or all of their offices when in the opinion of their officers such offices are directly or indirectly affected by such disaster or emergency.

§1304. Powers of Officers

Whenever the officers of a banking organization are of the opinion that an emergency exists which affects one or more of the organization's offices, they shall have the authority to close one or more or all such offices even though the Governor has not issued and does not issue a proclamation of emergency, and they may, but need not, provide that the business normally transacted at a closed office will be transacted at another office designated by the bank until further notice. The discretion of the officers in acting pursuant to this Section, when exercised in good faith, shall not be questioned in any court or place or by any State agency.

§1305. Prompt Notice

A banking organization closing an office or offices pursuant to this Act shall give as prompt notice to the State Bank Commissioner of its action as conditions will permit.

§1306. Immunity from Liability

No banking organization and no director, officer or employee of a bank shall be liable to any person for any direct or indirect loss suffered by such person by reason of the organization's failure or inability to make the organization's premises and facilities available to such person, or by reason of the banking organization's failure to perform, or its delay in performing any contractual, statutory or other duty assumed by or imposed upon it in any capacity, when such failure, inability or delay is caused by an emergency as defined by this Act.

§1306. Provision Substitution

The provisions of this Act shall be construed and applied as being in addition to and not in substitution for any other law of this State or of the United States excusing delays by banking organizations in the performance of duties or obligations, or authorizing the closing of banking organizations because of emergencies or conditions beyond the organization's control or otherwise.

§1307. Limited Activity

A bank office closed as authorized by this Chapter may nonetheless conduct limited operations and perform banking transactions."

Section 2. Amend Section 502, Chapter 5, Title 1 of the Delaware Code by striking Subsections (b) and (c) in their entirety.

Approved June 23, 1986.

CHAPTER 299

FORMERLY

SENATE BILL NO. 436
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL LUNCH MANAGERS.

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

Section 1. Amend Section 1322(a) of Chapter 13, Title 14 of the Delaware Code by striking the second paragraph in its entirety and substituting in lieu thereof the following:

"Salaries provided for in this schedule shall be paid to the school lunch manager of a single cafeteria. A school lunch manager responsible for the preparation of food for more than one cafeteria shall receive $400 for each additional cafeteria. A manager of satellite cafeteria(s) shall receive the salary provided for in this schedule less $200. A satellite cafeteria is defined as one where no basic food preparation takes place. A manager who manages more than one cafeteria shall receive the salary provided in this scale using the total school enrollments of all cafeterias managed. The salaries listed in this schedule for school lunch managers shall be increased for additional training as defined by the State Board of Education as follows:

One year of college	$396
Two years of college	$597
Bachelor's degree	$1,191".

Section 2. The provisions of this act are retroactive to July 1, 1985.

Approved June 25, 1986.

CHAPTER 300

FORMERLY

SENATE BILL NO. 408

AN ACT TO AMEND TITLE 9, §8604 OF THE DELAWARE CODE RELATING TO PENALTY FOR LATE PAYMENT OF REAL ESTATE TAXES IN KENT COUNTY.

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

Section 1. Amend §8604, Title 9 of the Delaware Code by striking "The Receiver of Taxes and County Treasurer or Director of Finance of Kent and New Castle Counties" and by substituting in lieu thereof "The Director of Finance of New Castle County".

Section 2. Amend subsection (a) §8604, Title 9 of the Delaware Code by adding to the beginning of the third paragraph the following:

"In Kent County, the Receiver of Taxes and County Treasurer and".

Approved June 25, 1986.

CHAPTER 301

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 14
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, PART I, TITLE 16 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF HEALTH AND PROVIDING FOR THE REGULATION OF FREE STANDING SURGICAL CENTERS, FREE STANDING EMERGENCY CENTERS, AND FREE STANDING BIRTHING CENTERS.

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 §122(3), Subchapter II, Chapter 1, Title 16 of the Delaware Code by adding thereto a new subparagraph which shall read as follows:

"(p) To establish standards for quality assurance in the operation of free standing birthing centers, free standing surgical centers and free standing emergency centers; and to grant permits for the operation of such facilities to persons, associations or organizations meeting those standards and paying the appropriate permit fee established by the Board. When appropriate, the Board should use the established standards for Medicare reimbursement in setting standards. Provided, however, that nothing contained in this paragraph shall be construed to authorize the Board to expand or limit the scope of practice afforded to professionals under other chapters of this Title or other provisions of Delaware law or lawful regulations of the State Board of Health. For the purpose of this Chapter, the following definitions shall apply to those facilities:

(1) 'free standing birthing center' means a public or private facility, other than a hospital, which is established for the purpose of delivering babies and providing immediate postpartum care.

(2) 'free standing surgical center' means a place other than a hospital or the office of a physician, dentist or podiatrist or professional association thereof, which is maintained and operated for the purpose of providing surgery and surgical diagnosis and treatment by persons licensed to practice medicine and surgery, dentistry or podiatry in the State of Delaware, and which shall have an attending staff.

(3) 'free standing emergency center' means a facility, physically separate from a hospital, which uses in its title or in its advertising, the words 'emergency', 'urgent care', or parts of those words or other language indicating to the public that immediate medical treatment is available to individuals suffering from a life-threatening medical condition."

Approved June 25, 1986.

CHAPTER 302

FORMERLY

HOUSE BILL NO. 314
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 52, TITLE 30, OF THE DELAWARE CODE RELATING TO THE MOTOR CARRIER FUEL PURCHASE LAW.

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 52, Title 30, Delaware Code by adding a new Section 5227 as follows:

"§5227. Collection of Bad Checks; Service Charge; Interest

If a check received in payment of moneys due the Department under this chapter shall be returned to the Department by the maker's bank because of insufficient funds, closed account, stopped payment or any other reason, there shall be imposed upon the maker a service charge of $10 and interest at the rate of 1% per month, or fraction thereof, shall accrue on the tax, if any, from the date such tax was due to be paid. A statement shall be sent to the maker demanding payment within 15 days of the original amount of the check plus the added service charge, interest, if any, and the cost of the postage incurred in mailing the statement. Failure of the maker to respond to the demand within 15 days shall constitute cause for the Department to suspend the maker's operating privileges in this State and 30 days thereafter, to revoke the maker's operating privileges in this State."

Approved June 25, 1986.

CHAPTER 303

FORMERLY

HOUSE BILL NO. 472
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE RELATING TO PROHIBITING THE OBSTRUCTION OR IMPEDING OF LAWFUL HUNTING, FISHING OR TRAPPING ACTIVITIES.

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 7, Chapter 7 of the Delaware Code by creating a new section 731 thereof to read as follows:

"§731. Willful Obstruction or Impeding of Lawful Hunting, Fishing or Trapping Activities

(a). No person shall willfully obstruct or impede the participation of any individual in:

(1) the lawful taking of fish, crabs, oysters, clams or frogs; or

(2) the lawful hunting of any game birds or animals; or

(3) the lawful trapping of any game animals.

(b). Whoever violates this section shall be fined not less than $100.00 nor more than $250.00 for each offense.

(c). Hunting, trapping or fishing activities while trespassing upon the private lands of another person, persons, or corporation shall not be considered lawful hunting activities for purposes of this section.

(d). The conduct declared unlawful in this section shall not include any incidental interference arising from lawful activities normally conducted within the general area.

(e). Justices of the peace shall have original and exclusive jurisdiction to hear and determine violations of this section.

(f). This section shall not apply to law enforcement personnel acting in the lawful performance of their duties."

Approved June 25, 1986.

CHAPTER 304

FORMERLY

HOUSE BILL NO. 491
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9, CHAPTERS 44 AND 49 OF THE DELAWARE CODE RELATING TO CONSTRUCTION CODE AND ZONING CODE ENFORCEMENT BY KENT COUNTY.

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

Section 1. Amend §4414, Title 9 of the Delaware Code by striking said section in its entirety and by substituting in lieu thereof the following:

"(a) The enforcement of any code or regulation adopted by the county government under the authority of this chapter shall be as prescribed by the county government by ordinance.

(b) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this chapter or of any regulation or provision of any regulation or change thereof, enacted or adopted by the county government, the attorney thereof, or any owner of real estate within the district in which such building, structure, or land is situated, may in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use."

Section 2. Amend §4919, Title 9 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"(a) The enforcement of any code or regulation adopted by the county government under the authority of this chapter shall be as prescribed by the county government by ordinance.

(b) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this chapter or of any regulation or provision of any regulation or change thereof, enacted or adopted by the county government, the attorney thereof, or any owner of real estate within the district in which such building, structure, or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use."

Approved June 25, 1986.

CHAPTER 305

FORMERLY

HOUSE BILL NO. 492

AN ACT TO AMEND SECTIONS 8201 AND 8732, TITLE 9 OF THE DELAWARE CODE RELATING TO ASSESSMENTS AND REAL ESTATE TAXES IN KENT COUNTY.

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

Section 1. Amend §8201(e), Title 9 of the Delaware Code by striking the word "freeholders" from said section.

Section 2. Amend §8732, Title 9 of the Delaware Code by denominating the present section as subsection "(a)" and by adding a new subsection "(b)" to read as follows:

"(b) This section shall not apply to Kent County. The county government of Kent County may provide by ordinance for fees and costs to be taxed in all proceedings under this subsection."

Section 3. This Act shall become effective on the date that the county government provides for fees and costs to be taxed and all proceedings under this subchapter by ordinance.

Approved June 25, 1986.

CHAPTER 306

FORMERLY

HOUSE BILL NO. 519
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 25 OF THE DELAWARE CODE RELATING TO CONTRACTS OF SALE OF UNIMPROVED REAL ESTATE AND REQUIRING NOTICE AND A CONTINGENCY PROVISION AS TO SEWERAGE AND WATER FACILITIES.

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

Section 1. Amend Chapter 3, Title 25 of the Delaware Code by adding thereto a new Section 313, which shall read as follows:

"§313. Contract for Sale of Unimproved Real Estate; Notice to Buyer of Public Sewerage and Water Facilities

Every Contract for the sale of unimproved real estate located in the State of Delaware shall have the following notice provision appear conspicuously therein:

'NOTICE TO BUYER: If the property being purchased hereunder is an unimproved parcel of land, (buyer/seller)_____should consult with the appropriate public authorities to ascertain whether central sewerage and water facilities are available, or, if not, whether the property will be approved by appropriate public authorities for the installation of a well and private sewerage disposal system. This Contract is contingent upon: 1) a satisfactory site evaluation which will allow the least costly, including installation and recurring maintenance costs, approved on site disposal system in accordance with regulations promulgated by the Department of Natural Resources and Environmental Control; 2) availability of a water supply; 3) that the lot shall conform with the local zoning ordinance; or this Contract will become null and void and all deposits will be returned to the buyer. The (buyer/seller)_____will request the site evaluation on or before (date)_____. Buyer may waive this provision of the Contract by attaching an addendum signed by the seller and the buyer.'"

Section 2. This Act shall become effective 60 days after its enactment into law.

Approved June 25, 1986.

CHAPTER 307

FORMERLY

HOUSE BILL NO. 574

AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, RELATING TO PAYMENT OF TAX LEVIES TO TAX DITCHES.

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

Section 1. Amend §4176, Chapter 41, Title 7, Delaware Code by deleting the phrase "and money so collected shall be paid monthly to the receiver designated in the tax warrants." where they appear in the second sentence of said Section and substitute in lieu thereof the following:

"and money so collected shall be paid during the months of November, January and July to the receiver designated in the tax warrants."

Approved June 25, 1986.

CHAPTER 308

FORMERLY

HOUSE BILL NO. 584

AN ACT TO AMEND CHAPTER 95, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO COURTS AND JUDICIAL PROCEDURES; AND PROVIDING THAT THE STATE OR ITS POLITICAL SUBDIVISIONS NEED NOT POST SECURITY ON APPEAL.

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

Section 1. Amend §9571, Part VII, Chapter 95, Title 10 of the Delaware Code by adding thereto the following new subsection:

"(f) The bond or any other security required under this section need not be given by:

(1) The State or any political subdivision thereof, authorized to sue or be sued;

(2) Any officer or employee of the State or any political subdivision thereof, suing or being sued in his representative capacity as such officer or employee; or

(3) Any board or committee of the State or any of its political subdivisions suing or being sued in its official capacity."

Approved June 25, 1986.

CHAPTER 305

FORMERLY

HOUSE BILL NO. 492

AN ACT TO AMEND SECTIONS 8201 AND 8732, TITLE 9 OF THE DELAWARE CODE RELATING TO ASSESSMENTS AND REAL ESTATE TAXES IN KENT COUNTY.

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

Section 1. Amend §8201(e), Title 9 of the Delaware Code by striking the word "freeholders" from said section.

Section 2. Amend §8732, Title 9 of the Delaware Code by denominating the present section as subsection "(a)" and by adding a new subsection "(b)" to read as follows:

"(b) This section shall not apply to Kent County. The county government of Kent County may provide by ordinance for fees and costs to be taxed in all proceedings under this subsection."

Section 3. This Act shall become effective on the date that the county government provides for fees and costs to be taxed and all proceedings under this subchapter by ordinance.

Approved June 25, 1986.

CHAPTER 306

FORMERLY

HOUSE BILL NO. 519
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 25 OF THE DELAWARE CODE RELATING TO CONTRACTS OF SALE OF UNIMPROVED REAL ESTATE AND REQUIRING NOTICE AND A CONTINGENCY PROVISION AS TO SEWERAGE AND WATER FACILITIES.

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

Section 1. Amend Chapter 3, Title 25 of the Delaware Code by adding thereto a new Section 313, which shall read as follows:

"§313. Contract for Sale of Unimproved Real Estate; Notice to Buyer of Public Sewerage and Water Facilities

Every Contract for the sale of unimproved real estate located in the State of Delaware shall have the following notice provision appear conspicuously therein:

'NOTICE TO BUYER: If the property being purchased hereunder is an unimproved parcel of land, (buyer/seller)_____should consult with the appropriate public authorities to ascertain whether central sewerage and water facilities are available, or, if not, whether the property will be approved by appropriate public authorities for the installation of a well and private sewerage disposal system. This Contract is contingent upon: 1) a satisfactory site evaluation which will allow the least costly, including installation and recurring maintenance costs, approved on site disposal system in accordance with regulations promulgated by the Department of Natural Resources and Environmental Control; 2) availability of a water supply; 3) that the lot shall conform with the local zoning ordinance; or this Contract will become null and void and all deposits will be returned to the buyer. The (buyer/seller)_____will request the site evaluation on or before (date)_____. Buyer may waive this provision of the Contract by attaching an addendum signed by the seller and the buyer.'"

Section 2. This Act shall become effective 60 days after its enactment into law.

Approved June 25, 1986.

CHAPTER 307

FORMERLY

HOUSE BILL NO. 574

AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, RELATING TO PAYMENT OF TAX LEVIES TO TAX DITCHES.

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

Section 1. Amend §4176, Chapter 41, Title 7, Delaware Code by deleting the phrase "and money so collected shall be paid monthly to the receiver designated in the tax warrants." where they appear in the second sentence of said Section and substitute in lieu thereof the following:

"and money so collected shall be paid during the months of November, January and July to the receiver designated in the tax warrants."

Approved June 25, 1986.

CHAPTER 308

FORMERLY

HOUSE BILL NO. 584

AN ACT TO AMEND CHAPTER 95, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO COURTS AND JUDICIAL PROCEDURES; AND PROVIDING THAT THE STATE OR ITS POLITICAL SUBDIVISIONS NEED NOT POST SECURITY ON APPEAL.

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

Section 1. Amend §9571, Part VII, Chapter 95, Title 10 of the Delaware Code by adding thereto the following new subsection:

"(f) The bond or any other security required under this section need not be given by:

(1) The State or any political subdivision thereof, authorized to sue or be sued;

(2) Any officer or employee of the State or any political subdivision thereof, suing or being sued in his representative capacity as such officer or employee; or

(3) Any board or committee of the State or any of its political subdivisions suing or being sued in its official capacity."

Approved June 25, 1986.

CHAPTER 309

FORMERLY

HOUSE BILL NO. 606
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE OATH OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY AND PUBLIC OFFICERS.

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

Section 1. Amend Article XIV of the Constitution of the State of Delaware by striking §1 in its entirety, and substituting in lieu thereof a new Section which shall read as follows:

"§1. Form of Oath for Members of General Assembly and Public Officers

Members of the General Assembly and public officers executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

'I, (name), do proudly swear (or affirm) to carry out the responsibilities of the office of (name of office) to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear (or affirm) always to place the public interest above any special or personal interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the Constitutions of my Country and my State, so help me God.'

No other oath, declaration or test shall be required as a qualification for any office of public trust."

Approved June 23, 1986.

CHAPTER 310

FORMERLY

SENATE BILL NO. 30
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT AMENDING SECTION 2111, CHAPTER 21, PART II, TITLE 25 OF THE DELAWARE CODE RELATING TO ENFORCEMENT OF PROMPT SATISFACTION OF MORTGAGES.

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

Section 1. Amend §2111 (b), Chapter 21, Part II, Title 25 of the Delaware Code by striking $500 and by inserting in lieu thereof "$1,000."

Section 2. Amend §2111, Chapter 21, Part II, Title 25 of the Delaware Code by redesignating subsection (c) as (d) and by adding a new subsection (c) to read as follows:

"(c) The Recorder of Deeds or the Mortgage Commissioner of the County in which any mortgage is recorded that has been satisfied or performed shall file a complaint with the Attorney General's Office in said county against any mortgage holder who has not satisfied of record said mortgage within sixty days of its satisfaction or performance."

Approved June 27, 1986.

CHAPTER 311

FORMERLY

SENATE BILL NO. 68

AN ACT TO AMEND CHAPTER 9, TITLE 3 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LANDS PRESERVATION.

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

Section 1. Amend §904, Title 3 of the Delaware Code by striking said section in its entirety and by substituting in lieu thereof a new §904 to read as follows:

"§904. Duties and Responsibilities

(a) The Department of Agriculture shall carry out the policies set forth in this Chapter.

(b) The Department of Agriculture 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 shall review the data collected and recommend techniques to maintain agriculture as an important and viable economic activity in Delaware. The Department of Agriculture shall assist other public agencies in the development of facility plants 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 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."

Approved June 27, 1986.

CHAPTER 312

FORMERLY

SENATE BILL NO. 79

AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE RELATING TO QUALIFICATIONS OF THE MEMBERS OF THE BOARD OF EDUCATION OF INDIAN RIVER SCHOOL DISTRICT.

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

Section 1. Amend §1068(g), Chapter 10, Title 14, Delaware Code, by striking said subsection in its entirety and inserting in lieu thereof a new subsection (g) to as follows:

"(g) All members of the Board of Education of Indian River School District shall be elected from the several Representative Districts in which they reside by the qualified electors of those Districts. Each member of the Board of Education shall be a resident of the Indian River School District and of the Representative District from which he is elected. All qualifications to be a member of the Board of Education shall be continuing qualifications and the failure of any member of the Board of Education to have any of the qaulifications required by this Title during his term of office shall create a vacancy in the office."

Approved June 27, 1986.

CHAPTER 313

FORMERLY

SENATE BILL NO. 274

AN ACT TO AMEND CHAPTER 43, TITLE 9, DELAWARE CODE, RELATING TO THE ELIMINATION OF PENSION BRIDGING FOR KENT COUNTY EMPLOYEES.

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

Section 1. Amend §4306(a), Chapter 43, Title 9, Delaware Code, by placing a period "." after the words "employment with Kent County" and further striking all the remaining words commencing with "or in similar" and ending with the words "or the State" as they appear in said Subsection (a).

Section 2. The provisions of this Act shall be prospective only and shall not affect the rights of persons employed by Kent County before the effective date of this amendment.

Approved June 27, 1986.

CHAPTER 314

FORMERLY

SENATE BILL NO. 380
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 49, SUBCHAPTER XI, TITLE 10, DELAWARE CODE, RELATING TO OCCASION FOR SUING OUT WRITS OF SCIRE FACIAS; PARTIES AND NOTICE.

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

Section 1. Amend Chapter 49, Subchapter XI, Title 10 of the Delaware Code by deleting §5061 in its entirety and substituting in lieu thereof as follows:

"§5061. Occasion for Suing Out Writ; Parties and Notice

(a) Upon breach of the condition of a mortgage of real estate by non-payment of the mortgage money or non-performance of the conditions stipulated in such mortgage at the time and in the manner herein provided the mortgagee, his heirs, executors, administrators, successors or assigns may, at any time after the last day whereon the mortgage money ought to have been paid or other conditions performed, sue out of the Superior Court of the county wherein the mortgage premises are situated a writ of scire facias upon such mortgage directed to the Sheriff of the county commanding him to make known to the mortgagor, and those persons described in subsection (b) hereof and such mortgagor's heirs, executors, administrators or successors that he or they appear before the Court to show cause, if there is any, why the mortgaged premises ought not be be seized and taken in execution for payment of the mortgage money with interest or to satisfy the damages which the Plaintiff in such scire facias shall, upon the record, suggest for the non-performance of the conditions.

(b) In addition to the mortgagor, and such mortgagor's heirs, executors, administrators or successors, the following persons shall be necessary parties in every mortgage foreclosure action:

(i) Record owners acquiring title subject to the mortgage (terre-tenants) which is being foreclosed upon; and

(ii) Persons having an equitable or legal interest of record, including an interest pursuant to a judicial sale or a statutory sale pursuant to 9 Del. C. §8771, et. seq.

(c) The following persons whose real or equitable interests in the real estate may be adversely affected by Plaintiff's cause of action shall not be deemed to be necessary parties and shall not be required to be joined as a defendant in mortgage foreclosure actions:

(i) Lien holders; and

(ii) Tenants seised of an estate for years or at will.

Notice in writing, however, shall be given to the above classes of persons in the manner prescribed from time to time by the Civil Rules of the Superior Court of the State of Delaware. It is the intent of this subsection that written notice be deemed sufficient in lieu of joinder to protect the property interests of the above classes of persons in the mortgaged real estate since those property interests are created and defined by the legal operations of existing statutes and law.

(d) The Superior Court may make all necessary rules respecting the form of process, the manner of issuance and return thereof, modes of proof and the manner of notice to persons having an interest in the real estate which relate to mortgage foreclosure proceedings.

(e) Those persons identified in subparagraph (b) above need not be joined as necessary parties in a mortgage foreclosure action when their interest arises subsequent to the filing of the mortgage foreclosure action. Any person acquiring an interest defined in subparagraph (b) above subsequent to the filing of the foreclosure action and at least 30 days prior to the Sheriff's Sale scheduled in the cause shall be given written notice in accordance with the Rules of the Superior Court. Any person acquiring a property interest in real estate within 30 days prior to the Sheriff's Sale scheduled in the cause shall not be entitled to receive written notice of the sale, the public records of the foreclosure being sufficient notice."

Section 2. This legislation shall be effective with respect to all mortgage foreclosure actions commenced 90 days after its adoption.

Approved June 27, 1986.

CHAPTER 315

FORMERLY

SENATE BILL NO. 388

AN ACT TO AMEND TITLE 9, SECTION 8606 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY RECEIVER OF TAXES.

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

Section 1. Amend §8606 of Title 9 of the Delaware Code by striking the last sentence of said section.

Approved June 27, 1986.

CHAPTER 316

FORMERLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 402
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 22, DELAWARE CODE, RELATING TO ACQUISITION OF PROPERTY OR PROPERTY RIGHTS BY MUNICIPAL PARKING AUTHORITIES.

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

Section 1. Amend §508, Chapter 5, Title 22, Delaware Code, by inserting between the first and second sentence thereof the following:

"When acquiring property or property rights the authority shall in arriving at a fair and reasonable price, consider the fair market value as required by Chapter 61, Title 10. Relocation shall be paid according to the terms set forth in Chapter 93, Title 29."

Approved June 27, 1986.

CHAPTER 317

FORMERLY

SENATE BILL NO. 415
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE RELATING TO THE CRIMINALIZATION OF TRAFFICKING IN L.S.D. AND DESIGNER DRUGS.

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

Section 1. Amend Chapter 47, Title 16 of the Delaware Code by striking the Title of Section 4753A, and substituting in lieu thereof the following:

"§4753A. Trafficking in Marijuana, Cocaine, Illegal Drugs, Methamphetamines, L.S.D., or Designer Drugs."

Section 2. Amend subsection (a), Section 4753A, Chapter 47, Title 16 of the Delaware Code by adding a new subparagraph (7), thereto to read as follows:

"(7) 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 50 or more doses (each dose constitutes up to 100 micrograms) or in a liquid form 5 milligrams or more of Lysergic Acid Diethylamide (L.S.D.), or any mixture containing such substance, as described in §4714(d)(9) of this Title is guilty of a Class B Felony known as 'Trafficking in L.S.D.'. If the quantity involved:

a. Is in excess of 50 or more doses, or in liquid form 5 milligrams but less than 100 doses or in liquid form less than 10 milligrams, such person shall be sentenced to a mandatory minimum term of imprisonment of three years and pay a fine of $50,000.00.

b. Is in excess of 100 doses, or in liquid form 10 milligrams, but less than 500 doses, or in liquid form less than 50 milligrams, such person shall be sentenced to a mandatory minimum term of imprisonment of five years and to pay a fine of $100,000.00.

c. Is in excess of 500 doses or more or in liquid form 50 milligrams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of fifteen years and to pay a fine of $400,000.00.

Section 3. Amend subsection (a), Section 4753A, Chapter 47, Title 16 of the Delaware Code by adding a new subparagraph (8) thereto to read as follows:

"(8)a. Any person who, on any single occasion, knowingly sells, manufactures, delivers or brings into this State, with intent to deliver a Designer Drug, or any mixture containing any such substance, as described in §4701(8) of this Title, is guilty of a Class B Felony, which felony shall be known as 'Trafficking in Designer Drugs'. Such person shall be sentenced to a mandatory minimum term of imprisonment of fifteen years and to pay a fine of not less than $400,000.00

b. This subsection does not apply to a person who manufactures or delivers a substance in conformance with the provisions of an approved new drug application or an exemption for investigating use within the meaning of §505 of the Federal Food Drug and Cosmetic Act '(21 U.S.C. 344)' or to a person who manufactures, distributes or dispenses controlled substances in conformance with a registration issued by the Attorney General of the United States within the meaning of §1301-§1304 of the Federal Controlled Substances Act (21 U.S.C. 821- 824)."

Approved June 27, 1986.

CHAPTER 318

FORMERLY

SENATE BILL NO. 466
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF LICENSURE PROVISIONS FOR AUTOMOBILE RECYCLERS, TO INCLUDE DEFINITIONS, LOCATION REQUIREMENTS, APPLICATION FOR LICENSES AND RENEWAL OF SAME, REVOCATION OR SUSPENSION, HEARING NOTICE AND JUDICIAL REVIEW, PROCEDURES FOR THE NOTIFICATION AND TRANSFER OF RECORDS, AND PENALTY 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 Title 21, Delaware Code, by adding thereto a new Chapter to be designated as Chapter 75 to read as follows:

"CHAPTER 75. AUTOMOTIVE RECYCLERS

§7501. Definitions

As used in this Chapter:

(1) 'Automotive recyclers' means any person engaged in:

(i) dismantling, destroying, or scrapping any vehicle for the purpose of resale of its used parts; or

(ii) Otherwise acquiring vehicles for the benefit of their usable parts; and

(iii) Notwithstanding any provision to the contrary, any reference to motor vehicle salvage yard, junkyard, automotive graveyard, wrecking and dismantling, salvage dealer, or junk dealer in any statute or rule or regulation shall apply to an Automotive Recycler.

(2) 'License' means any license issued by the Department for the operation of an Automotive Recycler.

(3) 'Vehicle' means any vehicle or motor vehicle as defined in Chapter 1 of this Title or body or chassis of any vehicle to be dismantled, destroyed, scrapped, or resold.

(4) 'Person' means an individual, partnership, or corporation.

(5) 'Department' means the Department of Public Safety unless otherwise specified.

§7502. License Requirements; Exception

(a) A person may not conduct the business of an automotive recycler or engage in the business of purchasing vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, or store vehicles more than 30 days that are to be dismantled unless said person is licensed under this Chapter.

(b) This Chapter does not prohibit an unlicensed person from transporting a vehicle to a licensed automotive recycler for dismantling, destroying, or scrapping; or to a scrap processor in the business of selling iron, steel, an nonferrous scrap for resmelting purposes; or apply to abandoned vehicles or vehicles left in the possession of a garage or service station for storage purposes only pursuant to Chapter 44 of this Title.

(c) A person must possess a valid license issued by the Division of Revenue and if applicable a license issued pursuant to Chapter 12 of Title 17.

(d) Any other provision of this Chapter notwithstanding, in a case in which an automotive recycler is also the owner or has an interest in a junkyard, he/she must comply with all requirements of Chapter 12, Title 17.

§7503. Location Requirements

A person may not be licensed to conduct an automotive recycler business under this Chapter unless:

(1) The business is conducted from a building that is adequate and appropriate for

automotive recycling as approved by the Division of Motor Vehicles; and

(2) The business has a storage area for at least twenty-five (25) vehicles the area is properly fenced and screened and the automotive recycler has complied with all of the requirements of Title 17, Chapter 12 of the Delaware Code and all rules and regulations adopted pursuant thereto; and

(3) The location is properly zoned by the local zoning authority for the operation of an automotive recycler business; and

(4) The business be at a fixed location, as specified in the license application; and

(5) There be a substantial and legible sign:

(a) that advertises the type of business conducted at the location; and

(b) that is placed in a manner that is readily seen by the public; and

(c) that is in conformance with all state and local regulations, laws and ordinances.

§7504. Application for License

The Department shall devise an automotive recycler license application which shall include the following:

(1) The name of the business;

(2) The address of the business; and

(3) If the business is a proprietorship, partnership, or corporation, the names and addresses of all principals, partners, or corporate officers and resident agents.

§7505. Issuance of Licenses

The Department shall issue an 'Automotive Recycler'license under this Chapter to an applicant who is in compliance with this Chapter and otherwise is entitled to a license.

§7506. License Fee and Renewal

Each automotive recycler under this Chapter shall pay an annual fee for each license issued in the amount of $100.00.

A license issued under this Chapter shall expire on December 31 of each year, and may be renewed by application and payment of license fees.

§7507. Record of Vehicles

Each automotive recycler shall keep accurate and complete records of all vehicles or motor vehicles acquired in his business. The records shall be maintained in an accessible place and shall contain the following information:

(1) The names and addresses of the person or persons from whom the vehicle was acquired and/or sold;

(2) The date of acquisition and sale of the vehicle; and

(3) Documentary evidence of ownership as required by the Department.

During business hours, vehicles, parts thereof, and records and premises of the automotive recycler shall be open to inspection by the Department or any police officer while discharging his official duties.

§7508. Refusal, Suspension, or Revocation of License

The Department may refuse to grant a license under this Chapter to a person and may suspend, revoke, or refuse to renew a license of any person if it finds that:

(1) The person has violated or is attempting to violate any provision of this Chapter or any rule or regulation adopted by the Department under this Chapter;

(2) The person has violated or is attempting to violate any other provisions of the Delaware Code that relate to the business activity of that person; or

(3) Any automotive recycler or employee has violated or is attempting to violate any provision of this Chapter and any rule or regulation adopted under this Chapter or any other provisions of the Delaware Code that relate to the business activities of the person unless the Department is satisfied that the management of the business:

(a) Had no knowledge of the wrongful conduct; or

(b) Were unable to prevent the violation or attempted violation.

§7509. Hearing Notice

A license issued under this Chapter may be suspended, revoked, refused or refuse to be renewed only after notice of hearing has been served upon the person or his representatives. Said hearing notice shall contain:

(1) All charges made against said person; and

(2) The date, approximate time, and place of the hearing must be specified.

§7510. Hearing Procedures

All hearings shall conform to the provisions of the Administrative Procedures Act, Chapter 101, of Title 29, Delaware Code.

§7511. Judicial Review

Any aggrieved party to a hearing may appeal a decision or order of the Department to the Superior Court for review de novo.

§7512. Penalty

Any person who violates the provisions of this Chapter relating to the requirements of licensing or the maintenance of vehicle records shall be guilty of a class B misdemeanor as the same is defined in Chapter 42 of Title 11, and shall be subject to the penalties prescribed therein.

§7513. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall continue in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable."

Section 2. Amend Title 21, Chapter 21, Subchapter II, Subsection 2124 by renumerating section (i) to read as section (j) and by adding new section (i) to read as follows:

"(i) Notwithstanding the provisions of this section, the Department upon approving an application filed by a licensed Automotive Recycler may issue one or more special plates as provided for in Paragraph (a) of this Subsection.

Section 3. Amend Title 21, Chapter 21, §2153 by inserting the words "Automotive Recycler", after the word "Transporter" in the Title of said Section; further amend said section by inserting the words "Automotive Recycler" after the word "Transporter".

Section 4. Amend Chapter 25, Title 21 of the Delaware Code by striking §2505 in its entirety and substituting in lieu thereof a new §2505 to read as follows:

§2505. Procedures; Transfer of Records and Notification

(a) Whenever an Automotive Recycler purchases or otherwise acquires any vehicle, whether registered or unregistered, for the purpose of wrecking or dismantling it in order to resell the parts thereof, such automotive recycler shall obtain the certificate of title issued by this State or any other state, a salvage certificate or other acceptable evidence or ownership from the seller or transferee which shall be deemed to meet all State proof of ownership, and shall be kept by the automotive recycler at the place of business where the vehicle was originally acquired by the automotive recycler. The automotive recycler shall report the acquisition of all vehicles to the Department on a monthly basis on a form devised by the Department. If the vehicle is transferred by the automotive recycler or his agent to another person or location, it shall be noted by the automotive recycler in the record, and the proof of ownership shall be transferred and kept at the same location as the vehicle, unless the vehicle is transferred to a scrap processor for recycling the vehicle scrap in which case the automotive recycler shall immediately send or deliver the proof of ownership of the vehicle to the Department. In this case the automotive recycler shall complete a

three part form provided by the Department and shall:

(i) Retain one copy in his records;

(ii) Forward one copy to the Department together with the proof of ownership, and;

(iii) Forward the remaining copy to the scrap processor, and;

(iv) The scrap processor shall, upon destruction of the vehicle, retain a copy in his records. The copy retained by the scrap processor shall be kept for a period of three (3) years and the scrap processor shall make the same available for inspection 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 automotive recycler for as long as said vehicle remains in his possession or control; provided, however, that if the automotive recycler 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. All records shall be maintained at the approved business location.

(c) If the ownership of the vehicle held for resale is transferred for titling and registration purposes, the transferring licensed automotive recycler without applying for a new certificate of title may execute an assignment of the certificate of title or salvage certificate to the transferee on the reassignment form prescribed by the Department.

(d) 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 to do so by this Section or Chapter 75 of this Title, shall be guilty of a class B misdemeanor as the same is defined in Chapter 42 of Title 11, and shall be subject to the penalties prescribed therein.

Section 5. Amend Title 21, Chapter 44, §4402, Paragraph (g) by striking it in its entirety and substituting in lieu thereof the following:

"(g) Any persom who possesses or on whose property any abandoned vehicle or motor vehicle is found or who owns a vehicle or motor vehicle for which the certificate of title is lost or destroyed and such vehicle or motor vehicle is more than eights years old and has no engine or is otherwise totally inoperable, may transfer the vehicle or motor vehicle to a licensed automotive recycler without the certificate of title but shall be made on forms furnished by the Department. In such cases, the licensed automotive recycler may take the vehicle or motor vehicle into his possession and shall immediately obtain from the Division of Motor Vehicles, the name and address of the last known owner of the vehicle or motor vehicle or secured party. The licensed automotive recycler shall give at least 10 days notice to the owner or secured party by certified mail return receipt requested. If the vehicle is not reclaimed within the 10 days period specified in the noticed, the licensed automotive recycler assumes unencumbered title to the vehicle.

If the name and address of the owner or secured party cannot be obtained from the records of the Division of Motor Vehicles or by exercising reasonable diligence the licensed automotive recycler assumes unencumbered title after the vehicle or motor vehicle has been in his possession for 30 days.

Notice of assumption of ownership shall be made to the Division of Motor Vehicles on forms devised by the Division."

Section 6. This Act shall become effective 90 days after its enactment.

Approved June 27, 1986.

CHAPTER 319

FORMERLY

SENATE BILL NO. 476

AN ACT TO AMEND CHAPTER 62, TITLE 7 DELAWARE CODE RELATING TO CIVIL PENALTIES FOR THE UNLAWFUL DISCHARGE OF OIL.

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

Section 1. Amend Section 6205, Chapter 62, Title 7 of the Delaware Code by striking Section 6205 in its entirety and substituting in lieu thereof the following:

"§6205. Enforcement

(a) Any person who violates a provision of this Chapter or any rule or regulation promulgated thereunder shall be liable in any court of competent jurisdiction for a civil penalty of not less than $1,000 nor more than $10,000 for each day of violation. Any civil penalties collected under this section are hereby appropriated to the Department to carry out the purposes of this Chapter.

(b) The Secretary may seek appropriate relief, including injunctive relief, in any court of competent jurisdiction to prohibit and prevent such violation or violations from continuing.

(c) The Secretary may also bring an action in any court of competent jurisdiction for the collection of expenses incurred by the Department resulting from the violation of this Chapter or any rule or regulation promulgated thereunder."

Approved June 27, 1986.

CHAPTER 320

FORMERLY

SENATE BILL NO. 477
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE, RELATING TO THE MANAGEMENT OF HAZARDOUS WASTE AND TO PROVIDE FOR DIRECT ACTION AGAINST GUARANTORS OF BANKRUPT OWNERS AND OPERATORS.

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

Section 1. Amend Section 6305(a)(2), Title 7 of the Delaware Code by removing the semicolon at the end of Section 6305(a)(2) and adding the following:

"and such other regulations as are necessary to assure that substances identified or listed under §6305(a)(1) which pass through a sewer system to a publicly-owned treatment works are adequately controlled to protect human health and the environment;"

Section 2. Amend Section 6305(a)(3), Title 7 of the Delaware Code by removing the semicolon at the end of Sectin 6305(a)(3) and adding the following:

"and regulations providing that permits issued after November 8, 1984, or regulations which, in the case of interim status facilities under §6307(g) of this Title, require corrective action both on-site and beyond the facility boundary, if necessary to protect human health and the environment, for releases of hazardous waste or constituents from any solid waste management unit at a facility seeking a permit under this Chapter, regardless of when the waste was placed in the unit. Such permits shall contain schedules of compliance for corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing the corrective action; and in addition, regulations relating to qualifying for and termination of interim status under §6307(g);"

Section 3. Amend Section 6305(a)(4), Title 7 of the DelawareCode by removing the period at the end of the first sentence of Section 6305(a)(4) and adding the following:

"and regulations regarding the prohibition of disposal of nonhazardous liquids in hazardous waste disposal facilities except upon such terms and conditions as the Secretary may prescribe."

Section 4. Amend Section 6305(a)(11), Title 7 of the Delaware Code by removing the semicolon at the end of Section 6305(a)(11) and adding the following:

"and regulations requiring evidence of financial responsibility to assure adequate resources for corrective action both on and off-site;"

Section 5. Amend Section 6305(a)(12, Title 7 of the Delaware Code by removing the semicolon at the end of Section 6305(a)(12) and adding the following:

"including regulations prohibiting the use of waste oil or other materials contaminated with hazardous waste as a dust suppressant and regulations pertaining to fuel containing hazardous waste and all persons who produce, burn, distribute and market fuel containing hazardous waste;"

Section 6. Amend Section 6307(g), Title 7, of the Delaware Code by removing the semicolon in line 3 and adding the following language after the word "title":

"or which is in existence on the effective date of statutory or regulatory changes under this Chapter that render the facility subject to the requirement to have a permit under this Chapter;"

Section 7. Amend Section 6309, Chapter 63, Title 7 of the Delaware Code by adding a new subsection (i) to read as follows:

"(i) Whenever on the basis of any information the Secretary determines that there is or has been a release of hazardous waste into the environment from any facility, the Secretary may issue an order requiring corrective action or such other response measure (including corrective action beyond the facility boundary) as he deems necessary to protect human health or the environment or the Secretary may commence a civil action in the Superior Court or the Court of Chancery for appropriate relief, including a temporary or permanent injunction. Any order issued under this subsection may include a suspension or revocation of authorization to operate under this Chapter, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If any person named in an order fails to comply with the order, the Secretary may assess, and such person shall be liable to the Department for, civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order."

Section 8. Amend Section 6309, Chapter 63, Title 7 of the Delaware Code by adding a new subsection (j) to read as follows:

"(j) Any expenses or civil penalties collected by the Department under this section are hereby appropriated to the Department to carry out the purposes of this Chapter."

Section 9. Amend Chapter 63, Title 7 of the Delaware Code by adding a new Section 6318 to read as follows:

"§6318. Direct Action Against Guarantor

(a) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where (with reasonable diligence) jurisdiction in any State court or any Federal Court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

(b) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under Section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

(c) For the purpose of this section, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Chapter."

Approved June 27, 1986.

CHAPTER 321

FORMERLY

SENATE BILL NO. 526
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING AN "ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE", AS AMENDED, RELATING TO TOWN 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 Section 6, Chapter 302, Volume 49, Laws of Delaware, as amended, by deleting the fifth sentence therein and substituting therefor the following:

"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 no longer be eligible to serve as a member of the Town Council from the date of the act or event causing the member to be ineligible", and by deleting the underscoring in the aforesaid section.

Section 2. Amend Section 7, Chapter 302, Volume 49, Laws of Delaware, as amended, by deleting in the first sentence the numerical figure "30", and substituting therefor the numerical figure "45".

Section 3. Amend Section 9, Chapter 302, Volume 49, Laws of Delaware, as amended, by deleting the second sentence and subsituting therefor the following:

"For the purposes of determining the eligibility to vote, the term 'freeholder or his spouse' shall not include persons who claim title to real property by virtue of their ownership rights in a limited partnership, a corporation, or other ficticious name association, or in special circumstances, where an organization is formed for the apparent or express purpose of taking title to property principally to acquire the right to vote, or a person or persons who claim title to less than 50 percent of the real property which is owned jointly with a corporation, limited partnership, or ficticious name organization."

Approved June 27, 1986.

CHAPTER 322

FORMERLY

SENATE BILL NO. 535
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 4, DELAWARE CODE RELATING TO POWERS OF THE DELAWARE ALCOHOLIC BEVERAGES CONTROL COMMISSION.

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

Section 1. Amend §304(a), Chapter 3, Title 4, Delaware Code, by adding a new subsection (16) to read as follows:

"(16) Only require an inventory by a package store licensee if it has evidence to support a finding that such licensee has violated the provisions of this Title."

Approved June 27, 1986.

CHAPTER 323

FORMERLY

HOUSE BILL NO. 199
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 33, TITLE 24 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, Section 3315 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§3315. Hearing procedures

(a) Upon the receipt of a complaint against a practitioner, 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 3 months from the date on which the complaint was received unless circumstances surrounding the complaint warrant a lengthier investigation. 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 30 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 will 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 or such a decision. A copy of the decision shall be mailed immediately to the complainant, and to the practitioner. The Board's decision shall become effective on the 30th day after the date it is mailed or served on the practitioner, unless there is an appeal to the Superior Court within that time.

(c) Where either the complainant or the practitioner is in disagreement with the action of the Board, either person may appeal the Board's decision to the Superior Court within 30 days of service, or of the postmarked date of the copy of the Board's decision. 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 appeal."

Approved June 27, 1986.

CHAPTER 324

FORMERLY

HOUSE BILL NO. 433
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SECTION 2118, CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THIS STATE.

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

Section 1. Amend Section 2118(o), Chapter 21, Title 21 of the Delaware Code by adding the following at the end thereof:

"where an individual is charged with violating this section and, at the time of the alleged offense, the individual was operating a vehicle owned or leased by the individual's employer in the course and scope of the indivdual's employment, the individual shall not be convicted of violating this section unless the individual knew or should have known that the employer's vehicle failed to meet the requirement of this section."

Approved June 27, 1986.

CHAPTER 325

FORMERLY

HOUSE BILL NO. 471
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 15, TITLE 28, DELAWARE CODE, RELATING TO THE COMPOSITION OF THE DELAWARE GAMING CONTROL BOARD.

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

Section 1. Amend §1502(a), Chapter 15, Title 28, Delaware Code, by striking the first sentence in its entirety commencing with the words "The Delaware Gaming" and ending with the word "jurisdiction" and substituting in lieu thereof a new sentence to read as follows:

'The Delaware Gaming Control Board shall be composed of five (5) members equally divided between all sports, amusements and other activities under the Board's jurisdiction.'

Section 2. Amend §1502(a), Chapter 16, Title 28, Delaware Code, by striking the period "." immediately following the word "membership" in the second sentence of said paragraph (a) and inserting the following:

'; and further provided that one member of the Board shall be a member active and in good standing from the Delaware Volunteer Fireman's Association.'"

Approved June 27, 1986.

CHAPTER 326

FORMERLY

HOUSE BILL NO. 477

AN ACT TO AMEND CHAPTER 183, VOLUME 22, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD" AS AMENDED BY CHAPTER 18, VOLUME 65, LAWS OF DELAWARE, TO AUTHORIZE THE ISSUING OF BOND ANTICIPATORY NOTES.

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 (k), Section 28, Chapter 183, Volume 22, Laws of Delaware, as amended by Chapter 18, Volume 65, Laws of Delaware, be and the same is hereby further amended by adding at the end of said Subsection (k) the following:

"In anticipation of the issuance of said bonds at any time after a special election resulting in a vote in favor of the bond issue, the Town of Greenwood may issue and sell bond anticipatory notes of the Town of Greenwood at either public or private sale for no less than par and accrued interest. Said notes may be removed from time to time by the issuance and sale of new notes. Said notes shall bear interest at a rate determined by the Town Council to be fair and reasonable. All such notes shall mature and be paid no later than two (2) years from the date of issuance. The total amount of said notes outstanding at any one time shall not exceed the amount for which the Special Election resulted in a favorable vote. Said notes may be redeemed at par and accrued interest prior to their maturity if the Town of Greenwood shall have reserved the right to do so by an express provision in the note or notes. The full faith and credit of the Town of Greenwood shall be deemed to be pledged for the prompt payment of the bonds and the interest thereon issued pursuant to this Section when the same shall have been properly executed and delivered for value. The principal and any interest due on said notes may be paid from the proceeds of the sale of the bonds authorized by this Chapter. Both interest on and principal of any bond anticipatory notes issued pursuant to this Section shall not be subject to taxation by the State of Delaware or any political subdivision thereof."

Approved June 27, 1986.

CHAPTER 327

FORMERLY

HOUSE BILL NO. 479

AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO THE SATISFACTION OF LIENS ON MOTOR VEHICLES.

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

Section 1. Amend §2339, Chapter 23, Title 21 of the Delaware Code by deleting said section in its entirety and inserting in lieu thereof the following:

"§2339. Satisfaction of Liens

Within 30 days from the date of final payment being made on any lien or encumbrance recorded under this subchapter, the certificate of title shall be signed accordingly in the manner prescribed by the Department. Upon the certificate of title being presented to the Department, the lien register shall be amended to reflect that the lien or encumbrance has been satisfied and the Certificate of Title shall be marked or stamped satisfied."

Approved June 27, 1986.

CHAPTER 328

FORMERLY

HOUSE BILL NO. 513

AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE RELATING TO ANNUAL MOTOR CARRIER FUEL USE TAX REPORTING.

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

Section 1. Amend §5208, Chapter 52, Title 30 of the Delaware Code by striking the word "affidavit" wherever it appears therein and substitute in lieu thereof the word "affirmation".

Section 2. Amend §5208, Chapter 52, Title 30 of the Delaware Code by adding a new paragraph to said section to read as follows:

"The Department of Public Safety may, by regulation, exempt certain other motor carriers from the quarterly reporting requirements of this section. The Secretary of the Department of Public Safety shall promulgate regulations which will set forth and determine the minimum amount of annual net fuel use taxes due the state which, if not exceeded by the estimate of any motor carrier, will exempt that motor carrier from quarterly reporting requirements of this section. The motor carrier who desires to be exempt from the quarterly reporting requirements must, on his first application for registration in a given registration year, attest that his estimated net fuel use tax in said year will be less than the threshold amount established by the Secretary of Public Safety's regulation. The Secretary of Public Safety is further authorized to allow by regulation in such instances, the filing of an annual report due with remittance on or before the 31st of October following completion of said registration year."

Approved June 27, 1986

CHAPTER 329

FORMERLY

HOUSE BILL NO. 533

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF DRIVER'S 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 §2715, Chapter 27, Title 21 of the Delaware Code by striking said Section in its entirety and in lieu thereof insert a new §2715 to read as follows:

"§2715. Issuance of license every 5 years; Fee; Photograph

(a) Upon receipt of the application and a fee of $12.50 and after such examination as provided in this Chapter, the Secretary may issue, at his discretion, a motor vehicle driver's license which shall expire and be renewable on the fifth anniversary date of the birth of the applicant next following the date of its issuance unless the birth date is February 29, in which event the license shall expire and be renewable on February 28 every fifth year.

(b) On or near the date of expiration of a motor vehicle driver's license, each licensee shall appear at one of the Department's offices and be photographed by the Department of Public Safety. Upon approval by the Director of the Division of Motor Vehicles, in his discretion, the requirement for this appearance may be waived if circumstances prevent the licensee from appearing on or near the time of renewal.

(c) A late fee of $1.00 shall be assessed in addition to the renewal fee for every person whose driver's license has expired.

(d) Notwithstanding the provisions of Subsection (a), (b) and (c) of this Section, the Secretary may issue licenses for either 4 years or 5 years during the first 4 years after this law is enacted so the number of renewals can be more evenly distributed over a 5-year period. If a license is issued for a 4-year period, the fee shall be $10.00."

Section 2. Amend §2716, Chapter 27, Title 21 of the Delaware Code by striking said Section in its entirety and in lieu thereof insert a new §2716 to read as follows:

"§2716. Permanent license; Fees; Expiration

(a) Upon receipt of the application and a fee of $35, and upon proof that such applicant has been licensed by the Department for a period of 3 consecutive years and that such applicant is qualified under the provisions of this Chapter, the Secretary may issue, at his discretion, a permanent driver's license which shall not become ineffective until or unless otherwise revoked, cancelled or suspended as provided by law or until such license expires.

(b) Each holder of a permanent driver's license shall pay an additional fee of $1 every 5 years to the Department in payment of the cost of a photograph which will be taken by the Department. Nonpayment of this fee by the date indicated shall automatically render the license expired.

(c) A late fee of $1 shall be assessed in addition to the renewal fee for every person whose driver's license has expired.

(d) Notwithstanding the provisions of Subsections (a), (b) and (c) of this Section, the Department may issue permanent licenses for either 4 or 5 years during the first 4 years after this law is enacted so the number of renewals can be more evenly distributed.

Section 3. This Act shall become effective on January 1st following the date of its enactment into law.

Approved June 27, 1986.

CHAPTER 330

FORMERLY

HOUSE BILL NO. 534

AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF NEW VEHICLES.

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 §2109, Chapter 21, Title 21, of the Delaware Code by adding a new subsection (c) to read as follows:

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, any newly manufactured motor vehicle with a gross registered weight of 10,000 pounds or less not previously registered or titled in any state or country, at the option of the owner, may initially be registered for 3 years and the effective date of registration shall be the first day of the month in which the vehicle is registered and the required fees paid. If this option is selected, the registration fee shall be 3 times the annual registration fee. Thereafter, registration shall be performed on an annual basis."

Section 2. This Act shall become effective 90 days after its enactment into law.

Approved June 27, 1986.

CHAPTER 331

FORMERLY

HOUSE BILL NO. 726
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC.

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

Section 1. Amend Section 703(a), Chapter 7, Title 24 of the Delaware Code, by striking the term "Secretary-Treasurer" as it appears therein, and by substituting in lieu thereof the term "Secretary".

Section 2. Amend Section 703(b), Chapter 7, Title 24 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"(b) The Board shall hold a regularly scheduled business meeting 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."

Section 3. Amend Section 704(b), Chapter 7, Title 24 of the Delaware Code, by striking the phrase ", within 1 week after receipt of the complaint," from said section.

Section 4. Amend Section 705(a), Chapter 7, Title 24 of the Delaware Code, by striking the period (.) at the end of the third sentence of said section and by inserting in lieu thereof the following:

"unless circumstances surrounding the complaint warrant a lengthier investigation."

Section 5. Amend Section 705(b), Chapter 7, Title 24 of the Delaware Code, by striking the last two sentences of said section and by substituting in lieu thereof the following:

"A copy of the decision shall be mailed immediately to the complainant, and to the practitioner. The Board's decision shall become effective on the 30th day after the date it is mailed or served on the practitioner, unless there is an appeal to the Superior Court within that time."

Section 6. Amend Section 705(c), Chapter 7, Title 24 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"(c) Where either the complainant or the practitioner is in disagreement with the action of the Board, either person may appeal the Board's decision to the Superior Court within 30 days of service, or of the postmarked date of the copy of the Board's decision. 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 appeal."

Section 7. Amend Section 707(a)(2) by striking said paragraph in its entirety and by substituting in lieu thereof the following:

"(2) He shall not have been professionally penalized or convicted of drug addition, convicted of unlawfully prescribing drugs, convicted of willfully violating the confidence of a patient, nor have been professionally penalized or convicted of fraud."

Section 8. Amend §708, Chapter 7, Title 24 of the Delaware Code, by striking Sections 708(a), (b) and (c) in their entirety and by substituting in lieu thereof the following:

"(a) All applicants must provide proof satisfactory to the Board that they have successfully passed the examination administered on a national basis.

(b) Upon submission of satisfactory proof that they have successfully completed the national examination, applicants shall then submit to a clinical examination administered by the Board on subjects usually taught by fully accredited chiropractic schools and colleges. Said examination shall be designed to ascertain whether the applicant is qualified to practice chiropractic and may cover subjects such as X-ray, anatomy, nutrition, physicology, symptomatology, chiropractic orthopedy, principles of chiropractic and adjusting, nerve tracing, chemistry, hygiene, bacteriology, chiropractic analysis and drugless therapy as taught by fully accredited chiropractic schools and colleges."

Section 9. Amend §708, Chapter 7, Title 24 of the Delaware Code by redesignating Sections 708(d)

through (h) as Sections 708(c) through (g) respectively.

Section 10. Amend §709, Chapter 7, Title 24 of the Delaware Code, by striking the period (.) at the end of the first sentence of said section and by substituting in lieu thereof the following:

"; provided, however, that the application fee and the license renewal fee to be charged shall be no less than $200 for each fee."

Section 11. Amend Section 710(a), Chapter 7, Title 24 of the Delaware Code, by striking the word "written" as it appears in the first sentence of said section and by substituting in lieu thereof the word "clinical".

Section 12. Amend §710(b), Chapter 7, Title 24 of the Delaware Code, by striking the first sentence of said section and by substituting in lieu thereof the following:

"Upon payment of the renewal fee and upon submission of proof of satisfactory completion of continuing education requirements, each license shall be renewed biennially in such manner as is determined by the Division of Business and Occupational Regulation."

Section 13. Amend §711, Chapter 7, Title 24 of the Delaware Code, by striking the first sentence of said section and by substituting in lieu thereof the following:

"An applicant for a license to practice chiropractic in this State based upon reciprocity must produce evidence that the person has graduated from an accredited or Board-approved school of chiropractic and has practiced or is practicing chiropractic in another state, and has successfully completed clinical sections of the national examination or a clinical competency test administered by the Board."

Section 14. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Approved June 27, 1986.

CHAPTER 332

FORMERLY

HOUSE BILL NO. 554

AN ACT PROPOSING AN AMENDMENT TO ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE RIGHT TO KEEP AND BEAR ARMS FOR THE DEFENSE OF SELF, FAMILY, HOME AND STATE, AND FOR HUNTING AND RECREATIONAL USE.

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

Section 1. Amend Article 1 of the Delaware Constitution, by adding thereto a "Section 20" to read as follows:

"Section 20. A person has the right to keep and bear arms for the defense of self, family, home and state, and for hunting and recreational use."

Approved June 25, 1986.

CHAPTER 333

FORMERLY

SENATE BILL NO. 21

AN ACT TO AMEND CHAPTER 47, PART III, TITLE 10 OF THE DELAWARE CODE RELATING TO JUDGMENTS; AND PROVIDING FOR A UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT.

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

Section 1. Amend Chapter 47, Part III, Title 10 of the Delaware Code by adding thereto a new subchapter, designated as Subchapter V, which new subchapter shall read as follows:

"SUBCHAPTER V. ENFORCEMENT OF FOREIGN JUDGMENTS

§4781. Definitions

In this chapter the words "foreign judgment" shall mean any judgment, decree or order of a Court of the United States or of any other Court which is entitled to full faith and credit in this State.

§4782. Filing and Status of Foreign Judgments

A copy of any foreign judgment authenticated in accordance with an act of Congress, or the statutes of this State, may be filed in the office of any prothonotary of this State. The Prothonotary shall treat the foreign judgment in the same manner as a judgment of the the Superior Court of this State. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for re-opening, vacating or staying, as a judgment of the Superior Court of this State and may be enforced or satisfied in like manner.

§4783. Notice of Filing

(a) At the time of the filing of the foreign judgment, the judgment creditor or his attorney shall make and file with the prothonotary an affidavit setting forth the name and last-known post office address of the judgment debtor, and the judgment creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the prothonotary shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given, and shall make a note of such mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's attorney, if any, in this State. In addition, the judgement creditor may mail a notice of the filing of the judgment to the judgment debtor, and may file proof of such mailing with the prothonotary. Lack of a mailing of the Notice of Filing by the prothonotary shall not affect the enforcement proceedings, if proof of mailing by the judgment creditor has been filed.

(c) No execution, or other process for enforcement of a foreign judgment filed hereunder, shall issue until twenty days after the judgement is filed.

§4784. Stay

If the judgment debtor shows the Court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the Court shall stay enforcement of the foreign judgement until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished security for the satisfaction of the judgment as required by the State in which it was rendered.

If the judgment debtor shows the Court any ground upon which enforcement of a judgment of the Superior Court of this State would be stayed, the Court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this State.

§4785. Fees

Any person filing a foreign judgment shall pay to the prothonotary the same amount as is required for the filing of a civil action in the Superior Court of this State. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments obtained in the Superior Court of this State.

§4786. Optional Procedure

The right of a judgment right creditor to bring an action to enforce his judgment, instead of

proceeding under this subchapter, remains unimpaired.

§4787. Short Title

This subchapter may be cited as the Uniform Enforcement of Foreign Judgments Act."

Approved June 30, 1986.

CHAPTER 334

FORMERLY

SENATE BILL NO. 319
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 23, CHAPTER 21 OF THE DELAWARE CODE RELATING TO LICENSES AND REGISTRATION FEES OF MOTORBOATS.

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

Section 1. Amend §2113, Chapter 21, Title 23 of the Delaware Code by adding thereto a new subsection 'g', said subsection to read as follows:

"(g) Annually, beginning January 1, 1987, the first $150,000.00 of the funds derived by the State pursuant to this section shall be deposited by the Department with the State Treasurer and shall be specifically set aside and earmarked for the purpose of matching and securing money allotted to Delaware under the Federal Aid in Sport Fish Restoration Act (16 USC 777 i) as amended by the Deficit Reduction Act of 1984 Public Law 98-369 (commonly known as the 'Federal Wallop-Breaux Fund'). Any funds collected by the State pursuant to this Section in excess of $150,000.00 annually, shall revert to the General Fund of the State."

Approved June 30, 1986.

CHAPTER 335

FORMERLY

SENATE BILL NO. 322

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE UNIFORM ANATOMICAL GIFT ACT; AND REQUIRING THAT A BLOOD SAMPLE BE TAKEN FROM THE DONOR.

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

Section 1. Amend §1786, Subchapter VIII, Chapter 17, Title 24 of the Delaware Code by re-designating subsection (b) as new subsection (c), and by re-designating each subsequent subsection accordingly.

Section 2. Amend §1786, Suchapter VIII, Chapter 17, Title 24 of the Delaware Code by adding thereto a new subsection, designated as subsection (b), which new subsection shall read as follows:

"(b) A surgeon, physician, funeral director or eye bank technician who is authorized to remove any part in accordance with this subchapter is also authorized to draw or secure a blood sample from the donor, in order to screen the tissue received for medical purposes."

Approved June 30, 1986.

CHAPTER 336

FORMERLY

SENATE BILL NO. 331

AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS AND THE PRACTICE OF ENGINEERING.

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 §2803, Chapter 28, Title 24, Delaware Code by striking subsection (19) in its entirety and substituting in lieu thereof the following:

"(19) 'Engineering corporations or partnerships' are corporations or partnerships who practice engineering to provide engineering services to the public."

Approved June 30, 1986.

CHAPTER 337

FORMERLY

SENATE BILL NO. 384
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 39, TITLE 12 OF THE DELAWARE CODE RELATING TO THE TERM OF GUARDIANSHIP.

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

Section 1. Amend §3911, Chapter 39, Title 12, of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §3911 to read as follows:

"§3911. Term of Guardianship

The guardianship of the person of any minor shall continue until the minor attains the age of 18 years."

Section 2. The provisions of this Act shall be effective on the date of enactment, and shall apply to all guardianships whenever established.

Approved June 30, 1986.

CHAPTER 338

FORMERLY

SENATE BILL NO. 392

AN ACT AUTHORIZING THE SUSSEX COUNTY COUNCIL TO AWARD A PENSION BENEFIT TO A FORMER SPECIFIC EMPLOYEE.

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

Section 1. The Sussex County Council is hereby directed to determine that Thelma Pusey is eligible for a pension benefit as if she were eligible pursuant to Chapter 64, Title 9, Delaware Code prior to its repeal.

Section 2. This Act shall become effective July 1, 1986.

Approved June 30, 1986.

CHAPTER 339

FORMERLY

SENATE BILL NO. 395

AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO THE BONDING REQUIREMENTS FOR THE PAYMENT OF MOTOR FUEL TAXES.

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

Section 1. Amend §5107(e), Chapter 51, Title 30, of the Delaware Code by striking said paragraph in its entirety and in lieu thereof insert the following:

"(e) Any surety on any bond furnished by any distributor as above provided, upon written request mailed to the Department of Public Safety, certified mail, return receipt requested, shall be released and discharged from any and all liability to the state accruing on such bond. Upon receipt of such request, the Department shall forthwith acknowledge in writing the receipt of said request and shall therein inform the surety that it shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of 60 days from the date on which the department received the surety's request for release and discharge. Simultaneously, the department shall also notify the distributor who furnished such bond of the fact that the surety will be released and discharged from any and all liability on a date certain. The distributor shall further be advised that unless it shall, on or before the expiration of such 60 day period, file with the Department a new bond in the amount and form hereinbefore in this section provided, the Department shall forthwith cancel the license of the distributor."

Section 2. Amend §5134(d)(5), Chapter 51, Title 30 of the Delaware Code by striking said paragraph in its entirety and in lieu thereof insert the following:

"(5) Any surety on any bond furnished by any licensee as above provided, upon written request mailed to the Department of Public Safety, certified mail, return receipt requested, shall be released and discharged from any and all liability to the state accruing on such bond. Upon receipt of such request, the Department shall forthwith acknowledge in writing the receipt of said request and shall thereafter inform the surety that it shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of 60 days from the date on which the Department received the surety's request for release and discharge. Simultaneously, the Department shall also notify the licensee who furnished such bond of the fact that the surety will be released and discharged from any and all liability on a date certain. The licensee shall further be advised that unless it shall, on or before the expiration of such 60 day period, file with the Department a new bond in the amount and form hereinbefore in this section provided, the Department shall forthwith cancel the license of the licensee."

Approved June 30, 1986.

CHAPTER 340

FORMERLY

SENATE BILL NO. 396

AN ACT TO AMEND CHAPTER 1, TITLE 21, OF THE DELAWARE CODE RELATING TO THE DEFINITION OF MOTORIZED WHEELCHAIR.

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

Section 1. Amend §101, Chapter 1, Title 21 of the Delaware Code by adding a new subsection (74) to read as follows:

"(74) "Motorized Wheelchair" includes any self-propelled vehicle which is incapable of a speed in excess of eight (8) miles per hour and which is designed for, and used by, a handicapped person."

Approved June 30, 1986.

CHAPTER 341

FORMERLY

SENATE BILL NO. 444

AN ACT TO AMEND CHAPTER 35, TITLE 12 OF THE DELAWARE CODE RELATING TO PERPETUAL CARE BURIAL LOTS.

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

Section 1. Amend §3554(a), Title 12, Delaware Code, by inserting the words "at least" between the words "shall pay" and "semiannually" in the last sentence of said subsection.

Approved June 30, 1986.

CHAPTER 342

FORMERLY

SENATE BILL NO. 449

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 5501 (b)(9), Title 29, Delaware Code by deleting the phrase "subsequently accrues at least 1 year of credit service under paragraph (1) of this subsection and" as the same appears in said subsection.

Section 2. Amend Section 5501 (b), Title 29, Delaware Code by adding a new subsection (14) to read as follows:

"(14) Service with the Delaware Solid Waste Authority as established by Chapter 288, Volume 60, Laws of Delaware."

Section 3. Amend Section 5530, Title 29, Delaware Code by deleting the last sentence of said section.

Section 4. Amend Section 5531 (a), Title 29, Delaware Code by deleting the last sentence of said subsection.

Approved June 30, 1986.

CHAPTER 343

FORMERLY

SENATE BILL NO. 460
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO MEETING FEES AND INDEMNIFICATION OF MEMBERS OF THE BOARD OF PENSION TRUSTEES.

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

Section 1. Amend §8308(f) Chapter 83, Title 29, Delaware Code, by striking said subsection (f) in its entirety and substituting in lieu thereof a new subsection (f) to read as follows:

"(f) Each appointed member of the Board shall be paid $100 for each day devoted to Board business. Members shall be entitled to reimbursement for travel and other expenses made necessary by their official duties."

Section 2. Amend §8308, Chapter 83, Title 29, Delaware Code, by adding thereto a new subsection (i) to read as follows:

"(i) The State shall indemnify a Board member to sit on a committee of the Board 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 a Board member against expenses (including attorneys' fees if the Attorney General determines that he may not provide representation), 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 interest 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:

a. 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,

b. 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 subsection (a) of this paragraph that such member is not entitled to indemnification under this section."

Section 3. This Act shall become effective July 1, 1986.

Approved June 30, 1986.

CHAPTER 344

FORMERLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 479

AN ACT TO AMEND CHAPTERS 60 AND 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE STORAGE, PROCESSING OR DISPOSITION OF SOLID WASTE.

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

Section 1. Amend §6003, Title 7 of the Delaware Code by striking the semicolon from subdivision (4) of subsection (a) and substituting in lieu thereof the following:

", regardless of the geographic origin or source of such solid wastes;".

Section 2. Amend Chapter 64, Title 7 of the Delaware Code by adding thereto a new Section 6428 to read as follows:

"§6428. Deposit of Non-Delaware Solid Waste Prohibited.

Any provision of this Chapter to the contrary notwithstanding, solid waste generated outside the State of Delaware shall not be delivered to a facility operated by, or on behalf of, or under contract with the Authority. This Section does not limit the Authority's power under this Chapter to promulgate regulations further limiting the delivery of solid waste to its facilities based upon the hazardous, explosive, toxic, pathological, infectious or radioactive properties of the waste, or by reason of its other physical properties, chemical composition or quantity which may have an adverse effect on the Authority's facilities."

Section 3. Amend Chapter 64, Title 7 of the Delaware Code by inserting in subsections (a) and (b) of Section 6417, following the words and phrases "license condition" and before the words and phrases "shall be subject", the following:

", or who violates the provisions of Section 6428 of this Chapter,".

Approved June 30, 1986.

CHAPTER 345

FORMERLY

SENATE BILL NO. 506

AN ACT TO AMEND TITLE 31, OF THE DELAWARE CODE RELATING TO PUBLIC ASSISTANCE BENEFITS.

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

Section 1. Amend Title 31, Chapter 5, of the Delaware Code by striking §516 in its entirety.

Section 2. Amend Title 31 by designating a new Chapter 10 to read as follows:

"CHAPTER 10. FRAUDULENT ACTS

§1001. Purpose

The General Assembly finds and declares it to be in the public interest and for the protection of the health and welfare of the residents of the State of Delaware that proper provisions be instituted to regulate abuses in the payment of funds under the State's public assistance programs.

§1002. Definitions

When used in this Chapter, the following words shall have the meaning herein defined. To the extent that the terms are not defined herein, the words are to have their commonly accepted meaning.

1. 'Department' shall mean the Department of Health and Social Services.

2. 'Facility' shall mean any facility required to be licensed under Chapters 10 and 11 of Title 16 of the Delaware Code, including any such facility operated by or for the State.

3. 'Person' shall mean a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

4. 'Provider' shall mean a person who is enrolled and who renders goods or services for which payment is made, in whole or in part, under a public assistance program.

5. 'Public Assistance Program' shall mean the Medical Assistance Program of the State.

§1003. Obtaining a Benefit Under False Representation

It shall be unlawful for any provider, by means of a false statement or representation, or by concealment of, or failure to disclose any material fact, or by any other fraudulent scheme or device on behalf of himself or others to obtain or attempt to obtain payments or any other property, under any public assistance program established by the State to which he is not entitled, in whole or in part.

§1004. Reports, Statements and Documents

It shall be unlawful for any provider to:

(a) Falsify any report, statement or document required to be filed in connection with any public assistance program;

(b) Include in any cost report or report for reimbursement any amount or item which he knew or should have known was not used in providing service to the recipient for which the amount is paid or to be paid.

(c) To make or cause to be made a statement or representation for use in qualifying as a provider of goods or service under any public assistance program, knowing that statement or representation to be false, in whole or in part by commission or omission; or

(d) To make or cause to be made, a false statement or representation of a material fact with respect to the conditions or operation of a provider or facility in order that such provider or facility may qualify or remain qualified to provide assistance under any public assistance program.

§1005. Kickback Schemes and Solicitation

(1) It shall be unlawful for any person to solicit or receive any remuneration (including

kickback, bribe or rebate) directly or indirectly, overtly or covertly, in cash or in kind:

(a) in return for referring an individual to a provider for the furnishing or arranging for the furnishing of any medical care or medical assistance for which payment may be made in whole or in part under any public assistance program, or;

(b) in return for purchasing, leasing, ordering, or arranging for, or recommending purchasing, leasing, ordering any property, facility, service, or item of medical care or medical assistance for which payment may be made in whole or in part under any public assistance program.

2. It shall be unlawful for any person to offer or pay any remuneration (including any kickback, bribe or rebate) directly or indirectly, in cash or in kind to induce any other person:

(a) to refer an individual to a provider for the furnishing or arranging for the furnishing of any medical care or medical assistant for which payment may be made in whole or in part under any public assistance program, or

(b) to purchase, lease, order or arrange for or recommend purchasing, leasing, or ordering any property, facility, service, or item of medical care of medical assistance for which payment may be made in whole or in part under any public assistance program.

3. It shall be unlawful for any provider to:

(a) charge, solicit, accept or receive for any service provided to a recipient, money or other consideration in addition to or at a rate in excess of the rates established by the State for such item or service, or

(b) charge, solicit or receive in addition to any amount otherwise required to be paid by the State, any gift, money, donation, or other consideration (other than a charitable, religious or philanthropic contribution from an organization or from a person unrelated to the patient) as a precondition to admitting a patient to a hospital, skilled nursing facility, or intermediate care facility, or as a requirement for the patient's continued stay in such a facility, when the cost of services provided therein to the patient is paid for, in whole or inpart, by the State.

4. Paragraphs (1), (2) and (3) shall not apply to:

(a) a discount or other reduction to price obtained by a provider under this Chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider; or

(b) wages paid by an employer to an employee as part of a bona fide employment relationship; or

(c) contracts between the State and a public or private agency where part of the agency's responsibility is referral of a person to a provider;

(d) dividends based exclusively on a legitimate ownership interest;

(e) fees for services actually rendered, provided that the fees are not made to induce referrals to the provider.

§1006. Conversion of Payment

It shall be unlawful for any provider to convert any benefit or payment received from any public assistance program for use other than the use and benefit for the person named in the application for assistance.

§1007. Penalties

(1) Whoever knowingly violates Section 1003, 1004(b) and 1006 of this Chapter shall be guilty of a Class A Misdemeanor; provided that, where the value of assistance benefits, payments or other property is $500 or more, but less than $10,000, he shall be guilty of a Class E Felony. Further provided that where the value of assistance, benefits, payments or other property is $10,000 or more, he shall be guilty of a Class C Felony.

(2) Whoever violates Section 1004(a), shall be guilty of a Class A Misdemeanor.

(3) Whoever violates Sections 1004(c) and (d), and 1005, shall be guilty of a Class E Felony.

(4) In addition to the penalties provided herein, every provider convicted under this Chapter shall make full restitution of the money, goods or services or the value of those goods or services

unlawfully received, plus interest on that amount at the rate of 1.5% per month, for the period from the date upon which payment was made to the date upon which repayment is made to the State.

(5) Upon conviction under this Chapter, such provider shall not be eligible for any further participation in the Delaware Public Assistance Program. Provided, however, that where the community interest would be adversely affected, the Secretary of the Department of Health and Social Services, or his designee, shall upon petition of the provider, conduct a hearing on the record, to determine the need for a comparable provider to render the needed services to the community, and whether this provider's continued participation in the program is in the best interest of the State. Where this is established, the provider may continue in the program under such conditions as the Secretary may impose.

§1008. Civil Assessments

(1) Any provider who violates this Chapter, in addition to any other penalties provided by law, shall be liable for the following civil penalties:

(a) payment of an amount equal to three times the amount of excess payments; and

(b) payment of a civil penalty of up to the sum of two thousand dollars for each deceptive claim or falsification; and

(c) all reasonable expenses which the Court determines may have been incurred by the State in the enforcement of this section.

(2) No criminal action or indictment need be brought against any provider as a condition for establishing civil liability hereunder.

(3) Any provider, who, without intent to violate this Chapter, obtains benefits or payments in excess of the amount to which he is entitled, shall be liable for the payment of a civil assessment as provided, in subsection (1) of this section which may be sought and recovered in an administrative proceeding by the Department to which the claim was submitted.

§1009. Jurisdiction

The Superior Court shall have original and exclusive jurisdiction over violations of this Chapter." Section 3. This Act shall not be construed to foreclose prosecution under any other section of the Delaware Code whose terms apply in a general or specific manner to the conduct in question nor shall this Act be deemed to repeal any other section of the Delaware Code.

Section 4. 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 shall be held invalid, the remainder of this Act and the application of such provision or provisions to persons or circumstances other than those to which it was held invalid or inconsistent shall not be affected thereby.

Approved June 30, 1986.

CHAPTER 346

FORMERLY

SENATE BILL NO. 508

AN ACT AUTHORIZING THE TRANSFER OF GENERAL FUND POSITIONS FROM JUDICIAL AND EXECUTIVE BRANCH AGENCIES TO THE STATE PERSONNEL OFFICE FOR PURPOSES OF PROVIDING EMPLOYMENT FOR QUALIFIED MENTALLY HANDICAPPED CITIZENS.

WHEREAS, a broad group of handicapped citizens and organizations representative of the handicapped and the State government believe that the employment of qualified mentally handicapped citizens will give further effect to the State's commitment to hire the handicapped by providing the opportunity for specialized employment in State agencies; and

WHEREAS, following the passage of Senate Bill No. 496 in the 132nd General Assembly, a new employment classification entitled Generic Agency Aide was created; and

WHEREAS, the Generic Agency Aid Program has been an unqualified success, but is now limited by the number of positions created in the legislation of the 132nd General Assembly, all ten (10) positions presently being filled; and

WHEREAS, this bill will create an additional ten (10) positions, for a total of twenty (20) positions.

NOW THEREFORE:

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

Section 1. The Budget Director and Director of Personnel shall identify and designate an additional ten (10) General Fund positions within the Judicial and Executive Branch Agencies for transfer to the State Personnel Office in accordance with such factors or conditions deemed appropriate by the Budget Director and Director of Personnel.

Section 2. Upon identification and designation of the additional ten (10) General Fund positions in accordance with Section 1, the Budget Director shall transfer such positions, together with the salary and benefits funds appropriated for such positions, from the Judicial and Executive Branch Agencies to the State Personnel Office.

Section 3. Upon transfer of the additional ten (10) General Fund positions from the Judicial and Executive Branch Agencies to the State Personnel Office, the Director of Personnel shall:

(a) Reclassify the ten (10) General Fund positions which have been transferred to the State Personnel Office to the classification of Generic Agency Aide or other level within that classification or such other appropriate title or classification as the State Personnel Office shall deisgnate; and

(b) Allocate the General Funds which have been transferred to the State personnel Office in the amount necessary to provide for salaries and benefits of the ten (10) positions at such pay grade or grades as the State Personnel Office shall determine; and

(c) Determine through on site evaluation, and with the assistance of the Judicial and Executive Branch Agencies and the Association for Retarded Citizens on the job training project areas within those various agencies where such persons may be employable; and

(d) Upon written request from a Judicial or Executive Branch Agency employ, on the recommendation of the Association for Retarded Citizens on the job training project, a qualified mentally handicapped citizen as a Generic Agency Aide or in a similar, appropriate title and assign the employee to work in a position within that Judicial or Executive Branch Agency; and

(e) Monitor and evaluate, together with the Assoication for Retarded Citizens, on a regular periodic basis, the training and progress of the Generic Agency Aides and other similar positions within the various agencies.

Section 4. Upon the assignment by the Director of Personnel of a Generic Agency Aide or other similar position to the Judicial or Executive Branch Agency, the agency shall:

(a) Provide reasonable accommodations for the employee to allow him or her to successfully perform the essential functions of the assigned position; and

(b) Provide, in conjunction with the Association for Retarded Citizens, "On the Job Training Project", sufficient training and job evaluation support to enable the employee to become employed in a regular, allocated position within the agency.

Section 5. When an employee qualifies for and is appointed to a regular allocated position or advances through the Generic Agency Aide levels within that classification within a Judicial or Executive Branch Agency prusuant to the provisions of this Act, the appointing authority shall notify the Director of Personnel, in writing, of such transfer and promotion.

Section 6. When a position created pursuant to this Act administered by the State Personnel Office becomes vacant either through transfer and promotion or otherwise, the position shall be available for the employment of an additional qualified mentally handicapped citizen under this program.

Section 7. This Act shall become effective with the Governor's signature.

Approved June 30, 1986.

CHAPTER 347

FORMERLY

SENATE BILL NO. 515

AN ACT TO AMEND CHAPTER 31, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE; AND PERMITTING AN INSURER TO ISSUE POLICIES TO CERTAIN GROUPS.

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

Section 1. Amend §3110, Chapter 31, Part I, Title 18 of Delaware Code by re-designating all of the existing section as new subsection (a) of said section.

Section 2. Amend §3110, Chapter 31, Part I, Title 18 of the Delaware Code by adding thereto a new subsection, designated as subsection (b), which new subsection shall read as follows:

"(b) An insurer may issue a group life policy under this section to any other substantially similar group which, in the discretion of the Commissioner, may be subject to the issuance of a group life policy or contract."

Approved June 30, 1986.

CHAPTER 348

FORMERLY

SENATE BILL NO. 560

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1987; 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, 1987, 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 1987, 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, 1987	
(01-00-00) LEGISLATIVE		
(01-01-01) General Assembly - House		
Salaries - House Members	$	919.6
Salaries (13.0)		269.0
Salaries - Attaches		325.4
Other Employment Costs		223.6
Travel		
Mileage - Legislators		68.0
Other - Travel		32.0
Contractual Services		201.0
Supplies and Materials		20.0
Capital Outlay		45.0
Expenses - House Members		205.0
House Committee Expenses		25.0
Microfilm Services		1.4
TOTAL -- General Assembly - House	$	2,335.0
(01-02-01) General Assembly - Senate		
Salaries - Senate Members	$	487.8
Salaries (8.0)		201.0
Salaries - Attaches		270.0
Other Employment Costs		139.2
Travel		
Mileage - Legislative		36.5
Other - Travel		21.5
Contractual Services		161.2
Supplies and Materials		19.5
Capital Outlay		17.5
Expenses - Senate Members		105.0
Microfilm Services		1.0
Data Processing		11.2
TOTAL -- General Assembly - Senate	$	1,471.4
(01-05-01) Commission on Interstate Cooperation		
Travel	$	18.0
Legislative Travel		65.0
Contractual Services		30.0

Section 5. When an employee qualifies for and is appointed to a regular allocated position or advances through the Generic Agency Aide levels within that classification within a Judicial or Executive Branch Agency pursuant to the provisions of this Act, the appointing authority shall notify the Director of Personnel, in writing, of such transfer and promotion.

Section 6. When a position created pursuant to this Act administered by the State Personnel Office becomes vacant either through transfer and promotion or otherwise, the position shall be available for the employment of an additional qualified mentally handicapped citizen under this program.

Section 7. This Act shall become effective with the Governor's signature.

Approved June 30, 1986.

CHAPTER 347

FORMERLY

SENATE BILL NO. 515

AN ACT TO AMEND CHAPTER 31, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE; AND PERMITTING AN INSURER TO ISSUE POLICIES TO CERTAIN GROUPS.

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

Section 1. Amend §3110, Chapter 31, Part I, Title 18 of Delaware Code by re-designating all of the existing section as new subsection (a) of said section.

Section 2. Amend §3110, Chapter 31, Part I, Title 18 of the Delaware Code by adding thereto a new subsection, designated as subsection (b), which new subsection shall read as follows:

"(b) An insurer may issue a group life policy under this section to any other substantially similar group which, in the discretion of the Commissioner, may be subject to the issuance of a group life policy or contract."

Approved June 30, 1986.

CHAPTER 348

FORMERLY

SENATE BILL NO. 560

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1987; 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, 1987, 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 1987, 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, 1987	
(01-00-00) LEGISLATIVE		
(01-01-01) General Assembly - House		
Salaries - House Members	$	919.6
Salaries (13.0)		269.0
Salaries - Attaches		325.4
Other Employment Costs		223.6
Travel		
Mileage - Legislators		68.0
Other - Travel		32.0
Contractual Services		201.0
Supplies and Materials		20.0
Capital Outlay		45.0
Expenses - House Members		205.0
House Committee Expenses		25.0
Microfilm Services		1.4
TOTAL -- General Assembly - House	$	2,335.0
(01-02-01) General Assembly - Senate		
Salaries - Senate Members	$	487.8
Salaries (8.0)		201.0
Salaries - Attaches		270.0
Other Employment Costs		139.2
Travel		
Mileage - Legislative		36.5
Other - Travel		21.5
Contractual Services		161.2
Supplies and Materials		19.5
Capital Outlay		17.5
Expenses - Senate Members		105.0
Microfilm Services		1.0
Data Processing		11.2
TOTAL -- General Assembly - Senate	$	1,471.4
(01-05-01) Commission on Interstate Cooperation		
Travel	$	18.0
Legislative Travel		65.0
Contractual Services		30.0

Supplies and Materials		.2
Council of State Governments		32.8
Delaware River Basin Commission		184.0
National Conference of State Legislatures		39.4
TOTAL -- Commission on Interstate Cooperation		$ 369.4
(01-08-00) Legislative Council		
(01-08-01) Office of the Research Director		
Salaries (16.0)		$ 405.6
Other Employment Costs		104.2
Travel		5.9
Contractual Services		45.9
Supplies and Materials		37.3
Capital Outlay		16.0
Printing & Binding Session Laws		20.0
Sunset Committee Expenses		3.0
SET Services Program		17.0
Sub-Total		$ 654.9
Debt Service		$ 17.8
TOTAL -- Office of the Research Director		$ 672.7
(01-08-02) Office of Controller General	Year Ending June 30, 1987	
Salaries (14.0)		$ 456.9
Other Employment Costs		101.8
Travel		8.9
Contractual Services		128.3
Supplies and Materials		16.9
Capital Outlay		12.7
Data Processing		.9
Contingency		10.0
Contingency - Internship		10.0
Contingency - Task Force Expenses		5.0
Farmland Assessment		25.0
TOTAL -- Office of Controller General		$ 776.4
(01-08-03) Code Revisors		
Travel		$ .8
Contractual Services		140.8
Supplies and Materials		1.0
TOTAL -- Code Revisors		$ 142.6
(01-08-06) Commission on Uniform State Laws		
Travel		$ 8.0
Contractual Services		3.8
Supplies and Materials		.2
TOTAL -- Commission on Uniform State Laws		$ 12.0
TOTAL -- Legislative Council		$ 1,603.7
TOTAL - LEGISLATIVE		$ 5,779.5
(02-00-00) JUDICIAL	Year Ending June 30, 1987	
(02-01-01) Supreme Court		
Salaries (21.0)		$ 762.3
Other Employment Costs		256.3
Travel		13.0
Contractual Services	26.5	78.1
Supplies and Materials	1.2	14.4

	Capital Outlay	1.0	10.8
	Sub-Total	$ 28.7	$ 1,134.9
	Debt Service		$ 15.4
	TOTAL -- Supreme Court	$ 28.7	$ 1,150.3
	(02-02-00) Court of Chancery		
	(02-02-01) Court of Chancery		
	Salaries (19.0)		$ 683.9
	Other Employment Costs		219.1
	Travel		7.9
	Contractual Services		47.8
	Supplies and Materials		11.7
	Capital Outlay		9.2
	Microfilm		22.8
	TOTAL -- Court of Chancery		$ 1,002.4
	(02-02-02) Public Guardian		
	Salaries (5.0)		$ 110.9
	Other Employment Costs		28.4
	Travel		.9
	Contractual Services		6.8
	Supplies and Materials		2.5
	TOTAL -- Public Guardian		$ 149.5
	TOTAL -- Court of Chancery		$ 1,151.9
	(02-03-01) Superior Court		
	Salaries (129.0)		$ 3,288.7
	Other Employment Costs		984.6
	Travel		23.5
	Contractual Services		228.9
	Supplies and Materials		41.1
	Capital Outlay		10.0
	Data Processing		14.7
	Microfilm		66.0
	TOTAL -- Superior Court		$ 4,657.5
	(02-06-01) Court of Common Pleas		
	Salaries (61.0)		$ 1,385.0
	Other Employment Costs		417.7
	Travel		4.8
	Contractual Services		73.9
	Supplies and Materials		16.0
	Capital Outlay		4.0
	Data Processing		6.1
	Microfilm		16.8
	TOTAL -- Court of Common Pleas		$ 1,924.3
	(02-08-01) Family Court of Delaware	Year Ending June 30, 1987	
(3.0)NSF	Salaries (226.0)	$ 440.2	$ 4,986.4
(26.0)ASF	Other Employment Costs	151.1	1,460.4
	Travel	8.3	24.4
	Contractual Services	177.3	586.7
	Supplies and Materials	7.7	59.6
	Capital Outlay	31.7	2.2
	Data Processing		1.2
	Microfilm		11.8
	Sub-Total	$ 816.3	$ 7,132.7

Debt Service		$ 14.4
TOTAL -- Family Court of Delaware	$ 816.3	$ 7,147.1
(02-09-01) Kent County Law Library		
Salaries (1.0)		$ 27.0
Other Employment Costs		6.7
Travel		.2
Contractual Services		1.9
Supplies and Materials		.5
Capital Outlay		69.3
TOTAL -- Kent County Law Library		$ 105.6
(02-10-01) Sussex County Law Library		
Salaries (1.0)		$ 20.2
Other Employment Costs		4.9
Travel		.1
Contractual Services		2.2
Supplies and Materials		.6
Capital Outlay		57.8
TOTAL -- Sussex County Law Library		$ 85.8
(02-11-01) New Castle County Law Library		
Salaries (1.5)		$ 28.0
Other Employment Costs		7.8
Travel		.5
Contractual Services		3.4
Supplies and Materials		.5
Capital Outlay		71.7
TOTAL -- New Castle County Law Library		$ 111.9
(02-13-01) Justice of the Peace Courts		
Salaries (198.0)		$ 3,843.3
Other Employment Costs		1,027.9
Travel		92.3
Contractual Services		522.7
Supplies and Materials		68.9
Capital Outlay		2.0
Data Processing		28.5
Microfilm		7.5
TOTAL -- Justice of the Peace Courts		$ 5,593.1
(02-17-00) Administrative Office of the Courts	Year Ending June 30, 1987	
(02-17-01) Office of the Director		
Salaries (11.0)		$ 301.6
Other Employment Costs		72.8
Travel		2.0
Contractual Services		2,228.8
Supplies and Materials		5.4
Data Processing		.9
Court Appointed Attorneys		279.8
Retired Judges		13.2
TOTAL -- Office of the Director		$ 2,904.5
(02-17-02) Violent Crimes Compensation Board		
(5.0)ASF Salaries	$ 138.1	
Other Employment Costs	34.4	
Travel	14.0	

Contractual Services	28.3
Supplies and Materials	1.6
Capital Outlay	2.6
Revenue Refunds	.6
Attorneys	14.3
Medical Opinions	.1
Victims' Compensation	500.4
TOTAL -- Violent Crimes Compensation Board	$ 734.4*

*Special Funds appropriated per Chapter 90, Title 11, Delaware Code

(02-17-03) Foster Care Review Board

Salaries (5.0)	$ 101.0
Other Employment Costs	26.0
Travel	14.1
Contractual Services	30.3
Supplies and Materials	3.5
Capital Outlay	2.9
TOTAL -- Foster Care Review Board	$ 177.8

(02-17-04) Judicial Information Center

Salaries (9.5)	$ 248.0
Other Employment Costs	62.5
Travel	3.7
Contractual Services	248.9
Supplies and Materials	7.6
Capital Outlay	27.6
TOTAL -- Judicial Information Center	$ 598.3

TOTAL -- Administrative Office of the Courts	$ 734.4	$ 3,680.6
TOTAL -- JUDICIAL	$ 1,579.4	$ 25,608.1

(10-00-00) EXECUTIVE — Year Ending June 30, 1987

(10-01-01) Office of the Governor

(1.0)ASF	Salaries (22.5)	$ 23.2	$ 703.6
(2.0)NSF	Other Employment Costs	5.0	166.2
	Travel		18.1
	Contractual Services	87.0	165.8
	Supplies and Materials	2.5	27.6
	Capital Outlay		21.8
	Woodburn Expenses		27.8
	Contingency - Other Expenses		8.7
	TOTAL -- Office of the Governor	$ 117.7	$ 1,139.6

(10-02-00) Office of the Budget

(10-02-01) Administration

(3.0)ASF	Salaries (28.0)	$ 79.7	$ 864.7
	Other Employment Costs	19.7	215.9
	Travel	.6	9.2
	Contractual Services	112.6	198.7
	Supplies and Materials	1.7	13.4
	Capital Outlay	.7	1.4
	Data Processing		425.3
	Data Processing - Development Projects		1,000.0
	Budget Automation - Operations		175.0
	Management Improvement Program		100.0
	Microfilm		1.6
	Other	75.0	
	Sub-Total	$ 290.0	$ 3,005.2

Debt Service		$ 73.5
TOTAL - Administration	$ 290.0	$ 3,078.7
(10-02-04) Budget Office - Contingencies		
Contingency - Self Insurance Fund	$	$ 650.0
Contingency - Energy		175.0
Contingency - State Special Funds	5,000.0	
Contingency - Legal Fees		100.0
Contingency - Termination Pay		150.0
Contingency - Prior Years' Obligations		200.0
Contingency - Salaries and Other Employment Costs		3,397.2
TOTAL -- Budget Office - Contingencies	$ 5,000.0	$ 4,672.2
(10-02-05) Budget Office - Other Items (One-Time Appropriations)	Year Ending June 30, 1987	
Contingency - Other Items		$ 9,552.0
TOTAL -- Budget Office - Other Items		$ 9,552.0
(10-02-06) Budget Commission		
Contingency Funds		$ 150.0
TOTAL - Budget Commission		$ 150.0
(10-02-07) Postsecondary Education		
Salaries (5.5)		$ 142.0
Other Employment Costs		33.2
Travel		6.0
Contractual Services		40.7
Supplies and Materials		4.9
Capital Outlay		.5
Scholarships		989.3
TOTAL -- Postsecondary Education		$ 1,216.6
(10-02-08) Planning Systems Development		
Salaries (7.0)		$ 288.2
Other Employment Costs		75.0
Travel		5.9
Contractual Services		124.5
Supplies and Materials		4.0
Data Processing		54.0
TOTAL Planning Systems Development		$ 551.6
(10-02-09) Information Systems	Year Ending June 30, 1987	
Salaries (119.0)	$ 2,816.7	
Other Employment Costs	721.2	
Travel	14.1	
Contractual Services	4,291.6	
Supplies and Materials	199.3	
Capital Outlay	18.0	
Sub-Total	$ 8,060.9	
Debt Service	$ 82.2	
TOTAL Information Systems	$ 8,143.1	

Allocation of Data Processing Services

		General Funds	Other Funds
01	Legislative	$ 12.1	$ -
02	Judicial	51.4	2.4
10	Executive	547.7	3.8
12	Other Elective	107.7	82.0
15	Legal	4.4	-
20	State	891.5	47.5
25	Finance	3,224.9	4.9
30	Administrative Services	162.9	-
35	Health and Social Services	1,247.8	306.3
37	Children, Youth and Their Families	79.1	-
38	Correction	51.5	-
40	Natural Resources and Environmental Control	66.2	2.4
45	Public Safety	1,795.8	29.9
55	Transportation	401.4	9.5
65	Agriculture	-	.2
70	Elections	66.3	-
75	Fire Prevention	2.7	4.8
95	Public Education	111.7	-
	Sub-Total	$ 8,825.1	$ 493.7
	TOTAL - Information Systems and Health and Social Information Systems		$ 9,318.8

(10-02-10) Data Administration

	Salaries (4.0)	$ 130.6
	Other Employment Costs	30.0
	Travel	1.0
	Contractual Services	49.2
	Supplies and Materials	.9
	Data Processing	46.9
	TOTAL -- Data Administration	$ 258.6

(10-02-11) Health and Social Information Systems

(3.0)NSF	Salaries (11.0)	$ 314.2	$
	Other Employment Costs	79.9	
	Travel	5.7	
	Contractual Services	693.5	
	Supplies and Materials	38.0	
	Capital Outlay	34.0	
	Data Processing	10.4	10.4
	TOTAL - Health and Social Information Systems	$ 1,175.7	$ 10.4

(10-02-12) Office of Telecommunications Year Ending June 30, 1987

	Salaries (8.0)	$ 279.5
	Other Employment Costs	65.7
	Travel	14.0
	Contractual Services	125.2
	Supplies and Materials	5.6
	Capital Outlay	5.8
	DFMS Network	300.0
	TOTAL - Office of Telecommunications	$ 795.8
TOTAL	Office of the Budget	$ 14,608.8 $ 20,285.9

(10-03-00) Delaware Development Office

	(10-03-01) Office of the Director		
(1.0)ASF	Salaries (13.0)	$ 12.6	$ 327.8
	Other Employment Costs	2.7	77.9
	Travel		5.0
	Contractual Services	16.0	36.8
	Supplies and Materials		3.6
	Capital Outlay		1.6
	Teacher Recruitment		70.0
	Sub-Total	$ 31.3	$ 522.7
	Debt Service		$ 208.4
	TOTAL -- Office of the Director	$ 31.3	$ 731.1
	(10-03-02) Delaware Tourism Office		
	Salaries (8.0)	$	$ 177.0
	Other Employment Costs		48.1
	Travel		9.9
	Contractual Services		665.0
	Supplies and Materials		9.3
	Business Tourism Promotion		200.0
	Junior Miss		.3
	Mother of the Year		.5
	Young Mother of the Year		.5
	Grants	200.0	
	TOTAL -- Delaware Tourism Office	$ 200.0	$ 1,110.6
	(10-03-03) Delaware Economic Development Authority		
(6.0)ASF	Salaries (25.0)	$ 198.7	$ 638.8
	Other Employment Costs	46.2	154.3
	Travel	5.5	29.5
	Contractual Services	812.2	524.0
	Supplies and Materials	7.2	18.4
	Capital Outlay	3.5	39.3
	Other Items	30.0	185.0
	General Obligation Bonds		661.6
	Sub-Total	$ 1,103.3	$ 2,250.9
	Debt Service	$ 350.0	$ 1,489.8
	TOTAL -- Delaware Economic Development Authority	$ 1,453.3	$ 3,740.7
	TOTAL -- Delaware Development Office	$ 1,684.6	$ 5,582.4
	(10-04-00) Office of State Personnel	Year Ending June 30, 1987	
	(10-04-01) Administration		
(2.0)ASF	Salaries (11.0)	$ 42.1	$ 317.2
	Other Employment Costs	8.6	78.7
	Travel		6.0
	Travel - Commission		3.0
	Contractual Services	20.0	74.8
	Supplies and Materials	3.0	7.3
	Capital Outlay	5.0	
	Compensation Report (2.0)		300.0
	Data Processing		8.7
	Insurance Premiums	5,579.6	723.4
	TOTAL -- Administration	$ 5,658.3	$ 1,519.1
	(10-04-02) Operations		

(8.0)ASF	Salaries (18.0)	$ 113.0	$ 416.4
	Other Employment Costs	34.4	107.5
	Travel		4.5
	Contractual Services	10.0	86.9
	Supplies and Materials		2.7
	Microfilm		1.0
	Generic Aides (10.0)		146.0
	TOTAL -- Operations	$ 157.4	$ 765.0
	(10-04-04) Research and Employee Development		
(1.0)ASF	Salaries (2.0)	$ 17.5	$ 67.2
	Other Employment Costs	3.8	17.0
	Travel	3.0	1.5
	Contractual Services	40.0	3.3
	Supplies and Materials	5.0	7.6
	Capital Outlay	4.0	
	TOTAL -- Research and Employee Development	$ 73.3	$ 96.6
	TOTAL -- Office of State Personnel	$ 5,889.0	$ 2,380.7
	(10-07-00) Criminal Justice		
	(10-07-01) Criminal Justice Council		
(1.0)NSF	Salaries (10.0)		$ 273.0
	Other Employment Costs		67.4
	Travel		6.5
	Contractual Services		48.6
	Supplies and Materials		3.8
	Grants		120.0
	Microfilm		2.5
	Other		10.0
	TOTAL -- Criminal Justice Council		$ 531.8
	(10-07-02) Delaware Justice Information System		
	Salaries (5.0)		$ 136.3
	Other Employment Costs		33.7
	Travel		3.9
	Contractual Services		14.9
	Supplies and Materials		3.7
	Capital Outlay		1.9
	Data Processing		1.2
	TOTAL -- Delaware Justice Information System		$ 195.6
	(10-07-03) Statistical Analysis Center	Year Ending June 30, 1987	
(1.0)NSF	Salaries (3.0)		$ 74.1
	Other Employment Costs		17.2
	Travel		2.2
	Contractual Services		7.0
	Supplies		2.3
	Data Processing		1.2
	TOTAL -- Statistical Analysis Center		$ 104.0
	TOTAL -- Criminal Justice		$ 831.4
	(10-08-01) Planning and Coordination		
	Salaries (4.0)		$ 134.5
	Other Employment Costs		31.4
	Travel		3.9

	Contractual Services		34.5
	Supplies and Materials		3.3
	Capital Outlay		10.0
	TOTAL -- Planning and Coordination		$ 217.6
	TOTAL -- EXECUTIVE	$ 22,300.1	$ 30,437.6

(12-00-00) OTHER ELECTIVE OFFICES — Year Ending June 30, 1987

(12-01-01) Lieutenant Governor

	Salaries (5.0)	$ 115.2
	Salaries - Board of Pardons	.3
	Other Employment Costs	26.0
	Travel	10.9
	Contractual Services	22.4
	Supplies and Materials	6.3
	Capital Outlay	6.5
	Expenses - Lieutenant Governor	6.4
	TOTAL -- Lieutenant Governor	$ 194.0

(12-02-01) Auditor of Accounts

(15.0)ASF	Salaries (40.0)	$ 286.3	$ 923.3
	Other Employment Costs	80.2	247.7
	Travel	2.6	3.5
	Contractual Services	66.1	173.0
	Supplies and Materials	10.1	9.7
	Capital Outlay	31.4	15.7
	Data Processing		5.4
	Microfilm		.1
	TOTAL -- Auditor of Accounts	$ 476.7	$ 1,378.4

(12-03-00) Insurance Commissioner

(12-03-01) Regulatory Activities

	Salaries (23.5)	$	$ 573.0
	Other Employment Costs	.8	142.3
	Travel	9.9	8.2
	Contractual Services		174.6
	Supplies and Materials		8.0
	Capital Outlay		7.8
	Data Processing		32.4
	Microfilm		3.1
	Malpractice Review		17.0
	TOTAL -- Regulatory Activities	$ 10.7	$ 966.4

(12-03-02) Bureau of Examination, Rehabilitation and Guaranty

(14.5)ASF	Salaries	$ 506.1
	Other Employment Costs	156.9
	Travel	100.0
	Contractual Services	150.0
	Supplies	20.0
	Capital Outlay	4.0

	TOTAL -- Bureau of Examination, Rehabilitation and Guaranty	$ 937.0	
	TOTAL -- Insurance Commissioner	$ 947.7	$ 966.4
	(12-05-00) State Treasurer	Year Ending June 30, 1987	
	(12-05-01) Administration		
(4.0)ASF	Salaries (20.0)	$ 104.0	$ 413.2
	Other Employment Costs	26.6	103.9
	Travel	5.5	3.5
	Contractual Services	14.9	144.2
	Banking Services	920.9	
	Supplies and Materials	2.0	8.7
	Capital Outlay	5.0	9.1
	Data Processing	10.0	69.9
	Microfilm		21.0
	Blue Cross Carve-Out		23.0
	Blood Bank Membership Dues		70.0
	Health Insurance - Early Qualification		1,200.0
	TOTAL -- Administration	$ 1,088.9	$ 2,066.5
	(12-05-02) Pensions		
(28.7)ASF	Salaries (1.3)	$ 556.2	$ 27.0
	Other Employment Costs	148.5	8.1
	Travel	21.0	.8
	Contractual Services	2,923.1	3.1
	Supplies and Materials	17.8	.5
	Capital Outlay	10.0	.5
	Data Processing	72.0	
	Microfilm	1.4	
	Special Pension Increase		39.5
	Pension Increase - Retired and Disabled Teachers		3.6
	Health Insurance - Retirees		6,847.9
	Pensions - Paraplegic Veterans		15.6
	TOTAL -- Pensions	$ 3,750.0*	$ 6,946.6

*All Administrative Expenses are paid out of State Employees Retirement Fund.

	(12-05-03) Debt Management		
	Expense of Issuing Bonds		$ 142.0
	Debt Service - Regular		8,598.8
	Debt Service - Local Schools		2,226.3
	Debt Service - Farmers Bank Preferred Stock		1,690.5
	Debt Service - Solid Waste Authority		485.0
	Defeasance Escrow		5.0
	TOTAL -- Debt Management		$ 13,147.6
	TOTAL -- State Treasurer	$ 4,848.9	$ 22,160.7
	TOTAL -- OTHER ELECTIVE OFFICES	$ 6,263.3	$ 24,699.5
	(15-00-00) LEGAL	Year Ending June 30, 1987	
	(15-01-00) Department of Justice		
	(15-01-01) Office of Attorney General		
(1.0)ASF	Salaries (130.5)	$ 25.1	$ 3,143.7
(21.5)NSF	Other Employment Costs	5.0	806.8
	Travel	10.0	
	Contractual Services	648.9	
	Supplies and Materials	33.6	
	Capital Outlay	35.5	

	Data Processing		4.4
	Extradition		48.0
	Microfilm		2.0
	TOTAL -- Office of Attorney General	$ 30.1	$ 4,732.9
	TOTAL -- Department of Justice	$ 30.1	$ 4,732.9
	(15-02-01) Public Defender		
	Salaries (66.0)		$ 1,670.6
	Other Employment Costs		414.9
	Travel		1.9
	Contractual Services		277.9
	Supplies and Materials		22.8
	Capital Outlay		24.0
	TOTAL -- Public Defender		$ 2,412.1
	(15-03-01) Board of Parole		
	Salaries (7.0)		$ 157.8
	Other Employment Costs		36.5
	Travel		9.1
	Contractual Services		18.7
	Supplies and Materials		5.3
	TOTAL -- Board of Parole		$ 227.4
	TOTAL -- LEGAL	$ 30.1	$ 7,372.4
	(20-00-00) DEPARTMENT OF STATE	Year Ending June 30, 1987	
	(20-01-00) Office of the Secretary		
	(20-01-01) Administration		
	Salaries (6.0)		$ 176.1
	Other Employment Costs		40.0
	Travel		4.6
	Contractual Services		21.6
	Supplies and Materials		2.6
	Capital Outlay		12.8
	Microfilm		1.7
	Sub-Total		$ 259.4
	Debt Service		$ 234.1
	TOTAL -- Administration		$ 493.5
	(20-01-02) Delaware Commission on Veterans Affairs		
	Salaries (2.0)		$ 36.0
	Other Employment Costs		11.2
	Travel		1.5
	Contractual Services		6.0
	Supplies and Materials		1.5
	Capital Outlay		3.0
	TOTAL - Delaware Commission on Veterans Affairs		$ 59.2
	TOTAL -- Office of the Secretary		552.7
	(20-05-01) Division of Corporations		
(7.0)ASF	Salaries (51.0)	$ 108.0	$ 839.5
	Other Employment Costs	22.0	216.9
	Travel	2.0	1.4
	Contractual Services	10.0	252.9
	Supplies and Materials	5.0	59.4

	Capital Outlay	5.0	14.0
	Data Processing	47.4	879.4
	Microfilm	20.9	
	Refunds/Reimbursement	5.0	
	Computer Services	76.0	
	TOTAL -- Division of Corporations	$ 280.4	$ 2,284.4

(20-06-00) Division of Historical and Cultural Affairs

(20-06-01) Office of Administration

	Salaries (4.7)	$ 111.4
	Other Employment Costs	27.5
	Travel	1.0
	Contractual Services	6.4
	Supplies and Materials	2.0
	Capital Outlay	1.0
	Data Processing	.9
	Delaware Heritage Commission	104.1
	Sub-Total	$ 254.3
	Debt Service	$ 215.4
	TOTAL -- Office of Administration	$ 469.7

(20-06-02) Archives and Records Management — Year Ending June 30, 1987

(5.0)NSF	Salaries (12.0)	$ 192.2
	Other Employment Costs	47.8
	Travel	1.3
	Contractual Services	26.4
	Supplies and Materials	9.8
	Capital Outlay	11.8
	Microfilm Services	30.2
	Data Processing	11.2
	TOTAL -- Archives and Records Management	$ 330.7

(20-06-03) Bureau of Archaeology and Historic Preservation

(4.0)NSF	Salaries (4.0)	$ 87.7
	Other Employment Costs	22.7
	Travel	.6
	Contractual Services	6.7
	Supplies and Materials	4.1
	Capital Outlay	.8
	Grants and Subsidies	
	TOTAL -- Bureau of Archaeology and Historic Preservation	$ 122.6

(20-06-04) Bureau of Museums and Historic Sites

	Salaries (29.5)	$	$ 521.8
	Other Employment Costs		131.8
	Travel	.5	1.5
	Contractual Services	28.2	98.0
	Supplies and Materials	29.2	25.0
	Capital Outlay	3.5	3.4
	Maintenance/Restoration		102.5
	Microfilm		.4
	Sub-Total	$ 61.4	$ 884.4
	Debt Service		$ 143.7
	TOTAL -- Bureau of Museums and Historic Sites	$ 61.4	$ 1,028.1

(20-06-05) Microfilm Services Year Ending June 30, 1987

	Salaries (17.0)	$ 242.0
	Other Employment Costs	62.2
	Travel	1.4
	Contractual Services	224.5
	Supplies and Materials	74.6
	Capital Outlay	18.0
	TOTAL -- Microfilm Services	$ 622.7

Allocation of Microfilm Services

		General Funds	Other Funds
01	Legislative	$ 2.4	$ -
02	Judicial	124.9	-
10	Executive	5.1	-
12	Other Elective	24.2	1.4
15	Legal	2.0	
20	State	53.2	44.0
25	Finance	103.5	-
30	Administrative Services	.8	1.2
35	Health and Social Services	114.7	1.5
37	Services for Children, Youth and Their Families	9.0	-
38	Correction	17.4	-
40	Natural Resources and Environmental Control	8.8	-
45	Public Safety	37.8	-
50	Community Affairs	.1	-
55	Transportation	22.0	.7
60	Labor	6.5	-
70	Elections	1.2	-
75	Fire Prevention	7.1	-
76	National Guard	2.9	-
90	Higher Education	3.4	-
95	Public Education	26.9	-
	Sub-Total	$ 573.9	$ 48.8

TOTAL - Microfilm Services $ 622.7

(20-06-16) Office of Arts Council

(3.5)NSF	Salaries (4.0)		$ 72.7
	Other Employment Costs		17.2
	Travel		1.7
	Contractual Services		24.8
	Supplies and Materials		2.0
	Capital Outlay		5.5
	Grants and Subsidies		
	TOTAL - Office of Arts Council		$ 123.9
	TOTAL Division of Historical and Cultural Affairs	$ 61.4	$ 2,075.0

(20 15-01) Division of State Banking Commission

(27.0)ASF	Salaries	$ 559.6
	Other Employment Costs	144.8
	Travel	21.0
	Contractual Services	30.8
	Supplies and Materials	13.3
	Capital Outlay	28.8
	Revenue Refunds	2.0
	Bank Examiner Training Funds	125.0

TOTAL -- Division of State Banking Commission	$ 925.3*	

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

TOTAL -- DEPARTMENT OF STATE	$ 1,267.1	$ 4,912.1

(25-00-00) DEPARTMENT OF FINANCE — Year Ending June 30, 1987

(25-01-01) Office of the Secretary

Salaries (18.0)		$ 608.9
Other Employment Costs		150.3
Travel		7.1
Contractual Services		221.7
Supplies and Materials		12.8
Capital Outlay		15.4
Fiscal Notebook		6.0
TOTAL -- Office of the Secretary		$ 1,022.2

(25-05-01) Division of Accounting

Salaries (37.0)		$ 639.4
Other Employment Costs		159.8
Travel		3.0
Contractual Services		94.4
Supplies and Materials		75.9
Capital Outlay		20.6
Data Processing		2,178.3
Microfilm		2.5
TOTAL -- Division of Accounting		$ 3,173.9

(25-06-01) Division of Revenue

Salaries (232.0)	$	$ 4,249.5
Other Employment Costs		1,115.1
Travel		30.8
Contractual Services	55.0	758.7
Supplies and Materials		63.4
Capital Outlay		289.9
Data Processing	1.1	1,046.6
Microfilm		101.0
Sub-Total	$ 56.1	$ 7,655.0
Debt Service		$ 267.2
TOTAL -- Division of Revenue	$ 56.1	$ 7,922.2

(25-07-01) State Lottery Office

(18.0)ASF	Salaries	$ 387.5
	Other Employment Costs	95.4
	Travel	8.1
	Contractual Services	2,289.0
	Supplies and Materials	15.5
	Capital Outlay	41.5
	Data Processing	3.8
	TOTAL -- State Lottery Office	$ 2,840.8*

*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	$ 2,896.9	$ 12,118.3

(30-00-00) DEPARTMENT OF ADMINISTRATIVE SERVICES	Year Ending June 30, 1987			
(30-01-00) Office of the Secretary				
(30-01-01) Administration				
	Salaries (13.0)			$ 292.8
	Other Employment Costs			75.4
	Travel			1.0
	Contractual Services			34.5
	Supplies and Materials			2.6
	Capital Outlay			3.2
	Data Processing			10.5
	Microfilm			.8
	Asbestos Control			200.0
	TOTAL -- Administration			$ 620.8
(30-01-02) Fleet Management				
	Salaries (2.0)			$ 49.6
	Other Employment Costs			12.6
	Travel			1.2
	Contractual Services			7.4
	Supplies and Materials			.5
	Data Processing			.3
	TOTAL -- Fleet Management			$ 71.6
(30-01-03) Capitol Police				
(3.0)ASF	Salaries (25.0)	$ 38.5		$ 501.3
	Other Employment Costs	13.0		124.8
	Travel			2.0
	Contractual Services			219.4
	Supplies and Materials			21.4
	Capital Outlay			13.0
	TOTAL -- Capitol Police	$ 51.5		$ 881.9
	TOTAL -- Office of the Secretary	$ 51.5		$ 1,574.3
(30-02-01) Public Employment Relations Board				
	Salaries (2.0)			$ 56.9
	Other Employment Costs			15.1
	Travel			3.7
	Contractual Services			13.6
	Supplies and Materials			1.2
	Capital Outlay			.8
	TOTAL - Public Employment Relations Board			$ 91.3
(30-03-01) Division of Alcohol Beverage Control Commission				
	Salaries (22.0)	$		$ 442.5
	Other Employment Costs			95.8
	Travel	6.0		7.9
	Contractual Services	5.4		50.0
	Supplies and Materials	2.5		7.7
	Capital Outlay	6.0		
	Data Processing			16.2
	TOTAL - Division of Alcohol Beverage Control Commission	$ 19.9		$ 620.1
(30-04-00) Division of Support Operations	Year Ending June 30, 1987			
(30-04-02) Messenger Services				

	Salaries (11.0)	$	$ 132.2
	Other Employment Costs		43.1
	Contractual Services	511.2	8.5
	Supplies and Materials		5.6
	Capital Outlay		8.9
	TOTAL -- Messenger Services	$ 511.2	$ 198.3
	(30-04-03) Telephone Services		
	Salaries (11.0)	$	$ 178.6
	Other Employment Costs		43.8
	Travel	4.1	
	Contractual Services	4,840.8	1.5
	Supplies and Materials	9.1	2.0
	Capital Outlay	12.2	
	Data Processing		128.1
	TOTAL -- Telephone Services	$ 4,866.2	$ 354.0
	(30-04-04) Graphics and Printing		
(19.0)ASF	Salaries	$ 392.2	
	Other Employment Costs	105.3	
	Travel	2.0	
	Contractual Services	229.5	
	Supplies and Materials	212.0	
	Capital Outlay	189.2	
	TOTAL -- Graphics and Printing	$ 1,130.2	
	TOTAL -- Division of Support Operations	$ 6,507.6	$ 552.3
	(30-05-00) Division of Facilities Management		
	(30-05-01) Administration		
	Salaries (14.0)		$ 336.5
	Other Employment Costs		77.8
	Travel		4.9
	Contractual Services		661.8
	Supplies and Materials		8.7
	Capital Outlay		2.0
	Sub-Total		$ 1,091.7
	Debt Service		$ 4,819.8
	TOTAL -- Administration		$ 5,911.5
	(30-05-03) Energy Office		
(9.0)NSF	Salaries (1.0)		$ 29.4
	Other Employment Costs		8.7
	Contractual Services		11.1
	Heating Oil Testing		4.0
	TOTAL -- Energy Office		$ 53.2
	(30-05-04) Carvel State Building		
	Salaries (9.0)		$ 130.4
	Other Employment Costs		38.7
	Contractual Services		759.0
	Supplies and Materials		26.1
	Capital Outlay		2.5
	Maintenance Restoration		135.0
	TOTAL -- Carvel State Building		$ 1,091.7

(30-05-05) Building Maintenance	Year Ending June 30, 1987	
Salaries (21.0)	$	355.5
Other Employment Costs		95.9
Contractual Services		832.9
Supplies and Materials		99.3
Maintenance Restoration		417.1
TOTAL -- Building Maintenance	$	1,800.7
(30-05-06) Capitol Grounds		
Salaries (7.0)	$	132.9
Other Employment Costs		32.1
Contractual Services		37.2
Supplies and Materials		21.8
TOTAL -- Capitol Grounds	$	224.0
(30-05-07) Custodial Services		
Salaries (36.0)	$	470.3
Other Employment Costs		135.9
Contractual Services		431.1
Supplies and Materials		39.6
TOTAL -- Custodial Services	$	1,076.9
(30-05-09) Public Building		
Salaries (11.0)	$	137.6
Other Employment Costs		35.4
Contractual Services		449.0
Supplies and Materials		25.0
TOTAL -- Public Building	$	647.0
(30-05-10) Architectural Accessibility Board		
Salaries (1.0)	$	35.4
Other Employment Costs		9.0
Travel		2.6
Contractual Services		4.0
Supplies and Materials		.3
TOTAL -- Architectural Accessibility Board	$	51.3
TOTAL -- Division of Facilities Management	$	10,856.3
(30-06-00) Division of Purchasing		
(30-06-01) Administration/Purchasing		
Salaries (4.0)	$	121.3
Other Employment Costs		30.4
Travel		1.6
Contractual Services		13.4
Supplies and Materials		4.6
Capital Outlay		8.3
Sub-Total	$	179.6
Debt Service	$	1.1
TOTAL -- Administration/Purchasing	$	180.7
(30-06-02) Purchasing Office	Year Ending June 30, 1987	
Salaries (7.0)	$	161.4

	Other Employment Costs		38.5
	Travel		.1
	Contractual Services		20.7
	Supplies and Materials		22.5
	TOTAL -- Purchasing Office		$ 243.2
	(30-06-03) Distribution		
(3.0)ASF	Salaries (7.0)	$ 57.4	$ 161.4
(4.0)NSF			
	Other Employment Costs	18.4	45.4
	Travel	5.0	.3
	Contractual Services	92.9	96.3
	Supplies and Materials	35.8	11.1
	Capital Outlay	37.0	
	Food Processing	40.0	
	TOTAL -- Distribution	$ 286.5	$ 314.5
	TOTAL -- Division of Purchasing	$ 286.5	$ 738.4
	(30-08-01) Division of Occupational and Health Licensing		
(1.0)ASF	Salaries (17.5)	$ 12.5	$ 397.3
	Other Employment Costs	2.6	93.2
	Travel		30.0
	Contractual Services	250.0	121.5
	Supplies and Materials		14.2
	Data Processing		7.8
	Transfers and Investments	15.0	
	TOTAL -- Division of Occupational and Health Licensing	$ 280.1	$ 664.0
	(30-11-01) Public Utilities Control		
(21.0)ASF	Salaries	$ 628.8	
	Other Employment Costs	154.7	
	Travel	38.2	
	Contractual Services	1,095.6	
	Supplies and Materials	18.0	
	Capital Outlay	30.0	
	Microfilm	1.2	
	TOTAL -- Public Utilities Control	$ 1,966.5	
	TOTAL -- DEPARTMENT OF ADMINISTRATIVE SERVICES	$ 9,112.1	$ 15,096.7
	(35-00-00) DEPARTMENT OF HEALTH AND SOCIAL SERVICES	Year Ending June 30, 1987	
	(35-01-01) Office of the Secretary		
(12.5)NSF	Salaries (17.5)	$ 20.0	$ 403.4
	Other Employment Costs	3.0	105.9
	Travel	5.0	1.5
	Contractual Services	10.0	81.8
	Supplies and Materials	2.0	2.0
	Capital Outlay	5.0	4.5
	TOTAL -- Office of the Secretary	$ 45.0	$ 599.1
	(35-02-01) Office of Business Administration and General Services		
(24.6)NSF	Salaries (67.0)	$ 70.3	$ 1,435.9
(4.8)ASF	Other Employment Costs	21.1	354.6
	Travel		1.5
	Contractual Services	10.0	262.9
	Supplies and Materials		14.6
	Capital Outlay		9.1

	Data Processing		775.2
	Microfilm		6.2
	Minor Capital Improvements		300.0
	Other	43.7	
	Sub-Total	$ 145.1	$ 3,160.0
	Debt Service		$ 313.4
	TOTAL -- Office of Business Administration and General Services	$ 145.1	$ 3,473.4
	(35-03-01) Office of Planning, Research and Evaluation		
(29.2)NSF	Salaries (17.8)	$	$ 423.6
	Other Employment Costs		102.9
	Travel	1.5	3.4
	Contractual Services	10.0	100.0
	Supplies and Materials	1.5	3.0
	Capital Outlay	2.8	4.5
	Data Processing		.9
	Sub-Total	$ 15.8	$ 638.3
	Debt Service		$ 1,348.1
	TOTAL -- Office of Planning, Research and Evaluation	$ 15.8	$ 1,986.4
	(35-04-01) Office of Chief Medical Examiner		Year Ending June 30, 1987
	Salaries (27.0)		$ 734.3
	Other Employment Costs		170.3
	Travel		8.1
	Contractual Services		98.8
	Supplies and Materials		75.3
	Capital Outlay		38.1
	Microfilm		25.0
	Sub-Total		$ 1,149.9
	Debt Service		$ 73.7
	TOTAL -- Office of Chief Medical Examiner		$ 1,223.6
	(35-05-00) Division of Public Health		
	(35-05-02) Community Health		
(146.5)NSF	Salaries (320.9)	$ 455.6	$ 6,707.0
(30.4)ASF	Other Employment Costs	125.5	1,699.7
	Travel	9.1	37.1
	Contractual Services	34.1	1,668.2
	Supplies and Materials	39.0	508.7
	Capital Outlay		197.3
	Data Processing		72.2
	Microfilm		17.4
	Diagnostic and Treatment of Handicapped Children		98.0
	Streptococcal Program		11.1
	Renal Disease Program		178.2
	AIDS Program		33.0
	Other Items		37.1
	TOTAL -- Community Health	$ 663.3	$ 11,265.0
	(35-05-03) Emily P. Bissell Hospital		
(2.0)NSF	Salaries (288.3)		$ 4,463.2
	Other Employment Costs		1,093.6

	Travel		2.3
	Contractual Services		559.0
	Supplies and Materials		744.1
	Capital Outlay		17.6
	Sub-Total		$ 6,879.8
	Debt Service		$ 534.8
	TOTAL -- Emily P. Bissell Hospital		$ 7,414.6
	(35-05-04) Delaware Hospital for the Chronically Ill		
	Salaries (739.5)	$	$ 10,954.4
	Other Employment Costs		2,991.6
	Travel		1.7
	Contractual Services		1,171.8
	Supplies and Materials	113.0	1,098.6
	Capital Outlay		83.5
	Sub-Total	113.0	$ 16,301.6
	Debt Service		$ 642.3
	TOTAL -- Delaware Hospital for the Chronically Ill	$ 113.0	$ 16,943.9
	TOTAL -- Division of Public Health	$ 776.3	$ 35,623.5

(35-06-00) Division of Alcoholism, Drug Abuse, and Mental Health — Year Ending June 30, 1987

(35-06-01) Office of the Director

(4.0)NSF	Salaries (7.0)	$	235.1
	Other Employment Costs		60.2
	Travel		2.9
	Contractual Services		243.2
	Supplies and Materials		1.3
	Capital Outlay		1.5
	Data Processing		32.8
	Microfilm		24.9
	TOTAL -- Office of the Director	$	601.9

(35-06-02) Delaware State Hospital

(2.0)NSF	Salaries (716.3)	$	$ 11,891.3
	Other Employment Costs		3,121.2
	Travel	3.0	1.9
	Contractual Services	9.0	1,790.9
	Supplies and Materials	.4	1,226.7
	Capital Outlay		112.2
	72-hour Commitment		30.0
	Payments to Patients		20.4
	Sheltered Workshop		9.9
	Microfilm		8.0
	Sub-Total	$ 12.4	$ 18,212.5
	Debt Service		$ 1,531.1
	TOTAL -- Delaware State Hospital	$ 12.4	$ 19,743.6

(35-06-03) Kent/Sussex Health Centers

	Salaries (49.0)	$ 1,186.0
	Other Employment Costs	281.9
	Travel	4.0
	Contractual Services	284.8

	Supplies and Materials		72.9
	Capital Outlay		64.0
	TOTAL -- Kent/Sussex Health Centers		$ 1,893.6
	(35-06-04) Governor Bacon Health Center		
	Salaries (141.0)		$ 2,401.0
	Other Employment Costs		592.1
	Travel		.3
	Contractual Services		1,001.1
	Supplies and Materials		193.8
	Capital Outlay		.8
	Sub-Total		$ 4,189.1
	Debt Service		$ 477.0
	TOTAL -- Governor Bacon Health Center		$ 4,666.1
	(35-06-05) Wilmington/New Castle Mental Health Centers	Year Ending June 30, 1987	
(6.0)NSF	Salaries (71.0)		$ 1,705.7
	Other Employment Costs		414.8
	Travel		4.0
	Contractual Services		175.9
	Supplies and Materials		83.9
	Capital Outlay		3.0
	West End House		38.8
	Sub-Total		$ 2,426.1
	Debt Service		$ 8.0
	TOTAL -- Wilmington/New Castle Mental Health Centers		$ 2,434.1
	(35-)-06-08) Bureau of Alcohol and Drug Abuse		
(11.0)NSF	Salaries (21.0)	$	$ 442.7
	Other Employment Costs		117.4
	Travel	.1	.9
	Contractual Services	.3	1,124.0
	Supplies and Materials	.3	56.7
	Capital Outlay	.3	89.2
	Residential Detoxification		1,024.2
	Microfilm		6.5
	Sub-Total	$ 1.0	$ 2,861.6
	Debt Service		$ 84.5
	TOTAL -- Bureau of Alcohol and Drug Abuse	$ 1.0	$ 2,946.1
	TOTAL -- Division of Alcoholism, Drug Abuse and Mental Health	$ 13.4	$ 32,285.4
	(35-07-01) Division of Economic Services		
(181.4)NSF	Salaries (174.2)		$ 3,027.3
	Other Employment Costs		777.1
	Travel		2.3
	Contractual Services		1,817.7
	Supplies and Materials		48.4
	Capital Outlay		30.2
	Microfilm		11.6
	Data Processing		245.2
	Indigent Burial		10.0
	General Assistance		2,450.0
	SSI Supplementation		685.1

	Homemaker Services		95.0
	AFDC		13,650.0
	Child Care		1,119.5
	Emergency and Disaster Assistance		217.0
	Title XIX - Non-State Institutions		26,200.6
	Title XIX - State Institutions		15,707.2
	Sub-Total		$ 66,094.2
	Debt Service		$ 3.1
	TOTAL -- Division of Economic Services		$ 66,097.3

(35-08-01) Division for the Visually Impaired Year Ending June 30, 1987

(24.5)NSF	Salaries (21.0)	$ 29.7	$ 416.1
(2.5)ASF	Other Employment Costs	7.6	109.3
	Travel		2.3
	Contractual Services		177.7
	Supplies and Materials		26.3
	Capital Outlay		28.9
	Data Processing		10.4
	Shop and Machine Tools	4.0	
	Food Service Facilities	446.8	
	TOTAL -- Division for the Visually Impaired	$ 488.1	$ 771.0

(35-10-01) Division of Child Support Enforcement

(57.2)NSF	Salaries (30.8)	$ 495.4
	Other Employment Costs	130.1
	Travel	2.3
	Contractual Services	261.1
	Supplies and Materials	8.8
	Capital Outlay	18.6
	Data Processing	103.2
	Microfilm	2.0
	TOTAL -- Division of Child Support Enforcement	$ 1,021.5

(35-11-00) Division of Mental Retardation Services

(35-11-01) Office of the Director

	Salaries (15.0)	$ 352.4
	Other Employment Costs	82.2
	Travel	2.2
	Contractual Services	62.9
	Supplies and Materials	4.9
	Capital Outlay	8.0
	Data Processing	4.4
	Microfilm	9.5
	TOTAL -- Office of the Director	$ 526.5

(35-11-02) Stockley Center

	Salaries (742.0)	$	$ 10,563.2
	Other Employment Costs		2,839.3
	Travel		4.4
	Contractual Services	1.6	1,379.4
	Supplies and Materials	98.1	763.7
	Capital Outlay	36.0	151.0
	Music Therapy Stipends		9.6
	Purchase of Care		1,607.9
	Grants and Subsidies	1.3	
	Other Items		5.0

	Sub-Total	$ 137.0	$ 17,323.5
	Debt Service		$ 494.5
	TOTAL -- Stockley Center	$ 137.0	$ 17,818.0
	(35-11-03) Community Mental Retardation Program		Year Ending June 30, 1987
	Salaries (125.8)		$ 1,888.4
	Other Employment Costs		515.1
	Travel		1.0
	Contractual Services		312.0
	Supplies and Materials		66.4
	Capital Outlay		28.1
	Purchase of Community Based Service		1,692.8
	Purchase of Care		1,705.8
	Sub-Total		$ 6,209.6
	Debt Service		$ 14.0
	TOTAL -- Community Mental Retardation Program		$ 6,223.6
	TOTAL -- Division of Mental Retardation Services	$ 137.0	$ 24,568.1
	(35-12-01) State Service Centers		
(35.3)NSF	Salaries (43.2)		$ 794.1
	Other Employment Costs		210.1
	Travel		2.4
	Contractual Services		1,188.7
	Supplies and Materials		44.8
	Capital Outlay		8.3
	Data Processing		3.5
	Microfilm		3.5
	Sub-Total		$ 2,255.4
	Debt Service		$ 128.8
	TOTAL -- State Service Centers		$ 2,384.2
	(35-14-01) Division of Aging		
(19.5)NSF	Salaries (18.5)		$ 341.7
	Other Employment Costs		93.4
	Travel		2.5
	Contractual Services		326.6
	Supplies and Materials		1.6
	Capital Outlay		.8
	Older Americans Act		217.7
	Nutrition Program		155.0
	Microfilm		.1
	Sub-Total		$ 1,139.4
	Debt Service		$ 4.3
	TOTAL - Division of Aging		$ 1,143.7
	TOTAL - DEPARTMENT OF HEALTH AND SOCIAL SERVICES	$ 1,620.7	$ 171,177.2
	(37-00-00) DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES		Year Ending June 30, 1987
	(37-01-01) Office of the Secretary		

	Salaries (5.0)	$ 151.6	
	Other Employment Costs	35.3	
	Travel	3.3	
	Contractual Services	76.2	
	Supplies and Materials	2.9	
	Maintenance/Restoration	250.0	
	TOTAL -- Office of the Secretary	$ 519.3	
	(37-02-01) Division of Child Protective Services		
(119.7)NSF	Salaries (110.3)	$ 1,708.5	
	Other Employment Costs	429.4	
	Travel	2.3	
	Contractual Services	411.2	
	Supplies and Materials	29.1	
	Capital Outlay	36.1	
	Child Foster Assistance	3,867.8	
	Data Processing	79.1	
	TOTAL -- Division of Child Protective Services		$ 6,563.5
	(37-03-00) Division of Child Mental Health		
	(37-03-01) Office of the Director		
(5.0)NSF	Salaries (10.0)	$ 266.7	
	Other Employment Costs	61.7	
	Travel	1.1	
	Contractual Services	2,459.6	
	Supplies and Materials	2.8	
	Capital Outlay	1.2	
	TOTAL -- Office of the Director	$ 2,793.1	
	(37-03-02) Residential Treatment Center		
	Salaries (36.0)	$ 618.0	
	Other Employment Costs	145.7	
	Travel	7.7	
	Contractual Services	2,063.9	
	Supplies and Materials	97.5	
	Capital Outlay	12.6	
	TOTAL -- Residential Treatment Center	$ 2,945.4	
	(37-03-04) Terry Children's Psychiatric Center		
	Salaries (81.0)	$ 1,663.3	
	Other Employment Costs	413.3	
	Travel	1.1	
	Contractual Services	192.9	
	Supplies and Materials	67.6	
	Capital Outlay	18.4	
	Sub-Total	$ 2,356.6	
	Debt Service	$ 77.8	
	TOTAL -- Terry Children's Psychiatric Center		$ 2,434.4
	TOTAL -- Division of Child Mental Health		$ 8,172.9
	(37-05-00) Division of Youth Rehabilitation	Year Ending June 30, 1987	
	(37-05-01) Office of the Director		
	Salaries (23.0)	$	$ 549.9
	Other Employment Costs		131.1
	Travel		2.9
	Contractual Services		800.3

Supplies and Materials	118.0	153.4
Capital Outlay		9.2
Health Care Costs		317.0
Sub-Total	$ 118.0	$ 1,963.8
Debt Service		$ 58.8
TOTAL -- Office of the Director	$ 118.0	$ 2,022.6
(37-05-02) Ferris School		
Salaries (103.9)		$ 2,052.3
Other Employment Costs		520.1
Travel		2.4
Contractual Services		292.9
Supplies and Materials		87.5
Capital Outlay		11.0
Sub-Total		$ 2,966.2
Debt Service		$ 284.3
TOTAL -- Ferris School		$ 3,250.5
(37-05-04) Bridge House Detention Center		
Salaries (19.0)		$ 405.4
Other Employment Costs		99.1
Travel		.4
Contractual Services		33.6
Supplies and Materials		11.7
Capital Outlay		.9
Sub-Total		$ 551.1
Debt Service		$ 9.5
TOTAL -- Bridge House Detention Center		$ 560.6
(37-05-05) Stevenson House Detention Center		
Salaries (16.0)		$ 347.5
Other Employment Costs		87.7
Travel		.4
Contractual Services		28.7
Supplies and Materials		10.0
Capital Outlay		13.1
Sub Total		$ 487.4
Debt Service		$ 111.3
TOTAL -- Stevenson House Detention Center		$ 598.7
(37-05-06) Comprehensive Community Services	Year Ending June 30, 1987	
Salaries (25.0)		$ 577.0
Other Employment Costs		149.2
Travel		6.9
Contractual Services		34.1
Supplies and Materials		10.5
Capital Outlay		1.2
TOTAL Comprehensive Community Services		$ 778.9
TOTAL Division of Youth Rehabilitation		$ 7,211.3
(37-06-01) Youth Diagnostic Center		
Salaries (12.0)		$ 293.9

	Other Employment Costs	65.9
	Travel	2.9
	Contractual Services	83.4
	Supplies and Materials	6.5
	Residential Diagnostic Services	40.1
	Capital Outlay	1.5
	Microfilm	9.0
	TOTAL -- Youth Diagnostic Center	$ 503.2

(37-07-00) Division of Administration and Support

(37-07-01) Administration and Support

(2.7)NSF	Salaries (22.3)	$ 458.8
	Other Employment Costs	115.0
	Travel	2.0
	Contractual Services	153.3
	Supplies and Materials	10.2
	Capital Outlay	3.6
	TOTAL -- Administration and Support	$ 742.9

(37-07-02) Education

(8.5)NSF	Salaries (38.0)	$ 974.7
	Other Employment Costs	251.1
	Travel	1.9
	Contractual Services	26.8
	Supplies and Materials	41.4
	Capital Outlay	9.9
	TOTAL -- Education	$ 1,305.8
	TOTAL -- Division of Administration and Support	$ 2,048.7

(37-08-00) Division of Program, Planning and Productivity — Year Ending June 30, 1987

(37-08-01) Program, Planning and Productivity

(12.1)NSF	Salaries (9.8)	$ 203.1
	Other Employment Costs	50.0
	Travel	3.5
	Contractual Services	167.4
	Supplies and Materials	4.3
	Capital Outlay	11.3
	TOTAL -- Program, Planning and Productivity	$ 439.6

(37-08-02) Office of Case Management

(4.5)NSF	Salaries (8.5)	$ 170.0
	Other Employment Costs	45.0
	Travel	2.4
	Contractual Services	52.8
	Supplies and Materials	1.4
	TOTAL -- Office of Case Management	$ 271.6

(37-08-03) Office of Prevention

(2.0)NSF	Salaries (7.0)	$ 156.6
	Other Employment Costs	46.6
	Travel	2.5
	Contractual Services	44.6
	Supplies and Materials	7.9
	Capital Outlay	.8
	Parent Training	47.2
	TOTAL -- Office of Prevention	$ 306.2

TOTAL -- Division of Program, Planning and Productivity		$ 1,017.4
TOTAL -- DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES	$ 118.0	$ 26,036.3
(38-00-00) DEPARTMENT OF CORRECTION	Year Ending June 30, 1987	
(38-01-01) Office of the Commissioner		
Salaries (28.0)		$ 604.5
Other Employment Costs		144.1
Travel		2.2
Contractual Services		24.6
Supplies and Materials		9.6
Capital Outlay		1.8
TOTAL -- Office of the Commissioner		$ 786.8
(38-02-00) Bureau of Administration and Operational Support		
(38-02-01) Bureau Chief - Administration and Operational Support		
Salaries (5.0)		$ 138.7
Other Employment Costs		35.6
Travel		1.0
Contractual Services		139.4
Supplies and Materials		13.4
Capital Outlay		3.0
Data Processing		51.5
Microfilm		17.4
Medical Services		3,270.1
Sub-Total		$ 3,670.1
Debt Service		$ 8.3
TOTAL - Bureau Chief - Administration and Operational Support		$ 3,678.4
(38-02-02) Business Office		
Salaries (13.0)		$ 208.2
Other Employment Costs		51.9
Travel		.3
Contractual Services		5.7
Supplies and Materials		4.9
Capital Outlay		.7
TOTAL -- Business Office		$ 271.7
(38-02-03) General Administrative Services		
Salaries (9.0)		$ 204.9
Other Employment Costs		55.6
Travel		.7
Contractual Services		10.1
Supplies and Materials		197.6
Capital Outlay		16.6
TOTAL -- General Administrative Services		$ 485.5
(38-02-04) Food Services		
Salaries (38.0)		$ 767.1
Other Employment Costs		199.7
Travel		1.8
Contractual Services		23.2

	Supplies and Materials		2,312.3
	Capital Outlay		17.7
	TOTAL -- Food Services		$ 3,321.8
	(38-02-05) Facilities Maintenance and Construction		Year Ending June 30, 1987
	Salaries (33.0)		$ 713.9
	Other Employment Costs		192.6
	Travel		1.2
	Contractual Services		167.3
	Supplies and Materials		339.0
	Capital Outlay		14.0
	Maintenance/Restoration		377.7
	Sub-Total		$ 1,805.7
	Debt Service		$ 153.5
	TOTAL -- Facilities Maintenance and Construction		$ 1,959.2
	(38-02-06) Personnel and Staff Training		
	Salaries (42.0)		$ 817.7
	Other Employment Costs		222.3
	Travel		1.7
	Contractual Services		55.7
	Supplies and Materials		26.2
	Capital Outlay		1.7
	TOTAL -- Personnel and Staff Training		$ 1,125.3
	TOTAL -- Bureau of Administration and Operational Support		$ 10,841.9
	(38-03-00) Bureau of Industries and Services		
	(38-03-01) Bureau Chief - Industries and Services		
	Salaries (9.0)		$ 196.7
	Other Employment Costs		46.6
	Travel		2.8
	Contractual Services		28.1
	Supplies and Materials		3.1
	Capital Outlay		1.6
	TOTAL -- Bureau Chief - Industries and Services		$ 278.9
	(38-03-02) Prison Industries		
(13.0)ASF	Salaries (20.0)	$ 137.0	$ 428.8
	Other Employment Costs	38.8	118.0
	Travel	.2	
	Contractual Services	130.3	23.0
	Supplies & Materials	290.2	62.9
	Capital Outlay	14.0	
	TOTAL -- Prison Industries	$ 610.5	$ 632.7
	(38-03-03) Education		
(1.5)NSF	Salaries (16.0)		$ 480.8
	Other Employment Costs		120.3
	Travel		1.2
	Contractual Services		53.7
	Supplies and Materials		36.2
	Capital Outlay		2.5
	TOTAL -- Education		$ 694.7
	TOTAL -- Bureau of Industries and Services	$ 610.5	$ 1,606.3

(38-04-00) Bureau of Adult Corrections	Year Ending June 30, 1987	
(38-04-01) Bureau Chief - Adult Corrections		
Salaries (20.0)	$	485.0
Other Employment Costs		126.5
Travel		1.7
Contractual Services		245.8
Supplies and Materials		7.9
Capital Outlay		9.6
Gate Money		10.0
Sub-Total	$	886.5
Debt Service	$	28.3
TOTAL -- Bureau Chief - Adult Corrections	$	914.8
(38-04-02) Pre-Trial Annex		
Salaries (20.0)	$	460.5
Other Employment Costs		129.9
Travel		.5
Contractual Services		38.5
Supplies and Materials		27.2
Capital Outlay		1.9
TOTAL -- Pre-Trial Annex	$	658.5
(38-04-03) Delaware Correctional Center		
Salaries (400.0)	$	8,076.0
Other Employment Costs		2,156.2
Travel		3.6
Contractual Services		1,166.7
Supplies and Materials		464.8
Capital Outlay		54.3
Sub-Total	$	11,921.6
Debt Service	$	1,609.3
TOTAL -- Delaware Correctional Center	$	13,530.9
(38-04-04) Sussex Correctional Institution		
Salaries (152.0)	$	3,243.6
Other Employment Costs		902.1
Travel		1.4
Contractual Services		273.8
Supplies and Materials		129.5
Capital Outlay		9.6
Sub-Total	$	4,560.0
Debt Service	$	411.5
TOTAL -- Sussex Correctional Institution	$	4,971.5
(38-04-05) Women's Correctional Institution	Year Ending June 30, 1987	
Salaries (37.0)	$	766.0
Other Employment Costs		193.0
Travel		1.0
Contractual Services		159.7
Supplies and Materials		51.8
Capital Outlay		8.8

	Sub-Total	$	1,180.3
	Debt Service	$	1.2
	TOTAL -- Women's Correctional Institution	$	1,181.5
	(38-04-06) Multi-Purpose Criminal Justice Facility		
	Salaries (216.0)	$	4,059.8
	Other Employment Costs		1,088.3
	Travel		3.8
	Contractual Services		467.8
	Supplies and Materials		278.5
	Capital Outlay		15.0
	Sub-Total	$	5,913.2
	Debt Service	$	2,454.7
	TOTAL -- Multi-Purpose Criminal Justice Facility	$	8,367.9
	(38-04-07) Morris Correctional Institution		
	Salaries (21.0)	$	524.8
	Other Employment Costs		143.6
	Travel		1.0
	Contractual Services		59.0
	Supplies and Materials		30.4
	Capital Outlay		2.3
	Sub-Total	$	761.1
	Debt Service	$	1.1
	TOTAL -- Morris Correctional Institution	$	762.2
	(38-04-08) Transportation		
	Salaries (28.0)	$	750.7
	Other Employment Costs		199.8
	Travel		4.3
	Contractual Services		12.1
	Supplies and Materials		35.0
	Capital Outlay		35.0
	TOTAL -- Transportation	$	1,036.9
	(38-04-09) Community Services		
(10.0)NSF	Salaries (116.0)	$	2,224.7
	Other Employment Costs		563.0
	Travel		2.8
	Contractual Services		167.1
	Supplies and Materials		21.7
	Capital Outlay		17.3
	TOTAL -- Community Services	$	2,996.6
	(38-04-10) Community Corrections	Year Ending June 30, 1987	
	Salaries (48.0)	$	986.1
	Other Employment Costs		265.9
	Travel		2.8
	Contractual Services		119.8
	Supplies and Materials		48.7
	Capital Outlay		10.0
	Sub-Total	$	1,433.3
	Debt Service	$	30.7

	TOTAL -- Community Corrections	$ 1,464.0	
	TOTAL -- Bureau of Adult Corrections		$ 35,884.8
	TOTAL -- DEPARTMENT OF CORRECTION	$ 610.5	$ 49,119.8
	(40-00-00) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	Year Ending June 30, 1987	
	(40-01-01) Department Management		
(19.5)ASF	Salaries (28.5)	$ 400.6	$ 668.5
	Other Employment Costs	109.0	185.5
	Travel	2.8	4.4
	Contractual Services	12.8	101.1
	Supplies and Materials	80.8	18.4
	Capital Outlay	1.0	25.3
	Data Processing		19.0
	Microfilm		8.8
	Delaware Conservationist		31.7
	Coastal Energy Impact Program	95.0	
	Coastal Zone Management	500.0	
	Non-Game Habitat Preservation Fund	191.0	
	Sub-Total	$ 1,393.0	$ 1,062.7
	Debt Service		$ 2,740.1
	TOTAL -- Department Management	$ 1,393.0	$ 3,802.8
	(40-05-00) Division of Fish and Wildlife		
	(40-05-01) Management and Support - Fish and Wildlife		
(1.0)ASF	Salaries (1.5)	$ 25.4	$ 42.9
	Other Employment Costs	7.0	11.4
	Travel	5.2	3.0
	Contractual Services	30.1	78.9
	Supplies and Materials	5.7	2.5
	Capital Outlay	6.4	12.0
	Sub-Total	$ 79.8	$ 150.7
	Debt Service		$ 512.3
	TOTAL -- Management and Support - Fish and Wildlife	$ 79.8	$ 663.0
	(40-05-02) Wildlife/Fisheries		
(41.5)ASF	Salaries (16.5)	$ 1,016.7	$ 314.8
	Other Employment Costs	263.3	91.6
	Travel	29.9	1.2
	Contractual Services	719.9	126.6
	Supplies and Materials	499.0	148.9
	Capital Outlay	1,072.0	29.0
	Revenue Refunds	.8	
	Petty Cash	.5	
	Travel Advance	3.0	
	Termination Account	85.0	
	Oyster Shell Planting		40.0
	Sub-Total	$ 3,690.1	$ 752.1
	Debt Service		$ 60.8
	TOTAL -- Wildlife/Fisheries	$ 3,690.1	$ 812.9
	(40-05-04) Mosquito Control	Year Ending June 30, 1987	

	Salaries (17.0)	$		$ 303.9
	Other Employment Costs			87.7
	Travel		1.0	1.6
	Contractual Services		1.7	56.0
	Supplies and Materials			52.8
	Capital Outlay		3.4	21.9
	Spraying and Insecticides			314.6
	Sub-Total	$	6.1	$ 838.5
	Debt Service			$ 19.5
	TOTAL -- Mosquito Control	$	6.1	$ 858.0
	(40-05-05) Dog Control			
	Contractual Services	$	92.0	$ 351.0
	TOTAL -- Dog Control	$	92.0	$ 351.0
	(40-05-06) Enforcement			
(1.0)NSF	Salaries (30.0)			$ 616.4
	Other Employment Costs			177.7
	Travel		.7	4.0
	Contractual Services			70.7
	Supplies and Materials		4.3	68.8
	Capital Outlay			52.5
	Data Processing		2.4	47.2
	TOTAL -- Enforcement	$	7.4	$ 1,037.3
	TOTAL -- Division of Fish and Wildlife	$	3,875.4	$ 3,722.2
	(40-06-00) Division of Parks and Recreation			
	(40-06-01) Management and Support - Parks and Recreation			
(4.0)ASF	Salaries (21.0)	$	101.4	$ 430.7
	Other Employment Costs		16.1	116.8
	Travel		9.9	1.0
	Contractual Services		113.3	43.0
	Supplies and Materials		18.9	13.2
	Capital Outlay		1,400.5	18.0
	Grants		460.0	
	Maintenance/Restoration		50.0	50.0
	Sub-Total	$	2,170.1	$ 672.7
	Debt Service			$ 1,301.2
	TOTAL -- Management and Support - Parks and Recreation	$	2,170.1	$ 1,973.9
	(40-06-02) Operations and Maintenance	Year Ending June 30, 1987		
(30.5)ASF	Salaries (48.5)	$	1,220.8	$ 909.1
	Other Employment Costs		159.7	265.7
	Travel		6.0	.2
	Contractual Services		524.0	87.3
	Supplies and Materials		755.1	38.5
	Capital Outlay		315.4	51.2
	Grants		102.0	
	Revenue Refunds		3.0	
	Petty Cash		1.5	
	Sub-Total	$	3,087.5	$ 1,352.0
	Debt Service			$ 7.9

	TOTAL -- Operations and Maintenance	$ 3,087.5	$ 1,359.9
	(40-06-03) Special Programs		
(3.0)ASF	Salaries (5.0)	$ 126.4	$ 110.9
	Other Employment Costs	20.6	28.7
	Travel	1.1	1.5
	Contractual Services	32.9	13.8
	Supplies and Materials	22.4	10.4
	Capital Outlay	6.8	12.6
	TOTAL -- Special Programs	$ 210.2	$ 177.9
	TOTAL -- Division of Parks and Recreation	$ 5,467.8	$ 3,511.7
	(40-07-00) Division of Soil and Water Conservation		
	(40-07-01) Management and Support - Soil and Water		
(.5)ASF	Salaries (6.5)	$ 4.6	$ 152.1
	Other Employment Costs	1.0	41.7
	Travel		1.2
	Contractual Services		16.5
	Supplies and Materials		1.3
	Capital Outlay		1.0
	Sub-Total	$ 5.6	$ 213.8
	Debt Service		$ 576.6
	TOTAL -- Management and Support - Soil and Water	$ 5.6	$ 790.4
	(40-07-02) Drainage		
	Salaries (8.0)		$ 158.0
	Other Employment Costs		43.9
	Travel		1.0
	Contractual Services		202.9
	Supplies and Materials		117.0
	Capital Outlay		58.5
	Tax Ditches*		180.0
	Sub-Total		$ 761.3
	Debt Service		$ 305.3
	TOTAL - Drainage		$ 1,066.6

*Pursuant to Section 3921, Title 7, Delaware Code

	(40-07-03) Beach Preservation	Year Ending June 30, 1987	
	Salaries (9.0)	$ .9	$ 155.0
	Other Employment Costs	.2	47.5
	Travel	2.0	1.5
	Contractual Services	355.5	14.8
	Supplies and Materials	.5	21.0
	Capital Outlay		13.0
	Sub-Total	$ 359.1	$ 252.8
	Debt Service		$ 222.4
	TOTAL -- Beach Preservation	$ 359.1	$ 475.2
	(40-07-04) District Operations		
	Salaries (2.0)	$	$ 52.5
	Other Employment Costs		14.6

	Travel		1.1
	Contractual Services		68.0
	Supplies and Materials		2.0
	Capital Outlay		2.0
	Federal Emergency Management Agency	75.0	
	Sub-Total	$ 75.0	$ 140.2
	Debt Service		$ 25.4
	TOTAL -- District Operations	$ 75.0	$ 165.6
	(40-07-05) Dredge Operations		
	Salaries (12.0)	$ 5.0	$ 188.3
	Other Employment Costs	1.2	59.3
	Travel	.3	
	Contractual Services	52.9	54.1
	Supplies and Materials	2.2	79.7
	Capital Outlay	34.0	15.0
	New Castle County Dredge		150.0
	Sub-Total	$ 95.6	$ 546.4
	Debt Service		$ 143.3
	TOTAL -- Dredge Operations	$ 95.6	$ 689.7
	TOTAL -- Division of Soil and Water Conservation	$ 535.3	$ 3,187.5
	(40-08-00) Division of Water Resources		
	(40-08-01) Management and Support - Water Resources		
(5.0)ASF	Salaries (4.0)	$ 112.5	$ 100.8
	Other Employment Costs	32.9	27.4
	Travel		.7
	Contractual Services	10.0	63.2
	Supplies and Materials		1.4
	Capital Outlay	114.0	
	Sub-Total	$ 269.4	$ 193.5
	Debt Service		$ 6.0
	TOTAL - Management and Support - Water Resources	$ 269.4	$ 199.5
	(40-08-02) Technical Services	Year Ending June 30, 1987	
(18.0)ASF	Salaries (23.0)	$ 333.1	$ 552.9
	Other Employment Costs	104.2	148.3
	Travel	10.0	3.3
	Contractual Services	241.5	42.8
	Supplies and Materials	91.3	83.0
	Capital Outlay	510.0	
	TOTAL -- Technical Services	$ 1,290.1	$ 830.3
	(40-08-03) Planning Support		
(7.0)ASF	Salaries (4.0)	$ 107.1	$ 134.5
	Other Employment Costs	32.2	34.9
	Travel	2.5	1.0
	Contractual Services	45.0	17.8
	Supplies and Materials	8.0	4.9
	Capital Outlay	17.0	
	Water Resource Agency		15.0
	TOTAL -- Planning Support	$ 211.8	$ 208.1

	(40-08-04) Surface Water Management		
(16.0)ASF	Salaries (15.0)	$ 564.1	$ 340.0
	Other Employment Costs	124.3	94.4
	Travel	19.3	5.2
	Contractual Services	1,973.8	71.9
	Supplies and Materials	29.1	26.9
	Capital Outlay	110.2	
	Inland Bay Research Study		200.0
	Water Pollution Control		21.5
	Sub-Total	$ 2,820.8	$ 759.9
	Debt Service		$ 2,143.3
	TOTAL -- Surface Water Management	$ 2,820.8	$ 2,903.2
	(40-08-05) Ground Water Management		
(14.0)ASF	Salaries (21.0)	$ 235.4	$ 408.5
	Other Employment Costs	69.2	113.5
	Travel	17.0	6.6
	Contractual Services	107.0	25.3
	Supplies and Materials	9.0	12.0
	Capital Outlay	9.5	12.1
	TOTAL -- Ground Water Management	$ 447.1	$ 578.0
	TOTAL - Division of Water Resources	$ 5,039.2	$ 4,719.1
	(40-09-00) Division of Air and Waste Management		
	(40-09-01) Management and Support - Air and Waste Management		
(9.0)ASF	Salaries (6.0)	$ 187.9	$ 155.2
	Other Employment Costs	58.3	42.3
	Travel		1.2
	Contractual Services	20.0	95.8
	Supplies and Materials		3.4
	Capital Outlay	150.0	
	TOTAL - Management and Support - Air and Waste Management	$ 416.2	$ 297.9
	(40-09-02) Air Resources	Year Ending June 30, 1987	
(13.0)ASF	Salaries (4.0)	$ 280.7	$ 92.1
	Other Employment Costs	80.3	26.0
	Travel	3.5	.1
	Contractual Services	82.3	10.6
	Supplies and Materials	8.8	3.2
	Capital Outlay	30.2	
	Air Pollution Control		26.3
	TOTAL -- Air Resources	$ 485.8	$ 158.3
	(40-09-03) Waste Management		
(25.0)ASF	Salaries (20.0)	$ 662.7	$ 366.1
	Other Employment Costs	159.7	93.3
	Travel	60.7	3.1
	Contractual Services	482.5	149.3
	Supplies and Materials	62.1	3.8
	Capital Outlay	13.8	8.0
	Superfund	1,500.0	
	Hazardous Waste Management		14.0
	Sub-Total	$ 2,941.5	$ 637.6

Debt Service		$ 18.1
TOTAL -- Waste Management	$ 2,941.5	$ 655.7
TOTAL -- Division of Air and Waste Management	$ 3,843.5	$ 1,111.9
TOTAL -- DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	$ 20,154.2	$ 20,055.2
(45-00-00) DEPARTMENT OF PUBLIC SAFETY	Year Ending June 30, 1987	
(45-01-01) Administration		
Salaries (11.0)	$	296.6
Other Employment Costs		70.8
Travel		2.0
Contractual Services		13.9
Supplies and Materials		4.3
Capital Outlay		.4
Police Training Council		10.0
Minor Capital Improvements		115.0
Hazardous Substance Spill Clean Up Revolving Fund	$ 100.0	
Sub-Total	$ 100.0	$ 513.0
Debt Service		$ 175.0
TOTAL -- Administration	$ 100.0	$ 688.0
(45-03-01) Division of Communications		
Salaries (16.0)	$	$ 353.7
Other Employment Costs		85.0
Travel		3.3
Contractual Services		17.5
Supplies and Materials	87.5	9.9
Sub-Total	$ 87.5	$ 469.4
Debt Service		$ 207.0
TOTAL -- Division of Communications	$ 87.5	$ 676.4
(45-04-00) Division of Motor Fuel Tax		
(45-04-01) Administration		
Salaries (9.0)	$	175.9
Other Employment Costs		45.5
Travel		2.2
Contractual Services		97.5
Supplies and Materials		7.0
Capital Outlay		2.5
Data Processing		220.0
TOTAL -- Administration	$	550.6
(45-04-02) Audit and Compliance		
Salaries (6.0)	$	130.2
Other Employment Costs		37.9
Travel		11.5
Contractual Services		4.1
Supplies and Materials		2.1
TOTAL -- Audit and Compliance	$	185.8
TOTAL -- Division of Motor Fuel Tax	$	736.4

(45-06-00) Division of State Police			Year Ending June 30, 1987	
(45-06-01) Executive Offices				
	Salaries (38.0)		$ 1,176.4	
	Other Employment Costs		167.8	
	Travel		4.6	
	Contractual Services		276.9	
	Supplies and Materials		146.6	
	Crime Reduction Fund		75.0	
	Pension - State Police Retirees		6,190.6	
	Sub-Total		$ 8,037.9	
	Debt Service		$ 166.6	
	TOTAL -- Executive Offices		$ 8,204.5	
(45-06-03) Patrol Division				
(3.0)ASF	Salaries (306.0)	$ 90.4		$ 9,242.0
	Other Employment Costs	29.1		1,435.1
	Travel		4.8	
	Contractual Services	9.3		211.8
	Supplies and Materials	11.3		329.9
	Sub-Total	$ 140.1		$ 11,223.6
	Debt Service			$ 21.7
	TOTAL -- Patrol Division	$ 140.1		$ 11,245.3
(45-06-04) Criminal Investigation				
	Salaries (78.0)		$ 2,468.8	
	Other Employment Costs		193.3	
	Travel		10.1	
	Contractual Services		37.9	
	Supplies and Materials		80.9	
	Sub-Total		$ 2,791.0	
	Debt Service		$ 16.5	
	TOTAL -- Criminal Investigation		$ 2,807.5	
(45-06-05) Special Investigative Unit				
	Salaries (20.0)		$ 708.6	
	Other Employment Costs		47.6	
	Travel		2.5	
	Contractual Services		8.0	
	Supplies and Materials		13.8	
	TOTAL -- Special Investigative Unit		$ 780.5	
(45-06-06) Aviation			Year Ending June 30, 1987	
	Salaries (17.0)		$ 545.0	
	Other Employment Costs		34.6	
	Travel		1.2	
	Contractual Services		274.4	
	Supplies and Materials		73.7	
	Sub-Total		$ 928.9	
	Debt Service		$ 108.2	
	TOTAL - Aviation		$ 1,037.1	

	(45-06-07) Traffic				
(3.0)ASF	Salaries (28.0)	$ 496.2		$ 778.1	
	Other Employment Costs	127.7		88.3	
	Travel	23.9		3.2	
	Contractual Services	81.4		44.4	
	Supplies and Materials	120.0		2.9	
	Capital Outlay	102.3		10.0	
	Microfilm		2.0		
	Data Processing			178.0	
	TOTAL -- Traffic	$ 951.5		$ 1,106.9	
	(45-06-08) State Bureau of Identification				
	Salaries (26.0)	$	$ 406.5		
	Other Employment Costs		100.9		
	Travel		1.5		
	Contractual Services	40.3		63.3	
	Supplies and Materials		13.9		
	Data Processing		710.1		
	Microfilm			4.2	
	TOTAL -- State Bureau of Identification	$ 40.3		$ 1,300.4	
	(45-06-09) Training				
	Salaries (6.0)		$ 195.0		
	Other Employment Costs		13.5		
	Contractual Services		11.1		
	Supplies and Materials		61.8		
	Capital Outlay		10.0		
	Training Constables At Large		1.8		
	TOTAL -- Training		$ 293.2		
	(45-06-10) Communications				
	Salaries (65.0)		$ 1,140.3		
	Other Employment Costs		230.5		
	Travel		2.7		
	Contractual Services		641.2		
	Supplies and Materials		17.6		
	Sub-Total		$ 2,032.3		
	Debt Service		$ 2.0		
	TOTAL -- Communications		$ 2,034.3		
	(45-06-11) Transportation Support	Year Ending June 30, 1987			
	Salaries (17.0)		$ 333.6		
	Other Employment Costs		96.7		
	Contractual Services		48.3		
	Supplies and Materials		236.2		
	Capital Outlay		545.0		
	TOTAL -- Transportation Support		$ 1,259.8		
	(45-06-12) Community Relations				
	Salaries (4.0)		$ 146.3		
	Other Employment Costs		10.6		
	Travel		.1		
	Contractual Services		2.9		
	Supplies and Materials		4.4		
	TOTAL - Community Relations			$ 164.3	

	TOTAL -- Division of State Police	$ 1,131.9	$	30,233.8
	(45-07-00) Division of Motor Vehicles			
	(45-07-01) Administration			
	Salaries (30.0)	$	$	506.5
	Other Employment Costs			134.9
	Travel	20.0		.8
	Contractual Services	75.0		330.3
	Supplies and Materials	30.0		16.4
	Capital Outlay			10.7
	Microfilm			31.4
	Sub-Total	$ 125.0	$	1,031.0
	Debt Service		$	117.4
	TOTAL -- Administration	$ 125.0	$	1,148.4
	(45-07-02) Driver Licensing			
	Salaries (33.0)		$	562.0
	Other Employment Costs			150.4
	Travel			.2
	Contractual Services			141.0
	Supplies and Materials			12.4
	Capital Outlay			8.0
	Data Processing			629.8
	TOTAL - Driver Licensing		$	1,503.8
	(45-07-03) Driver Improvement			
(3.0)ASF	Salaries (30.0)	$ 33.5	$	528.0
	Other Employment Costs	15.2		139.9
	Travel			.4
	Contractual Services	.4		23.7
	Supplies and Materials			2.8
	TOTAL -- Driver Improvement	$ 49.1	$	694.8
	(45-07-04) Title Registration	Year Ending June 30, 1987		
	Salaries (69.0)		$	994.2
	Other Employment Costs			257.0
	Contractual Services			53.3
	Supplies and Materials			377.5
	Capital Outlay			5.0
	Data Processing			57.9
	TOTAL -- Title Registration		$	1,744.9
	(45-07-05) Vehicle Inspection			
	Salaries (32.0)		$	510.3
	Other Employment Costs			150.0
	Travel			.4
	Contractual Services			7.1
	Supplies and Materials			13.7
	TOTAL -- Vehicle Inspection		$	681.5
	TOTAL -- Division of Motor Vehicles	$ 174.1	$	5,773.4
	(45-08-01) Division of Emergency Planning and Operations			
(16.0)NSF	Salaries (7.0)	$ 209.0	$	130.6
(6.0)ASF	Other Employment Costs	59.1		36.3
	Travel	10.0		2.0
	Contractual Services	353.5		27.0

	Supplies and Materials	59.0		6.0
	Capital Outlay	170.0		-
	Sub-Total	$ 860.6	$	201.9
	Debt Service		$	1.1
	TOTAL -- Division of Emergency Planning and Operations	$ 860.6	$	203.0
	(45-09-01) Division of Boiler Safety			
	Salaries (7.0)	$	157.5	
	Other Employment Costs		38.3	
	Travel		13.8	
	Contractual Services		14.5	
	Supplies and Materials		2.6	
	Capital Outlay		1.0	
	TOTAL -- Division of Boiler Safety	$	227.7	
	(45-10-01) Office of Highway Safety			
(1.0) NSF	Salaries (4.0)	$	88.4	
	Other Employment Costs		22.9	
	Travel		6.3	
	Contractual Services		13.6	
	Supplies and Materials		3.6	
	Capital Outlay		2.0	
	Microfilm		.2	
	TOTAL -- Office of Highway Safety		$	137.0
TOTAL -- DEPARTMENT OF PUBLIC SAFETY		$ 2,354.1	$	38,675.7
(50-00-00) DEPARTMENT OF COMMUNITY AFFAIRS		Year Ending June 30, 1987		
	(50-01-00) Office of the Secretary			
	(50-01-01) Administration			
(2.5) ASF	Salaries (12.0)	$ 36.3	$	282.0
	Other Employment Costs	12.4		59.3
	Travel	1.5		8.1
	Contractual Services	2.0		100.2
	Supplies and Materials	.4		7.5
	Capital Outlay	11.6		-
	Microfilm	-	.1	
	Urban Journalism			4.0
	Other	31.2		-
	Sub-Total	$ 95.4	$	461.2
	Debt Service		$	107.3
	TOTAL -- Administration	$ 95.4	$	568.5
	(50-01-02) Commission for Women			
	Salaries (3.0)	$	$ 51.8	
	Other Employment Costs		12.3	
	Travel		3.4	
	Contractual Services	1.0		18.4
	Supplies and Materials		2.6	
	Capital Outlay			.3
	TOTAL -- Commission for Women	$ 1.0	$	88.8
	(50-01-03) Office of Handicapped Services			
(3.0)NSF	Salaries (1.5)	$	$ 24.2	

	Other Employment Costs			8.4	
	Travel		.3		
	Contractual Services		2.7		3.1
	Supplies and Materials				.3
	TOTAL - Office of Handicapped Services	$	3.0	$	36.0
	TOTAL -- Office of the Secretary	$	99.4	$	693.3
	(50-02-01) Division of Community Services				
(14.5)NSF	Salaries (3.0)	$		$	88.9
	Other Employment Costs			21.5	
	Travel			4.8	
	Contractual Services		2.0		22.6
	Supplies and Materials			5.7	
	Grants		18.0		-
	Congregate Feeding			16.1	
	Emergency Housing				75.0
	TOTAL - Division of Community Services	$	20.0	$	234.6
	(50-03-00) Division of Volunteer Services				
	(50-03-01) Division of Volunteer Services				
(1.0)ASF	Salaries (3.3)	$	17.8	$	67.2
(.7)NSF	Other Employment Costs		4.2		16.3
	Travel		.4		2.1
	Contractual Services		2.4		16.0
	Supplies and Materials		.6		1.4
	Data Processing				-
	Kent County RSVP				22.0
	TOTAL -- Division of Volunteer Services	$	25.4	$	125.0
	(50-03-03) Foster Grandparents Program	Year Ending June 30, 1987			
	Salaries (6.8)		$	145.8	
	Other Employment Costs			42.3	
	Travel			1.7	
	Contractual Services			530.5	
	Supplies and Materials			5.2	
	TOTAL -- Foster Grandparents Program		$	725.5	
	(50-03-04) RSVP - New Castle				
(.2)ASF	Salaries (2.0)	$	2.5	$	30.5
(3.0)NSF	Other Employment Costs		.6		7.9
	Travel			3.5	
	Contractual Services			28.3	
	Supplies and Materials				6.3
	TOTAL - RSVP - New Castle	$	3.1	$	76.5
	(50-03-05) RSVP - Sussex				
(.2)ASF	Salaries (1.6)	$	2.0	$	25.7
(1.9)NSF	Other Employment Costs		.5		6.5
	Travel			1.7	
	Contractual Services			15.5	
	Supplies and Materials				2.7
	TOTAL -- RSVP - Sussex	$	2.5	$	52.1
	TOTAL - Division of Volunteer Services	$	31.0	$	979.1
	(50-04-01) Office of the Public Advocate				
(1.0)ASF	Salaries (3.0)		$ 28.0	$	90.7

	Other Employment Costs	6.5	22.5
	Travel	3.7	4.4
	Contractual Services	59.5	14.7
	Supplies and Materials	1.7	3.4
	TOTAL -- Office of the Public Advocate	$ 99.4	$ 135.7
	(50-06-01) Office of Human Relations		
(1.0)NSF	Salaries (9.0)		$ 193.6
	Other Employment Costs		47.0
	Travel		10.0
	Contractual Services		27.0
	Supplies and Materials		3.5
	Capital Outlay		8.3
	TOTAL -- Office of Human Relations		$ 289.4
	(50-09-01) Division of Housing		
(37.0)ASF	Salaries	$ 705.0	$ -
(19.5)NSF	Other Employment Costs	195.6	-
	Travel	26.5	-
	Contractual Services	513.6	-
	Supplies and Materials	28.5	-
	Capital Outlay	78.5	-
	Debt Services	-	66.9
	NDF Loans	4,168.3	
	Holly Square	68.7	
	Huling Cove	115.0	
	Huling Cove Annex	239.0	
	Housing Development Fund		2,500.0
	TOTAL -- Division of Housing	$ 6,138.7*	$ 2,566.9

* The appropriated Special Funds in the Division of Housing do not include any appropriation for payment of debt service or loan servicing fees for the Delaware State Housing Authority.

	(50-10-01) Division of Libraries	Year Ending June 30, 1987	
(2.0)ASF	Salaries (10.0)	$ 29.7	$ 165.2
(10.0)NSF	Other Employment Costs	8.2	42.7
	Contractual Services	10.7	244.0
	Supplies and Materials	1.9	38.7
	Capital Outlay	21.4	
	Library Standards	345.6	
	Art on Loan		5.0
	Sub-Total	$ 50.5	$ 862.6
	Debt Service		$ 3.3
	TOTAL -- Division of Libraries	$ 50.5	$ 865.9
	(50-11-01) Division of Consumer Affairs		
	Salaries (12.0)	$ 275.0	
	Other Employment Costs	63.9	
	Travel	5.3	
	Contractual Services	22.9	
	Supplies and Materials	3.4	
	TOTAL -- Division of Consumer Affairs		$ 370.5
	TOTAL -- DEPARTMENT OF COMMUNITY AFFAIRS	$ 6,439.0	$ 6,135.4

	(55-00-00) DEPARTMENT OF TRANSPORTATION	Year Ending June 30, 1987
	(55-01-01) Office of the Secretary	

Salaries (2.0)	$ 92.6
Other Employment Costs	19.9
Travel	2.1
Contractual Services	5.0
Supplies and Materials	1.4
TOTAL -- Office of the Secretary	$ 121.0
(55-02-01) Office of Administration	
Salaries (59.0)	$ 1,318.6
Other Employment Costs	342.0
Travel	5.5
Contractual Services	216.8
Supplies and Materials	20.9
Capital Outlay	39.0
Data Processing	401.4
Microfilm Services	22.0
TOTAL -- Office of Administration	$ 2,366.2
(55-04-00) Division of Highways	
(55-04-01) Office of the Director	
(4.0)NSF Salaries (49.0)	$ 1,382.3
Other Employment Costs	385.6
Travel	22.0
Contractual Services	241.2
Supplies and Materials	154.3
Capital Outlay	23.0
Sub-Total	$ 2,208.4
Debt Service	$ 32,268.0
TOTAL -- Office of the Director	$ 34,476.4
(55-04-10) Pre-Construction	
(93.0)NSF Salaries (43.0)	$ 925.2
Other Employment Costs	245.0
TOTAL -- Pre-Construction	$ 1,170.2
(55-04-30) Bureau of Materials and Research	Year Ending June 30, 1987
(47.0)NSF Salaries (11.0)	$ 285.0
Other Employment Costs	80.0
Travel	3.1
Contractual Services	24.9
Supplies and Materials	23.6
Capital Outlay	22.0
TOTAL -- Bureau of Materials and Research	$ 438.6
(55-04-40) Bureau of Construction	
(113.0)NSF Salaries (76.0)	$ 3,385.9
Other Employment Costs	877.6
TOTAL -- Bureau of Construction	$ 4,263.5
(55-04-50) Bureau of Traffic	
(5.0)NSF Salaries (98.0)	$ 2,017.4
Other Employment Costs	554.9
Travel	1.8
Contractual Services	965.9
Supplies and Materials	593.6

	Capital Outlay	38.4
	TOTAL -- Bureau of Traffic	$ 4,172.0
	(55-04-60) Field Services	
(2.0)NSF	Salaries (16.0)	$ 450.4
	Other Employment Costs	123.1
	TOTAL -- Field Services	$ 573.5
	(55-04-70) Bureau of Maintenance	
	Salaries (573.0)	$ 10,034.1
	Other Employment Costs	2,868.7
	Travel	7.5
	Contractual Services	2,076.7
	Supplies and Materials	2,013.0
	Capital Outlay	1,631.3
	TOTAL -- Bureau of Maintenance	$ 18,631.3
	TOTAL -- Division of Highways	$ 63,725.5

	(55-06-01) Delaware Transportation Authority	Year Ending June 30, 1987	
(13.0)NSF	Delaware Transportation Authority Operations	$ 581.5	$
	Delaware Transportation Authority Capital	1,864.8	
(121.0)NSF	Turnpike Operations	3,750.8	
	Turnpike Operating Reserve	10.9*	
	Turnpike Improvements	400.0	
	Interstate Operations	1,984.2	
	Interstate Improvements	400.0	
	DART Operations "Public"	3,298.7	
	DART Operations "E & H"	478.7	
	Taxi Services Support "E & H"	108.0	
	Newark Transportation	68.0	
	Kent and Sussex Transportation "E & H"	592.4	
	Rail Commuter Operations	1.0	
	Rail Freight Improvements	50.0	
	Aviation	25.0	
	Contingencies	15.0	
	Dover Transportation "E & H"	95.3	
	Dover Capital "E & H"	23.0	
	Administrative Support, DOT	50.0	
	Commuter Rail		50.0
	Sub-Total	$ 13,797.3	$ 50.0
	Debt Service		
	Motor Fuel Tax Bonds	$ 9,708.0	
	Turnpike Bonds	7,704.0	
	State Obligations		$ 310.5
	TOTAL -- Delaware Transportation Authority	$ 31,209.3**	$ 360.5

*The Turnpike Operating Reserve Fund is established at $270.4.

**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		$ 66,573.2

	(60-00-00) DEPARTMENT OF LABOR	Year Ending June 30, 1987

	(60-01-01) Office of the Secretary			
(7.2)ASF	Salaries (.8)	$ 203.2	$	23.6
	Other Employment Costs	48.6		6.0
	Travel	6.0		1.3
	Contractual Services	18.7		3.8
	Supplies and Materials	4.0		1.2
	Capital Outlay	2.5		
	Microfilm		6.5	
	Travel - Governor's Council			1.0
	TOTAL -- Office of the Secretary	$ 283.0	$	43.4
	(60-06-01) Division of Unemployment Insurance			
(3.0)ASF	Salaries	$ 36.1		
(184.0)NSF	Other Employment Costs	11.2		
	Contractual Services	23.3		
	TOTAL -- Division of Unemployment Insurance		$ 70.6	
	(60-07-00) Division of Industrial Affairs			
	(60-07-01) Administration			
	Salaries (4.0)		$ 101.7	
	Other Employment Costs		26.4	
	Travel		.6	
	Contractual Services		12.4	
	Supplies and Materials		3.3	
	Capital Outlay		8.8	
	TOTAL -- Administration		$ 153.2	
	(60-07-02) Industrial Safety and Health			
(1.5) NSF	Salaries (24.5)	$	$ 457.2	
	Other Employment Costs		120.9	
	Travel	10.0		12.0
	Contractual Services		97.6	
	Supplies and Materials		4.8	
	Capital Outlay	4.0		16.6
	Other	2,708.6		
	TOTAL -- Industrial Safety and Health	$2,722.6	$	709.1
	(60-07-03) Labor Law Inspection			
(7.0) NSF	Salaries (9.0)		$ 166.3	
	Other Employment Costs		41.5	
	Travel		4.0	
	Contractual Services		17.8	
	Supplies and Materials		2.6	
	Capital Outlay		5.0	
	TOTAL -- Labor Law Inspection		$	237.2
	TOTAL -- Division of Industrial Affairs	$2,722.6	$	1,099.5
	(60-08-01) Division of Vocational Rehabilitation	Year Ending June 30, 1987		
(125.39)NSF	Salaries	$ 145.0	$	
(5.61)ASF	Other Employment Costs	40.0		
	Contractual Services		1,256.3	
	Supplies and Materials		33.6	
	Governor's Committee for Employment of the Handicapped		10.0	
	Sheltered Workshops			274.0

	TOTAL -- Division of Vocational Rehabilitation		$ 185.0	$ 1,573.9
	(60-09-01) Division of Employment and Training			
(1.0)ASF	Salaries (14.1)	$ 30.1		$ 249.5
(124.8)NSF	Other Employment Costs	7.5		62.2
	Travel	.5		5.2
	Contractual Services	17.3		48.6
	Supplies and Materials	1.1		4.9
	Capital Outlay		12.0	
	Women's Vocational Services		48.2	
	Dislocated Workers Program		126.0	
	Summer Youth Program		125.7	
	Other	1,262.9		45.0
	TOTAL -- Division of Employment and Training		$1,319.4	$ 727.3
	TOTAL -- DEPARTMENT OF LABOR	$4,580.6		$ 3,444.1
	(65-00-00) DEPARTMENT OF AGRICULTURE	Year Ending June 30, 1987		
	(65-01-00) Office of the Secretary			
	(65-01-01) Office of the Secretary			
(1.0) ASF	Salaries (9.0)	$ 15.0		$ 199.6
	Other Employment Costs	4.3		47.0
	Travel			3.8
	Contractual Services	2.5		109.8
	Supplies and Materials			4.5
	Capital Outlay			63.4
	Sub-Total	$ 21.8		$ 428.1
	Debt Service			$ 39.7
	TOTAL -- Office of the Secretary	$ 21.8		$ 467.8
	(65-01-02) Agricultural Lands Preservation			
	Salaries (3.0)			$ 63.1
	Other Employment Costs			16.1
	Travel			2.5
	Contractual Services			21.9
	Supplies and Materials			2.4
	Capital Outlay			12.5
	TOTAL -- Agricultural Lands Preservation	$		$ 118.5
	TOTAL -- Office of the Secretary	$ 21.8		$ 586.3
	(65-03-00) Division of Standards and Inspections			
	(65-03-01) Administration and Management - Standards and Inspections			
	Salaries (1.0)			$ 23.3
	Other Employment Costs			6.3
	Travel			1.0
	Contractual Services			8.8
	Supplies and Materials			1.9
	Sub Total			$ 41.3
	Debt Service			$ 11.1
	TOTAL - Administration and Management - Standards and Inspections			$ 52.4
	(65-03-02) Chemical Laboratory			

	Salaries (6.0)		$ 4.0	$ 105.0
	Other Employment Costs		.2	26.0
	Travel			4.8
	Contractual Services		3.3	34.4
	Supplies and Materials		.4	19.3
	Capital Outlay		1.3	8.6
	TOTAL -- Chemical Laboratory		$ 9.2	$ 198.1
	(65-03-03) Weights and Measures			
	Salaries (6.0)			$ 111.8
	Other Employment Costs			29.6
	Travel			3.4
	Contractual Services			19.3
	Supplies and Materials			7.9
	Capital Outlay			19.6
	TOTAL -- Weights and Measures			$ 191.6
	(65-03-04) Poultry and Animal Health	Year Ending June 30, 1987		
	Salaries (8.0)		$ 154.0	
	Other Employment Costs		40.9	
	Travel		3.3	
	Contractual Services		47.6	
	Supplies and Materials		30.3	
	Capital Outlay		13.9	
	TOTAL -- Poultry and Animal Health		$ 290.0	
	(65-03-05) Meat Inspection			
	Salaries (14.0)	$		288.1
	Other Employment Costs			82.6
	Travel			4.9
	Contractual Services		1.0	12.8
	Supplies and Materials		1.5	6.7
	Capital Outlay			8.4
	TOTAL -- Meat Inspection		$ 2.5	403.5
	(65-03-06) Seed Laboratory			
(3.5)ASF	Salaries (4.0)		$ 138.9	$ 68.1
	Other Employment Costs		26.1	18.3
	Travel		2.2	1.5
	Contractual Services		6.3	9.4
	Supplies and Materials		24.5	6.5
	Capital Outlay		15.4	6.2
	TOTAL -- Seed Laboratory		$ 213.4	$ 110.0
	TOTAL -- Division of Standards and Inspections		$ 225.1	$ 1,245.6
	(65-04-00) Division of Production and Promotion			
	(65-04-01) Administration and Management - Production and Promotion			
	Salaries (3.0)			$ 72.5
	Other Employment Costs			19.4
	Travel			2.2
	Contractual Services			10.4
	Supplies and Materials			2.8
	Capital Outlay			.8
	Sub-Total			$ 108.1
	Debt Service			$ 6.1

	TOTAL -- Administration and Management - Production and Promotion		$ 114.2
	(65-04-02) Forestry	Year Ending June 30, 1987	
(1.0)ASF	Salaries (17.0)	$ 32.5	$ 331.0
(2.0)NSF	Other Employment Costs	4.6	91.7
	Travel	13.5	1.0
	Contractual Services	35.2	21.1
	Supplies and Materials	75.9	9.3
	Capital Outlay	114.0	
	Data Processing	.2	
	Sub-Total	$ 275.9	$ 454.1
	Debt Service		$ 23.1
	TOTAL -- Forestry	$ 275.9	$ 477.2
	(65-04-03) Pesticides Control		
(.5)ASF	Salaries (1.5)	$ 5.1	$ 22.2
(2.0)NSF	Other Employment Costs	1.2	6.5
	Travel		.5
	Contractual Services	10.0	4.7
	Supplies and Materials	1.4	1.0
	Capital Outlay	2.5	
	Pesticide Enforcement		4.2
	TOTAL -- Pesticides Control	$ 20.2	$ 39.1
	(65-04-04) Fruit and Vegetable Inspections		
(10.5)ASF	Salaries (1.5)	$ 215.6	$ 34.7
	Other Employment Costs	56.1	9.0
	Travel	5.1	.7
	Contractual Services	2.8	8.1
	Supplies and Materials	2.9	1.2
	Capital Outlay	.5	8.6
	TOTAL -- Fruit and Vegetable Inspections	$ 283.0	$ 62.3
	(65-04-05) Commodity Development		
	Salaries (4.0)	$	$ 84.4
	Other Employment Costs		23.3
	Travel	.3	13.1
	Contractual Services	7.5	60.4
	Supplies and Materials	9.0	8.2
	Capital Outlay		6.5
	Laurel Auction		10.7
	Agriculture Development Program		50.0
	TOTAL -- Commodity Development	$ 16.8	$ 256.6
	(65-04-06) Plant Industry		
	Salaries (5.0)		$ 103.5
	Other Employment Costs		28.1
	Travel		3.2
	Contractual Services		143.7
	Supplies and Materials		17.9
	Capital Outlay		9.5
	TOTAL -- Plant Industry		$ 305.9
	TOTAL -- Division of Production and Promotion	$ 595.9	$ 1,255.3
	TOTAL -- DEPARTMENT OF AGRICULTURE	$ 842.8	$ 3,087.2

(70-00-00) DEPARTMENT OF ELECTIONS	Year Ending June 30, 1987	
(70-01-01) Commissioner of Elections		
Salaries (6.0)	$ 121.7	
Other Employment Costs	31.0	
Travel	.8	
Contractual Services	28.2	
Supplies and Materials	3.6	
Capital Outlay	1.8	
Data Processing	66.3	
Microfilm	1.2	
TOTAL -- Commissioner of Elections	$ 254.6	
(70-02-01) New Castle County Department of Elections		
Salaries (11.0)	$ 245.6	
Other Employment Costs	50.0	
Travel	5.4	
Contractual Services	161.9	
Supplies and Materials	7.5	
Capital Outlay	9.5	
Mobile Registration	20.0	
TOTAL - New Castle County Department of Elections	$ 499.9	
(70-03-01) Kent County Department of Elections		
Salaries (4.0)	$ 97.6	
Other Employment Costs	26.0	
Travel	.8	
Contractual Services	64.7	
Supplies and Materials	2.4	
Capital Outlay	11.0	
Mobile Registration	5.0	
TOTAL -- Kent County Department of Elections		$ 207.5
(70-04-01) Sussex County Department of Elections		
Salaries (4.0)	$ 116.5	
Other Employment Costs	22.2	
Travel	1.4	
Contractual Services	35.9	
Supplies and Materials	5.4	
Capital Outlay	9.3	
Mobile Registration	10.0	
TOTAL - Sussex County Department of Elections		$ 200.7
TOTAL - DEPARTMENT OF ELECTIONS	$ 1,162.7	

(75-00-00) FIRE PREVENTION COMMISSION		Year Ending June 30, 1987		
(75-01-01) Office of the State Fire Marshal				
(11.0)ASF	Salaries (21.0)	$ 171.6	$	458.5
	Other Employment Costs	40.7		120.4
	Travel	5.9		5.9
	Contractual Services	24.7		58.7
	Supplies and Materials	14.0		28.4
	Capital Outlay	48.3		20.6
	Data Processing	4.8		2.7
	Microfilm			7.1
	Engineering Startup			50.0
	Sub-Total	$ 310.0	$	752.3
	Debt Service		$	6.2

	TOTAL -- Office of the State Fire Marshal	$ 310.0	$ 758.5
	(75-02-01) State Fire School		
(4.0)NSF	Salaries (13.0)	$	$ 288.8
	Other Employment Costs		83.3
	Travel		2.0
	Contractual Services	20.0	161.5
	Supplies and Materials		37.8
	Sub-Total	$ 20.0	$ 573.4
	Debt Service		$ 293.2
	TOTAL -- State Fire School	$ 20.0	$ 866.6
	(75-03-01) State Fire Prevention Commission		
	Salaries (1.0)	$	$ 14.4
	Other Employment Costs		5.1
	Travel		16.0
	Contractual Services	1.0	6.3
	Supplies and Materials		1.1
	Statewide Fire Safety Education		50.0
	TOTAL -- State Fire Prevention Commission	$ 1.0	$ 92.9
TOTAL	FIRE PREVENTION COMMISSION	$ 331.0	$ 1,718.0

(76-00-00) DELAWARE NATIONAL GUARD	Year Ending June 30, 1987	
(76-01-01) Delaware National Guard		
(41.6) NSF	Salaries (30.4)	$ 742.8
	Other Employment Costs	185.4
	Travel	4.3
	Contractual Services	460.2
	Supplies and Materials	115.1
	Minor Capital Improvements	140.0
	Microfilm	2.9
	Unit Fund Allowance	15.0
	Educational Assistance	35.0
	Sick-Leave Entitlements	19.5
	Sub-Total	$ 1,720.2
	Debt Service	$ 206.0
TOTAL -- DELAWARE NATIONAL GUARD		$ 1,926.2

(77-00-00) ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS	Year Ending June 30, 1987	
	Salaries (1.5)	$ 23.8
	Other Employment Costs	5.1
	Travel	4.8
	Contractual Services	4.0
	Supplies and Materials	.4
	Capital Outlay	.3
TOTAL -- ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS		$ 38.4

(90-00-00) HIGHER EDUCATION — Year Ending June 30, 1987

(90-01-00) University of Delaware

(90-01-01) University of Delaware

	Operations	$ 51,236.9	
	Diagnostic Poultry Service and Swine Program	46.5	
	Occupational Teachers Education Program		79.2
	Sea Grant Program	265.8	
	Summer School for Teachers	104.5	
	Academic Incentive Program	100.0	
	Aid to Needy Students	542.0	
	General Scholarships	1,224.0	
	Scholarships	825.0	
	Title VI Compliance	673.2	
	Soil Testing/Pesticide Control	81.9	
	Urban Agent Program	57.6	
	Student Employment Program	156.8	
	Research Partnership Fund	900.0	
	Minority Faculty and Professional Recruitment	78.5	
	Public Service and Applied Research Projects	74.6	
	Agriculture Experimental Station	59.7	
	Cooperative Extension	72.5	
	Carvel Scholarships	150.0	
	Poultry Disease Research	215.0	
	Crop Extension	30.0	
	Sub-Total	$ 56,973.7	
	Debt Service	$ 6,169.9	
	TOTAL -- University of Delaware	$ 63,143.6	
	(90-01-02) Delaware Geological Survey		
	Operations	$ 622.4	
	River Master Program	50.2	
	State Boundary Commission	15.0	
	TOTAL -- Delaware Geological Survey	$ 687.6	
	TOTAL -- University of Delaware	$ 63,831.2	
	(90-02-01) Delaware Institute of Medical Education and Research		
	Operations	$ 1,643.0	
	TOTAL -- Delaware Institute of Medical Education and Research	$ 1,643.0	
	(90-03-00) Delaware State College		
	(90-03-01) Executive Services		
(1.5)NSF	Salaries (13.6)	$ 287.6	
	Other Employment Costs	68.5	
	Travel	3.2	
	Contractual Services	35.8	
	Supplies and Materials	8.9	
	Capital Outlay	2.8	
	Work Study	1.6	
	TOTAL -- Executive Services	$ 408.4	
	(90-03-02) Academic Affairs	Year Ending June 30, 1987	
(35.8)NSF	Salaries (210.0)	$ 5,579.1	
	Other Employment Costs	1,407.2	
	Travel	20.1	
	Contractual Services	315.3	
	Supplies and Materials	166.1	
	Capital Outlay	206.0	
	Summer School for Teachers	36.0	
	Work Study	22.9	

	Faculty Development	100.0
	TOTAL -- Academic Affairs	$ 7,852.7
	(90-03-03) Student Affairs	
(37.9)NSF	Salaries (34.8)	$ 672.7
	Other Employment Costs	169.9
	Travel	8.0
	Contractual Services	176.0
	Supplies and Materials	71.2
	Capital Outlay	22.2
	Title VI Compliance	120.0
	Academic Incentive	50.0
	Scholarships	86.0
	Athletic Grant	73.1
	Work Study	84.0
	TOTAL -- Student Affairs	$ 1,533.1
	(90-03-04) Business and Fiscal Affairs	
(16.0)NSF	Salaries (126.8)	$ 2,190.4
	Other Employment Costs	604.2
	Travel	8.0
	Contractual Services	1,275.2
	Supplies and Materials	188.3
	Capital Outlay	280.2
	Work Study	19.9
	Minor Caps	150.0
	Cooperative Extension	15.1
	Comprehensive Research	38.6
	Sub-Total	$ 4,769.9
	Debt Service	$ 1,868.3
	TOTAL -- Business and Fiscal Affairs	$ 6,638.2
	(90-03-05) Sponsored Programs and Research	
(37.5)NSF	Salaries	$ -
	TOTAL -- Sponsored Programs and Research	$ -
	TOTAL -- Delaware State College	$ 16,432.4
	(90-04-00) Delaware Technical and Community College	Year Ending June 30, 1987
	(90-04-01) Office of the President	
(5.0)NSF	Salaries (34.0)	$ 1,340.0
	Other Employment Costs	323.3
	Travel	6.5
	Contractual Services	140.0
	Supplies and Materials	29.4
	Capital Outlay	22.3
	Microfilm	3.4
	Occupational Teacher Program	36.8
	Academic Incentive	50.0
	Dental Program	65.0
	Sub-Total	$ 2,016.7
	Debt Service	$ 165.1
	TOTAL -- Office of the President	$ 2,181.8
	(90-04-02) Southern Campus	

(34.0)NSF	Salaries (136.0)	$	4,007.5
	Other Employment Costs		985.7
	Travel		5.0
	Contractual Services		864.5
	Supplies and Materials		57.9
	Capital Outlay		57.5
	NDSL Match		3.5
	Aid to Needy Students		32.7
	Work Study		14.5
	Sub-Total	$	6,028.8
	Debt Service	$	883.1
	TOTAL -- Southern Campus	$	6,911.9
	(90-04-04) Wilmington Campus		
(17.0)NSF	Salaries (109.0)	$	3,034.8
	Other Employment Costs		697.5
	Travel		4.0
	Contractual Services		878.2
	Supplies and Materials		51.2
	Capital Outlay		34.0
	Aid to Needy Students		32.0
	Work Study		20.0
	Sub-Total	$	4,751.7
	Debt Service	$	1,002.7
	TOTAL -- Wilmington Campus	$	5,754.4
	(90-04-05) Stanton Campus	Year Ending June 30, 1987	
(39.0)NSF	Salaries (132.0)	$	3,930.5
	Other Employment Costs		910.8
	Travel		5.0
	Contractual Services		258.2
	Supplies and Materials		89.6
	Capital Outlay		49.2
	Aid to Needy Students		22.5
	Work Study		21.0
	Sub Total	$	5,286.8
	Debt Service	$	791.6
	TOTAL -- Stanton Campus	$	6,078.4
	(90-04-06) Terry Campus		
(40.0)NSF	Salaries (83.0)	$	2,314.5
	Other Employment Costs		571.5
	Travel		4.0
	Contractual Services		391.8
	Supplies and Materials		35.6
	Capital Outlay		37.0
	NDSL Match		1.0
	Aid to Needy Students		25.0
	Work Study		8.0
	Sub Total	$	3,388.4
	Debt Service	$	474.0
	TOTAL Terry Campus	$	3,862.4
	TOTAL Delaware Technical and Community College		$ 24,788.9
	(90-07-01) Delaware Institute of Veterinary		

	Medical Education		
	Subvention		$ 148.0
	TOTAL -- Delaware Institute of Veterinary Medical Education		$ 148.0
	(90-08-01) Delaware Institute of Dental Education and Research		
	Subvention		$ 91.7
	TOTAL -- Delaware Institute of Dental Education and Research		$ 91.7
	TOTAL -- HIGHER EDUCATION		$ 106,935.2
	(95-00-00) PUBLIC EDUCATION	Year Ending June 30, 1987	
	(95-01-00) State Board of Education and State Board for Vocational Education		
	(95-01-01) State Board of Education and Superintendent		
(1.8)NSF	Salaries (7.2)	$ 303.6	
	Other Employment Costs	70.7	
	Travel	15.4	
	Contractual Services	17.7	
	Supplies and Materials	4.4	
	Capital Outlay	15.5	
	Data Processing	111.7	
	Microfilm	26.9	
	Education Compact of the States	26.7	
	TOTAL -- State Board of Education and Superintendent		$ 592.6
	(95-01-02) Administrative Services		
(17.5)NSF	Salaries (30.0)	$	$ 908.0
	Other Employment Costs		229.8
	Travel		9.9
	Contractual Services		42.2
	Supplies and Materials		7.7
	Capital Outlay		33.5
	Films		22.0
	Educational Assessment		257.6
	Private Business and Trade School		2.0
	Evaluation - Higher Education		1.0
	Teacher Competency and Certification		30.0
	Tallman Scholarships	3.4	
	Mather Library Endowment Fund	2.5	
	Brown Trust Fund	35.0	
(1.5)ASF	Film Library	54.5	
	Department of Public Instruction Library	34.0	
	Trailer Rental Fund	20.0	
	TOTAL -- Administrative Services	$ 149.4	$ 1,543.7
	(95-01-03) Computer Education/DIRECT		
(6.0)ASF	Salaries (6.0)	$ 155.9	$ 165.4
	Other Employment Costs	39.6	41.4
	Operating Costs - Direct	265.0	202.3
	Operating Costs - Training Lab		20.0
	District Grants Unit Allocations		460.0
	Curriculum Software Development Program		150.0
	Pupil Accounting System		41.8
	Career Guidance System		15.3
	TOTAL Computer Education/DIRECT	$ 460.5	$ 1,096.2

(95-01-04) Instructional Services

(32.0)NSF	Salaries (28.0)	$	$ 1,045.2
	Other Employment Costs		263.0
	Travel		12.8
	Contractual Services		61.5
	Supplies and Materials		15.1
	Capital Outlay		24.5
	Education - Science and Math		44.4
	Curriculum Improvement		107.9
	Career Enhancement Program (5.0)		620.0
(1.0)ASF	Delaware Secondary School Athletic Fund	55.2	
	TOTAL -- Instructional Services	$ 55.2	$ 2,194.4

(95-01-05) Educational Contingency Year Ending June 30, 1987

School District Appropriations

Division I Units (5599)

Formula Salaries (8,639.0)	$ 146,804.6
Cafeteria Funds	1,521.4
Other Employment Costs	41,349.8

Division II (6590)

Other Costs	10,805.1
Energy	8,810.0

All Other Costs

Support-Local Fund Employment Costs	7,160.2
Other Items	149.4
Teacher of the Year	5.5
Delmar Tuition	159.4
General Contingency	1,672.0
Pension - Retired and Disabled Teacher	46.3
Desegregation Monitoring	125.0
Optional Unit Count	300.0
Sub-Total	$ 218,908.7
Debt Service - School Districts	$ 11,241.8
Debt Service - State Board	$ 2,465.4
TOTAL -- Educational Contingency	$ 232,615.9

(95-01-06) Pass Through/K-12 Programs Year Ending June 30, 1987

Pregnant Students Program	$ 179.8
Related Services for the Handicapped	905.1
Private Placement of the Handicapped	1,881.7
Private Placement of the Handicapped - 18-21 years	174.4
Youth Organizations	102.4
Gifted and Talented Units	1,684.6
Summer School - Gifted and Talented	108.5
Homebound Instruction Program	549.8
Substitutes in Districts	1,480.5
Division III - Equalization	20,911.2
Basic Skills Units	4,289.8
Non-Public and Summer Driver Education	415.2
Operation and Maintenance - Driver Education Cars	146.0
Summer School - Occupational and Vocational Education	688.6
Student Work Study	125.0
Center for Economic Education	75.0
Educational Resources Program	133.6

Exceptional Student Unit - Vocational		400.9
Disruptive Student Units		519.9
Parent Early Education Center		57.8
Delaware Teacher Center		246.6
Green Circle Program		50.0
Arts in Education		55.0
Critical Curriculum Areas (1.0)		528.0
Advanced Studies		100.0
Lecturer in Residence		40.0
Tuition Reimbursement - Teachers		225.0
Education Refinement Program		2,050.8
Beach House		40.0
Mastery Testing (1.0)		242.5
Evaluation & Treatment Center - Education Component (3.0)		64.1
4 year old Development Pilot Program (6.0)		174.9
Constitutional Project		10.0
Read Aloud Program		90.0
2 + 2 Pre-Technical Curriculum		30.0
Olympics of the Mind		10.0
Teacher in Space		5.4
Summer Institute		100.0
TOTAL -- Pass Through/K-12 Programs		$ 38,892.1
(95-01-07) Pass Through/Adult Programs		
Adult Incarcerated		$ 153.6
Adult Trade Extension		566.8
Apprentice Program		431.0
James H. Groves High School		736.3
Adult Basic Education		123.4
New Castle County Learning Center		130.4
Wilmington Skills Center		202.1
TOTAL -- Pass Through/Adult Programs		$ 2,343.6
(95-01-08) Pupil Transportation	Year Ending June 30, 1987	
Public School Transportation		$ 24,764.1
Non-Public School Transportation Reimbursement		2,748.2
TOTAL -- Pupil Transportation		$ 27,512.3
TOTAL -- State Board of Education and State Board for Vocational Education	$ 665.1	$ 306,790.8
(95-04-01) Advisory Council on Career and Vocational Education		
(1.5)NSF Salaries (3.5)		$ 49.1
Other Employment Costs		12.6
TOTAL -- Advisory Council on Career and Vocational Education		$ 61.7
TOTAL -- PUBLIC EDUCATION	$ 665.1	$ 306,852.5

TOTALS	Year Ending June 30, 1987
TOTAL -- DEPARTMENTS	$ 15,173.6
TOTAL -- HIGHER EDUCATION	$ 106,935.2
TOTAL -- PUBLIC EDUCATION	306,852.5
TOTAL -- EDUCATION	$ 13,787.7
GRAND TOTAL -- DEPARTMENTS AND EDUCATION	$ 928,961.3

GENERAL

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. 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, 1986.

Section 7. (a) The provisions for salaries in this Act are projected to cover the salaries and wages which shall become due and payable during the fiscal year ending June 30, 1987. All departments and agencies shall stay within their appropriations for salaries as well as positions authorized.

(b) Section 1 of this Act assumes salary savings in all branches of State government. All agencies in the Judicial, Executive, and Legislative branches of State government are directed to continue any and all vacancies within their respective agencies as necessary to remain within their level of funding for salaries and wages.

Section 8. All Departments/School Districts receiving energy funding, object codes 33, 34 and 35, in Section 1 of this Act, must make monthly consumption and/or purchase reports to the Energy Office (30-05-03).

Section 9. At the close of the fiscal year all unencumbered Appropriated Special Funds shall revert to the Budget Unit's holding account, except Title IVD funds.

Section 10. (a) For the Fiscal Year ending June 30, 1987, the following line item salaries represent the maximum salaries appropriated within Salaries in Section 1 of this Act:

Budget Unit	Line Item	General Funds	All Other Funds
(02-01-01)	Chief Justice	$ 82.6	$
(02-01-01)	Associate Justice	79.5	
(02-02-01)	Chancellor	78.4	
(02-02-01)	Vice Chancellor	75.3	
(02-02-02)	Public Guardian	34.5	
(02-03-01)	President Judge	78.4	
(02-03-01)	Judge	75.3	
(02-06-01)	Chief Judge	77.4	
(02-06-01)	Judge	73.2	
(02-08-01)	Chief Judge	77.4	
(02-08-01)	Judge	73.2	
(02-13-01)	Chief Magistrate	52.3	

(02-13-01)	Court Administrator	35.3	
(02-13-01)	Magistrate	31.4	
(02-17-01)	Director	52.9	
(02-17-02)	Executive Secretary Violent Crimes Comp.		39.0
(02-17-03)	Executive Director - Foster Care Review Board	29.2	
(10-01-01)	Governor	70.0	
(10-02-01)	Budget Director	62.7	
(10-02-07)	Executive Director - Postsecondary Education Commission	44.7	
(10-02-07)	Commission Members - Postsecondary Education Commission	2.4	
(10-02-09)	Director - Information Systems (Memo)	56.1	
(10-03-01)	Director - Delaware Development Office	55.1	7.6
(10-04-01)	Personnel Commissioners	7.5	
(10-04-01)	Personnel Director	57.5	
(10-07-01)	Executive Director - CJC	47.0	
(10-07-02)	Executive Director - DELJIS	38.2	
(10-08-01)	Director - Planning and Coordination	50.7	
(12-01-01)	Lieutenant Governor	31.4	
(12-02-01)	Auditor	47.0	
(12-03-01)	Insurance Commissioner	47.0	
(12-05-01)	State Treasurer	47.0	
(12-05-02)	Board Members - Pensions		9.6
(15-01-01)	Attorney General	67.9	
(15-02-01)	Public Defender	52.3	
(15-03-01)	Board Members - Parole	15.0	
(15-03-01)	Parole Board Chairman	43.2	
(20-01-01)	Secretary of State	52.3	
(20-05-01)	Director - Corporations	38.0	4.0
(20-06-01)	Director - Historical and Cultural Affairs	44.5	
(20-15-01)	State Banking Commissioner		55.0
(25-01-01)	Secretary - Finance	67.9	
(25-05-01)	Director - Accounting	48.6	
(25-06-01)	Board Members - Revenue	33.0	
(25-06-01)	Director - Revenue	56.7	

(25-07-01)	Director - State Lottery		52.3
(30-01-01)	Secretary - Administrative Services	52.3	
(30-01-02)	Fleet Management Administrator	39.6	
(30-02-01)	Executive Director - Public Employment Relations Board	36.4	
(30-02-01)	Board Members - Public Employment Relations Board	7.4	
(30-03-01)	Board Members - Alcoholic Beverage Control Commission	8.6	
(30-03-01)	Executive Secretary - Alcoholic Beverage Control Commission	40.7	
(30-04-04)	Director - Support Operations		36.9
(30-05-01)	Director - Facilities Management	45.4	
(30-05-10)	Executive Secretary - Architectural Accessibility Board	33.1	
(30-05-10)	Board Members - Architectural Accessibility Board	2.3	
(30-06-01)	Director - Purchasing	40.2	
(30-08-01)	Director - Occupational Licensing	30.8	
(30-08-01)	Board Members - Occupational and Health Licensing	40.2	
(30-11-01)	Board Members - Public Service Commission		65.8
(30-11-01)	Director - Public Utilities Control		38.5
(35-01-01)	Secretary - Health and Social Services	62.7	
(35-02-01)	Director - Business Administration and General Services	41.1	4.5
(35-03-01)	Director - Planning, Research and Evaluation	41.1	
(35-04-01)	Chief Medical Examiner	77.3	
(35-05-02)	Director - Public Health	78.6	
(35-06-01)	Director - Mental Health	57.6	
(35-07-01)	Director - Economic Services	23.7	23.8
(35-10-01)	Director - Child Support Enforcement	11.9	27.8
(35-11-01)	Director - Mental Retardation	54.5	
(35-12-01)	Director - State Service Centers	39.0	
(35-14-01)	Director - Aging	9.5	28.6
(37-01-01)	Secretary - Services for Children, Youth, and Their Families	57.5	
(37-02-01)	Director - Child Protective Services	47.8	

(37-03-01)	Director - Child Mental Health	59.5	
(37-05-01)	Director - Youth Rehabilitation Services	47.0	
(37-06-01)	Director - Youth Diagnostic Center	42.4	
(37-07-01)	Director - Administrative and Support Services	45.8	
(37-08-01)	Director - Program, Planning & Productivity	45.8	
(38-01-01)	Commissioner - Correction	62.7	
(38-02-01)	Bureau Chief - Administration and Operational Support	44.2	
(38-03-01)	Bureau Chief - Industries and Services	38.9	
(38-04-01)	Institutional Classification Board	9.0	
(38-04-01)	Bureau Chief - Adult	44.2	
(40-01-01)	Secretary - Natural Resources and Environmental Control	57.5	
(40-05-01)	Director - Fish and Wildlife	19.8	19.8
(40-06-01)	Director - Parks and Recreation	40.2	
(40-07-01)	Director - Soil and Water Conservation	40.2	
(40-08-01)	Director - Water Resources	55.4	
(40-09-01)	Director - Air and Waste Management	57.5	
(45-01-01)	Secretary - Public Safety	57.5	
(45-06-01)	Superintendent - State Police	49.7	
(45-06-01)	Assistant Superintendent - State Police	45.3	
(45-07-01)	Director - Motor Vehicles	47.3	
(45-08-01)	Director - Emergency Planning and Operations	16.2	16.2
(45-09-01)	Director - Boiler Safety	32.2	
(45-10-01)	Director - Highway Safety	33.9	
(50-01-01)	Secretary - Community Affairs	52.3	
(50-02-01)	Director - Community Services	35.8	
(50-03-01)	Director - Volunteer Services	32.0	
(50-04-01)	Public Advocate	46.1	
(50-06-01)	Director - Human Relations	35.8	
(50-09-01)	Director - Housing		49.5
(50-10-01)	State Librarian	35.0	
(50-11-01)	Director - Consumer Affairs	35.8	
(50-11-01)	Board Members - Consumer Affairs	3.5	
(55-01-01)	Secretary - Transportation	62.7	

(55-02-01)	Chief - Administration	44.0	
(55-04-01)	Director - Highways	61.0	
(55-06-01)	Director - Delaware Transportation Authority		54.2
(60-01-01)	Secretary - Labor	6.8	45.5
(60-06-01)	Director - Unemployment Insurance		43.9
(60-07-01)	Director - Industrial Affairs	38.5	
(60-07-02)	Board Members - Industrial Accident Board	84.0	
(60-08-01)	Director - Vocational Rehabilitation		45.2
(60-09-01)	Director - Employment and Training	2.9	41.9
(65-01-01)	Secretary - Agriculture	47.0	
(65-04-01)	Director - Production and Promotion	35.4	
(70-01-01)	Election - Commissioner	33.8	
(70-02-01)	Board Members - New Castle County Elections	10.5	
(70-02-01)	Administrative Director - New Castle County Elections	30.7	
(70-02-01)	Deputy Administrative Director - New Castle County Elections	30.1	
(70-03-01)	Board Members - Kent County Elections	6.5	
(70-03-01)	Administrative Director - Kent County Elections	30.7	
(70-03-01)	Deputy Administrative Director - Kent County Elections	30.1	
(70-04-01)	Board Members - Sussex County Elections	6.5	
(70-04-01)	Administrative Director - Sussex County Elections	30.7	
(70-04-01)	Deputy Administrative Director - Sussex County Elections	30.1	
(75-01-01)	Fire Marshal	36.4	
(75-02-01)	Director - Fire School	38.9	
(76-01-01)	Adjutant General	47.0	
(95-01-01)	Board Members - State Board of Education	8.4	
(95-01-01)	Superintendent - State Board of Education	59.6	24.1
(95-04-01)	Executive Secretary - Advisory Council on Career and Vocational Education	25.5	25.5

Section 11. Amend Chapter 59, Title 29 of the Delaware Code, by striking the last sentence in §5919 and substituting the following: vacant positions in paygrades 1-3 will be filled by agency recruitment efforts unless use of an eligibility list is federally required.

Section 12. (a) The General Assembly of the State of Delaware supports the statewide policy that the pay plan for Merit System employees be developed in accordance with the results of valid surveys of salaries provided by a defined labor market. The Director of State Personnel shall conduct such surveys on a yearly basis and report the findings of such surveys by December 15 to the Governor and members of the General Assembly who will be responsible for recommending and approving yearly adjustments as are necessary to maintain the competitive posture of the plan. As the Director of State Personnel has conducted the required surveys for the Fiscal Year ending June 30, 1987, and as the Governor and members of the General Assembly have reviewed the findings of such surveys, effective July 1, 1986, the following pay plans are established for State Merit System employees:

STATE OF DELAWARE PAY PLAN*
(Standard Work Schedule of 37.5 Hours Per Work Week)

PAY GRADE	75.00% of Midpoint	80.00% of Midpoint	85.00% of Midpoint	90.00% of Midpoint	95.00% of Midpoint	100.00% of Midpoint	105.00% of Midpoint	110.00% of Midpoint	115.00% of Midpoint	120.00% of Midpoint	125.00% of Midpoint
1		$10,154**	$10,257	$10,860	$11,464	$12,067	$12,670	$13,274	$13,877	$14,480	$15,084
2	$10,154**	10,329	10,974	11,620	12,265	12,911	13,557	14,202	14,848	15,493	16,139
3	10,362	11,053	11,744	12,434	13,125	13,816	14,507	15,198	15,888	16,579	17,270
4	11,087	11,826	12,565	13,304	14,043	14,782	15,521	16,260	16,999	17,738	18,478
5	11,864	12,654	13,445	14,236	15,027	15,818	16,609	17,400	18,191	18,982	19,773
6	12,694	13,540	14,386	15,233	16,079	16,925	17,771	18,618	19,464	20,310	21,156
7	13,582	14,487	15,393	16,298	17,204	18,109	19,014	19,920	20,825	21,731	22,636
8	14,532	15,501	16,470	17,438	18,407	19,376	20,345	21,314	22,282	23,251	24,220
9	15,550	16,586	17,623	18,660	19,696	20,733	21,770	22,806	23,843	24,880	25,916
10	16,639	17,748	18,857	19,967	21,076	22,185	23,294	24,404	25,513	26,622	27,731
11	17,802	18,989	20,176	21,362	22,549	23,736	24,923	26,110	27,296	28,483	29,670
12	19,049	20,319	21,589	22,859	24,129	25,399	26,669	27,939	29,209	30,479	31,749
13	20,383	21,742	23,100	24,459	25,818	27,177	28,536	29,895	31,254	32,612	33,971
14	21,809	23,263	24,717	26,171	27,625	29,079	30,533	31,987	33,441	34,895	36,349
15	23,336	24,892	26,448	28,004	29,559	31,115	32,671	34,227	35,782	37,338	38,894
16	24,970	26,634	28,299	29,964	31,628	33,293	34,958	36,622	38,287	35,952	41,616
17	26,717	28,498	30,280	32,061	33,842	35,623	37,404	39,185	40,966	42,748	44,529
18	28,587	30,493	32,399	34,304	36,210	38,116	40,022	41,928	43,833	45,739	47,645
19	30,589	32,628	34,667	36,707	38,746	40,785	42,824	44,864	46,903	48,942	50,981
20	32,731	34,913	37,095	39,277	41,459	43,641	45,823	48,005	50,187	52,369	54,551
21	35,022	37,357	39,692	42,026	44,361	46,696	49,031	51,366	53,700	56,035	58,370
22	37,473	39,971	42,469	44,968	47,466	49,964	52,462	54,960	57,459	59,957	62,455
23	40,096	42,769	45,442	48,115	50,788	53,461	56,134	58,807	61,480	64,153	66,826
24	42,903	45,763	48,623	51,484	54,344	57,204	60,064	62,924	65,785	68,645	71,505
25	45,906	48,966	52,027	55,087	58,148	61,208	64,268	67,329	70,389	73,450	76,510
26	49,120	52,394	55,669	58,944	62,218	65,493	68,768	72,042	75,317	78,592	81,866

* Annual Salary in $

** By State Law, Minimum Salary in Delaware is $10,154 for employees paid by this pay plan.

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STATE OF DELAWARE PAY PLAN*
(Standard Work Schedule of 40 Hours Per Work Week)

PAY GRADE	75.00% of Midpoint	80.00% of Midpoint	85.00% of Midpoint	90.00% of Midpoint	95.00% of Midpoint	100.00% of Midpoint	105.00% of Midpoint	110.00% of Midpoint	115.00% of Midpoint	120.00% of Midpoint	125.00% of Midpoint
1	$10,154*	$10,297	$10,940	$11,584	$12,227	$12,871	$13,515	$14,158	$14,802	$15,445	$16,089
2	10,329	11,018	11,706	12,395	13,083	13,772	14,461	15,149	15,838	16,526	17,215
3	11,053	11,790	12,526	13,263	14,000	14,737	15,474	16,211	16,948	17,684	18,421
4	11,825	12,614	13,402	14,190	14,979	15,767	16,555	17,344	18,132	18,920	19,709
5	12,655	13,498	14,342	15,186	16,029	16,873	17,717	18,560	19,404	20,248	21,091
6	13,540	14,442	15,345	16,248	17,150	18,053	18,956	19,858	20,761	21,664	22,566
7	14,487	15,453	16,419	17,384	18,350	19,316	20,282	21,248	22,213	23,179	24,145
8	15,501	16,534	17,568	18,601	19,635	20,668	21,701	22,735	23,768	24,802	25,835
9	16,586	17,692	18,798	19,904	21,009	22,115	23,221	24,327	25,432	26,538	27,644
10	17,748	18,931	20,114	21,298	22,481	23,664	24,847	26,030	27,214	28,397	29,580
11	18,989	20,254	21,520	22,786	24,052	25,318	26,584	27,850	29,116	30,382	31,648
12	20,319	21,674	23,028	24,383	25,737	27,092	28,447	29,801	31,156	32,510	33,865
13	21,742	23,191	24,641	26,090	27,540	28,989	30,438	31,888	33,337	34,787	36,236
14	23,262	24,814	26,365	27,916	29,467	31,018	32,569	34,120	35,671	37,222	38,773
15	24,892	26,551	28,211	29,870	31,530	33,189	34,848	36,508	38,167	39,827	41,486
16	26,635	28,420	30,186	31,962	33,737	35,513	37,289	39,064	40,840	42,616	44,391
17	28,499	30,398	32,298	34,198	36,098	37,998	39,898	41,798	43,698	45,598	47,498
18	30,493	32,526	34,558	36,591	38,624	40,657	42,690	44,723	46,756	48,788	50,821
19	32,628	34,803	36,978	39,154	41,329	43,504	45,679	47,854	50,030	52,205	54,380
20	34,913	37,240	39,568	41,895	44,223	46,550	48,878	51,205	53,533	55,860	58,188
21	37,357	39,847	42,338	44,828	47,319	49,809	52,299	54,790	57,280	59,771	62,261
22	39,971	42,636	45,301	47,966	50,630	53,295	55,960	58,625	61,289	63,954	66,619
23	42,769	45,620	48,471	51,323	54,174	57,025	59,876	62,728	65,579	68,430	71,281
24	45,764	48,814	51,865	54,916	57,967	61,018	64,069	67,120	70,171	73,222	76,273
25	48,967	52,231	55,496	58,760	62,025	65,289	68,553	71,818	75,082	78,347	81,611
26	52,394	55,887	59,380	62,873	66,366	69,859	73,352	76,845	80,338	83,831	87,324

* Annual Salary in $

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(1) Merit Rule 5.0210 notwithstanding, the standard work week for employees in positions within the Correctional Officer class series, Correctional Security Superintendent class and Warden class series assigned to the Department of Correction, Meat Inspectors and Meat and Poultry Inspection Coordinators in the Department of Agriculture shall be 40 hours.

(b) The Director of State Personnel shall assign an appropriate paygrade as contained in the pay plans shown in Section 12 (a) to each classification within the classified service. This assignment of paygrade shall not constitute a promotion or demotion for pay purposes pursuant to Merit Rule 5.0720.

(1) The salaries of individual employees will be transferred to the new pay plan at the same rate of pay which was in effect as of June 30, 1986.

(2) The salary of employees whose salary in effect as of June 30, 1986, is below the minimum salary of the assigned paygrade of the new pay plan shall be raised to the minimum salary. This adjustment shall be made prior to the implementation of the general salary increase.

(c) Recognizing the need for flexibility to respond to critical external market pressures, selective market variations are permitted to the uniform pay plan structure for job classes that are key to the performance of State functions.

(1) The appointing authority shall identify job classes or job families to be considered for selective market variations according to turnover rates, recruitment problems, vacancy rates, feasibility for the work to be performed on a contractual basis and other criteria established by the State Personnel Director.

(2) Upon receipt of the identified classes, the State Personnel Director shall survey the appropriate labor market to determine the State's position in this labor market.

(3) This survey information will be reviewed by the State Budget Director, the State Personnel Director and the Controller General who shall recommend approval or disapproval for the classes for selective market compensation variations.

(4) Any such selective market variation which the State Personnel Director, the State Budget Director and the Controller General have determined to be warranted and have been approved by the Joint Finance Committee, shall be designated to become effective July 1, 1986 provided that such variations have been processed as part of the regular budgetary process and the funds for such charges shall be appropriated.

(5) Upon approval, the minimum, mid point and maximum salary values shall be raised according to the results of the labor market surveys for the job class.

(6) The salaries of employees whose current salaries fall below the adjusted minimum for the assigned job classification shall be raised to the adjusted minimum; the salaries of employees whose current salaries fall within the adjusted salary range shall not be increased.

(d) The amount appropriated by Section 1 of this Act for salaries includes the estimated amount needed to provide for a general salary increase for each State employee, unless as otherwise excepted by Subsections of this Section. This increase is to be provided as follows:

(1) Salary Adjustments for Departments 01 through 77:

(i) Effective July 1, 1986, the salary of each employee shall be increased by 4.5 percent, unless otherwise noted in this Section.

(ii) The salary of employees whose salary in effect as of June 30, 1986 is above the maximum salary of the assigned paygrade of the new pay plan shall be increased by 2.25 percent.

(iii) The salary of employees whose salary in effect as of June 30, 1986, is near the maximum salary of the assigned paygrade of the new pay plan and where the general 4.5 percent increase would place that salary above the maximum salary, shall be increased by a percentage amount which would place the salary at the maximum or 2.25 percent, whichever is greater.

(iv) Salaries of employees employed in accordance with Title 29, Delaware Code, Section 5903(17), shall be excluded from Subsection (d) (1) (i) of this Section and may receive a salary increase at the discretion of the agency.

(e) In all instances where the State Merit Rules refer to a one-step increase or increment, such shall be interpreted to mean 5 percent of the paygrade midpoint unless otherwise noted in this Act.

(1) Where Merit Rule 5.0812 refers to a step increment, this shall be interpreted to mean the 4.5 percent general salary increase referred to in Section 12(d).

(2) During the Fiscal Year ending June 30, 1987, paragraphs 5.0810 and 5.0820 of the Merit Rules for a Merit System of Personnel Administration shall be null and void.

(3) During the fiscal year ending June 30, 1987, paragraph 5.06122 except the phrase "where a critical shortage of applications exists" of the rules for Merit System of Personnel Administration shall be null and void.

(f) The classification of any employee whose salary is covered by the appropriations in Section 1 of this Act, may be changed to be effective January 1, 1987 or July 1, 1987 if the requested change is certified critical by the appointing authority; and

(1) The requested change is approved by the State Personnel Director prior to the effective date of January 1, 1987 or July 1, 1987; and

(2) The funding source is approved by the State Budget Director; and

(3) The requested change is approved by the Controller General.

(g) Section 1 of this Act makes an appropriation to the Budget Office - Other Items. Of that amount, $120.0 is allocated to the Office of State Personnel to conduct maintenance reviews of each position in the classified service. Reclassifications resulting from those maintenance reviews completed prior to July 1, 1987, will become effective on July 1, 1987, reclassifications resulting from maintenance reviews completed after July 1, 1987, will become effective retroactive to July 1, 1987, provided these reclassifications

(1) Have been processed as part of the regular budgetary process; and

(2) Have been funded in the budget appropriation bill and enacted into law.

(h) During the Fiscal Year ending June 30, 1987, the paygrade assigned to each job class shall not be changed except those indicated in Subsection (b). Any such paygrade changes which the Personnel Director determines to be warranted shall be designated to become effective July 1, 1987, provided that such paygrade changes have been processed as part of the regular budgetary process and the funds for such changes shall be appropriated.

(i) The administrative regulation and procedures necessary to implement this Section shall be promulgated by the State Personnel Director, the State Budget Director and with the concurrence of the Controller General.

(j) The provisions of Subsection (d) of this Section shall not apply to the Governor, Uniformed State Police, employees of the Office of Attorney General, employees

of the Office of Public Defender, employees of the University of Delaware, and members and employees of the Delaware National Guard excluding the Adjutant General.

(k) The provisions of Subsection (d) of this Section shall not apply to employees of Delaware State College; however, funds have been appropriated in Section 1 of this Act to provide for a 4.5 percent increase in salaries paid from General Funds.

(l) The provisions of Subsection (d) of this Section shall not apply to employees of Delaware Technical and Community College; however, funds have been appropriated in Section 1 of this Act to provide for a 4.5 percent increase in salaries paid from General Funds.

(m) Salaries of designated positions in Section 9 of this Act shall have no further increase applied.

(n) During the Fiscal Year ending June 30, 1987, the Director of State Personnel shall develop and report to the members of the General Assembly a comprehensive plan of the methods and practices which determine how the salaries of individual employees move, over time, through their assigned paygrades on the pay plan. Such a comprehensive plan shall include:

(1) A provision that effective July 1, 1987, each Merit System employee whose salary is not equal to e percentage of the midpoint column, the salary for that employee will be increased to the nearest percentage of the midpoint column, plus any general increase given as an overall adjustment to the pay plan. This provision shall not apply to any employee whose salary exceeds or is equal to the maximum salary of the assigned paygrade.

(2) A provision that effective January 1, 1988, the salary of each Merit System employee, with at least six (6) month's service whose salary as of December 31, 1987, is below the midpoint of the of the assigned paygrade shall be increased to the next higher percentage of the midpoint column.

(3) Other appropriate provisions as are necessary to define the criteria which describe how the salaries of employees at any given percentage of the midpoint column within a peygrade will move, over time, through the paygrade.

(o) During the Fiscal Year ending June 30, 1987, the Director of State Personnel shall develop and test on a pilot basis one or more employee performance evaluation systems as are necessary to accurately appraise the performence of Merit System employees. Such new system or systems shall be implemented by State agencies effective July 1, 1987.

(p) The provisions of subsection (d) of this section shall not apply to the employees of the General Assembly - House or the General Assembly - Senate. Salaries for those employees will be established by the Speaker of the House of Representatives and the President Pro Tempore of the Senate respectively.

(q)(1) Amend Merit Rule 5.0910 by striking "day" in line one (1).

(2) Amend Merit Rule 5.0920, 5.0930, 5.0931, 5.0932, 5.0933, 5.0934, 5.0940 by deleting said Rules in their entirety and by substituting in lieu thereof the following:

Merit Rule 5.0920 -- Compensation for Overtime Services.

"Merit Rule 5.0921: An employee with a standard work week of 37 1/2 hours and in a position or a class covered by the Fair Labor Standards Act (FLSA) who is authorized to perform overtime service shall be compensated in cash at one and one-half times the regular rate of pay or granted one and one-half hours off for each one hour worked after 37 1/2 hours per week. An employee with a standerd work week of 40 hours and in a position or a class covered by the FLSA who is authorized to perform overtime service shall be compensated in cash at one and one-half times the regular rate of pay or granted one and one-half hours off for each hour worked after 40 hours per week. Cash payment is subject to availability of funds and/or operational needs of the agency. Only hours worked over 40 hours per work week are covered by the overtime provisions of the FLSA.

Merit Rule 5.0922: An employee in a position or a class exempted by the FLSA who is required and authorized to work beyond the standard work week

may be compensated with equal time off.

Merit Rule 5.0923: In unusual circumstances of overtime service by an employee normally not eligible for overtime compensation in cash, the appointing authority may recommend, for approval by the Director and the Budget Director, that such employee be compensated for such overtime service at straight time rates.

(r) Salary schedules contained in Chapter 13, Title 14, Delaware Code, shall be revised as specified in this subsection.

(1) Amend Section 1305 (a), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

Years of Exp.	No Degree	Bach. Degree	Bach. Degree Plus 15 Grad. Credits	Bach. Degree Plus 30 Grad. Credits	Mast. Degree	Mast. Degree Plus 15 Grad. Credits	Mast. Degree Plus 30 Grad. Credits	Mast. Degree Plus 45 Grad. Credits	Doctor's Degree
0	$12,673	$13,468	$14,063	$14,659	$15,056	$15,651	$16,247	$16,644	$17,042
1	13,070	13,865	14,460	15,056	15,454	16,049	16,644	17,042	17,439
2	13,468	14,262	14,858	15,454	15,850	16,446	17,042	17,439	17,846
3	13,865	14,659	15,255	15,850	16,247	16,844	17,439	17,836	18,234
4	14,262	15,056	15,651	16,247	16,644	17,241	17,836	18,234	18,631
5	14,659	15,454	16,049	16,644	17,042	17,639	18,234	18,631	19,029
6	15,056	15,850	16,446	17,042	17,439	18,035	18,631	19,029	19,426
7	15,454	16,247	16,844	17,439	17,836	18,432	19,029	19,426	19,824
8	15,850	16,644	17,241	17,836	18,234	18,829	19,426	19,824	20,221
9	16,247	17,042	17,639	18,234	18,631	19,227	19,824	20,221	20,618
10	16,644	17,439	18,035	18,631	19,029	19,624	20,221	20,618	21,015
11	17,042	17,836	18,432	19,029	19,426	20,020	20,618	21,015	21,413
12	17,439	18,234	18,829	19,426	19,824	20,418	21,015	21,413	21,810
13	17,836	18,631	19,227	19,824	20,221	20,815	21,413	21,810	22,208
14	18,234	19,029	19,624	20,221	20,618	21,213	21,810	22,208	22,605
15	18,631	19,426	20,020	20,618	21,015	21,610	22,208	22,605	23,002

"

(2) Amend Section 1306 (a), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

Number of State Units of Pupils in the School District			
Less Than 71	71-149	150-249	250 Plus
$6,450	$8,370	$10,293	$12,219

"

(3) Amend Section 1307 (3), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

Years of Administrative Experience	Amount
0	$ 725
1	850
2	976
3	1,101
4	1,226
5	1,285
6	1,343
7	1,400
8	1,487
9	1,582

"

(4) Amend Section 1308 (a), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

Years of Exper.	Clerk	Secretary	Senior Secretary	Financial Secretary	Administrative Secretary
0	$ 7,033	$ 8,022	$ 8,582	$ 8,927	$ 9,444
1	7,399	8,388	8,968	9,329	9,856

2	7,765	8,765	9,351	9,711	10,239
3	8,130	9,148	9,733	10,094	10,641
4	8,496	9,530	10,115	10,483	11,056
5	8,878	9,913	10,507	10,898	11,472
6	9,261	10,295	10,921	11,314	11,886
7	9,643	10,703	11,337	11,729	12,302
8	10,026	11,118	11,752	12,144	12,717
9	10,409	11,534	12,169	12,559	13,133
10	10,825	11,949	12,585	12,975	13,547
11	11,240	12,364	13,001	13,389	13,962
12	11,656	12,778	13,416	13,803	14,377
13	12,071	13,193	13,832	14,217	14,793
14	12,486	13,609	14,245	14,632	15,207
15	12,898	14,023	14,661	15,047	15,622
16					16,038 "

(5) Amend Section 1309 (b), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"Bachelor's Degree	$832
Certified Secretary Degree	624
Senior Secretary Certificate	414"

(6) Amend Section 1311 (a), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

Years of Exper.	Custodian	Custodian Fireman	Chief Custodian Supervising 5 or Fewer Custodians	Chief Custodian Supervising 6 or More Custodians	Building & Grounds Supervisor
0	$ 9,355	$ 9,738	$ 9,932	$10,700	$11,371
1	9,643	10,026	10,220	10,988	11,756
2	9,932	10,314	10,509	11,277	12,141
3	10,220	10,603	10,796	11,565	12,525
4	10,509	10,891	11,085	11,853	12,910
5	10,796	11,179	11,372	12,142	13,294
6	11,085	11,469	11,661	12,429	13,679
7	11,372	11,758	11,949	12,718	14,064
8	11,661	12,045	12,237	13,006	14,448
9	11,949	12,334	12,525	13,294	14,833
10	12,237	12,622	12,815	13,583	15,217 "

(7) Amend Section 1311 (b), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"Supervisor and Chief Custodian	$ 832
Fireman and Custodian-Fireman	624
Custodian	414"

(8)Amend Section 1321 (a), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

STATE BOARD OF EDUCATION AND STATE BOARD FOR VOCATIONAL EDUCATION								
Yrs. Exp.	Teacher	Specialist	Supv.	Director	Asst. Supt.	Assoc. Supt.	Deputy Supt.	State Supt.
0	State	$ 750	$2,628	$4,380	$ 6,966	$ 9,487	$12,040	As shown
1	schedule	1,126	3,003	4,796	7,454	9,996	12,571	in para-
2	and as	1,503	3,379	5,207	7,962	10,504	13,102	graph
3	shown in	1,878	3,753	5,624	8,470	11,012	13,652	below
4	paragraph	2,253	4,129	6,067	8,979	11,522	14,229	
5	below	2,467	4,521	6,511	9,488	12,040	14,807	
6		2,664	4,883	6,967	9,996	12,571	15,383	
7		2,850	5,225	7,455	10,504	13,102	15,959	
8		3,150	5,596	7,894	11,009	13,653	16,535	
9		3,450	5,967	8,333	11,514	14,229	17,114	"

(9) Amend Section 1322 (a), Title 14, Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"(a) School food service managers who have the qualifications required by

the State Board of Education and who work on a program of at least 7 hours per day of the 10-month school year (185 days) shall receive annual salaries in accordance with the following schedule:

SCHOOL FOOD SERVICE MANAGERS

Yrs. of Exp.	Number of Pupils in School Served by Cafeteria						
	Below 351	351-500	501-800	801-1200	1201-1600	1601-2000	2000+
0	$ 8,433	$ 9,055	$ 9,678	$10,300	$10,923	$11,544	$12,169
1	8,744	9,366	9,989	10,612	11,234	11,857	12,479
2	9,055	9,678	10,300	10,923	11,544	12,169	12,791
3	9,366	9,989	10,612	11,234	11,857	12,479	13,102
4	9,678	10,300	10,923	11,544	12,169	12,791	13,415
5	9,989	10,612	11,234	11,857	12,479	13,102	13,727
6	10,300	10,923	11,544	12,169	12,791	13,415	14,037
7	10,612	11,234	11,857	12,479	13,102	13,727	14,349
8	10,923	11,544	12,169	12,791	13,415	14,037	14,661
9	11,234	11,857	12,479	13,102	13,727	14,349	14,972
10	11,544	12,169	12,791	13,415	14,037	14,661	15,283
11	11,857	12,479	13,102	13,727	14,349	14,972	15,603
12	12,169	12,791	13,415	14,037	14,661	15,283	15,930
13	12,479	13,102	13,727	14,349	14,972	15,603	16,241
14	12,791	13,415	14,037	14,661	15,283	15,930	16,553

Salaries provided for in this schedule shall be paid to the school food service manager of a single cafeteria. A school food service manager responsible for the preparation of food for more than one cafeteria shall receive $400 for each additional cafeteria. A manager of satellite cafeteria(s) shall receive the salary provided for in this schedule less $200. A satellite cafeteria is defined as one where no basic food preparation takes place. A manager who manages more than one cafeteria shall receive the salary provided in this scale using the total school enrollments of all cafeterias managed. The salaries listed in this schedule for school food service managers shall be increased for additional training as defined by the State Board of Education as follows:

One Year of College	$ 414
Two Years of College	624
Bachelor's Degree	1,245"

(10) Amend Section 1322 (c), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

SCHOOL LUNCH COOKS AND GENERAL WORKERS

Years of Experience	General Worker	Cook/Baker
0	$4.86	$5.39
1	4.94	5.47
2	5.03	5.55
3	5.11	5.63
4	5.18	5.71
5	5.30	5.82
6	5.38	5.90
7	5.44	5.97
8	5.50	6.02
9	5.57	6.09
10	5.66	6.19
11	5.76	6.28
12	5.84	6.36
13	5.94	6.46
14	6.01	6.53
15	6.09	6.61
16	6.20	6.72

"

(11) Amend Section 1324 (b), Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu there of the following:

"

Years of Experience	Bus and Class Attendants	Class Aides
0	$6,696	$ 6,642
1	6,903	7,007
2	7,110	7,372

3	7,317	7,737
4	7,525	8,102
5	7,733	8,467
6	7,940	8,848
7	8,145	9,229
8	8,352	9,611
9	8,561	9,992
10	8,768	10,373 "

(12) Amend Section 1326, Title 14, Delaware Code, by striking the salary schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"Class A - $48.85 per day
Class B - $39.46 per day
Class C - $30.04 per day"

(13) Amend Section 1331 (b), Title 14, Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"(b) Interpreter/tutors are to be certified according to standards prescribed by the State Board of Education and paid according to the salary schedule contained in Section 1305 (a) of this Title."

(14) Amend Section 1332 (a), Title 14, Delaware Code, by striking the Salary Schedule contained in said section in its entirety and by substituting in lieu thereof the following:

"

Years of experience with autistic persons	Director-Specialist
0	$26,431
1	27,620
2	28,739
3	29,918
4	31,137
5	32,347
6	33,561
7	34,776
8	35,990
9	37,204 "

(s) Each employee of the public school system, who has 17 or more years of experience for salary purposes and whose salary is paid in whole or in part in accordance with the salary schedule in Section 1305 (a), Title 14, Delaware Code, shall receive a salary supplement of $200 for 10 months of employment during the fiscal year ending June 30, 1987. This salary supplement shall be paid in addition to any other salary authorized by Title 14, Delaware Code. All who are employed under this provision for more than 10 months during the fiscal year ending June 30, 1987, shall receive a payment of $20 for each additional month of employment.

(t) Each employee of the public school system, who is classified as a clerk, secretary, senior secretary or financial secretary, whose salary is paid in whole or in part in accordance with the salary schedule in Section 1308 (a), Title 14, Delaware Code, and who has 16 or more years of experience for salary purposes, shall receive a salary supplement of $200 for 12 months of employment during the fiscal year ending June 30, 1987. Each employee of the public school system, who is classified as an administrative secretary, whose salary is paid in whole or in part in accordance with the salary schedule in Section 1308 (a), Title 14, Delaware Code, and who has 17 or more years of experience for salary purposes, shall receive a salary supplement of $200 for 12 months of employment during the fiscal year ending June 30, 1987. The salary supplements shall be paid in addition to any other salary authorized by Title 14, Delaware Code.

Section 13. Amend Chapter 221, Volume 62, Laws of Delaware by deleting it in its entirety.

Section 14. (a) Merit Rule 5.0612 is revised to read: In cases described below, the appointing authority may approve a starting rate higher than the minimum salary provided that such higher rate shall not exceed a rate equivalent to 80 percent of the midpoint of the assigned paygrade. Upon written recommendation of the appointing authority, the State Personnel Director may approve a starting rate higher than that which the appointing may approve.

(b) During the fiscal year ending June 30, 1987, the starting salaries of all employees hired on or after July 1, 1986, shall be a $ amount shown on the assigned paygrade of the pay plan as a designated percentage of paygrade midpoint. No such employee shall receive a starting rate which is not shown on the assigned paygrade of the pay plan.

(c) During the fiscal year ending June 30, 1987, the salaries of all employees who receive promotions on or after July 1, 1986, shall be increased to the next higher percentage of the midpoint column of the newly assigned paygrade which provides at least a 5.0 percent salary increase for the employee receiving the promotion.

Section 15. (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 therefore 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, 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, 1987. No Department shall change the total number of positions without prior approval of the Delaware State Clearinghouse Committee; and no Department shall transfer a position between divisions except with the approval of the Delaware State Clearinghouse Committee. All J.T.P.A. funds expended for full-time positions shall be for employment within the State of Delaware.

Section 16. (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 July 15, 1986, 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. In addition, such listing shall show the name of the incumbent, if the position is filled, and shall show the statutory citation which authorizes the establishment of the exempt position(s). The State Personnel Director shall provide copies of such listing to members of the Joint Finance Committee and the Controller General. 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 System 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. Those positions assigned on a list of comparability that are assigned a comparable paygrade in the classified system shall be paid in accordance with Section 12 (b) and (d).

(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 17. Section 1 of this Act contains a Salary and O.E.C. Contingency (10-02-04) for Teachers Pay Increase and Merit System employees minimum salary adjustment. The contingency is offset by $2,900.0 in salary savings. The Budget Director and the Controller General shall transfer prior to July 31, 1986, the following

amounts from agencies salary and/or O.E.C. accounts into the Contingency Fund.

Legislative	$ 47.3
Judicial	61.0
Executive	98.9
Treasurer	20.0
Auditor	18.0
Insurance	44.0
Attorney General	71.0
Public Safety	78.0
Community Affairs	55.5
Transportation	155.0
Elections	10.0
Labor	27.0
Agriculture	48.0
Fire Prevention	34.0
National Guard	13.0
Delaware State	44.0
Delaware Tech	68.0
Public Defender	54.0
Secretary of State	42.3
Finance	93.3
Administrative Services	78.6
Health and Social Services	1,444.1
Children, Youth and Their Families	88.5
Correction	111.5
Natural Resources	95.0
TOTAL	$2,900.0

(b) In the event Agencies listed in Subsection (a) of this Section are unable to meet Salary/Other Employment Costs requirements, the Agency can transfer operating funds, excluding debt service and One-Time Items into Salary and/or Other Employment Costs. These transfers shall not exceed the salary savings amounts listed for that Agency in Subsection (a) of this Section.

Section 18. 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 this Act.

Section 19. (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 20. Any employee eligible for termination pay, whose regular pay was from Special Funds, shall have termination pay paid from Special Funds. If the employee's regular pay is from both General and Special Funds, termination pay shall be on a pro-rata basis. Exceptions to this method of payment must have approval of the Budget Director and Controller General.

Section 21. Notwithstanding any other provisions of this Act, in the event the appropriation set forth in Section 1 of this Act to any Department or Agency for salaries and other employment costs 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 meet overall State salary and Other Employment Costs requirements. Such authorizations for transfer can be between Salaries and Other Employment Costs and shall be in writing and shall be fully documented.

Section 22. 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, 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.

Section 23. The abbrevlations set forth in Section 1 of this Act for Special Fund authorized positions means funding from the following:

ASF - Appropriated Special Funds

NSF - Non-appropriated Special Funds

Section 24. (a) The Fiscal Year 1987 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.

Section 25. Amend §6508, Chapter 65, Title 29 of the Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§6508. Annual Report

(a) All departments and agencies receiving appropriations from the State 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) 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 Departments 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.

(c) 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 26. Section 1 of this Act appropriates Maintenance and Restoration Funds to the following Departments:

(20) State
(30) Administrative Services
(35) Health and Social Services
(37) Children, Youth, and Their Families
(38) Correction
(40) Natural Resources and Environmental Control
(45) Public Safety
(65) Agriculture
(76) National Guard
(90) Higher Education - Delaware State College

A quarterly report of projects completed and under construction shall be submitted to the Budget Director and Controller General.

Section 27. For the fiscal year ending June 30, 1987, the Director of the Office of Planning and Coordination will be serving on the State Clearinghouse Committee in lieu of the Director of the Development Office.

Section 28. Title 29, Chapter 63, Delaware Code requires the Governor to submit a proposed budget in a zero-based budgeting format. For Fiscal Year 1987, this requirement is waived for those agencies which will be part of a pilot program to investigate and test alternative budget processes. The Budget Director is directed to report to the Governor and the General Assembly by March 31, 1987, as to his recommendations for implementing a new budget process with appropriate legislation for Fiscal Year 1989.

Section 29. Amend Section 7103a, Chapter 71, Title 29 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"§7103. Claims for mileage.

(a) Before any allowance for mileage shall be paid to any claimant therefor, the claimant shall set forth an itemized statement showing the number of miles traveled during the period for which such claim is filed. The total number of miles set forth in such claim shall be the total miles actually traveled in and about the business of the State, or of any agency of the State."

Section 30. The Fiscal Year 1987 Budget addresses in several budget units the impact of Federal Deficit Reduction. It is the intent of the General Assembly that these appropriations will sustain essential programs until October 1, 1986, when the second round of Federal Budget cuts are scheduled to transpire. In order to assess the impact of these cuts, each agency will report to the Budget Director and the Controller General, each program affected by Federal Deficit Reduction. The report will detail service reductions, salary cuts and administrative support impact for each Federal Grant by October 1, 1986.

The Budget Director and the Controller General will submit a report compiling this information to the Governor and the General Assembly on or before October 15, 1986, with recommendations as to how the State should deal with the reductions of Federal Funds. These recommendations should include, but not be limited to, alternative funding sources, program consolidation or deletion, supplemental General Fund appropriations or acceptance of program reduction. At the time of the submission of the report, the Budget Director and the Controller General will also recommend whether the agencies have sufficient resources to sustain the impacted programs until the General Assembly reconvenes in January, 1987, or whether additional appropriations would be necessary to sustain priority service delivery systems.

In the event that decisions concerning the reduction, reallocation or elimination of programs due to Federal Deficit Reduction must be made prior to January of 1986, the Joint Finance Committee shall meet to take such actions as deemed necessary. The Budget Director and the Controller General shall report any and all decisions made by the Joint Finance Committee to the entire General Assembly.

LEGISLATIVE

Section 31. For the fiscal year ending June 30, 1986, the appropriation of $30.0 and the $70.0 continuing appropriation of the Commission of Interstate Cooperation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 32. Of the total positions authorized in Section 1 of this Act for (01-08-01) Division of Research, the position of Research Assistant to the House and Senate Sunset Standing Committees shall be an exempt position and shall report to the Director, Division of Research.

Section 33. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-02) 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.

Section 34. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-02) for Contingency - Task Force Expenses. Requests from various task forces for travel expenses and meeting expenses shall be submitted to the Legislative Council for approval or disapproval. Approvals for travel expenses and meeting expenses shall be allowed within the limits of the appropriation and as provided by guidelines established by the Legislative Council.

Section 35. Section 1 of this Act provides an appropriation of $25.0 to the Office of the Controller General (01-08-02) for Farm Land Assessment. This amount shall be used to contract with the University of Delaware to provide data concerning farmland assessment.

JUDICIAL

Section 36. No funds are appropriated in Section 1 of this Act for Salaries in Judicial (02-00-00) for the purpose of "leveling up" salaries of non-Judiciary positions.

Section 37. Section 1 of this Act appropriates $10.0 to Contractual Services in the Supreme Court (02-01-01) that is contingent upon enactment of legislation mandating that magistrates in the Justice of the Peace Courts who do not hold law degrees take at least one course set forth in subsection (d), Title 10, Section 9210, Delaware Code. Should House Bill 567 of the 133rd General Assembly. (or similar legislation) be enacted, this appropriation is to be used to this end. Should House Bill 567 (or similar legislation) of the 133rd General Assembly not be enacted, this appropriation shall revert to the general fund.

Section 38. Section 1 appropriates ($10.0) to the Court of Chancery, Public Guardian (02-02-02) for the purpose of adequately caring for a ward or protected person until their income checks arrive and/or their property is sold. At such time as reimbursement is possible, this Fund shall be repaid.

This appropriation shall be a continuing appropriation. The Public Guardian will be held responsible for administering the Fund in accordance with Delaware law. A report must be filed with the State Budget Office and the Controller General on January 31, 1987, detailing the use of the Funds and the balance of the account as of December 31 of the previous calendar year. Future appropriations to maintain adequate cash flow will depend upon documented proof of recovery or efforts to recover loans.

Section 39. Section 1 of this Act provides funding and authorizes positions for two Law Clerks in the Superior Court (02-03-01). One of the Law Clerks so authorized shall be exclusively assigned to work in the Wilmington offices of said court. One Law Clerk so authorized shall work exclusively in Kent and Sussex Counties.

Section 40. Section 1 of this Act appropriates funding and authorizes positions to the Justice of the Peace Courts to expand operations at Court #18 (Gander Hill) from 8 to 16 hours per day. The Administrative Office of the Justice of the Peace Courts shall submit a report to the General Assembly concerning the activity experience of Justice of

the Peace Court #18 with regard to usage of the expanded hours of operation. A report covering activity experience from July 1st through December 31st of each year shall be submitted to the General Assembly on or before January 31st of the following year. A report covering activity experience from January 1st through June 30th of each year shall be submitted on or before July 31st of each year.

Section 41. The Legislature finds that through a cooperative agreement between the Division of Child Support Enforcement (35-10-01), Department of Health and Social Services, and the Family Court of Delaware (02-08-01), the Federal Government has been reimbursing the Court for General Funds disbursed for certain expenses incurred in the delivery of child support services by the Family Court of Delaware. The Legislature directs that:

(a) The Family Court of Delaware and the Department of Health and Social Services shall continue such cooperative agreement for the purpose of seeking appropriate reimbursement from the Federal Government for General and Appropriated Special Funds expended for certain expenses incurred in the delivery of child support services by the Court.

(b) Upon receipt of such reimbursement from the Federal Government, the Family Court of Delaware and the Department of Health and Social Services shall jointly remit such reimbursement into a Special Fund Account in the Office of the State Treasurer as established by the Budget Director.

(c) This Fund shall be utilized for determining the next Fiscal Year's Appropriated Special Funds appropriation for Family Court and any other Agency receiving Title IVD Funds as the Legislation so directs.

(d) The balance of the Special Fund Account not appropriated for the next Fiscal Year shall revert to the General Fund prior to December 31.

Section 42. The Fiscal Year in which bills are received will be the factor in determining the chargeable Fiscal Year for the Administrative Office of the Courts for payments to court appointed, non-contract attorneys for billings that span multiple Fiscal Years.

EXECUTIVE

Section 43. For the Fiscal Year ending June 30, 1987, the remaining balances in the Office of the Governor from Fiscal Year 1986 appropriations for Early Childhood Development Program and legal fees shall be continuing appropriations and shall not be subject to reversion until June 30, 1987.

Section 44. For the Fiscal Year ending June 30, 1987, the remaining balances of the Office of the Budget from Fiscal Year 1986 appropriations for Management Improvement Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987. 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 45. For the Fiscal Year ending June 30, 1987, the remaining balances of the Office of the Budget from Fiscal Year 1986 appropriations for Budget Automation Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 46. For the Fiscal Year ending June 30, 1987, the remaining balances of the Office of the Budget from Fiscal Year 1985 appropriations in account (10-02-01-03-85) shall be a continuing appropriation until such time as all services are performed.

Section 47. Section 1 of this Act appropriates to the Budget Office - Other Items (10-02-05) various funds for computer/word processing hardware and software and contemplates the development of computer-related systems. All such funding shall be transferred into the line Data Processing-Development Projects in Office of the Budget - Administration (10-02-01). The allocation of these funds shall be made by the Budget Director upon the approval of a formalized plan approved by the Department/Agency head and the Director of Planning Systems Development.

Section 48. (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.

(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.

(c) Section 1 of this Act provides appropriations in agencies' budgets for Supplies and Materials, which include funds for motor fuel. The Budget Director shall promptly allocate the motor fuel funds from the appropriations for Supplies and Materials among the object code items, i.e. Gasoline or Diesel in each agencies' 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 49. Any Budget Unit having energy funding (accounting codes 33, 34 and 35) for the purpose of reimbursing a host Budget Unit must release the remaining sums to the host Budget Unit in the event that the tenant Budget Unit vacates the premises. It is the responsibility of the host Budget Unit to initiate the transfer request.

Section 50. (a) The appropriation in Section 1 of this Act for Data Processing - Development Projects to the Office of the Budget (10-02-01), contemplates data processing services for State Department/Agencies development projects and feasibility studies:

DEPARTMENT/AGENCY	SERVICE NEED
Legislative	Legislative Information System
Judicial	BSP Implementation
Executive	
Governor	Governor MIS
Budget	Budget Information System
Personnel	Personnel MIS
DELJIS	Inmate Status Reporting
Insurance	Insurance MIS Implementation
State	Corporation's MIS Implementation
Finance	
Revenue	BSP Implementation
Accounting	DFMS Enhancement
Health and Social Services	Child Support System
DSCYF	BSP Development
Transportation	BSP Implementation
Elections	BSP Planning

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 Departments/Agencies during Fiscal Year 1987 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; and

(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 benefit of 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 51. 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. Any use of the Prior Years' Obligations Fund for Fiscal Year 1986 obligations, by any Agency receiving funds in Section 1 of this Act, in excess of the amount reverted on June 30 from the Fiscal Year 1986 applicable line code will require the requesting Agency or school district to reimburse the Prior Years' Obligation Fund by the amount equal to the excess requested. The reimbursement shall be removed from the current Fiscal Year's budget. The reimbursement clause shall not apply to legal judgments against the Agency or school district. A reimbursement under this Section shall not be deemed to be prohibited by Section 8111, Title 10, Delaware Code.

Section 52. For the fiscal year ending June 30, 1987, all the remaining balances up to $1,800.0 in the Budget Office Contingencies (10-02-04) from Fiscal Year 1986 appropriations for Contingencies shall be continuing appropriations to be utilized for data processing development projects and shall not be subject to reversion until June 30, 1987.

Section 53. Section 1 of this Act contains $175.0 for an energy contingency. The following nine sub-sections establish the rules of operation and eligibility for the contingency.

(a) This Section establishes rules for the use of the energy price contingency in the Contingency Budget Unit of the Budget Office, (10-02-04). The contingency will include the following energy types: electricity, natural gas, propane gas and numbers 2, 4, 5 and 6 heating oils.

(b) No Budget Unit may receive funds for electricity before May of the Fiscal Year nor before March of the Fiscal Year for gas and/or heating oils. No funds will be transferred from the contingency for an energy type (electricity, gas and heating oils) while surplus funds exist in other type or types of energy used by the requesting Budget Unit.

(c) No request will be allowed unless prices paid exceed 102 percent of the amount budgeted and then only for the amount in excess of 102 percent. The funding allowance for electricity will be limited to a maximum of 110 percent over the budgeted amount. The contingency will only cover the General Fund portion of the energy appropriations. The price paid per unit data will begin with the first billing received for Fiscal Year 1987. Any fine or late payment penalty paid will not be counted as part of an energy cost. No funding will be allowed for any Budget Unit which has supplied incorrect or

false data for any energy type.

(d) The University of Delaware does not receive its energy appropriations on the basis of consumption units. Therefore, it is not eligible to receive funding from this contingency.

(e) This contingency will not provide any funding for the consumption of energy units in excess of the amounts agreed to during the annual energy meetings. This includes facilities which were left out of the budgeting process due to lack of information being provided to the Energy Office, (30-05-03).

(f) The appropriation is based on the data supplied by the Agencies; therefore, it will be the requesting Budget Unit's responsibility to provide all data necessary to substantiate their request.

(g) Any heating oils payment which had a per gallon cost higher than the Division of Purchasing contract prices may not receive contingency funds for the cost over the contract price.

Section 54. The appropriation in Section 1 of this Act to the Budget Office - Contingencies (10-02-04) for Contingency - State Special Funds for $5,000.0 shall be used to make adjustments in the amount of State Special Fund appropriations in the event additional State Special Funds are received which were not previously anticipated. Such adjustments shall be made in accordance with the approval of the State Budget Director and the Controller General.

Section 55. Section 1 of this Act provides an appropriation to Budget Office - Other Items (10-02-05) for the Fiscal Year ending June 30, 1987. It is the intent that the appropriations for these Other Items shall be considered as one-time expenditure items. The appropriations as itemized in Section 1 of this Act are subject to transfer to Departments affected by the Budget Director. Each receiving Department shall identify the line item, object code and, for all practical purposes, complete and separate accountability for each appropriation amount transferred. No appropriation shall be transferred without the State Budget Director and Controller General approvals.

Section 56. Section 1 of this Act provides an appropriation to (10-02-05) Budget Office - Other Items for the fiscal year ending June 30, 1987. It is the intent that the appropriations for these Other Items shall be considered as one-time expenditure items. The appropriations as itemized in Section 1 of this Act are subject to transfer to departments affected by the Budget Director. Each receiving department shall identify the line item object code and, for all practical purposes, complete and separate accountability for each appropriation amount transferred. Also, any appropriation for a computer system, in any agency, is subject to and shall be administered by the State Budget Office through its Data Processing - Development Projects procedure.

Further, it is the legislative intent that none of the appropriation for Other Items be included, or be considered, as a part of the basic budget request for the Fiscal Year 1987 Appropriation Bill.

Section 57. Section 1 of this Act appropriates $989.3 to Postsecondary Education (10-02-07) as Scholarships. Of this amount, $50.0 shall be used for scholarship loans for the Christa McCauliffe Teacher Incentive Scholarship/Loan Program in accordance with the provisions of House Bill 707 of the 133rd General Assembly.

Section 58. Sections 8804 and 8805, Chapter 88, 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, 1987, this power, duty and function of the Director shall vest with the Budget Director.

Section 59. For the fiscal year ending June 30, 1987, 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 Chapter 88, Title 29, Delaware Code. The Budget Director will have the authority to implement the State-wide Telecommunications Strategic Plan and establish whatever structural changes in the current organizational structure that will be necessary to insure efficient and effective service delivery. The foundations for such changes will be clearly defined in the reports submitted by Network Strategies Incorporated and Hay Associates completed in Fiscal Year 1986.

(1) As part of the implementation of these reports, the Budget Director will

establish an "Information and Technology Advisory Committee" composed of representatives of diverse telecommunications, data processing, word processing, data base, and office automation needs and functions. Representation shall include members of each governmental branch; appointments shall be approved by the Budget Director following recommendation by appropriate department or agency heads.

It is the intent of this section that a close working relationship be established between the Information and Technology Advisory Committee and the Advisory Committee on Telecommunications Policy such that ultimately the two committees will be merged as one, to impart strategic direction on all aspects of Information Resource Management within the State.

Section 60. The Office of the Budget has established the function of State Data Base Administration. The Budget Director shall liberally construe the parts of this Section toward the end of constructing an integrated State-wide data base, capable of meeting the coordinated management informational needs of the three branches of state government. The responsibilities of this unit 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 state-wide Data Dictionary in which each element of data is defined, collection responsibilities are affixed, and data access by legitimate users clearly established.

No agency shall:

(1) Claim unreasonable proprietary ownership of public domain information needed by another agency in the performance of its lawful duties except as specifically excluded by the Delaware code.

(2) Create a computerized data base without the approval of the Budget Director or his designee.

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.

Section 61. Appropriations authorized in Section 1 of this Act for computers, telecommunications equipment, and systems development, will be deposited in the Development Fund to be controlled by the Budget Office.

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 Information Systems and Health and Social 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 or Health and Social Information Systems Units, which is funded or reimbursed 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 or Health and Social Information Systems in the Office of the Budget.

Section 63. (a) Section 1 of this Act provides an appropriation to the Health and Social Information Systems Budget Unit.

(b) Through this appropriation, 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.

(2) (i) All data processing personnel, hardware, software and other information resources currently under the management control of the Budget Director are to so remain.

(ii) Wherever resources continue to 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, and other support services, as defined by the Budget Director, necessary to accomplish the intent of this Section.

(c) Section 1 of this Act appropriates $693.5 to the Health and Social Services Information Systems Budget Unit for Contractual Services. Of this amount, $57.3 is to be used for new disk storage hardware to support new systems development for programs approved for FY 1987. In addition, $12.0 of the amount appropriated is to be used for security software to support federal data processing security and privacy requirements.

Section 64. The Office of the Budget has established the Office of Telecommunications Management. The Director, Office of Telecommunications Management shall:

(1) Cause a state-wide telecommunications plan to be implemented and maintained;

(2) Monitor and control the execution of said plan;

(3) Review and approve all agency plans, including budget requests and acquisitions with regard to telecommunications resources and activities;

(4) Report on status to the Advisory Committee as it requires;

(5) Provide technical assistance and consultation to State agencies with regard to meeting agency needs for the telecommunications goods and services;

(6) Coordinate telecommunications plans and activities with related state-wide information management functions.

(a) The Advisory Committee on Telecommunications Policy shall continue in operation under the Chairmanship of the Budget Director or his designee. Its members shall include:

Four members from the Legislature, two of whom shall be appointed by the President Pro Tempore of the Senate, and two appointed by the Speaker of the House of Representatives; the Secretary of the Department of Administrative Services; the Secretary of the Department of Finance; a representative of the Department of Public Instruction; the Secretary of the Department of Transportation and the Secretary of Public Safety. In addition, the Governor shall appoint the following persons to the committee: a representative of a major private company not in the communications business who has experience in implementing a major telecommunications system; a member of the tri-county association and a member of the Delaware League of Local Governments.

(b) The duties and responsibilities of the Advisory Committee, meeting at periodic intervals and/or at the call of the chairman shall be as follows:

(1) Provide overall policy direction to the Planning, Operation and Control of the Telecommunication function.

(2) Review and approve the State's Strategic Telecommunications Plan, and proposed policies and standards for plan implementation and control.

(3) Assist and consult with the Director, Office of Telecommunications Management, as he requires to discharge his duties and responsibilities.

Section 65. Section 1 of this Act provides an appropriation to (10-02-005) Budget Office - Other Items, Contingency - Other Items of $9,552.0 for the fiscal year ending June 30, 1987. It is the intent that the appropriations for these Other Items shall be considered as one-time expenditure items. The appropriations as itemized in Section 1 of this Act are subject to transfer to departments affected by the Budget Director. Each receiving department shall identify the line item, object code and, for all practical purposes, complete and separate accountability for each appropriation amount transferred. Also, any appropriation for a computer system, in any agency, is subject to and shall be administered by the State Budget Office through its Data Processing - Development Projects procedure.

Further, it is the legislative intent that none of the appropriations for Other

Items be included, or be considered, as a part of the basic budget request for the Fiscal Year 1988 Appropriation Bill.

Where applicable, the appropriations to (10-02-005) Budget Office - Other Items are subject to the following terms and conditions:

D-D-S	Amount	Purpose
01-01-01	$ 54.0	Sound System for House of Representatives
01-05-01	60.0	Delaware will host the Conference of Eastern Regional Council of State Governments for 1987. of this amount, $15.0 shall be transferred to 01-08-01, Office of Research, to be used to provide casual & seasonal employees to assist the Commission on Interstate Cooperation as necessary
01-08-02	15.0	Furniture for Joint Finance Committee Room
02-02-02	10.0	Special Fund Advance
	1.0	Typewriter
	8.3	Automobile
02-03-01	18.0	Board of Canvass
	16.6	Office Equipment and Furniture
02-06-01	12.3	Office Equipment and Furniture
	34.2	Furnishings - Renovated Public Building
02-08-01	32.2	Office Equipment, Furniture, Car
	60.0	Phones, Cable
02-13-01	75.2	Office Equipment
	9.1	Car
02-17-01	2.0	Office Equipment and Furniture
	30.0	Accounts Receivable System
02-17-03	8.3	Vehicle
02-17-04	142.0	Communications Network
	48.9	Legal Research/Equipment and Training
	119.0	Word Processing assessment and equipment
	43.3	Adabase and Natural Software
10-02-07	4.5	Computer Equipment
10-02-08	18.5	Computer Equipment
10-02-09	90.0	Water Tower
10-02-10	200.0	Statewide Information Resource Management
10-02-12	9.5	Vehicle
10-04-01	8.3	Vehicle
	10.0	Filing System
	120.0	Contractual Services to accomplish position review
	1,200.0	GAB Debt Repayment
12-02-01	38.1	Computerization of Audit Services
12-03-01	30.0	System Automation
12-05-01	50.0	In-House Reconciliation System
15-01-01	100.0	Computerization
15-02-01	20.0	Computerization
15-03-01	5.0	Computerization

20-05-01	100.0	Computer Hardware
20-06-01	75.0	Constitution Exhibit - Bicentennial
	20.0	Consultant - Bicentennial Coordination
	65.0	Heritage Commission - Bicentennial Events
	35.5	Microfilm - DMV Project Completion
	12.3	Microfilm - Motor Fuel Tax Project
	80.0	Microfilm - Climate Controlled Storage Rm
	15.0	Microfilm - Hi-Cube Truck
	100.0	Projects - Movie
	12.0	Station Wagon
	55.0	Abbotts Mill
	20.0	Step Van
20-15-01	125.0	Bank Examiner Training Fund
25-06-01	33.6	Office Automation System
	69.3	Business Accounts Receivable System
30-01-03	14.1	Telecommunications Equipment
30-03-01	5.5	Office Equipment and Furniture
	75.0	Computer
	8.0	Car
	12.7	Two-way Police Radios
30-05-05	17.0	Van
	200.0	Furniture and Equipment-Sussex Family Ct.
	3.0	Shop Machines and Tools
30-06-03	27.3	Truck Tractor
	22.0	Van
30-08-01	69.0	Computer
35-02-01	48.7	DFMS Enhancements
	9.6	Car
	150.0	Minor Capital Improvements - Depts.
35-03-01	1.6	Computer
35-04-01	70.0	Energy Conversion
35-05-02	72.0	Control Toxic Agents
35-05-03	9.6	Vehicle
35-05-04	7.5	Computer
	15.4	2 Vehicles
35-06-08	9.6	Mental Health - Vehicle
	9.6	Governor Bacon - Vehicle
	9.6	New Castle Community Mental Health Center - Vehicle
35-07-01	105.3	Delaware Client Information System Development
	18.7	GF Share of 3 vehicles and Office Furniture
35-08-01	7.5	Sheltered Workshop
	3.2	2 Air Conditioners and 2 Typewriters
	4.0	Patient Accounting Client Tracking/Terminal
35-10-01	12.5	Office Furniture
35-11-02	80.0	Start-up cost for two Group Homes for the Mentally Retarded
35-11-03	16.6	Vehicle
35-12-01	9.0	Computer for Volunteer Services Program
	42.5	PACT System Development
	11.4	Vehicle

35-14-01	10.0	Alzheimers - Information and Referral
37-02-01	31.4	Capital Outlay, New Castle County Service Unit Concept
	33.2	4 Cars
37-03-04	10.0	Repair A/C Centravac Unit
37-05-02	25.0	Ferris Planning Funds
	40.0	Ferris Architectural Design - Drawings
37-08-01	28.7	Department-wide Computer Hardware tie-in to CYCIS and DELJIS
	6.2	Case Management - New Castle County Court liaisons on-line access to CYCIS Network
40-01-01	500.0	Superfund
40-05-04	4.9	Steam Jenny
40-05-04	7.2	Vehicle
40-06-02	2.0	Historical Market - C.C.C.
40-06-02	150.0	Utilities & Sewer System at Trapp Pond
40-07-01	24.0	St. Jones River Project
40-07-02	11.0	Maintenance of Felton Drainage
	70.0	Derby Pond
40-08-02	149.2	Lab Equipment
40-08-04	18.7	Computer Equipment
40-09-02	125.0	Hazardous Spill Revolving Fund
40-09-03	30.3	Test Equipment
45-03-01	11.5	Mini-Van
	12.6	3 Oscilloscopes
45-04-01	16.2	Car System
45-04-02	8.3	Vehicle
45-06-03	25.0	Computers
45-06-05	30.0	Undercover Radios
45-06-05	17.0	Surveillance Equipment
45-06-06	35.0	Hangar Sussex County
45-07-01	4.8	Typewriters
	8.3	Vehicle
45-07-05	42.0	Emission Machines
	22.0	Brake Machine
	1.6	Typewriters
50-11-01	6.0	Word Processing
55-04-50	418.6	Safety Projects
60-06-01	1,745.0	Payment of debt owed to Unemployment Trust Fund
65-01-01	50.0	Capital items other than fleet vehicles or furniture
65-03-01	1.8	Plant Industry

65-03-02	11.0	Chemical Lab - Vehicle
70-01-01	11.4	One Full-size Station Wagon
	10.9	Printing/Binding
	63.8	Off-year Election Operations Costs
70-02-01	546.2	Off-year Election Operations Costs
70-03-01	90.6	Off-year Election Operations Costs
70-04-01	51.2	Off-year Election Operations Costs
75-01-01	6.2	Criminal Justice Terminal
	26.0	Radios
	10.0	Vehicle
75-02-01	10.0	Van
76-01-01	10.0	Army Guard Management Conference
	20.0	Air Guard 40th Anniversary Celebration
	11.0	Sedan
90-01-02	2.3	Tape Drive Logging Unit
90-03-04	28.0	Security Vehicles
	39.5	Tractor and Trucks
	16.0	Shop Machines and Tools
90-04-02	18.0	Southern Campus - Chillers
	3.0	Shop Machines
	5.0	Lab Equipment
	4.0	Books
	8.0	Computer Hardware
90-04-04	5.2	Lab Equipment
90-04-06	5.0	Equipment
	4.4	Shop Machines
	4.3	Computer Hardware
95-01-04	100.0	Management Information System Plan and Development

Section 66. Any Department with classified positions filled or unfilled and 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 67. Section 1 of this Act appropriates $185.0 for Other Items to Delaware Economic Development Authority (10-03-03). Of this amount, $45.0 shall be used in support of the Small Business Development Center and $30.0 shall be allocated for the Delmarva Advisory Council.

Section 68. During the Fiscal Year ending June 30, 1987, no Department or Agency shall engage a consultant or authorize expenditure of any General or Special Funds for the purpose of studying personnel policies and/or the wage and salary classification of employees without the written authorization of the Personnel Director and the concurrence of the Controller General.

Section 69. The sums appropriated in Fiscal Year 1987 to Criminal Justice Council (10-07-01) 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, 1987, 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.

OTHER ELECTIVE OFFICES

Section 70. For the Fiscal Year ending June 30, 1987, the remaining balance in the

Lieutenant Governor's Office from the Fiscal Year 1986 appropriation account for the Governor's High Tech Task Force (12-01-01-01-90) shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 71. Of the total positions authorized in Section 1 of this Act for (12-02-01) Auditor of Accounts, the position of Public Information Officer shall be exempt from classified service.

Section 72. Section 1 of this Act reflects for the Auditor of Accounts (12-02-01) sufficient State-match funding for Federally-mandated audit services.

Section 73. Section 1 of this Act provides General Fund appropriations and a General Fund position to the Insurance Commissioner - Office of Regulatory Activities (12-03-01) that are contingent upon the enactment of legislation enabling the semiannual collection of insurance premium taxes. The appropriations so contingent are as follows:

Salaries (1.0)	$26.8	(including $11.8 for Casual and Seasonal employment)
Other Employment Costs	3.2	

Should such legislation not be enacted, these appropriations shall revert to the General Fund and the position authorization shall be rescinded.

Section 74. (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, Worker's Compensation and Unemployment Compensation are reflected herein within each department or agency budget for the current fiscal year. These Other Employment Costs shall be calculated and charged to the appropriate funds as determined by the covered payroll and credited to the respective payee funds.

(b) The State Treasurer is hereby directed to collect on each pay cycle all the Other Employment Costs from all funds.

Section 75. The State Treasurer's Office, Administration (12-05-01) may request a transfer from the Budget Office prior year contingency fund for payment of any lost or outdated checks.

Section 76. Section 1 of this Act provides a Special Fund appropriation of $1,088.9 to the State Treasurer, Administration (12-05-01) Cash Management Policy Board, authorized by Chapter 27, Title 29, Delaware Code, for the purpose of providing staff support and operational expenses; including payment of fees for banking services. The $1,088.9 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 77. Three million three-hundred thousand dollars ($3,300.0) is hereby advanced from the General Fund of the State to the State Treasurer, Administration (12-05-01) in order that monthly advance payments can be paid for Health Insurance. This advance is to be repaid by June 30, 1987.

Section 78. Upon being notified of the death of an individual receiving a pension under the plan for Retired and Disabled Teachers, the Budget Director shall transfer $2.0 from an existing contingency line item in the Office of the Budget Director to the State Treasurer (12-05-01) Administration, for the purpose of paying a death benefit of $2.0 to his or her designated beneficiary or in the absence of a designated beneficiary, the amount shall be paid to the deceased pensioner's estate.

Section 79. Amend §8308(f), Title 29, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (f) to read as follows:

"(f) Each appointed member of the Board shall be paid $100 for each day devoted to Board business. Members shall be entitled to reimbursement for travel and other expenses made necessary by their official duties."

Section 80. In the event that the amount authorized in the memorandum budget in Section 1 of this Act for the State Treasurer, Pensions (12-05-02) 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 81. Section 1 of this Act authorizes $142.0 for Bond Issuing Expense in the Office of the State Treasurer, Debt Management (12-05-03), for payment of expenses relating to the issuance of State Long Term Debt. Disbursement from the Bond Issuance

Expense fund shall not be made without the prior approval of the State Treasurer and the Secretary of Finance.

LEGAL

Section 82. Section 1 of this Act authorizes an appropriation for Contractual Services for the Office of the Attorney General (15-01-01). Of this amount, $265.5 shall be used for the purpose of providing services covering family violence in New Castle County and $142.9 shall be used for the purpose of providing services covering family violence in Kent and Sussex Counties.

Section 83. Of the total Deputy Attorneys General authorized in Section 1 of this Act to the Office of Attorney General (15-01-01), two (2.0) shall be assigned to the Family Court for service in Kent and Sussex Counties. Additionally, one (1.0) Special Fund Deputy Attorney General shall be assigned to the Family Court to be used to increase the existing staff assigned to prosecute Child Support Cases."

Section 84. 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 (15-01-01), as authorized in Section 1 of this Act.

Section 85. The authorization of positions and appropriation in Section 1 of this Act for the Office of Attorney General (15-01-01) provides for the continuation of the position of Title Specialist III.

Section 86. Section 1 of this Act provides an appropriation for salaries to the Department of Justice, Office of the Attorney General (15-01-01). Included in this appropriation are funds sufficient to institute his proposed pay plan as set forth in Delaware Code.

Section 87. Section 1 of this Act includes an appropriation for Salaries to the Office of the Attorney General (15-01-01) Of the total appropriation for Salaries, $5.0 shall be distributed equally as a salary supplement for the five (5.0) state detectives employed by the office.

Section 88. Section 1 of this Act provides appropriation and authorizations for new General Fund positions to the Office of the Attorney General (15-02-01), Public Defender (15-01-01) and the Justice of the Peace Courts (02-13-01) as follows:

Budget Unit	Appropriation	Positions
Office of the Attorney General (15-01-01)	$38.9	2.0
Public Defender (15-02-01	$38.9	2.0
Justice of the Peace Courts (02-13-01)	$23.7	2.0

These appropriations and position authorizations are contingent upon the expansion of services of the Justice of the Peace Courts' Gander Hill facility from an 8 hour to a 16 hour daily operation. In the event that such expansion of services does not take place, the respective appropriations shall be reverted and the position authorizations shall be reduced.

Section 89. Amend Section 4344, Chapter 43, Subchapter IV, Title 11, Delaware Code, by striking the figure "75" as it appears in subsection (a) of said section and inserting in lieu thereof the figure "85".

STATE

Section 90. Section 1 of this Act makes an appropriation to the Department of State, Division of Historical and Cultural Affairs, Office of Administration (20-06-01) for Salaries and Other Employment Costs. Of those amounts, $16.7 and $3.3 shall be used to fund 1.0 General Fund position. This position shall be the Director of Folklore.

Section 91. Section 1 of this Act appropriated $5.0 casual/seasonal funding to the Bureau of Archives and Records Management (20-06-02) to assist in expansion of services to State and Local governments in records analysis and the identification and protection of vital records.

Section 92. Section 1 of this Act makes an appropriation to the Department of State, Division of Historical and Cultural Affairs, Bureau of Museums and Historic Sites (20-06-04) for Salaries - Casual and Seasonal. Of that amount, $8.0 shall be used for

Boxwood maintenance at the John Dickinson Mansion.

Section 93. Section 1 of this Act makes an appropriation to the Department of State, Division of Historical and Cultural Affairs, Bureau of Museums and Historic Sites (20-06-04) for Maintenance/Restoration. Of that amount, $2.5 shall be for the Hales Burns House.

Section 94. For the fiscal year ending June 30, 1987, the remaining balance in the Department of State, Bureau of Museums and Historic Sites One-Time appropriation (20-06-04-01-81) Fisher/Martin House Restoration from Fiscal Year 1986 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 95. For the fiscal year ending June 30, 1987, the remaining balance in the Department of State, Bureau of Museums and Historic Sites One-Time appropriation (20-06-04-01-83) Old Milford Post Office Restoration from Fiscal Year 1986 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 96. For the fiscal year ending June 30, 1987, the remaining balance in the Department of State, Bureau of Museums and Historic Sites One-Time appropriation (20-06-04-01-84) DeBraak from Fiscal Year 1986 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 97. For the fiscal year ending June 30, 1987, the remaining balance in the Department of State, Bureau of Museums and Historic Sites One-Time appropriation (20-06-04-01-85) Hale Byrns from Fiscal Year 1986 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 98. For the fiscal year ending June 30, 1987, the remaining balance in the Department of State, Microfilm Services One-Time appropriation (20-06-05-01-80) Microfilming Motor Vehicle Records from Fiscal Year 1986 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 99. Amend Section 530, Chapter 5, Title 29, Delaware Code by deleting Subsections (a) and (b) in their entirety and inserting in lieu thereof the following:

"(a) All General Fund appropriations authorized by the State's annual budget for Central Microfilming Services identified within each Agency budget should be credited by the Secretary of Finance to Central Microfilm Services Unit of the Bureau of Archives and Records Management, Division of Historical and Cultural Affairs.

(b) No expenditure in addition to those set forth in memorandum form and credited to the Central Microfilm Services Unit as provided for in Subsection (a) of this Section may be used for the development, implementation, or maintenance of microfilm programs or projects without the prior written approval of the Bureau of Archives and Records Management, Division of Historical and Cultural Affairs. Any programs and projects in operation must adhere to standards established by the Bureau to allow for ongoing program expenditures.

(c) Any program or function of any State Agency which is funded by Federal or other Special Funds, or any local government, which requires microfilm services, must include provisions for the anticipated cost of such services and payment thereof must be made by such Agencies to the Central Microfilm Services Unit of the Bureau of Archives and Records Management, Division of Historical and Cultural Affairs."

Section 100. All purchases or rental of hardware and equipment used to create, duplicate, process, read or print microfilm shall require the prior written approval of the Bureau of Archives and Records Management of the Division of Historical and Cultural Affairs. Also, all microfilm supply purchases must meet established standards and receive the Bureau's prior approval. The Department of Finance may not approve for payment any requests for micrographics-related purchases or rentals without such approval.

Section 101. Amend Section 501, Chapter 5, Title 29, Delaware Code by striking the last clause after the word ". . . facilities);" and substituting the following: ". . . the operation of a centralized microfilming program, at the full cost of such goods and services, in accordance with §6531 of this Title; and the prior approval of all General and Special Fund expenditures for micrographics equipment, supplies, and services for

State Agencies consistent with appropriate records management and archival standards."

FINANCE

Section 102. Section 1 of this Act provides $12.0 in the Contractual Services line of the Office of the Secretary (25-01-01) which shall be paid in support of The Council of State Governments' Governmental Accounting Standards Board Research Activity.

Section 103. In addition to the exempt positions permitted in 29 Del. C. Chapters 59 and 83, this budget authorizes the transfer of one position exempt from the classified service from the Division of Revenue (25-06-01) to the Office of the Secretary, Department of Finance (25-01-01) to be known as Accounting Systems Manager. The Division of Revenue shall have only one position exempt under 29 Del. C. §5903(5).

Section 104. 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 and for audits of out-of-State business. 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. A detailed report on all expenditures from and collections to this special fund shall be sent bi-annually to the Budget Director and the Controller General.

Section 105. The Division of Revenue is authorized to charge personal income tax "check-off program" recipient agencies an amount equaling 5% of each program's gross collections not to exceed $2.0 per program. On receipt of said remittances, the Division of Revenue shall promptly place an amount equaling 50% of each remittance received into the Non-game Fish and Wildlife, Non-game Habitat and Natural Areas Preservation Fund to partially reimburse said fund for initial systems development charges. This is to acknowledge that the systems development effort was on behalf of said fund and the cost should be shared by all participating agencies.

Section 106. The Director of Revenue shall have the authority to enter into agreements according to which contingency fees are provided to finders of property to be escheated to the State. When the Director deems it to be appropriate, he may enter into escrow, custodian, or similar agreements for the purpose of protecting the State's interest in property to be escheated or fees payable pursuant to the aforesaid agreements. The Director may direct that payment for said fees or other costs incident to escheat of property under the aforesaid agreements be made out of such money held in the escrow, custodian, or other account established under this paragraph. No account shall be used to pay for employees of the Division of Revenue. A quarterly report of amounts in escrow or custodian accounts shall be furnished to the Budget Director and Controller General.

Section 107. Amend §322, Chapter 3, Title 30, of the Delaware Code, by striking the amount "$4,500" as it appears in the first sentence of said subsection and substituting in lieu thereof the amount "$5,500."

Section 108. (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, 1987, shall not exceed 20 percent of gross sales as limited by Chapter 48, Title 29, Delaware Code.

(b) The memorandum budget for the State Lottery (25-07-01) 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.

ADMINISTRATIVE SERVICES

Section 109. 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 110. Amend §7002 (e), Chapter 70, Title 29 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(e) The term "excess", as used in the Section, shall not apply to used materiel which is being replaced in kind. In the event an Agency determines to replace materiel, the Agency may "trade in" such materiel on similar materiel; with the exception of vehicles in accordance with Subsection (i) of §6902 of this title, or it may sell such materiel and credit the receipt in accordance with Subsection (c)of §6102 of this title. If the materiel to be sold has an estimated value in excess of $100, it shall be sold by public auction or pursuant to competitive bids in accordance with regulations promulgated by the Department of Finance. Nothing in this Section shall interfere with the right of the Department to transfer or sell such equipment within the State to approved applicants as defined in §8807 (a)(1)c of this title at mutually agreed values prior to the public auction. The sale shall be conducted for the Agency by the Department of Administrative Services upon written request of the Agency."

Section 111. Amend Section 8803, Title 29 of the Delaware Code by adding a new paragraph (14) to read as follows:

"To negotiate, review and approve on behalf of all State departments and agencies all leases and lease renewals for facilities throughout the State".

Section 112. Amend Section 8808, Title 29 of the Delaware Code by adding a new paragraph (f) to read as follows:

"(f) The Division of Facilities Management shall be responsible for:

(1) Negotiation of all leases on behalf of all State departments and agencies for facilities throughout the State.

(2) Establishment of Statewide policies and standards for all leases including: space allocation; energy efficiency; maintenance, security and custodial services.

(3) Development of an inventory of all State leases and space available in all State facilities.

(4) Development of a long-term plan to coordinate the State's leasing practices with a comprehensive plan of facilities management and space allocation."

Section 113. Amend Subsection (c), Section 8813, Chapter 88, Title 29 of the Delaware Code by substituting a new Subsection (c) to read as follows:

"(c) Each Department/School District shall appoint one individual to serve as the Department's/School District's Fleet Representative. It shall be the responsibility of each Fleet Representative to coordinate the activities of fleet administration, as defined by the Fleet Management Administrator, within the respective Departments and School Districts. These activities include, but are not restricted to the following:

(i) Serve as the contact person for the respective Department/School District, as it relates to passenger vehicles.

(ii) Disseminate policies, procedures, and/or standards, as established by the Office of Fleet Management, within the respective Department/School District.

(iii) Complete and submit all vehicle reports as required by the Office of Fleet Management.

(iv) Coordinate with the Office of Fleet Management disposition of passenger vehicles for the respective Department/School District.

(v) Notify the Office of Fleet Management of any change in status relating to passenger vehicles within the respective

Department/School District."

Section 114. One million three hundred and fifty seven thousand two hundred dollars ($1,357.2) is hereby advanced from the General Fund of the State to the Division of Support Operations (30-04-00) in order that telephone charges can be paid on a reasonable timely basis.

Section 115. One hundred and twenty thousand dollars ($120.0) is hereby advanced from the General Fund of the State to the Division of Support Operations (30-04-00), in order that postage charges can be paid on a reasonable timely basis.

Section 116. All State Agencies are directed to remit payment for services received by the Division of Support Operations (Messenger Services, Telephone Services, and Graphics and Printing) within thirty (30) days after receipt of invoice. Services may include postal metering, paper supplies, facsimile, printing, telephone, photocopiers, etc.

Section 117. If a timely payments problem exists, the Department of Administrative Services may require all Agencies and School Districts paying telephone system payments through the Telephone Services Budget Unit (30-04-03) to make monthly estimate payments toward their telephone bills. The estimate payment is due within five working days of the beginning of each month. The estimate payment should equal the average of the last three months of actual reconciled payments; or, payments based on a schedule established by the Telephone Services Budget Unit. The Telephone Services Budget Unit will continue to be responsible for the actual payments to the telephone companies and the reconciliation of accounts with the user Agencies and School Districts.

Section 118. For the Fiscal Year ending June 30, 1987, any remaining sum in the Asbestos Control Account (30-05-01-0181) on June 30, 1986, shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 119. Section 1 of this Act provides an appropriation for the Department of Administrative Services, Carvel Building (30-05-04) for Salaries for nine (9.0) positions. Of the positions authorized, one shall be for the provision of public information.

Section 120. With the exception of the custodial work associated with Legislative Hall and the Governor's Office, during Fiscal Year 1987, the Department of Administrative Services (30-00-00) may not hire any permanent (full-time) custodial employees without the approval of the Budget Director and the Controller General. Any custodial positions vacated during Fiscal Year 1987 will be deleted from the complement of custodial employees except the Secretary of Administrative Services is authorized to reestablish the first two vacant custodial positions during F.Y. 1987 as new positions within the Division of Facilities Management/Administration (30-05-01) through the normal process of establishing new positions through the State Personnel Office. In order to continue the custodial work, the Department of Administrative Services will be allowed to transfer salary funds to casual and seasonal salaries or to contractual services for the purpose of additional custodial contracts. This Section does not preclude the necessity of complying with the established funding transfer process.

Section 121. (a) During Fiscal Year 1987, the Division of Purchasing (30-06-00) will distribute the Delaware Code Supplement copies per Title 1, Chapter 1 of the Delaware Code to the extent possible with the number of copies provided by the Code Revisors Budget Unit (01-08-03). Funding for any additional copies will be the responsibility of the requesting Agency.

(b) During Fiscal Year 1987, the Purchasing Office Budget Unit (30-06-02) is required to purchase twenty two complete sets of the Delaware Code at a sum not to exceed $13.2. Funding for any additional copies will be the responsibility of the requesting Agency.

Section 122. Section 1 of this Act provides an appropriation for the Department of Administrative Services, Division of Occupational and Health Licensing (30-08-01). It is the intent of the General Assembly that those regulatory agencies included within that appropriation and located in the Margaret M. O'Neill Building in Fiscal Year 1986 shall remain at that location in Fiscal Year 1987.

Section 123. 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 124. Section 1 of this Act appropriates Special Funds for the Public Utilities Control budget unit per Chapter 1, Title 26, Delaware Code. Of the amount appropriated for Contractual Services, $99.4 is available for the Office of Public Advocate to perform studies consistent with the goals and objectives of the Public Utility Revolving Fund as defined in Chapter 1 referenced herein. The Budget Director with concurrence of the Controller General is authorized to transfer up to $99.4 to the Office of the Public Advocate.

Section 125. Amend Title 26, Chapter 1, Subchapter 1, Section 116 paragraph (f), Delaware Code by striking paragraph (f) in its entirety and substituting, in lieu thereof, a new paragraph (f) to read as follows:

"(f) The maximum balance which shall remain in the Delaware Public Service Commission Regulatory Revolving Fund at the end of any fiscal year shall not exceed $500,000 in addition to the annual appropriation for the next fiscal year as authorized by the General Assembly for the operation of the Commission. Any amount in excess thereof shall be reverted to each public utility in an amount proportionate to the sum paid by that public utility in the previous calendar year pursuant to subsection (b) of this section."

HEALTH AND SOCIAL SERVICES

Section 126. For the fiscal year ending June 30, 1987, from the remaining balances of the Department of Health and Social Services from the Fiscal Year 1986 appropriation in account (35-07-01-01-84), the amount of $102.0 shall be a continuing appropriation for the purpose of purchasing five (5) vans for the Division of Mental Retardation, Community Mental Retardation Program.

Section 127. For the fiscal year ending June 30, 1987, from the remaining balances of the Department of Health and Social Services from the Fiscal Year 1986 appropriation in account (35-07-01-01-84), the amount of $57.5 shall be a continuing appropriation for PACT system development.

Section 128. For the fiscal year ending June 30, 1987, from the remaining balances of the Department of Health and Social Services from the Fiscal Year 1986 appropriation in account (35-07-01-01-84), the amount of $100.0 shall be a continuing appropriation for the State Income Eligibility Verification System Development.

Section 129. During Fiscal Year 1987, resources in the Department of Health and Social Services attributable to Child Mental Health outpatient clinic services shall be transferred to the Department of Services for Children, Youth and Their Families. Once this transfer has taken place, responsibility for all Child Mental Health Services will be that of the Department of Services for Children, Youth and Their Families. Child Mental Health resources within the Department of Health and Social Services to be transferred shall be mutually agreed upon by the Secretary of Health and Social Services and the Secretary of the Department of Services for Children, Youth and Their Families on or before September 1, 1986. If no mutual agreement exists on or before September 1, 1986, the Director of the Office of Planning and Coordination will recommend to the Budget Director and Controller General the appropriate Child Mental Health resources to be transferred. Such recommendation is to be made on or before October 1, 1986. The transfer of Child Mental Health resources by the Budget Director and the Controller General will be effective January 1, 1987.

Section 130. For the fiscal year ending June 30, 1987, from the remaining balances of the Department of Health and Social Services from the Fiscal Year 1986 appropriations for the Medicaid State Institution line, the amount of $50.0 shall be a continuing appropriation and shall be allocated to the Contractual Services line in (35-07-01) for Fiscal Year 1987. These funds shall be used to contract for 24-hour emergency nursing home services.

Section 131. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for Contractual Services. Of that amount, $100.0 shall be made available for the Low Birth Weight Infant Transport Program. Third-party reimbursement, when available, shall be sought from users of this service. Such third-party reimbursement, when received by the Department, shall be deposited into the General Fund.

Section 132. Section 1 of this Act provides an appropriation of $103.6 in

appropriated Special Funds and three (3.0) positions in Community Health (35-05-02) for the purpose of establishing a Delaware Health Statistics Program which would collect, maintain and analyze health related data in order to assist the health community in planning, administering and evaluating the quality, quantity and appropriate combination of health services.

Revenues for the purpose of funding this program shall be derived from the sale of copies of vital statistics records for birth, death and marriage certificates. A holding account shall be established in the division with the approval of the Budget Director for this purpose.

Section 133. Section 1 of this Act provides for an appropriation of $5.0 to Community Health (35-05-02) 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 (45-08-01), Division of Public Health (35-05-00), and the Division of Air and Waste Management (40-09-00), shall coordinate in providing this radiation monitoring service.

Section 134. Section 1 of this Act provides an appropriation to (35-05-02) Division of Public Health, Community Health, Department of Health and Social Services for Contractual Services. Of this amount $94.6 shall be utilized for the Cancer Registry Program.

Section 135. The Department of Health and Social Services shall continue in Fiscal Year 1987 to provide the functions of Drug and Alcohol Services and Family Guidance Services to the Department of Services for Children, Youth and Their Families. Funds to fulfill this provision are provided in Section 1 of this Act in the Bureau of Alcohol and Drug Abuse (35-06-08), Kent/Sussex Health Centers (35-06-03) and Wilmington/New Castle Mental Health Centers (35-06-05).

Section 136. (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

(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.

(19) Private duty nursing services with limitations

(20) Nurse - midwife services

(21) Services provided to eligible individuals in the home or community offered under a Federal waiver pursuant to Section 2176 of the Omnibus Budget Reconciliation Act of 1981, as an alternative to institutionalization, including but not limited to:

(a) Case Management

(b) Clinical support

(c) Day Habilitation

(d) Residential Habilitation

(e) Respite Care

(f) Homemaker Services

(g) Adult and Medical Day Care

(h) Emergency response systems

(i) Medical Equipment, supplies and appliances

(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.

(d) Certain disabled children, age 18 or under, who are living at home, who would otherwise be eligible, if they were in a medical institution, for SSI or a State supplemental payment under Title XVI of the Social Security Act and, therefore, for Medicaid under the State Plan.

Section 137. Section 1 of this Act includes an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for Contractual Services. Of that amount, $77.0 shall be used for the purpose of providing school nursing services three (3) days a week to non-public schools in New Castle County.

Section 138. Section 1 of this Act provides for an appropriation for Contractual Services to the Department of Health and Social Services, Division of Mental Health, Bureau of Alcohol and Drug Abuse (35-06-08). Of that amount, $20.0 shall be contracted with ANKH, Inc. to provide counseling and other services for women in Sussex County.

Section 139. Section 1 of this Act provides an appropriation for Contractual Services to (35-11-02) 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 140. The Secretary of the Department of Health and Social Services shall annually issue a report to the Budget Director and Controller General on what the Health Care Cost Containment Program has accomplished relative to containing health care costs.

Section 141. Results of investigations conducted by the Welfare Fraud Investigation Unit concerning General Assistance and Aid to Families with Dependent Children cases that indicate possible error or fraud shall be transmitted to the Office of the Attorney General directly by the Secretary of the Department of Health and Social Services 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 Secretary of the Department of Health and Social Services shall file a quarterly report directly with the Budget Director, 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 142. Appropriated in Section 1 of this Act in the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) in Contractual Services, is funding for Hazardous Chemical Enforcement in the amount of $95.7.

Section 143. For Fiscal Year ending June 30, 1987, the remaining balance of the WIN/WEL line in (35-07-01) from Fiscal Year 1986 appropriations shall be a continuing appropriation and shall not be subject to reversion.

Section 144. Section 1 of this Act includes funding for a 30% salary supplement to be paid to professional educators who are otherwise eligible and employed by the Department of Health and Social Services, Department of Services for Children, Youth and Their Families, and Department of Correction.

Section 145. Amend Section 503, Chapter 5, Title 31, Delaware Code by striking the second paragraph of Subsection (d) in its entirety and substituting in lieu thereof the following:

"The standard of need for Aid to Families with Dependent Children on and after October 1, 1986, shall be as follows, based on family size:

1-person household	$164.00 per month
2-person household	$229.00 per month
3-person household	$310.00 per month
4-person household	$363.00 per month
5-person household	$450.00 per month
6-person household	$514.00 per month
7-person household	$577.00 per month

and $58.00 per month for each additional person beyond seven in the household who qualifies for assistance."

Section 146. Section 1 of this Act provides for a appropriation for Contractual Services to the Department of Health and Social Services, Division of State Service Centers, (35-12-01). Of that amount $50.0 shall be used to contract for information services. Funds shall be expended only for those items specifically enumerated in the contract. Funds remaining unexpended as of June 30, 1987, shall revert to the general fund.

Section 147. Section 1 of this Act provides funding for the Office of Narcotics and Dangerous Drugs in the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) in the various salary and non-salary lines totaling $315.7. Of these amounts, $5.0 for Salaries-Overtime, $5.0 for Contractual Services and $10.0 for Supplies and Materials shall be expended solely at the discretion of the Director of the Office of Narcotics and Dangerous Drugs.

Section 148. Section 1 of this Act provides an appropriation for Salaries, Other Employment Costs and Contractual Services in the Department of Health and Social Services, Division of Public Health, Delaware Hospital for the Chronically Ill (35-05-04). Of these amounts, $19.3, $5.2 and $67.0 shall be in addition to Fiscal Year 1986 general fund resources for the Young Adult Unit. The Salaries and Other Employment Costs will provide for a 1.0 General Fund Program Coordinator.

Section 149. Section 1 of this Act includes an appropriation to the Department of Health and Social Services, Division of Public Health, Delaware Hospital for the Chronically Ill (35-05-04) for Contractual Services. Of that amount, $192.3 shall be for the Adult Medical Day Care Program.

Section 150. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of State Service Centers (35-12-01), for Contractual Services. Of that amount, $130.0 is to be matched by Human Service Agencies that offer shelter as part of their human service functions. This match is to be 50% State and 50% Human Service Agency. The match may be made with in-kind services. The Secretary of the Department of Health and Social Services shall formulate a list of certified shelter facilities in this State for this program.

Of the above amount, $40.0 shall be used for a Pilot Project for New Castle County to reserve beds at shelter facilities certified by the Department of Health and Social Services.

Section 151. Section 1 of this Act provides an appropriation to (35-06-05) Division of Alcoholism, Drug Abuse and Mental Health, Wilmington/New Castle Mental Health Centers, Department of Health and Social Services for Contractual Services. Of this amount, $10.0 shall be utilized for drug counseling at the Claymont Service Center.

Section 152. Section 1 provides an appropriation in the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-02), for Contractual Services. Of that amount, $73.2 shall be used for inoculations to prevent childhood diseases by using the new vaccine B-Capsa I. The eligibility requirements for participation in this program shall be developed by the Secretary of the Department to insure that priority will be given to low income families.

Section 153. Section 1 of this Act provides for an appropriation to the Department of Health & Social Services, Division of Alcoholism, Drug Abuse and Mental Health, Bureau of Alcohol and Drug Abuse (35-06-08) for salaries & wages, other employment costs and non-salary items. Included in this appropriation is funding for a Monitoring and Liaison Officer position. This individual, reporting to the Bureau Chief of the Bureau of Alcohol and Drug Abuse, will serve as a liaison with the Division of Motor Vehicles, Department of Public Safety, the licensed private agencies providing evaluations and treatment services for those referred to the program for DUI offenses and the alcohol and drug screening and evaluation team, (SET) in the Bureau of Alcohol and Drug Abuse. The SET team will provide to the Division of Motor Vehicles, independent, professional review of any appeals which may arise from clients.

Section 154. During Fiscal Year 1987 the Department of Health and Social Services may not back charge the Department for Services to Children, Youth and Their Families for energy dollars, object codes 33, 34 and 35, in excess of the amounts budgeted.

Section 155. For the Fiscal Year ending June 30, 1987, 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 156. If, at any time during the Fiscal Year ending June 30, 1987, 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 157. 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 (35-02-01), in order that the Public Welfare Revolving Fund emergency checks can be paid on a timely basis and without interruption.

Section 158. Amend Chapter 5, Title 31 of the Delaware Code, by creating a new Section 521 to read as follows:

"Section 521 Emergency and Disaster Assistance

Funds appropriated 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 $200 for any one such household in the Fiscal Year ending June 30. 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) 20 percent of the total emergency fund appropriation shall be allocated promptly in the first quarter of the State Fiscal Year;

(b) 25 percent of the total emergency fund appropriation shall be allocated promptly in the second quarter of the State Fiscal Year.

(c) 30 percent of the total emergency fund appropriation shall be allocated promptly in the third quarter of the State Fiscal Year; and

(d) 25 percent of the total emergency fund appropriation shall be allocated promptly in the fourth quarter of the State Fiscal Year."

Section 159. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Alcoholism, Drug Abuse and Mental Health, Bureau of Alcohol and Drug Abuse for contractual services (35-06-08). Of that amount $45.0 shall be used to contract for Compulsive Gambling Services.

Section 160. Section 1 of this Act provides an appropriation of $101.7 to the Division of Business Administration and General Services (35-02-01) for enhancements to the Delaware Client Information System (DCIS). This amount and any related Special Funds shall be transferred to the Office of Information Systems (10-02-11) in the Budget Office.

Section 161. Section 1 of this Act includes an appropriation in Contractual Services to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-02). Of that amount $154.5 shall be made available for prenatal care. Of the aforementioned amount, $82.3 shall be used to establish a pilot program in Kent and Sussex Counties for the provision of maternity services to low income women with a focus on high-risk pregnancies. These funds would be used to contract with private physicians solely for the provision of physician consultation, risk evaluation, prenatal diagnostic testing and laboratory testing. As a condition for participating in this program, physicians shall agree to provide labor and delivery services to these clients at no cost to the State and with consideration for the client's ability to pay.

Section 162. Section 1 of this Act provides an appropriation of $1,109.0 for contractual services to the Bureau of Alcohol and Drug Abuse (35-06-08). Of this amount, $135.0 shall be used for the purpose of providing contracted alcohol and drug

treatment and rehabilitation for individuals under the jurisdiction of the Department of Correction.

Section 163. Section 1 of this Act provides an appropriation for contractual services to the Division of Economic Services (35-07-01) of $1,817.7. Of that amount, $200.0 shall be used to enter into performance based contracts with private sector service providers to provide basic remediation skills and group job search activities to targeted AFDC recipients. The goal of this program is placement either into unsubsidized employment or into a bona fide job training program leading to employment.

The Division of Economic Services is directed to coordinate their efforts in the development and operation of this program with the Departments of Labor and Public Instruction and the Delaware Private Industry Council in order to maximize available program funds and avoid duplication of services.

Section 164. (a) Section 1 of this Act provides an appropriation of $1,817.7 for contractual services to the Division of Economic Services (35-07-01). Of that amount, $100.0 shall be used, commencing January 1, 1987 to provide medical coverage for AFDC recipients for the first year of employment as specified.

(b) The program will serve persons who are removed from the welfare rolls and lose their Title XIX (Medicaid) coverage because of employment; who are not covered by medical insurance plans offered by their employers or who have to pay for such coverage; who are not eligible for any other medical insurance plans and whose income is too low to enable them to pay for individual health insurance plans. The program shall not pay for health benefit costs that would otherwise be paid by the employer for individuals in a similar work situation.

Medical assistance may be reimbursed in the following ways:

(1) If the employer has a health insurance plan paid for by the employee, the program may pay all or part of the costs;

(2) If the employer does not have a health benefits plan, the participant may be enrolled in an HMO; or

(3) Where there is neither a health plan nor an available HMO, the program is to contract with medical providers to case manage the enrollee under a capitation rate, to assure that covered health care services are delivered efficiently, appropriately and in the most cost effective manner consistent with good care.

(c) The Division of Economic Services is to develop policies and procedures detailing eligibility, covered services, service limitations, administration and other program elements.

(d) Because this pilot program is entirely State funded, the provisions of Title XIX (Medicaid) are not applicable. The Division of Economic Services may assign recipients to providers, establish limitations, request partial payments or develop any other program guidelines which are compatible with cost containment as well as access to health care.

(e) The Secretary of the Department shall provide an evaluation report to the Controller General and the Budget Director on the costs and benefits of this pilot program as well as recommendations for the future, no later than one year after the start of the program.

(f) Eligible persons shall be enrolled in this program to the extent that funds are appropriated and available.

Section 165. Section 1 of this Act provides a one-time appropriation of $7.5 from the Budget Office Contingency Fund (10-02-04) to the Division for the Visually Impaired (35-08 01) for one half (.5) of a General Fund position for a sheltered workshop.

The other half of the position shall be funded through revenues from the sale of items produced by participants in the sheltered workshop. Commencing July 1, 1987, this position shall be entirely funded from revenues generated by the program.

Section 166. Section 1 of this Act includes an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for Salaries and Other Employment Costs. Of that amount, $17.5 shall be used to fund 1.0 General Fund position (Speech Pathologist) for the PDDEN Program.

Section 167. For the Fiscal Year ending June 30, 1987, the remaining balances of the Bureau of Drug Abuse from Fiscal Years 1985 and 1986 appropriations in accounts (35-06-08-01-80) and (35-06-08-03-80) shall be a continuing appropriation until such time as all services are performed.

Section 168. For the Fiscal Year ending June 30, 1987, the remaining balance of the Division of Business Administration and General Services from the FY86 appropriation in account (35-02-01-01-89) shall be a continuing appropriation until such time as all services are performed.

Section 169. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for Contractual Services. Of that amount, $125.0 shall be used to contract for nursing services in the community for Alzheimer's patients.

Section 170. Section 1 of this Act includes an appropriation for Salaries and Other Employment Costs in the Department of Health and Social Services, Division of Mental Retardation, Office of the Director (35-11-01). Of those amounts, $38.2 and $8.1 respectively shall be used for 2.0 additional Public Health Nurse Consultants for the Early Intervention Program. These new positions, when added to the current complement will result in 5.0 total positions for this program. Three (3.0) positions shall be assigned to New Castle County, 1.0 position to Kent County and 1.0 position to Sussex County.

Section 171. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for Contractual Services. Of that amount, $18.0 shall be made available to the Office of Emergency Medical Services for operations.

Section 172. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Economic Services (35-07-01) for Medicaid for State and Non-State Institutions. Included in these appropriations is funding to provide a personal needs allowance of $31 per month for each Medicaid patient in State and Non-State institutions.

Section 173. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of State Service Centers (35-12-01), for Salaries and Other Employment Costs. Of those amounts, $36.6 and $9.8 respectively shall be used for 2.0 Regional Coordinator positions. One position will be for New Castle County and the other for Kent/Sussex Counties.

Section 174. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for "Tuberculosis Services". These funds shall be used to contract for Tuberculosis Services and shall not be transferred and expended for any other purpose. Funds remaining unencumbered and unexpended as of June 30, 1987, shall revert to the general fund.

Section 175. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Mental Retardation, Community Mental Retardation Programs (35-11-03), for Purchase of Community Services. Of that amount, $212.9 shall be used to provide a day program for 40 additional clients 21 years of age or older from the community as well as those clients from 2 additional group homes to open during Fiscal Year 1987.

CHILDREN, YOUTH AND THEIR FAMILIES

Section 176. It is the intent of the General Assembly to commission a private consultant to review and assess the organizational structure and operations of the Division of Child Protective Services. An Advisory Committee of six individuals, with two each appointed by the President Pro Tempore and the Speaker of the House, in addition to the Budget Director and the Controller General, shall request that the Bar Association develop and issue a Request for Proposal (RFP) to undertake such a study. The RFP is to be reviewed by a national organization (such as the Children's Defense Fund) which will serve as a consultant to the Advisory Committee overseeing work by the firm selected by the Bar Association in conjunction with the National Organization. The report, in final form, shall be submitted to the Governor, General Assembly and Secretary of the Department of Services for Children, Youth and Their Families on or before March 31, 1987.

Section 177. Funds which are appropriated for foster care of children in Section 1 of this Act in the Department of Services for Children, Youth and Their Families,

Division of Child Protective Services (37-02-01), 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, 1986, the goal will be 175 children. This goal-setting statement is required by the Federal Adoption Assistance and Child Welfare Act (P.L. 96-272).

Section 178. Section 1 of this Act provides an appropriation to the Division of Program Planning and Productivity, Office of Prevention (37-08-03), in the line item "Parent Training". Of that amount, $47.2 is for the purpose of contracting for a Parent Education Program.

Section 179. Section 1 of this Act provides an appropriation for Contractual Services to (37-08-01) Program, Planning and Productivity, Department of Services for Children, Youth and Their Families. Of this amount, $23.5 shall be used to contract with the State Fire Marshal for Day Care inspection services.

Section 180. Section 1 of this Act provides an appropriation to the Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitation Services, Office of the Director (37-05-01) for Contractual Services. Of that amount, $217.0 shall be used to contract for a Marine Studies Day Program in Sussex County. Such program shall commence on or about September 1, 1986.

Section 181. Two (2.0) Human Service Worker positions in the Residential Treatment Center (37-03-02) budget unit shall be deleted effective 01/01/87 if the Brandywine Residential Treatment Center is not in operation.

Section 182. Section 1 of this Act makes an appropriation to the Department of Services for Children, Youth and Their Families, Division of Child Protective Services (37-02-01), for Child Assistance. Of that amount, $297.7 will be to provide increases in board payments to foster care parents to 85% of the U.S.D.A. low cost estimate.

Section 183. Section 1 of this Act provides an appropriation for rent in Contractual Services department wide in the Department of Services for Children, Youth and Their Families (37-00-00). Of that amount, $63.4 shall be reallocated to the closed RTC contract in Sussex County. These funds are available due to decreased rental costs for the Department's Administrative Offices.

Section 184. For the Fiscal Year ending June 30, 1987, the remaining balances of the Office of the Secretary, Murphy Retrofit (37-01-01-01-81) and Energy Projects - Murphy (37 01-01-01-88), from Fiscal Year 1986 appropriations shall be continuing appropriations and shall not be subject to reversion until June 30, 1987.

Section 185. This section authorizes the Department of Services for Children, Youth and Their Families, Office of Case Management (37-08-02), to create an intradepartment Family Case Management Project for a six (6) month period beginning October 1, 1986 and ending March 31, 1987. This Section authorizes the creation of six (6) temporary positions and classifications for the period identified as follows: One Supervisor of Family Case Managers, four Family Case Managers, and one Typist. Salaries and Other Employment Costs for these positions shall be paid with recommended Department salary and wages and other employment costs appropriations as identified in Section 1 of this Act.

Section 186. The Secretary of the Department of Services for Children, Youth and Their Families shall keep the General Assembly informed about any and all developments relating to the possible sale of any portion of the Ferris School property.

Section 187. Section 1 of this Act provides an appropriation to the Department of Services for Children Youth and Their Families, Division of Child Mental Health Services, Office of the Director for Salaries. Of that amount, $59.5 shall be used to fund a permanent Director of this Division. This amount of Salaries shall not be used to fund an Acting Director.

CORRECTION

Section 188. (a) Of the total positions authorized in Section 1 of this Act for (38-04-07) Morris Correctional Institution, two (2) positions shall be used to continue the existing highway beautification project in the Central District.

(b) Of the total positions authorized in Section 1 of this Act for (38-04-03) Delaware Correctional Center, two (2) positions shall be used to continue the existing highway beautification project in the Northern District.

Section 189. In addition to the positions authorized in Section 1 of this Act for the Department of Correction (38-00-00), additional positions are authorized for Personnel and Staff Training (38-02-06) for the purpose of training classes. During the training sessions, up to 30.0 positions will be made available to accommodate the class being trained. At the end of the training sessions, these 30.0 positions shall be discontinued. These positions shall be used no more than three (3) times.

Funding is authorized to seed the first-time use of these 30.0 positions. In order to utilize these positions for the second and third classes, the Department will use salary savings realized throughout the year.

Section 190. Section 1 of this Act provides an appropriation to the Department of Correction, Bureau Chief - Administration and Operational Support (38-02-01) for Medical Services. Administration of the Medical Services contract shall be the responsibility of the Bureau Chief - Administration and Operational Support under the supervision of the Commissioner of Correction.

Section 191. Section 1 of this Act appropriates the sum of $10.0 in "gate money" or "release money" to the Department of Correction, Adult Bureau Chief (38-04-01), for prisoners being released from an adult correctional facility. The funds thus appropriated shall be used for the express purpose of providing cash payments to eligible inmates being released from an adult correctional facility and shall be expended as follows:

(a) Except as restricted by subsections (b), (c), and (d) of this Section, any resident of Delaware who has been incarcerated in an adult correctional institution for a period of not less than 90 days shall be paid in cash the sum of at least $32 from their account and/or the release account, upon release from such institution, said money to be used for necessities during the transition to an open society.

(b) Upon release, a prisoner who within thirty days prior to release has $32 or more in his inmate account or accounts shall not be eligible for such payment, but shall be paid in cash the amount in his inmate account or accounts.

(c) Upon release, a prisoner who has less than $32 in his inmate account or accounts shall be paid in cash the amount remaining in his account or accounts plus an additional sum sufficient to make the total cash payment at release $32.

(d) Any prisoner who is a non-resident of Delaware, and who has served a term of incarceration of not less than 90 days, shall have the option between (c) above or a one-way bus ticket to his or place of residence.

Section 192. Section 1 of this Act makes an appropriation for Contractual Services to the Department of Correction, Morris Correctional Institution (38-04-07). Of this amount, $4.0 shall be used for "tipping" fees.

Section 193. For the fiscal year ending June 30, 1987, the remaining balances of the Division of Community Services from the Fiscal Year 1986 appropriation in account (38-04-09-01-82) shall be a continuing appropriation until such time as all services are performed.

Section 194. Section 1 of this Act provides an appropriation to the Department of Correction (38 00 00), Bureau Chief Administration and Operational Support (38-02-01) for Medical Services. None of these funds may be transferred and any funds remaining unexpended or unencumbered on June 30, 1987, shall revert to the General Fund of the State of Delaware.

Section 195. Section 1 of this Act authorizes 20.0 General Fund positions for the Department of Correction (38 00-00), Prison Industries (38-03-02). Of the total positions authorized, 6.0 shall be contingent upon authorization to proceed with the construction of a new Correctional Facility in Georgetown (on the grounds of the Sussex Correctional Institution) or a new Correctional Facility in Smyrna (on the grounds of the Delaware Correctional Center) in the Fiscal Year 1987 "Bond Bill".

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Section 196. For the Fiscal Year ending June 30, 1987, any remaining sum in the Superfund Contingency (40 01-01-03-97) on June 30, 1986, shall remain a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 197. Section 1 of this Act provides an appropriation of $351.0 to the Department of Natural Resources and Environmental Control, Division of Fish and

Wildlife, Dog Control (40-05-05) for Contractual Services. Of this amount, $18.0 shall revert to the General Fund of the State of Delaware on or before August 15, 1986, if legislation is passed by the 133rd General Assembly which increases fees for dog licenses and/or kennel fees.

Section 198. Section 1 of this Act provides an appropriation of $50.0 to the Department of Natural Resources and Environmental Control, Division of Parks and Recreation, Management and Support Parks and Recreation (40-06-01) for Maintenance/Restoration. This appropriation shall be expended only if matched with $50.0 in appropriated Special Funds.

Section 199. Section 1 of this Act appropriates $87.3 to the Department of Natural Resources and Environmental Control, Division of Parks and Recreation, Operations and Maintenance (40-06-02), in Contractual Services. Of that amount, $1.0 shall be used to erect a State Historical Marker to commemorate the Delaware Breakwater Quarantine Station, its staff and the people who went through the facility.

PUBLIC SAFETY

Section 200. Section 1 of this Act appropriates Salaries to the Division of State Police (45-06-00). For the fiscal year ending June 30, 1987, $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 201. Of the funds appropriated in Section 1 of this Act to the Self-Insurance Contingency Fund in the Budget Office, an amount not to exceed $20.0 may be used to reimburse Volunteer Fire Companies which incur extraordinary expenses. These funds may be disbursed to Volunteer Fire Companies only for extraordinary expenses at the discretion of the Secretary of the Department of Public Safety upon the request of the State Fire Prevention Commission. An extraordinary expense under the provisions of this Act includes reimbursement to a volunteer fire service for expenses incurred in providing food, lodging, clothing, transportation, medical assistance, protection from the elements and other citizen-needs during disasters.

COMMUNITY AFFAIRS

Section 202. Section 1 of this Act provides an appropriation to the Department of Community Affairs, Division of Libraries (50-10-01). Of the $38.7 appropriated for Supplies and Materials, $18.0 shall be used for the purchase of books, including hardbound books.

Section 203. (a) Section 1 of this Act appropriates to the Delaware State Housing Authority (the "Authority") as the operating arm of the Division of Housing $1,970.4 for its Fiscal Year 1987 Discretionary Operating Expenses. Discretionary Operating Expenses include salaries, other employment costs, travel, contractual services, supplies and materials and other normal business expenses of the Authority which are not required to be made pursuant to bond resolutions, trust indentures, agreements with the Department of Housing and Urban Development, or otherwise required by operating agreements of the Authority. Notwithstanding any other provision of this Act, all parts or portions of the several sums appropriated by this Act which, on the first day of July, 1987, shall not have been paid out of the State Treasury, shall not revert to the General Fund, but shall revert to the Authority to be expended for any lawful purpose of the Authority.

(b) Nothing herein shall be construed to require any prior approval for the Authority to meet its previously contracted obligations including any debt service requirements under any bond resolution or trust indenture of the Authority nor shall anything contained herein require any such prior approval for any expenditure by the Authority under any such bond resolution or trust indenture or under any agreement with the Department of Housing and Urban Development.

(c) Further, nothing contained herein shall authorize the General Assembly to approve an amount for Discretionary Operating Expenses for the Authority in any subsequent years in an amount less than the amount actually incurred as Discretionary Operation Expenses by the Authority in its last prior Fiscal Year plus an inflation factor equal to the United States Consumer Price Index (CPI) or successor indices, annualized at November of the year prior to the year for which such budget is prepared, unless the budget prepared by the Authority, with the approval of the Secretary of Community Affairs, requests a lesser amount.

Section 204. The Division of Community Services (50-02-01) is charged with the support of the Council on Hispanic Affairs. Members of the Council on Hispanic Affairs shall serve without compensation, except that they may be reimbursed for reasonable and

necessary expenses incident to their duties.

Section 205. Section 1 of this Act makes an appropriation to the Department of Community Affairs, Foster Grandparents Program (50-03-03) for Contractual Services. Included in the appropriation are funds to increase the stipend for foster grandparents by ten cents ($.10) per hour.

Section 206. Section 1 of this Act makes an appropriation to the Department of Community Affairs, Division of Libraries (50-10-01) for Art on Loan. That appropriation shall be used by the Delaware Division of Libraries Art Selection Committee to buy art.

Section 207. Section 1 of this Act makes an appropriation of $5.3 to the Department of Community Development, Division of Consumer Affairs (50-11-01) for Travel. Of that amount, $3.0 shall be used for the expenses of the Advisory Council on Manufactured Housing.

TRANSPORTATION

Section 208. All monies received by the Division of Highways (55-04-70) 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 209. Any funds appropriated for Fiscal Year 1986, for Speed Reduction to the Department of Transportation, Bureau of Traffic (55-04) shall be considered a continuing appropriation and shall not revert until June 30, 1987.

Section 210. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act for the Fiscal Year ending June 30, 1987, shall be expended in accordance with the following conditions and limitations:

(a) Debt Service estimates are for current project financing as authorized by Chapter 13, Title 2, Delaware Code.

(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 "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.

(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 "Dover Transportation" and any carry-over funds available are intended to be provided as aid to the elderly and handicapped transportation system operated by the City of Dover.

(f) It is intended that funds for "Taxi Service Support", along with any carry-over funds available for the Taxi Services Support Program will be maintained at least at the same service level as Fiscal Year 1986. 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 governments must operate these transportation systems outside their political boundaries.

(h) Funds provided for "DTA Capital" include one-half the State Funds required to purchase 45 replacement buses for DART. DART will make application for Federal Funds for said purchase during Fiscal Year 1987 and the General Assembly is committed to include funding for the remaining share of State funding required

for said purchase in the Fiscal Year 1988 Budget.

Section 211. The salary appropriation for the Department of Transportation contains sufficient funds to replace their Engineering and Contingency Funded Salary costs. It is intended that the portion of salaries of their Bond Funded positions normally charged to the Engineering and Contingency Bond Fund be charged to the General Fund Salary Appropriation.

LABOR

Section 212. (a) The $125.7 appropriated to the Department of Labor is to be used for a youth work program for a period of ten weeks commencing July 1, 1986 and is to be allocated in the following manner:

$ 38.4	New Castle County (outside the City of Wilmington)
38.5	City of Wilmington
24.4	Kent County
24.4	Sussex County
$125.7	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 (except that work leaders may be 21 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.

Preference shall be given to those youth who are members of single parent households whose parent income do not exceed $15.0 and applicants who qualify based upon parental income guidelines of two parent family household of $26.0. Notwithstanding income limits provided for participation in the statewide 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 Labor 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 extended for administrative purposes and no more than $1.0 shall be expended for equipment, supplies and 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 two-month program such supplies and equipment shall be turned over to the Department of Labor.

Section 213. The funds appropriated for the Delaware State-wide Summer Youth Employment Program shall not be co-mingled with funds appropriated from any other source. The guidelines for youth employment and administrative cost for all persons employed in the State-wide Summer Youth Employment Program shall be based in accordance with prior years practice of payment for services, notwithstanding transfer of the State-wide Summer Youth Employment from the Department of Community Affairs to the Department of Labor. The program management shall be directed by the Urban Affairs Specialist as provided for in prior years at no additional expense to the citizens of Delaware.

AGRICULTURE

Section 214. For the fiscal year ending June 30, 1987, the remaining balance of the Office of the Secretary, Capital Outlay Fund (65-01-01-01-70) from Fiscal Year 1986 for the installation of energy efficient replacement windows at the Camden Agricultural complex from fiscal year 1985 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

Section 215. (a) Section 1 of this Act provides an appropriation for Contractual Services to the Department of Agriculture, Office of the Secretary (65-01-01). Of the amount appropriated for Contractual Services, *$80.0 shall* be used for the "First State Bicentennial Trotting and Pacing Series". This will consist of special harness horse races to be contested at Delaware's three pari-mutuel race tracks for five-year-old or younger horses that are owned either in whole or in part by a Delaware resident.

(b) The Department of Agriculture in consultation with the Cloverleaf Standardbred Owners Association shall establish the rules and regulations for this program to include, but not be limited to the following:

(1) There must be at least five horses declared to start in each race.

(2) Purses shall be divided as follows:

50% for 1st Place

25% for 2nd Place

12% for 3rd Place

8% for 4th Place

5% for 5th Place

(3) Participating harness tracks will add no less than 25% to the total funding made available by the Department of Agriculture for this program.

Section 216. For the Fiscal Year ending June 30, 1987, the remaining balance of the Office of the Secretary, Space Study Needs Fund (65-01-01-01-90) on June 30, 1986 for the determination of physical space needs at the Camden Agricultural complex from the Fiscal Year 1986 appropriation shall be a continuing appropriation and shall not be subject to reversion until June 30, 1987.

ELECTIONS

Section 217. Section 1 of this Act makes an appropriation to the Department of Elections, Commissioner of Elections (70-01-01), for Salaries and Other Employment Costs. Of those amounts, $11.2 and $3.3 shall be used for the addition of a 1.0 Voter Registration Clerk II position.

Section 218. For the fiscal year ending June 30, 1987, the fund balances on June 30, 1986, in the Kent County Department of Elections (70-03-01-01-82) and the Sussex County Department of Elections (70-04-01-01-81) for the purchase of mobile registration vans shall be continuing appropriations and shall not be subject to reversion until June 30, 1987.

FIRE PREVENTION

Section 219. Section 1 of this Act provides an appropriation of $50.0 to the Department of Fire Prevention, Fire Prevention Commission (75-03-01) in the line item "Statewide Fire Safety Education". These funds are to be matched by members of the Delaware Association of Volunteer Firemen for a statewide Fire Safety Education Program.

NATIONAL GUARD

Section 220. Section 1 of this Act provides an appropriation for Contractual Services to Delaware National Guard (76-01-01). Of this appropriation, $55.6 is included for Laura Little School building energy; within that sum, $27.4 is specifically included to defray energy expenses of the Laura Little School building that are not directly attributable to occupancy by the National Guard.

HIGHER EDUCATION

Section 221. (a) Section 1 of this Act provides $51,236.9 for "Operations" of the University of Delaware and $622.4 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. The figure of $51,236.9 for "operations" of the University of Delaware, includes $1,928.6 for energy.

(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.

(c) Section 1 of this Act provides funds for the Inland Bays Research Study under the Surface Water Management Budget Unit of the Department of Natural Resources and Environmental Control (40-08-04). Of the $200.0 appropriated to the Inland Bays Research Study, $10.0 will be used by the Delaware Geological Survey (90-01-02) for a surface water study of eastern Sussex County.

Section 222. Any funds of the State Boundary Commission, Delaware Geological Survey (90-01-02), on June 30, 1986, shall be considered a continuing appropriation and shall not revert until June 30, 1987.

Section 223. 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 224. Section 1 of this Act appropriates $900.0 for the "Research Partnership Fund" at the University of Delaware, subject to the following:

(a) This appropriation shall be used to match, on a dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the University. The objective of the cooperative research efforts shall be to attract new high-technology research facilities and industries to locate within the State of Delaware.

(b) This appropriation shall be used to match "new" money and cannot be allocated to any projects in progress.

(c) The University President shall submit to the Governor, members of the General Assembly and the Controller General, within 120 days after the close of each Fiscal Year, a report containing an account of how these funds were expended, what new industrial research organizations were attracted to the State, and plans for the ensuing Fiscal Year.

Section 225. The line item, Subvention, in Section 1 of this Act, Delaware Institute of Dental Education and Research, as provided by Chapter 88, Title 14 of the Delaware Code, provides for 3 dental internships and sufficient funds to contract with Delaware State Hospital to continue the Dental Internship Program.

Section 226. Section 1 of this Act makes an appropriation to Delaware Technical and Community College, Office of the President (90-04-01) for a Dental Program. It is the intent of the General Assembly that this appropriation be used for a Dental Hygienist Program for Kent County and Sussex County.

Section 227. Section 1 of this Act makes an appropriation of $70.0 to Delaware Technical and Community College, Office of the President (90-04-01) for Salaries and Other Employment Costs. It is the intent of the General Assembly that this appropriation be used to increase teacher salaries so the College may remain competitive in the hiring of teachers.

PUBLIC EDUCATION

Section 228. The National Safety Council has recommended that minimum standards for school bus operators include Stop Arms. It has further been determined that $28.2 would be required to outfit all new State-owned buses purchased in Fiscal Year 1987. The Department of Public Instruction is hereby directed to develop schedules for the complete school bus stop arm installation. They are further directed to transfer whatever funds are necessary, up to $28.2 from existing appropriations within the Transportation Budget Unit (95-01-08). The authority to transfer this amount is further conditioned on the passage of legislation requiring Stop Arms to be placed on all school

buses and also specifying the size, shape, placement and implementation timetable as well as the applicability of such requirements to existing buses.

Section 229. Section 1 of this Act provides an appropriation of $90.0 to the State Board of Education for Pass-Through/K-12 Programs (95-01-06) READ-ALOUD Programs. READ-ALOUD Delaware will develop and foster programs in each county to encourage regular reading to pre-school aged children as the most effective way to prepare them for learning. The intent of the legislature is that monies passed through to READ-ALOUD Delaware will be used to provide programs in each county, focused on the more disadvantaged part of the population of pre-school aged children. The Department of Public Instruction will report annually on the number of children participating and develop a method to evaluate the effectiveness of the program.

Section 230. Section 1 of this Act provides an appropriation in the School Districts for Formula Salaries. This amount provides 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, Section 1331 and Section 1332 of Title 14, Delaware Code. The appropriation also contains salary and employment costs funds for the Americanization Programs at the Caesar Rodney ($4.7) and Red Clay Consolidated School ($93.3) Districts.

Section 231. Section 1 of this Act provides an appropriation to State Board of Education, Pass Through/K-12 Programs (95-01-06) 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 232. Section 1 of this Act provides an appropriation to Pass Through/Adult Programs (95-01-07). Of that appropriation, $153.6 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 233. (a) The total amount of $1,480.5 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, 1986. Any funds not used for the purpose herein referred to by the School District shall be transferred between School Districts.

(b) General Fund appropriations to the 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.

(c) From the funds in the 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.

(d) 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.

Section 234. (a) The sums appropriated in Section 1 of this Act 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 of $2,748.2 to (95-01-08) Pupil Transportation for non-public school transportation reimbursement. This appropriation shall be allocated for qualifying non-public, non-profit schools, based on the procedure adopted by the Joint Finance Committee on April 16, 1981. The allocation shall not exceed $2,748.2.

(c) Transportation funds for public school districts shall be allocated and shall not exceed $24,764.1, according to bus contract or district transportation formula as adopted by the State Board of Education on January 16, 1986, subject to the following amendments and procedural modifications:

(1) The current 7-year/100,000 mile depreciation schedule shall continue to be used in the fiscal year ending June 30, 1987.

(2) The fixed cost portion of the annual operating allowance for both district and contractor owned buses in Fiscal Year 1987 shall be as follows:

License	$ 0.00
Insurance/Contractor	to be determined by Department of Public Instruction based on size of bus
Insurance/District	0.00
Storage	341.98
Physical Examination	35.00
Bus Inspection	25.00
Spare Bus	43.36
Vandalism	200.00

(3) The per gallon price used to calculate the gasoline allowance shall be based on the State contract bid price for leaded gasoline plus $.07 per gallon for districts and plus $.21 per gallon for contractors. For districts and contractors North of the Canal, the per gallon price shall be based on delivery to a large sized tank (5,000 or more gallons). In the case of contractors located South of the Canal, the per gallon price shall be based on delivery to a small sized tank (275 - 1,900 gallons). Upon determination by DPI that a contractor located North of the Canal and operating 5 or fewer buses does not have existing storage capacity in the large tank range, the per gallon price shall be based on the smaller tank size.

(4) The annual adjustment for inflation shall be calculated using the same methodology as in previous formulas except the National Transportation CPI-W shall be used in lieu of the Philadelphia Regional Index.

(5) Beginning in Fiscal Year 1988 the allowable cost of a new bus purchased by a contractor shall be based on the State bid price for new buses. The Department of Public Instruction shall develop a procedure to permit contractors to purchase buses on the State bid. Contractors not wishing to purchase their buses on the State bid will be free to do so but will be subject to the bid price as the allowable cost.

(d) 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 therefore has been made by the General Assembly.

Section 235. The insurance limits required on all school buses under contract with school districts shall be as follows: Bodily Injury $1,000,000; Property Damage $100,000; Medical Payment $2,000 for each person; Uninsured Motorist $300,000; Personal Injury Protection $100,000 Individual; $300,000 Total. An allowance will be given for comprehensive with a $100 deductible and collision with a $500 deductible. The coverage is to be provided for 180 school days plus an additional ten days for inspection, repair and driver training.

Section 236. (a) During the Fiscal Year ending June 30, 1987, 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 Conrail 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 Seaford Central Elementary, Seaford Middle School, or Seaford High School who live in the area east of Conrail, north of the Nanticoke River, and west of Williams Pond, within the Seaford city limits.

(6) 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.

(7) Students attending Newark High School who live in Windy Hills and are forced to walk along Kirkwood Highway with a constant threat of injury.

(8) Students attending schools in Laurel living in the areas of Lakeside Manor, Route 24 east of Laurel town limits, Route 13A South of Laurel town limits and Dogwood Acres.

(9) 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.

(10) 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.

(11) Students attending Smyrna Middle School who reside in the Sunnyside Acres area between Sunnyside Road and U.S. 13 and who would otherwise be required to walk along U.S. 13 in order to reach school.

(12) Students attending the Concord High School who live south of Naamans Road in the Talleybrook-Chalfonte, Brandywood, Brandon and Beacon Hill areas who must walk along Grubb and/or Naamans Road with a constant threat of injury.

(13) Students attending Richardson Park School and Conrad Junior High School who live on Brookside Drive.

(14) Students attending the Laurel Elementary Schools in Grades K-6 who live in the Town of Laurel and the surrounding areas.

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 237. During the fiscal year ending June 30, 1987, the Department of Public Instruction is hereby directed that students attending the Woodbridge School District who live in the Canterbury Apartments in Bridgeville will embark and disembark in the parking lot of the apartment in lieu of the bus stop area along the heavily traveled Route U.S. 13 Highway.

Section 238. General Contingency line item funds under (95-01-05) 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; non-public and summer driver education programs; and unused sick pay for retirees.

Section 239. The appropriation of $400.9 in Section 1 of this Act to the State Board of Education (95-01-06) for Exceptional Vocational Units shall be used to continue the program of vocational education for handicapped students in New Castle County and begin a program in Kent County. The funds appropriated shall provide for Divisions 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(i) shall not apply to the units authorized by this Section.

Section 240. Section 1 of this Act provides an appropriation to the State Board of Education, Administrative Services (95-01-02) for Teacher Competency and Certification. This appropriation shall be allocated by the State Board of Education to provide in-service educational programs for local school district personnel.

Section 241. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/Adult Programs (95-01-07), for the New Castle County 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 Learning Center.

Section 242. Section 1 of this Act contains an appropriation to the State Board of Education for Private Placement of the Handicapped (95-01-06). From the funds appropriated, the State Board of Education is authorized and directed to provide an interpreter/tutor for any deaf-blind pupil who is a resident of the State and who is mainstreamed in a private school in the State. The funding to be provided by the State Board of Education to the local school district designated as the administrative agency for the statewide program for the deaf-blind shall include: the salary specified in 14 Del. C., §1305(a); the local salary supplement paid by such district; and all other employment costs incurred by the school district in employing such personnel. The funding authorized shall be a percentage of the total cost of salary and other employment costs for a full-time interpreter/tutor equal to the portion of the deaf-blind student's regular school day that is spent in a mainstream program.

Section 243. Section 1 of this Act provides an appropriation of $460.0 to (95-01-03) Computer Education/DIRECT. These grants to local school districts shall be subject to technical review and purchase requirements of Planning Systems Development of the State Budget Office.

Section 244. Section 1 of this Act includes an appropriation of $225.0 to the State Board of Education (95-01-06) for the purpose of reimbursing public school employees for tuition payments for graduate college courses they successfully complete. Funds may only be used to reimburse certificated non-administrative employees. No payment shall be made unless the course taken relates to the employee's job assignment and is taken with the prior approval of the employing district board, superintendent or State Agency. Reimbursement for tuition may be made for courses taken during summer school or during the academic year. No reimbursement shall be in excess of the tuition charged a Delaware resident taking a course with an equal number of credit hours at the University of Delaware. The total appropriation of $225.0 shall be allocated to the several school districts in amounts equal to each school district's proportion of Division I units to the total number of Division I units statewide on September 30, 1986. Any funds not expended by a school district shall be transferred to other districts.

Section 245. Section 1 of this Act provides an appropriation to (95-01-06) Pass Through/K-12 Programs for Advanced Studies. Of that amount, $100.0 shall be transferred to the University of Delaware to help fund a summer school program for credit for gifted and talented students.

Section 246. Section 1 of this Act provides an appropriation to (95-01-06) Pass Through/K-12 Programs. Of that amount, $108.5 shall be transferred to the University of Delaware to help fund a summer school program for credit for gifted and talented students.

Section 247. Section 1 of this Act makes an appropriation to (95-01-07) Pass Through/Adult Program. Of that amount $202.1 shall be transferred to New Castle County Vocational Technical School District, Wilmington Skills Center, for Adult Education.

Section 248. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/K-12 Programs (95-01-06) of $55.0 for the Delaware Institute for the Arts in Education. The State Board of Education shall transfer that appropriation to the University of Delaware which acts as the fiscal agent for this statewide program.

Section 249. Section 1 of this Act provides an appropriation $246.6 to the State Board of Education, Pass Through/K-12 Programs (95-01-06) for the Delaware Teacher Center. The State Board of Education shall transfer that appropriation to the Capital School District for the purpose of the continuation of the services provided at the Kent and Sussex and New Castle County centers.

Section 250. Section 1 of this Act provides certain appropriations to the Educational Contingency for school districts in the State for the Fiscal Year ending June 30, 1987. 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, 1986, enrollment. Sufficient funds will be placed in the school district accounts to operate for a partial year. Based on the approved State Board Unit Count for September 30, 1986, adjustments will be made to the district accounts. These adjustments will be accomplished through the transfer process and therefore approved by the Budget Director and the Controller General.

Section 251. Section 1 of this Act provides certain appropriations to the Educational Contingency for School Districts in the State. These amounts are not based on the unit system. Allocation of these funds shall conform to the following:

(a) Debt Service amounts are predicated upon the amortization schedule as provided by the State Treasurer.

(b) The line item entitled "Support for Local Fund Employment Costs" shall be allocated to the named school districts or schools as follows:

1.	Caesar Rodney	$ 150.4
2.	John S. Charlton	9.6
3.	Capital	323.4
4.	Lake Forest	90.5
5.	Laurel	48.4
6.	Cape Henlopen	243.5
7.	Milford	109.8
8.	Seaford	113.8
9.	Smyrna	90.7
10.	Appoquinimink	84.3
11.	Brandywine	1,070.8
12.	Charles W. Bush	17.5
13.	Brandywine Int. Ln. Center	59.6
14.	Red Cla,	1,334.0
15.	Meadowood	31.6
16.	Red Clay Int. Ln. Center	73.8
17.	Christina	1,462.0
18.	Margaret S. Sterck	38.7
19.	Joseph E. Douglass	17.6
20.	Christina Int. Ln. Center	103.6
21.	Colonial	928.5
22.	John G. Leach	35.1
23.	Wallace Wallin	42.1
24.	Woodbridge	57.6
25.	Indian River	181.3
26.	Howard T. Ennis	19.4

27.	Delmar	18.0
28.	New Castle County Vo Tech	363.6
29.	Kent County Vo Tech	19.7
30.	Sussex County Vo Tech	21.3

(c) The line item "Other" shall be allocated as follows:

1.	Caesar Rodney - Americanization	4.0
2.	Red Clay - Americanization	8.0
3.	Margaret S. Sterck -	
	Residence - Other Costs	85.4
	Consultant Services	11.0
4.	Christina Autistic -	
	Residence - Other Costs	41.0

Section 252. Section 1 of this Act provides an appropriation of $688.6 to the State Board of Education, Pass Through/K-12 Program (95-01-06) for Summer School - Occupational and Vocational Education. Of that amount, at least $79.0 shall be allocated to Articulation and Career Guidance Counselor Programs. $105.0 shall be reserved for programs in school districts in Kent County, and $140.8 shall be reserved for programs in Sussex County, and $240.0 shall be reserved for programs in the New Castle County Vocational and Technical School District. Allocation of the remaining funds shall go to State Board approved projects.

Section 253. Section 1 of this Act provides an appropriation to State Board of Education, Pass Through/Adult Programs (95-01-07) 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 254. (a) Each school district shall continue to use salary schedules not less than those in Section 1322, Title 14, Delaware Code, for all school lunch employees.

(b) Effective July 1, 1986, the State shall pay 30% of the salary rate for school lunch employees as set forth in the salary schedule in Section 1322 (a) and (b), Title 14, Delaware Code and 26% of the salary rate for school lunch employees as set for in the salary schedule in Section 1322(c), Title 14, Delaware Code. The remaining percentage of the salary rate for school lunch employees shall be paid from local funds. The State shall pay Other Employment Costs for school employees at the ratio of State supported salaries to total salaries, provided for by this section, for school lunch employees.

(c) No provision in this Act shall be construed as affecting the eligibility of school lunch employees as an employee under Section 5501, Title 29, Delaware Code.

Section 255. Each school district shall continue to use salary schedules not less than those in Section 1322, Chapter 13, Title 14, Delaware Code, for all school lunch employees.

Section 256. Amend Chapter 17, Title 14 of the Delaware Code by striking Section 1716D(a) in its entirety and inserting in lieu thereof a new Section 1716D(a) to read as follows:

"'Education Refinement Program Units' shall be provided in each reorganized school district for students enrolled in grades kindergarten through 12 in accordance with the following schedule:

Beginning July 1, 1986	1 unit per 1,700 pupils or fraction thereof"

Section 257. Section 1 of this Act provides an appropriation of $242.5 for Public Education Pass Through/K-12 Programs (95-01-06) for Mastery Testing. The funds appropriated shall be used to continue the development of item bank questions which may

be used by local school districts, provide additional teacher training and hire a supervisor of Mastery Testing.

Section 258. Amend Section 2159, Chapter 21 of the Delaware Code by adding to the existing Subsection (a) so that it will read as follows:

(a) All motor vehicles of the State of Delaware or any governmental Agency thereof, including school buses owned by private contractors holding valid pupil transportation contracts with a school district or the State Board of Education . . . . . shall be registered but shall be exempt from the payment of registration fees.

Section 259. Section 1 of this Act makes an appropriation to Public Education, Instruction Services (95-01-04) for a Career Enhancement Program. It is the intent of the General Assembly that this appropriation be used in the following manner:

(1) $100.0 be made available to the Christina School District for the purpose of supporting the Christina Teacher Career Incentive Pilot Program.

(2) $75.0 be utilized for the support of the continuation of the programs of the Management Academy.

(3) $200.0 to support quality programs for the in-service training of teachers.

(4) The employment of one (1) Director, two (2) Supervisors and two (2) Clerical positions in the Department of Public Instruction to assure the implementation of the program.

Section 260. Section 1 of this Act provides an appropriation of $174.9 to the State Board of Education Pass-Through/K-12 Programs (95-01-06) for a 4-Year Old Development Pilot Program. The State Board of Education shall develop guidelines and solicit proposals from interested school districts and select one district in each county to participate in the program. Each participating district shall receive funding for one teacher, one aide and transportation expenses.

Section 261. Section 1 of the Act provides an appropriation of $64.1 to the State Board of Education, Pass Through/K-12 Programs (95-01-06) for the Education Component of the Department for Services to Children, Youth and Their Families Evaluation and Treatment Center. This amount is intended to provide 6-month funding as follows:

2 Teachers	$ 40.0
1 Educational Diagnostician	19.7
Supplies and Materials	4.4
Total	$ 64.1

The State Board of Education shall transfer this amount to the Red Clay School District which shall administer this program.

Section 262. Section 1 of this Act provides an appropriation of $10.0 to the State Board of Education Pass-Through/K-12 Programs (95-01-06) for a Constitutional Study Project. This appropriation shall be used to provide a 3-week summer seminar on the U. S. Constitution for twenty-five teachers.

Section 263. Section 1 of this Act provides an appropriation of $528.0 to the State Board of Education Pass Through/K-12 Programs (95-01-06) for Critical Curriculum Areas. Of the amount, a portion shall be used to hire one full-time clerical person to provide the necessary bookkeeping associated with this program.

Section 264. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/K-12 Programs (95-01-06) for Private Placement of the Handicapped. The provisions of Title 14 of the Delaware Code notwithstanding, those autistic pupils who are eligible for services under the Private Placement of the Handicapped during the 1985-86 and 1986-87 school year and who attain their twenty-first birthday during those school years shall continue to be eligible for educational services contained in Title 14 of the Delaware Code, until June 30, 1988.

The Department of Health and Social Services and the Department of Public Instruction shall develop a program to meet the needs of autistic students over 21 years of age by June 30, 1988.

Section 265. Amend Subsection 15(a), §1321, Title 14 of the Delaware Code, by striking the number "600" as it appears therein and inserting in lieu thereof the number"530".

Section 266. Section 1 of this Act makes an appropriation to (95-01-05) Educational Contingency for Division II Other Costs and Energy. During Fiscal Year 1987, a school district, upon approval of the Budget Director and the Controller General, may transfer part of its allocated appropriation from Division II Energy to Division II Other Costs.

Section 267. Section 1 of this Act appropriates $30.0 to Pass Through/K-12 Programs (95-01-06) for 2 + 2 Pre-Technical Curriculum. It is the intent of the General Assembly that this money be utilized to match other available funds to support at least one program for curriculum development in each county. A report on the use of the funds shall be furnished to the General Assembly by April 1, 1987.

Section 268. The Chairman and Vice Chairman of the Joint Finance Committee are authorized to appoint a committee to review long-range changes to the teachers' pay plan and to review the possibility of block-funding ancillary units such as secretarial and custodial services. The Committee shall submit a preliminary report by December 1, 1986.

Section 269. Section 1 of this Act makes an appropriation to Public Education, Pass Through/K-12 Programs (95-01-06) for the Teacher in Space Program. It is the intent of the General Assembly that the local school district be encouraged to provide a 30% match for this program.

Section 270. Section 1 of this Act makes an appropriation to Public Education, Pass Through/K-12 Programs (95-01-06) for Olympics of the Mind. It is the intent of the General Assembly that this appropriation be made available to local schools districts to assist in defraying out of state travel expenses associated with this program.

Section 271. Section 1 of this Act makes an appropriation to the State Board of Education, Educational Contingency (95-01-05) for an Optional Unit Count. In the event that the appropriation is insufficient to fully fund the program as specified in Subsection 1704 (e), Title 14, Delaware Code, the State Board of Education shall allocate the available funds among eligible districts on a prorata basis. Each eligible district shall receive a share of the appropriation equal to the number of optional units it has generated divided by the total number of optional units statewide multiplied by the total State appropriation.

Section 272. Section 1 of this Act makes an appropriation to Public Education, Pupil Transportation (95-01-08). In the event that House Bill 163 is not enacted into law, the appropriation of $32.0 for this purpose shall promptly revert to the General Fund.

Section 273. Section 1 of this Act makes an appropriation to Public Education, Pass Through/K-12 Programs (95-01-06) for Special Institute Teacher Certification. In the event that House Bill 530 is not enacted into law, the appropriation of $100.0 for this purpose shall promptly revert to the General Fund.

Section 274. Amend Delaware Code, Title 14, Section 1704, by striking said Section in its entirety and by substituting in lieu thereof the following:

"§1704 Number of units in a school district; method of calculation; actual unit count; guaranteed units; optional unit count.

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 accordance with the procedures specified in this Section.

(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 as determined in Subsection (a) of this Section shall be categorized as follows: kindergarten, elementary (grades 1-6), secondary (grades 7-12), net vocational (vocational units less the vocational deduct), and special education, in accordance with the definitions contained in this Title. Each of these categories of units in each school district shall be multiplied by ninety-three (93) percent. The product of this multiplication for each category shall be known as the 'guaranteed unit count.'

(c) The State Board of Education shall annually (after September 30) certify and report the number of units required in §1710 of this Title, by certifying for

each category of unit specified in Subsection (b) of this Section whichever is the greater of the following:

(i) the actual unit count for the current school year or

(ii) the guaranteed unit count calculated for the immediately preceding school year.

The implementation of this Subsection shall be subject to a specific annual appropriation in the Annual Appropriations Act. In the event that no appropriation is made, the State Board of Education shall certify and report the actual unit count.

(d) A school district which experiences an enrollment growth during the school year, but after the actual unit count has been certified and reported, may at its option participate in an 'optional unit count' on the first school day of January. The 'optional unit count' shall be the nearest whole number computed by multiplying the total actual unit count, as specified in Subsection (a) of this Section, by one less than the ratio of the total district enrollment on the first school day in January to the total district enrollment on the last school day in September.

(e) The State Board of Education shall annually (after January 1) certify and report the optional unit count' to the State Budget Commission. School districts shall qualify only for the following State financial support for each unit generated by the optional unit count:

(i) A Division I allocation for a teacher paid in accordance with Section 1305 of this Title for a period of ninety-two (92) days, or a Division I allocation for two (2) class aides paid in accordance with Section 1324 of this Title for a period of ninety-two (92) days.

(ii) The State-paid other employment costs, for a teacher or two aides, specified in Section 6340, Title 29, Delaware Code.

(iii) One-half the Division II appropriation per unit specified in the Annual Appropriations Act.

The implementation of this Subsection shall be subject to a specific annual appropriation in the Annual Appropriations Act."

Section 275. Section 1 of this provides appropriations for Private Placement Programs of 18 - 21 year olds. The following governs the expenditure of those appropriations.

(a) Section 1 of this Act provides an appropriation of $225.4 for Private Placement Aged 18 - 21 to the Office of the Director, Division of Alcoholism, Drug Abuse and Mental Health (35-06-01). This appropriation shall be used for the medical expenses associated with the placement in private psychiatric hospitals of individuals between the ages of 18 and 21, who, because of acute psychotic episodes, have been dismissed from private placement facilities paid for by the Department of Public Instruction and are still entitled to educational benefits under P.L. 94-142. These funds shall be used only after the individuals private insurance has been exhausted. The education expenses associated with these students shall be paid for by Homebound Instruction funds from the individuals home district.

(b) Section 1 of this Act provides an appropriation of $174.4 to the State Board of Education Pass-Through/K-12 Programs (95-01-06) for Private Placement Ages 18 - 21. This amount shall be used for the private placement at appropriate schools and programs of individuals who will be age 18 as of July 1, 1986, or will turn age 18 during Fiscal Year 1987 and suffer from serious emotional disorders that prohibit their functioning in a typical classroom.

(c) The Superintendent of the State Board of Education, the Secretary of the Department of Health and Social Services, the Director of the Division of Alcoholism, Drug Abuse and Mental Health and the Secretary of the Department of Services for Children, Youth and Their Families are hereby directed to prepare a plan for the in-state placement of individuals covered by this Section that incorporates integrated education and psychiatric treatment. The recommended plan shall be submitted to the Budget Director and the Controller General no later than December 31, 1986.

Section 276. Any provisions of the Delaware Code to the contrary notwithstanding,

the Department of Public Instruction is authorized and directed to provide an aide for the purpose of providing mainstreaming services to elementary deaf students in the Lake Forest School District.

Section 277. For the Fiscal Year 1986, of those funds that would otherwise revert in Public Education Computer Education/Direct, Computer/Grant, line (95-01-03-01-87), the remaining balance shall be a continuing appropriation and shall be allocated to the purchase of leased equipment.

Section 278. For the Fiscal Year 1986, of those funds that would otherwise revert in Public Education, Pupil Transportation (95-08-01), the remaining balances shall be a continuing appropriation and shall be allocated to the purchase of school buses.

Approved June 30, 1986.

CHAPTER 349

FORMERLY

HOUSE BILL NO. 46

AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO SEXUAL HARASSMENT BY EMPLOYEES OF THE STATE.

WHEREAS, most of society has come to recognize and deplore the use, by persons who are in a position to cause emotional, economic or psychological harm to others, of that power as a weapon to compromise the sexual integrity of individuals who are younger or placed in relatively helpless circumstances; and

WHEREAS, no remedy is presently available to offer any substantial protection to persons caught in such circumstances; and

WHEREAS, such behavior might be prevented were there serious sanctions against such conduct.

NOW THEREFORE:

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

Section 1. Amend §5805, Chapter 58, Title 29 of the Delaware Code by adding thereto a new subsection (1) which shall read as follows:

"(1) No employee, in the course of his or her employment, shall use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by that employee or employee's agency."

Approved June 30, 1986.

CHAPTER 350

FORMERLY

HOUSE BILL NO. 120
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 53, TITLE 30 OF THE DELAWARE CODE TO PROVIDE FOR LABELING ON PACKAGES OF SMOKELESS TOBACCO.

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 §5301, Chapter 53, Title 30 of the Delaware Code by adding a new subparagraph "(17)" to read as follows:

"(17) 'Smokeless tobacco products' mean all products, including but not limited to chewing tobacco, made primarily from tobacco for individual consumption, not intended to be smoked."

Section 2. Amend §5321, Chapter 53, Title 30 of the Delaware Code by adding a new subsection "(c)" to read as follows:

"(c) A licensed tobacco product dealer shall not sell smokeless tobacco products unless the package for such smokeless tobacco product bears a legible legend required by any Federal law, rule or regulation relating to the possible hazard involved in use of the product."

Section 3. The effective date of this Act shall be the date upon which any Federal law, rule or regulation requiring a label relating to the possible hazard involved in use of the product goes into effect.

Approved June 30, 1986.

CHAPTER 351

FORMERLY

HOUSE BILL NO. 261

AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE TO PROVIDE FOR THE ESCHEAT TO THE STATE OF INTANGIBLE OWNERSHIP INTERESTS IN CORPORATION WHEN DIVIDENDS OR OTHER DISTRIBUTIONS THEREON HAVE BEEN ABANDONED.

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

Section 1 Amend subsection (6), Section 1198, subchapter IV, Chapter 11, Title 12, Delaware Code by inserting after the first sentence thereof the following:

"For purposes of this subchapter, the issuer of any intangible ownership interest in a corporation, whether or not represented by a stock certificate, which is registered on stock transfer or other like books of the issuer or its agent, shall be deemed a holder of such property."

Section 2. Amend subsection (8) Section 1198, subchapter IV, Chapter 11, Title 12, Delaware Code by striking the period at the end of the first sentence and inserting in lieu thereof the following:

"providing that with respect to an intangible ownership interest in a corporation, whether or not represented by a stock certificate, the period of dormancy means a period of 7 years during which (1) the owner has not claimed a dividend, distribution or other sum with respect to such interest, (2) the owner has not communicated in writing with the holder concerning such property or otherwise communicated with the holder concerning such property which communication is evidenced by a writing or other record prepared by the holder or its employee in the ordinary course of business and (3) at the end of which the holder does not know the current location of the owner of such property. A full period of dormancy shall be deemed to have run with respect to any dividends or other distributions held for or owing to an owner at the time a period of dormancy shall have run with respect to the intangible ownership interest in a corporation to which such dividend or other distribution attaches."

Section 3. Amend subsection (10) Section 1198, subchapter IV, Chapter 11, Title 12, Delaware Code by striking the word "stocks," after the numeral "(iii)" and substituting in lieu thereof the following:

"intangible ownership interests in corporations, whether or not represented by a stock certificate,".

Section 4. Amend Section 1201, subchapter IV, Chapter 11, Title 12, Delaware Code by adding at the end of said Section the following:

"The holder of any intangible ownership interest in a corporation deemed abandoned under this subchapter shall, when making the delivery contemplated by this Section, (i) if such interest is a certificated security as defined in 6 Del. C. §8-102(1) deliver either the original stock certificate evidencing the abandoned property, if such is in its possession or a duly issued replacement certificate evidencing such property in a form suitable for transfer, or (ii) if such interest is an uncertificated security as defined in 6 Del.C. §8-201(1) cause such uncertificated security to be registered in the name of the State Escheator."

Section 5. Amend Section 1203, subchapter IV, Chapter 11, Title 12, Delaware Code by designating the current Section as subsection (a) and adding the following new subsections:

"(b) Upon the delivery in good faith of a duplicate certificated security to the State Escheator or the registration of an uncertificated security to the State Escheator pursuant to Section 1201 hereof, the holder and any transfer agent, registrar or other person acting for or on behalf of the holder in executing or delivering such duplicate certificate or effectuating such registration, is relieved of all liability of every kind to every person, including any person acquiring the original of a certificated security or the duplicate of a certificated security issued to the State Escheator, for any losses or damages resulting to any person by issuance and delivery to the State Escheator of the duplicate certificated security or the registration to his name of an uncertificated security.

(c) If the holder pays or delivers property to the State Escheator in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the State Escheator acting on behalf of the State, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim.

(d) For the purposes of this Section,'good faith' means that:

(1) Payment or delivery was made in a reasonable attempt to comply with this Act;

(2) The person delivering the property was not a fiduciary then in breach of trust in respect to the property and had a reasonable basis for believing, based on the facts then known to him, that the property was abandoned for the purposes of this Act; and

(3) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry."

Approved June 30, 1986.

CHAPTER 352

FORMERLY

HOUSE BILL NO. 288

AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO RETAINING SURRENDERED CERTIFICATES OF TITLE.

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

Section 1. Amend Section 2308, Chapter 23, Title 21 of the Delaware Code by striking the period at the end of the first sentence and inserting in lieu thereof the following "or copy thereof."

Approved June 30, 1986.

CHAPTER 353

FORMERLY

HOUSE BILL NO. 289

AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PEDESTRIANS.

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

Section 1. Amend Section 4148, Title 21, of the Delaware Code by striking from subsection (a) the phrase, "one-half hour after sunset to one-half hour before sunrise" and substituting in lieu thereof the phrase "sunset to sunrise".

Section 2. This Act shall become effective upon its enactment into law.

Approved June 30, 1986.

CHAPTER 354

FORMERLY

HOUSE BILL NO. 296
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE RELATING TO CLARIFYING THE DEFINITION OF STREETS RECEIVING MUNICIPAL STREET AID.

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

Section 1. Amend Section 5161, Chapter 51, Title 30, Delaware Code by striking subsection (2) in its entirety and substituting in lieu thereof the following:

"(2) 'Streets' includes streets, highways, avenues, boulevards, bridges, tunnels, alleys or other public ways dedicated to public use and maintained for general motorized vehicular travel lying within a municipality's corporate boundary, except that this term does not include State or Federal highways within municipalities maintained by the Department of Transportation. The Department shall determine which areas are eligible for municipal street aid funds."

Approved June 30, 1986.

CHAPTER 355

FORMERLY

HOUSE BILL NO. 323

AN ACT TO AMEND TITLES 23, 24, 28 AND 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF BUSINESS AND OCCUPATIONAL REGULATION.

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

Section 1. Amend Titles 23, 24, 28 and 29 of the Delaware Code by striking the words "Division of Business and Occupational Regulation" whenever they appear and substituting in lieu thereof the following:

"Division of Professional Regulation"

Section 2. Amend Section 8810, Chapter 88, Title 29 of the Delaware Code by striking said subparagraph (a) (1) d. in its entirety and substituting in lieu thereof the following:

"d. Deadly Weapons Dealers as set forth in Chapter 9 of Title 23;"

Section 3. Amend Section 8810, Chapter 88, Title 29 of the Delaware Code by striking said subparagraph (a) (1) b. in its entirety and substituting in lieu thereof the following:

"b. Delaware State Board of Landscape Architecture as set forth in Chapter 2 of Title 24;"

Section 4. Amend Section 8810, Chapter 88, Title 29 of the Delaware Code by striking said subparagraph (a) (1) j. in its entirety and substituting in lieu thereof the following:

"j. Delaware Gaming Control Board as set forth in Chapter 15 of Title 28;"

Section 5. Amend Section 8810, Chapter 88, Title 29 of the Delaware Code by adding a new subparagraph (a) (1) n. to read as follows:

"n. Delaware Board of Registration of Geologists as set forth in Chapter 36 of Tile 24."

Approved June 30, 1986.

CHAPTER 356

FORMERLY

HOUSE BILL NO. 369
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF MOTORCYCLES BY MINORS.

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

Section 1. Amend §2703, Chapter 27, Title 21 of the Delaware Code by adding a new subsection (d) thereto to read as follows:

"(d) The authorization or endorsement specified in subsection (a) of this section shall not be issued by the Department to any person under the age of 18 years unless the application therefor is signed by the:

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

(2) Father of the minor, if the father is living within this State, and the minor resides with the father only; or mother of the minor, if the mother is living within this State, and the minor resides with the mother only; or mother or father live within this State and the minor resides with neither, and the minor has no legal guardian within this State;

(3) Guardian of the minor, duly appointed as such under the laws of the State, if neither the father nor mother is living within this State;

(4) Employer of the minor, or by any suitable person acceptable to the Secretary of Public Safety.

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

Section 2. Amend §2703, Chapter 27, Title 21 of the Delaware Code by adding a new subsection (e) thereto to read as follows:

"(e) The authorization or endorsement specified in subsection (a) of this section shall not be issued by the Department to any person under the age of eighteen years unless such person:

(1) complies with the provisions of subsection (d) of this section; and

(2) completes a motorcycle rider education program, such program having been approved by the State Department of Public Safety pursuant to Chapter 27, Title 21 of the Delaware Code."

Section 3. The effective date of this Act shall be July 1, 1986.

Approved June 30, 1986.

CHAPTER 357

FORMERLY

HOUSE BILL NO. 452
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO MINIMUM MANDATORY SENTENCES FOR CERTAIN CRIMINAL ACTS WHICH CAUSE DEATH.

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

Section 1. Amend §630, Subchapter II, Chapter 5, Title 11, Delaware Code by designating the present text as Subsection (a) and adding a new Subsection to read as follows:

"(b) The minimum sentence required by Subsection (a)(2) of this Section shall be one (1) year, notwithstanding §4205(b)(5) of this Title. The minimum sentence shall not be subject to suspension, and no person convicted under this Section, shall be eligible for probation, parole, furlough, work release, or supervised custody during the first year of such sentence."

Section 2. Amend §630A, Subchapter II, Chapter 5, Title 11, Delaware Code by designating the present text as Subsection (a) and adding a new Subsection to read as follows:

"(b) The minimum sentence required by this Section shall be two (2) years, notwithstanding §4205(b)(4) of this Title. The minimum sentence shall not be subject to suspension, and no person convicted under this Section shall be eligible for probation, parole, furlough, work release or supervised custody during the first eighteen months of such sentence."

Approved June 30, 1986.

CHAPTER 358

FORMERLY

HOUSE BILL NO. 483

AN ACT TO AMEND TITLE 9, CHAPTER 93, SECTION 9306 RELATING TO THE SALARY OF THE COMPTROLLER OF KENT COUNTY.

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

Section 1. Amend §9306, Chapter 93, Title 9 of the Delaware Code by striking the following language therefrom:

"The salary of the Comptroller of Kent County shall be paid in monthly installments."

Approved June 30, 1986.

CHAPTER 359

FORMERLY

HOUSE BILL NO. 488

AN ACT TO AMEND TITLE 9, CHAPTER 83, SECTION 8305 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT OF PROPERTY OF MEMBERS OF THE BOARD OF ASSESSMENT.

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

Section 1. Amend §8305, Chapter 83, Title 9 of the Delaware Code by striking §8305 in its entirety.

Approved June 30, 1986.

CHAPTER 360

FORMERLY

HOUSE BILL NO. 489

AN ACT TO AMEND TITLE 9, CHAPTER 93 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY COMPTROLLER.

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

Section 1. Amend §9301, Title 9 of the Delaware Code by striking the "freeholder in" and by substituting in lieu thereof the word "of".

Section 2. Amend §9307(c), Title 9 of the Delaware Code by striking the words "may select and employ 1 deputy" and by substituting in lieu thereof the words "may employ such deputies as are authorized by the county government of Kent County".

Approved June 30, 1986.

CHAPTER 361

FORMERLY

HOUSE BILL NO. 572
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO LICENSING OF SITE EVALUATORS, PERCOLATION TESTERS AND ON-SITE SYSTEM DESIGNERS AND CONTRACTORS.

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 60, Title 7 of the Delaware Code by striking Section 6032 in its entirety, and substituting in lieu thereof, the following new Section 6032, to read as follows:

"§6032. Licensing of Site Evaluators, Percolation Testers and On-Site System Designers and Contractors

(a) No person shall conduct percolation tests or soil evaluations or design or install on-site wastewater treatment and disposal systems without first having obtained a license from the Secretary. As a prerequisite of licensing, the Secretary may require the person to demonstrate familiarity with test procedures and applicable regulations, and to sign a statement under penalty of perjury that he will abide by all statutes and regulations governing the design and installation of on site wastewater treatment and disposal systems. In addition, the Secretary may require each licensee or class of licensees to show proof of surety to cover liability for such risks and in such amounts as the Secretary may establish by regulation after public notice in accordance with §6006 of this Title.

(b) Any license by the Secretary shall be for a fixed term not to exceed three years and shall be renewable upon application.

(c) The Secretary shall adopt such other regulations after public notice and hearing in accordance with §6006 as necessary to accomplish the purposes of this Title.

(d) The license requirements shall not apply in a county which has been delegated authority to issue septic tank permits pursuant to Subsection (d) of §6003 of this Title."

Approved June 30, 1986.

CHAPTER 362

FORMERLY

HOUSE BILL NO. 573

AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE RELATING TO THE COMPOSITION OF BOARD OF DISTRICT SUPERVISORS FOR SOIL AND WATER CONSERVATION DISTRICTS.

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

Section 1 Amend §3906(a), Chapter 39, Title 7 of the Delaware Code by deleting from the first sentence the words "an optional supervisor who shall not be a farmer" and inserting in lieu thereof the words "two (2) optional supervisors who shall not be farmers".

Approved June 30, 1986.

CHAPTER 363

FORMERLY

HOUSE BILL NO. 576
AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 44, TITLE 21 OF THE DELAWARE CODE RELATING TO THE PROCEDURE FOR PROCESSING AND SELLING MOTOR VEHICLES WHICH ARE REMOVED FROM PUBLIC HIGHWAYS BY ORDER OF POLICE AND ARE EIGHT YEARS OF AGE OR OLDER.

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

Section 1. Amend Chapter 44, Title 21 of the Delaware Code by adding a new Section 4415 thereto which shall read as follows:

"§4415. Disposal of Vehicles Eight Years of Age or Older by Wrecker Owners.

(a) This Section applies to motor vehicles whose model year age is eight years of age or older on the date of towing.

(b) Any wrecker owner is vested with a lien as defined in Title 25, Section 3901 of the Delaware Code upon taking possession of any motor vehicle described in Subsection (a).

(c) The wrecker owner in possession of a motor vehicle shall contact the Delaware Division of Motor Vehicles to determine the owner(s) of any vehicle with undetermined ownership within five calendar days of towing the vehicle.

(d) The owner and all secured parties shall be notified by the wrecker owner within ten days of the wrecker owner's receipt of information from the Division of Motor Vehicles. This notification must be by registered mail or certified mail.

(e) The owner and all secured parties shall either satisfy the lien or respond to the notification within five calendar days from receipt of said notification. This response shall include either a signed release of interest in the vehicle pursuant to Title 25, Section 3904 of the Delaware Code or a signed letter contesting the disposal.

(1) If the owner and/or any secured party contests the lien or the disposal, he may contest the lien or the disposal to the closest Justice of the Peace Court to the address of the wrecker owner

(2) If the owner and/or secured party does not reply within five days from the receipt of said notification, the wrecker owner may proceed to sell according to Title 25, Section 3903 of the Delaware Code.

(f) The wrecker owner shall have the vehicle inspected by the Delaware State Police Auto Theft Unit between the date the vehicle is towed and the thirtieth day following that date.

(g) If the unit is released by the registered owner and all secured parties, the wrecker owner may proceed to transfer the vehicle without having to comply with Title 25, Chapter 39 of the Delaware Code. This transfer shall be made to a salvage yard without a certificate of title, but shall be made on forms furnished by the Department of Public Safety.

(h) If the model year of the unit cannot be determined, then it will not be subject to this Section.

(i) If the name and address of the owner or secured party is not recorded with the Division of Motor Vehicles, the wrecker owner assumes unencumbered title after the vehicle has been in his possession for 30 days. Any transfer shall be made to a salvage yard without a certificate of title but shall be made on forms furnished by the Department of Public Safety."

Approved June 30, 1986.

CHAPTER 364

FORMERLY

HOUSE BILL NO. 623
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CODE ENFORCEMENT CONSTABLES.

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

Section 1. Amend Title 10 of Delaware Code by creating a new Chapter 29 to read as follows:

"CHAPTER 29. Code Enforcement Constables

§2901. Appointment

The Chief Executive Officer of any county or municipal corporation of this State may appoint and employ such numbers of code enforcement constables as shall be necessary to enforce all ordinances pertaining to building, housing, sanitation, or public health codes.

§2902. Duties, Limited Authority

(a) The code enforcement constables appointed pursuant to the provisions of this chapter may enforce only those ordinances pertaining to building, housing, sanitation, or public health codes.

(b) Notwithstanding the provisions of any other law, a code enforcement constable appointed pursuant to the provisions of this chapter shall not have jurisdiction outside the limits of the county or municipal corporation employing such constable.

(c) Code enforcement constables appointed pursuant to the provisions of this chapter shall not be permitted to carry firearms while on duty as such.

(d) Notwithstanding the provisions of any other law, a code enforcement constable may lawfully issue a summons to any person he has reasonable ground to believe has committed an offense against any ordinance pertaining to building, housing, sanitation, or public health codes of the county or municipal corporation by whom he is employed, directing the person to appear before the Court having jurisidiction over such offense whether or not the offense was committed in his presence."

Section 2. This bill shall become effective upon its enactment into law.

Approved June 30, 1986.

CHAPTER 365

FORMERLY

HOUSE BILL NO. 654
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT CREATING AN URBAN COMMUNITY REVITALIZATION STUDY TASK FORCE; PROVIDING FOR MEMBERSHIP, ORGANIZATION, AND PURPOSE OF THE TASK FORCE; AND REQUIRING A REPORT TO THE LEGISLATURE AND THE GOVERNOR.

WHEREAS, there are certain urban areas within the State of Delaware which lack an appropriate number of retail, commercial and manufacturing business concerns, given the population of those urban areas;

WHEREAS, the lack of such retail, commercial and manufacturing business concerns within those urban areas has resulted in substantial unemployment, threatens the economic stability of those urban areas, discourages thrift and depresses the standard of living of the residents of those urban areas, all to the detriment of the public health, welfare and order;

WHEREAS, the adverse conditions in such urban areas are chronic problems which heretofore have resisted solution under current State laws, regulations and policies;

WHEREAS, the citizens of this State would benefit from a study of the adverse conditions in the aforementioned urban areas, which would, interalia, suggest changes to State of Delaware laws, regulations or policies in order to help correct those adverse conditions.

NOW, THEREFORE:

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

Section 1. An "Urban Community Revitalization Study Task Force" (the "Task Force") is hereby created to investigate, examine, identify and study the adverse conditions in the aforementioned urban areas and to suggest changes to State of Delaware laws, regulations or policies that may prove helpful to correcting such adverse conditions.

The Task Force shall consist of the following members: one State Representative appointed by the Speaker of the House; one State Senator appointed by the President Pro Tempore of the Senate; a representative from the Delaware Development Office; a representative from the Delaware Labor epartment; a representative from the Delaware Department of Revenue; the Director of Bureau of Economic and Business Research, University of Delaware; an Urban Economist, University of Delaware, to be selected by the Dean of the College of Urban Affairs and Public Policy of the University of Delaware; a representative from the Mayor's Office of the City of Wilmington; a representative from Kent County to be selected by the Levy Court Commissioners; a representative from the County Executive's Office of Sussex County; a State Department of Justice attorney, to be selected by the Delaware Attorney General; and a representative of the Delaware Minority Business Association.

The Chairman of the Task Force shall be selected by its members at the first meeting of the Task Force.

The purpose of the Task Force shall be to: (i) identify which urban areas within the State of Delaware are plagued by the above stated conditions, (ii) study whether current State of Delaware laws, regulations or policies serve as disincentives to business persons from establishing retail, commercial and manufacturing business concerns in those urban areas, (iii) study and identify what other causes or conditions exist in such urban areas which may be contributing to the above identified problem, (iv) suggest modifications to current State of Delaware laws, regulations or policies, or suggest new State laws, regulations or policies, which may help to alleviate the above- stated conditions in such urban areas.

The Task Force shall be provided with staff assistance from the Delaware Development Office, State Department of Justice, Delaware Department of Labor and Delaware Department of Revenue.

The Task Force shall seek a commitment from the University of Delaware to encourage professional staff and graduate student participation in the above study.

The Task Force shall submit a report outlining its findings and recommendations to the Governor and General Assembly no later than January 15, 1988.

Section 2. This Act shall be effective upon its enactment into law and shall remain effective until the Task Force submits its report to the Governor and General Assembly, at which time the Act shall terminate and cease to be effective.

Approved June 30, 1986.

CHAPTER 366

FORMERLY

HOUSE BILL NO. 671

AN ACT TO AMEND CHAPTER 75, TITLE 3 OF THE DELAWARE CODE RELATING TO BEE KEEPING.

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 75, Title 3 of the Delaware Code by adding three new paragraphs to §7501, to be known and referred to as paragraphs (9), (10) and (11), which shall read as follows:

"(9) 'Africanized bee' means Apis mellifera Scutellata or Apis mellifera Adansoni or other exotic species.

(10) 'Mite' means Acarapis woodi, Varroa jacobsoni.

(11) 'Inspector' means any qualified person who is appointed by the Department for the purpose of inspecting honeybee colonies."

Section 2. Amend Section 7502, Chapter 75, Title 3 of the Delaware Code by deleting paragraph (c) of the said Section in its entirety and by amending paragraphs (d) and (e) to read as follows:

"(d) Upon the written request of one or more bee keepers in any county of the State, the State Apiarist or the inspector shall within a reasonable time examine the bees in that locality suspected of being infested or infected with any bee disease, mite or Africanized honeybee, he shall cause suitable approved measures to be taken for the eradication and control of the disease.

(e) The State Apiarist or the inspectors shall, at least once each year, examine all bees and all known apiaries in the State, and if any are found to be infested or infected by a disease, mite or Africanized honeybee, the State Apiarist shall cause suitable approved steps to be taken for eradication and control of the disease, mite or Africanized honeybee."

Section 3. Amend Section 7503, Chapter 75, Title 3 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"Section 7503. Inspection, Quarantine, Destruction of Bees, Appeal

For the enforcement of this Chapter, the Department of Agriculture, the State Apiarist and the State Bee Inspectors may enter upon any public or private premises, and shall have access, ingress, and egress to and from all apiaries or places where bees, bee equipment and appliances are kept, for the purpose of ascertaining whether any disease, mite or Africanized honeybee exists therein. If any disease, mite or Africanized honeybee exists in such apiaries, the State Apiarist or the bee inspector, subject to the approval of the Department of Agriculture, shall declare such apiaries to be each the center of a quarantine zone in the form of a circle three miles in radius, and shall prescribe suitable measures to be carried out for the eradication and control of the disease, mite, or Africanized honeybee. Whenever the owners of such apiaries fail or refuse to take such steps as maybe prescribed by the State Apiarist or the Bee Inspector to eradicate any disease, mite or Africanized honeybee from such apiaries, the State Apiarist may cause the diseased bees, together with any infested or infected bee equipment or appliances, to be destroyed in such manner as may be deemed best, after first giving to the owner five days' notice thereof in writing and and an opportunity to be heard, and shall take such further steps as he may deem necessary to prevent the spread of the disease, mite or Africanized honeybee. Any owner may, within five days of receipt of such notice, appeal from the decision of the State Apiarist to be the Superior Court for the County in which such apiary, bee equipment or appliances are located, by filing therein a petition setting forth the facts and making the State Apiarist a party defendant. Appeals shall be heard and determined by the Court as expeditiously as possible."

Section 4. Amend Section 7504, Chapter 75, Title 3 of the Delaware Code by adding to the end of the first paragraph the following:

"All persons keeping bees in the State shall annually register any and all of their colonies and apiary locations with the Department on forms supplied by the Department on or before January 30th of each year."

Section 5. Amend Section 7506, Chapter 75, Title 3 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"Section 7506. Exposure of Infested or Infected Bees or Equipment

No person in this State shall expose any diseased, mite infested or Africanized honeybee, or any infected or infested hives, equipment or appliances so that flying bees may have access to them.

Any person keeping bees in the State shall notify the State Apiarist immediately of the existence or the suspected existence of any bee disease, mite or Africanized honeybee in his own or any other apiary in the State."

Section 6. Amend Section 7509, Chapter 75, Title 3 of the Delaware Code by adding the phrase "mite infested or Africanized honeybee" after the word "disease" each time it appears in the subsection.

Section 7. Amend Section 7510, Chapter 75, Title 3 of the Delaware Code be deleting said section in its entirety and substituting in lieu thereof the following:

"Section 7510. Importation of Bees or Used Bee Equipment or Appliances

(a) No person shall ship or transport any colony of bees, or used beekeeping equipment into the State that is not accompanied by an entry permit issued by the Department.

(b) Before a person may ship or transport into the State any colony of bees, or used beekeeping equipment, the person shall request an entry permit by submitting to the Department an inspection certificate from an authorized inspector of the State of origin that includes the following information:

(1) A statement that the colonies or used beekeeping equipment is free of all diseases, mites and Africanized honeybees, based on an inspection within the preceding sixty (60) days.

(2) Name, address and state of residence of owner and shipper.

(3) Number of hives that contain bees.

(4) Location of apiary sites where the bees will be kept.

(c) Any uncertified bees must be removed from the State within twenty-four (24) hours."

Section 8. Amend Section 7511, Chapter 75, Title 3 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"Section 7511. Inspection of Queen-Rearing Apiaries

Every person rearing queen bees in the State for gift or sale shall have his or her queen rearing apiaries inspected at least once each year by the State Apiarist or inspector and on the discovery of any bee disease, mite or Africanized honeybee such person shall immediately cease to ship bees from such apiaries, until the State Apiarist declares the apiaries free of diseases, mites, or Africanized honeybees and issues a certificate to that effect."

Section 9. Amend Section 7512, Chapter 75, Title 3 of the Delaware Code by changing "ten dollars" to "fifty dollars" in every location in said section and by changing "fifty dollars" to "one hundred dollars" in every place it appears in said section.

Section 10. Amend Chapter 75, Title 3 of the Delaware Code by adding thereto a new section to read as follows:

"Section 7513. Importation of Queens, Combless Packages or Nucleus Colonies

A person may not ship or transport into this State any queen bee, combless packages of bees or nucleus colonies of bees unless it is accompanied by a valid inspection certificate issued by an authorized inspector of the state of origin, stating that the queen bee, combless package bees, or nucleus colony is from an apiary free of diseases, mites and Africanized bees.

A person may not ship or transport into the State any queen bee, combless packages, or nucleus colony from any state or country that does not have an apiary inspection service."

Approved June 30, 1986.

CHAPTER 367

FORMERLY

HOUSE BILL NO. 696

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend Section 3302(17), Chapter 33, Title 19 of the Delaware Code by inserting after the words "holiday pay" and before the words "and the cash value" as those words appear therein the words ",back pay awards".

Section 2. Amend Section 3325, Chapter 33, Title 19 of the Delaware Code by adding a new paragraph immediately preceding the last paragraph of said Section or read as follows:

"Any employer who makes a deduction from a back wage award to a claimant because of the claimant's receipt of unemployment benefits, for which he/she has become ineligible by reason of such award, shall be liable to pay into the Unemployment Compensation Fund an amount equal to the amount of such deduction. When the employer has made such payment into the Unemployment Compensation Fund, the amount of such payments shall be considered when determining, if applicable, said employer's entitlement to rehire credit."

Approved June 30, 1986.

CHAPTER 368

FORMERLY

HOUSE BILL NO. 697

AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS.

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

Section 1. Amend Section 6912(d), Chapter 69, Title 29 of the Delaware Code, by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(d) Any laborer or mechanic employed by any contractor or subcontractor, or the Department of Labor on behalf of any laborer or mechanic employed by any contractor or subcontractor, who is paid in a sum less than the prevailing wage rates provided for under this Section shall have a right of action against the contractor or subcontractor in the Superior Court to recover the difference between the amount so paid and the prevailing wage rate plus interest at 6 percent per annum. Such action may be brought by the Department of Labor in the name and for the benefit of the laborer or mechanic with or without an assignment of the claim from the employee. It shall not be a defense to such action that the underpayment was received by the laborer or mechanic without protest, either oral or in writing, against the amount thereof, and the lack or failure of protest shall not be a bar to recovery. In the event that there is a wilful failure or refusal by the contractor or subcontractor to pay the prevailing wage rate, the contractor or subcontractor shall pay treble the difference between the amount so paid and the prevailing wage rate and shall pay, in addition, a reasonable attorney's fee in an amount to be set by the Superior Court for services rendered in that Court and on any appeal. Upon the filing of an action under this section, the contractor or the subcontractor shall post suitable bond approved by the Superior Court for the damages which may be recoverable thereunder. The party bringing an action under this section shall not be required to pay court costs. Any wages collected under this chapter but not claimed by the employee within one year from the date of collection shall be remitted by the Department to the State Treasurer."

Approved June 30, 1986.

CHAPTER 369

FORMERLY

HOUSE BILL NO. 699

AN ACT TO AMEND CHAPTER 9, TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE ACT.

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

Section 1. Amend Section 911(b), Chapter 9, Title 19 of the Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof the following:

"§911. Remedies of Employees

(b) Whenever the Department believes that wages, as required under this Chapter, have not been paid, the Department may bring any legal action necessary to collect such claim. The Department shall attempt to notify affected employees of its action. Should the Department prevail the employer shall also be liable to pay the costs of the action, necessary expenses of prosecution and reasonable attorney's fees. All expenses and attorney's fees collected by the Department shall be remitted by the Department to the State Treasurer. Any wages collected pursuant to this subsection but not claimed by the employee entitled thereto within one year from the date of collection shall be remitted by the Department to the State Treasurer."

Approved June 30, 1986.

CHAPTER 370

FORMERLY

HOUSE BILL NO. 705

AN ACT TO AMEND TITLE 29, CHAPTER 86, §8624 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION FOR WOMEN.

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

Section 1. Amend §8624, Chapter 86, Title 29 of the Delaware Code, by striking Subsections 8624 (g) (2), (3) and (7) in their entirety and by substituting in lieu thereof the following:

"(2) To organize and administer task forces to address 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;

(3) To make recommendations to the Governor and to the General Assembly for action which may be taken to end discriminatory practices, and to establish policies and programs within the Executive Branch designed to benefit the Women of the State;

(7) To cooperate and work with appropriate agencies of other states which are concerned with the status of women and with furthering their welfare;"

Section 2. The Commission For Women shall address the question of whether or not the Commission's mandate should be changed to make the Commission solely an advisory body. The Commission shall strive to reach consensus on this issue and shall report to the General Assembly through the Joint Sunset Committee of its findings by January 15, 1987.

Approved June 30, 1986.

CHAPTER 371

FORMERLY

HOUSE BILL NO. 706

AN ACT TO AMEND CHAPTER 67, TITLE 9 OF THE DELAWARE CODE RELATING TO POWERS OF SUSSEX COUNTY WITH RESPECT TO SEWERAGE SYSTEMS.

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

Section 1. Amend §6702, Title 9 of the Delaware Code, by adding thereto a Subsection "(10)" to read as follows:

"(10) Enter into and perform contracts, whether long term or short term, with any person, organization, association, or other entity, public or private, profit or non-profit, for the study, design, construction, operation, or maintenance of a sanitary sewerage system, which may be in or outside of a sanitary sewer district."

Approved June 30, 1986.

CHAPTER 372

FORMERLY

HOUSE BILL NO. 708

AN ACT TO AMEND TITLE 14, CHAPTER 84, DELAWARE CODE, RELATING TO THE DELAWARE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH.

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

Section 1. Amend §8403 (f), Chapter 84, Title 14, of the Delaware Code by striking said subsection in its entirety and by substituting in lieu thereof the following:

"(f) No member of the Board shall receive any compensation for his duties or expenses in any such capacity."

Section 2. Amend §8404, Chapter 84, Title 14 of the Delaware Code by adding a new subsection (8) to read as follows:

"(8) The admission of 20 (twenty) bona fide Delaware residents into Jefferson Medical College on an annual basis."

Section 3. Amend Chapter 84, Title 14 of the Delaware Code by striking the term "Wilmington Medical Center" wherever it appears in said Chapter and by substituting in lieu thereof the term "Medical Center of Delaware".

Approved June 30, 1986.

CHAPTER 373

FORMERLY

HOUSE BILL NO. 710

AN ACT TO AMEND §2716, CHAPTER 27, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE CASH MANAGEMENT POLICY BOARD.

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

Amend §2716(c)(4), Chapter 27, Title 29 of the Delaware Code, by striking said subsection in its entirety and by substituting in lieu thereof the following:

"(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 two times annually; and provided further, that the State Treasurer or the Chairman of the Board shall be authorized to call special meetings of the Board."

Approved June 30, 1986.

CHAPTER 374

FORMERLY

HOUSE BILL NO. 711

AN ACT TO AMEND TITLE 14, CHAPTER 88, DELAWARE CODE, RELATING TO THE DELAWARE INSTITUTE OF DENTAL EDUCATION AND RESEARCH.

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

Section 1. Amend §8804 (b), Chapter 88, Title 14 of the Delaware Code by striking the term "Wilmington Medical Center" as it appears therein and by substituting in lieu thereof the term "Medical Center of Delaware".

Section 2. Amend §8804 (c), Chapter 88, Title 14 of the Delaware Code by striking said subsection in its entirety and by substituting in lieu thereof the following:

"(c) No member of the Board shall receive any compensation for his duties or expenses in such capacity."

Approved June 30, 1986.

CHAPTER 375

FORMERLY

HOUSE BILL NO. 712

AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE, RELATING TO LICENSE FEES FOR EMPLOYMENT AGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three fifths of all members of each House concurring therein):

Section 1. Amend §3155, Chapter 31, Title 19 of the Delaware Code, by striking the first sentence of said section in its entirety and by substituting in lieu thereof the following:

"The Division of Business and Occupational Regulation shall cause employment agencies being operated for profit within the State to take out a state license renewable biennially costing $100 to be deposited in the General Fund of the State Treasury."

Approved June 30, 1986.

CHAPTER 376

FORMERLY

HOUSE BILL NO. 713
AS AMENDED BY HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend §1303, Chapter 13, Title 24 of the Delaware Code, by striking §1303 in its entirety and by substituting in lieu thereof the following:

"§1303. Composition of the Board of Examiners; Appointment; Qualifications; Term of Office; Compensation; Inquiry and Investigation of Applicants

(a) The Board of Examiners of Private Detectives shall consist of seven members. The Superintendent shall be a member and shall appoint four additional members, three of whom have had at least five years of experience in investigative duties, and one member of the Delaware Bar. The Governor shall appoint two additional members, one of whom shall be licensed in this State under the requirements of this Chapter; and one of whom shall be designated as the Public Member; such public member shall not be nor ever have been engaged in a private detective business; shall not have been employed by a company engaged in the private detective business; shall not be a member of the immediate family of a private detective; shall not have been engaged in an activity directly related to the private detective business; nor have had a financial interest in the providing of goods and services to persons engaged in the private detective business.

(b) Each member of the Board shall serve for a term of three years and members may succeed themselves; provided, however, that the Superintendent shall be a permanent member of the Board. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former member.

(c) Each member of the Board who is not serving on the Board in their capacity as an employee of the Delaware State Police or the Department of Public Safety shall be reimbursed $50 for each meeting attended provided, however, that no Board member shall receive more than $500 in any given calendar year.

(d) The Superintendent, when satisfied from the examination of any application for licensure and such further investigation and inquiry as he deems proper as to the competency and integrity of the applicant, shall issue and deliver his report to the Board of Examiners for its approval or disapproval.

(e) 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 cause the rejection of an applicant as provided by §§1312(b) and 1313(a)(4) of this Chapter."

Section 2. Amend §1304, Chapter 13, Title 24 of the Delaware Code, by designating the body of the current §1304 to be subsection (b) and by changing the title and by adding a new subsection (a) to §1304 to read as follows:

"§1304. Qualifications for Licensure; Issuance of License; Fee; Bond; Disposition of Fees

(a) An applicant who is applying for licensure shall have the following qualifications:

(1) Be at least 25 years of age;

(2) Have at least five years of experience as an investigator, or as a police officer with an organized police force, or with an investigative agency in the United States;

(3) Be required to submit references to the Superintendent attesting to the good character and integrity of the applicant.

(4) Be required to submit their fingerprints to the Board on appropriate forms furnished by the Board for a criminal record examination prior to consideration of the application.

(5) Not be a member or employee of any police agency, bureau, or organization, or any other legally authorized enforcement agency provided, however, that an officer on terminal leave may be eligible for licensure under conditions specified in the rules and regulations

promulgated by the Board."

Section 3. Amend §1307, Chapter 13, Title 24 of the Delaware Code, by striking §1307 in its entirety and by substituting in lieu thereof the following:

"§1307. Renewal of License. Revocability

(a) Effective January 1, 1987, all licenses will be renewable on a biennial basis on June 30 of odd-numbered years. All licensees scheduled for license renewal in 1987 shall pay the complete license renewal fee by June 30, 1987. All licensees scheduled for license renewal in 1988 shall pay one-half of the biennial license renewal fee by June 30, 1987 and will not be subject to license renewal until June 30, 1989.

(b) In case of revocation or surrender of any license, no refund shall be made of any license fee paid under this Chapter."

Section 4. Amend §1314 (a), Chapter 13, Title 24 of the Delaware Code, by striking the first sentence of said subsection in its entirety, and by substituting in lieu thereof the following:

"(a) For the purpose of identification of persons engaged in the conduct of a private detective business as private detective or private investigator, each such person shall carry and show when requested an identification card, which shall be issued by the Superintendent at the time of initial issuance of license."

Approved June 30, 1986.

CHAPTER 377

FORMERLY

HOUSE BILL NO. 719
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 6 AND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE HUMAN RELATIONS COMMISSION; AND PROVIDING FOR CERTAIN CHANGES IN ITS JURISDICTION.

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

Section 1. Amend §4502, Chapter 45, Title 6 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"§4502. Purpose and Construction

This chapter is intended to prevent in places of public accommodations practices of discrimination against any person because of race, age, marital status, creed, color, sex, handicap, or national origin. This chapter shall be liberally construed to the end that the rights herein provided for all people without regard to race, age, marital status, creed, color, sex, handicap or national origin may be effectively safeguarded."

Section 2. Amend §4503, Chapter 45, Title 6 of the Delaware Code, by inserting after the word "sex" in said section the following:

", handicap".

Section 3. Amend §4504, Chapter 45, Title 6 of the Delaware Code, by inserting after the word "sex", wherever it appears in said section, the following:

", handicap".

Section 4. Amend §4512, Chapter 45, Title 6 of the Delaware Code, by designating the body of the existing §4512 as subsection (a) and by creating a new subsection (b) to read as follows:

"(b) In the event that any party to a hearing requests a transcript of said hearing, the Commission shall provide at cost a copy of the hearing transcript."

Section 5. Amend §4605(c), Chapter 46, Title 6 of the Delaware Code, by striking the period (.) at the end of the first sentence of said section and by inserting in lieu thereof the following:

", unless another date is set by the Chairman."

Section 6. Amend §4608, Chapter 46, Title 6 of the Delaware Code by designating the body of the existing §4608 as subsection (a) and by creating a new subsection (b) to read as follows:

"(b) In the event that any party to a hearing requests a transcript of said hearing, the Commission shall provide at cost a copy of the hearing transcript."

Section 7. Amend §3002(c), Chapter 30, Title 31 of the Delaware Code, by striking the period (.) at the end of said section and by substituting in lieu thereof the following:

"; provided, however, that those Commissioners designated by the Chairman to serve on hearing panels shall be compensated the sum of $50 per day up to a maximum of $500 in a calendar year for each day spent in attendance of a hearing."

Section 8. Amend §3001, Chapter 30, Title 31 of the Delaware Code, by adding a new subsection (d) thereto to read as follows:

"(d) Any member of the Commission who fails to attend three consecutive meetings, without reasonable excuse to the Chairman, or 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."

Approved June 30, 1986.

CHAPTER 378

FORMERLY

HOUSE BILL NO. 727
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOARD OF PHARMACY.

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 2501, Chapter 25, Title 24 of the Delaware Code, by striking Sections 2501 (a) and (b) in their entirety and by substituting in lieu thereof the following:

"(a) The State Board of Pharmacy, heretofore established and hereinafter in this Chapter referred to as the "Board", shall consist of seven persons who shall be appointed by the Governor for terms of five years from the first day of July in the year of appointment. Five of the seven persons appointed shall be:

(1) Graduates of a school or college of pharmacy accredited by the American Council on Pharmaceutical Education at the time of graduation;

(2) Licensed as pharmacists in this State; and

(3) Residents of this State and actively engaged in the practice of pharmacy in this State.

Two of the seven persons shall be appointed by the Governor and shall be known as the "public members". Said public members shall be residents of this State who have attained the age of majority and shall not be nor ever have been a member of the profession of pharmacy, or a person who has ever had any material financial interest in the providing of pharmacy service, nor shall they have been related to someone engaged in the practice of pharmacy, nor shall they be engaged in any activity directly related to the practice of pharmacy.

(b) Vacancies occurring for any reason other than the expiration of term shall be filled by the Governor for the remainder of the unexpired term."

Section 2. Amend Section 2507, Chapter 25, Title 24 of the Delaware Code by striking Sections 2507 (1) through (5) in their entirety and by substituting in lieu thereof the following:

"(1) Pharmacists	$50
(2) Assistant Pharmacists	$50
(3) Pharmacy	$100
(4) Wholesalers	$200
(5) Manufacturers	$200"

Section 3. Amend Section 2522(1), Chapter 25, Title 24 of the Delaware Code, by striking the phrase "not to exceed $100," as it appears therein, and by substituting in lieu thereof the phrase "that reflects the cost of the examination,".

Section 4. Amend Section 2526, Chapter 25, Title 24 of the Delaware Code, by redesignating current Sections 2526(b) through (e) as Sections 2526(c) through (f) and by inserting a new Section 2526(b) to read as follows:

"(b) Any practitioner or member of the public who has a question or complaint concerning any aspect of the practice of pharmacy 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.

The Board shall investigate any complaint, including oral and anonymous complaints; and shall follow through on those complaints which, upon investigation, appear to be valid and well-founded. In cases where the complainant is known to the Board, it shall, within six weeks after receipt of the complaint, notify the complainant whether or not it will take any action in the matter. If the Board decides to take no action it shall, by letter, state its reasons therefor. A record shall be kept of each complaint, formal or informal, for a period of at least five years."

Section 5. Amend Section 2589 (b)(1) of Chapter 25, Title 24 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"(1) The prescriber, in the case of a written prescription, places his signature on the signature line alongside the words 'substitution permitted' provided for pursuant to subsection (c) or, in the case of a verbal prescription, states that substitution may be made, or in the case of an order written in an institution licensed by the State Board of Health pursuant to Chapters 10 or 11 of Chapter 16, the prescriber has given his written authorization to fill all orders for drugs with therapeutically equivalent drug products, unless otherwise indicated;"

Section 6. Amend §10161, Chapter 101, Title 29 of the Delaware Code, by adding thereto a new subsection to read as follows:

"( ) Board of Pharmacy."

Section 7. The Board of Pharmacy shall implement in its rules and regulations guidelines permitting the computerized transfer of prescriptions between pharmacies and shall report to the General Assembly through the Joint Sunset Committee of its progress in implementing said guidelines by January 31, 1987.

Section 8. The six persons constituting the State Board of Pharmacy on the effective date of this Act shall continue in office as members of the Board until the expiration of the terms for which they were appointed

Section 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable

Approved June 30, 1986.

CHAPTER 379

FORMERLY

HOUSE BILL NO. 732

AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE, RELATING TO DEADLY WEAPONS 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):

Amend §902, Chapter 9, Title 24 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"§902 Application and Fee for License; Duration; Renewal

Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of §901 shall apply to the Department of Administrative Services to obtain a license to conduct such business and shall pay an application fee of $100 to the Department. The license shall entitle the holder thereto to conduct such business until the first day of June next succeeding its date An application for renewal of such license shall be accompanied by a payment of $100 to the Department

Approved June 30, 1986.

CHAPTER 380

FORMERLY

HOUSE BILL NO. 733

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS; AND SPECIFYING POLICY AS TO HOW FEES MAY BE COMPUTED.

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

Section 1. Amend Chapter 17, Title 24 of the Delaware Code by adding thereto a new §1729 to read as follows:

"§1729. Fees

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."

Section 2. Amend §1906(21), Chapter 19, Title 24 of the Delaware Code, by striking the period (.) at the conclusion of said subsection and by substituting in lieu thereof the following:

"; provided, however, that 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."

Section 3. Amend §2617(a), Chapter 26, Title 24 of the Delaware Code, by striking said subsection in its entirety and by substituting in lieu thereof the following:

"(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 service or activity, the appropriate Board fees for the coming year. All fees and revenues received by the Board shall be paid to the State Treasurer promptly after receipt and shall be credited to the General Fund of the State in accordance with Chapter 61 of Title 29."

Section 4. Amend §2908, Chapter 29, Title 24 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"§2908. Fees

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."

Section 5. Amend §3510(a), Chapter 35, Title 24 of the Delaware Code, by striking said subsection in its entirety and by substituting in lieu thereof the following:

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 service 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."

Section 6. Amend §3711, Chapter 37, Title 24 of the Delaware Code, by striking said section in its entirety and by substituting in lieu thereof the following:

"§3711. Fees and Revenues

(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 it behalf, shall compute, for each separate service or activity, the appropriate Board fees for the coming year."

(b) All fees and revenues received by the Board shall be paid to the State Treasurer upon receipt and shall be credited to the General Fund of the State in accordance with Chapter 61 of Title 29 of the Delaware Code.

(c) The application fee shall not be refundable under any circumstances. If an applicant fails to appear for a scheduled examination, the fee may be refunded at the discretion of the Board."

Section 7. This Act shall take effect on January 1, 1987.

Approved June 30, 1986.

CHAPTER 381

FORMERLY

HOUSE BILL NO. 736

AN ACT TO AMEND CHAPTERS 13, 17 AND 31 OF TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION AND AN INTENSIVE LEARNING CENTER FUNDING UNIT.

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

Section 1. Amend §1703(d), Title 14 of the Delaware Code by inserting in that Subsection after the sentence "For those children in the classification designated as having 'learning disabilities' the unit shall be 8.", a new sentence as follows: "For a person identified as an 'Intensive Learning Center Pupil' and assigned to an Intensive Learning Center, approved by the State Board of Education, the unit shall be 8.6".

Section 2. Amend §3101, Title 14 of the Delaware Code by adding to that Section a new Subsection (8) to read as follows:

"(8) An 'Intensive Learning Center Pupil' is an identified handicapped person who in most instances will have been classified as educable mentally handicapped, socially or emotionally maladjusted or learning disabled and who manifests any of the following characteristics: learning difficulties so severe that he or she cannot respond to the curriculum and services normally provided in a special class for the identified handicap, continually exhibits disruptive behavior in a special class or withdraws into himself or herself to such an extent as to be unserved in the special class authorized for his or her particular handicap. A handicapped person may be assigned to an Intensive Learning Center only after a complete review of his or her records by an Identification, Placement, Review and Dismissal Committee. All Intensive Learning Centers in a district or in a consortium of districts must be approved by the State Board of Education."

Section 3. Amend §1321(e), Title 14 of the Delaware Code by adding to that Subsection a new paragraph (17) which shall read as follows:

"(17) Class aides In an Intensive Learning Center approved by the State Board of Education, the staff assignments shall include one classroom teacher for each unit of pupils or in lieu of a teacher, two aides may be employed so long as the number of aides does not exceed the number of teachers in any given Intensive Learning Center and so long as each aide works under the direct supervision of a teacher. Aides so employed shall be paid according to the schedule for class aides set forth in §1324 of this Title."

Section 4. Amend §1324(a), Title 14 of the Delaware Code by deleting the word "or" preceding the word "autistic" and inserting in lieu thereof the following: "an Intensive Learning Center approved by the State Board of Education, or"

Approved June 30, 1986.

CHAPTER 382

FORMERLY

HOUSE BILL NO. 618

AN ACT AWARDING SPECIAL PENSION BENEFITS TO RICHARD L. TITUS; APPROPRIATING 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, Richard L. Titus has been employed in various capacities with the State of Delaware; and

WHEREAS, Richard L. Titus has specifically served the Delaware State Archives, the Department of Natural Resources, the Department of Labor, the Delaware Emergency Fuel Crisis Program and the Department of Agriculture; and

WHEREAS, Richard L. Titus has also served Delaware State College and Delaware Technical and Community College in the capacities of instructor and program assistant; and

WHEREAS, Richard L. Titus has contributed an aggregate period of service to the State of ten years; and

WHEREAS, under the statutes and the rules and regulations of the Board of Pension Trustees, Richard L. Titus will not receive a State pension for his many years of dedicated service for the State of Delaware.

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 Richard L. Titus a pension in the amount of $175.00 per month as if such award were made pursuant to Chapter 55, Title 29 of the Delaware Code.

Section 2. The Budget Director and the Controller General are authorized and directed to transfer the sum of $20,486.44 from a contingency line item appropriation in Chapter 87, Volume 65, Laws of Delaware for Budget Office - Contingencies (10-02-004) Contingency - Regrades/Reclassifications to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware for the purposes of implementing the provisions of Section 1 of this Act, commencing with the month of January, 1987.

Approved June 30, 1986.

CHAPTER 383

FORMERLY

SENATE BILL NO. 574

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:

Accounting Code	Organization/Description	Amount
(10-10-001)	Delaware Justice Information System	
	Local Police Coordination	$ 32,500
	Aid to Local Law Enforcement	300,000
(12-05-001)	State Treasurer - Administration	
	Municipal Street Aid	$ 2,500,000
(20-06-016)	Office of Arts Council	
	Delaware Arts Council	$ 480,000
(35-01-001)	Dept. of Health & Social Services - Secretary	
	Adolescent Program	$ 315,000

Accounting Code	Organization/Description	Amount
(35-14-001)	Division of Aging	
	Senior Centers	
	Absolom Jones Senior Center	$ 73,880
	Brandywine Senior Center	50,220
	Bridgeville Senior Center	59,740
	Cape Henlopen Senior Center	100,480
	Chesapeake and Delaware Senior Center	25,620
	Clarence Fraim Senior Center	93,340
	DeLaWarr Senior Center	54,220
	Frederica Adult Center	47,900
	Harrington Senior Center	43,800
	Harvest Years Senior Center	24,140
	Howard Weston Senior Center	163,480
	Indian River Senior Center	41,200
	Jewish Community Center	45,220
	Jimmy Jenkins Senior Center	51,100
	Julia Tallman Golden Age Center	52,760
	Kirkwood United Methodist Church Senior Center	15,620
	Laurel Senior Center	92,100
	Lewes Senior Citizens Center	22,454
	M.O.T. Senior Center	49,620
	Mid-County Senior Center	99,160
	Milford Senior Center	55,800
	Modern Maturity Center	127,160
	Nanticoke Senior Center	85,120
	New Castle Senior Center	40,600
	Newark Senior Center	83,220
	Northeast Senior Center	58,080
	Oak Grove Senior Center, Inc.	103,820
	Peoples Settlement - Senior Citizens Program	42,960
	St. Ann's Neighborhood Services	68,760
	St. Anthony's Senior Center	71,440
	St. Hedwig's Senior Center	146,640

St. Patrick's Senior Center	92,300
St. Peter's Adult Center	69,100
St. Thomas Senior Center	86,640
Sellers Senior Center	57,220
Smyrna-Clayton Senior Center	15,600
West Center City Senior Activity Center	64,960
Wilmington Senior Center	131,640
TOTAL - Section 1	$ $6,234,614

Section 2. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Category/Description	Amount
One-Time Appropriations	
Nanticoke Indian Association	$ 9,000
Union Baptist Church - Closing Costs	30,000
Arts/Historical/Cultural/Tourism	
Delaware Agriculture Museum	$ 23,000
Delaware City Day Committee	5,750
Delaware State Fair	30,000
Harrington Historical Society	5,000
Historical Society of Delaware	34,500
Miss Delaware Pageant	4,000
Mohawk Foundation, Inc.	30,000
Namaan's Kill Questors	2,300
New Castle - Separation Day	8,050
WHYY	243,000
Aging - Other	
Boys Club of Wilmington	$ 10,000
Delaware Senior Citizen, Inc. Newspaper	25,000
Geriatric Services of Delaware, Inc.	52,500
Meals on Wheels - Lewes and Rehoboth	20,000
Rehabilitative Opportunities for Homebound Residents	16,000
Sussex County Home Services (HOPE Program)	22,000
West Center City Community Center - Physical Fitness Program	5,750
Handicapped/Health/Labor	
AHEDD, Inc. - Kent/Sussex	$ 17,000
AHEDD, Inc. - Wilmington	10,000
Adult Educable Mentally Retarded	38,000
Arthritis Foundation	5,000
Delaware Association for Blind Athletes	5,000
Delaware Association for the Blind	34,500
Delaware Elwyn Institute	10,000
Delaware Hospice, Inc.	92,000
Delaware Vietnam Veterans Leadership Program	7,500
Easter Seal Society for Crippled Children & Adults of Delaware	50,000
Institute for Development of Human Resources	20,000
Jobs for Delaware Graduates	115,000
Kent/Sussex Industries	23,000
Mancus Foundation	23,000
Mary Campbell Center, Inc.	100,000
Mental Health Association in Delaware	10,000
New Castle County Alliance for the Mentally Ill	15,000
Family and Youth Services	
Residential Treatment	
Aid-in-Dover, Inc. (Eight-O-One)	$ 31,000
Childhood Village	17,250

Children's Home, Inc.		34,500
Diamond State Youth, Inc.		83,000
Independent Living		23,000
Education		
Beechwood Individualized Parent/Child Program	$	60,000
Other		
Big Brothers/Big Sisters of Delaware, Inc.	$	31,000
Child, Inc.		47,500
Children's Bureau of Delaware		80,000
Delaware Assn. of Chiefs of Police - Camp Barnes		17,250
Del. Guidance Services for Children & Youth, Inc.		100,000
Family Services of Delaware		10,000
Juvenile Education Awareness Program		11,500
Parents Anonymous of Delaware		11,500
Peoples Place II		55,000
Turnabout Counseling Center/Seaford Action Committee		100,000
United Cerebral Palsy of Delaware, Inc.,		25,000
United Cerebral Palsy - Transportation		10,000
YMCA of Southern Delaware - Mini-Bike		20,000
Youth Guidance Program		9,000
Adult Day Care		
Total Living Care, Inc.	$	13,197
Alcohol/Drug Abuse		
ANKH, Inc.	$	10,000
1212 Program		10,000
Center for Pastoral Care		10,000
Limen House		23,000
Open Door, Inc.		55,000
Resource Center, Inc.		25,000
Neighborhood/Community Services		
Casa San Francisco	$	10,000
Chesapeake Bay Girl Scout Council, Inc.		10,000
Civil Air Patrol - Cadet Program		7,000
Claymont Community Center		175,000
Community Legal Aid - Social Security Advocacy		45,000
CONTACT Wilmington		17,250
Delaware Crime Stoppers		10,000
Delaware Crop Improvement Association		2,000
Delaware Safety Council, Inc.		35,000
Eastlawn Area Human Services, Inc.		65,000
Eastside Citizens, Inc.		35,000
Edgemoor Educational and Recreational Community Center		120,000
Food Conservers		40,250
Girls Club of Delaware		20,000
Greater Elsmere Recreation & Education Center		85,000
Hilltop Lutheran Neighborhood Center		22,000
Hockessin Community Center		33,000
Home of Divine Providence, Inc.		23,000
Latin American Community Center, Inc.		22,000
M.O.T. Community Action		30,000
Mary Mother of Hope House - Phase I		30,000
Mary Mother of Hope House - Phase II		17,000
Mary Mother of Hope House - Emmanuel Dining Room		34,500
Mary Mother of Hope - House of Joseph		17,000
Neighborhood House, Inc.		34,500
New Castle County Crisis Pregnancy Center		17,250
Newark Housing Ministries		17,250
Richardson Park Community Action		10,000
Rosehill Community Center, Inc.		83,000
Salvation Army Emergency Housing		46,000
Slaughter Neck Community Action Committee		26,000

South Wilmington Medical Center	57,500
Southwest Wilmington Community Center	82,000
Sussex County Community Action	30,000
Tri-State Bird Rescue and Research	5,750
Union Baptist Services	40,000
West End Neighborhood House, Inc.	22,000
Whatcoat Social Service Agency	24,150
YWCA of New Castle County	16,100
TOTAL - Section 2	$ 3,490,047

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	$ 9,163
Belevedere Volunteer Fire Company	Belevedere	9,163
Brandywine Hundred Fire Co.-No. 1	Bellefonte	9,163
Christiana Fire Co.	Christiana	9,163
Claymont Fire Co.	Claymont	9,163
Cranston Heights Fire Co.	Cranston Heights	9,163
Delaware City Fire Co.	Delaware City	9,163
Elsmere Fire Co.	Elsmere	9,163
Five Points Fire Co. No. 1	Richardson Park	9,163
Goodwill Fire Co. No. 1	New Castle	9,163
Hockessin Fire Co.	Hockessin	9,163
Holloway Terrace Fire Co.	Holloway Terrace	9,163
Mill Creek Fire Co.	Marshallton	9,163
Minquadale Fire Co.	Minquadale	9,163
Minquas Fire Co. No. 1	Newport	9,163
Odessa Fire Co., Inc.	Odessa	9,163
Port Penn Volunteer Fire Co., Inc.	Port Penn	9,163
Talleyville Fire Co., Inc.	Talleyville	9,163
Townsend Fire Co., Inc.	Townsend	9,163
Volunteer Hose Co., Inc.	Middletown	9,163
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	9,163

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers	$ 9,163
Camden-Wyoming Fire Co.	Camden	9,163
Carlisle Fire Co.	Milford	9,163
Cheswold Volunteer Fire Co.	Cheswold	9,163
Citizens' Hose Co. No. 1, Inc.	Smyrna	9,163
Clayton Fire Co.	Clayton	9,163
Robbins Hose Co. (Dover Fire Dept.)	Dover	9,163
Farmington Volunteer Fire Co.	Farmington	9,163
Felton Community Fire Co.	Felton	9,163
Frederica Volunteer Fire Co.	Frederica	9,163
Harrington Fire Co.	Harrington	9,163
Hartly Volunteer Fire Co.	Hartly	9,163
Houston Volunteer Fire Co.	Houston	9,163
Leipsic Volunteer Fire Co.	Leipsic	9,163
Little Creek Volunteer Fire Co.	Little Creek	9,163
Magnolia Volunteer Fire Co.	Magnolia	9,163
Marydel Volunteer Fire Co., Inc.	Marydel	9,163
South Bowers Fire Co.	South Bowers	9,163

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 9,163
Blades Volunteer Fire Co., Inc.	Blades	9,163
Bridgeville Volunteer Fire Co.	Bridgeville	9,163
Dagsboro Volunteer Fire Co.	Dagsboro	9,163
Delmar Fire Department	Delmar	9,163
Ellendale Volunteer Fire Co.	Ellendale	9,163
Frankford Volunteer Fire Co.	Frankford	9,163
Georgetown Fire Co., Inc.	Georgetown	9,163
Greenwood Volunteer Fire Co.	Greenwood	9,163
Gumboro Volunteer Fire Co.,Inc.	Gumboro	9,163

Indian River Volunteer Fire Co.	Indian River	9,163
Laurel Fire Department, Inc.	Laurel	9,163
Lewes Fire Department, Inc.	Lewes	9,163
Millsboro Fire Co.	Millsboro	9,163
Milton Volunteer Fire Co.	Milton	9,163
Millville Volunteer Fire Co.	Millville	9,163
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	9,163
Roxanna Volunteer Fire Co.	Roxanna	9,163
Seaford Volunteer Fire Dept., Inc.	Seaford	9,163
Selbyville Volunteer Fire Co., Inc.	Selbyville	9,163
Slaughter Beach Memorial Fire Co.	Slaughter Beach	9,163
	TOTAL	$ 549,780

(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	$ 1,531
Blades Volunteer Fire Co., Inc.	Blades	1,531
Bridgeville Volunteer Fire Co.	Bridgeville	1,531
Bowers Volunteer Fire Co., Inc.	Bowers	1,531
Brandywine Hundred Fire Co., No. 1	Bellefonte	1,531
Camden-Wyoming Fire Co.	Camden	1,531
Carlisle Fire Co.	Milford	1,531
Cheswold Volunteer Fire Co.	Cheswold	1,531
Christiana Fire Co.	Christiana	1,531
Claymont Fire Co.	Claymont	1,531
Cranston Heights Fire Co.	Cranston Heights	1,531
Dagsboro Volunteer Fire Co.	Dagsboro	1,531
Delaware City Fire Co.	Delaware City	1,531
Delmar Fire Department	Delmar	1,531
Ellendale Volunteer Fire Co.	Ellendale	1,531
Elsmere Fire Co.	Elsmere	1,531
Felton Community Fire Co.	Felton	1,531
Five Points Fire Co. No. 1	Richardson Park	1,531
Frankford Volunteer Fire Co. No. 1	Frankford	1,531
Frederica Volunteer Fire Co.	Frederica	1,531
Goodwill Fire Co. No. 1	New Castle	1,531
Greenwood Volunteer Fire Co.	Greenwood	1,531
Gumboro Volunteer Fire Co., Inc.	Gumboro	1,531
Harrington Fire Co.	Harrington	1,531
Hartly Volunteer Fire Co., Inc.	Hartly	1,531
Holloway Terrace Fire Co.	Holloway Terrace	1,531
Hockessin Fire Co.	Hockessin	1,531
Laurel Fire Department, Inc.	Laurel	1,531
Leipsic Volunteer Fire Co.	Leipsic	1,531
Lewes Fire Department, Inc.	Lewes	1,531
Magnolia Volunteer Fire Co.	Magnolia	1,531
Mill Creek Fire Co.	Marshallton	1,531
Millville Volunteer Fire Co., Inc.	Millville	1,531
Milton Volunteer Fire Co.	Milton	1,531
Minquadale Fire Co.	Minquadale	1,531
Minquas Fire Co. No. 1	Newport	1,531
Port Penn Volunteer Fire Co.	Port Penn	1,531
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,531
Roxanna Volunteer Fire Co.	Roxanna	1,531
Seaford Volunteer Fire Co., Inc.	Seaford	1,531
Selbyville Volunteer Fire Co., Inc.	Selbyville	1,531
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,531
Talleyville Fire Co., Inc.	Talleyville	1,531
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,531
	TOTAL	$ 67,364

(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	$ 1,531

Bethany Beach Volunteer Fire Co.	Bethany Beach	1,531
Blades Volunteer Fire Co.	Blades	1,531
Bowers Volunteer Fire Co., Inc.	Bowers	1,531
Brandywine Hundred Fire Co. No. 1	Bellefonte	1,531
Bridgeville Volunteer Fire Co.	Bridgeville	1,531
Camden-Wyoming Fire Co.	Camden	1,531
Carlisle Fire Co.	Milford	1,531
Cheswold Volunteer Fire Co.	Cheswold	1,531
Christiana Fire Co.	Christiana	1,531
Citizens' Hose Co. No. 1, Inc.	Smyrna	1,531
Claymont Fire Co.	Claymont	1,531
Clayton Fire Co.	Clayton	1,531
Cranston Heights Fire Co.	Cranston Heights	1,531
Dagsboro Volunteer Fire Co.	Dagsboro	1,531
Delaware City Fire Co.	Delaware City	1,531
Delmar Fire Department	Delmar	1,531
Robbins Hose Co. (Dover Fire Dept.)	Dover	1,531
Elsmere Fire Co.	Elsmere	1,531
Farmington Volunteer Fire Co.	Farmington	1,531
Felton Community Fire Co.	Felton	1,531
Five Points Fire Co. No. 1	Richardson Park	1,531
Frederica Volunteer Fire Co.	Frederica	1,531
Georgetown Fire Co.	Georgetown	1,531
Greenwood Fire Co. No. 1	Greenwood	1,531
Goodwill Fire Co. No. 1	New Castle	1,531
Harrington Fire Co.	Harrington	1,531
Hartly Volunteer Fire Co., Inc.	Hartly	1,531
Hockessin Fire Co.	Hockessin	1,531
Holloway Terrace Fire Co.	Holloway Terrace	1,531
Indian River Volunteer Fire Co.	Indian River	1,531
Laurel Fire Dept., Inc.	Laurel	1,531
Leipsic Volunteer Fire Co.	Leipsic	1,531
Lewes Fire Department, Inc.	Lewes	1,531
Little Creek Volunteer Fire Co.	Little Creek	1,531
Magnolia Volunteer Fire Co.	Magnolia	1,531
Marydel Volunteer Fire Co.	Marydel	1,531
Mill Creek Fire Co.	Marshallton	1,531
Millsboro Fire Co.	Millsboro	1,531
Millville Volunteer Fire Co., Inc.	Millville	1,531
Milton Volunteer Fire Co.	Milton	1,531
Minquadale Fire Co.	Minquadale	1,531
Minquas Fire Co. No. 1	Newport	1,531
Odessa Fire Co., Inc.	Odessa	1,531
Port Penn Volunteer Fire Co., Inc.	Port Penn	1,531
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,531
Roxanna Volunteer Fire Co.	Roxanna	1,531
Seaford Volunteer Fire Department, Inc.	Seaford	1,531
Selbyville Fire Co., Inc.	Selbyville	1,531
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,531
South Bowers Fire Co.	South Bowers	1,531
Ellendale Volunteer Fire Co.	Ellendale	1,531
Houston Volunteer Fire Co.	Houston	1,531
Talleyville Fire Co., Inc.	Talleyville	1,531
Townsend Fire Co.,Inc.	Townsend	1,531
Volunteer Hose Co., Inc.	Middletown	1,531
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,531
	TOTAL	$ 87,267

(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	$ 2,332
Brandywine Hundred Fire Co., No. 1	Bellefonte	2,332
Christiana Fire Co.	Christiana	2,332
Claymont Fire Co.	Claymont	2,332
Delaware City Fire Co.	Delaware City	2,332

Elsmere Fire Co.	Elsmere	2,332
Five Points Fire Co. No. 1	Richardson Park	2,332
Goodwill Fire Co.No. 1	New Castle	2,332
Mill Creek Fire Co.	Marshallton	2,332
Talleyville Fire Co., Inc.	Talleyville	2,332
Volunteer Hose Co., Inc.	Middletown	2,332
Wilmington Manor Volunteer Fire Co.	Wilmington Manor	2,332
Kent County		
Camden-Wyoming Fire Company	Camden	$ 2,332
Carlisle Fire Co.	Milford	2,332
Citizens' Hose Co., No. 1, Inc.	Smyrna	2,332
Hartly Volunteer Fire Co., Inc.	Hartly	2,332
Robbins Hose Co., (Dover Fire Dept.)	Dover	2,332
Sussex County		
Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 2,332
Lewes Fire Department, Inc.	Lewes	2,332
Millsboro Fire Co.	Millsboro	2,332
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	2,332
Seaford Volunteer Fire Co., Inc.	Seaford	2,332
	TOTAL	$ 51,304

(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.	$ 73,304
(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.	$ 6,996
TOTAL	$ 80,300

(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	$ 11,772
Blades Volunteer Fire Co., Inc.	Blades	11,772
Bowers Volunteer Fire Co., Inc.	Bowers	11,772
Bridgeville Volunteer Fire Co.	Bridgeville	11,772
Camden-Wyoming Fire Co.	Camden	11,772
Carlisle Fire Co.	Milford	11,772
Cheswold Volunteer Fire Co.	Cheswold	11,772
Citizens' Hose Co. No. 1, Inc.	Smyrna	11,772
Clayton Fire Co.	Clayton	11,772
Dagsboro Volunteer Fire Co.	Dagsboro	11,772
Delmar Fire Department	Delmar	11,772
Robbins Hose Co., (Dover Fire Dept.)	Dover	11,772
Ellendale Volunteer Fire Co.	Ellendale	11,772
Farmington Volunteer Fire Co.	Farmington	11,772
Felton Community Fire Co.	Felton	11,772
Frankford Volunteer Fire Co.	Frankford	11,772
Frederica Volunteer Fire Co.	Frederica	11,772
Georgetown Fire Co., Inc.	Georgetown	11,772
Greenwood Volunteer Fire Co.	Greenwood	11,772
Gumboro Volunteer Fire Co., Inc.	Gumboro	11,772
Harrington Fire Co.	Harrington	11,772
Hartly Volunteer Fire Co.	Hartly	11,772
Houston Volunteer Fire Co.	Houston	11,772
Indian River Volunteer Fire Co.	Indian River	11,772

Laurel Fire Department, Inc.	Laurel	11,772
Leipsic Volunteer Fire Co.	Leipsic	11,772
Lewes Fire Department, Inc.	Lewes	11,772
Little Creek Volunteer Fire Co.	Little Creek	11,772
Magnolia Volunteer Fire Co.	Magnolia	11,772
Marydel Volunteer Fire Co., Inc.	Marydel	11,772
Millsboro Fire Co.	Millsboro	11,772
Milton Volunteer Fire Co.	Milton	11,772
Millville Volunteer Fire Co.	Millville	11,772
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	11,772
Roxanna Volunteer Fire Co.	Roxanna	11,772
Seaford Volunteer Fire Dept., Inc.	Seaford	11,772
Selbyville Volunteer Fire Co., Inc.	Selbyville	11,772
Slaughter Beach Memorial Fire Co.	Slaughter Beach	11,772
South Bowers Fire Co.	South Bowers	11,772
	TOTAL	$ 459,108

(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	$ 1,531
American Legion, Sussex Post #8	Georgetown	1,531
American Legion, Kent Post #14	Smyrna	1,531
Sussex Memorial Post #7422, V.F.W.	Millsboro	1,531
TOTAL		$ 6,124
Total Section 3		$ 1,301,247

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	$ 19,394
Veterans of Foreign Wars, Department of Delaware	19,394
Disabled American Veterans, Department of Delaware	16,160
Vietnam Veterans of America, Department of Delaware	16,160
Paralyzed Veterans of America, Department of Delaware	16,160

(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	$ 4,715
American Legion, Department of Delaware	4,715
Disabled American Veterans, Department of Delaware	4,715
Vietnam Veterans of America	4,715
Jewish War Veterans of the U.S., Department of Delaware	2,699
Delaware Veterans of World War I	2,016
Paralyzed Veterans of America, Department of Delaware	4,043

(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 $3,812 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 $3,812 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 $1,523 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 $ 124,033

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.

Section 9. The provisions of House Joint Resolution No. 2, as amended by House Amendment No. 1, of the 132nd General Assembly shall continue in effect for the term of this Act.

Section 10. No funds appropriated in this Act shall be expended in a political campaign or for partisan political purposes.

Section 11. 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 12. 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 federal, county and municipal governments and the private sector in the support of arts and cultural programs.

Section 13. 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 1988 in grants-in-aid to agencies for the purpose of relocation, purchasing buildings or rehabilitation or renovation of buildings.

Section 14. 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, 1987, shall revert to the General Fund of the State of Delaware.

Section 15.(a) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation in Section 2 of this Act at the beginning of the first quarter of Fiscal Year 1987 for the agencies as follows:

Delaware Association for Blind Athletes
Delaware Association of Police Chiefs - Camp Barnes
Delaware City Day Committee
Delaware State Fair
Miss Delaware Pageant
New Castle - Separation Day
Union Baptist Church - Closing Costs
WHYY

(b) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation in Section 1 of this Act at the beginning of the first quarter of Fiscal Year 1987 for the municipalities which receive $4,000 or less from the line item Aid to Local Law Enforcement.

(c) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation to fire companies listed in Section 3 of this Act at the beginning of the first quarter of Fiscal Year 1987.

(d) The State Treasurer is authorized to take the necessary steps to make a full payment in July, 1986, to all recipients of municipal street aid whose total for Fiscal Year 1987 is less than $50,000; for recipients of municipal street aid whose total is between $50,001 and $200,000 payments shall be made in two equal installments, one in July, 1986, and the other in January, 1987; for recipients of municipal street aid whose total is over $200,000, payments shall be made quarterly.

Section 16. Section 1 of this Act provides an appropriation for Municipal Street Aid which amount is distributed by the State Treasurer to municipalities in accordance with the provisions of Sections 5161 through and including Section 5166, Subchapter III, Part IV, Title 30, Delaware Code. For fiscal year ending June 30, 1987, the State Treasurer shall submit to the Controller General of the State of Delaware a copy of the annual report from each municipality showing the annual expenditures of municipal street aid funds.

Section 17. Paragraph (d), Chapter 65, Title 29, Delaware Code, provides that monies appropriated for grants-in-aid shall be paid in installments of twenty-five percent each quarter of the fiscal year. An installment payment may be delayed or withheld if the grant-in-aid recipient because of, but not limited to, the following:

(a) Has not submitted a quarterly statement of expenditures if required to do so;

(b) Expended funds from the grant-in-aid for purposes not intended by the General Assembly; and

(c) Expended funds for day care, relocation, purchasing buildings or rehabilitation or renovation of buildings.

Upon notification by the Chairman of the Joint Finance Committee, the State Treasurer shall be directed to withhold such installment payment(s).

Section 18. (a) It is the intent of the General Assembly that each Grant-in-Aid recipient shall submit one of the following with its application for a grant award in Fiscal Year 1988:

(i) An audit prepared by a Certified Public Accountant covering the prior full fiscal year of the receiving agency, or

(ii) A Balance Sheet reflecting total Assets, Liabilities, and Fund Balances covering the prior fiscal year of the receiving agency; Statements of Support, Revenue and Expenses and Changes in Fund Balances covering the prior fiscal year of the receiving agency; and Statements of Functional Expenses covering the prior fiscal year of the receiving agency.

(b) Fire companies listed in this Act shall submit financial information on the form approved by the State Treasurer, the Budget Director and the Controller General. Consequently, the listed fire companies are exempt from the provisions of Subsection (a) of this Section.

(c) Veterans' organizations in Subsection (4) of this Act are exempt from the provisions of this Section.

(d) Recipients of the appropriation for Municipal Street Aid and recipients of the appropriation for Aid to Local Law Enforcement shall be exempt from the provisions of this Section.

(e) Non-compliance by a Grant-in-Aid recipient with the provisions of this Section shall automatically disqualify the applicant for consideration of a Grant-in-Aid award in Fiscal Year 1988.

(f) For Fiscal Year 1987, it is the legislative intent that a Grant-in-Aid recipient listed in Sections 1 or 2 of this Act shall not be entitled to receive any of the funds appropriated by this Act unless certain financial information has been received by the Office of the Controller General on or before July 25, 1986. Such financial information shall be in the form as defined in Subsection (a)(i) or Subsection (a)(ii) of this Section covering full fiscal year of the receiving agency. If any Grant-in-Aid recipient fails to comply with this Subsection (f) the funds appropriated by this Act to that recipient shall revert to the General Fund of the State.

Section 19. Section 2 of this Act in the Category/Description of One-Time Appropriations appropriates $30,000 to the Union Baptist Church for closing costs. This appropriation is to made only if the City of Wilmington provides an equal or greater appropriation to the Union Baptist Church.

Approved July 1, 1986.

CHAPTER 384

FORMERLY

HOUSE BILL NO. 677
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND VOLUME 43, CHAPTER 189, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING.

WHEREAS, it is deemed advisable that the Charter of the Town of Wyoming, contained in Chapter 189, Volume 43, Laws of Delaware, as amended, be 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):

Section 1. Amend Section 3, Chapter 189, Volume 43, Laws of Delaware by striking said Section in its entirety and substituting in lieu thereof the following:

"STRUCTURE OF GOVERNMENT

Section 3. The government of the town and the exercise of the powers conferred by this Charter, shall be vested in a town council composed of a mayor and four council members, all of whom shall be elected at-large by the qualified voters of the town, as is more fully set forth in the Charter. The members of the Town Council shall be citizens of the State of Delaware and residents of the said Town above the age of eighteen years. No compensation shall be paid to Councilmen. The Council members shall each serve a term of two years."

Section 2. Amend Section 4, Chapter 189, Volume 43, Laws of Delaware by striking said Section in its entirety and substituting in lieu thereof the following:

"ELECTION IN GENERAL

Section 4. The present commissioners of the Town of Wyoming shall by this Act be appointed to serve and shall act as Councilmen of said Town from and after the passage hereof until Councilmen are duly elected.

Section 3. Amend Subsection (A), Section 14, Chapter 189, Volume 43, Laws of Delaware by striking the phrase "a President, a Secretary, and a Treasurer." and substituting in lieu thereof the phrase "a Vice Mayor, a Secretary and a Treasurer."

Section 4. Further amend Subsection (A), Section 14, Chapter 189, Volume 43, Laws of Delaware by striking the sentence "The President of the Council shall be a member of the Council." in its entirety.

Section 5. Amend Subsection (D), Section 14, Chapter 189, Volume 43, Laws of Delaware by striking said Subsection in its entirety and substituting in lieu thereof the following:

"DUTIES AND POWERS OF MAYOR

(D) 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. 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.

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.

The Mayor shall have the same right as other officers and Council members 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.

If the Mayor be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all powers and duties conferred and imposed upon him by this Act, or any other Law, or any resolution or ordinance now or thereafter adopted or enacted by Council, shall be exercised and performed by the Vice-Mayor chosen by Council as acting Mayor for the period of such incapacity.

The Mayor shall serve a term of two years."

Section 6. Amend Section 15, Chapter 189, Volume 43, Laws of Delaware by striking the figure "$50,000" as it appears in paragraph 13 and substituting in lieu thereof the figure "$75,000".

Section 7. Amend Chapter 189, Volume 43, Laws of Delaware, by striking each reference to "President" and "President of Council" and substituting in lieu thereof the word "Mayor".

Section 8. This Act shall not effect the terms presently being served by Council members.

Section 9. This Act shall become effective February 1, 1987.

Approved July 1, 1986.

CHAPTER 385

FORMERLY

HOUSE BILL NO. 766

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE FIRST STATE IMPROVEMENT FUND; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; CHANGING THE MOTOR FUEL TAX FROM ELEVEN CENTS PER GALLON TO THIRTEEN CENTS PER GALLON, PLEDGING SUCH REVENUES TO SUPPORT BONDS ISSUED BY THE DELAWARE TRANSPORTATION AUTHORITY; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE EXXON OIL OVERCHARGE FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTIES BY THE STATE AND CERTAIN OF ITS AUTHORITIES; CLARIFYING PROVISIONS PERTAINING TO THE DELAWARE TRANSPORTATION AUTHORITY WITH RESPECT TO THE ISSUANCE AND ADMINISTRATION OF BONDS; CREATING THE DELAWARE LAND AND WATER CONSERVATION TRUST FUND; PLACING CERTAIN CONDITIONS ON THE APPROPRIATIONS CONTAINED IN THIS ACT AND PREVIOUS ACTS OF THE STATE; AND MAKING CERTAIN OTHER CHANGES TO THE DELAWARE CODE AND LAWS OF DELAWARE APPLICABLE TO THE ISSUANCE AND ADMINISTRATION OF BONDS BY THE STATE AND 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 Twenty Six Million One Hundred Seventy-Three Thousand Three Hundred Thirty-Three Dollars ($26,173,333) 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 1987 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department, Agency, or Instrumentality	Amount
Department of State	$ 118,000
Department of Administrative Services	4,723,083
Department of Health & Social Services	1,475,000
Department of Services for Children, Youth & Their Families	1,164,920
Department of Correction	1,300,000
Department of Natural Resources & Environmental Control	2,316,000
Department of Public Safety	278,000
Department of Transportation	11,000,000
Department of Agriculture	25,000
National Guard	216,500
State Fire Prevention Commission	450,550
Justice of the Peace Courts	300,000
Delaware State College	25,500
Delaware Technical & Community College	60,000
University of Delaware	125,000
State Board of Education (As Provided Below)	2,595,780

Purpose	Maximum State Share	Local Share	Maximum Total Cost
Sussex Vo-Tech	$ 320,000	$ -0-	$ 320,000
Colonial School District	326,600	-0-	326,600
Capital School District	714,000	-0-	714,000
Cape Henlopen School District	1,235,180	823,454	2,058,634
Subtotal	$2,595,780	$ 823,454	$3,419,234
TOTAL			$26,173,333

Section 2. Authorization of Ten-Year Bonds. The State hereby authorizes the issuance of Twenty-Nine Million Eight Hundred Fifty-Five Thousand Seven Hundred Sixty-Eight Dollars ($29,855,768) 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 1987 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department, Agency, or Instrumentality	Amount
Budget Office	$ 877,900
Department of State	366,000
Department of Administrative Services	2,030,000
Department of Health & Social Services	3,270,833
Department of Services for Children, Youth & Their Families	42,500
Department of Natural Resources & Environmental Control	1,600,000
Department of Public Safety	705,000
Department of Transportation	17,869,222
Department of Agriculture	100,000
State Fire Prevention Commission	55,000
Delaware State College	1,329,913
Delaware Technical & Community College	972,400
State Board of Education (As Provided Below)	637,000

Purpose	Maximum State Share	Local Share	Maximum Total Cost
Sussex Vo-Tech	$ 100,000	$ -0-	$ 100,000
Colonial School District	360,000	240,000	600,000
Kent Vo-Tech	102,000	-0-	102,000
Christina School District	75,000	-0-	75,000
Subtotal	$ 637,000	$ 240,000	$ 877,000
TOTAL			$29,855,768

Section 3. Appropriation of First State Improvement Fund. The State hereby authorizes the appropriation of Twelve Million Eight Hundred Twenty-Seven Thousand Six Hundred Sixty-Seven Dollars ($12,827,667) from the First State Improvement Fund to the following departments, agencies, and instrumentalities of the State and in the following

amounts for the purposes set forth in the Fiscal Year 1987 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department, Agency, or Instrumentality	Amount
Delaware Development Office	$3,980,000
Department of State	1,000,000
Department of Administrative Services	1,761,917
Department of Health & Social Services	187,667
Department of Correction	75,000
Department of Natural Resources & Environmental Control	290,000
Department of Public Safety	110,000
Department of Community Affairs	50,000
University of Delaware	1,423,083
State Board of Education (As Provided Below)	3,950,000

Purpose	Maximum State Share	Local Share	Maximum Total Cost
MCI - Statewide	$3,050,000	$2,033,334	$5,083,334
Maintenance - Statewide	900,000	-0-	900,000
Subtotal	$3,950,000	$2,033,334	$5,983,334

TOTAL	$12,827,667

Section 4. 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:

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Account Code	Amount
Department of State	65/212	20-01-001-56-12	$250,000
TOTAL			$250,000

Section 5. Deauthorization of State Guaranteed Bonds.

(a) Amend §5054(d)(2) of Title 29 of the Delaware Code, as amended, by striking the number "$28,733,899" wherever it appears in said subsection and inserting in lieu thereof the number "$27,292,298".

(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. The provisions of Section 11 of Chapter 387 of Volume 63 of the Laws of Delaware shall apply in this regard.

Section 6. 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 State Treasurer's Bond Reversion Account (12-05-003-40-00), notwithstanding the provisions of Section 4, Senate Bill 311 of the 133rd General Assembly (Volume 65, Chapter 212 of the Laws of Delaware).

Department or Agency	Authorized Vol. & Ch.	Project Account Code	Amount
Delaware Development Office	65/212	10-03-003-96-02	$ 99,300

Department of Natural Resources & Environmental Control	65/212	40-06-001-56-16	15,000
Delaware State College	64/343	90-03-004-55-15	554,873
Department of Agriculture	63/179	65-04-001-52-12	5,804
Delaware State College	63/387	90-03-004-53-14	25
Delaware Technical & Community College	63/179	90-04-002-52-12	343
Delaware Technical & Community College	63/387	90-04-004-53-13	116
Department of State	63/387	20-06-001-53-12	271
Department of Administrative Services	63/387	30-05-001-53-13	296
Department of Administrative Services	63/387	30-05-001-53-15	280
Department of Health & Social Services	62/146	35-06-002-50-12	114
Department of Health & Social Services	63/179	35-06-004-52-12	761
Department of Health & Social Services	63/387	35-06-002-53-17	60
Department of Correction	63/387	38-04-010-53-12	25
Department of Natural Resources & Environmental Control	60/691	40-05-001-77-80	1,350
Department of Natural Resources & Environmental Control	62/407	40-07-005-51-13	6,000
Department of Natural Resources & Environmental Control	63/179	40-01-001-52-13	3
Department of Natural Resources & Environmental Control	63/179	40-05-002-52-12	11,252
Department of Natural Resources & Environmental Control	63/179	40-07-002-52-13	1
Department of Natural Resources & Environmental Control	63/179	40-07-003-52-13	422
Department of Natural Resources & Environmental Control	63/179	40-08-003-52-13	22
Department of Public Safety	62/407	45-03-001-51-12	81
State Fire Prevention Commission	65/212	75-03-001-02-81	57,294
TOTAL			$753,693

Section 7. Transfers from Reversion Account. The State Treasurer shall transfer, as funds become available, the sum of One Million Six Hundred Eight Thousand Three Hundred Ninety-Two Dollars ($1,608,392) from the State Treasurer's 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 1987 Capital Improvements Project Schedule attached hereto and made a part hereof:

Department or Agency	Amount
Department of State	$ 113,475
Department of Natural Resources & Environmental Control	745,000
University of Delaware	749,917
TOTAL	$1,608,392

Section 8. Delaware Transportation Authority (DTA) Bonds. Notwithstanding the provisions of §1312, Chapter 13, Title 2 of the Delaware Code, as amended, and in addition to the existing authority to issue bonds pursuant to such Chapter 13, the Authority may issue additional bonds prior to July 1, 1987, in an aggregate principal amount not to exceed Forty Million Dollars ($40,000,000) for the purposes set forth in subdivisions (2) and (3) of §1312, without authorization of the General Assembly. To the extent that this Act provides for the issuance of bonds by the Authority for specific purposes set forth in such §1312, the aggregate principal amount of bonds hereby authorized to be issued by the Authority without authorization of the General Assembly ($40 million) shall be reduced accordingly.

Section 9. Delaware Transportation Authority - Appropriation of Surplus Balances.

There is hereby appropriated the sum of Nine Million Four Hundred Eighty Thousand Seven Hundred Seventy-Eight Dollars ($9,480,778) in Authority funds from the Road Improvement Fund of the Delaware Transportation Authority established pursuant to Section 1310(c)(11) of Title 2 of the Delaware Code, as amended, and by resolution or indenture of the Authority. Such funds shall be applied to the following project accounts in the following amounts:

Department of Transportation	Amount
Suburban Streets (55-05-000-56-00)	$ 1,430,778
Maintenance (55-05-000-68-00)	2,000,000
Paving & Rehabilitation (55-05-000-64-00)	6,000,000
DTA Capital & Equipment (55-06-000-67-00)	50,000
TOTAL	$ 9,480,778

The Secretary of the Department of Transportation shall transfer from funds in the DTA Road Improvement Fund on deposit with the Trustee to the appropriate special funds of the State, such amounts and at such times 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 or specifically rescinded by an act of the General Assembly.

Section 10. DTA Bonds. §5110, Chapter 51, Title 30, of the Delaware Code, as amended, is hereby further amended by adding the following paragraph (c).

> (c) Notwithstanding the foregoing provisions of paragraph (a) of this section, the tax levied and imposed in paragraph (a) of this section shall be increased to 13 cents per gallon commencing October 1, 1986. The tax shall be no more or no less than 13 cents per gallon until increased or decreased by the State and by virtue of the pledge and assignment of motor fuel tax revenues to the Delaware Transportation Authority shall not be decreased during the period any bonds of that authority are outstanding and unpaid."

Section 11. Delaware Transportation Authority - Permissible Tolls. Amend §1320, Chapter 13, 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 in 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 such points along the Delaware Turnpike and/or the interstate within Delaware which the Authority shall determine."

Section 12. Economic Development.

(a) It is the intent of the General Assembly that Seven Hundred Thousand Dollars ($700,000) appropriated to the Delaware Development Office in Section 3 of this Act be used to supplement $700,000 from New Castle County to partially pay for the construction of a hangar at the Wilmington/New Castle County Airport. All other funds required for construction will be supplied by private industry.

(b) The Delaware Development Office shall not provide funds appropriated herein until an agreement concerning the use of funds and the hangar has been signed by all parties, public and private, which are involved in the project. All lease payments derived by the County from the hangar and the land upon which it will be situated shall be used for improvements at the Wilmington/New Castle County Airport. This hangar will be owned and maintained by New Castle County. In the event the hangar and any of its improvements are sold, New Castle County shall pay the State its pro rata share of the net sales income and said funds shall be deposited in the State Treasurer's Bond Reversion Account (12-05-003-40-00) for future appropriation by the General Assembly.

(c) It is also the intent of the General Assembly that Three Hundred Thousand Dollars ($300,000) appropriated in Section 3 of this Act to the Delaware Development Office be used to install and make infrastructure improvements at the Kent County Industrial Park. Kent County will contribute the land upon which the industrial park will be located, and a grant of Six Hundred Thousand Dollars ($600,000) from the federal government will be obtained by the County.

(d) It is the intent of the General Assembly that One Hundred Fifty Thousand Dollars ($150,000) designated for Van Wingerden Road (SR/413) and appropriated to the Delaware Development Office in Senate Bill No. 311 of the 133rd General Assembly (Volume 65, Chapter 212 of the Laws of Delaware) shall be used for this same designated purpose by the Department of Transportation ("Department") and shall be transferred by the Budget Office to the Department of Transportation account (55-05-000-64-00). The Department may supplement these funds if available, as necessary, to cover additional work specified by the Department.

(e) Amend Volume 65, Chapter 212 of the Laws of Delaware by striking "Entrance Road - State-Owned Industrial Park" as listed under the Delaware Development Office in the Fiscal Year 1986 Capital Improvements Schedule and inserting in lieu thereof "Capital Improvements - State-Owned Industrial Park."

Section 13. City of Milford Industrial Water Rate. It is the intent of the General Assembly that the sum of Two Hundred Thousand Dollars ($200,000) appropriated in Section 3 of this Act to the Delaware Development Office be used for the purpose of reducing the capital cost of the expanded and renovated Milford water system so that the industrial water rate is reduced to a level which is sufficiently competitive to prevent the loss of approximately Fifteen Hundred (1,500) food processing industry jobs in the community.

The Director of the Development Office ("Director") will release the appropriated amount to the City of Milford upon written assurance that the funds will be used to reduce capital costs attributable to industries' pro rata share of water system investment.

It is also the intent of the General Assembly to instruct the Secretary of the Department of Transportation to coordinate normal repair work to authorized state roads affected by the installation of the expanded water system so that overall City and State repaving costs are minimized over the life of the project.

It is the intent of the General Assembly that the Director establish guidelines and administrative procedures to evaluate any future applications for capital assistance for water systems which may be received. These standards shall be based on direct measurable and substantial industrial job retention and/or job expansion benefits which can be attributed to such capital assistance.

Section 14. Delaware Veterans Cemetery. The sum of One Hundred Thousand Dollars ($100,000) appropriated in Section 1 of this Act to the Department of State shall be used to continue the development of a Delaware Veterans Cemetery in New Castle County. This appropriation plus past appropriations and the value of the land shall be used to match an equal amount of federal funds for the development of the cemetery.

Section 15. Asbestos.

(a) The sum of One Million Four Hundred Twenty-Three Thousand Eighty-Three Dollars ($1,423,083) appropriated in Section 1 of this Act and the sum of One Million Five Hundred Seventy-Six Thousand Nine Hundred Seventeen Dollars ($1,576,917) appropriated in Section 3 of this Act to the Department of Administrative Services shall be used to implement a comprehensive program of asbestos control in State-owned facilities and public schools. The Secretary of Administrative Services ishereby directed to implement the prioritized listing of asbestos control projects in accordance with the consultant's studies performed for the Department of Administrative Services and for the Department of Public Instruction.

(b) These funds may be used by the Secretary of Administrative Services for any activity relating to the detection, removal, encapsulation and/or enclosure of asbestos in State-owned buildings and public schools, including the relocation of personnel, functions or activities whenever necessary at the discretion of the Secretary of Administrative Services.

(c) Of the Three Million Dollars ($3,000,000) herein appropriated, One Million Dollars ($1,000,000) shall be made available for asbestos control projects in public schools in the State of Delaware. Funds allocated by the Secretary of Administrative Services for use by local school districts shall constitute the State's sixty percent (60%) share of a minor capital improvement as defined by §7528 of Title 29 of the Delaware Code. Each qualifying school district shall authorize its forty percent (40%) share which, together with the State match, shall be used to complete the designated asbestos control project. If the school district is able to obtain federal funds for an approved asbestos removal project, each qualifying school district shall be authorized its forty percent (40%) share of the non-federal portion of the project which, together with the State match, shall be used to qualify for federal funds. No local school district may participate in the use of these funds without first providing its local share pursuant to the provisions of this Section and other pertinent provisions of Delaware law.

(d) The Secretary of Administrative Services shall approve the standards and specifications for all asbestos control projects funded with State monies from any source. In addition, the Secretary of Administrative Services will adopt regulations governing contractor and worker certification and decertification, project specifications, worker and supervisor training, and any other aspects of asbestos control projects.

(e) The selection of asbestos abatement contractors and environmental monitoring firms will be based solely upon qualifications, experience and ability to perform asbestos abatement activities. The Department of Administrative Services shall approve the selections of the asbestos abatement contractors for all asbestos control projects funded with State monies from any source.

Section 16. Delaware State Hospital. It is the intent of the General Assembly that Five Hundred Thousand Dollars ($500,000) appropriated in Section 2 of this Act to the Department of Health & Social Services ("Department") be used for the renovation of existing space on the Delaware State Hospital campus to support the Campus Space Plan. Of the Five Hundred Thousand Dollars ($500,000) appropriated herein, the Department shall transfer Thirty Thousand Dollars ($30,000) to the Advanced Planning Fund (10-02-006-84-00) as reimbursement for a prior advance from the Fund.

Section 17. Murphey House. It is the intent of the General Assembly that One Hundred Sixty-Five Dollars ($165,000) appropriated to

the Department of Administrative Services in Section 2 of this Act shall be used to renovate the Murphey House, located at 417 South State Street, Dover. These renovations shall be made to accommodate the Kent County Court of Chancery.

Section 18. Minor Capital Improvements - Department of Health & Social Services. It is the intent of the General Assembly that Four Hundred Forty Thousand Dollars ($440,000) appropriated in Section 2 of this Act to the Department of Health & Social Services ("Department") be used, if allowable under federal guidelines, to match an equal amount of funds received by the State from the Exxon Oil Overcharge case and administered by the Department of Administrative Services for the continued repair and renovation of the steam distribution system at Delaware State Hospital. Use of the matching funds from the Exxon Oil Overcharge account must be approved by the State Energy Weatherization Committee.

The Department is hereby directed to investigate its scheduled minor capital improvement and major capital projects, funded either in this Act of in the Fiscal Year 1987 Budget Act (Senate Bill No. 560 of the 133rd General Assembly), to determine whether these projects are eligible for Exxon Oil Overcharge funds. All potentially eligible projects shall be referred to the State Energy Weatherization Committee for consideration for funding from the Exxon Oil Overcharge Account to match an equal amount of funds allocated by the Department of Health & Social Services.

Section 19. Public Health State Lab. One Million Two Hundred Thousand Dollars ($1,200,000) appropriated in Section 1 of this Act to the Department of Health & Social Services shall be used for the design and construction and/or purchase and renovation ofa Public Health State Laboratory. This appropriation constitutes one of two appropriations, the next to be made in the Fiscal Year 1988 Capital Budget. The purchase/or lease of any real property or facility for the Public Health State Laboratory shall require the prior approval of the Director of the Delaware Development Office.

Section 20. Wilmington Major State Service Center. Fifty Thousand Dollars ($50,000) appropriated in Section 2 of this Act to the Department of Health & Social Services ("Department") shall be used to investigate and plan for a new Wilmington Major State Service Center. The Department shall fully investigate several methods to finance this building including a capital lease through private financing, a state lease of privately-owned facilities, new construction and renovation of existing State-owned buildings. Before determining the final location and financing plan for the Center, the Department shall make the results of its investigation available to the Director of the Delaware Development Office, who shall approve the final plan before funding appropriated herein may be used for the final location of the Center.

Section 21. Soil and Water Conservation. It is the intent of the General Assembly that Two Hundred Fifty Thousand Dollars ($250,000) in Section 7 of this Act be appropriated to the Department of Natural Resources & Environmental Control ("Department") be used for the Department's soil and water district conservation program. Of the Two Hundred Fifty Thousand Dollars ($250,000) appropriated herein, Seventy Thousand Dollars ($70,000) shall be distributed by the Department to Delaware conservation districts on an as needed basis to accomplish plan reviews and inspections.

Section 22. Land and Water Conservation Trust Fund. Amend Chapter 47 of Title 7 of the Delaware Code by substituting the following for the current Subchapter III (County Park Development Matching Fund Program):

"Subchapter III - DELAWARE LAND AND WATER CONSERVATION TRUST FUND

Section 4733 - Establishment of Program

There is created and established under the jurisdiction and control of the Department of Natural Resources and Environmental Control a program to implement and administer a matching grant trust fund as outlined in Senate Bill No. 311 of the 133rd General Assembly (Volume 65,

Chapter 212 of the Laws of Delaware). The program shall be known as the Delaware Land and Water Conservation Trust Fund and shall be a Special Fund of the State.

Section 4734 - Eligibility and requirements for Program

All state, county and municipal governments and local park districts are eligible to apply to the Department for financial assistance to be paid out of the interest and dividend income of the fund. Nonprofit or private entities and school districts are not eligible to apply.

Section 4735 - Funding

(a) The income generated by said Fund shall be disbursed on a matching basis for the planning, acquisition and development of lands and waters for use as, or in connection with, open spaces for recreation and conservation use ("project"). Not more than fifty percent (50%) of the total project cost shall be paid by the Fund to an applicant except for projects sponsored by State agencies. Projects sponsored by state agencies may receive up to one hundred percent (100%) funding when no other source of matching funds or in-kind contributions are available.

(b) The agency requesting monies must provide evidence to the Department that matching funds have been committed and will be expended for the cost of planning, land acquisition, and/or development of the proposed project. Any parkland or improvements already held by the applicant shall not be used as part of that applicant's matching share. In-kind contributions of land, money, services, and/or materials provided by the applicant or received by the applicant from other sources may be used by the applicant to satisfy its matching requirement.

(c) Private donations to the Fund shall be encouraged and shall be promoted and accepted by the Department.

(d) All expenses of operation and maintenance for lands acquired and/or developed through the Fund will be borne perpetually by the applicant.

Section 4736 - Program Administration

(a) The Department shall maintain a statewide comprehensive outdoor recreation plan which shall be used to establish priorities for funding and shall direct distribution of grants from the Fund.

(b) Responsibility for the administration of this program shall be vested with the Division of Parks and Recreation. Direct costs associated with the administration of the Fund shall be borne by the Fund. However, in no event shall the administrative and planning costs exceed ten percent (10%) of available grant funds.

(c) The Division shall promulgate regulations for the application for funds and shall be responsible for determining that all projects are selected and implemented in accordance with these regulations and the statewide plan.

Section 4737 - Conversion of Use

It is intended that projects acquired or improved with these matching funds shall remain in public outdoor recreation and conservation use in perpetuity. Said lands may not be converted to uses other than those originally intended without a subsequent act of the General Assembly. If the General Assembly approves the sale or lease of any project or a portion thereof, the State shall receive its pro rata share of net sale and/or lease income. Said monies shall be deposited in the Land and Water Conservation Fund to be immediately available for other projects."

Section 23. Park Rehabilitation.

(a) It is the intent of the General Assembly that Three Hundred Twenty Five Thousand Dollars ($325,000) appropriated in Section 2 of this Act to the Department of Natural Resources and Environmental Control ("Department") be used for park rehabilitation state-wide. It is also the intent of the General Assembly that One Hundred Thousand Dollars ($100,000) in fund line 40 06 001-55-13, appropriated to the Department in

the Fiscal Year 1985 Bond Bill (Volume 64 Chapter 343 of the Laws of Delaware), shall also be used for park rehabilitation state-wide. It is also the intent of the General Assembly that a portion of the Three Hundred Twenty-Five Thousand Dollars ($325,000) appropriated herein shall be utilized for the cleanup of the pond in Bellevue State Park.

(b) The Department shall investigate the terms and conditions by which property containing approximately seventy-five (75) acres located south of Becks Pond, New Castle County, commonly known as the "Becks Pond Property" and property containing approximately four hundred forty (440) acres bordering Collins Creek, the Indian River Bay and White Creek in Sussex County, commonly known as the "Banks Property" can be purchased or otherwise acquired by the State. The study should analyze the means by which the State can insure that both properties can be maintained in their present natural state for the benefit of all Delawareans. Of the Three Hundred Twenty-Five Thousand Dollar ($325,000) appropriation herein, the Department may expend up to Fifteen Thousand Dollars ($15,000) to acquire the means by which both properties can be left in their present state, either by purchase or some other manner.

Section 24. Land Acquisition.

(a) It is the intent of the General Assembly that Ninety Thousand Dollars ($90,000) appropriated in Section 1 of this Act to the Department of Natural Resources and Environmental Control ("Department") be used to purchase approximately thirty-three (33) acres of land adjacent to and southwest of Abbotts Pond and adjacent to and east of Road 617 in Sussex County. Should the funding appropriated herein not be sufficient to purchase said 33 acres, the Department is authorized to purchase easement rights or land adjacent to Abbotts Pond sufficient to protect the pond from development so that the pristine state of the pond can be sustained.

(b) The sum of One Hundred Thirteen Thousand Four Hundred Seventy-Five Dollars ($113,475) appropriated in Section 7 of this Act to the Department of State shall be used to purchase approximately 26.7 acres of land on the north side of Buena Vista, New Castle County, now owned by Delaware Wild Lands, Inc.

(c) It is also the intent of the General Assembly that Forty-Five Thousand Dollars ($45,000) appropriated to the Department of Natural Resources & Environmental Control in Section 7 of this Act be used to purchase an inholding in Nanticoke Wildlife Area, Sussex County, commonly known as the "Marcus Goode Property," now owned by Delaware Wild Lands, Inc.

(d) The University of Delaware ("the University") owns Thirty-Three (33) acres of land situated on the east side of Pike Creek Road and west of Kirkwood Highway on the east and west sides of Pike Creek, New Castle County, commonly known as "Pike Creek Greenway." This property is presently under an option which is dependent upon actions pending before New Castle County Council. If said option is not exercised, One Hundred Twenty-Five Thousand Dollars ($125,000), Twenty-Five Thousand Dollars ($25,000) of which is to be used for site improvements, is appropriated to the University in Section 1 of this Act for the purpose of establishing a fund which the General Assembly intends shall be supplemented annually by a General Fund appropriation not to exceed Fifty Thousand Dollars ($50,000) in the University's operating budget, providing that the University will retain said property in an undeveloped condition. The Department of Natural Resources and Environmental Control and the University are further authorized to consider options to further enhance the potential recreational opportunities of this property.

Section 25. Beach Preservation - General. It is the intent of the General Assembly that Five Hundred Thousand Dollars ($500,000) be appropriated in Section 2 of this Act to the Department of Natural Resources & Environmental Control be used for shoreline stabilization along the coasts of the State (River Bay and Oceanfront). In the event that local or county governments irrevocably pledge equal non-state funds to projects improving or restoring publically accessible beaches, the Secretary shall give priority to such projects.

Section 26. Boat Acquisitions. It is the intent of the General Assembly that Seventy-Five Thousand Dollars ($75,000) appropriated in Section 3 of this Act to the Department of Natural Resources & Environmental Control be used as the first of two installments to purchase a marine police boat and a dredge workboat through a lease/purchase agreement.

Section 27. Marine Access Facilities.

(a) It is the intent of the General Assembly that Thirty-Six Thousand Dollars ($36,000) appropriated in Section 1 of this Act to the Department of Natural Resources and Environmental Control ("Department") be used for the purchase of approximately thirteen (13) acres of land located adjacent to the east side of the Appoquinimink River and adjacent to the north side of Road 299 in Odessa, commonly known as the "Cummings Property" and approximately two (2) acres of land adjacent to the west side of the Appoquinimink River and adjacent to the north side of Road 299 in Odessa commonly known as the "Lake Property." The appropriation herein shall also be used to develop public fishing and boating access facilities on the Cummings and Lake Properties.

(b) This appropriation may only be used for the aforementioned purchase and improvements if:

(1) New Castle Conservation District and New Castle County agree to demolish and remove the existing building and rough grade the Lake Property;

(2) The Town of Odessa agrees to coordinate and accept responsibility for all public input concerning the project;

(3) The Town of Odessa agrees to cut the grass at both sites as well as provide daily trash removal at no cost to the State in perpetuity; and

(4) This appropriation plus in-kind contributions from non-State sources are a sufficient match to obtain Federal Aid in Fisheries Restoration Funds.

(c) The Department shall be responsible for obtaining appraisals for the Cummings and Lake Properties and costs for building demolition. The Department shall also be responsible for the engineering, design, bid contract and bid award process, and shall obtain permits necessary to create boat access to and bank stabilization along the Appoquinimink River on the Cummings Property site. The Department shall also provide bank fishing access on the Lake Property and provide parking facilities on the Cummings and Lake Properties.

Section 28. Delaware Correctional Center. It is the intent of the General Assembly that funds remaining in fund line 38-04-003-54-12, appropriated to the Department of Correction in the Fiscal Year 1984 Bond Bill (Volume 64, Chapter 131 of the Laws of Delaware) shall be used to continue to dismantle and convert present facilities now on the Delaware Correctional Center site. Funds may also be used to make any minor capital improvements at the Delaware Correctional Center site.

Section 29. Richardson & Robbins Addition. It is the intent of the General Assembly that Seventy-Five Thousand Dollars ($75,000) appropriated to the Department of Natural Resources and Environmental Control ("Department") in Section 2 of this Act be used for planning, architectural and engineering services for an addition to the building now housing the Department in the Richardson & Robbins Complex. The final architectural plans for the addition, to be approved by the Director of the Delaware Development Office, shall include sufficient storage space for both the Department and the Delaware Development Office.

Section 30. Division of Motor Vehicles Local Office's Renovations. It is the intent of the General Assembly that Thirty-Five Thousand Dollars ($35,000) appropriated to the Department of Public Safety in Section 3 of this Act be used to plan for the renovation of local motor vehicle testing locations. This plan shall be used by the Secretary of

Public Safety to determine future renovation and capital requirements and a multi-year, phased plan to implement these requirements.

Section 31. Agriculture Building Roof. It is the intent of the General Assembly that One Hundred Thousand Dollars ($100,000) appropriated in Section 2 of this Act to the Department of Agriculture shall be used to replace and/or repair the existing roof on the Agriculture Building in Kent County. By September 1, 1986, the Department of Agriculture shall transfer the funds appropriated herein to the Department ofAdministrative Services, which owns the building. The Department of Administrative Services shall be responsible for replacing and/or repairing the roof as expeditiously as possible.

Section 32. Emergency Extraction Tools. It is the intent of the General Assembly that Nineteen Thousand Eight Hundred Dollars ($19,800) appropriated in Section 1 of this Act to the State Fire Prevention Commission be used to purchase one emergency extraction tool for the Claymont Substation, one for the Newark Substation, and one for the Middletown Substation.

Section 33. Addition to Penny Hall. Two Hundred Thousand Dollars ($200,000) appropriated in Section 7 of this Act to the University of Delaware shall be used for engineering and architectural work necessary for an addition to Penny Hall on the University of Delaware's Newark campus. Should completion of the addition be financed with State funds in subsequent fiscal years, the University of Delaware shall own it, and be responsible for associated costs of maintenance, utilities and custodial services. The University shall make plans for the addition in conjunction with the Delaware Geological Survey. The Delaware Geological Survey shall occupy the addition.

Section 34. Poultry Testing and Research. It is the intent of the General Assembly that One Hundred Twenty-Three Thousand Dollars ($123,000) appropriated in Section 7 of this Act to the University of Delaware be used to construct and equip an addition to the University of Delaware Research and Education Center in Georgetown for poultry testing and research.

Section 35. Allison Hall. It is the intent of the General Assembly that One Hundred Thousand Dollars ($100,000) appropriated in Section 7 of this Act to the University of Delaware ("University") be used as an equal match, to be provided by the University, for planning and engineering studies for an addition to Allison Hall. It is also the intent of the General Assembly that future construction of Allison Hall be matched by the University with the State providing sixty percent (60%) of the cost and the University forty percent (40%).

Section 36. Delaware State College.

(a) It is the intent of the General Assembly that Two Hundred Thirty-Four Thousand Nine Hundred Thirteen Dollars ($234,913) appropriated in Section 2 of this Act to Delaware State College ("College") be used by the College for minor capitalimprovements at its Wilmington and Dover campuses. These improvements shall include construction of a brick wall along State Route 13 and sidewalks at the Dover campus to replace the proposed pedestrian overpass funded in the Fiscal Year 1985 Bond Bill (Volume 64, Chapter 343 of the Laws of Delaware).

(b) To complete the replacement of the proposed pedestrian overpass, it is the intent of the General Assembly that Twenty-Five Thousand Five Hundred Dollars ($25,500) appropriated in Section 1 of the Act to Delaware State College ("College") be used by the College for a handicapped-equipped van. This van shall be used by the College to transport students from its Dover campus to the Dover Mall.

Section 37. Emergency Response Information Network. It is also the intent of the General Assembly that all funds remaining in fund line 75-02-001-54-12, appropriated to the State Fire School to purchase special purpose equipment for cleaning-up and disposing of the waste from chemical spills in the Fiscal Year 1984 Bond Bill (Volume 64, Chapter 131 of the Laws of Delaware), shall be used for a State-wide hazardous materials

emergency response information network. One computer and related software and programming requirements shall be placed at each of the following seven (7) locations: New Castle County, Kent County, Sussex County, the State Fire School, the Department of Natural Resources and Environmental Control, Delaware City, and the Division of Public Health in Dover.

Section 38. Department of Transportation Equipment. The Secretary of the Department of Transportation ("Department") is directed to expend funds not in excess of the One Million Dollars ($1,000,000) authorized in Section 2 of this Act on equipment necessary to carry out the duties of the Department. The Secretary of the Department shall first expend any available General Funds on equipment with an anticipated useful life of five (5) years or less. To the extent the Department's needs are not met by this source of funds, the Secretary of the Department is authorized to supplement the General Fund sources with funds authorized by this Act, for any equipment needed for the construction or maintenance of the State's highways and roads or for the administration of the Department.

Section 39. Department of Transportation Compensation. Each year the Federal Highway Administration makes available additional funding for highway projects. In order for a State to take advantage of this opportunity, the projects must be ready toimmediately utilize the funding. The Secretary of the Department of Transportation ("Department") is hereby authorized to pay overtime wages during fiscal year 1987 to the Department's employees that are preparing projects for authorization. In order to accomplish the purpose expressed herein, any relevant Delaware law, rule or regulation to the contrary is hereby waived.

Section 40. Department of Transportation Accounts.

(a) Any funds appropriated from any source to the Department of Transportation ("Department") shall be accounted for by program category as specified in the Fiscal Year 1987 Capital Improvements Project Schedule attached hereto and made a part hereof. Amounts indicated for individual projects in the "Supplemental List of Transportation Projects" are the Department's best estimates of cost, but may vary depending on bid results and project designs. The description and limits are general in nature and are to be used only for project identification purposes. It is the intent of the General Assembly that the Secretary of the Department make all reasonable efforts to insure the timely completion of projects subject to the limitation of the total funds available in each program.

(b) The Secretary of the Department is directed to continue inspecting the condition of bridges in the State of Delaware and to use the Bridge Program funds made available by this and previous acts to insure that bridge repairs and replacements are carried out in an expeditious manner.

Section 41. Department of Transportation - Reprogramming of Prior Authorizations.

The Secretary of the Department of Transportation ("Department") is directed to transfer Thirty-One Thousand Five Hundred Dollars ($31,500) from project 86-398 to project 86-062. The Secretary of the Department is also directed to add this amount to additional funds previously authorized for this project and to new funds as designated in the Fiscal Year 1987 "Supplemental List of Transportation Projects" and negotiate to have the required improvements added to an active project in the area.

Section 42. DOT Planning. It is the intent of the General Assembly that Three Hundred Thousand Dollars ($300,000) appropriated in Section 2 of this Act to the Department of Transportation ("Department") shall be used for advanced planning of Department projects. Of the amount appropriated herein, the Department shall spend up to Fifty Thousand Dollars ($50,000) to perform a study to develop solutions to the traffic problems in the areas of Route 4, Route 7, South Harmony Road, Churchman's Road and the Kirkwood Highway, New Castle County.

Section 43. Appropriations for Minor Capital Improvements.

(a) It is the intent of the General Assembly that the sum of Three Million Fifty Thousand Dollars ($3,050,000) appropriated in Section 3 of this Act to the

State Board of Education be used for minor capital improvements to school buildings. This amount shall be paid by the State Board of Education to local districts in the following amounts:

School District	Maximum State Share	Local Share	Maximum Total Cost
Appoquinimink	$ 61,141	$ 40,761	$ 101,902
Brandywine	290,419	193,613	484,032
Special	38,213	0	38,213
Christina	444,227	296,151	740,378
Special	38,000	0	38,000
Colonial	255,549	170,365	425,914
Special	32,004	0	32,004
New Castle Vo-Tech	213,515	0	213,515
Red Clay	366,845	244,563	611,408
Special	48,722	0	48,722
Caesar Rodney	137,567	91,711	229,278
Capital	152,374	101,583	253,957
Kent Vo-Tech	23,883	0	23,883
Lake Forest	85,502	57,001	142,503
Milford	87,890	58,593	146,483
Smyrna	71,649	47,766	119,415
Cape Henlopen	96,010	64,007	160,017
Delmar	19,106	12,737	31,843
Indian River	172,436	114,957	287,393
Laurel	50,631	33,754	84,385
Seaford	90,279	60,186	150,465
Sussex Vo-Tech	27,705	0	27,705
Woodbridge	46,333	30,889	77,222
MINOR CAPITAL IMPROVEMENTS	$2,850,000	$1,618,637	$4,468,637
STATE BOARD OF EDUCATION	$ 115,000		
VOCATIONAL EQUIPMENT	$ 85,000		
	$3,050,000		

(b) It is the intent of the General Assembly that Eight Hundred Fifty Thousand Dollars ($850,000) of the Three Million Fifty Thousand Dollars ($3,050,000) allocated pursuant to Paragraph (a) of this Section, which represents an increase over Fiscal Year 1986 funding, be used by the local school districts to the fullest extent possible for energy projects eligible for funding from the proceeds of the settlement of the Exxon Oil Overcharge case administered by the Department of Administrative Services. The State Board of Education will take the necessary steps to insure to the fullest extent possible the maximum use of the Exxon Oil Overcharge funds for energy conservation projects. All potentially eligible projects will be referred to the State Energy Weatherization Committee by the State Board of Education for consideration for funding from the Exxon Oil Overcharge Account.

For all projects eligible for Exxon funding as determined by the State Energy Weatherization Committee, the State funds appropriated in Paragraph (a) of this Section and other available funds such as energy conservation portions of Major Capital

Improvement Projects and School Building Maintenance Projects with the required local share shall constitute a fifty percent (50%) contribution toward the cost of the eligible project, and the remaining fifty percent (50%) of the project cost shall come from Exxon Oil Overcharge funds administered by the Department of Administrative Services.

Section 44. 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 45. 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 46. 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 47. Effective Date.

This Act shall take effect in accordance with the provisions of State law.

Approved July 1, 1986.

FISCAL YEAR 1987 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	DTA Road Improvement	1st State Improvement	New DTA Bonds	Total
BUDGET OFFICE							
Front-end Telecommunications Processor	$ 313,000*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 313,000
Network Transmission Equipment	564,900*	-0-	-0-	-0-	-0-	-0-	564,900
Subtotal	$ 877,900	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 877,900
DELAWARE DEVELOPMENT OFFICE							
Kent County Industrial Park	$ -0-	$ -0-	$ -0-	$ -0-	$ 300,000	$ -0-	$ 300,000
Hangar - Wilmington/NCC Airport	-0-	-0-	-0-	-0-	700,000	-0-	700,000
Multi-purpose Crane - Port of Wilmington	-0-	-0-	-0-	-0-	2,700,000	-0-	2,700,000
Kent Co. Civilian Air Terminal Improvements [Planning and Engineering]	-0-	-0-	-0-	-0-	80,000	-0-	80,000
Milford Water Rate for Industry	-0-	-0-	-0-	-0-	200,000	-0-	200,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$3,980,000	$ -0-	$3,980,000
DEPARTMENT OF STATE							
Bicentennial Community Improvement Fund	$ -0-	$ -0-	$ -0-	$ -0-	$1,000,000	$ -0-	$1,000,000
First State Constitutional Documents Exhibit	166,000*	-0-	-0-	-0-	-0-	-0-	166,000
Buena Vista Renovation	75,000*	-0-	-0-	-0-	-0-	-0-	75,000
Dickinson Plantation	125,000*	-0-	-0-	-0-	-0-	-0-	125,000
Delaware Veterans Cemetery	100,000	-0-	-0-	-0-	-0-	-0-	100,000
Buena Vista Land Acquisition	-0-	-0-	113,475	-0-	-0-	-0-	113,475
Naamans Tea House	18,000	-0-	-0-	-0-	-0-	-0-	18,000
Subtotal	$ 484,000	$ -0-	$ 113,475	$ -0-	$1,000,000	$ -0-	$1,597,475

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	DTA Road Improvement	1st State Improvement	New DTA Bonds	Total
DEPARTMENT OF ADMINISTRATIVE SERVICES							
Wilmington Public Building	$ 500,000*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 500,000
Asbestos Abatement	1,423,083	-0-	-0-	-0-	1,576,917	-0-	3,000,000
Kent County Family Court	1,550,000	-0-	-0-	-0-	-0-	-0-	1,550,000
Cooper Building Renovations	1,000,000*	-0-	-0-	-0-	-0-	-0-	1,000,000
Georgetown State Office Building	58,399	1,691,601	-0-	-0-	-0-	-0-	1,750,000
MCI	215,000*	-0-	-0-	-0-	185,000	-0-	400,000
Central Fuel Dispensing	150,000*	-0-	-0-	-0-	-0-	-0-	150,000
Murphey House Renovations	165,000*	-0-	-0-	-0-	-0-	-0-	165,000
Subtotal	$3,061,482	$1,691,601	$ -0-	$ -0-	$1,761,917	$ -0-	$8,515,000
DEPARTMENT OF HEALTH & SOCIAL SERVICES							
MCI	$ 758,833*	$ -0-	$ -0-	$ -0-	$ 187,667	$ -0-	$ 946,500
DSH - Steam System	440,000*	-0-	-0-	-0-	-0-	-0-	440,000
DHCI - Bathing Units	140,000*	-0-	-0-	-0-	-0-	-0-	140,000
Bissell - Elevator	70,000*	-0-	-0-	-0-	-0-	-0-	70,000
Stockley - Floor Coverings	90,000*	-0-	-0-	-0-	-0-	-0-	90,000
DHCI - Elevator	100,000*	-0-	-0-	-0-	-0-	-0-	100,000
DSH - Roofs	340,000*	-0-	-0-	-0-	-0-	-0-	340,000
Service Center - Georgetown Roof	100,000*	-0-	-0-	-0-	-0-	-0-	100,000
Bissell - Main Building Renovation	150,000*	-0-	-0-	-0-	-0-	-0-	150,000
DSH - Water Piping	200,000*	-0-	-0-	-0-	-0-	-0-	200,000
DSH - Electrical Rewiring	200,000*	-0-	-0-	-0-	-0-	-0-	200,000
DSH - Road Repairs	132,000*	-0-	-0-	-0-	-0-	-0-	132,000
Public Health State Lab	1,200,000	-0-	-0-	-0-	-0-	-0-	1,200,000
DSH - Campus Relocation Project	500,000*	-0-	-0-	-0-	-0-	-0-	500,000
Bissell - Warehouse	200,000	-0-	-0-	-0-	-0-	-0-	200,000
Wilmington Major State Service Center	50,000*	-0-	-0-	-0-	-0-	-0-	50,000
Candee - Parking & Roadway	75,000	-0-	-0-	-0-	-0-	-0-	75,000
Subtotal	$4,745,833	$ -0-	$ -0-	$ -0-	$ 187,667	$ -0-	$4,933,500

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	DTA Road Improvement	1st State Improvement	New DTA Bonds	Total
DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES							
Mental Health Evaluation & Treatment Center	$ 832,620	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 832,620
Stevenson House - Sewer System	42,500*	-0-	-0-	-0-	-0-	-0-	42,500
Ferris - Roof Repair	130,000	-0-	-0-	-0-	-0-	-0-	130,000
Terry - Roof Replacement	40,000	-0-	-0-	-0-	-0-	-0-	40,000
Ferris - Road & Perimeter Lighting	30,000	-0-	-0-	-0-	-0-	-0-	30,000
Murphey Cottage	132,300	-0-	-0-	-0-	-0-	-0-	132,300
Subtotal	$1,207,420	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$1,207,420
DEPARTMENT OF CORRECTION							
200 Bed Minimal Security Facility - Sussex	$ 400,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 400,000
DCC - 150 Bed Women's Facility	900,000	-0-	-0-	-0-	-0-	-0-	900,000
Gander Hill - Cogeninator	-0-	-0-	-0-	-0-	75,000	-0-	75,000
Subtotal	$1,300,000	$ -0-	$ -0-	$ -0-	$ 75,000	$ -0-	$1,375,000
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL							
Water Pollution Control	$1,500,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$1,500,000
Tax Ditches	-0-	-0-	450,000	-0-	-0-	-0-	450,000
Insecticide Building & Impoundment Pumps	65,000	-0-	-0-	-0-	-0-	-0-	65,000
R & R Building - Planning	75,000*	-0-	-0-	-0-	-0-	-0-	75,000
State Dredge	-0-	-0-	-0-	-0-	215,000	-0-	215,000
Conservation Program	-0-	-0-	250,000	-0-	-0-	-0-	250,000
Rockwood Acquisition	125,000	-0-	-0-	-0-	-0-	-0-	125,000
Land & Water Conservation Fund	500,000	-0-	-0-	-0-	-0-	-0-	500,000
Marine Police Boat & Dredge Workboat	-0-	-0-	-0-	-0-	75,000	-0-	75,000
Marine Access Areas	100,000*	-0-	-0-	-0-	-0-	-0-	100,000
Beach Preservation - General	500,000*	-0-	-0-	-0-	-0-	-0-	500,000
Indian River Inlet	500,000*	-0-	-0-	-0-	-0-	-0-	500,000
Park Rehab & Safety	325,000*	-0-	-0-	-0-	-0-	-0-	325,000
F & W Heavy Equipment	100,000*	-0-	-0-	-0-	-0-	-0-	100,000
Land Acquisition	-0-	-0-	45,000	-0-	-0-	-0-	45,000
Appoquinimink Access - Odessa	36,000	-0-	-0-	-0-	-0-	-0-	36,000
Abbotts Pond Land	90,000	-0-	-0-	-0-	-0-	-0-	90,000
Subtotal	$3,916,000	$ -0-	$ 745,000	$ -0-	$ 290,000	$ -0-	$4,951,000

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	DTA Road Improvement	1st State Improvement	New DTA Bonds	Total
DEPARTMENT OF PUBLIC SAFETY							
Automated Fingerprint System	$ 450,000*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 450,000
New Communications Building	245,000	-0-	-0-	-0-	-0-	-0-	245,000
Communications Building Renovation	255,000*	-0-	-0-	-0-	-0-	-0-	255,000
DMV Renovation Study	-0-	-0-	-0-	-0-	35,000	-0-	35,000
Warehouse Renovation	-0-	-0-	-0-	-0-	15,000	-0-	15,000
Georgetown DMV Parking Renovation	-0-	-0-	-0-	-0-	60,000	-0-	60,000
Exhaust Emission Testing Equipment	33,000	-0-	-0-	-0-	-0-	-0-	33,000
Subtotal	$ 983,000	$ -0-	$ -0-	$ -0-	$ 110,000	$ -0-	$1,093,000
DEPARTMENT OF COMMUNITY AFFAIRS							
Architectural Barrier Removal	$ -0-	$ -0-	$ -0-	$ -0-	$ 50,000	$ -0-	$ 50,000
Subtotal	$ -0-	$ -0-	$ -0-	$ -0-	$ 50,000	$ -0-	$ 50,000
DEPARTMENT OF TRANSPORTATION							
Corridor/Non-Corridor (66/00)	$ 5,300,000	$ -0-	$ -0-	$ -0-	$ -0-	$7,000,000	$12,300,000
Bridge Program (65/00)	5,700,000	-0-	-0-	-0-	-0-	-0-	5,700,000
Pave & Rehab [4R] (64/00)	-0-	-0-	-0-	6,000,000	-0-	-0-	6,000,000
Statewide Safety (63/00)	500,000*	-0-	-0-	-0-	-0-	-0-	500,000
Traffic Control Devices & Highway Lighting (61/00)	400,000*	-0-	-0-	-0-	-0-	-0-	400,000
Engineering & Contingencies (57/00)	700,000*	-0-	-0-	-0-	-0-	-0-	700,000
Pave & Rehab [State] (64/00)	7,000,000*	-0-	-0-	-0-	-0-	6,000,000	13,000,000
Equipment Program (58/00)	1,000,000*	-0-	-0-	-0-	-0-	-0-	1,000,000
Advanced ROW (59/00)	700,000*	-0-	-0-	-0-	-0-	-0-	700,000
Advanced Planning (60/00)	300,000*	-0-	-0-	-0-	-0-	-0-	300,000
Suburban Streets (56/00)	4,769,222*	-0-	-0-	1,430,778	-0-	3,720,000	9,920,000
Intersection Improvements, Drainage & Miscellaneous Projects (56/00)	1,500,000*	-0-	-0-	-0-	-0-	-0-	1,500,000
Dirt Road/Surface Treatment (62/00)	1,000,000*	-0-	-0-	-0-	-0-	-0-	1,000,000
Maintenance (68/00)	-0-	-0-	-0-	2,000,000	-0-	-0-	2,000,000
DTA Capital & Equipment (Commuter Rail) (67/00)	-0-	-0-	-0-	50,000	-0-	-0-	50,000
Subtotal	$28,869,222	$ -0-	$ -0-	$9,480,778	$ -0-	$16,720,000	$55,070,000

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	DTA Road Improvement	1st State Improvement	New DTA Bonds	Total
DEPARTMENT OF AGRICULTURE							
Agriculture Building Roof Replacement	$ 100,000*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 100,000
MCI	25,000	-0-	-0-	-0-	-0-	-0-	25,000
Subtotal	$ 125,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 125,000
NATIONAL GUARD							
OMS #4 Seaford	$ 70,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 70,000
Dagsboro Armory Addition	96,500	-0-	-0-	-0-	-0-	-0-	96,500
Seaford Armory Addition	50,000	-0-	-0-	-0-	-0-	-0-	50,000
Subtotal	$ 216,500	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 216,500
STATE FIRE PREVENTION COMMISSION							
State Fire School Support Services Bldg.	$ 378,250	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 378,250
Emergency Generator	55,000*	-0-	-0-	-0-	-0-	-0-	55,000
Emergency Generator Building	52,500	-0-	-0-	-0-	-0-	-0-	52,500
Emergency Extraction Tools	19,800	-0-	-0-	-0-	-0-	-0-	19,800
Subtotal	$ 505,550	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 505,550
UNIVERSITY OF DELAWARE							
Composites Building	$ -0-	$ -0-	$ 326,917	$ -0-	$1,423,083	$ -0-	$1,750,000
Addition to Penny Hall (De. Geological Survey)	-0-	-0-	200,000	-0-	-0-	-0-	200,000
Allison Hall - Planning & Engineering	-0-	-0-	100,000	-0-	-0-	-0-	100,000
Addition to Research & Education Center - Georgetown	-0-	-0-	123,000	-0-	-0-	-0-	123,000
Pike Creek Greenway	125,000	-0-	-0-	-0-	-0-	-0-	125,000
Subtotal	$ 125,000	$ -0-	$ 749,917	$ -0-	$1,423,083	$ -0-	$2,298,000

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	OTA Road Improvement	1st State Improvement	New OTA Bonds	Total
DELAWARE STATE COLLEGE							
Loockerman Hall Restoration	$ 150,000*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 150,000
Parking & Road Resurfacing	100,000*	-0-	-0-	-0-	-0-	-0-	100,000
Renovations to Delaware Hall & Science Center	845,000*	-0-	-0-	-0-	-0-	-0-	845,000
MCI	234,913*	-0-	-0-	-0-	-0-	-0-	234,913
Handicapped Van to Replace Overpass	25,500	-0-	-0-	-0-	-0-	-0-	25,500
Subtotal	$1,355,413	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$1,355,413
DELAWARE TECHNICAL & COMMUNITY COLLEGE							
Terry - Instructional Computer	$ 31,300*	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 31,300
Stanton - Equipment	119,700*	-0-	-0-	-0-	-0-	-0-	119,700
Wilmington - Equipment	218,300*	-0-	-0-	-0-	-0-	-0-	218,300
President's Office - Computer Equipment	24,600*	-0-	-0-	-0-	-0-	-0-	24,600
Southern - MCI	125,000*	-0-	-0-	-0-	-0-	-0-	125,000
Terry - Equipment	130,500*	-0-	-0-	-0-	-0-	-0-	130,500
Stanton - Access Road Repaving	125,000*	-0-	-0-	-0-	-0-	-0-	125,000
Wilmington - Parking Lot Paving	198,000*	-0-	-0-	-0-	-0-	-0-	198,000
Trades & Industry Bldg.-Planning & Engineering	30,000	-0-	-0-	-0-	-0-	-0-	30,000
Museum - Planning	30,000	-0-	-0-	-0-	-0-	-0-	30,000
Subtotal	$1,032,400	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$1,032,400

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

Agency/Project	New GO Bond Authorizations	Deauthorizations	Reversion & Reprogramming	DTA Road Improvement	1st State Improvement	New DTA Bonds	Total
STATE BOARD OF EDUCATION							
MCI	$ -0-	$ -0-	$ -0-	$ -0-	$3,050,000	$ -0-	$3,050,000
Maintenance	-0-	-0-	-0-	-0-	900,000	-0-	900,000
Expand Drain Field - Sussex Vo-Tech	100,000*	-0-	-0-	-0-	-0-	-0-	100,000
King Elementary Renovations - Colonial	360,000*	-0-	-0-	-0-	-0-	-0-	360,000
Replace Woodside Roof - Kent Vo-Tech	102,000*	-0-	-0-	-0-	-0-	-0-	102,000
Intensive Learning Center - Sussex Vo-Tech	320,000	-0-	-0-	-0-	-0-	-0-	320,000
K. C. Orthopedic School - Capital	714,000	-0-	-0-	-0-	-0-	-0-	714,000
Replace Portable Classrooms - Cape Henlopen	575,160	-0-	-0-	-0-	-0-	-0-	575,160
Autistic School Facility - Christina	75,000*	-0-	-0-	-0-	-0-	-0-	75,000
John Leach Additions & Renovations-Colonial	326,600	-0-	-0-	-0-	-0-	-0-	326,600
8 Additional Classrooms - Cape Henlopen	460,020	-0-	-0-	-0-	-0-	-0-	460,020
Administration Office - Cape Henlopen	200,000	-0-	-0-	-0-	-0-	-0-	200,000
Subtotal	$3,232,780	$ -0-	$ -0-	$ -0-	$3,950,000	$ -0-	$7,182,780
JUSTICE OF THE PEACE COURT							
Justice of the Peace Court Buildings	$ 300,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 300,000
Subtotal	$ 300,000	$ -0-	$ -0-	$ -0-	$ -0-	$ -0-	$ 300,000
GRAND TOTAL:	$54,337,500	$1,691,601	$1,608,392	$9,480,778	$12,827,667	$16,720,000	$96,665,938

*General Obligation Bonds Not to Exceed 10 Years in Maturity.

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1987

I. Corridor/Non-Corridor

SR 4	$ 2,300,000
Naamans Road	2,700,000
SR 896	900,000
Interstate 4R	500,000
US 13 Relief Route	3,000,000
Concord Pike	600,000
SR 7	2,300,000
Subtotal	$12,300,000

II. Paving and Rehabilitation (Federal 4R)

SR 26, MD. Line to SR 24	$ 825,000
Papermill Rd. (CR 13), Cleveland Ave. to SR 7	710,000
Kirkwood Hwy., SR 273 to White Clay Creek	235,000
US 13, State Rd. to S. Market St. Causeway, Phase I	1,000,000
Memorial Drive, US 13 to SR 9	235,000
US 301, MD Line to Middletown	495,000
Rogers Rd., New Castle Ave. to US 13	110,000
Hercules Road	700,000
SR 9 N.B. New Castle Ave., 6th St. to Roger Rd.	300,000
US 113 through Milford	1,250,000
PE and Contingency	140,000
Faulkland Road	
SR 24	
SR 14, MD to Harrington	
SR 273	
Subtotal	$ 6,000,000

III. Paving and Rehabilitation (100% State Funded)

MAINT. NO.	ROAD/NAME NO.	FROM	TO
S 22A	ATLANTIC AVE., MILTON	DEL. 5	ROAD 16
S 24	DEL. 24	ROAD 49	ROAD 289
S 24	DEL. 24	U.S. 113	MONROE STREET
S 26	DEL. 26	U.S. 113	VINES CREEK
S 39	SHORTS BEACH RD.	ROAD 38	SHORTS BEACH
S 42	ROAD 42	ROAD S92	ROAD S65
S 46	ROAD 46	ROAD S17A	ROAD 484
S 48	ROAD 48	DEL. 5	ROAD 285
S 51A	ROAD 51A	N. BETHANY LIMITS	DEL. 1
S 58	DEL. 54	OMAR RD.	ROAD 58C
S 79	ROAD 79	MARYLAND LINE	ROAD 537
S 87	ROAD 87	U.S. 113	ROAD 431
S211	ROAD 211	ROAD 207	ROAD 225
S227	ROAD 227	DEL. 16	ROAD 226
S248	DEL. 30	DEL. 24	ROAD 314
S248	DEL. 30	ROAD 47	ROAD 295
S248	DEL. 30	ROAD 297	ROAD 48
S268	ROAD 268	ROAD 268A	GILL NECK ROAD
S275	ROAD 275	ROAD 274	DEL. 24
S275	ROAD 275	ROAD 283	ROAD 277
S283	ROAD 283	ROAD 283A	ROAD 275

S297	ROAD 297	ROAD 303	ROAD 307
S321	ROAD 321	U.S. 113	ROAD 48
S334	ROAD 334	DEL. 26	ROAD 83
S341A	ROAD 341A	ROAD 342	ROAD 341
S348	ROAD 348	ROAD 346	END
S376	MAIN ST., SELBYVILLE	CEMETERY RD.	ROAD 400
S377	CEMETERY ROAD	DEL. 54	U.S. 113
S382	OMAR RD	DEL. 54	ROAD 382A
S385	ROAD 385	DEL 17	ROAD 92
S390	ROAD 390	ROAD 390A	ROAD 389
S394	ROAD 394	ROAD 395	END
S402A	ROAD 402A	ROAD 402	DEL. 26
S411	ROAD 411	ROAD 407	SLAG RD.
S415B	ROAD 415B	DEL 26	ROAD 415C
S419	DEL 54	U.S. 13	ROAD 66
S426	ROAD 426	ROAD 424	DEL. 26
S446	ROAD 446	ROAD 518A	ROAD 517
S446B	ROAD 446B	U.S. 9	ROAD 446
S454	ROAD 454	ROAD 457	ROAD 66
S455	BRITTINGHAM RD	ROAD 66	ROAD 64
S455	ROAD 455	DEL 54	ROAD 455A
S467B	ROAD 467B	ROAD 467	ROAD 466
S485	ROAD 485	ROAD 488	DEL. 20
S485A	ROAD 485A	ROAD 13	U.S. 13
S505	ROAD 505	DEL. 54	ROAD 505A
S507	ROAD 507	MARYLAND LINE	ROAD 76
S507	ROAD 507	ROAD 508	ROAD 76
S509	ROAD 509	ROAD 509A	DEL 54
S525	ROAD 525	ROAD 526	DEL. 18
S532	ROAD 532	DEL 18	U.S 13
S533	ROAD 533	ROAD 531	DEL. 18
S536	HARRINGTON ST . SEAFORD	SUSSEX AVE . SEAFORD	SHIPLEY ST . SEAFORD
S536	WOODLAND ROAD	ROAD 542	ROAD 556
S538	ROAD 538	MARYLAND LINE	ROAD 537
S542A	ROAD 542A	ROAD 542	ROAD 556
S550	ROAD 550	ROAD 80	DEL. 20
S551	ROAD 551	ROAD 549	ROAD 553
S552	ROAD 552	DEL. 20	ROAD 548
S553	ROAD 553	ROAD 552	ROAD 551
S553A	ROAD 553A	ROAD 553	ROAD 557
S557	ROAD 557	ROAD 554	ATLANTA ROAD
S561	ROAD 561	DEL 18	ROAD 17
S564	ROAD 564	ROAD 17	ROAD 563
S571	ROAD 571	DEL 404	ROAD 63
S573	ROAD 573	ROAD 575	ROAD 575A
S584	ROAD 584	ROAD 583	U.S. 13
S584	ROAD 584	ROAD 543	ROAD 4
S588	ROAD 588	DEL. 16	ROAD 589
S625	ROAD 625	ROAD 42	ROAD 213
S626	ROAD 626	ROAD 594	DEL 36
S629	ROAD 629	KENT COUNTY LINE	ROAD 613
N 1A	ROAD 1A	U.S. 13	END
N 2	DEL. 9	ROAD 422A	DEL./CHES. CANAL
N 40	DELANEYS RD	ROAD 480	ROAD 483
N 40	DELANEYS RD	MARYLAND LINE	ROAD 7
N 42	ROAD 42	PINE TREE CORNER RD	ROAD 10
K 25A	ROAD 25A	STATE ST.(DOVER)	END
K 35	ROAD 35	U.S 13	ROAD 428
K 35	ROAD 35	DEL 15	DEL. 12
K 36	DEL 14	U.S 13	BROAD ST (HOUSTON)
K 39	DEL 6	MARYLAND LINE	DEL. 42
K 46	DEL 11	DEL. 44	DEL 300
K 57	DEL 12	ROAD 283	HIGH ST., FELTON
K 73	ROAD 73	ROAD 101	ROAD 199
K 78	ROAD 78	ROAD 275	ROAD 289
K 94	ROAD 94	DEL. 42	DEL 300
K105	ROAD 105	ROAD 31	ROAD 368

K107	ROAD 107	U.S. 113A	U.S. 113
K112	ROAD 112	ROAD 303	ROAD 301
K117	ROAD 117	SUSSEX LINE	MAIN ST. FARMINGTON
K120	ROAD 120	U.S. 113	ROAD 419
K121	S. BOWERS BEACH RD.	ROAD 120	END
K123	ROAD 123	ROAD 124	ROAD 414
K124	ROAD 124	ROAD 425	ROAD 123
K137	CARTER ROAD	SUNNYSIDE ROAD	DEL. 300
K170	ROAD 170	ROAD 171	DEL. 300
K218	ROAD 218	ROAD 215	ROAD 219
K271	ROAD 271	ROAD 59	ROAD 58
K286	ROAD 286	ROAD 284	U.S. 13
K310	ROAD 310	ROAD 62	ROAD 61
K312	ROAD 312	ROAD 313	ROAD 312A
K316	ROAD 316	ROAD 314	U.S. 13
K324	ROAD 324	ROAD 83	DEL. 6
K346	BELL ST.	MAIN ST., LITTLE CRK.	MAIN ST., LITTLE CRK.
K368	ROAD 368	ROAD 30	ROAD 367
K370	ROAD 370	U.S. 13A	ROAD 30
K371	ROAD 371	U.S. 13	ROAD 376
K378	ROAD 378	ROAD 380	ROAD 31
K380	ROAD 380	DEL. 12	ROAD 385
K384	ROAD 384	ROAD 613	ROAD 429
K409	DEL. 14	REHOBOTH RD.	DEL. 1
K419	ROAD 419	ROAD 120	ROAD 121
K429	ROAD 429	ROAD 431	DEL. 14
K430	ROAD 430	U.S. 13	ROAD 429
K434	ROAD 434	ROAD 117	ROAD 384
N 2A	ROAD 2A	END	ROAD 2B
N 11	KIRKWD. HWY/LINCOLN ST.	ELSWERE VIADUCT	LANCASTER PIKE
N 12	OLD CAPITAL TRAIL	FERRAND DRIVE EXT.	GREENBANK RD.
N 12	OLD CAPITAL TRAIL	OLD NEWPORT MILL. RD.	CENTERVILLE RD.
N 12A	FERRAND DRIVE EXT.	OLD CAPITAL TRAIL	KIRKWOOD HWY.
N 27	S. DUPONT RD.	MIDDLEBORO RD.	MARYLAND AVE.
N 35A	LOVE LANE	RED LION RD.	END
N 41	NOTTINGHAM RD.	MD. STATE LINE	CLEVELAND AVE.
N 43	ROAD 43	ROAD 9	14TH STREET
N 54	HOWELL SCHOOL RD.	BUCK JERSEY RD.	RED LION RD.
N 66	RD. 66 (FRONTAGE RDS.)	RAMP-6283(NEWPORT)	KIAMENSI RD.
N206	CARR RD.	SHIPLEY RD.	NEWARK UNION PUB. RD.
N207	DARLEY RD.	NAAMANS RD.	CARPENTER STATION RD.
N209	HARVEY RD.	MARSH RD.	VEALE RD.
N232	ADAMS DAM RD.	MONTCHANIN RD.	THOMPSON BR. RD.
N235A	MONTCHANIN CUT-OFF	THOMPSON BR. RD.	KIRK RD. EXT.
N237	LANCASTER PIKE	N. DUPONT RD.	S. DUPONT RD.
N239	PYLES FORD RD.	OLD KENNETT PIKE	CENTER MEETING ROAD
N241	WAY RD.(NORTH LEG)	MT. CUBA RD.	WAY RD.
N248	CENTER MILL RD.	ASHLAND-CLINTON SHL	LOWER SNUFF MILL RD.
N261	MT. CUBA RD.	HILLSIDE MILL ROAD	DEL. 82
N272	CENTERVILLE RD	GREENBANK RD.	FAULKLAND RD.
N274	BRACKENVILLE RD	OLD WILMINGTON RD.	BARLEY MILL RD.
N281	DUNCAN RD.	GREENBANK RD.	KIRKWOOD HWY.
N282	MILL CREEK ROAD	NEWPORT GAP PIKE	MCKENNANS CHURCH ROAD
N282	MILL CREEK ROAD	MENDENHALL RD.	BRACKENVILLE RD.
N285	EVANSON RD.	VALLEY ROAD	MILLCREEK RD.
N287	ASHLAND-CLINTON SHCL	CENTER MILL RD.	OLD KENNETT PIKE
N294	VALLEY RD.	LITTLE BALTIMORE RD	LIMESTONE RD.
N294	VALLEY RD.	LANCASTER PIKE	OLD WILMINGTON RD.
N301	PLEASANT HILL RD.	THOMPSON STATION RD.	CORNER KETCH RD.
N302	HOPKINS RD.	NEW LONDON ROAD	THOMPSON STATION RD.
N312	HEDGEWOOD RD	NOTTINGHAM ROAD	NEWARK CREEK ROAD
N316	HENDERSON RD	WOLLASTON RD.	KIRKWOOD HIGHWAY
N317	WOLLASTON RD	HENDERSON RD	END
N324	TURKEY RUN ROAD	DOE RUN RD.	BRANCH RD.
N330	GREENBANK RD	DUNCAN ROAD	NEWPORT GAP PIKE
N336A	ROAD 336A(OLD DEL. 7)	RAMP-6278	RAMP-6274
N340	AIRPORT RD	DEL 273	CHURCHMAN RD.

N348	SALEM CHURCH RD	CHAPMAN RD	OGLETOWN
N355C	OLD HARMONY RD	RUTHAR DRIVE	BARRICADE(NORTH END)
N356	SUNSET LAKE RD	REYBOLD DR.	DAYETT MILL RD.
N356A	S. CHAPEL ST	S. CHAPEL ST EXT	END
N356C	S. CHAPEL ST EXT	S. CHAPEL ST	END
N356D	S. CHAPEL ST	END	WYOMING RD
N368	DIXIE LINE RD	OLD BALTIMORE PIKE	SANDY BRAE RD
N370	LAMBSON LANE	NEW CASTLE AVE	END
N372	CHERRY LANE	NEW CASTLE AVE	END
N376	GRANTHAM LANE	END	RIVER ROAD
N378	RIVER ROAD	GRANTHAM LANE	WASHINGTON ST.(N.C.)
N378	RIVER ROAD	DELAWARE CITY RD.	UPPER THIN LANE
N383	PORTER STATION RD	DRUM ROAD	RED LION RD.
N391	FRAZIER RD	MCDANIEL LANE	U.S. 40
N394	MCDANIEL LANE	END	FRAZIER RD
N416	MANSON HOUSE ROAD	DEL. RTE. 896	END
N497	FOURTH ST., WILM.	SPRUCE ST., WILM.	CHURCH ST., WILM.
N502	LEA BOULEVARD	MARKET ST.	WASHINGTON ST.
N506	ELEVENTH ST	ADAMS ST	DELAWARE AVE.
N507	LIGHTHOUSE RD	RAY RD.	END
N611	DARWIN RD	KIRKWOOD HWY	RED MILL ROAD
N7403	ROAD 7403	LINDEN HILL ROAD	AMBER COURT
N899	ROAD 899	DEL 52	DEL 100
		Subtotal	$13,000,000

IV. Suburban Streets, Drainage and Miscellaneous

ALBAN PARK - ALL STREETS	87-037	31,000
ALBION - CUNNINGHAM ROAD - BAIR AVE TO DEAD END	87-011	40,000
ARUNDEL - ELDERON DRIVE FROM HOUSE #1164 TO HOUSE #1158	87-396	11,700
ASHBOURNE HILLS - CAMEO ROAD FROM W SHELLEY DR TO BURNS RD	87-214	16,300
ASHBOURNE HILLS - E AVON ROAD FROM RUBY DR TO E SHELLEY DR	87-211	40,000
ASHBOURNE HILLS - E DICKENS DRIVE FROM E SHELLEY DR TO E AVON DR	87-208	11,600
ASHBOURNE HILLS - OLD DARLEY ROAD FROM W SHELLEY DR TO DEAD END	87-210	24,700
ASHBOURNE HILLS - RUBY DRIVE AND KEATS DRIVE @ INTERSECTION	87-209	9,700
ASHBOURNE HILLS - W SHELLEY DR & RUBY DR. S DICKENS RD & SHELLEY DR	87-213	7,800
BEAVER DAM HEIGHTS - RONMORE DRIVE, JAMORE DRIVE AND SUSSEX DRIVE	87-307	52,000
BELLEVUE-DUNCAN ROAD-FROM PIPE TO END OF DRIVE-HOUSE 1317 TO BASIN	87-363	9,100
BLUE ROCK MANOR - CORDON RD. FROM WELLESLEY AVE. TO TURNER RD.	87-187	33,800
BOWERS BEACH - COOPER AVENUE EXTENSION AND MULBERRY DRIVE	87-365	13,000
BRANDYWOOD - PENNINGTON ORIVE AND VALLEY ROAD	87-254	209,900
BRIARWOOD - BRIAR ROAD - FROM WILSON ROAD TO CIRCLE	87-013	15,600
BROOK VALLEY ROAD - FROM KENNETT PIKE TO CIRCLE	87-109	89,600
BROOKSIDE PARK - BROOKSIDE BOULEVARD AND MALVERNE AVENUE	87-371	89,000
BROOKSIDE PARK - METTEN ROAD FROM MERCER DRIVE TO MARLBORO DRIVE	87-335	52,000
BUCHANAN ACRES - METTEN STREET FROM SHADY LANE TO DEAD END	87-221	25,300
BUCKINGHAM HEIGHTS - OLD ORCHARD ROAD FROM MARSH RD. TO HOUSE #2205	87-250	50,700
CARTER DEVELOPMENT, STEVENS STREET FROM RTE 13 TO CARTER AVENUE	87-155	10,600
CHALFONT - BERWYN ROAD IN FRONT OF HOUSE #2404	87-247	2,600
CHELSEA ESTATES - RITA ROAD FROM JAY DRIVE TO GAINOR ROAD	87-169	22,100
CHELSEA ESTATES- RITA ROAD FROM JAY DRIVE TO GAINOR ROAD	87-170	22,100
CHRISTIANA VILLAGE- CEDARWOOD & BIRCHBROOK DR., OLDEN AVE. & OTHERS	87-133	58,800
CLAYMONT - SEMINOLE AVENUE FROM PHILADELPHIA PIKE TO GREEN STREET	87-375	73,000
CLELAND HEIGHTS - COYNE PLACE FROM DUPONT STREET TO ROBBINS PLACE	87-329	33,800
CLELAND HEIGHTS - ELIZABETH ST. FROM COYNE PLACE TO DUPONT ST.	87-094	116,500
CLELAND HEIGHTS - ELIZABETH STREET FROM DUPONT STREET TO CLAYTON ST	87-331	27,300
COLLINS PARK - DANIEL LANE FROM MARTIN DRIVE TO SINGLE AVENUE	87-286	13,000
COLLINS PARK - INTERSECT. OF BUTTONWOOD AVE. AND HOWELL DR.	87-079	24,000
COLLINS PARK - KILLORAN DRIVE FROM RIVERVIEW DRIVE TO RODNEY DRIVE	87-409	50,700
CONCORD MANOR - ROSEANNA AVE. FROM BROOKFIELD AVE. TO MARIANNA AVE.	87-248	10,400
COOL SPRING FARMS - W MEADOWVIEW DR, W SPRINGSIDE DR, UNNAMED ST	87-098	32,200
CURB PROJECT IN CAMDEN, DE - MAIN STREET	86-062	52,100
DARTMOUTH WOODS - RAMBLEWOOD, STURBRIDGE, DARTMOUTH WOODS, ABINGTON	87-225	18,100
OAKWOOD HILLS - OAKRIDGE ROAD FROM MCKENNA'S CHURCH TO HOUSE #3703	87-400	11,000
DEACON'S WALK - VAN SANT ORIVE FROM MORRAL ROAD TO MARE ROAD	87-174	41,600
OEL HAVEN ESTATES - WEST STREET FROM DOGWOOD DRIVE TO ROAD 31	87-342	20,800
DELAWARE CITY - (POKE TOWN) ROAD2 28 FROM DEAD END TO DEAD END	87-113	16,800
DELAWARE CITY-MADISON ST EXTEN. FROM 5TH ST TO ENT. DRAGON RUN PARK	87-070	30,800
OELSHIRE ESTATES-YORKSHIRE COURT,DEVONSHIRE COURT & DELSHIRE ORIVE	87-072	60,000
DELWYNN - KAMMERER FROM SHIPLEY RD. TO TANYA DR.	87-189	23,800
DEVONSHIRE WOODS - MIDWAY, SHORT, WOODSMAN, AND TOMLINSON	87-309	46,400
DORMAN STREET	85-144	50,000
DRUMMOND HILL - CHADD ROAD - EXIST S/W TO ASPH S/W & HOUSE 9/SCHOOL	87-042	16,000
DUNLEITH - BUNCHE BLVD - FROM TALLEDEGA DR TO DEAD END	87-028	84,500
DUTCH ACRES - TULIP ORIVE FROM ROAD 14 TO ROAD 14	87-159	41,600
EASTMAN HEIGHTS - ADAMS DRIVE FROM ROAD #225 TO ROAD #211	87-268	52,000
FAIRFAX - PINEHURST RD. FROM FAIRFAX BLVD. TO HILTON RD.	87-190	29,900
FAIRFILEO FARMS, BEAUMONT ORIVE FROM S. FAIRFILEO DR. TO OALHIN DR.	87-156	5,200
FORWOOD - GREENWAY ROAD & BROOKSIDE LANE	87-281	5,200
FOX HOLLOW-PERRYDALE GREEN-FROM MANOERING LANE TO PICKWICKE LANE	87-108	35,000
FOX WOODS - FOX ORIVE FROM STATURE ORIVE TO CIRCLE	87-025	61,100
FOXHALL COURTSIDE - WIMLBEDON ORIVE AND FOREST HILLS COURT	87-315	28,100
FREDERICA - CHURCH ALLEY FROM ROAD 34 TO DAVIS STREET	87-352	2,600
FREDERICA - FIFTH STREET FROM DEAD END TO DEAD END	87-346	10,400
FREDERICA - HOEY STREET FROM ROUTE 12 TO COLEMAN AVENUE	87-349	3,900
FREDERICA - THOMAS STREET FROM JACKSON STREET TO 5TH STREET	87-367	32,200
FREDERICA - WATER STREET FROM ROAD 389 TO ROAD 10	87-350	5,200
GARFIELD PARK - LINO AVENUE AND HALYCON ORIVE	87-285	32,500
GENDER ROAD (ROAD 349) - BIKEPATH FROM ROAD 348 TO BREEZEWOOD ENT	86-544	50,000
GREENBRIDGE - HOBART DRIVE - FROM OLD NEWARK ROAD TO SHUE ORIVE	87-298	44,000

GREENMOUNT - LINCOLN AVENUE FROM HOUSE #2221 TO HOUSE #2223	87-283	9,800
GREENTREE NORTH & SOUTH WALNUTREE LANE FROM PEACHTREE TO PEACHTREE	87-212	16,900
HAMILTON PARK - NORTH STREET ALL	87-318	145,600
HARMONY CREST (WOODS) FANTASIA DRIVE-FROM MELODIC DR TO LUTE COURT	87-043	60,000
HARMONY HILLS - TAMARA DRIVE AND TAMARA CIRCLE	87-215	144,200
HARVEY ROAD AND GLENROCK DRIVE - INTERSECTION IMPROVEMENT	87-407	13,000
HEATHERTON - CAROLYN COURT ENTIRE CIRCLE	87-344	4,600
HENDERSON HILLS - CANDATE COURT & HENDERSON HILL RD	87-176	22,100
HERITAGE PARK - LONGFELLOW DR FROM HERITAGE FARM DR TO WHITMAN DR	87-320	67,600
HIDDEN ACRES	86-402	62,000
HIGHLAND WEST - WHITEBIRCH DRIVE FROM CIRCLE TO MERRIMOR COURT	87-394	14,300
HIGHLAND WEST- GLEN BARRY DRIVE FROM DRUMMOND DRIVE TO DUNBARTON DR	87-395	7,100
HILL N DALE - GRACE CIRCLE, ARMIGER DRIVE, GAY DRIVE	87-321	18,200
HOLIDAY PINES - CONGRESS DRIVE	87-390	37,700
JEFFERSON FARM - MONTPELIER BVLD FROM HOUSE 50 TO MOORES LANE	87-408	44,200
JOHN DICKINSON MANSION DRIVEWAYS	87-379	15,600
KILLENS POND - MISCELLANEOUS	87-364	6,500
KLAIR ESTATES - SANDY DRIVE FROM LIMESTONE ROAD TO VARI PLACE	87-096	17,000
KLAIR ESTATES - VERONA DRIVE FROM MONICA DRIVE TO SHARON DRIVE	87-354	48,600
LAMATAN WEST - FLINT ROAD FROM BRANCH ROAD TO QUARTZ HILL ROAD	87-114	40,000
LAMBSONS LANE - DRAINAGE IN VICINITY OF 120 LAMBSONS LANE	87-276	4,050
LINDEN HEATH - AULT COURT FROM HOGAN DRIVE TO CIRCLE	87-138	16,900
LINDEN HEATH - PENNINGTON COURT FROM MERMAID BLVD TO CIRCLE	87-139	27,300
LINDEN HEATH - QUEEN'S COURT AND INVERNESS COURT	87-166	20,800
LINDEN HEATH - RYDER COURT FROM HOGAN DRIVE TO CIRCLE	87-137	11,700
LITTLE ACRES - TRACY DRIVE, MATT DRIVE - DRAINAGE	87-311	31,000
LLANGOLLEN ESTATES - MENDELL DRIVE	87-081	12,000
LYNDALIA - INTERSECTIONS OF 2ND & AUGUSTINE ST AND 2ND & CEDAR ST	87-129	36,400
MCDANIEL CREST - LYNDHURST AV FROM RT 202 TO SHELPOT DRIVE	87-418	68,400
MEADOW ACRES - CHESTNUT LANE FROM ROAD 530 TO ARNETT ROAD	87-423	28,800
MEADOWOOD - BURNING BUSH DRIVE & CALADIUM LANE	87-177	36,400
MEADOWOOD - ROCKROSE, SUNDEW, AZALEA AND LARKSPUR RDS.	87-193	1,000
MELODY MEADOWS - STARDUST DRIVE FROM HOUSE 44 TO HOUSE 36	87-202	15,600
MERMAID RUN - CATAMARAN COURT & EAST BRIGANTINE COURT	87-046	25,200
MIFFLIN MEADOWS - FENCING ALONG RIGHT-OF-WAY ALONG ROAD 105	87-172	16,900
MILFORD - RODGERS DRIVE FROM ROUTE 113 TO WEST DEAD END	87-272	6,700
NEWARK - CLEVELAND AVENUE FROM NORTH CHAPEL STREET TO KIRKWOOD HWY	87-356	115,700
NEWARK - CLEVELAND AVENUE AND NORTH CHAPEL STREET INTERSECTION	87-372	27,300
NORTH STAR - MERCURY RD @ HSES 200,210,221 AND MARS RD @ #5, 11, 21	87-369	1,000
PINE LODGE ADDITION - PINE STREET AND OAK STREET	87-415	49,400
OVERLOOK COLONY - 3RD STREET FROM COURT STREET TO BRANDYWINE AVENUE	87-359	49,000
OVERLOOK COLONY - E COURT STREET FROM NEW CONSTRUCTION TO DEAD END	87-340	10,000
OVERLOOK COLONY - N COURT DRIVE FROM NEW CONSTRUCTION TO 4TH STREET	87-361	20,800
OVERVIEW GARDENS - KARLYN DRIVE - FROM MEMORIAL DRIVE TO LLOYD AVE	87-051	99,400
PENN ACRES - OREGON AVENUE FROM HOUSE #301 TO HOUSE #303	87-393	5,900
PENNWOOD - ELIZABETH AVENUE FROM RT 113A TO STUART DRIVE	87-383	35,100
PENNY ACRES - ALL OF ROADWAY PENNY AVENUE AND WINDING LANE	87-132	25,200
PEPPER RIDGE - GINGERWOOD TURN & GINGERWOOD COURT	87-164	20,800
PEPPER RIDGE - N RAINTREE COURT FROM PEPPER RIDGE CT TO CIRCLE	87-142	3,300
PEPPER RIDGE - N TUPELO TURN FROM MERMAID BLVD TO S TUPELO TURN	87-143	15,600
PEPPER RIDGE - PEPPLER RIDGE COURT FROM MERMAID BLVD TO CIRCLE	87-144	11,700
PEPPER RIDGE - S RAINTREE COURT FROM PEPPER RIDGE CT TO TUPELO TURN	87-141	13,700
PHILLIPS HEIGHTS - MAPLE AVENUE FROM WOODSIDE AVE TO PHILLIPS AVE	87-131	28,000
PIERMONT WOODS-H - HANNA DR FROM HRS 430 TO 436 & HRS 425 TO 435	87-323	13,000
PINEWATER FARM - PINEWATER DRIVE FROM DEAD END TO DEAD END	87-274	111,800
RED MILL FARMS - DURBAR DRIVE FROM CORDELE DR TO FAIRWAY RD	87-179	46,800
REHOBOTH -STOCKLEY STREET FROM ROAD 272 TO SCHOOL LANE & CUL-DE-SAC	87-253	28,600
ROAD #42 FROM ROAD #91 TO ROAD #45	87-314	90,900
ROAD #471 - FRONT OF BLACKBIRD COMMUNITY CENTER	87-067	89,000
ROAD #487 - US 13, ROAD #1 TO ROAD #486	87-066	44,000
ROAD #78 FROM ROAD #284 TO ROAD #285 (MASTERS CORNER)	87-256	150,500
ROAD 114 FROM ROAD 113 TO ROAD 18	87-420	80,600
ROAD 197 - ARTIS DRIVE - FROM ROAD 73 TO ROAD 51	87-047	130,000
ROAD 209 - GRUBB ROAD - HOLTDAY HILLS TO WEST OF MARSH ROAD	87-078	35,000
ROAD 258 - WOODALE ROAD - INTERSECTIONS W/ ROAD 274 AND ROAD 258A	87-039	25,000
ROAD 343 - FROM ROAD 18 TO ROAD 18	87-182	8,300
ROAD 366B - FROM ROAD #14 TO ENTRANCE OF NASSUA TRAILER PARK	87-161	40,300

ROAD 383 - PORTER ROAD - FROM HOUSE 1835 TO WRANGLE HILL ROAD	87-100	45,500
ROAD 454A - *FROM ROAD 13 TO ROAD 68*	87-228	67,600
ROAD 509 FROM MARYLAND LINE TO RDAD 76	87-230	139,100
ROAD 54 - HOWELL SCHOOL ROAD - FROM ROAD 403 TO ROAD 35	87-277	54,100
ROAD 59 - PARALLEL DITCH PIPING	87-227	15,300
ROAD 82A FROM ROAD 82 TO ROAD 113	87-416	9,100
RDAD NO. 516 FROM ROAD NO 20A TO RDAO NO. 525	87-303	79,200
ROBSCOTT MANOR - ARGYLE ROAD FROM ROUTE #4 TO BOBBY DRIVE	87-336	26,000
ROBSCOTT MANOR - SANFORD ROAD FROM ARGYLE ROAD TO GLYN DRIVE	87-337	42,900
ROLLING PARK - LEXINGTON DRIVE AND GARRETT ROAD	87-324	23,400
ROUTE 52-KENNETT PIKE-CENTREVILLE (THADDELL MILL RD TO VALLEY WAY)	87-027	8,900
ROUTE 72-POSSUM PARK ROAD & ENTRANCES TO CHAPEL HILL & WEST MEADOWS	87-106	1,000
SAINT GEORGES HEIGHTS-CENTER STREET FROM HYBRIDGE AV TO HYBRIDGE AV	87-201	20,800
SCOTTFIELD - SCOTTFIELD DRIVE FROM SCOTTFIELD TURN TO HOUSE #15	87-345	83,800
SEABREEZE-SALISBURY STREET-REHOBOTH FROM DODD AV TO EAST DEAD END	87-310	5,600
SHADY GROVE - JOSEPH DRIVE FROM ROAD #270A TO SHADY DRIVE	87-231	19,500
SHADY RIDGE - SHADY RIDGE DRIVE - FROM ROAD 27DA TO CUL-DE-SAC	87-040	39,200
SHERWOOD PARK-DARBY (ROBINO TO MACLARY) & MACLARY (MILLTOWN TO END)	87-370	89,700
SHIPLEY ROAD - CHATEAU ORLEANS APTS TO EXIST BASIN	87-010	13,000
SKYLARK ROAD BETWEEN MANAGER DRIVE AND TURNSTONE DRIVE	86-031	48,000
SOUTH HEALD STREET BRIDGE	87-424	90,000
SOUTH STREET, TOWNSEND	86-535	94,500
STONERIDGE - STELLA DRIVE IN FRONT OF HOUSE #30	87-399	11,000
STUYVESANT HILLS - STATEN DRIVE @ HOUSE #33	87-057	6,000
THE WOODS - SEMINOLE DRIVE FROM E. SENECA DRIVE TO IROQUOIS COURT	87-239	23,400
TRAFFIC - FLASHING SIGNAL @ MILLTOWN ROAD AND PECKSNIFF DRIVE	87-391	8,400
TRAFFIC SIGNAL PRE-EMPTION - U.S. 13 & DEL ROUTE 14 - HARRINGTON	87-110	18,100
VILLAGE OF MEETING HOUSE HILL - OLD SIDE COURT & NEW SIDE COURT	87-181	24,700
W. COMMERCE ST., SMYRNA	86-538	16,000
WALKER ROAD - BIKEPATH	86-999	65,000
WALNUT HILL - ALL OF WALNUT HILL ROAD AND WALNUT HILL COURT	87-148	52,000
WATER STREET - FROM ROAD 38 TO WEST END	87-157	11,200
WELLINGTON HILLS #3 - W. PIERSON DRIVE FROM RIDER DRIVE TO HOUSE #4	87-398	26,000
WELLINGTON HILLS-RIDER DR. FROM ENTR. TO WELL.HILLS #3 TO HOUSE #18	87-397	14,300
WESTFIELD - REDWOOD AVENUE FROM DIAMOND STREET TO ROUTE 4	87-186	95,500
WESTOVER HILLS - EDGEHILL ROAD FROM WESTOVER ROAD TO DUPONT ROAD	87-264	48,100
WESTOVER HILLS - HOPETON ROAD - FROM WESTOVER ROAD	87-105	27,000
WESTOVER HILLS - WESTOVER ROAD FROM DUPONT ROAD TO ROUTE #352	87-263	56,200
WESTWOOD - WOODBROOK CIRCLE	87-014	58,500
WILMINGTON - 18TH STREET IN AREA OF UNDERPASS	87-387	20,800
WILMINGTON - FRANKLIN ST(SHALLCROSS TO LOVERING),CLAYTON/GILPIN IN-	87-389	9,100
WILMINGTON - N. DUPONT ST. FROM GILPIN AVENUE TO LOVERING AVENUE	87-388	18,200
WILMINGTON MANOR - EAST JACKSON AVE - FROM RT 13 TO AMERICAN LEGION	87-071	8,000
WINDSOR HILLS - ROCKINGHAM DRIVE - IN FRONT OF HOUSES 100-101-102	87-056	14,000
WINDSOR HILLS-CAMBRIDGE,BANBURY,CANTERBURY,ROCKINGHAM, & WARWICK DR	87-069	39,200
WYOMING - CHURCH STREET FROM BROAD ST TO THIRD ST	87-219	1,700
WYOMING - E RAILROAD AVENUE FROM BROAD ST TO CAMDEN-WYOMING AV	87-218	7,200
WYOMING - FRANKLIN STREET FROM RAILROAD AV TO MECHANIC ST	87-220	1,600
WYOMING - JENKINS DRIVE FROM MECHANIC ST TO MECHANIC ST	87-217	2,600
WYOMING-ORAINAGE IMPROVEMENTS-BETWEEN CAMDEN-WYOMING AV & FRONT ST	87-224	75,000

BEECHWOOD AVENUE FROM 354 EASTERLY TO LAUREL BEND	87-382	20,000
BELLEFONTE - BELLEFONTE AVENUE FROM PHIL PIKE TO BRANDYWINE BLVD	87-410	27,800
BELLEFONTE-WYNNBROOK ROAD-FROM SCHOOL HOUSE LANE TO DEAD END	87-016	16,250
CARTER ROAD (ROAD 137) FROM ROAD 90 TO ROUTE 300	87-419	40,000
CHESTNUT HILL - CHESTNUT LANE	87-198	49,600
CLELAND HEIGHTS - DUPONT STREET FROM CLAYTON STREET TO ELIZABETH ST	87-330	21,400
DOVER - GOVERNORS AVENUE AND WYOMING AVENUE INTERSECTION	87-385	50,000
DOVER-KINGS HIGHWAY (ROAD 16)-FROM LOOCKERMAN ST TO DIVISION STREET	87-075	15,000
GRAYLING - GRAYLING COURT FROM KIAMENSI ROAD TO CIRCLE	87-401	13,800
HAYDEN PARK - CATALDA AVENUE FROM OVERLAND AVENUE TO MARYLAND AVE	87-376	40,800
HAYDEN PARK - OVERLAND AVENUE FROM BOXWOOD RD. TO WEST MORELAND AVE	87-130	156,250
HOLLY OAK-WALNUT (PHIL PK TO RIDGE) AND RIDGE (WALNUT TO HOLLY OAK)	87-341	25,000
LINDAMERE - NORTH, SOUTH AND CENTER ROADS	87-112	75,000
MAGNOLIA - SIDEWALKS ON MAIN STREET AND WEST WALNUT STREET	87-200	63,000
MILFORD - NORTH WALNUT STREET FROM 4TH STREET TO REHOBOTH BLVD	87-343	76,700

OVERLOOK COLONY - 4TH STREET FROM COURT STREET TO BRANDYWINE AVENUE	87-360	5,900
PLEASANT HILLS - KENTUCKY, TENNESSE, COLIN AND DENN AVE	87-246	39,600
PROSPECT DR. - BLUE ROCK MANOR	86-237	59,100
ROAD 460 - FROM ROAD 14 TO ROAD 36	87-093	24,000
WASHINGTON STREET WIDENING, WILMINGTON, FROM 12TH STR. TO 14TH STR.	87-251	131,500
WEBBS LANE (ROAD 192) FROM ROUTE 13 TO GOVERNORS AVENUE	87-384	59,300
WOODSHADE - WOODSHADE DRIVE, WOODRING LAND AND LEAF LANE	87-064	92,100
1ST REPRESENTATIVE DISTRICT	87-929	106,500
1ST SENATORIAL DISTRICT	87-952	160,000
2ND REPRESENTATIVE DISTRICT	87-934	47,000
2ND SENATORIAL DISTRICT	87-946	20,000
3RD REPRESENTATIVE DISTRICT	87-932	11,900
3RD SENATORIAL DISTRICT	87-949	20,000
4TH SENATE DISTRICT	87-942	89,400
5TH REPRESENTATIVE DISTRICT	87-930	160,000
11TH & SPRUCE ST FLASHING LIGHT	87-935	1,000
11TH REPRESENTATIVE DISTRICT	87-956	10,000
12TH SENATE DISTRICT	87-941	120,600
15TH SENATORIAL DISTRICT	87-945	125,400
17TH REPRESENTATIVE DISTRICT	87-993	98,400
18TH SENATORIAL DISTRICT	87-951	36,900
19TH SENATORIAL DISTRICT	87-943	160,000
20TH REPRESENTATIVE DISTRICT	87-955	550
21ST SENATORIAL DISTRICT	87-953	17,700
29TH REPRESENTATIVE DISTRICT	87-928	79,100
35TH REPRESENTATIVE DISTRICT	87-994	160,000
36TH REPRESENTATIVE DISTRICT	87-940	16,200
41ST REPRESENTATIVE DISTRICT	87-933	160,000
CARRCROFT PROJECTS	87-998	25,000
CITY OF MILFORD - N. WASHINGTON ST. BETWEEN 6TH AND REHOBOTH BLVD	87-900	24,000
CORBIT STREET - WEST MAIN TO NEW LONDON	87-910	82,200
DELAWARE AVENUE - UNION ST	87-922	10,800
DRAINAGE, PATCHING AND OVERLAY - 7TH DIST.	87-991	45,600
DRAINAGE, PATCHING, AND OVERLAY - 21ST DIST.	87-992	3,000
EAST SIDE OF LOMBARD ST BETWEEN EAST 5TH ST AND EAST 6TH ST.	87-931	2,500
EASTLAWN AVE. - GOV. PRINTZ TO MARKET ST.	87-937	55,000
JACKSON STREET - 2ND ST - CHESTNUT	87-948	20,000
JACKSON STREET 4TH - LANCASTER AVENUE	87-947	54,000
JACKSON STREET ON I-95	87-950	26,000
MAIN STREET IN CAMDEN FROM ROAD 193 TO US ROUTE 13	87-918	40,000
MERMAID BLVD	87-921	1,000
NEWARK - BENNY STREET	87-914	33,100
PENCADER DRIVE	87-917	79,000
PHILLIPS HEIGHTS - MAPLE AVE 300 BLOCK (PROJ #87-131B)	87-939	14,800
ROUTE 13 - WILMINGTON MANOR	87-915	65,000
SILVER LAKE BRIDGE AND GUARD RAILS	87-954	30,000
VANDEVER AVE & CHURCH ST - TRAFFIC SIGNAL	87-936	15,000
WEST HAVEN SPEED BUMPS	87-923	5,000
CONTINGENCY		700
	Subtotal	$9,920,000

CHAPTER 386

FORMERLY

SENATE BILL NO. 383
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, SUBCHAPTER IV, OF TITLE 28, DELAWARE CODE, RELATING TO THE STATE TAX ON PARI-MUTUEL INCOME AND LICENSEE'S COMMISSION ON CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT THOROUGHBRED RACE TRACKS AND STATE LICENSE FEES FOR THOROUGHBRED RACE MEET OPERATORS.

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

Section 1. Amend 365(a), Chapter 3, Title 28, Delaware Code, by striking the words "total contributions to all pari-mutuel and totalizator pools" as they appear therein and substituting in lieu thereof the following:

"licensee's commissions on pari-mutuel and totalizator pools."

Section 2. Amend 368, Chapter 3, Title 28, Delaware Code, by striking the words "paid by certified check to the Secretary of Finance" as they appear therein and substituting in lieu thereof the following:

"retained by the licensee as its property."

Section 3. This Act shall take effect for commissions and fees payable after April 12, 1986.

Approved July 2, 1986.

CHAPTER 387

FORMERLY

SENATE BILL NO. 456

AN ACT TO AMEND CHAPTER 55, TITLE 30, DELAWARE CODE, RELATING TO PUBLIC UTILITIES TAX.

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

Section 1. Amend §5502, Chapter 55, Title 30 of the Delaware Code by striking paragraph (a) of said section in its entirety and substitute in lieu thereof a new paragraph (a) to read as follows:

"(a) A tax is imposed upon all intrastate telephone commodities and services distributed within this State by the distributor at the rate of 4.25% of the sale price or tariff charge paid for such commodities or services."

Section 2. Amend §5502, Chapter 55, Title 30 of the Delaware Code by striking paragraph (b) of said section in its entirety and substitute in lieu thereof a new paragraph (b) to read as follows:

"(b) A tax is imposed upon any distributor of gas, electricity, telegraph, or cable television communications commodities and services which tax shall be at the rate of 4.25% of the gross receipts or tariff charges received by the distributor for such commodities or services distributed within this State."

Section 3. Amend §5507, Chapter 55, Title 30 of the Delaware Code by striking paragraph (a) of said section in its entirety.

Section 4. Amend §5507, Chapter 55, Title 30 of the Delaware Code by redesignating paragraphs (b), (c), and (d) as paragraphs (a), (b) and (c) respectively.

Section 5. This Act shall take effect January 1, 1987, for services performed or distributed on or after January 1, 1987.

Approved July 2, 1986.

CHAPTER 388

FORMERLY

SENATE BILL NO. 458

AN ACT TO AMEND CHAPTER 27, TITLE 30, DELAWARE CODE, RELATING TO MANUFACTURERS' LICENSE TAX.

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

Section 1. Amend §2702, Chapter 27, Title 30 of the Delaware Code, by striking the fraction "3/10" as it appears in paragraph (b)(1) of said section and substitute in lieu thereof the fraction "1/4".

Section 2. This Act is effective for gross receipts received on or after January 1, 1987.

Approved July 2, 1986.

CHAPTER 389

FORMERLY

SENATE BILL NO. 469

AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE CODE RELATING TO RETAIL AND WHOLESALE MERCHANTS' LICENSE REQUIREMENTS AND TAXES.

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

Section 1. Amend §2901, Chapter 29, Title 30 of the Delaware Code by striking paragraph (2) of said section in its entirety and substitute in lieu thereof the following:

"(2) 'Gross Receipts':

(a) In the case of a retailer, 'gross receipts' includes total consideration received for all goods sold or services rendered within this State, but shall not include tobacco products taxes or motor fuel taxes paid or payable to the State under Part IV of this Title or gasoline and special fuel taxes paid or payable to the Federal Government under Internal Revenue Code Sections 4041 or 4081.

(b) In the case of a wholesaler, 'gross receipts' includes total consideration received from sales of tangible personal property physically delivered within this State to the purchaser or his agent, but shall not include: (i) Delivery to the United States mail or to a common or contract carrier for shipment to a place outside this State; or (ii) tobacco products taxes or motor fuel taxes paid or payable to the State under Part IV of this Title or gasoline and special fuel taxes paid or payable to the Federal Government under Internal Revenue Code Sections 4041 or 4081."

Section 2. This Act shall be effective for gross receipts received on or after January 1, 1987.

Approved July 2, 1986.

CHAPTER 390

FORMERLY

SENATE BILL NO. 576
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE, RELATING TO THE DEDUCTION FROM RETAILERS' GROSS RECEIPTS TAX.

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

Section 1. Amend §2905(b)(l), Chapter 29, Title 30 of the Delaware Code, by striking the amount "$10,000" as it appears therein, and substituting in lieu thereof the amount $25,000".

Section 2. Amend §2906, Chapter 29, Title 30 of the Delaware Code by striking the symbol and figure "$5,000" as they appear in paragraph (c)(l) of said Section and substitute in lieu thereof the symbol and figure "$25,000."

Section 3. This Act shall be effective for gross receipts received after December 31, 1986.

Approved July 2, 1986.

CHAPTER 391

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 427
AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO REGISTRATION AND REGULATION OF TRANSIENT RETAILERS.

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 6 of the Delaware Code by adding thereto a new Chapter 47 to read as follows:

"CHAPTER 47. TRANSIENT RETAILERS

§4701. Purpose.

The purpose of this Chapter is to protect the public from improper sales techniques by transient retailers, and to provide a method of processing warranty claims on merchandise sold by transient retailers.

§4702. Definitions.

As used in this Chapter, the following terms shall have the respective meanings ascribed by this section:

(1) 'Registered agent' as used in this Chapter may be, but is not required to be, the agent appointed pursuant to Section 132, Title 8 of the Delaware Code.

(2) 'Transient retailer' means any person, firm or corporation, as principal or agent, or both, which engages in, does or transacts any temporary or transient business in this State, either in one locality or in traveling from place to place in this State, offering for sale or selling goods, wares, merchandise, food or beverages, and including those who, for the purpose of carrying on such business, hire, lease, use or occupy any permanent or mobile building, structure, motor vehicle including trucks, or real estate for the exhibition by means of samples, catalogues, photographs and price lists or sale of such goods, wares, or merchandise.

(3) 'Temporary or transient business' means any exhibition and sale of goods, wares or merchandise which is carried on in any building, structure, motor vehicle or real estate for a period of less than six months in each year.

(4) 'Operator' means the owner or operator of any building, structure, motor vehicle or real estate, whether fixed or mobile, which is leased or rented to a transient merchant.

§4703. Exemptions.

(a) The provisions of this Chapter shall not apply to:

(1) Sales made to dealers by commercial travelers or selling agents in the usual course of business;

(2) bona fide sales of goods, wares or merchandise by sample, brochure, or catalogue for future delivery;

(3) any annual fair;

(4) any special event, taking place upon real property which is designed for and in the business of conducting such events where the transient merchant's goods, wares or merchandise are only displayed and sold on said property;

(5) any general sale, fair, auction or bazaar sponsored by an ecclesiastical society, religious corporation, public service or charitable organization;

(6) garage sales on premises devoted to residential use;

(7) sales of crafts or items made by hand when sold or offered for sale by the person making such crafts or handmade items;

(8) sales of local agricultural products;

(9) sales resulting from prior invitation to the vendor by the owner or occupant of the residence.

(b) No transient retailer not otherwise exempted from the provisions of this Chapter by paragraph (a) of this section shall be relieved or exempted from the provisions of this Chapter by reason of associating himself temporarily with any local dealer, auctioneer, trader, or merchant or by conducting such temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader or merchant.

§4704. License required.

It shall be unlawful for any transient retailer to transact business in this State unless such transient retailer and the owners of any goods, wares or merchandise to be offered for sale or sold, if such are not owned by the vendor, shall have first secured a license as provided in §2905 of Title 30 and shall have complied with the other requirements of this Chapter. The fee for such license shall be identical to the annual license fee assessed against a retailer transacting business in this state on a year round basis.

§4705. Registration of transient retailers.

In addition to obtaining the license referred to in Section 4704 of this Title, any transient retailer desiring to transact business in this State shall first register by filing an application with the Director of Revenue. The application shall state the following facts:

(1) The name and permanent address of the transient retailer making the application, and if the applicant is a firm or corporation, the name and address of the members of the firm or the officers of the corporation, as the case may be.

(2) If the applicant is a corporation, then there shall be stated on the application form the date of incorporation, the state of incorporation, and if the applicant is a corporation formed in a state other than the State of Delaware, the date on which such corporation qualified to transact business as a foreign corporation in the State of Delaware.

(3) A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business and the location of such proposed place of business.

(4) A description of the types of goods, wares and merchandise to be offered for sale in this State.

(5) The name and permanent address of the transient retailer's registered agent and office.

§4706. Registered agent.

(a) Every transient retailer shall file with the application required by §4705 the name and permanent address of such retailer's registered agent.

(b) Such registered agent shall be a resident of Delaware and shall be an agent of such transient retailer upon whom any legal process permitted by law to be served upon the transient retailer may be served.

(c) The registered agent shall agree in writing to act as such agent and a copy of the agreement shall be filed with the application.

(d) The Director of Revenue shall maintain an alphabetical record of all transient retailers and the names and addresses of their registered agents.

(e) Whenever a transient retailer doing business or having done business in this State shall fail to have or maintain a registered agent in the State, or whenever any such registered agent cannot with due diligence be found at his permanent address, the Director of Revenue shall be an agent of such transient retailer upon whom any such legal process may be served. Service on the Director of Revenue of such legal process with the fee of $4 shall be made in the same manner as is provided by law for service of writs of summons and when so made shall be as effectual to all intents and purposes as if made personally upon the defendant within this State; provided, that not later than 7 days following the filing of the return of services of process in the court in

which the civil action is commenced or following the filing with the court of the proof of the nonreceipt of notice provided for in subsection (h) of this section, the plaintiff or a person acting in his behalf shall send by registered mail to the transient retailer a notice consisting of a copy of the process and complaint served upon the Director of Revenue and the statement that service of the original of such process has been made upon the Director of Revenue of this State, and that under this section such service is as effectual to all intents and purposes as if it had been made upon such transient retailer personally within this State.

(f) Proof of the mailing and receipt or refusal of the notice shall be made in such manner as the court, by rule or otherwise, shall direct.

(g) The return receipt or other official proof of delivery shall constitute presumptive evidence that the notice mailed was received by the transient retailer or his agent; and the notation of refusal shall constitute presumptive evidence that the refusal was by the transient retailer or his agent.

(h) The plaintiff or his counsel of record in the action may within 7 days following the return of any undelivered notice mailed in accordance with subsection (e) of this section other than a notice, delivery of which is shown by the notation of the postal authorities on the original envelope to have been refused by the transient retailer or his agent, file with the court in which the civil action is commenced proof of the nonreceipt of the notice by the transient retailer or his agent, which proof shall consist of the usual receipt given by the post office at the time of mailing to the person mailing the registered article containing the notice, the original envelope of the undelivered registered article and an affidavit made by or on behalf of plaintiff specifying:

(1) The date upon which the envelope containing the notice was mailed by registered mail;

(2) The date upon which the envelope containing the notice was returned to the sender;

(3) That the notice provided for in subsection (e) of this section was contained in the envelope at the time it was mailed; and

(4) That the receipt, obtained at the time of mailing by the person mailing the envelope containing the notice, is the receipt filed with the affidavit.

(i) The time in which defendant shall serve his answer shall be computed from the date of the mailing of the registered letter which is the subject of the return receipt or other official proof of delivery or the notation of refusal of delivery; provided, however, that the court in which the action is pending may, at any time before or after the expiration of the prescribed time for answering, order such continuances as may be necessary to afford the defendant therein reasonable opportunity to defend the action.

(j) Nothing herein contained limits or affects rights to serve process in any other manner now or hereafter provided by law. This section is an extension of and not a limitation upon the rights otherwise existing of service of legal process upon nonresidents.

§4707. Bond required.

(1) At the time of filing the application for license as provided in §4704 and as a part thereof, the applicant shall file and deposit with the Department of Finance, a surety bond issued by an authorized surety insurer, or a cash bond, in the amount of $1,000, or, in the discretion of the Director of Revenue, a lesser amount determined in accordance with §375 of Title 30, Delaware Code. The surety bond shall run in favor of the State of Delaware and shall be for the use of assuring the payment by the applicant of all taxes that may be payable by or due from the applicant to the State of Delaware or any department thereof or any subdivision of the State of Delaware, municipal or otherwise, and the payment of any fines that may be assessed by any court against the applicant or its agents or employees for violation of the provisions of this Chapter.

(2) Such surety bond shall be maintained unimpaired as long as the transient retailer conducts business in this State. Whenever the transient retailer ceases to conduct temporary or transient business in this State and furnishes the Department proof satisfactory that it has satisfied all claims or causes of action against it, the Department shall release said bond to the applicant.

4708. Advertising

No transient retailer who seeks to transact business in this state may advertise in any presale advertising media without including in each such advertisement the transient retailer's complete name in a form easily comprehensible to the reader, listener or viewer of such advertisement.

§4709. Penalty for violation.

(a) A transient retailer who transacts business without having first obtained a license and filing a registration application, or who knowingly makes a material misstatement in such registration application, or who knowingly advertises, offers for sale, or sells any goods, wares or merchandise contrary to this Chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two hundred dollars or imprisoned for not more than thirty days, or both.

(b) Justices of the Peace shall have original and exclusive jurisdiction to hear and determine violations of this Chapter.

§4710. Deceptive trade practices.

In addition to the criminal penalty provided in §4709, any violation of the provisions of this Chapter shall constitute a deceptive trade practice under Subchapter III, Chapter 25, Title 6 of the Delaware Code. "

Section 2. The provisions of this Act are severable. If any portion of this Act is held unconstitutional or invalid, it shall not affect any portion of this Act not in itself unconstitutional or invalid.

Section 3. This Act shall become effective January 1, 1987.

Approved July 2, 1986.

CHAPTER 392

FORMERLY

HOUSE BILL NO. 559
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 23, 25, 29, AND 43, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSIONS FROM THE GROSS RECEIPTS TAX.

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

Section 1. Amend §2301, Chapter 23, Title 30 of the Delaware Code by inserting two sentences in paragraph (d)(1) of said section to be placed before the last sentence in paragraph (d)(1) to read as follows:

"In computing the fee due on such aggregate gross receipts for each quarter, there shall be allowed a deduction of $18,000. For purposes of this subsection all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one and shall be allowed only one quarterly deduction from the aggregate gross receipts of the entire enterprise."

Section 2. Amend §2301, Chapter 23, Title 30 of the Delaware Code by striking the word "aggregate" wherever it appears in paragraph (d)(2) of said section and insert in lieu thereof the word "taxable".

Section 3. Amend §2502, Chapter 25, Title 30 of the Delaware Code by inserting two sentences in paragraph (c)(1) of said section to be placed before the last sentence in paragraph (c)(1) to read as follows:

"In computing the fee due on such aggregate gross receipts for each month, there shall be allowed a deduction of $6,000. For purposes of this subsection all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one and shall be allowed only one monthly deduction from the aggregate gross receipts of the entire enterprise."

Section 4. Amend §2907, Chapter 29, Title 30 of the Delaware Code by inserting two sentences in paragraph (c)(1) of said section to be placed before the last sentence in paragraph (c)(1) to read as follows:

"In computing the fee due on such aggregate gross receipts for each month, there shall be allowed a deduction of $6,000. For purposes of this subsection all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one and shall be allowed only one monthly deduction from the aggregate gross receipts of the entire enterprise."

Section 5. Amend §2907, Chapter 29, Title 30 of the Delaware Code by striking the word "aggregate" wherever it appears in paragraph (c)(2) of said section and insert in lieu thereof the word "taxable".

Section 6. Amend §2903, Chapter 29, Title 30 of the Delaware Code by inserting two sentences in paragraph (c)(1) of said section to be placed before the last sentence in paragraph (c)(1) to read as follows:

"In computing the fee due on such aggregate gross receipts for each month, there shall be allowed a deduction of $6,000. For purposes of this subsection all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one and shall be allowed only one monthly deduction from the aggregate gross receipts of the entire enterprise."

Section 7. Amend §2903, Chapter 29, Title 30 of the Delaware Code by striking the word "aggregate" wherever it appears in paragraph (c)(2) of said section and insert in lieu thereof the word "taxable".

Section 8. Amend §2904, Chapter 29, Title 30 of the Delaware Code by inserting two sentences in paragraph (c)(1) of said section to be placed before the last sentence in paragraph (c)(1) to read as follows:

"In computing the fee due on such aggregate gross receipts for each month, there shall be allowed a deduction of $6,000. For purposes of this subsection all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one and shall be allowed only one monthly deduction from the aggregate gross receipts of the entire enterprise."

Section 9. Amend §2904, Chapter 29, Title 30 of the Delaware Code by striking the word "aggregate" wherever it appears in paragraph (c)(2) of said section and insert in lieu thereof the word "taxable".

Section 10. Amend §4305, Chapter 43, Title 30 of the Delaware Code by inserting two sentences in paragraph (b) of said section to be placed before the last sentence in paragraph (b) to read as follows:

"In computing the fee due on such aggregate gross receipts for each quarter, there shall be allowed a deduction of $18,000. For purposes of this subsection all branches or entities comprising an enterprise with common ownership or common direction and control shall be treated as one and shall be allowed only one quarterly deduction from the aggregate gross receipts of the entire enterprise."

Section 11. This Act shall be effective for gross receipts received on or after January 1, 1987.

Approved July 2, 1986.

CHAPTER 393

FORMERLY

HOUSE BILL NO. 560

AN ACT TO AMEND CHAPTER 13, TITLE 30, DELAWARE CODE, RELATING TO THE INHERITANCE TAX.

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 §1301, Chapter 13, Title 30 of the Delaware Code, by striking existing subsection (f) of said section in its entirety and substitute in lieu thereof a new subsection (f) to read as follows:

"(f) 'Stepchild' means a child of a spouse of the decedent."

Section 2. Amend Section 1322, Chapter 13, Title 30 of the Delaware Code by striking existing subsection (2) in its entirety and substitute in lieu thereof a new subsection (2) to read as follows:

"(2) Class B. Where the property or any interest or estate therein passes to or for the use of a parent, grandparent, child by birth, wife or widow of a son or the husband or widower of a daughter, a child by legal adoption, the lineal descendant of the decedent, a stepchild of the decedent or the lineal descendent of a stepchild of the decedent, the tax on such property, interest or estate shall be at the following rates:

a. On that part of its value exceeding $25,000 and not exceeding $50,000, 2 percent;

b. On that part of its value exceeding $50,000 and not exceeding $75,000, 3 percent;

c. On that part of its value exceeding $75,000 and not exceeding $100,000, 4 percent;

d. On that part of its value exceeding $100,000 and not exceeding $200,000, 5 percent;

e. On that part of its value exceeding $200,000, 6 percent."

Section 3. Amend §1322, Chapter 13, Title 30 of the Delaware Code, by striking existing subsection (3)a of said section in its entirety and substitute in lieu thereof a new subsection (3)a to read as follows:

"a. On that part of its value exceeding $5,000 and not exceeding $25,000, 5 percent;"

Section 4. Amend Section 1342, Chapter 13, Title 30 of the Delaware Code by adding at the end of subsection (a) of said section a new sentence to read as follows:

"Interest on amounts due under this Chapter for inheritances from estates involved in litigation, however, shall commence to accrue nine months from the date of the decedent's death."

Section 5. This Act shall become effective with respect to decedents dying on or after January 1, 1987.

Approved July 2, 1986.

CHAPTER 394

FORMERLY

HOUSE BILL NO. 765

AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE REDUCTION OF PERSONAL INCOME TAX RATES.

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

Section 1. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by inserting in paragraph (3), of subsection (a) thereof, following the words "December 31, 1985," and before the words "the amount of tax", the words "and before January 1, 1987.".

Section 2. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by adding to subsection (a) thereof a new paragraph (4) to read as follows:

"1.0% of the amount of taxable income not in excess of $1,000; 1.4% of the amount of taxable income in excess of $1,000, but not in excess of $2,000; 2.3% of the amount of taxable income in excess of $2,000, but not in excess of $3,000; 3.2% of the amount of taxable income in excess of $3,000, but not in excess of $4,000; 3.9% of the amount of taxable income in excess of $4,000, but not in excess of $5,000; 4.6% of the amount of taxable income in excess of $5,000, but not in excess of $6,000; 5.4% of the amount of taxable income in excess of $6,000, but not in excess of $8,000; 6.0% of the amount of taxable income in excess of $8,000, but not in excess of $10,000; 6.1% of the amount of taxable income in excess of $10,000, but not in excess of $15,000; 6.3% of the amount of taxable income in excess of $15,000, but not in excess of $20,000; 6.5% of the amount of taxable income in excess of $20,000, but not in excess of $25,000; 7.0% of the amount of taxable income in excess of $25,000, but not in excess of $30,000; 8.2% of the amount of taxable income in excess of $30,000, but not in excess of $40,000; 8.8% of the amount of taxable income in excess of $40,000."

Section 3. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by striking from subsection (c) thereof the phrase "paragraph (3)" and substituting in lieu thereof the phrase "paragraph (4)".

Section 4. Amend Section 1102, Chapter 11, Title 30 of the Delaware Code by striking in its entirety the final sentence of subsection (c) and substituting in lieu thereof the following:

"In the event of any revocation of the tax rates established by paragraph (4) of subsection (a) of this Section, the following rates shall become effective:

"1.0% of the amount of taxable income not in excess of $1,000; 1.4% of the amount of taxable income in excess of $1,000, but not in excess of $2,000; 2.3% of the amount of taxable income in excess of $2,000, but not in excess of $3,000; 3.2% of the amount of taxable income in excess of $3,000, but not in excess of $4,000; 3.9% of the amount of taxable income in excess of $4,000, but not in excess of $5,000; 4.6% of the amount of taxable income in excess of $5,000, but not in excess of $6,000; 5.4% of the amount of taxable income in excess of $6,000, but not in excess of $8,000; 6.0% of the amount of taxable income in excess of $8,000, but not in excess of $10,000; 6.1% of the amount of taxable income in excess of $10,000, but not in excess of $15,000; 6.3% of the amount of taxable income in excess of $15,000, but not in excess of $20,000; 6.5% of the amount of taxable income in excess of $20,000, but not in excess of $25,000; 7.0% of the amount of taxable income in excess of $25,000, but not in excess of $30,000; 8.2% of the amount of taxable income in excess of $30,000, but not in excess of $40,000; 9.1% of the amount of taxable income in excess of $40,000, but not in excess of $50,000; 10.1% of the amount of taxable income in excess of $50,000."

Approved July 2, 1986.

CHAPTER 395

FORMERLY

SENATE BILL NO. 452

AN ACT PROPOSING AN AMENDMENT TO §19, ARTICLE III, CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE SALARY OF THE LIEUTENANT GOVERNOR.

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 III, Constitution of the State of Delaware, by striking the second paragraph thereof.

Approved July 1, 1986.

CHAPTER 396

FORMERLY

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

AN ACT TO AMEND CHAPTER 65, SUBCHAPTER VII, TITLE 11, DELAWARE CODE, RELATING TO PUBLICATION OF NAMES OF INMATES PERMITTED TO LEAVE CORRECTIONAL FACILITY.

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

Section 1. Amend §6541, Chapter 65, Subchapter VII, Title 11, Delaware Code by striking the section title in its entirety and substituting in lieu thereof a new section title to read as follows:

"Publication of Names of Inmates on Supervised Custody, Work Release or Furloughs"

Section 2. Amend §6541(a), Chapter 65, Subchapter VII, Title 11, Delaware Code, by striking the word "or" between the word "custody" and the word "work" as it appears in the first sentence and inserting a comma "," after the word "custody" and further inserting after the word "release" the following:

"or furloughs which shall include personal special visists whether escorted or unescorted."

Section 3. Amend §6541(a), Chapter 65, Subchapter VII, Title 11, Delaware Code, by striking the word "or" between the word "custody" and the word "work" as it appears in the third sentence and inserting a comma "," after the word "custody" and further inserting after the word "release" the following:

"or furloughs which shall include personal special visits whether escorted or unescorted."

Section 4. Amend §6541(a), Chapter 65, Title 11, Delaware Code, by adding at the end of said subsection a new sentence to read as follows:

"This Section shall not apply to those inmates being released on furlough or special visit for the purpose of attending the funeral of an immediate family member as specified under §6538(b) of this Chapter."

Approved July 3, 1986.

CHAPTER 397

FORMERLY

SENATE BILL NO. 199
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAXES BY ALLOWING A CREDIT FOR MEMBERS OF DELAWARE VOLUNTEER AMUBLANCE AND RESCUE SERVICES.

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

Section 1. Amend §1113, Title 30, Delaware Code by inserting after the word "State" and before the word "who" the following:

"who is an active member of any Delaware volunteer ambulance or rescue service or"

Section 2. Amend §1113, Title 30, Delaware Code by inserting after the words "firefighter" and before the words "during the taxable years" the words "or an active member of a Delaware volunteer ambulance or rescue service".

Section 3. This Act shall apply to tax years beginning after December 31, 1986.

Approved July 3, 1986.

CHAPTER 398

FORMERLY

SENATE BILL NO. 241
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 68, TITLE 21, DELAWARE CODE, RELATING TO PENALTIES FOR CERTAIN OFF-HIGHWAY VEHICLES.

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

Section 1. Amend §6814, Title 21 of the Delaware Code by designating the current §6814 as "§6814(a)" and adding a new subsection "(b)" to read as follows:

"(b) Any person convicted of violation of any provision of subsection (a) shall be fined not less than $50 nor more than $300 and have his or her OHV impounded for a period of 30 days. Impoundment of an OHV under this Subsection shall be at the expense of the owner of the OHV."

Approved July 3, 1986.

CHAPTER 399

FORMERLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 351

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 Chapter 32, Title 18 of the Delaware Code by striking §3205 in its entirety and substituting in lieu thereof the following:

"§3205. Amount of Coverage

(a) The amount of group life insurance on the life of any employee shall be at least in the following amount: the employee's annual regular salary rounded to the next higher even thousand dollars subject to maxima established by the State Group Life Insurance Committee. Contributions by the employee and the State to the cost of such insurance may be based on reasonable age classifications.

(b) The State Group Life Insurance Committee shall meet at least annually to review the State's Group Life Insurance Plan and, when appropriate, adopt improvements thereto for the purpose of extending existing amounts or types, or both, of group life insurance coverage for State employees."

Approved July 3, 1986.

CHAPTER 400

FORMERLY

SENATE BILL NO. 398

AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A FIRE MARSHALL'S ADVISORY BOARD AND A FIRE SCHOOL ADVISORY BOARD.

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

Section 1. Amend §6618(a), Chapter 66, Title 16, Delaware Code, by striking the word "shall" as it appears in the third sentence and substituting in lieu thereof the word "may".

Section 2. Amend §6618(b), Chapter 66, Title 16, Delaware Code, by striking the third sentence in its entirety commencing with the word "The State" and ending with the words "Fireman's Association" and substituting in lieu thereof a new sentence to read as follows:

"the State Fire Prevention Commission and the Fire Marshall may consult the advisory board on any Fire Marshall matters whether administrative or technical and receive recommendations thereon."

Approved July 3, 1986.

CHAPTER 401

FORMERLY

SENATE BILL NO. 404
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9, §9418, AND TITLE 10, §8702, §8707 OF THE DELAWARE CODE, RELATING TO FEES OF THE KENT COUNTY CLERK OF THE PEACE, SHERIFF AND REGISTER IN CHANCERY.

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

Section 1. Amend §9418, Title 9 of the Delaware Code by striking the first two sentences of this Section and by substituting in lieu thereof the following:

"The fees of the Clerk of the Peace for Kent County shall be established by ordinance of the governing body of Kent County."

Section 2. Amend §8707 of Title 10 of the Delaware Code by striking subsections (a), (b) and (c), by redesignating subsections (d) and (e) as (a) and (b) respectively and by adding a new subsection (c) to read as follows:

"(c) The fees of the Registers in Chancery of Kent County shall be established by ordinance of the governing body of Kent County."

Section 3. Amend §8702 of Title 10 of the Delaware Code by striking subsection "(a)" of said section and by substituting in lieu thereof the following:

"(a) The fees of the Sheriff of Kent County shall be established by ordinance of the governing body of Kent County."

Section 4. This Act shall become effective on the date the County government of Kent County establishes, by ordinance, fee schedules for the Sheriff, Clerk of the Peace and Register in Chancery of Kent County.

Approved July 3, 1986.

CHAPTER 402

FORMERLY

SENATE BILL NO. 457
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 11, 23, 25, 27, AND 29, TITLE 30, DELAWARE CODE, RELATING TO FILING REQUIREMENTS OF BUSINESS AND EMPLOYER TAXES.

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

Section 1. Amend §1154, Chapter 11, Title 30 of the Delaware Code by striking the symbol and figure "$200" as they appear in paragraph (a) of said section and substitute in lieu thereof the symbol and figure "$600".

Section 2. Amend §1154, Chapter 11, Title 30 of the Delaware Code by adding thereto a new paragraph (d) to read as follows:

"(d) The Secretary of Finance may by regulation require the filing of information returns for the purpose of establishing the frequency and manner in which an employer would be required to file and pay taxes under this subchapter."

Section 3. Amend §2301, Chapter 23, Title 30 of the Delaware Code by striking the symbol and figure "$6,000" in each place that they appear in paragraph (d)(2) of said Section and substitute in lieu thereof the symbol and figure "$15,000".

Section 4. Amend §2502, Chapter 25, Title 30 of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (c)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 5. Amend § 2702, Chapter 27, Title 30, of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (b)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 6. Amend §2702, Chapter 27, Title 30 of the Delaware Code by striking the word "aggregate" as that word appears in paragraph (b)(2) of said Section and substitute in lieu thereof the word "taxable".

Section 7. Amend §2902, Chapter 29, Title 30, of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (c)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 8. Amend §2902, Chapter 29, Title 30, of the Delaware Code by striking the word "aggregate" as that word appears in paragraph (c)(2) of said Section and substitute in lieu thereof the word "taxable".

Section 9. Amend §2903, Chapter 29, Title 30, of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (c)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 10. Amend §2903, Chapter 29, Title 30, of the Delaware Code by striking the word "aggregate" as that word appears in paragraph (c)(2) of said Section and substitute in lieu thereof the word "taxable".

Section 11. Amend §2904, Chapter 29, Title 30 of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (c)(2) of said Section and substitute in lieu thereof the

symbol and figure "$7,500".

Section 12. Amend §2904, Chapter 29, Title 30 of the Delaware Code by striking the word "aggregate" as that word appears in paragraph (c)(2) of said Section and substitute in lieu thereof the word "taxable".

Section 13. Amend §2905, Chapter 29, Title 30 of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (b)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 14. Amend §2906, Chapter 29, Title 30, of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (c)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 15. Amend §2907, Chapter 29, Title 30 of the Delaware Code by striking the symbol and figure "$2,000" as they appear in paragraph (c)(2) of said Section and substitute in lieu thereof the symbol and figure "$7,500".

Section 16. Amend §2907, Chapter 29, Title 30 of the Delaware Code by striking the word "aggregate" as it appears in paragraph (c)(2) and substitute in lieu thereof the word "taxable".

Section 17. Sections 1 and 2 of this Act shall be effective for taxable years beginning after December 31, 1986. All other Sections of this Act shall be effective for gross receipts received on or after January 1, 1987.

Approved July 3, 1986.

CHAPTER 403

FORMERLY

SENATE BILL NO. 459

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO DEDUCTIONS FOR CHARITABLE CONTRIBUTIONS IN CALCULATION OF THE PERSONAL INCOME TAX.

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

Section 1. Amend §1109, Chapter 11, Title 30 of the Delaware Code by striking paragraph (a)(2) of said section in its entirety and by renumbering existing paragraph (a) (3) as paragraph (a) (2).

Section 2. This Act shall be effective for taxable years beginning after December 31, 1986.

Approved July 3, 1986.

CHAPTER 404

FORMERLY

SENATE BILL NO. 462

AN ACT TO AMEND SECTION 36, CHAPTER 237, VOLUME 51 AND SECTION 1, CHAPTER 212, VOLUME 56, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE EXTENSION OF WATER AND SEWER FACILITIES OUTSIDE THE LIMITS OF THE TOWN OF BRIDGEVILLE.

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 36, Chapter 237, Volume 51 and Section 1, Chapter 212, Volume 56, Laws of Delaware, are amended by deleting from the last paragraph thereof the words "one mile" and substituting in lieu thereof the words "two miles".

Approved July 3, 1986.

CHAPTER 405

FORMERLY

SENATE BILL NO. 470

AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON", AS AMENDED, RELATING TO COMPETITIVE PUBLIC 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. Amend Section 51, Chapter 215, Volume 64, Laws of Delaware, as amended, by striking the figure "$5,000" and inserting in lieu thereof the figure "$20,000".

Approved July 3, 1986.

CHAPTER 406

FORMERLY

SENATE BILL NO. 488

AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE RELATING TO FEED AND GRAIN DEALER AND WHOLESALER LICENSE REQUIREMENTS.

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

Section 1. Amend §2904, Chapter 29, Title 30 of the Delaware Code by striking existing §2904 in its entirety and substituting in lieu thereof a new §2904 to read as follows:

"§2904. Commercial Feed Dealer License Requirements; License Fee; Additional Fee on Aggregate Gross Receipts; Statements Required

(a) Every person described in paragraph (7)c. of §2901 of this title engaged in the business of buying, selling and shipping commercial feeds shall be exempt from the provisions of §2902 of this Chapter and shall be subject to the provisions of this section.

(b) All persons defined in subsection (a) of this section desiring to engage in business in this State shall first obtain a license from the Department of Finance and pay therefor a fee of $50 for each place of business. Such license shall be valid until the 1st day of January at which time it may be renewed for a full year and every year thereafter; provided, that the commercial feed dealer pays the fees required by subsection (c) of this section, makes application therefor and makes payment of $50 for each place of business.

(c)(1) In addition to the license fee required by subsection (b) of this section, every commercial feed dealer shall also pay a license fee at the rate of 1/10 of 1% of the aggregate gross receipts attributable to all goods delivered by the commercial dealer within this State, which fee shall be payable monthly on or before the twentieth day of each month with respect to the aggregate gross receipts for the immediate preceding month. The monthly returns shall be accompained by a certified statement on such forms as the Department of Finance shall require in computing the fee due.

(2) Notwithstanding paragraph (1) of this subsection, 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 twentieth day of the first month following the close of such calendar quarter."

Section 2. Amend §2901, Chapter 29, Title 30 of the Delaware Code by striking the words "grains and" as those words appear in paragraph c. of subsection (7) of said section.

Section 3. Amend §2908, Chapter 29, Title 30 of the Delaware Code by striking existing subsection (a) of said section and substitute in lieu thereof a new subsection (a) to read as follows:

"(a) This Chapter shall not apply to the sale of unprocessed agricultural products, including nursery or floral products by:

(1) The owner or operator of a farm or nursery; or

(2) The owner or operator of any enterprise whose principal business in this State is the purchase and resale, at wholesale, of unprocessed and unpackaged agricultural plant products; provided such products are purchased from a person described in paragraph (1) of this subsection and further provided said purchase occurs within this State.

This Chapter shall not 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. Growers of nursery products shall be treated under this Chapter as retailers to the extent of sales at retail."

Section 4. This Act shall be effective for gross receipts received after December 31, 1986.

Approved July 3, 1986.

CHAPTER 407

FORMERLY

SENATE BILL NO. 493
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO UNDERSIZED FINFISH AND DISMEMBERMENT OF FINFISHES.

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 §929(c), Chapter 9, Title 7 of the Delaware Code by striking Section 929(c) in its entirety and substitute in lieu thereof the following new Section 929(c) to read as follows:

"(c) Any person, who comes into possession by purchasing, trading, or bartering for, any finfish measuring less than the dimensions set forth in this section or the dimensions set forth in any regulation promulgated by the Department, shall immediately report the possession of said finfish to the Department and then dispose of said finfish in a manner directed by the Department provided that none may be sold, traded, or bartered."

Section 2. Amend §929, Chapter 9, Title 7 of the Delaware code by striking Section 929(d) in its entirety.

Approved July 3, 1986.

CHAPTER 408

FORMERLY

SENATE BILL NO. 494
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO OUT-OF-STATE FINFISH AND THE AUTHORITY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE AQUACULTURE PERMITS FOR FINISH.

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 §903, Chapter 9, Title 7 of the Delaware Code by adding a new paragraph (j) to read as follows:

"(j) The Department shall have the authority to issue a permit to a person for the artificial propagation, aquaculture and possession of finfish which otherwise would be illegal in this State provided that all finfish removed from the tidal water under the jurisdiction of this State for obtaining eggs or sperm are to be released immediately or disposed of in a manner specified in the permit."

Section 2. "Amend §929(a), Chapter 9, Title 7 of the Delaware Code by striking the words "unless said finfish was legally purchased outside the jurisdictional boundaries of the State and said sale is evidenced by a validated bill of sale." and substitute in lieu thereof the words "unless said finfish is the legal product of artifical propagation and aquaculture authorized under permit issued by the Division."

Approved July 3, 1986.

CHAPTER 409

FORMERLY

SENATE BILL NO. 499

AN ACT TO AMEND TITLE 18, DELAWARE CODE, CHAPTER 5, SECTION 513 TO PROVIDE THAT THE STATUTORY DEPOSIT OF INSURERS FOR WORKERS' COMPENSATION INSURANCE MAY BE USED TO PAY WORKERS' COMPENSATION CLAIMS IMMEDIATELY IF THE INSURER BECOMES FINANCIALLY IMPAIRED OR INSOLVENT.

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

Section 1. Amend Subsection (c) of Section 513, Title 18, Chapter 5, Delaware Code, by deleting this section in its entirety and adding the following in lieu thereof.

"(c) No insurer shall transact workers' compensation insurance in this State unless it makes and thereafter maintains in this State through the Commissioner a special and additional deposit of cash or securities eligible therefor under Section 1503 of this Title, of a fair market value of not less than $100,000 for the protection of persons in this State covered under the insurance so transacted. Upon any insurer's inability to pay workers' compensation claims as a result of a court of competent jurisdiction finding of financial impairment or insolvency, which prevents the regular payment of workers' compensation benefits, this deposit shall be immediately available upon their request to the Delaware Insurance Guaranty Association for continuation of claims benefits to eligible workers.

Section 2. This act shall become effective immediately upon its adoption.

Approved July 3, 1986.

CHAPTER 410

FORMERLY

SENATE BILL NO. 501

AN ACT TO AMEND TITLE 18, DELAWARE CODE, CHAPTER 44, TO EXCLUDE NON-RESIDENTS OF DELAWARE FROM DELAWARE LIFE AND HEALTH GUARANTY FUND PROTECTION.

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

Section 1. Amend Title 18, Delaware Code, Chapter 44, Section 4408(1)(a) by deleting this subsection in its entirety and substituting the following in lieu thereof:

"a. Guarantee or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the covered policies of residents;"

Section 2. Amend Title 18, Delaware Code, Chapter 44, Section 4408(2)(a) by deleting this subsection in its entirety and substituting the following in lieu thereof:

"a. Guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured the covered policies of residents;"

Section 3 This act shall become effective immediately upon its adoption.

Approved July 3, 1986.

CHAPTER 411

FORMERLY

SENATE BILL NO. 507

AN ACT TO AMEND CHAPTER 28, TITLE 10, OF THE DELAWARE CODE REGARDING JUSTICE OF THE PEACE CONSTABLES.

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

Section 1. Amend Chapter 28, Title 10, of the Delaware Code by striking the said Chapter 28 in its entirety and substituting in lieu thereof a new Chapter 28 to read as follows:

"Chapter 28. Justice of the Peace Constables

§2801. Appointment

The Chief Magistrate of the Justice of the Peace Courts, or, if there is a vacancy in the office of Chief Magistrate, the Chief Justice of the Supreme Court, shall appoint such numbers of Justice of the Peace Constables as shall be necessary to handle all process of the Justices of the Peace appointed pursuant to Chapter 92 of this title.

§2802. Duties; Exclusive Authority

(a) The Justice of the Peace Constables appointed pursuant to the provisions of this chapter shall handle all process of the Justices of the Peace appointed pursuant to Chapter 92 of this title.

(b) Notwithstanding the provisions of any other law, no Constables appointed by any authority in this State shall be authorized to execute orders, warrants and other process directed to him by a Justice of the Peace appointed pursuant to Chapter 92 of this title, unless the Constable has been appointed pursuant to this chapter.

(c) Notwithstanding the provisions of any other law, a Justice of the Peace Constable appointed pursuant to the provisions of this chapter shall have the authority to undertake the following duties:

(1) Execute all lawful orders, warrants, and other process directed to him by a Justice of the Peace;

(2) Execute all writs of possession issued pursuant to Section 5715, Title 25, of the Delaware Code, directed to him by a Justice of the Peace;

(3) Execute on all civil judgments directed to him by a Justice of the Peace;

(4) Serve all civil summonses directed to him by a Justice of the Peace;

(5) Serve all subpoenas directed to him by a Justice of the Peace;

(6) Transport all detentioners or convicted offenders to any Department of Correction facility pursuant to a commitment order directed to him by a Justice of the Peace;

(7) Execute on all capiases directed to him by a Justice of the Peace and issued by a Justice of the Peace;

(8) Conduct Justice of the Peace Court judicial levies and sales directed to him by a Justice of the Peace;

(9) Maintain the security and order in any Justice of the Peace Court and arrest all persons who shall commit any breach of the peace or contempt in said Court; and,

(10) Perform any other related law enforcement function required to maintain the dignity, integrity and security of the Justice of the Peace court system.

§2803. Salary and Term; Mileage

(a) Justice of the Peace Constables appointed pursuant to the provisions of this chapter shall be subject to all the rules and regulations as delineated in Chapter 59, Title 29 of the Delaware Code dealing with merit system administration and shall be compensated in accordance with the State's uniform pay plan.

All monies collected by Justice of the Peace Constables for fines, costs, fees or forfeitures shall be for the use of the State, except where otherwise directed by law.

(b) In addition to his salary, each Justice of the Peace Constable shall be entitled to receive mileage at the rate of 20 cents per miles for each mile necessarily travelled by him in the necessary discharge of his duties as Constable. Each Justice of the Peace Constable, on the last day of each month, shall present to the State Treasurer an itemized and verified account of all mileage fees incurred as aforesaid, and the State Treasurer shall pay the amount thereof to the Constable. The total charge for mileage thus compiled in each case shall be charged as costs in the case and when collected shall be paid to the State Treasurer.

Section 2804. Location

In the counties of this State there shall be at least the following number of Justice of the Peace Constables:

New Castle	16
Kent	5
Sussex	7

Section 2805. Residence Requirements

Every Justice of the Peace Constable appointed pursuant to the provisions of this chapter shall reside in the county for which he is appointed and shall have resided there 6 months next preceding his appointment. If any Constable removes from the place where he is required by law to reside, his office shall thereupon become vacant.

Section 2806. Training

Every Justice of the Peace Constable appointed pursuant to the provisions of this chapter shall receive annual firearms training and training in the use of deadly force. Any Justice of the Peace Constable not so trained is prohibited from carrying a firearm while on duty. In addition, Justice of the Peace Constables shall receive annually such other training as is deemed appropriate by the Chief Magistrate. In all cases, however, a Justice of the Peace Constable must meet the minimum standards established by the Council on Police Training for part-time police officers or the equivalent thereof approved by the Board.

Section 2807. Prohibited Activities and Employments

A Justice of the Peace Constable appointed pursuant to the provision of this chapter shall not receive any other fees or emoluments for discharging his judicial duties, except as may otherwise be provided by law, or engage in any occupation concerned with or growing out of the collection of any judgment rendered by a justice, or engage in the private security business or hold any state office, or be employed by the State in any other capacity.

Section 2808. Jurisdiction

The jurisdiction of the Justice of the Peace Constables appointed pursuant to the provisions of this chapter shall extend throughout the State."

Approved July 3, 1986.

CHAPTER 412

FORMERLY

SENATE BILL NO. 524

AN ACT TO AMEND AN ACT, BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILLSBORO" TO INCREASE THE AMOUNT WHICH MAY BE BORROWED IN ANTICIPATION OF REVENUES.

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

Section 1. Subsection 42, Section 30(a), Chapter 457, Volume 60, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the words and figures "One Hundred Thousand Dollars ($100,000.00)" wherever they appear and substituting in lieu thereof the words and figures "Two Hundred Fifty Thousand Dollars ($250,000.00)."

Approved July 3, 1986.

CHAPTER 413

FORMERLY

SENATE BILL NO. 537

AN ACT TO AMEND TITLE 16, CHAPTER 31, DELAWARE CODE, RELATING TO VITAL STATISTICS AND PROVIDING FOR ISSUANCE OF CREMATION PERMITS.

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

Section 1. Amend Subchapter III of Chapter 31, Title 16, Delaware Code, by deleting Paragraph (a) of §3162 in its entirety and substituting in lieu thereof a new Paragraph (a) of §3162 to read as follows:

"(a) A body may be cremated only after the preparation of a special cremation permit signed by the chief medical examiner or an assistant or deputy medical examiner and by the attorney general or a deputy attorney general. In the presentation of the cremation permit to the chief medical examiner or his representative and to the attorney general or his representative for signature, the permit must be accompanied by a death certificate signed by the attending physician and by a cremation authorization signed by the next of kin or legal representative of the deceased. The signature of the chief medical examiner or his representative to the cremation permit shall constitute his affirmation that there is no medical reason why the cremation should not take place, and the signature of the attorney general or his representative to the cremation permit shall constitute his affirmation that there is no legal reason why the cremation should not take place."

Approved July 3, 1986.

CHAPTER 414

FORMERLY

SENATE BILL NO. 544
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend §3326(d), Chapter 33, Title 19 of the Delaware Code by adding a second paragraph thereto to read as follows:

"Provided, that for any week during a period in which Federal payments to States under Section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be reduced by a percentage equivalent to the percentage of the reduction in the Federal payment. Such reduced weekly extended benefit amount, if not a full dollar amount, shall be rounded to the nearest lower dollar amount."

Section 2. Amend §3326(e), Chapter 33, Title 19 of the Delaware Code by inserting after the word "amounts" and before the colon (:) the following:

"; provided however, that during any fiscal year in which Federal payments to States under Section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the total extended benefit amount payable to an individual with respect to his applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions under Section 3326(d) of this Title in the weekly amount paid to the individual."

Approved July 3, 1986.

CHAPTER 415

FORMERLY

SENATE BILL NO. 545

AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend §3166(c)(5), Chapter 31, Title 19 of the Delaware code by inserting after the word "benefits" as it appears therein, the words "shall be from monies collected pursuant to Section 3391 of this Title".

Approved July 3, 1986.

CHAPTER 416

FORMERLY

SENATE BILL NO. 546

AN ACT TO AMEND CHAPTER 101, TITLE 29 OF THE DELAWARE CODE, RELATING TO AGENCIES AFFECTED BY THE ADMINISTRATIVE PROCEDURES ACT.

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

Section 1. Amend §10161, Chapter 101, Subchapter VII, Title 29 of the Delaware Code by deleting subsection "(9) Unemployment Insurance Appeal Board;" from this section and by changing the numbers of subsections (10) through (30) of this section to numbers (9) through (29) respectively.

Approved July 3, 1986.

CHAPTER 417

FORMERLY

SENATE BILL NO. 547

AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend Section 3105, Chapter 31, Title 19 of the Delaware Code by striking the number "$15,000" as it appears in the first sentence therein and by substituting in its place the number "$8,000".

Approved July 3, 1986.

CHAPTER 418

FORMERLY

SENATE BILL NO. 551

AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON", AS AMENDED, RELATING TO POLICE DEPARTMENT, BUDGETARY PROCEDURES, FIXING OF TAX RATE AND CONDEMNATION FOR WATER AND SEWER 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 Section 23, Chapter 215, volume 64, Laws of Delaware, as amended, by striking Section 23 in its entirety and inserting in lieu thereof a new Section 23 to read as follows:

Section 23. Police Department

A. Number, Salaries and Powers

There shall be a City Police Force, the number thereof and their salaries shall be determined by Council. They shall preserve peace and order, and compel obedience within the City Limits and within one mile outside of said limits, to the ordinances of the City and the Laws of the State. They shall have such other duties as Council shall prescribe and pass down through the City Manager. Each member of the force shall be vested with the power and authority, as prescribed by law.

B. The Chief of Police

There shall be a Chief of Police who shall become an employee of the City as selected by the City Manager and approved by the Personnel Committee, as herein provides. The Chief of Police shall be the supervising officer of the Police Department under the directives and control of the City Manager. No member of Council or the Mayor shall, during his term of which he is elected, be chosen as Chief of Police.

C. Appointment to and Removals from the Police Force by the City Manager

The City Manager shall be responsible to the Council for the proper administration of all affairs of the Police Department, and to that end, except as otherwise provided herein, he shall have the power to seek applications, interview applicants, select and recommend the applicant he feels most qualified for service in the Police Department and present such application along with his written recommendations on all applicants to the personnel Committee for their review and action. All such appointments shall be without definite term. Employees of the Police Department including the Chief of Police are under the authority of the City Manager and may be removed by him at any time. the employee shall have the right to appeal, of his dismissal, to the Personnel Committee of Council.

D. Council not to Interfere with Appointments or Removals of the City Manager

Neither the Council or any of its members; except those members of Council appointed to the Personnel Committee when performing the duties of the Personnel Committee as set forth in Section 12 of this Charter, shall direct or request the appointment of any person to, or his removal from office by the City Manager, or in any manner take part in the appointment or removal of employees in the service of the Police Department under the charge of the City Manager. Except for the purpose of inquiry, the Council and its members shall deal with matters dealing with the Police Department solely through the City Manager, and neither Council or any member thereof shall give orders to any member of the Police Department under the charge of the City Manager either publicly or privately; provided, however, in the event of any emergency, where the City Manager or the officer in charge is not available, the Mayor or any member of Council may give direct orders to any member of the Police Department until such time that the emergency situation is abated.

E. Duties of City Manager and Responsibility to Council

It shall be the duty of the City Manager to make such recommendations to the Council concerning the affairs of the Department as may seem to him desirable; to keep Council informed of the future needs of the Department; to prepare and submit to the Council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of Council."

Section 2. Amend Section 22 G, Chapter 215, Volume 64, Laws of Delaware, as amended, by inserting after the second sentence the following:

"He shall have charge of the Police Department."

Section 3. Amend Section 25, Chapter 215, Volume 64, Laws of Delaware, as amended, by striking the first and second lines in their entirety and inserting in lieu thereof the following:

"The Council shall on or before the first day of June of each year and upon adoption of that next fiscal year budget determine the amount of money to be raised for the general purposes for the next fiscal year not exceeding ten (10%)".

Section 4. Amend Section 30, Chapter 215, Volume 64, Laws of Delaware, as amended, by inserting after the first sentence, a new sentence to read as follows:

"The Budget for the ensuing fiscal year shall be approved by Council on or before the first day of June of each year in conjunction with the determination of the tax limit under Section 25."

Section 5. Amend Section 48, Chapter 215, Volume 64, Laws of Delaware, as amended, by striking the last sentence in said section and inserting in lieu thereof the following:

"The proceedings, in addition to condemnation, under this section shall be the same as prescribed in Section 45 of this Charter with regards to the laying of new streets, and the resolution or ordinance referred to in said section shall be modified to cover the case contemplated by this present section."

Section 6. Amend Section 49, Chapter 215, Volume 64, Laws of Delaware, as amended, by striking the fourth sentence in said section and inserting in lieu thereof the following:

"The proceedings, in addition to condemnation, under this section shall be the same as prescribed in Section 45 of this Charter with regards to the laying of new streets, and the resolution or ordinance referred to in said section shall be modified to cover the case contemplated by this present section."

Approved July 3, 1986.

CHAPTER 419

FORMERLY

SENATE BILL NO. 554

AN ACT TO AMEND TITLE 18, DELAWARE CODE, CHAPTER 15, TO REQUIRE INSURERS TO BEAR THE COSTS OF MAINTAINING SECURITIES ON DEPOSIT.

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

Section 1. Amend Title 18, Delaware Code, Chapter 15, Section 1504(b) by deleting the words "and shall bear the costs of the depository" and adding in lieu thereof "and shall charge the costs of maintaining these deposits to the insurer" after the words "The State shall be responsible for the safekeeping of all securities deposited under this subsection".

Section 2. This act shall become effective immediately upon its adoption.

Approved July 3, 1986.

CHAPTER 420

FORMERLY

SENATE BILL NO. 555

AN ACT TO AMEND CHAPTER 8, TITLE 22, DELAWARE CODE, TO EXEMPT LARGE MUNICIPAL CORPORATIONS FROM THE PROVISIONS DEALING WITH LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENT.

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

Section 1. Amend §837 (a), Chapter 8, Title 22, Delaware Code, by inserting between the words "municipal corporation" and the words "shall be located" the following: "with a population of less than 50,000, as enumerated in the most recent federal census".

Section 2. Amend §837 (b), Chapter 8, Title 22, Delaware Code, by inserting between the words "municipal corporation" and the words "may adopt" the following: "with a population of less than 50,000, as enumerated in the most recent federal census".

Section 3. Amend §837, Subchapter VI, Chapter 8, Title 22, Delaware Code, by adding thereto a new subsection (c) to read as follows:

(c) The governing body of a municipal corporation with a population of 50,000 or more shall set the standards of said municipality with respect to this Section and the location of adult entertainment establishments therein."

Approved July 3, 1986.

CHAPTER 421

FORMERLY

SENATE BILL NO. 575

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO THE PENSION STATUS OF THE BOARD OF PENSION TRUSTEES.

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

Section 1. Amend §8308, Chapter 83, Title 29, Delaware Code, by adding thereto a new subsection (j) to read as follows:

"(j) No member of the Board of Pension Trustees appointed under paragraph (d)(2) of this section shall receive a pension credit for his or her service as a trustee under any state pension system administered by the Board."

Approved July 3, 1986.

CHAPTER 422

FORMERLY

SENATE BILL NO. 577

AN ACT AMENDING TITLE 5, CHAPTER 9, TITLE 12, CHAPTERS 2, 13, 15, 33 AND 35, AND TITLE 25, CHAPTER 5; AND INSERTING A NEW CHAPTER 34 OF TITLE 12 OF THE DELAWARE CODE BY REVISING AND ENACTING CERTAIN LAWS RELATING TO BANKS AND TRUST COMPANIES AS FIDUCIARIES, AND TO THE ADMINISTRATION OF ESTATES AND TRUSTS.

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

Section 1. Amend Title 5, Chapter 9, of the Delaware Code by adding thereto new Sections 938 and 939 to read as follows:

"Section 938. Transfer of Fiduciary Accounts

(a) For purposes of this section, 'fiduciary' shall mean a banking organization or trust company acting as a trustee, personal representative, guardian or custodian under a Uniform Gifts to Minors Act or any comparable act.

(b) The term 'interested person' means any living person who: (i) is an income beneficiary or vested remainderman of a trust, (ii) has a vested interest in a decedent's estate, (iii) receives benefits as a ward from a guardianship account, or (iv) is the minor with respect to an account established under a Uniform Gifts to Minors Act or a comparable act.

(c) With the prior written approval of, and in accordance with the terms and conditions of transfer prescribed by, the office of the State Bank Commissioner, and upon completion of the notice procedure of subsection (d), a banking organization, trust company, or a bank holding company having its principal place of business in this State may transfer one or more of the fiduciary accounts administered by such banking organization, trust company, or one or more of the banking organizations or trust companies controlled by such bank holding company to another banking organization or trust company controlled by such banking organization or bank holding company.

(d) Prior to effecting a transfer of one or more fiduciary accounts under subsection (c) of this section, the fiduciary shall send written notice of such transfer to all interested persons or their legal or natural guardians. If the persons, or their legal or natural guardians in the case of minorchildren or incompetents, to whom such notice was sent do not make written objections to the fiduciary of the account within thirty (30) days of the date such notice was mailed, then the fiduciary may complete the transfer of the account.

(e) If a fiduciary completes a transfer as described in the preceding subsections, the banking organization or trust company to which such fiduciary accounts have been transferred shall automatically be substituted as a fiduciary of all the accounts so transferred without further action and without any order or decree of any court or public officer, and such transferee banking organization or trust company shall have all the rights, duties, responsibilities, obligations and liabilities, financial or otherwise, of such transferring fiduciary with respect to such accounts. Likewise, a fiduciary which completes a transfer of one or more accounts as described in the preceding subsections shall be removed as fiduciary of all such accounts without an accounting and without any order or decree of any court or public officer, and prospectively such fiduciary shall have no continuing duties, responsibilities, obligations or liabilities, financial or otherwise, with respect to the accounts so transferred. Such transfer shall not relieve a fiduciary of any liability it may have incurred for its action or inaction prior to the transfer.

Section 939. Negotiable instruments

(a) For purposes of this section, 'fiduciary' shall have the same meaning as in section 3301(b) of Title 12 of this Code.

(b) If a negotiable instrument is drawn upon the account of a principal in a bank by a fiduciary who is empowered to draw upon the principal's account, the bank is authorized to pay such instrument without being liable to the principal for the application of the funds.

(c) If any negotiable instrument payable or endorsed to a fiduciary as such is endorsed by a fiduciary, or if any negotiable instrument payable or endorsed to a principal is endorsed by a fiduciary empowered to endorse such instrument on behalf of the principal, the endorsee is not bound to inquire whether the fiduciary is committing a breach of its obligation as fiduciary by endorsing or delivering the instrument, and is not liable for the application of the funds."

Section 2. Amend Chapter 2, Title 12 of the Delaware Code by striking Section 213 in its entirety

and inserting in lieu thereof a new Section 213 to read as follows:

"Section 213. Rules for Construction or Interpretation of Will or Trust

In the construction or interpretation of any will or trust, the following rules shall apply in the absence of any contrary expression of intent in such will or trust:

(1) The period of time during which an interest in trust is revocable pursuant to the uncontrolled volition of the person having such a power of revocation shall not be included in determining whether the trust is invalid under the rule against perpetuitites.

(2) There shall be no presumption that a testator or trustor did or did not intend that any law apply to a will or trust which was not in effect on the date of execution of such will or trust instrument.

(3) Except where the will or trust instrument expressly provides to the contrary, the determination of a class shall be governed by the law in effect on the date the will or trust instrument becomes irrevocable."

Section 3. Amend Chapter 13, Title 12 of the Delaware Code by striking subsections (a) and (c) of Section 1307 in their entirety and inserting in lieu thereof new subsections (a) and (c) of Section 1307 to read as follows:

"1307. Will of Non-Domiciliary; Admission, Recording and Evidence

(a) The written will of a testator who died domiciled outside this State, but who owned real estate or personal property located in this State, may be admitted to probate and recorded in this State. If such will has been admitted to probate in the domiciliary jurisdiction, such admission and recording shall be accomplished by filing a verified copy of the will and a verified copy of the record admitting the same to probate as hereinafter provided. If such will has not been admitted to probate in the domiciliary jurisdiction, but has not been rejected from probate in the domiciliary jurisdiction except for a cause which is not grounds for rejection of a will of a testator who died domiciled in this State, and is valid under the laws of this State, such admission and recording shall be accomplished by proving such will in according with Sections 1302 through 1305 of this chapter. In either case, such will shall then have the same force and effect as if originally proved and allowed in this State.

(c) The will or a verified copy of it, and any verified copy of the record admitting the will to probate, shall be recorded in the office of the Register of Wills of any county where real estate or personal property of the testator is located, and the record, or an office copy thereof, shall be sufficient evidence. When the will or a verified copy of it, or any verified copy of the record admitting the will to probate, is given in evidence, the Court of Chancery, on the application of the adverse party, may order it to be deposited and retained in the office of the Register of the county, and in that case an office copy thereof shall be sufficient evidence."

Section 4. Amend Chapter 15, Title 12 of the Delaware Code by striking Section 1502 in its entirety and inserting in lieu thereof a new Section 1502 to read as follows:

"§1502. Grant of Letters Testamentary

If a will of a domiciliary or nondomiciliary decedent is admitted to probate in accordance with this title, letters testamentary shall be granted by the Register of Wills of the county in which the decedent was domiciled, or in the case of a nondomiciliary in which the decedent owned real or personal property, to the executor or executors thereof, upon their giving bond in accordance with this title.

If several are named as executors, and any are deceased, or fail to give the necessary bond, or renounce or are incapacitated, letters testamentary shall be granted to the others so named. If all of them, or a sole executor, is deceased, or fails to give the necessary bond, or renounces or is incapacitated, administration with the will annexed, shall be granted in accordance with this title."

Section 5 Amend Chapter 33, Title 12 of the Delaware Code by striking Section 3302 in its entirety and inserting in lieu thereof a new Section 3302 and adding new Sections 3312 and 3313 to read as follows:
"3302. Degree of Care; Authorized Investments

(a) When investing, reinvesting, purchasing, acquiring, exchanging, retaining, selling and managing property for the benefit of another, a fiduciary shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use to attain the purposes of the account. In making investment decisions a fiduciary may consider the general economic conditions, the anticipated tax consequences of the investment and the anticipated duration of the account and the needs of its

beneficiaries.

(b) Within the limitations of the foregoing standard and considering individual investments as part of an overall investment strategy, a fiduciary is authorized to acquire every kind of property, real, personal or mixed, and every kind of investment, wherever located, whether within or without the United States, including, but not by way of limitation, bonds, debentures and other corporate obligations, stocks, preferred or common, shares or interests in common funds or common trust funds, securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940 (15 U.S.C. §80a-1 et seq.), options, futures, warrants, limited partnership interests, and life insurance. No investment made by a fiduciary shall be deemed imprudent solely because the investment is not specifically mentioned in this subsection (b).

(c) The propriety of an investment decision is to be determined by what the fiduciary knew or should have known at the time of the decision about the inherent nature and expected performance of the investment, the attributes of the portfolio, the general economy, and the needs and objectives of the beneficiaries of the account as they existed at the time of the decision. Any determination of liability for investment performance shall consider not only the performance of a particular investment, but also the performance of the portfolio as a whole.

(d) Any fiduciary acting under a governing instrument shall not be liable to anyone whose interests arise from that instrument for the fiduciary's good faith reliance on the express provisions of such instrument. The standards set forth in this section may be expanded, restricted or eliminated by express provisions in a governing instrument.

(e) Where a bank or trust company acting in a fiduciary capacity invests trust funds in, or otherwise acquires an interest in, a common trust fund which it or one of its affiliates manages, as defined in §23 A of the Federal Reserve Act (12 U.S.C. §371c), the plan for such common trust fund shall be filed and recorded in the office of the Register in Chancery of the county in which is located the main office in Delaware of the bank or trust company which is the fiduciary for such trust funds.

(f) Fees may be charged for making an investment through a computerized or automated process, such as sweeping otherwise uninvested cash into a cash management vehicle, provided that the amount of such fees is disclosed on a continuing basis as a separate item on the regular periodic statements furnished to the beneficiaries of the account.

§3312. Investments in Mutual Funds and Investment Trusts

(a) Any person, including a bank or trust company, authorized to act in a fiduciary capacity or in the capacity of agent with investment discretion may invest funds held by said person for investment in a limited partnership, joint venture, or an open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940 (15 U.S.C. §80a-1 et seq.), notwithstanding that such person or an affiliate of such person acts or has acted as adviser, administrator, distributor, underwriter or in any other capacity in which it receives or has received a fee from such limited partnership, joint venture, investment company or investment trust.

(b) After disclosing to all current income beneficiaries of an account for which a bank or trust company serves as fiduciary the full amount of fees or commissions received or to be received by such bank or trust company, or affiliate of such bank or trust company, from a limited partnership, joint venture, or an open-end or closed-end investment company or investment trust for which such bank, trust company, or affiliate acts as adviser, administrator, distributor or underwriter, and after receiving such income beneficiaries' written consent to the use of such limited partnership, joint venture, investment company or investment trust in such account, such bank or trust company may receive fiduciary fees or commissions from such account invested in such limited partnership, joint venture, investment company or investment trust at the same rate such bank or trust company would be entitled to receive them if such account were otherwise invested.

§3313. Investment Advisers

Where one or more persons are given authority by the terms of a governing instrument to direct, consent to, or disapprove a fiduciary's investment decisions, or proposed investment decisions, such persons shall be considered to be fiduciaries when exercising such authority unless the governing instrument provides otherwise. Any fiduciary acting in compliance with such an authorized direction or disapproval shall not be liable individually or as a fiduciary for any loss resulting from an action taken or omitted by reason of such compliance."

Section 6. A new Chapter 34 is hereby added to Title 12 to read as follows:

"Chapter 34. Administrative Provisions

§3401. Application of Chapter; Definitions

(a) This chapter shall govern fiduciaries, as well as agents in certain instances, acting under governing instruments.

(b) All definitions contained in Section 3301 of this title shall apply to this chapter.

(c) For purposes of construing a governing instrument, unless a contrary statement appears in such governing instrument: (i) the term "issue" shall denote a distribution per stirpes, such that the children of the person whose issue is referred to shall be taken to be the heads of the respective stocks of issue; and (ii) a person legally adopted, whether under or over the age of eighteen years at adoption, shall thereafter be considered to be a child and issue of the adopting person and an issue of the ascendants of the adopting person, and the issue of the person so adopted shall be considered to be issue of the adopting person and his or her ascendants.

(d) The term 'interested persons' means any living person who: (i) is an income beneficiary or remainderman of a trust; (ii) has a vested interest in a decedent's estate, (iii) receives benefits as a ward from a guardianship account, or (iv) is the minor with respect to an account established under a Uniform Gifts to Minors Act.

(e) The term 'fiduciary fund' means the trust, estate, guardianship account or account established under a Uniform Gifts to Minors Act which is being administered by a fiduciary.

§3402. Fiduciary Agency Contracts

A fiduciary acting under a governing instrument which neither affirmatively permits the fiduciary to hire agents, nor expressly prohibits the fiduciary from hiring agents, may employ agents and pay them from the fiduciary fund in accordance with this section. Such agents may be hired to assist in the performance of such fiduciary's administrative duties, whether discretionary or ministerial, or to render investment advice, if the fiduciary reasonably believes in the exercise of its discretion that such an arrangement is in the best interests of all interested persons and will improve the investment performance or the efficiency of the administration of the fiduciary fund. The agent must observe the same standard of care required of the fiduciary with respect to each responsibility so delegated, and neither the establishment of such agency relationship nor the performance of such agent shall diminish, increase or otherwise affect the standard by which the performance of the fiduciary is governed. In any suit or proceeding involving an evaluation of fiduciary performance, the fiduciary shall be liable for abusing its discretion in hiring such agent, for negligently hiring such agent, or for negligently continuing the agency relationship, and the performance of such agent shall be deemed that of the fiduciary.

§3403. Co-Fiduciaries

(a) Unless provided otherwise by the governing instrument, any power vested in three or more fiduciaries may be exercised by a majority of such fiduciaries and a majority of fiduciaries named in a governing instrument may designate one of such fiduciaries to perform ministerial functions on behalf of all such fiduciaries. A fiduciary who dissents from the action of the majority is not liable to anyone having an interest in the fiduciary fund, or to the other fiduciaries, if such dissent is evidenced by a writing delivered to the majority of the fiduciaries.

(b) This section does not excuse a co-fiduciary from liability for failure to participate in the administration of the fiduciary fund or for failure to attempt to prevent a breach of trust, or for failure to seek advice and guidance from the Court in a recurring situation, unless otherwise expressly provided by the governing instrument.

Section 7. Chapter 35 of Title 12 is hereby amended by adding new Sections 3542, 3543, and 3544 to read as follows:

"§3542. Termination of Small Trusts

(a) Unless otherwise provided by the terms of the trust instrument, and subject to the provisions of the other subsections of this section, a corporate trustee of a trust who finds that the costs of administration thereof are such that the continuance of the trust would defeat or substantially impair the purpose of the trust, may, after written notice to all interested persons, or their legal or natural guardians, terminate the trust and distribute the trust property to one or more of the beneficiaries in the trustee's discretion. No court proceedings or approval is required to effect such a termination.

(b) Any interested person shall have 30 days after receiving written notice in accordance with this section to object to the termination or plan of distribution in writing to such trustee. If the trustee has received no written objection to the proposed termination or plan of distribution within such 30 day period, it may proceed to terminate the trust.

(c) A trustee which receives a written objection to the proposed plan of distribution of a trust within 30 days of the last day on which any interested person received written notice may reformulate the proposed plan of distribution and renotify all interested persons of its intentions. Such renotification shall begin again the 30 day period referred to in subsection (b) of this section.

(d) A trustee which receives a written objection to the termination or plan of distribution of a trust within 30 days of the last day on which any interested person received written notice may proceed to terminate the trust in accordance with the plan of distribution, without court proceeding or approval, notwithstanding the objection, provided that all interested persons have been further notified in writing of such objection, of the trustee's intention to proceed to terminate such trust notwithstanding such objection, and of their right to petition the Court to prevent the terminationor modify the plan of distribution within six months from the mailing of such further notice, and provided that at least six months have elapsed since such further notice was sent by the trustee, or the trustee has received a written waiver of the right to petition the Court from all interested persons.

(e) Any interested person, within six months of the mailing of such further notice of the Trustee's intention to proceed with termination, notwithstanding an objection, may petition the Court to prevent such termination or modify the plan of distribution, or may send to the trustee a written waiver of such right to petition.

(f) The written notice required by this section shall state: (1) that the trustee intends to terminate the trust in accordance with this section, (2) the plan of distribution, (3) that any interested person may object to such termination or plan of distribution in a writing received by the trustee within 30 days of receipt of such notice by such interested person, and (4) that the trustee may proceed to terminate the trust, notwithstanding any objection to such termination or plan of distribution, six months after the trustee further notifies all interested persons of such objection and its intention to proceed with the termination notwithstanding such objection; provided, that such notice shall inform interested persons that application may be made to the Court of Chancery to prevent the proposed termination.

(g) For purposes of this section, the term "interested person" means any living person or existing organization who is a current income beneficiary, or who would be a vested remainderman of the trust if the trust were to terminate at the time of the notification, and the Delaware Attorney General in the case of a charitable trust.

(h) The existence of spendthrift or similar protective provisions in a trust shall not make this Section inapplicable.

§3543. Distribution of Estate Assets Without Creation of Trust

If the terms of a will provide for the establishment of a trust all the assets of which, due to the circumstances existing at the time the trust is to be established, are required to be distributed to the trust's beneficiary or beneficiaries immediately, the executor is authorized to make distribution directly to the beneficiary or beneficiaries of the trust, rather than to the trustee, without the necessity of a court petition. The receipts of such beneficiaries shall protect the executor to the same extent as the receipt of the trustee.

§3544. Successor Trustees

Unless provided otherwise by the terms of a governing instrument or by order of Court, a successor trustee appointed in accordance with the terms of a governing instrument or by the Court shall not be required to look into the acts of its predecessor trustee, shall have responsibility only for property which is actually delivered to it by its predecessor, and shall have all of the powers and discretions conferred in the governing instrument upon the original trustee."

Section 8. Amend Chapter 5, Title 25 of the Delaware Code by striking Section 503 in its entirety and substituting in lieu thereof a new Section 503, to read as follows:

"§503. Rule Against Perpetuities

(a) No interest created in real or personal property held in trust shall be void by reason of the common law rule against perpetuities.

(b) In this State, the rule against perpetuities for property held in trust is that at the expiration of one hundred ten (110) years from the date on which any trust became irrevocable by the trustor, such trust, if not already terminated by its terms, shall terminate. This rule is subject to Sections 501 and 502 of this Chapter and shall not apply to:

(1) A trust for the benefit of one or more charitable organizations as described in Sections 170 (c), 2055 (a) and 2522 (a) of the United States Internal Revenue Code of 1954, or under any similar statute, or

(2) A trust created by an employer as part of a stock bonus plan, pension plan, disability or death benefit plan, or profit-sharing plan, for the exclusive benefit of some or all of its employees, to which contributions are made by such employer or employees, or both, for the purpose of distributing to such employees the earnings or the principal, or both earnings and principal, of the fund held in trust, or

(3) A business trust formed under Chapter 18 of Title 6 of this Code for which a certificate of business trust is on file in the Office of the Secretary of State and with the Register in Chancery of each County within the State in which such business trust has a place of business or in which a trustee is domiciled or has a principal place of business.

(c) Upon the termination of a trust as a result of the operation of the provisions of the preceding subsection (b) of this Section, the trust's assets shall be immediately distributed in accordance with the provisions of the trust instrument regarding distribution upon termination of the trust, or if no such provisions exist, to the persons then entitled to receive the income of the trust in proportion to the amount of the income so receivable by such beneficiaries, or in equal shares if specific proportions are not specified in the trust instrument. In the event that the trust instrument does not provide for distribution upon termination and there are no income beneficiaries of the trust, the trust assets shall be distributed to such then-living persons who are then determined to be the trustor's distributees by the application of the intestacy laws of this State then in effect governing the distribution of intestate real or personal property as though the trustor or testator had died at that particular time, intestate, a resident of this State, and owning the property so distributable.

(d) For purposes of this rule against perpetuities, trusts created by the exercise of a power of appointment, whether limited or general, and whether by will, deed or other instrument, shall be deemed to have become irrevocable by the trustor on the date on which such exercise became irrevocable. Donors, not donees, of limited powers of appointment, and donees exercising, not donors of, general power of appointment, shall be deemed the trustors for purposes of distributions to the trustor's or testator's distributees pursuant to Subsection (c) of this section."

Section 9. The Act with respect to Sections 938 and 939 of Title 5 shall be effective upon enactment.

The Act with respect to Section 213 of Tile 12 shall apply to wills of decedents dying on or after August 1, 1984, and to trusts becoming irrevocable, whether by the terms of the trust instrument, the death of a person having a power of revocation, or otherwise, on or after August 1, 1984.

The Act with respect to Section 1307 of Title 12 shall be effective for all wills admitted to probate after enactment of this Act.

The Act with respect to Section 1502 of Title 12 shall be effective upon enactment with respect to estates of decedents dying on or after enactment of this Act.

The Act will respect to Sections 3302, 3312, 3313, 3401, 3402, 3542, and 3543 of Title 12 shall be effective with respect to actions taken by fiduciaries after enactment of this Act.

The Act with respect to Section 3403 of Title 12 shall apply to governing instruments becoming irrevocable on or after enactment of this Act.

The Act with respect to Section 3544 of Title 12 shall be effective upon enactment.

The Act with respect to Section 503 of Title 25 shall be effective with respect to interests created on or after enactment of this Act.

Approved July 3, 1986.

CHAPTER 423

FORMERLY

HOUSE BILL NO. 226

AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE PROFESSIONAL SERVICES NEGOTIATION ACT.

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

Section 1. Amend §6930(c), Chapter 69, Subchapter II, Title 29, Delaware Code, by striking subsection (c) in its entirety and substituting in lieu thereof the following:

"(c) *Firm means* a person, firm, partnership, corporation, association or other legal entity licensed, registered or permitted by the appropriate Delaware regulatory agency to offer professional services."

Approved July 3, 1986.

CHAPTER 424

FORMERLY

HOUSE BILL NO. 395
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO DIAGNOSTIC SERVICES OF THE DEPARTMENT OF CORRECTION.

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

Section 1. Amend §6523, Title 11 of the Delaware Code by designating the existing section as subsection "(a)", and adding thereto a subsection "(b)" to read as follows:

"(b) The diagnostic service shall take steps to ensure that infectious diseases are not disseminated among the persons committed to the Department's care and staff. In performing the function, the diagnostic service is empowered to review medical histories, to complete medical histories, to complete appropriate medical examinations, to perform laboratory tests as are deemed appropriate, and to begin a course of treatment on persons committed to its care."

Approved July 3, 1986.

CHAPTER 425

FORMERLY

HOUSE BILL NO. 423

AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE RELATING TO THE PUNISHMENT FOR ALTERING, DEFACING OR CONCEALING BILLS OR ACTS.

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

Section 1. Amend §901(a), Chapter 9, Title 29, Delaware Code by striking the phrase "and shall be whipped with not less than 10 nor more than 30 lashes" as it appears therein.

Approved July 3, 1986.

CHAPTER 426

FORMERLY

HOUSE BILL NO. 462
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE, RELATING TO THE REALTY TRANSFER TAX.

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 §5401, Title 30, Delaware Code, by adding a new subsection (7) to said Section, to read as follows:

"(7)(a) Except as provided in subparagraphs (7)(b) and (7)(c) of this subsection, where beneficial ownership in real estate is transferred through a conveyance or series of conveyances of intangible interests in a corporation, partnership, or trust, such conveyance shall be taxable under this Chapter as if such property were conveyed through a duly recorded 'document' as defined in subsection 5401(1) of this Chapter, and subject to the exemptions contained therein, except those exemptions contained in subsection (1)(j) and (1)(n).

(b) No bona fide pledge of stock or partnership interests as loan collateral nor any transfer of publicly traded stock or publicly traded partnership interest shall be deemed subject to taxation under subsection (7) of this section;

(c) Where the beneficial owners of real property prior to the conveyance or series of conveyances referred to in subsection (7) of this Section own 80% or more of the beneficial interest in the real estate following said conveyance or conveyances, such transfers shall not be subject to tax under subsection (7) this Section. Where the beneficial owners of real property prior to the conveyance or series of conveyances referred to in subsection (7) of this Section own less than 80% of the beneficial interest in the real estate following said conveyance or conveyances, such transfers shall not be subject to tax under subsection (7) of this Section, unless, under regulations promulgated by the Secretary of Finance, such transfer or transfers are properly characterized as a sale of real property. Such characterization shall take into account the timing of the transaction, beneficial ownership prior to and subsequent to the conveyance or conveyances; the business purpose of the corporation, partnership or trust; and such other factors as may be relevant."

Section 2. Amend Chapter 54, Title 30 of the Delaware Code by adding thereto a new §5414 to read as follows:

"§5414. Tax Lien

The provisions of Chapter 29, Title 25 of the Delaware Code shall not apply to taxes arising under this Chapter."

Section 3. Amend Chapter 54, Title 30 of the Delaware Code by adding thereto a new §5415 to read as follows:

"§5415. Severability

If any provision of this chapter or the application of any section or part thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application."

Section 4. The provisions of this Act shall become effective January 1, 1987.

Approved July 3, 1986.

CHAPTER 427

FORMERLY

HOUSE BILL NO. 481

AN ACT TO AMEND CHAPTER 52, TITLE 30, OF THE DELAWARE CODE RELATING TO PROCEDURES FOR IMPLEMENTING DELAWARE'S MOTOR CARRIERS FUEL PURCHASE LAW.

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 §5204(a), Chapter 52, Title 30, of the Delaware Code by striking in the third sentence of said Subsection the phrase "within one year from the end of any quarter" and substituting in lieu thereof the following phrase:

"within one year from the end of the quarter in which the credit accrued".

Section 2. Amend §5204(b), Chapter 52, Title 30, of the Delaware Code by striking the first sentence in said Subsection in its entirety and in lieu thereof insert the following:

"(b) The Department of Public Safety shall not allow such refund except after an audit by the Department of Public Safety of the applicant's records."

Section 3. Amend §5204, Chapter 52, Title 30, of the Delaware Code by adding a new Subsection (c) to read as follows:

"(c) If such refund granted under the provisions of this section shall, within three (3) years of the date of payment, be determined by the Department to have been erroneously or illegally refunded in whole or in part, the Department of Public Safety shall demand restitution from the motor carrier for deposit to the account of the General Fund. Such a demand by the Department shall constitute an assessment pursuant to the terms of §5218 of this Title."

Section 4. Amend §5211(a), Chapter 52, Title 30 of the Delaware Code by striking the "." where it appears at the end of the fifth sentence after the words "September 30" and in lieu thereof insert the following:

"except that any identification marker and registration card issued during a registration year for the subsequent registration year shall constitute valid registration immediately upon proper display of the marker and possession of the registration card in the subject vehicle."

Section 5. Amend §5217, Chapter 52, Title 30 of the Delaware Code by striking the last sentence of said Section in its entirety and in lieu thereof insert the following:

"The Department of Public Safety, if satisfied that the failure to file the report or pay the tax was excusable, may remit or waive the payment of the whole or part of the penalty or interest charge assessed."

Section 6. Amend §5218, Chapter 52, Title 30 of the Delaware Code by striking the first paragraph in its entirety and lieu thereof insert the following:

"All taxes, penalties, and interest assessed pursuant to this chapter unless earlier payment is provided in this chapter, shall be paid within 30 days after notice and demand shall have been mailed to the carrier by the Department of Public Safety. If such taxes, penalties, and interest so assessed pursuant to §§5216, 5217 and 5218 of this Title, shall not be paid within 30 days, there may be added to the amount of assessment in addition to interest as already provided and any other penalties provided by law, a sum equivalent to 5% of the tax."

Section 7. Amend §5220(b), Chapter 52, Title 30 of the Delaware Code by striking Subsection (b) in its entirety and in lieu thereof insert the following:

"(b) Promptly after the date of such determination, the Secretary of Public Safety shall send, by certified mail, a copy thereof to the person against whom it was made. Within 60 days after the date upon which the copy of any such determination was mailed, such person may file with the Secretary of Public Safety a petition for redetermination of such taxes. Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and it shall be supported by affidavit that it is not made for the purpose of delay and that the facts set forth are true and correct. It shall be the duty of the Secretary of Public Safety within 90 days after the date of any determination to dispose of any petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Secretary of Public Safety."

Section 8. Amend §5224(b), Chapter 52, Title 30, of the Delaware Code by striking the phrase "2 miles" where it appears in the last sentence of said subsection and in lieu thereof insert the following:

"5 miles".

Section 9. Amend Chapter 52, Title 30 of the Delaware Code by adding a new section as follows:

"§5228. Monies erroneously collected.

In the event that any fees, taxes, penalties, or interest imposed by this chapter shall have been erroneously collected from the motor carrier, the Department of Public Safety may, upon request of the motor carrier, permit such motor carrier to take credit against a subsequent tax report in the amount of the erroneous overpayment, or, the Department may certify to the State Treasurer the amount of fees, taxes, penalties and/or interest erroneously collected by the Department. The State Treasurer shall thereupon draw a warrant for such certified amount made payable to the motor carrier. Such claim for monies erroneously paid shall be in such form as the Department shall prescribe. All claims for monies erroneously paid by motor carriers to the State must be filed with the Department within three (3) years from the date of the payment of the monies erroneously collected."

Section 10. If any provision of this Act or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given the effect without the invalid provision or application, and to that end, the provisions of this Act are hereby declared severable.

Section 11. This Act shall become effective upon its enactment into law.

Approved July 3, 1986.

CHAPTER 428

FORMERLY

HOUSE BILL NO. 506
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 12 OF THE DELAWARE CODE RELATING TO THE ELECTIVE SHARE OF A SURVIVING SPOUSE.

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

Section 1. Amend §901, Title 12 of the Delaware Code by striking "$20,000 or one third of the elective estate, whichever is less," and substituting in lieu thereof "one third of the elective estate,".

Section 2. This Act shall become effective for estates of decedents dying on or after January 1, 1987.

Approved July 3, 1986.

CHAPTER 429

FORMERLY

HOUSE BILL NO. 535

AN ACT TO AMEND TITLE 24, SECTION 2827 OF THE DELAWARE CODE RELATING TO THE FILING OF AN ANNUAL REPORT BY THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS.

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

Section 1. Amend §2827, Title 24 of the Delaware Code by striking ", the General Assembly" as it appears therein and by adding to the Section at the end thereof, a new sentence which shall read, "The Association shall send notice to the General Assembly that such annual report was submitted to the Governor and the State Auditor."

Approved July 3, 1986.

CHAPTER 430

FORMERLY

HOUSE BILL NO. 569

AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE MANAGEMENT.

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

Section 1. Amend Subsection 6302(5), Title 7 of the Delaware Code by striking said Subsection in its entirety, and substituting in lieu thereof, the following new Subsection (5) of Section 6302, to read as follows:

"(5) 'Division' means the Division of Air and Waste Management."

Approved July 3, 1986.

CHAPTER 431

FORMERLY

HOUSE BILL NO. 570

AN ACT TO AMEND CHAPTERS 80 AND 82, TITLE 29, DELAWARE CODE AND CHAPTER 60, TITLE 7, DELAWARE CODE TO CHANGE THE DESIGNATION OF DIVISION OF ENVIRONMENTAL CONTROL TO THE DIVISION OF AIR AND WASTE MANAGEMENT AND/OR THE DIVISION OF WATER RESOURCES.

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

Section 1. Amend Section 8003(2) (d), Chapter 80, Title 29 of the Delaware Code by striking the words "Environmental Control" wherever they appear and in lieu thereof insert the words "Air and Waste Management".

Section 2. Amend Section 8003(2), Chapter 80, Title 29 of the Delaware Code by adding a new paragraph "e" to said Section to read as follows:

"e. A Director of the Division of Water Resources, who shall be known as the director of Water Resources and who shall be qualified by training and experience to perform the duties of his office;"

Section 3. Amend Section 8014, Chapter 80, Title 29 of the Delaware Code by striking the words "Division of environmental Control" wherever they appear including the Title to said Section and in lieu thereof insert the words "Division of Air and Waste Management and Division of Water Resources".

Section 4. Amend Section 8014, Chapter 80, Title 29 of the Delaware Code by adding a new Subsection (5) to said Section to read as follows:

"(5) The Division of Air and Waste Management shall have primary authority under this Section for matters concerning solid and hazardous waste and air resources of the State. The Division of Water Resources shall have primary authority under this Section for matters concerning surface and groundwater, underwater and wetland resources of the State."

Section 5. Amend Section 8015(b), Chapter 80, Title 29 of the Delaware Code by striking the words "Director of Environmental Control" and in lieu thereof insert the words "Director of Air and Waste Management and Director of Water Resources".

Section 6. Amend Section 8018(5), Chapter 80, Title 29 of the Delaware Code by striking the words "Environmental Control" and in lieu thereof insert the words "Air and Waste Management".

Section 7. Amend Section 8018, Chapter 80, Title 29 of the Delaware Code by adding a new Subsection (6) to said Section to read as follows:

"(6) Director of Waste Resources."

Section 8. Amend Section 8227(a), Chapter 82, Title 29 of the Delaware Code by striking the words, "the Director of the Division of Environmental Control," wherever they appear in the first sentence and in lieu thereof insert the words "the Director of air and Waste Management,".

Section 9. Amend Chapter 60, Title 7 of the Delaware Code by striking the words "Division of" where they appear in the Title to Chapter 60, Title 7.

Approved July 3, 1986.

CHAPTER 432

FORMERLY

HOUSE BILL NO. 590

AN ACT TO AMEND TO AMEND PART 4, ARTICLE 9, SUBTITLE I, TITLE 6 OF THE DELAWARE CODE RELATING TO SECURED TRANSACTIONS AND INCREASING CERTAIN FEES.

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 Subsection (5), §9-403, Title 6 of the Delaware Code by striking "$5" where it appears therein and substituting in lieu thereof "$20".

Section 2. Amend Subsection (3), §9-404, Title 6 of the Delaware Code by striking "$5" where it appears therein and substituting in lieu thereof "$10".

Section 3. Amend Subsection (2), §9-405, Title 6 of the Delaware Code by striking "$5" where it appears therein and substituting in lieu thereof "$20".

Section 4. Amend Subsection (2), §9-407, Title 6 of the Delaware Code by striking "$5" where it appears therein and substituting in lieu thereof "$10".

Section 5. The effective date of this Act shall be September 1, 1986.

Approved July 3, 1986.

CHAPTER 433

FORMERLY

HOUSE BILL NO. 628

AN ACT TO AMEND CHAPTER 27, TITLE 10 OF THE DELAWARE CODE REGARDING CONSTABLES.

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

Section 1. Amend Chapter 27, Title 10 of the Delaware Code by striking the said Chapter 27 in its entirety and substituting in lieu thereof a new Chapter 27 to read as follows:

"CHAPTER 27. CONSTABLES

§2701. Appointment

(a) The Governor shall appoint such numbers of constables as he deems necessary from among those applicants approved and recommended by the Board of Examiners in order to preserve the peace and good order of the State.

(b) Upon the expiration of a Constable's term of office, he may request to the Board of Examiners that his commission as a Constable be renewed. Such request for renewal shall be reviewed by the Board of Examiners, and if the Board approves the request, the Board of Examiners shall transmit its approval of the Constable's renewal request to the Governor for his decision.

§2702. Board of Examiners; Composition; Responsibility

(a) The Board of Examiners shall consist of five individuals: the Superintendent of the Delaware State Police or his designee; the Director of Public Safety of the New Castle County Police or his designee; the Attorney General or his designee; a representative from the Chiefs of Police Council; and a representative from the American Society of Industrial Security.

(b) The Board of Examiners shall be responsible for reviewing applications for Constables, and shall satisfy itself that the applicants meet all the established requirements. The Board of Examiners shall be responsible for establishing such other general qualifications of applicants as the Board deems necessary. The Board of Examiners may conduct such further inquiry and investigation as it deems proper in order to satisfy itself of the good character, competency and integrity of the applicants.

(c) The Board of Examiners shall conduct an examination of an applicant's criminal history. A conviction for a felony in Delaware or elsewhere is an automatic grounds for disapproval of an application. The Board of Examiners shall review any misdemeanor convictions, and the Board may, in its discretion, disapprove of an application on the basis of such misdemeanor convictions.

(d) The Board of Examiners may establish a reasonable application fee.

(e) After the review process is completed, the Board of Examiners shall deliver a report to the Governor of those applicants approved and recommended for appointment.

§2703. Qualification and Training

(a) A constable must be 21 years of age or older.

(b) To be approved by the Board of Examiners, a Constable applicant shall meet the minimum standards established by the Council on Police Training for parttime police officers and shall participate in such other training as the Board requires.

(c) The Board of Examiners may require commissioned Constables to receive such additional training or education as it deems necessary.

(d) Constables appointed before the effective date of this law shall, during the remainder of their term, meet all requirements related to firearms training, as set forth in Section 2703(c) of this chapter, and all requirements related to additional training as set forth in Section 2703(c) of this chapter. In order for such a Constable to be eligible for renewal of his commission, he must meet the requirements set forth in Section 2703(b) of this chapter.

(e) After appointment by the Governor, the Board of Examiners shall determine, based on the Constable's duties and employment, whether a Constable shall be permitted to carry firearms while on duty as a Constable. The Board of Examiners shall establish standards and requirements of firearms training and training in the use of deadly force for those Constables permitted by the Board to carry firearms while on duty. Any Constable not so trained is prohibited from carrying a firearm

while on duty.

§2704. Term of Office; Discharge

(a) The term of office for Constables shall be one year. Those Constables appointed prior to the effective date of this law shall have their commissions reviewed by the Board of Examiners within one year of the effective date of this law, and after review may be discharged prior to the expiraton of this term upon the recommendation of the Board and the approval of the Governor. A Constable, including those appointed before the effective date of this law, may be discharged prior to the expiration of his term upon the recommendation of the Board of Examiners and the approval of the Governor. The Board of Examiners shall establish procedures for notification to the appropriate persons and authorities of a Constable's discharge by the Governor.

(b) It shall be the duty of the Constable to notify the Board of Examiners immediately if the Constable's employment with the individual, firm, corporation, civic association or governmental entity at whose instance he was appointed is terminated. It shall also be the duty of the individual, firm, corporation, civic association or governmental entity to notify the Board of Examiners immediately if a Constable in their employ is terminated, and such individual performed duties as a Constable during and as part of his employment.

§2705. Powers and Duties

The Constable shall:

(a) Protect life and property, and preserve peace and good order, while in the performance of the lawful duties of his employment;

(b) Exercise the same powers as peace officers and law enforcement officers, in order to protect life and property, while in the performance of the lawful duties of his employment;

(c) Execute all lawful orders, warrants, and other process directed to him by any court, or judge of this State, however, a Constable shall only have such power and duty if the Board of Examiners, upon review, determine that the Constable may exercise such duty or power;

§2706. Jurisdiction

Except as otherwise provided by law or limited by the Board of Examiners, the jurisdiction of each Constable appointed pursuant to the provisions of this chapter will extend throughout the State.

§2707. Oath

Upon appointment, the Governor shall issue to each Constable a commission and the Constable so appointed shall, before acting or performing duties as a Constable, take and subscribe before any officer authorized by the laws of this State to administer oaths, the oaths or affirmation prescribed by Article XIV of the Constitution.

§2708. Compensation

The compensation of every Constable shall be wholly paid by the individual, firm, corporation, or civic association at whose instance he was appointed, unless the Constable is employed by a governmental entity, in which case that governmental entity will be responsible for the Constable's compensation.

§2709. Badges

(a) Every person holding the office of Constable shall have and display on proper demand a badge, approved by the Board of Examiners, with the word "Constable" engraved thereon. A Constable shall have and display such badge only while on duty and while in the performance of his lawful duties of employment. The name of the person, firm, corporation, civic association or governmental entity at whose instance the Constable was appointed shall be plainly inscribed on such badge.

(b) Whoever violates this section shall be fined not more than $100.00. The justices of the peace of the respective counties shall have jurisdiction of offenses under this section. A Constable found violating this section shall notify the Board of Examiners in writing within 10 days. The Board of Examiners shall review the violation and determine whether the Constable should be discharged. A failure to notify the Board of Examiners of a violation within 20 days shall be sufficient ground to revoke Constable status.

§2710. Exclusion from Coverage

Constables appointed pursuant to this chapter or any other chapter of this Code are not covered by the provisions of 11 Del. C. Chapter 92, Law Enforcement Officers' Bill of Rights.

Section 2. The provisions of this bill shall become effective six months after the enactment into law.

Approved July 3, 1986.

CHAPTER 434

FORMERLY

HOUSE BILL NO. 642
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 74 AND 88 OF TITLE 29 OF THE DELAWARE CODE RELATING TO STATE APPROVAL OF ARCHITECTURAL, ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES AND CONSTRUCTION PLANS.

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

Section 1. Amend §8803, Chapter 88, Title 29 of the Delaware Code by adding a new paragraph (14) to read as follows:

"(14) To approve all proposed contracts for architectural, engineering and construction management services and all architectural, structural, electrical plans, specifications and cost estimates for public building projects to be undertaken by all State departments and agencies. All projects planned, designed, maintained and/or constructed by the Department of Transportation, with the exception of projects for the construction of public buildings, are specifically exempted from the requirements of this Section."

Section 2. Amend §8808(b), Chapter 88, Title 29 of the Delaware Code by deleting the word "may" in the first line of said Section and substituting in lieu thereof the word "shall".

Section 3. Amend §7419, Chapter 74, Title 29 of the Delaware Code by deleting the words "Delaware Development Office" wherever they appear in the first paragraph of Section 7419 and substituting in lieu thereof the words "Department of Administrative Services".

Section 4. Amend §7419, Chapter 74, Title 29 of the Delaware Code by adding the following sentence at the end of the first paragraph of Section 7419, Title 29, to read as follows:

"The Department of Administrative Services shall coordinate its review and approval process with the Budget Office and the Delaware Development Office to insure that approved projects are not inconsistent with any budget of authorization act."

Approved July 3, 1986.

CHAPTER 435

FORMERLY

HOUSE BILL NO. 650

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE, RELATING TO THE COMPUTATION OF PENALTY ON DELINQUENT SEWER SERVICE CHARGES LEVIED BY NEW CASTLE COUNTY.

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

Section 1. Amend Section 2210(a), Chapter 22, Title 9 of the Delaware Code by deleting the existing Subsection in its entirety and adding in lieu thereof the following:

"In the event that a service charge with regard to any parcel of real property is not paid as and when due, interest shall accrue and be due to the County on the unpaid balance at a rate to be set by County government, not to exceed one and one half percent (1.5%) per month."

Approved July 3, 1986.

CHAPTER 436

FORMERLY

HOUSE BILL NO. 698

AN ACT TO AMEND CHAPTER 9, TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE ACT.

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

Section 1. Amend Section 902, Chapter 9, Title 19 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§902. Minimum Wage Rate

(a) Every employer shall pay wages at the rate of not less than $3.00 per hour to every employee in any occupation, except as may be otherwise provided under this Chapter.

(b) Gratuities received by employees engaged in occupations in which gratuities customarily constitute part of the remuneration may be considered wages for purposes of this Chapter in an amount not to exceed 33 1/3% of the minimum rate as set forth in subsection (a) hereof.

(c) For purposes of this section:

(1) An employee engaged in an occupation in which gratuities customarily constitute part of the remuneration shall be any worker engaged in an occupation in which workers customarily and regularly receive more than $30 per month in tips or gratuities.

(2) 'Gratuities' means monetary contributions received directly or indirectly by an employee from a guest, patron, or customer for services rendered where the customer is entirely free to determine whether to make any payment at all and, if so, the amount.

(3) A 'primary direct service employee' is one who in a given situation performs the main direct service for a customer and is to be considered the recipient of the gratuity.

(4) A ' service charge' is an obligatory sum of money included in the statement of charges. Clear and conspicuous notice must be made on either the menu, placard, the front of the statement of charges, or other notice given to the customer indicating that all or part of the service charge is the property of the management. Such notice must be clearly printed, stamped, or written in bold type. A service charge assessed to customers, patrons, or guests without such notice is the property of the primary direct service employee (s). For the purposes of this section, type which is at least 18 point (one-fourth inch) on the placard, or 10 point (one-eighth inch) or larger on all other notices shall be considered clear and conspicuous.

(d) Any gratuity received by an employee, indicated on any receipt as a gratuity, or deposited in or about a place of business for direct services rendered by an employee is the sole property of the primary direct service employee and may not be taken or retained by the employer except as required by state or federal law.

Employees may establish a system for the sharing or pooling of gratuities among direct service employees, provided that the employer shall not in any fashion require or coerce employees to agree upon such a system. Where more than one direct service employee provides personal service to the same customer from who gratuities are received, the employer may require that such employees establish a tip pooling or sharing system not to exceed 15% of the primary direct service employee's gratuities. The employer shall not, under any circumstances, receive any portion of the gratuities received by the employees.

The Department may require the employer to pay restitution if the employer diverts any gratuities of its employees in the amount of the gratuities diverted. If the records maintained by the employer do not provide sufficient information to determine the exact amount of gratuities diverted, the Department may make a determination of gratuities diverted based on available evidence."

Approved July 3, 1986.

CHAPTER 437

FORMERLY

HOUSE BILL NO. 707

AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE ESTABLISHING THE DELAWARE TEACHER INCENTIVE PROGRAM.

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

Section 1. Amend Chapter 34, Title 14 of the Delaware Code by adding a new Subchapter III to read as follows:

"Subchapter III. Delaware Teacher Incentive Program

§3416. Purpose.

It is the intent and purpose of the General Assembly through this subchapter to enable and encourage academically talented Delawareans to pursue teaching careers at the elementary and secondary level in the State of Delaware.

§3417. Administration.

(a) This subchapter shall be administered by the Delaware Postsecondary Education Commission, hereinafter referred to as the 'Commission.'

(b) The Commission shall adopt such rules and regulations as it deems necessary and proper to the administration of this subchapter.

(c) The Commission shall annually report to the General Assembly of the State the number of recipients, the institutions attended by the recipients, and the total amount of expenditures made under this subchapter.

§3418. Christa McCauliffe Scholarship/Loans.

(a) The Commission is hereby authorized to award educational scholarship loans subject to the limits of its appropriations for this purpose.

(b) For the purposes of this section a scholarship/loan, referred to hereinafter as 'award,' is a loan, the repayment of which is forgiven when the borrower is employed in the Delaware public school system for a period of time in accordance with the conditions specified in §3420.

(c) Awards shall be provided for undergraduate education at Delaware institutions of higher education which provide programs leading to teacher certification.

(d) No student shall be eligible for such award who is not a resident of the State for at least one year prior to the approval of the award. The place of residence of a student who is either under 18 years of age or dependent on parental financial support shall be the legal residence of his parent or guardian who must have qualified as a registered voter in Delaware and who is subject to payment of Delaware income tax. A student over 18 years of age, who is not dependent on parental financial support must meet the federal government's financial self-supporting student definition, and must have qualified as a registered voter in Delaware and must be subject to the payment of Delaware income tax, to satisfy the requirement of this section.

(e) Awards shall be made to graduating high school seniors who are enrolled as full-time students in baccalaureate programs and to students who are in their first or second year of a baccalaureate program.

(1) The number of awards and the distribution of awards among the year-classes will be determined annually by the Commission.

(2) The Commission shall determine the placement of student applicants within year-classes for purposes of these awards based on the students' rates of academic progress.

(f) Awards shall be made in priority order within the year-classes established by the Commission based solely on academic merit. Academic merit shall be evaluated using criteria adopted by the Commission.

(g) The amount of the awards will be determined annually by the Commission, except that the award shall not be less than $1000 for a full academic year and shall not exceed the cost of

tuition, books, fees, and other direct educational expenses.

(h) Awards shall be renewable within the limits of appropriations for the program, to a maximum of four awards provided the student meets the academic progress standards which shall be set by the Commission and communicated in writing to the recipient at the time the initial award is granted.

§3419. Disbursement.

Funds awarded from this program shall be disbursed on an annual basis and shall be disbursed to the institution which the student attends; not directly to the student.

§3420. Repayment and forgiveness.

Repayment or forgiveness will commence 9 months after the student is awarded the baccalaureate degree or immediately after the student discontinues enrollment prior to degree completion.

(a) If after 9 months following graduation the recipient is employed as a teacher in a public school in the State of Delaware, no payback of award principal or interest will be required. For each year the recipient is so employed the payback of one year's award will be forgiven.

(b) If during the period of repayment the recipient terminates employment with the public schools of Delaware, the recipient will be required to commence repayment of the awards or portions thereof which have not been forgiven at the time of the employment termination.

(c) If after 9 months following graduation the recipient is not employed as a teacher in a Delaware public school, the recipient shall be obligated to make monthly payments to the Commission until the full amount of the award and interest on the award from the date of origination is paid in full.

(d) If during the period of repayment the recipient becomes employed by a Delaware public school, payments will be deferred and one year's award will be forgiven for each year the recipient is so employed. Under no circumstances will payments already made by the recipient be reimbursed as a result of subsequent employment.

(e) The Commission shall determine the amounts of payment, the length of the repayment period, and the rate and type of interest to accrue on awards.

(f) The Commission shall communicate the terms of repayment and interest accrual to the recipient and secure a promissory note from the recipient attesting to the recipient's agreement to such terms as shall be established.

(g) For purposes of this subchapter, interest charges shall be set at a level which is 1% higher than the interest level existing in the State's Guaranteed Student Loan program at the time the award is made."

Approved July 3, 1986.

CHAPTER 438

FORMERLY

HOUSE BILL NO. 730

AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, RELATING TO THE CHARTER OF THE CITY OF REHOBOTH BEACH; AND PROVIDING FOR CERTAIN CHANGES IN THE STRUCTURE OF GOVERNMENT.

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 197, Volume 54, Laws of Delaware, by striking subsection (a), and substituting in lieu thereof the following:

"(a) The government of The City and the exercise of all power conferred by this Charter, except as otherwise provided herein, shall be vested in The Commissioners of Rehoboth Beach. The Commissioners of Rehoboth Beach shall consist of seven (7) members, to be chosen as hereinafter provided. One of said Commissioners shall have the title of Mayor of The City of Rehoboth Beach, with duties hereinafter to be prescribed, and who shall also be President of The Commissioners of Rehoboth Beach. Each of the seven (7) Commissioners of Rehoboth Beach, at the time of the approval of his qualifications by The Commissioners as hereinafter provided or at the time of his appointment as the case may be, shall have attained the age of twenty-one (21) years of age. Not less than three of the Commissioners shall be designated resident Commissioners. A resident Commissioner shall be a bona-fide resident and domiciliary of the City. The Commissioner with the title of Mayor of the City of Rehoboth Beach shall also be a bona-fide resident and domiciliary of the City. The other three Commissioners must either have the qualifications of a resident Commissioner as defined above (i.e. a bona-fide resident and domiciliary of the City) or be a freeholder of real estate located within the City. If any of the Commissioners or the Mayor fails to retain his qualifications as aforesaid during the term of his office, he shall ipso facto vacate his office. The Commissioners shall be judges of the qualifications of their members. For all purposes of this Charter, a "freeholder" shall be deemed to include any person who holds fee simple title to an undivided interest in real property or who holds title to real estate as a tenant by the entireties."

Approved July 3, 1986.

CHAPTER 439

FORMERLY

HOUSE BILL NO. 731

AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE RELATING TO THE CHARTER OF THE CITY OF REHOBOTH BEACH; AND PROVIDING FOR THE INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES.

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

Section 1. Amend Chapter 197, Volume 54, Laws of Delaware, by adding a new Section 29A to read as follows:

"INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES

29A. (a) For purposes of this section, the term "city officers and employees" shall include the Mayor and the Commissioners of the City of Rehoboth Beach, all appointed officers and all employees of the City of Rehoboth Beach.

(b) The city solicitor shall undetake the representation or defense without charge of any city officer or employee in a civil action arising out of or related to the performance by said officer or employee of his public duties; or, may undertake the representation or defense without charge of any city officer or employee in a criminal action arising from performance of his duties and which action does not allege official misconduct, profiteering, bribery, receiving unlawful gratuities, improper influence or other use of his office or employment. An officer or employee may select his or her attorney with the concurrence of the city solicitor and the Commissioners.

(c) An officer or employee who is held liable for the payment of any claims arising out of a civil action, or settlements, judgments, expenses, costs and awards of attorneys fees arising therefrom, shall be entitled to indemnification therefor from the City where the claim shall have been determined by the city solicitor, subject to the approval of the Commissioners, to have resulted from activities; which:

(1) Were done in good faith; and

(2) Where done in the reasonable belief that such activities were in the best interest of the City, and in the furtherance of the official practices and policies of the City; and

(3) Were within the scope of authority of the person so acting; and

(4) Were within the course of employment of the person so acting; and

(5) Were not wilful, malicious or wanton.

(d) In addition to the City's obligation to indemnify City officers and employees, the City Manager on behalf of the City is hereby authorized to enter into contracts of insurance for the indemnification of City officers and employees who are determined to be entitled thereto in accordance with subparagraph (c) of this section, or for such broader coverage as he deems advisable.

(e) The Commissioners may, upon resolution, authorize the payment of legal fees incurred by a City employee for representation in a criminal action, if the charge arose out of or in the course of City employment. The Commissioners shall review an application for reimbursement based upon the criteria set forth in subsection (c). In no event shall any payment under this section be authorized where the employee has been found guilty of, after trial and any appeal, or has entered a plea of guilty or nolle contendere to a crime involving a breach of public trust."

Approved July 3, 1986.

CHAPTER 440

FORMERLY

HOUSE BILL NO. 737

AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE WITH RESPECT TO EDUCATIONAL BENEFITS FOR MEMBERS OF THE DELAWARE NATIONAL GUARD.

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

Section 1. Amend Title 14, §3411(b), Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof the following language:

"(b) Such financial assistance shall in each fiscal year be limited to 75% of the tuition costs charged such person, including required materials, by the school, college, or university during the fiscal year or payment of $1,000.00, whichever is less; provided, however, such financial assistance shall be available to reimburse 100% of the tuition costs including required materials when the education being sought is the completion of a high school diploma or GED

Section 2. Amend Title 14, §3411(c), Delaware Code, by deleting the figure "$2,000.00" and substituting in lieu thereof "$4,000.00".

Approved July 3, 1986.

CHAPTER 441

FORMERLY

HOUSE BILL NO. 745
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 53, TITLE 30 OF THE DELAWARE CODE, RELATING TO THE EXCISE TAX ON THE SALE OF TOBACCO PRODUCTS.

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 §5305, Chapter 53, Title 30 of the Delaware Code, by adding at the end of the subsection (b) of said Section, the following:

"For purposes of this Chapter, the term 'wholesale price' shall mean the price for which a manufacturer sells a tobacco product to a distributor exclusive of any discount, rebate, or other reduction."

Section 2. Amend §5301, Chapter 53, Title 30 of the Delaware Code, by inserting at the end of said Section a new subsection (17) to read as follows:

"(17) 'Distributor' means: (1) any person engaged in the business of selling tobacco products in this state who brings or causes to be brought into this state from without the state any tobacco products for sale; (2) any person who makes, manufacturers, or fabricates tobacco products in this state for sale in this state; (3) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retail dealers in this state to be sold by those retail dealers."

Section 3. This Act shall be effective on the seventh day following its enactment into law.

Approved July 3, 1986.

CHAPTER 442

FORMERLY

SENATE BILL NO. 463

AN ACT TO AMEND CHAPTER 11, TITLE 16, OF THE DELAWARE CODE RELATING TO THE TREATMENT AND CARE OF PATIENTS AND RESIDENTS IN MEDICAL OR LONG TERM CARE FACILITIES.

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

Section 1. Amend Title 16, Chapter 11, of the Delaware Code by adding a new subchapter thereto, to be designated as Subchapter III which shall read as follows:

"SUBCHAPTER III. ABUSE, NEGLECT OR MISTREATMENT OF PATIENTS OR RESIDENTS.

§1131. Definitions.

When used in this subchapter the following words shall have the meaning herein defined. To the extent the terms are not defined herein, the words are to have their commonly accepted meaning.

(a) 'Abuse' shall mean:

1. Physical abuse by intentionally and unnecessarily inflicting pain or injury to a patient or resident. This includes, but is not limited to, hitting, kicking, pinching, slapping,, pulling hair or any sexual molestation.

2. Emotional abuse which includes, but is not limited to, ridiculing or demeaning a patient or resident, making derogatory remarks to a patient or resident or cursing directed towards a patient or resident, or threatening to inflict physical or emotional harm on a patient.

(b) 'Mistreatment' shall include the intentional inappropriate use of medications, isolation, or physical or chemical restraints on or of a patient or resident.

(c) 'Neglect' shall mean:

1. Intentional lack of attention to physical needs of the patient or resident including, but not limited to toileting, bathing, meals and safety.

2. Intentional failure to report patient or resident health problems or changes in health problems or changes in health condition to an immediate supervisor or nurse.

3. Intentional failure to carry out a prescribed treatment plan for a patient or resident.

(d) 'Facility' shall include any facility required to be licensed under Chapter 11 of Title 16 of the Delaware Code. It shall also include any facility operated by or for the State which provides long term care residential services.

(e) 'Department' shall mean the Department of Health and Social Services or its designee.

(f) 'Person' means a human being and where appropriate a public or private corporation, an unincorporated association, a partnership, a government or governmental instrumentality.

(g) 'High managerial agent' means an officer of a facility or any other agent in a position of comparable authority with respect to the formulation of the policy of the facility or the supervision in a managerial capacity of subordinate employees.

§1132. Reporting Requirements.

(1) Any employee of a facility or anyone who provides services to a patient or resident of a facility on a regular or intermittent basis who has reasonable cause to believe that a patient or resident in a facility has been abused, mistreated or neglected shall immediately report such abuse, mistreatment or neglect to the Department by oral communication. A written report shall be filed by him within forty eight hours after he first gains knowledge of the abuse, mistreatment or neglect.

(2) Any person required by the above provision to make an oral and a written report who fails to do so shall be liable for a criminal fine not to exceed one thousand dollars.

(3) In addition to those persons subject to the provisions of subsection (1) any other person may

make such a report, if such persons have reasonable cause to believe that a patient or resident of a facility has been abused, mistreated or neglected.

§1133. Contents of Reports.

1. The reports required under this subschapter shall contain the following information: the name and sex of the patient or resident; the name and address of the facility in which he resides; the age of the patient or resident, if known; the name and address of the reporter and where he can be contacted; any information relative to the nature and extent of the abuse, mistreatment or neglect, and if known to the reporter any information relative to prior abuse, mistreatment or neglect of such patient or resident; the circumstances under which the reporter became aware of the abuse, mistreatment or neglect; what action, if any, was taken to treat or otherwise assist the patient or resident; and any other information which the reporter believes to be relevant in establishing the cause of such abuse, mistreatment or neglect.

§1134. Powers and Duties of the Department.

The Department upon receipt of an oral or written report shall:

(1) Investigate and evaluate the information contained in such reports. An investigation and evaluation shall be made within twenty four (24) hours, if the Department has reasonable cause to believe that the patient's or resident's health or safety is in immediate danger from further abuse, mistreatment or neglect and within ten (10) days for all other such reports. The investigation herein required shall include a visit to the facility, a private interview with the patient or resident allegedly abused, mistreated or neglected, a determination of the nature, extent and cause or causes of the injuries, the identity of the person or persons responsible therefor and all other pertinent facts.

(2) Evaluate the environment of the facility named in the report and make a determination of the potential risk of any physical or emotional injury to any other patient or resident of that facility. The evaluation and investigation required herein and above shall be in writing.

(3) Notify the Attorney General forthwith of the verified abuse, mistreatment or neglect, either orally or in writing. Provided that, a written copy of the Department's investigation and evaluation report shall be forwarded to the Attorney General's Office within a reasonable time, but not more than five (5) days, after the completion of the investigation. Such report shall include the summary of the Department's findings and recommendation on each case. Further provided, that where there exists reasonable cause to believe that a patient or resident has died as a result of abuse, mistreatment or neglect the Department shall immediately report its finding and conclusions to the Attorney General.

(4) In the event that the health or safety of a patient or resident is in immediate danger from further abuse, mistreatment or neglect or if a patient or resident has died because of abuse, mistreatment or neglect, the Department shall forthwith notify the appropriate police agency.

(5) The secretary is empowered to establish and promulgate rules and regulations to implement the provisions of this subchapter.

§1135. Immunities and Other Protections.

(1) No person making any oral or written report pursuant to this subchapter shall be liable in any civil or criminal action by reason of such report where such report was made in good faith or under the reasonable belief that such abuse, mistreatmcnt or neglect has taken place.

(2) No facility shall discharge, or in any manner discriminate or retaliate against any person, by any means whatsoever, who in good faith makes or causes to be made, a report under this subchapter, or who testifies or who is about to testify in any proceeding concerning abuse, mistreatment or neglect of patients or residents in said facility.

(3) Any facility which discharges, discriminates or retaliates against a person because he has reported, testified or is about to testify concerning abuse, mistreatment or neglect of patients or residents shall be liable to such person for treble damages, costs and attorney fees. Where a facility discharges, demotes or retaliates by any other means, against a person after he made a report, testified, or was subpoenaed to testify as a result of a report required under this subchapter, there shall be a rebuttable presumption that such facility discharged, demoted or retaliated against such person as a result of such report or testimony.

(4) This section shall not apply to any person who has engaged in the abuse, mistreatment or neglect of a patient or resident.

§1136 Violations.

(1) Any person who knowingly abuses,, mistreats or neglects a patient or resident of a facility shall be guilty of a Class A Misdemeanor. Where the abuse, mistreatment or neglect results in serious physical injury then such person shall be guilty of a Class D Felony. Where the abuse, mistreatment or neglect results in death then such person shall be guilty of a Class A Felony.

(2) Any member of the board of directors or a high managerial agent who knows that patients or residents of the facility are being abused, mistreated or neglected and fails to promptly take corrective action shall be guilty of a Class A misdemeanor.

§1137. Abuse, Mistreatment, Neglect or Failure to Report such Incidents by Licensed or Registered Professional; Suspension or Revocation of License.

Upon a finding of abuse, mistreatment or neglect, or failure to report such instances by a licensed or registered professional, the Department or the Attorney General shall notify the appropriate licensing or registration board. If, after a hearing, a licensed or registered professional is found to have abused, mistreated or neglected a patient or resident or has failed to report such instance, the appropriate board shall suspend or revoke such person's license.

§1138. Facilities; Suspension or Revocation of License.

Upon a finding that abuse, mistreatment or neglect has occurred in a facility, the Department or the Attorney General shall notify the appropriate licensing board and, if such facility receives public funding, the appropriate state or Federal agency. If, after a hearing, it is determined that a member of the board of directors or a high managerial agent knew that patients or residents were abused, mistreated or neglected and failed to promptly take corrective action, the appropriate board shall suspend or revoke such facility's license.

§1139. Treatment by Spiritual Means.

Nothing in this subchapter shall be construed to mean that a patient or resident is abused, mistreated or neglected for the sole reason he relies upon, or is being furnished with, treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, nor shall anything in this subchapter be construed to authorize or require any medical care or treatment over the implied or express objection of said patient or resident.

§1140. Jurisdiction

The Superior Court shall have original and exclusive jurisdiction over violations of this subchapter."

Section 2. 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 provisions shall be held invalid, the remainder of this Act and the application of such provision or provisions to persons or circumstances other than those to which it was held invalid or inconsistent shall not be affected thereby.

Section 3. Nothing contained in this subchapter 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.

Approved July 7, 1986.

CHAPTER 443

FORMERLY

SENATE BILL NO. 481

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO THE CONFIDENTIALITY OF PENSIONS BEING RECEIVED BY FORMER STATE EMPLOYEES.

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

Section 1. Amend Section 8308, Chapter 83, Title 29, Delaware Code, by redesignating paragraphs (d), (e), (f) and (g) as (e), (f), (g) and (h) and substituting in lieu thereof a new paragraph (d) to read as follows:

"(d) All records maintained by the Board or the Office of Pensions and Investments relating to the pensions or pension eligibility of persons receiving pensions from the State and who are not presently employed by or serving as officers of the State or its political subdivisions shall be confidential."

Approved July 7, 1986.

CHAPTER 444

FORMERLY

SENATE BILL NO. 495
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 4

AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE BY PROVIDING FOR RULES FOR THE CONDUCT OF BUSINESS BY, AND TAXATION OF, FOREIGN BANKS IN DELAWARE.

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. This Act may be referred to as the "Foreign Banking Development Act."

Section 2. Amend Section 101, Title 5, Delaware Code, by deleting subsection (7) thereof in its entirety and substituting in lieu thereof the following and by adding new subsections (11), (12), (13) and (14) as follows:

"(7) ' Banking organization' means:

(a) A bank or bank and trust company organized and existing under the laws of this State;

(b) A national bank organized and existing as a national banking association pursuant to the National Bank Act, 12 U.S.C. §21 et seq., and maintaining it principal office in this State;

(c) An Edge Act corporation organized pursuant to §25 (a) of the Federal Reserve Act, 12 U.S.C. §611 et seq., or a state chartered corporation exercising the powers granted thereunder pursuant to an agreement with the Board of Governors of the Federal Reserve System, and maintaining an office in this State;

(d) A federal branch or agency licensed pursuant to §4 and §5 of the International Banking Act of 1978, 12 U.S.C. §3101 et seq., to maintain an office in this State; or

(e) A foreign bank agency organized pursuant to Chapter 13 of this Title.

(11) 'Foreign bank' means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands, which engages in the business of banking, or any subsidiary or affiliate, organized under such laws, of any such company. The term "foreign bank" includes, without limitation, foreign commercial banks, foreign merchant banks and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign companies are organized or operating.

(12) 'Foreign bank agency' means an office in this State of a foreign bank that is exercising the powers authorized by §1304 of this Title.

(13) 'Foreign country' means any country other than the United States, and includes any colony, dependency, or possession of any such country.

(14) 'Representative office' means an office in this State of a foreign bank that is exercising the powers authorized by §1323 of this Title."

Section 3. Amend Section 941, Title 5, Delaware Code, by deleting subsection (1) thereof in its entirety and substituting in lieu thereof the following:

"(1) 'Bank' means any bank or bank and trust company organized under this Title or any other law or laws of this State, any depository institution organized under the authority of the United States and having its principal place of business in this State and any foreign bank agency."

Section 4. Amend Chapter 11, Title 5, Delaware Code, by deleting the phrases "bank, trust company and national bank," "bank, trust company or national bank," "bank, national bank and every trust company," and "bank or trust company" wherever they appear in such Chapter and substituting in lieu thereof the term "banking organization", and by deleting the phrases "banks, trust companies and national banks", "banks, trust companies or national banks" and "banks and trust companies and national banks" wherever they appear in such Chapter and substituting in lieu thereof the term "banking organizations."

Section 5. Amend Section 1101 (b), Title 5, Delaware Code, by adding thereto the following:

"For purposes of this subsection (b), a foreign bank agency or a federal branch or agency (all as

defined in §101 (7) of this Title) shall be treated as if it were a corporation. The Commissioner shall prescribe such rules and regulations as may be deemed necessary in order that the tax liability of any foreign bank agency or federal branch or agency under this subsection (b) may be returned, determined, computed, assessed, collected, and adjusted, in such manner as to clearly reflect the tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

Section 6. Amend Title 5, Delaware Code, by adding a new Chapter 13 as follows:

"CHAPTER 13. FOREIGN BANKS

Subchapter I. Foreign Bank Agencies

§1301. Scope; Construction

This subchapter deals with conditions under which foreign banks may transact business in this State; it shall not be construed to limit the powers granted to any bank in this State to conduct its business.

§1302. When Foreign Banks May Transact Business in this State

(a) No foreign bank shall transact a banking business or maintain in this State an office for carrying on such business or any part thereof unless such foreign bank has:

(1) Been authorized by the laws under which it was organized and by its charter to carry on such business;

(2) Furnished to the Commissioner such proof as to the nature and character of its business and as to its financial condition as the Commissioner may require; and

(3) Filed with the Commissioner an application containing the information required by §1303 of this Title and received a certificate of authority duly issued to it by the Commissioner as provided in §1303 of this Title.

(b) This section shall not be construed to prohibit foreign banks which do not maintain an office in this State for the transaction of business from (1) making loans or issuing letters of credit in this State secured by mortgages on real property, nor from contracting in this State with a banking organization to acquire from or through such banking organization a part interest or the entire interest in a loan or evidence of debt which such banking organization has heretofore or hereafter made, purchased or acquired, for its own account or otherwise, together with a like interest in any security or in any security instrument proposed to be given or heretofore or hereafter given to secure or evidence such loan or evidence of debt; (2) enforcing in this State obligations heretofore or hereafter acquired by it in the transaction of business outside of this State, or in the transaction of any business authorized by this section; (3) acquiring, holding, leasing, mortgaging, contracting with respect to, or otherwise protecting or conveying property in this State heretofore or hereafter assigned, transferred, mortgaged or conveyed to it as security for, or in whole or part satisfaction of a loan or loans made by it or obligations made by it or obligations acquired by it in the transaction of business outside of this State, or in the transaction of any business authorized by this Section; or (4) issuing letters of credit or otherwise guaranteeing the obligations of the State of Delaware or any agency or political subdivision thereof.

§1303. Application; Approval by Commissioner

(a) The application of a foreign bank to procure a certificate of authority to establish and maintain a foreign bank agency shall state:

(1) The name of the foreign bank and the country under the laws of which it was organized.

(2) The date of its incorporation and the period of its duration.

(3) The address of its principal office in the country under the laws of which it was organized.

(4) the names of other states and countries in which it is admitted or qualified to transact business and the nature of the worldwide business conducted by the foreign bank.

(5) The amount of its capital stock actually paid in cash and the amount subscribed for and unpaid.

(6) The actual value of the assets of the foreign bank, which must be at least one million dollars in excess of its liabilities; and a complete and detailed statement of its financial condition as of a date within 120 days prior to the date of such application or such other date as the Commissioner may determine.

(7) The location by street and post office address and county where its business is to be

transacted in this State and the name of the person who shall be in charge of the business and affairs of the proposed foreign bank agency.

(8) The address of its proposed registered office in this State, and the name of its proposed registered agent in this State at that address for service of any paper, notice or legal process upon the applicant in connection with matters arising out of this Chapter.

(9) Such additional information as shall enable the Commissioner to determine whether such foreign bank is entitled to a certificate of authority.

(b) At the time any such application is submitted to the Commissioner, such foreign bank shall also submit a duly authenticated copy of its charter and bylaws, or an equivalent thereof satisfactory to the Commissioner.

(c) No certificate of authority to establish and maintain a foreign bank agency shall be granted to a foreign bank unless such foreign bank agrees in its application to be bound by the following conditions:

(1) Such foreign bank will have no more than a single office located in this State open to the general public for the conduct of a banking business; and

(2) Such foreign bank agency will operate 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 organizations located in this State; provided that such foreign bank agency may be operated in a manner likely to attract and retain customers with whom such foreign bank has had business relations.

(d) Any application under this section shall be accompanied by a filing fee in the amount of $2,000 for the use of the State.

(e) In determining whether to approve any application under this section and to issue a certificate of authority to such applicant, the Commissioner shall consider:

(1) The financial and managerial resources of the foreign bank;

(2) The future prospects of the foreign bank and its proposed activity in this State;

(3) The financial history of the foreign bank;

(4) Whether the establishment of the proposed foreign bank agency 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.

(f) A certificate of authority issued in accordance with this Section shall remain in effect until surrendered or revoked.

§1304. Rights and Privileges of Foreign Bank Holding Certificate of Authority; Certain Prohibitions

(a) A foreign bank holding a certificate of authority pursuant to this subchapter may establish and maintain a foreign bank agency in this State at the location stated therein and may engage in a general banking business thereat; provided, however, that such foreign bank agency shall not:

(1) engage in the business of accepting deposits, provided that such foreign bank may maintain for the account of others credit balances incidental to, or arising out of, the exercise of its lawful powers including, but not limited to, balances arising out of the conduct of a travellers' check business or the exercise of any similar power and may accept deposits from persons or entities which are neither citizens nor residents of the United States; or

(2) have the power to act as a fiduciary of any sort including, but not limited to, an executor, administrator, guardian, trustee by will or other instrument, receiver or attorney-in-fact.

For purposes of this §1304, the term "credit balances" shall include funds placed in an account which (1) are derived from the exercise of other lawful banking powers; (2) are to serve a specific purpose; (3) are not solicited from the general public; (4) are not used to pay operating expenses; (5) are withdrawn within a reasonable period of time after the specific purpose for which they were placed there has been accomplished; and (6) are drawn upon in a manner reasonable in relation to the size and nature of the account.

(b) The Commissioner may adopt such rules and regulations as may be deemed necessary governing the extent to which and the conditions, in addition to those set forth in this subchapter and including appropriate reserves, upon which deposits may be established, maintained and paid out by a foreign bank agency Notwithstanding anything to the contrary in subparagraph (a) hereof, a foreign bank agency

may, if authorized by regulations adopted by the Commissioner, accept any deposit, or exercise any other power, which it could accept or exercise if it were operating in this State as a federal agency pursuant to the International Banking Act of 1978, 12 U.S.C. §3101 et seq., as amended.

§1305. Maintenance of Assets in This State

(a) Each foreign bank holding a certificate of authority pursuant to this subchapter shall hold in this State currency, bonds, notes, debentures, drafts, bills of exchange or other evidence of indebtedness, including loan participation agreements or certificates, or other obligations payable in the United States or in United States funds or, with the prior approval of the Commissioner, in funds freely convertible into United States funds, or such other assets as the Commissioner shall by rule or regulation permit, in an amount which shall bear such relationship as the Commissioner shall by regulation prescribe to liabilities of such foreign bank payable at or through its foreign bank agency, including acceptances, but excluding (without duplication) (1) accrued expenses, (2) amounts due and other liabilities to other offices, agencies or branches of, and wholly-owned (except for a nominal number of directors' shares) subsidiaries of, such foreign bank, (3) liabilities maintained on the books of an international banking facility located at such foreign bank agency, and (4) such other liabilities as the Commissioner shall determine. For the purposes of this subparagraph (a), the Commissioner shall value marketable securities at principal amount or market value, whichever is lower, shall have the right to determine the value of any non-marketable bond, note, debenture, draft, bill of exchange, other evidence of indebtedness, including loan participation agreements or certificates, or of any other asset or obligation held by or owed to the foreign bank or its agency within this State, and in determining the amount of assets for the purpose of computing the above ratio of assets to liabilities, shall have the power to exclude in whole or in part any particular asset. If, by reason of the existence or the potential occurrence of unusual and extraordinary circumstances, the Commissioner deems it necessary or desirable for the maintenance of a sound financial condition, the protection of depositors, creditors and the public interest, and to maintain public confidence in the business of the foreign bank agency, such foreign bank may be required, subject to such terms and conditions as the Commissioner may prescribe, to deposit the assets required to be held in this State pursuant to this subparagraph (a) with such banks or trust companies or national banks located in this State as the Commissioner may designate.

(b) In the event that any of the deposits received within this State by a foreign bank are insured by the Federal Deposit Insurance Corporation, the Commissioner shall specify what reasonable percentage of deposit liabilities may be excluded in determining the aggregate amount of liabilities of such foreign bank for deposits received within this State for purposes of subparagraph (a) of this section by reason of the fact that all or a part of such deposit liabilities are insured by the Federal Deposit Insurance Corporation.

§1306. Reports of a Foreign Bank; Penalties

(a) Every foreign bank holding a certificate of authority pursuant to this subchapter shall at such times and in such form as the Commissioner shall prescribe, make written reports to the Commissioner under the oath of one of its officers, managers or agents transacting business in this State, showing the amount of its assets and liabilities and containing such other matters as the Commissioner shall prescribe. If any such foreign bank shall fail to make such report as directed by the Commissioner, or if any such report shall contain any false statement knowingly made, the same shall be grounds for revocation of the foreign bank's certificate of authority.

(b) Each foreign bank holding a certificate of authority pursuant to this subchapter shall cause to be kept, at its place of business in this State, correct and complete books and records of account of its business operations transacted by such foreign bank agency, and shall make such records available to the Commissioner, upon request, at any time during regular business hours of the foreign bank agency. Such foreign bank agency shall also make available to the Commissioner, upon request, current copies of the charter and bylaws of the foreign bank, and minutes of the proceedings of its directors or committees relative to the operations of the agency. Any failure to keep such records as aforesaid or any refusal to produce such records or other documents upon request by the Commissioner shall be grounds for revocation of the foreign bank's certificate of authority.

§1307. Rules, Regulations, Orders

In addition to any other authority granted under this Title, the Commissioner may adopt rules and regulations and issue orders under this subchapter for the following purposes:

(1) To prescribe information or forms required in connection with an application pursuant to §1303(a) of this Title;

(2) To authorize permissible activities of foreign bank agencies pursuant to §1304(b) of this Title;

(3) To prescribe the nature and amount of assets required to be maintained in this State

pursuant to §1305 of this Title and to establish procedures governing the determination thereof;

(4) To establish procedures in connection with approvals pursuant to §§1303 and 1308 of this Title and the filing of required reports pursuant to §1306 of this Title; and

(5) To issue orders undr §1310 of this Title and establish procedures governing such issuances.

§1308. Change of Location, Name or Business

Any foreign bank holding a certificate of authority pursuant to this subchapter may make a written application to the Commissioner for leave to do one or more of the following:

(1) To change its place of business from the place designated in the certificate of authority to another place in this State. An application for such change shall be accompanied by a filing fee of $500.

(2) To change its corporate name or the duration of its corporate existence if such change has been effected under the laws under which it was organized.

§1309. Termination of Existence

In the event a foreign bank holding a certificate of authority pursuant to this subchapter is dissolved or its authority or existence is otherwise terminated or cancelled under the laws under which it was organized, a certificate of the official responsible for maintaining records of banks of the jurisdiction of organization of such foreign bank attesting to the occurrence of any such event, or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign bank, the termination of its existence or the cancellation of its authority shall be delivered to the Commissioner. The filing of the certificate, order or decree shall have the same effect as the revocation of its certificate of authority under §1310 of this Title. The Commissioner shall continue as agent of the foreign bank upon whom process against it may be served in connection with matters out of this subchapter prior to the filing of such certificate, order or decree.

§1310. Revocation of Certificate of Authority

(a) Upon the determination of the Commissioner that any foreign bank holding a certificate of authority pursuant to this subchapter (1) is engaging in any activity not permitted by §1304 of this Title; (2) is engaging in a manner of business activity constituting a violation of §1303(c) of this Title; or (3) is not in a safe and satisfactory condition; then, in any such event, the Commissioner may issue an order to such foreign bank requiring it by a date certain to take the steps set forth in such order to cure such violation.

(b) Upon the determination of the Commissioner, after due notice and an opportunity to be heard has been afforded, that any foreign bank holding a certificate of authority pursuant to this subchapter has failed to timely comply with any order issued under subsection (a) of this section, the Commissioner shall, by order effective no earlier than 10 nor later than 30 days after issuance, revoke such foreign bank's certificate of authority. Upon the effective date of such order, and so long as such order has not been suspended or set aside pursuant to subsection (c) of this section or withdrawn by the Commissioner, such foreign bank shall cease all business activity of any kind conducted by such foreign bank agency.

(c) The Court of Chancery of the State shall 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 foreign bank affected at any time within one year of the date of such order. Review of such an 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 order was valid in all respects. The Court of Chancery, may, in the exercise of its equitable jurisdiction in appropriate cases, suspend the operation of an order issued under subsection (b) of this section while judicial review of such order proceeds. An order issued under subsection (a) of this section shall not be subject to judicial review.

§1311. Applicability of Other Laws

Every foreign bank holding a certificate of authority pursuant to this subchapter shall be deemed and held to be subject to the provisions of this Title and any other law or laws of this State making provision for the regulation of banks and trust companies where the same are not inconsistent with the express provisions of this subchapter including, without limitation, §131 and §132 of this Title. Notwithstanding the foregoing, every foreign bank holding a certificate of authority pursuant to this subchapter shall be exempt from the requirements of and any prohibitions contained in subchapter XV of Title 8 of the Delaware Code; and the prohibition of §901 of Title 5 shall not apply to a foreign bank holding a certificate of authority to this subchapter.

§1312. Actions Maintained by a Foreign Bank

In maintaining any suit, action or proceeding in this State, a foreign bank holding a certificate of authority pursuant to this subchapter shall maintain such suit, action or proceeding in like manner and subject to the same limitations as are applicable in the case of a suit, action or proceeding maintainted by a domestic banking organization, except as otherwise prescribed by statute.

§1313. Actions Maintained Against Foreign Banks; Residents; Foreign Corporations, Foreign Banks as Non-Residents

(a) A suit, action or proceeding against a foreign bank holding a certificate of authority pursuant to this subchapter may be maintained by a resident of this State for any cause of action. For purposes of this paragraph (a), the term "resident of this State" shall include any corporation formed under any law of this State.

(b) Except as otherwise provided in this subchapter, a suit, action or proceeding against a foreign bank holding a certificate of authority pursuant to this subchapter may be maintained by another foreign corporation or foreign bank or by a nonresident in the following cases only:

(1) Where the action is brought to recover damages for the breach of a contract made or to be performed within this State, or relating to property situated within this State at the time of the making of the contract;

(2) Where the subject matter of the litigation is situated within this State;

(3) Where the cause of action arose within this State, except where the object of the action or proceeding is to affect the title of real property situated outside the State;

(4) Where the suit, action or proceeding is based on a liability for acts done within this State by a foreign bank holding a certificate of authority pursuant to this subchapter;

(5) Where the defendant is a foreign bank holding a certificate of authority pursuant to this subchapter doing business in this State.

(c) The limitations contained in subparagraph (b) hereof do not apply to a corporation formed and existing under the laws of the United States and which maintains an office in this State.

§1314. Registered Office; Registered Agent; Changes

(a) A foreign bank holding a certificate of authority pursuant to this subchapter shall have and continuously maintain in this State:

(1) a registered office which may be, but need not be, the same as its place of business in this State; and

(2) a registered agent, which agent may be either an individual, resident in this State, whose business office is identical with such registered office, or a corporation authorized to transact business in this State having a business office identical with such registered office.

(b) A registered agent may at any time vacate its office as registered agent by filing in the office of the Commissioner a statement setting forth its resignation and the effective date thereof, which shall not be less than 60 days after the date of filing. A copy of the statement shall be served on the foreign bank by the registered agent so resigning by registered or certified mail addressed to such foreign bank at its principal office as such is known to such resigning agent and directed to the attention of the secretary or other comparable officer of such corporation at least 30 days prior to the date of filing of said certificate.

(c) A foreign bank may from time to time change the address of its registered office; and shall change its registered agent if the office of the registered agent becomes vacant for any reason or if its registered agent becomes disqualified or incapacitated to act, or if it revokes the appointment of its registered agent. Any such change of registered office or registered agent may be effected by filing in the office of the Commissioner duplicate originals of a statement setting forth the details with respect to such change and the effective date thereof.

§1315. Service of Process, Notice or Demand on Foreign Bank; Service on Registered Agent; Service on Commissioner

(a) Service of process in any suit, action or proceeding or service of any notice or demand required or permitted by law to be served on a foreign corporation may be made on a foreign bank holding a certificate of authority pursuant to this subchapter by service thereof on the registered agent of such foreign bank. Whenever any foreign bank holding a certificate of authority fails to

appoint or maintain a registered agent upon whom service of legal process or service of any such notice or demand may be had, or whenever such registered agent cannot with reasonable diligence be found at the registered office of such foreign bank, or whenever the certificate of authority of any such foreign bank is revoked, then in every such case the Commissioner shall be irrevocably authorized as the agent and representative of such foreign bank to accept service of any process or service of any notice or demand required or permitted by law to be served on such foreign bank. Service on the Commissioner of any such process, notice or demand against any such foreign bank shall be made by delivering to and leaving with the Commissioner, or with any official having charge of the banking department of the Commissioner's office, duplicate copies of such process, notice or demand. If any process, notice or demand is served on the Commissioner, a copy thereof shall immediately be forwarded by registered mail addressed to such foreign bank at its principal office as the same appears on the Commissioner's records.

(b) Nothing in this subchapter limits or affects the right to serve any process, notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

(c) The Commissioner shall keep a record of all processes, notice and demands served pursuant to this section and shall record therein the time of such service and the action taken with reference thereto.

Subchapter II. Foreign Bank Representative Office

§1320. Scope; Construction

This subchapter deals with conditions under which foreign banks may operate representative offices in this State.

§1321. License Required

No person, co-partnership, association, corporation or other entity shall establish or maintain a representative office in this State on behalf of one or more foreign banks unless the foreign bank to be represented has obtained a license from the Commissioner.

§1322. Application for License; Fee; Findings Required for Issuance

(a) The application for a license shall contain information and be accompanied by a reasonable fee as determined by the Commissioner.

(b) The Commissioner shall issue a license to a foreign bank to establish and maintain a representative office if the Commissioner finds:

(1) The foreign bank does not hold a certificate of authority pursuant to subchapter I of this Chapter;

(2) The foreign bank and the proposed management of the representative office are each of good character and sound financial standing;

(3) The management of the foreign bank and the proposed management of the representative office are adequate; and

(4) The convenience and needs of persons to be served by the proposed representative office will be promoted.

§1323. License Provisions

Any foreign bank holding a license pursuant to this subchapter may establish and maintain a representative office at the location stated therein and may engage thereat in representational functions on behalf of the foreign bank, but may not conduct a banking business. A license issued pursuant to this subchapter shall remain in effect until surrendered or revoked.

§1324. Records; Reports; Fee

(a) Each foreign bank which is licensed to establish and maintain a representative office shall make, keep and preserve at such office or at such other place as determined by the Commissioner, such books, accounts and other records relating to the business of such office as the Commissioner may required.

(b) Each foreign bank which is licensed to establish and maintain a representative office shall file such reports, accompanied by a reasonable fee, as required and determined by the Commisioner.

§1325. Revocation of License

If the Commissioner finds:

(1) The licensee or its representative has violated any provision of this subchapter or any law, rule or regulation of this State; or

(2) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have resulted in the Commissioner refusing to issue such license; then, after notice to the foreign bank and a reasonable opportunity to be heard, the Commissioner may revoke such license."

Section 7. 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 that can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared severable.

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

Approved July 7, 1986.

CHAPTER 445

FORMERLY

HOUSE BILL NO. 680
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 86, PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CONSUMER AFFAIRS; AND PROVIDING FOR AN ADVISORY COUNCIL ON MANUFACTURED HOUSING.

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

Section 1. Amend §8614, Chapter 86, Part VIII, Title 29 of the Delaware Code by striking the title of said §8614, and substituting in lieu thereof the following:

"§8614. Consumer Affairs Advisory Councils"

Section 2. Amend §8614, Chapter 86, Part VIII, Title 29 of the Delaware Code by striking subsection (a) in its entirety and substituting in lieu thereof the following:

"(a) Council on Consumer Affairs.

(1) The Council on Consumer Affairs is established and shall serve in an advisory capacity to the Director of Consumer Affairs and shall consider matters relating to the protection and guidance of consumers and businesses and such other matters as may be referred to it by the Governor, Secretary of the Department or the Director of Consumer Affairs. The Council may also study, research, plan and advise the Director, the Secretary and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner."

Section 3. Amend §8614, Chapter 86, Part VIII, title 29 of the Delaware Code by re-designating present subsection (b) as new paragraph (2) under subsection (a); by redesignating present subsection (c) as new paragraph (3) under subsection (a); and by re-designating each succeeding subsection accordingly.

Section 4. Amend §8614, Chapter 86, Part VIII, Title 29 of the Delaware Code by adding thereto a new subsection, designated as Subsection (b), which new subsection shall read as follows:

"(b) Council on Manufactured Housing.

(1) The Council on Manufactured Housing shall advise the Division on matters relating to mobile home owners and tenants, manufactured housing, and mobile home parks. The Council may consider matters referred to it by the Division; and may, on its own motion, consider any issue or matter within its field of expertise. The Council shall report directly and exclusively to the Division. All funding for the Council shall be determined by the Division.

(2) The Council on Manufactured Housing shall be composed of fourteen members, twelve of whom shall be appointed by the Governor: six members representing the manufactured housing industry; and six members representing persons who live in mobile home parks, both those who own the mobile homes in which they reside and those who do not own the mobile homes in which they reside (at least one from each county). In the event a member ceases to be an owner or employee of a mobile home park, or a resident of a mobile home park, such person's membership shall cease upon the occurrence of such event. In addition to the twelve voting members appointed by the Governor, a representative of the Division appointed by the Director, and a representative of the Department of Justice, appointed by the Attorney General shall serve as non voting ex officio members.

(3) Each member shall serve for a term for two years, and may succeed himself for one additional term; provided however, that where a member was initially appointed to fill a vacancy, such member shall succeed himself for only one additional full term. Any person appointed to fill a vacancy on the Council shall hold office for the remainder of the unexpired term of the former member.

(4) 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. A Chairman of the Council shall be chosen by members of the Council from among its members; shall serve in that capacity for a term of one year; and shall be eligible for re-election."

Section 5. Notwithstanding the provisions of Section 4 of this Act, the initial members of the Council on Manufactured Housing shall be those persons who were members of the Delaware Manufactured Housing Community Commission at the time of the enactment of this Act. Six members of the Council, three of whom shall be mobile home residents, shall have an initial term of two years;

and the remaining six members shall serve an initial term of three years. The Governor shall determine the terms of all initial members.

Approved July 7, 1986.

CHAPTER 446

FORMERLY

HOUSE BILL NO. 695
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 70, PART IV, TITLE 25 OF THE DELAWARE CODE RELATING TO MOBILE HOMES AND MOBILE HOME PARKS.

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 70, Part IV title 25 of the Delaware Code by striking said Chapter 70 in its entirety, and substituting in lieu thereof the following:

"CHAPTER 70. MOBILE HOME LOTS AND LEASES ACT

§7001. Purposes and policies; enforceability

(a) This Chapter shall be liberally construed and applied to promote its underlying purposes and policies. The underlying purposes and policies of this Chapter are:

(1) To clarify and establish the law governing the rental of mobile homes and mobile home lots, as well as the rights and obligations of landlords and tenants.

(2) To encourage landlords and tenants to maintain and improve the quality of life in manufactured housing communities.

(b) This Chapter shall regulate and determine legal rights, remedies and obligations of the parties to any rental agreement or lease of a mobile home or mobile home lot in a mobile home park containing 2 or more mobile homes within this State, wherever executed, not covered by any county or municipal code or other State law. Any agreement, whether written or oral, shall be unenforceable insofar as the agreement or any provisions thereof conflicts with this Chapter and is not expressly authorized herein.

§7002. Jurisdiction

(a) Any person, whether or not a citizen or resident of this State, who owns, holds an ownership or beneficial interest in, uses, manages, or possesses real estate situated in this State submits himself or his personal representatives to the jurisdiction of the courts of this State as to any action proceeding for the enforcement of an obligation arising under this Chapter.

(b) A summary proceeding to recover the possession of premises, pursuant to Chapter 57 of this Title, may be maintained in Justice of the Peace Court in the county where the property is located.

§7003. Definitions

Unless otherwise expressly stated, where terms are not defined under the provisions of this Chapter, they shall have ascribed to them their ordinarily accepted meanings, or such as the context may herein imply. For the purposes of this Chapter, the following definitions shall apply:

(1) 'Landlord.' The owner of the rental unit or the property of which it is a part, or the owner of a mobile home lot to whom a tenant pays rent in exchange for placing and residing in a mobile home owned by the tenant on such lot, and in addition any person authorized to exercise any aspect of the management of the premises, including any person who, directly or indirectly, receives rents, and who has no obligation to deliver the whole of such receipts to another person.

(2) 'Mobile home.' A manufactured home, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 or more square feet. It is built on a permanent chassis, designed to be used as a year round dwelling with or without a permanent foundation when connected to the required utilities, and if manufactured since June 15, 1976, has been built in accordance with the National Manufactured Home Construction and Safety Standards.

(3) 'Mobile home park.' A manufactured housing community or any area or tract of land where 2 or more mobile homes are rented or held out for rent for human habitation, or where 2 or more mobile home lots are rented or held out for rent to accommodate mobile homes used for human habitation.

(4) 'Owner.' One or more persons, jointly or severally, in whom is vested all or part of the legal title to property, part or all of the beneficial ownership, and a right to present use and enjoyment of the property.

(5) 'Person.' Any legal entity, including, but not limited to the following: An individual, firm, partnership, association, trust, joint stock company, corporation, or successor of any of the foregoing.

(6) 'Premises.' A lot, plot or parcel of land including the buildings, structures and/or mobile homes thereon.

(7) 'Recreational camper or travel trailer.' A motor vehicle or structure which can be towed by a motor vehicle and which is used either for temporary shelter, recreational or camping purposes, but not used or designed as a permanent dwelling unit.

(8) 'Rent.' Any money or other consideration given for the right of use, possession and occupation of property.

(9) 'Rubbish and garbage.' Combustible and noncombustible waste materials, the animal and vegetable waste resulting for the handling, preparation, cooking and consumption of food, useless and unstored paper, rags, cartons, boxes, wood, rubber, leather, cans, metals, glass, crockery and other similar materials.

(10) 'Tenant.' Any person who occupies a mobile home rental unit for dwelling purposes or a lot on which he places a mobile home for an agreed upon consideration. (25 Del. C. 1953, §7003; 58 Del. Laws, c. 286; 58 Del. Laws, c. 472, §4.)

§7004. Duties of Landlord

(a) No person may offer a mobile home or lot in a mobile home park for rent without delivering a copy of the rental agreement which must be executed before the lessee can occupy the leased premises. No person may move a mobile home into a mobile home park or personal belongings into a mobile home in this State until a written rental agreement has been signed by the lessee and the lessor. Before a current or prospective tenant signs a rental agreement or occupies the premiese the landlord shall:

(1) Deliver a copy of the rules or regulations of the mobile home community.

(2) Deliver a copy of this chapter to the tenant who shall sign a receipt therefor.

(3) Deliver a copy of the rental agreement which shall contain the following:

a. A specific identification of the site to be leased;

b. A stipulation of the total amount of annual rental for the site;

c. A stipulation of the term of payment, whether monthly, quarterly, semiannually, or annually;

d. The amount due for each installment;

e. The amount of any late payment fee;

f. All fees, in a manner that identifies the service to be provided for each fee;

g. A description of each service, facility, and utility service that the landlord will provide; which clearly identifies the availability, capacity, and connection fee for all utility services at the proposed site in order to assure the proper and adequate installation of utilities and of the mobile home;

h. A description of any termination and renewal option;

i. A specific reference to this Chapter as the law that governs the relationships

between the tenant and landlord.

(b) No person shall offer for occupancy for rent any mobile home which does not conform to the requirements of sanitation, housing, building and health codes of the State or of the county in which the mobile home is located or any such codes or regulations which shall be promulgated hereafter.

(c) No persons shall offer for rent any lot in a mobile home park which does not conform to the applicable state, county or municipal statutes, ordinances or regulations under which said mobile home park was created or under which said mobile home park currently exists lawfully.

(d) A violation of subsections (b) and (c) of this section shall be punishable by a fine of not more than $500 or 30 days in jail.

§7005. Exemptions

(a) No mobile home park operated by the State or the federal government on parkland owned by either, and no mobile home park operated solely for the use of recreational campers or travel trailers shall be subject to the provisions of this chapter.

(b) The rental of a recreational camper motor home, travel trailer or the rental of ground on which such a vehicle is placed, including any facilities or utilities thereon, is exempted from any and all requirements of this Chapter, and nothing in this Chapter shall be construed as determining, regulating, or governing the legal rights of parties to any lease or rental of such vehicles or the ground on which they are situated.

§7006. Rental agreement

(a) If only the lot is rented, a landlord shall offer all current and prospective tenants a rental agreement for a term of:

(1) One year; or

(2) A lesser period as the tenant may request; or

(3) A longer period as mutually agreed upon by the parties.

(b) Upon the expiration of the initial term, the rental agreement shall be automatically renewed for the same term as the original agreement subject to modified provisions relating to the amount and payment of rent, unless:

(1) The tenant shall notify the landlord in writing a minimum of 60 days prior to the expiration of the rental agreement that he does not intend to renew it; or

(2) A shorter or longer term is agreed to by the parties; or

(3) The landlord shall notify the tenant in writing a minimum of 60 days prior to the expiration of the rental agreement that it will not be renewed.

(c) If both the lot and the home are rented, a landlord may offer all current and prospective residents a rental agreement, for a term of any duration not longer than a 1 year term. Upon the expiration of the initial term the rental agreement shall convert to or continue for a month to month term, subject to modified provisions relating to the amount and payment of rent, unless:

(1) Either party delivers written notice a minimum of 60 days prior to the expiration of the rental agreement that it will not be renewed; or

(2) A shorter or longer term is agreed to by the parties.

§7007. Prohibited contents of a rental agreement

(a) A rental agreement shall not contain:

(1) A provision whereby the tenant authorizes any person to confess judgment on a claim arising out of the rental agreement.

(2) A provision whereby the tenant agrees to waive or to forego any right or remedy provided by applicable law.

(3) Any provision whereby the tenant waives his right to a jury trial.

(4) Any provision authorizing the landlord to take possession of the leased premises, or the tenant's personal property therein unless the rental agreement has been terminated by action of the parties or by operation of law, and such personal property has been abandoned by the mobile home tenant without the benefit of formal legal process.

(5) Any provision which permits the landlord to collect a penalty fee for late payment of rent without allowing the tenant a minimum of 5 days, beyond the date the rent is due, in which to remit;

(6) Any provision which permits the landlord to charge, for late payment of rent, a penalty fee in excess of 5% of the total lot rent due or 4% of the total rent due for the mobile home and lot;

(7) Any provision allowing the landlord to charge an amount in excess of 1 month's rent for a security deposit or to retain the security deposit upon terminaton of the lease if the tenant has paid his rent in full as of the date of termination and has caused no damage to the landlord's property.

(8) Any provision which prohibits the tenant from terminating the rental agreement upon 30 days notice whenever a change in the location of the tenant's employment requires a change in the location of his residence, except that nothing in this subsection shall be construed to prevent a tenant who is a member of the armed forces of the United States from terminating a lease with less than 30 days notice to his landlord if he receives reassignment orders which do not allow such prior notification.

(9) A waiver of any cause of action against, or indemnification from the landlord by the tenant for any injury or harm caused to the tenant, his family, his guests or his property or the property of his family or his guests resulting from any negligence of the landlord, his agents, or his assigns in the maintenance of the premises;

(10) Any provision which denies to the tenant the right to treat a continuing substantial violation by the landlord of any agreement or duty protecting the health, welfare, or safety of the tenants or occupants, which is set forth in the rental agreement, or which otherwise binds the landlord as a matter of law, as a constructive or actual eviction, which would otherwise permit the tenant to terminate the lease and to immediately cease payments thereunder, provided that the landlord fails to correct the condition giving rise to the violation or fails to cease the violation within a reasonable time after written notice is given by the tenant by registered mail.

§7008. Fees

(a) A landlord may increase a fee only if he delivers to the tenant a written notice describing the increase at least 60 days prior to the effective date of the fee increase.

(b) If a landlord fails to so notify a tenant of a fee increase, he may not collect from the tenant the increased amount of the fee.

(c) An entrance or exit fee is prohibited. An entrance fee is defined as any fee in excess of fity dollars charged to a tenant prior to the tenant's occupany of the leased premises, including an application fee, except those fees for utilities, direct services actually rendered, or the use of facilities which must be identified and described in the rental agreement or a separate notice pursuant to subsection 7004 of this chapter.

(d) A landlord may charge a late payment fee if:

(1) The rent is not paid within 5 days after the due date specified in the rental agreement.

(2) The rental agreement provides for the fee.

(e) A landlord may charge the tenant a reasonable service fee, based on the amount that the landlord directly incurs for installing, placing, or removing a mobile home from the site. Such a fee for services actually rendered shall be listed in the rental agreement.

(f) A landlord shall provide to a tenant on request a written receipt for any fee or other financial transaction between the landlord and tenant.

§7009. Termination of rental agreement by tenant

(a) The tenant may, on written notice to the landlord, terminate the rental agreement and vacate the premises at any time during the first month of occupancy, if the landlord substantially fails to conform to the rental agreement, or if there is a material non-compliance with any code, statute, ordinance or regulation governing the operation of a mobile home park or the maintenance of the premises. The tenant shall retain the right to terminate beyond the first month of occupancy, so long as he remains in possession in reliance on a written promise by the landlord to correct all or any part of the condition or conditions which would justify termination by the tenant under this section.

(b) If there exists any condition which deprives the tenant of a substantial part of the benefit and enjoyment of his bargain, the tenant may notify the landlord in writing of the condition, and if the landlord does not remedy the condition within 15 days, the tenant may terminate the rental agreement. Such notice need not be given where the condition renders the mobile home uninhabitable or poses an imminent threat to the health, safety, and welfare of the tenant.

(c) The tenant may not terminate the rental agreement for a condition caused by want of due care of the tenant, a member of his family, or any other person on the premises with his consent.

(d) If the condition referred to above was caused willfully or negligently by the landlord, the tenant may recover any damages sustained as a result of the condition including, but not limited to, reasonable expenditures necessary to obtain adequate substitute housing while the mobile home is uninhabitable.

§7010. Termination of rental agreement by landlord

(a) The landlord may not terminate a rental agreement before it expires without due cause. Due cause means:

(1) Substantial noncompliance with any provision of the rental agreement.

(2) Nonpayment of rent.

(3) Clear and convincing evidence that the tenant has violated the rules and regulations of the mobile home park or any provision of this Chapter.

(4) Change in use of land.

(b) The landlord shall specify the reason or reasons for the termination of the rental agreement. The reason or reasons relied on for the termination shall be delivered in writing to the tenant with specific facts so that the date, place, and circumstances concerning the reason or reasons for termination can be determined. Reference to or recital of the language of this Chapter is not sufficient compliance with this section.

(c) The landlord's right to terminate or, if only the lot is rented, refuse to renew a rental agreement does not arise until the landlord has complied with subsection (d), (e) (g) of this section.

(d) If the tenant breaches any rule or provision which is material to the rental agreement, the landlord shall notify the tenant of his breach and must allow 10 days after such notice for the remedy or correction of such breach. Such notice shall substantially specify the acts or omissions constituting the breach and advise the tenant that if the violation continues after not less than 10 days after receipt of said notice, the landlord may terminate the rental agreement.

(e) A landlord may, at any time after rent is overdue longer than 5 days, demand payment, thereof and notify the tenant in writing that unless payment is made within 5 days after written notice by the landlord, the rental agreement will be terminated. If the tenant remains in default, the landlord may thereafter terminate the rental agreement and bring any proper legal action or suit for recovery of rent due and bring a summary proceeding for possession of the premises.

(f) A landlord may bring an action for rent along at any time after he has demanded payment of

past due rent and notified the tenant of his intentions to bring such an action.

(g) If a change is intended in the use of land on which a mobile home park or a portion of a mobile home park is located and the landlord intends to terminate a rental agreement or to evict a mobile home tenant due to the land use change, the landlord shall notify all tenants in the park in writing that:

(1) The land use change may subsequently result in the termination of a rental agreement.

(2) The tenant being terminated due to the land use change will receive written notice no less than 180 days before the actual termination of the rental agreement.

(h) The landlord shall provide 180 days notice before the actual termination of a rental agreement due to a change in land use.

(1) For the purposes of this chapter, change in use of the land does not include any land use change which is contemplated by Chapter 71, Title 25.

§7011. Holdover remedies after rental agreement expires

(a) Whenever the term of the rental agreement expires, if the tenant continues in possession of the premises after the date of termination of the rental agreement without the landlord's consent, the landlord may bring an action for possession and if the tenant's holdover is willful and not in good faith, the landlord in addition may recover from the tenant an amount equal to double the periodic rent under the previous agreement, computed and prorated on a daily basis, for each day the tenant remains in possession.

§7012. Effect of unsigned rental agreement

(a) If the landlord does not sign a written rental agreement which has been signed and tendered to him by the tenant, acceptance of rent without reservation by the landlord shall give to the rental agreement the same effect as if it had been signed by the landlord.

(b) If the tenant does not sign a rental agreement which has been signed and tendered to him by the landlord, acceptance of possession and payment of rent without reservation shall give to the rental agreement the same effect as if it had been signed by the tenant. No person serving in the Armed Forces of the United States shall be required under any condition to sign or become obligated under any lease which requires that he provide more than 2 weeks advance notice to the landlord of his intention to terminate the rental agreement in the event that his military orders for reassignment do not provide him with more than 2 weeks notice of transfer.

(c) Where the rental agreement which is given effect by the operation of this section provides by its terms for a term longer than 1 year, it shall operate to create only a 1 year term.

§7013. Security deposit

(a) If a rental agreement requires the tenant to provide any deposit to the landlord, to be held for the term of the rental agreement, or any part thereof, said deposit shall be considered a security deposit. Security deposits shall be returned in full to the tenant provided that the tenant has paid all rent due in full for the term of the rental agreement, has caused no actual damages to the leased premises, and has left the lot clean and free of debris. If the landlord has not returned the security deposit to the tenant prior to the termination of the rental agreement, within 15 days of the termination or expiration of the rental agreement, the landlord shall provide the tenant with an itemized list of damages to the premises and the estimated cost of repair of each. With the list the landlord shall tender payment for the difference between the security deposit and the estimated cost of repair of damages to the premises. The tenant's acceptance of this payment shall constitute agreement on the damages as specified by the landlord.

(b) Failure by the landlord to provide a list of damages and tender the remainder of the tenant's deposit within 15 days shall constitute agreement by the landlord that no damages are due and he shall immediately remit to the tenant the full amount of the security deposit. Failure to provide a forwarding address to the landlord prior to or upon termination of the lease shall relieve the lessor of his responsibilities under this Section.

§7014. Provisions of mobile home park rental agreements

(a) Any rental agreement or lease hereafter executed or currently existing between a landlord and tenant in a mobile home park in this State shall contain, or shall be made to contain, the following provisions:

(1) The landlord shall agree all times during the tenancy to:

a. Maintain the premises and regrade them when necessary to prevent the accumulation of stagnant water thereon, and to prevent the detrimental effects of moving water;

b. Maintain the premises in such a manner to protect the health and safety of the occupants or tenants including maintaining the ground at a level such that the mobile home will not tilt from its original position;

c. Keep each lot area in the park marked in such a way that each tenant will be certain of his area of responsibility;

d. Keep all exterior property areas not in possession of a tenant, but part of the mobile home park property, free of species of weeds or plan growth which are noxious or detrimental to the health of the tenants;

e. Be responsible for the extermination of insects, rodents, vermin or other pests dangerous to the health of the tenants whenever infestation exists in the exterior areas of the park or in the interior of a mobile home if such infestation is not the fault of the tenant, and particularly if such infestation existed prior to the occupancy of the tenant claiming relief;

f. Maintain, in a rental mobile home, a dwelling which is structurally sound and impervious to the effects of weather, other than a hurricane or tornado wind of 50 miles per hour or more, cyclone, flood, earthquake, severe hailstorm, lightning, or any other such condition which might reasonably be considered beyond the control of the landlord;

g. Maintain all electrical, plumbing, gas, septic systems or other utilities provided by him in good working condition with the exception of emergencies, after which repairs must be completed within 48 hours or due cause must be shown why such repairs are not immediately possible.

h. Specify in the rental agreement whether septic systems are to be maintained by the landlord or maintained by the tenant;

i. Maintain all water lines and connections and all sewage lines and connections provided by him in good working order, for the provision of such services of a temporary basis;

j. Respect the privacy of tenants and if only the lot is rented, agree not to enter the mobile home without the permission of the mobile home owner, unless emergency circumstances exist which threaten life or property; or if the mobile home is the property of the landlord, to enter only after a minimum of 24 hours notice;

k. Allow all tenants freedom of choice in the purchase of services such as laundry, milk, or any such other services desired by the tenant, except that no mobile home park may be required to allow service vehicles in the park in such numbers and with such frequency that a danger is created for pedestrian traffic in the park; and

l. Maintain all roads within the mobile home park in good condition, providing adequate space for parking 2 cars for each mobile home which does not block traffic on any road, and be responsible for damage to any vehicle which is the direct result of unrepaired or poorly maintained access roads within the mobile home park.

(2) The tenant shall agree at all times during the tenancy to:

a. Keep the mobile home unit, if he rents such, or the exterior premises, if he rents the lot, in a clean and sanitary condition, free of garbage and rubbish;

b. Refrain from the storage of more than 1 motor vehicle for a period in excess of 1 month, when such vehicle is in a state of disrepair and therefore is incapable of being moved under its own power, and refrain from the storage of any building material, furniture, or similar items on the exterior premises when such items are unusable;

c. Keep the supplied basic facilities, including plumbing fixtures, cooking, and refrigeration equipment, and electrical fixtures in a rented mobile home unit in a clean and sanitary condition and be responsible for the exercise of reasonable care in their proper use and operation;

d. Dispose from his mobile home all rubbish, garbage, and other waste materials in a clean and sanitary manner as shall be spelled out in the agreement;

e. Abide by all reasonable rules and regulations concerning his use, occupation, and maintenance, of the premises, if such obligations are brought to his attention at the time he signs the rental agreement.

(3) No party other than the lessee, sublessee or the state of a deceased lessee or sublessee of a mobile home lot shall be responsible to the landlord for payment of rent under the terms of any rental agreement, and the landlord shall not be entitled to remittance on the part of any seller of or mortgagee of a mobile home for rents not paid by the tenant and not collectable from the tenant due to his permanently vacating his mobile home without notice to the landlord or mortgagee and leaving no forwarding address.

§7015. Rules and regulations

(a) Landlord may promulgate and prescribe written, reasonable rules and regulations related to the order, peace, health, safety, and welfare of the tenants, to promote the orderly and efficient operation of the mobile home park, and to preserve the landlord's property from abuse.

(b) A landlord may promulgate and prescribe written, reasonable standards for the mobile homes to be placed or sold in the mobile home park as to size, quality, appearance, material specification, construction, and safety conditions.

(c) A landlord may not promulgate standard in which the age of the mobile home is the exclusive or dominant criterion prohibiting a mobile home from being sold in the park or retained in the park after the sale is consummated.

(d) All standards for the sale or placement of mobile homes in a mobile home park shall be fair and apply uniformly to all tenants.

(e) A landlord may amend existing rules and regulations at any time, but an amendment to a rule or regulation is not effective until the latter of:

(1) The date specified on the amendment; or

(2) 60 days after the landlord delivers to the tenant written notice of the amendment.

§7016. Rent increases

The landlord shall give a minimum of 60 days written notice prior to the expiration of the rental agreement of any increase in the rent payable by the tenant. If only the lot is rented, the tenant's rent may not be increased more than once during any 12 month period, regardless of the term of tenancy or the term of the rental agreement.

§7017. Lease transfer

(a) The rental agreement or lease for a mobile home lot shall be transferable at any time during the term of the rental agreement from the tenant who owns his mobile home unit to any person to whom he may sell or transfer title to his mobile home, unless the home does not quality for sale according to written standards promulgated pursuant to Section 7015 of this Chapter. The landlord shall have the right to reject the proposed new lessee on the same basis by which he accepts or rejects any new tenant. The proposed new lessee shall not be rejected, however, without a written statement as to the cause for such action being given to the proposed new lessee.

(b) Failure on the part of the original lessee to notify the landlord in writing 3 weeks prior to the transfer of the lease or a transfer of title to his mobile home and transfer of the lease to a new lessee, giving the name and address of the new lessee in the notice, shall be grounds for termination of the lease by the landlord.

§7018. Retaliatory evictions prohibited

(a) The following actions on the part of the tenant shall not constitute grounds for eviction or termination of the lease:

(1) Filing a complaint with any state, county, or local governmental official regarding any violation by the landlord of this chapter or any housing, health, building, sanitation, or other applicable statute or regulation;

(2) Requesting the landlord to honor his obligations and responsibilities under the terms of this chapter or any housing, health, building, sanitation or other applicable statute or regulation of the State, county or municipality of jurisdiction;

(3) Filing of a suit against the owner or landlord for any reason; and

(4) Withholding payment of rent while seeking relief for the failure of the landlord to carry out his duties or honor his obligations to the tenant as set out in the rental agreement, provided that the tenant can produce evidence to an officer of the State Division of Public Health, the Division of Housing, the Division of Consumer Affairs, the Department of Natural Resources and Environmental Control, the county or municipal housing code enforcement agency, or an officer of any court if one is called in by the landlord, that a breach of the lease or any State, county, or municipal regulation governing mobile home parks on the part of the landlord has actually occurred and that the tenant is able to remit the total amount of rent due upon compliance by the landlord.

(b) Harassment of a tenant in the form of interruption of services, invasions of privacy or similar means in retaliation for any of the above actions shall constitute grounds for a civil suit for damages by the tenant against the landlord.

§7019. Delivery of written notice

(a) Any notice required by this Chapter shall be served either personally upon the tenant or on the landlord or upon the tenant by leaving a copy thereof at his dwelling place with an adult person residing therein and upon the landlord by leaving a copy thereof at his dwelling place with an adult person residing therein or with an agent or other person in the employ of the landlord whose responsibility it is to accept such notice. If the landlord is a corporation, firm or unincorporated association, services of the notice may be made by leaving a copy thereof at its office or place of business with an agent authorized by appointment to accept such notice or by law to receive service of process; or

(b) Any notice required by this Chapter may be sent by registered or certified mail, postpaid, to the tenant at the leased premises, or to the landlord at his last known dwelling place, or at his last known office or place of business. The return receipt, signed or unsigned in case of a notice sent by registered or certified mail, shall be held and considered as prima facie evidence of the service of such notice.

§7020. Enforcement

To the extent that a violation of this chapter affects a tenant or a prospective tenant, that violation shall be within the scope of the forcement duties and powers of the State Division of Consumer Affairs, as described in 29 Del. C. §8612 (b) (1)."

Section 2. This Act shall become effective January 1, 1987.

Approved July 7, 1986.

CHAPTER 447

FORMERLY

SENATE BILL NO. 175
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO EQUIPMENT REQUIRED ON SCHOOL BUSES.

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

Section 1. Amend Chapter 43, Title 21, Delaware Code, by adding a new section as follows:

"§4365. Stop Signal Device

Every school bus must be equipped with one (1) stop signal device, commonly referred to as a stop arm. The stop signal device shall meet the applicable requirement of the Society of Automotive Engineers J1133, be of an octagonal shape approximately 18 inches in diameter, be red in color with a white boarder approximately 1/2 inch wide, have the word "STOP" located near the middle of the sign in 6 inch white letters 1 inch in width. The stop signal device shall, in addition to having the above requirements on both sides of the sign, have two double faced red lights approximately 4 1/2 inches in diameter, one located near the top and one located near the bottom of the sign. The lights shall be wired to work in conjunction with the flashing red overhead lights located at the front and rear of the bus.

The actuating mechanism of the sign shall be electrically operated and controlled through the same mechanism that actuates the flashing red overhead lights and shall be used only when the bus is stopped to pick up and discharge pupils.

The sign is to be located on the left exterior side of the bus near the front of the bus body immediately below the window line."

Section 2. The Department of Public Instruction is hereby directed to develop a schedule for the installation of stop arms on all school buses operated and registered in the State. The schedule for nstallation shall be developed no later than June 30, 1987.

Section 3. This Act shall be effective July 1, 1986 and apply to all new school buses purchased by the State Board of Education on or after that date. All other school buses shall be equipped with stop arms in accordance with the schedule as developed in Section 2 hereof.

Approved July 8, 1986.

CHAPTER 448

FORMERLY

SENATE SUBSTITUTE NO. 1 TO SENATE BILL NO. 260

AN ACT TO AMEND CHAPTER 80, TITLE 21 OF THE DELAWARE CODE RELATING TO THE VEHICLE EQUIPMENT SAFETY COMPACT.

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

Section 1. Amend Chapter 80, Title 21, of the Delaware Code by striking Chapter 80 in its entirety.

Section 2. This Act shall become effective upon its enactment into law.

Approved July 8, 1986.

CHAPTER 449

FORMERLY

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

AN ACT TO AMEND 29 DELAWARE CODE, CHAPTER 52, RELATING TO HEALTH CARE INSURANCE.

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

Section 1. Amend 29 Delaware Code, 5201 (a) by striking the number "12" as it appears in the first sentence and inserting the number "3" in lieu thereof.

Section 2. FURTHER AMEND 29 Delaware Code 5201 (a) by striking the words following the word 'scheduled', and inserting in lieu thereof the following:

"full time hours of the employing agency, or at least 30 or more hours per week or 130 hours per month (with allowable interruptions) in a position of a continuing nature on a regular schedule expected to last at least one year from the date of initial appointment. The appointing authority shall determine at the time of appointment the qualifications of an appointee regarding the continuing nature and appointment duration criteria of this subsection. An employee appointed to temporary, seasonal or limited term positions shall not be considered a 'regular officer or employee' for the purposes of this Chapter."

Section 3. The provisions of this Act shall be effective January 1, 1987 for all employees employed on, or after January 1, 1986, but shall not disqualify any employee who receives State paid health insurance prior to the enactment of this Bill.

Approved July 8, 1986.

CHAPTER 450

FORMERLY

SENATE BILL NO. 387

AN ACT TO AMEND SECTIONS 335, 337 and 4110 OF TITLE 9 OF THE DELAWARE CODE RELATING TO MEETINGS AND QUORUMS AND PROCEDURES OF COUNTY BODIES.

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

Section 1. Strike §335, Title 9 of the Delaware Code.

Section 2. Strike §337, Title 9 of the Delaware Code.

Section 3. Amend §4110, Title 9 of the Delaware Code by adding the following subsections (G), (H), (I), (J) and (K):

(G) Procedure. The county government shall meet regularly. The place and dates of such meetings shall be established by the county government as a part of the rules of procedure adopted for the conduct of its meetings. Special meetings may be held on the call of the President of the county government or of a majority of the members of the county government in accordance with rules adopted as a part of the ruses of procedure of the county government.

The county government shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings which shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. A majority of all members of the county government shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the county government. No action of the county government, except as otherwise provided in this title, shall be valid or binding unless adopted with the concurrence of a majority of all of the members of the county government.

(H) Actions required by ordinance. All actions of the county government which shall have the force of law shall be by ordinance.

(I) Ordinances generally. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance, except those relating to the budget or appropriation of funds and those relating to the adoption or revisions of the County Code shall contain more than 1 subject which shall be clearly expressed in its title. The enacting shall be 'The County of Kent hereby ordains'. Any ordinance which repeals or amends an existing ordinance or part of the County Code shall set out in full that part of the ordinance, sections or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring or by italics.

An ordinance may be introduced by any member at any regular or special meeting of the county government. Upon introduction of any ordinance, the Clerk of the county government shall distribute a copy to each elected official of the county governing body and to the County Administrator; shall file a reasonable number of copies in the office of the Clerk of the county government and such other public places as the county government may designate; shall, in 1 newspaper of general circulation in the county, publish in bold type the ordinance or the title thereof together with a notice setting out the time and place for a public hearing thereon by the county government; and shall produce a sufficient number of copies thereof to meet reasonable demands therefor by interested citizens and others who may be affected by such ordinance. The public hearing shall follow the publication by at least 7 days, may be held separately or in connection with a regular or special county government meeting and may be adjourned from time to time, and all persons interested shall have a reasonable opportunity to be heard. The county government may make rules governing the holding of public hearings. After the public hearing, the county government may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance which is not embraced within the title of the ordinance, the county government may not adopt it until the ordinance or its amended sections have been subjected to all of the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the Clerk of the county government shall number the ordinance and have it, or its title, published again, one time in a newspaper of general circulation in the county, together with a notice of its adoption.

Except as otherwise provide in this title, every adopted ordinance shall become effective immediately unless the ordinance itself stipulates a different date.

(J) Emergency ordinances. To meet a public emergency affecting life, health, property or the

public peace, the county government may adopt emergency ordinances, but such ordinances may not levy taxes, grant, review or extend a franchise, or authorize the borrowing of money except to issue emergency notes as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective immediately upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specific in this section for adoption of emergency ordinances.

(K) Authentication, recording, codification and printing of ordinances. The Clerk of the county government shall authenticate by his signature and record in full, in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the county government."

Approved July 8, 1986.

CHAPTER 451

FORMERLY

SENATE BILL NO. 429

AN ACT TO AMEND CHAPTER 86, TITLE 11, DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM.

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

Section 1. Amend §8602(3) b. 4., Title 11, Delaware Code, by striking the word "and" following the semicolon.

Section 2. Amend §8602(3) b. 5., Title 11, Delaware Code, by striking the period at the end of the sentence and inserting in lieu thereof a semicolon followed by the word "and".

Section 3. Amend §8602(3) b., Title 11, Delaware Code, by adding subsection (3)b.6. to read as follows:

"6. The Division of Youth Rehabilitative Services."

Section 4. Amend §8603(c), Title 11, Delaware code, by striking the subsection (c) in its entirety and substituting in lieu thereof a new subsection to read as follows:

"(c) The Board shall be composed of 14 members, 9 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 Chairperson of the Delaware Police Chiefs' Council;

(3) One member of the Department of Correction, to be designated by the Commissioner of Correction;

(4) One member of the Division of Youth Rehabilitative Services, to be designated by the Director of the Division of Youth Rehabilitative Services;

(5) Two members to be designated by the Chief Justice of the Supreme Court, one of whom shall represent Family Court, and one to represent all other courts of the State;

(6) One member of the Department of Justice, to be designated by the Attorney General;

(7) One member of the Office of the Public Defender, to be designated by the Public Defender; and

(8) One member-at-large to be designated by the Governor."

Section 5. Amend §8603(d)(3), Title 11, Delaware Code, by striking subsection (d)(3) in its entirety and substituting in lieu thereof the following:

"(3) One member of the Department (or Agency) within the State with overall responsibility for providing information resource management, to be designated by the director or chief official of that agency; and"

Section 6. Amend §8603, Title 11, Delaware Code, by striking (d)(4) in its entirety and substituting in lieu thereof the following:

"(d)(4) One member of the Delaware Criminal Justice Council, to be designated by the Chairperson of that Council."

Approved July 8, 1986.

CHAPTER 452

FORMERLY

SENATE BILL NO. 435

AN ACT TO AMEND CHAPTER 85, TITLE 11, DELAWARE CODE, RELATING TO THE STATE BUREAU OF IDENTIFICATION.

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

Section 1. Amend §8502(3)b.4., Title 11, Delaware Code, by striking the word "and" following the semicolon.

Section 2. Amend §8502(3)b.5., Title 11, Delaware Code, by striking the period at the end of the sentence and inserting in lieu thereof a semicolon followed by the word "and".

Section 3. Amend §8502(3)b., Title 11, Delaware Code, by adding subsection (3)b.6. to read as follows:

"6. The Division of Youth Rehabilitative Services."

Section 4. Amend §8510, title 11, Delaware Code, by striking the title and the first sentence up to the colon in its entirety and substituting in lieu thereof the following:

"§8510. Information to be Supplied by the Department of Correction and Division of Youth Rehabilitative Services.

The Department of Correction and the Division of Youth Rehabilitative Services shall, within 48 hours, transmit to the Bureau."

Approved July 8, 1986.

CHAPTER 453

FORMERLY

SENATE BILL NO. 487

AN ACT TO AMEND CHAPTER 29, TITLE 7, OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS.

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

Section 1. Amend Section 2904, Subchapter I, Chapter 29, Part III, Title 7, of the Delaware Code by striking the words "State Auditor, who shall cause warrants to be drawn for amounts equal in the aggregate to the amount of expenditures by the agencies which have been approved by the Secretary of the Department of Agriculture." in their entirety and substituting in lieu thereof, the following:

"Secretary of Finance, in accordance with the provisions of Chapter 65 of Title 29."

Approved July 8, 1986.

CHAPTER 454

FORMERLY

SENATE BILL NO. 497

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO LINE OF DUTY DEATH BENEFITS

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

Section 1 Amend §6601(l) of Title 18 of the Delaware Code by adding a new subparagraph (q) to read:

"(q) Security officers, bailiffs and legal asistants performing services as bailiffs in the Supreme Court, Superior Court, Court of Chancery, Court of Common Pleas and Family Court."

Section 2 This Act shall be effective for any deaths occurring after July 1, 1986.

Approved July 8, 1986

CHAPTER 455

FORMERLY

SENATE BILL NO. 516
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 19 AND 55, TITLE 15, DELAWARE CODE, RELATIVE TO ABSENTEE BALLOTS.

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

Section 1. Amend §5502(1), Chapter 55, Title 15, Delaware Code, by adding thereto the following:

"is a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or his spouse or dependents when residing with or accompanying him, or is absent from this State because of illness or injury received while serving in the armed forces of the United States; or".

Section 2. Amend §5503(a), Chapter 55, Title 15, Delaware Code, by striking the phrase "§5502" as it appears therein and inserting in lieu thereof the following:

"§5502 (3), (4), (5), or (6)".

Section 3. Amend §5503(b), Chapter 55, Title 15, Delaware Code, by striking said subsection in its entirety and inserting in lieu thereof the following:

"(b) Any elector desiring to receive an absentee ballot because he qualifies under any of the reasons set forth in §5502(1) or §5502(2) may execute an affidavit sworn to by the elector, under penalty of perjury, with the department of elections for that county. The affidavit shall be dated during the calendar year in which the election is to be held. It shall state the reason why he cannot appear at the regular polling place for his election district on the day of the election, his birth date, his Social Security number, his expected location, including his address and a telephone number (if available) to be used for the purpose of challenge on election day. The department may hold an affidavit dated more than 90 days prior to an election until 90 days prior to the election, and shall mail the official ballot, envelopes, and instructions to the elector as soon as possible thereafter."

Section 4. Amend §5506, Chapter 55, Title 15, Delaware Code, by designating the existing section as subsection (a) and adding thereto a new Subsection (b) to read as follows:

"(b) Any elector who receives an absentee ballot because he qualifies under any of the reasons set forth in §5502(1) or §5502(2) may subscribe to and swear a self-administered oath, under penalty of perjury, affirming that he was not solicited or advised to vote for or against any candidate."

Section 5. Amend §5509, Chapter 55, Title 15, Delaware Code, by inserting between the words "absentee voter" and the words "shall make and subscribe" the following:

"who qualified for his ballot under any of the reasons set forth in §5502 (3), (4), (5), or (6)".

Section 6. Amend §5509, Chapter 55, Title 15, Delaware Code, by designating the present Section as Subsection (a) and adding thereto a new Subsection (b) to read as follows:

"(b) An absentee voter who qualified for his ballot under any of the reasons set forth in §5502(1) or §5502(2) may make and subscribe to the affidavit printed on the vouvher envelope under a self-administered oath, under penalty of perjury. Such voter shall comply with all other procedures outlined in this Section.

Section 7. Amend Chapter 55, Title 15, Delaware Code, by designating §5523 as §5525 and inserting a new §5523 and §5524 to read as follows:

"§5523. <u>One Absentee Ballot Request to Cover all Elections for Members of the Armed Forces and Certain Other Electors.</u>

Any qualified elector who has applied for an absentee ballot because he qualifies under any of the reasons set forth in §5502(1) or §5502(2) of this Chapter shall qualify for an absentee ballot in any primary, general, or special election occurring during the calendar year in which he has qualified for an absentee ballot in any election.

§5524. <u>Procedures for Voting with Special Write-In Absentee Ballot by Qualified Absentee Electors.</u>

(a) Notwithstanding any other provisions of this Title, an elector who qualifies under any of the

reasons set forth in §5502(1) or §5502(2) of this Chapter may apply during the calendar year in which an election is to be held for President, United States Senator, or Representative in Congress for a special write-in absentee ballot. This ballot shall be for President, United States Senator, or Representative in Congress.

(b) The application for a special write-in absentee ballot may be made on the federal postcard application form or on a form prescribed by the Commissioner of Elections.

(c) In order to qualify for a special write-in absentee ballot, the voter must state under oath and under penalty of perjury that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the Commissioner of Elections and supplied and returned with the special write-in absentee ballot.

(d) Upon receipt of such application, the appropriate department of elections may hold said application until 90 days prior to an election and mail the ballot as soon thereafter as possible. The special write-in absentee ballot shall be in a form prescribed and provided by the Commissioner of Elections and shall permit the elector to vote by writing in a party preference for each office, or the name of the person whom the voter prefers for each office."

Section 7. The provisions of the Overseas Citizens Voting Rights Act of 1975 are hereby incorporated as a part of this Title.

Section 8. Amend §1906(b), Chapter 19, Title 15, Delaware Code, by striking the period (.) at the end of the first sentence thereof and inserting in lieu thereof the following:

", or, in the absence of one of the above, may be self-administered and sworn to, under penalty of perjury."

Section 9. Amend §1907, Chapter 19, Title 15, Delaware Code, by designating the existing Section as Subsection (a) and adding thereto a new Subsection (b) to read as follows:

"(b) Any person who meets the tests laid down in §1901(b) may subscribe to a self-administered oath, under penalty of perjury, in the absence of any of those authorized to execute the affidavit under the provisions of §1906(b) of this Chapter."

Approved July 8, 1986.

CHAPTER 456

FORMERLY

SENATE BILL NO. 518
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT REGULATIONS FOR GRADES KINDERGARTEN TO GRADE 12 REQUIRING HEALTH/WELLNESS PROGRAMS.

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

Section 1. Amend Title 14, Delaware Code, Chapter 1, Section 122 by adding a new subsection (b) (18) as follows:

"(18) Requiring health/wellness educational programs for grades K-12, emphasizing the health enhancement benefits of seat belt usage, exercise, proper nutrition, and the avoidance of unhealthy behaviors such as smoking and drug abuse. An advisory and resource committee comprised of the Insurance Commissioner, the Secretary of Health and Social Services and the Superintendent of Public Instruction is established to assist in the development of the program."

Section 2. This Act shall become effective immediately upon its adoption.

Approved July 8, 1986.

CHAPTER 457

FORMERLY

SENATE BILL NO. 530

AN ACT TO AMEND CHAPTER 11, TITLE 13 OF THE DELAWARE CODE RELATING TO PLACEMENT OF CHILDREN FOR ADOPTION.

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

Section 1. Amend Chapter 11 of Title 13, Delaware Code by adding thereto a new section to read as follows:

"§1114. Placement for Adoption

After the issuance of an order terminating the existing parental rights and transferring them to an authorized agency, the agency shall attempt to promptly place the child for adoption. Every 6 months thereafter until an adoption decree is entered the agency shall advise the court in writing of the status of the child stating the reasons for any delay in placement or adoption. The court may, after notice, hold a hearing to determine if any further action is required in the best interests of the child."

Approved July 8, 1986.

CHAPTER 458

FORMERLY

SENATE BILL NO. 531

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO UNIVERSITY OF DELAWARE EMPLOYEES AND THE STATE EMPLOYEES PENSION FUND.

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

Section 1. Amend §5505, Chapter 55, Title 29, Delaware Code by adding thereto a new subsection (8) to read as follows:

"(8) Notwithstanding any other provisions of this Section to the contrary, hourly and salaried staff employees who become professional employees may elect to continue to be employees under this Chapter and make contributions into and be covered by the State Employees Retirement Fund."

Approved July 8, 1986.

CHAPTER 459

FORMERLY

SENATE BILL NO. 562

AN ACT TO AMEND CHAPTER 216 VOLUME 27 LAWS OF DELAWARE RELATING TO "AN ACT AMENDING MERGING AND CONSOLIDATING THE CHARTER OF NEW CASTLE BY PROVIDING NEW CASTLE WITH AUTHORITY TO ANNEX TERRITORY.

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

Section 1. Amend Chapter 216 Volume 21 Laws of Delaware by adding a new Section 29.

"Section 29. In the event it becomes feasible and necessary in the future for the city of New Castle 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 and qualified voters of the territory contiguous to the then existing corporate limits and territory of the City, by written petition with the signature of each such petitioner duly acknowledged shall request the Council to annex that certain territory in which they reside or own property, the President of Council shall appoint a Committee composed of not less than three (3) of the deemed appropriate to investigate the possibility of annexation. The petition presented to the 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 the Committee shall submit a written report containing its findings and conclusions to the Mayor and Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. The Council may then pass a Resolution annexing such territory to the City. Such Resolution must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Council.

Once the favorable vote for annexation shall have been cast, the Council 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 New Castle County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the Council. The territory considered for annexation shall be considered to be a part of the City 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 vote of Council.

(b) If less than all of the property owners and qualified voters of a territory contiguous to the then limits and territory of the City by written petition, with the signature of each such petitioner duly acknowledged, shall request the Council to annex that certain territory in which they own property, the President Council shall appoint a Committee composed of not less than three (3) of the elected members of Council, and such other persons as are deemed appropriate, to investigate the possibility of annexation. The petition presented to the Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation.

(c) In the absence of the presentation to Council of a petition as described in paragraph (b) above, the President of Council may appoint a Committee composed of not less than three (3) of the elected members of Council and such other persons as may be deemed appropriate to investigate the possibility of annexation, if, upon the motion of any member of Council, a majority of all of the members of Council vote in favor of the appointment of a Committee. All procedures set forth hereafter governing annexation shall apply whether the annexation proceeding originates in Council or by petition of property owners and residents of the territory proposed to be annexed.

(d) Not later than ninety (90) days following its appointment be the Council, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Council. The report shall include the advantages and disadvantages of the proposed annexation both to the City and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee concludes that the proposed annexation is advantageous both to the city and to the territory proposed to be annexed, within thirty (30) days after receiving the report, the Council shall vote on a Resolution proposing annexation to the property owners and residents of both the city and the territory proposed to be annexed. The Resolution must be passed by the affirmative vote of a majority of all the elected members

of the Council, indicating to the property owners and residents of both the city and the territory proposed to be annexed that the city proposes to annex certain territory contiguous to its then limits and territory. In the event that the Committee concludes that the proposed annexation is disadvantageous either to the city or to the territory proposed to be annexed, within (30) days after receiving the report of the Committee, the Council shall vote on a Resolution proposing annexation to the property owners and residents of both the City and the territory property proposed to be annexed. The Resolution must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Council. If the Resolution proposing annexation shall fail to receive the affirmative vote of a majority or two-thirds (2/3), as the case may require, of the elected members of the 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 such Resolution failed to receive the required afffirmative vote. The Resolution proposing annexation shall contain a description of the territory proposed to be annexed, shall describe the zoning proposed for the territory 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 Council setting forth the above information shall be published in a newspaper of general circulation in the City and in the territory proposed to be annexed at least 15 days prior to the date set for the public hearing and shall be posted in four (4) public places both in the City and in the territory proposed to be annexed.

(e) Following the public hearing, but in no event later than thirty (30) days thereafter, a second Resolution shall be considered by Council ordering a Special Election to be held not less than thirty (30) nor more than sixty (60) days after passage of the Resolution on the subject of the proposed annexation. Passage of this second Resolution shall be considered the determination of the Council to proceed with the matter of the proposed annexation. If the Committee recommended annexation then this Resolution must be adopted by a majority of Council. If the committee did not recommend annexation then it must be passed by two-thirds (2/3) of all the members of Council.

(f) The notice of the time and place of said Special Election shall be published within thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper having a general circulation in the City and in the territory proposed to be annexed, shall be posted in four (4) public places, both in the City and in the territory proposed to be annexed, at least fifteen (15) days prior to the date set for the said Special Election.

(g) At the Special Election, the following rules shall govern eligibility to vote:

(i) Each legal entity (whether an individual partnership, corporation, association, trust, or any other entity capable of holding legal title), owning property solcy in its own name, shall be entitled to one vote. Where property is held in a life estate, the holders of the life estate shall be deemed, for purposes of this provision, to be the owners in fee thereof and entitled to vote accordingly.

(ii) Each bona fide domiciliary of the territory shall be entitled to one vote provided they are 18 years of age or older and have resided in the territory for at least 30 days prior to the day of the election.

(iii) These rules shall be construed so as to permit only one-man, one-vote. Where a voter is entitled to vote by virtue of both residence and ownership of property in the territory, that voter shall be entitled to only one vote; where a voter is entitled to vote by virtue of ownership of two or more properties in the territory, that voter shall be entitled to only one vote.

(iv) Any legal entity entitled to vote (other than a natural person) must cast their vote by a duly executed power of attorney.

(v) Any person holding a power of attorney will be accompanied into the voting booth be an election officer to insure that the vote is cast in accordance with the power of attorney. In the event that an individual holds a power of attorney duly executed and acknowledged specifically authorizing the individual to vote at the Special Election, a duly authenticated power of attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election.

(vi) The books and records of the City in the case of property owners in the City and the books and records of the Board of Assessment of New Castle County and Department of Elections in the case of property owners and residents of the territory proposed to be annexed shall be conclusive evidence of the right of such property owners and citizens to vote at the Special Election.

(h) The Council shall cause voting machines to be used in the Special Election. Voters in the Special Election shall cast their votes either for or against the proposed annexation.

(i) The Council shall appoint three (3) persons to act as a Board of Special Election, at least one (1) of whom shall vote as residents or property owners of the City shall be accomplished on at least one different voting machine. The polling place shall be open from twelve o'clock noon, prevailing time, until six o'clock in the afternoon, 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 the closing of the polls. The Council or the Board of Special Election may call upon the Department of Elections for New Castle for such assistance as may be deemed necessary by the Council or the Board may deem advisable.

(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 Certificate to the Council of the City of New Castle. Said Certificate shall be filed with the papers of the Council.

(k) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the City and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for 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 Council 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 New Castle 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 City from the time of recordation. The failure to record the description or 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.

Approved July 8, 1986.

CHAPTER 460

FORMERLY

SENATE BILL NO. 565

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

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

Section 1. Amend Section 2 of Chapter 143, Volume 57, Laws of Delaware, as amended, by striking said Section in its entirety and substituting in lieu thereof a new section to read as follows:

"Section 2. Boundaries

The boundaries of the Town of South Bethany are hereby established and declared to be as follows:

BEGINNING at a point at the low water line of the Atlantic Ocean, at a corner of State lands; thence with the low water line of the Atlantic Ocean in a northerly direction, a distance of approximately 4,100 feet to the line of the Middlesex Development; thence in a west northwest direction with the line of the Middlesex Development to a common corner for Middlesex and South Bethany, and a point on the westerly side of Pine Road; thence by and with the westerly side of Pine Road N 08° 23' 19" E, 271.93 feet to a point, said point being a corner for these lands and lands of South Bethany Recreational Association, Inc., thence leaving the westerly side of Pine Road, and by and with lands of South Bethany Recreational Association, Inc., the following two (2) courses and distances, N. 81° 37' 31" W, 237.39 feet to a point; thence N 08° 20' 11" E, 292.10 feet to a point being a corner of these lands and lands of South Bethany Recreational Association, Inc. and being situate on the south side of Route #361; thence by and with Route #361 S 79° 19' 04" W, 126.53 feet to a point; thence S 84° 14' 46" W 287.50 feet to a point, said point being a corner of these lands and lands of Sea Colony, Inc. thence leaving said Route #361, and by and with lands of Sea Colony, Inc., S 11° 05' 02" W, 526.15 feet to a point, said point being a corner of these lands and lands of Sea Colony, Inc.; thence continuing with lands of Sea Colony, Inc., N 69° 33' 48" W, 642.01 feet to a point, said point being situate on the easterly right-of-way of the Assawoman Canal; thence continuing with same bearing the distance necessary to extend the line to the centerline of the Assawoman Canal; thence southeasterly along the center of the Assawoman Canal to the Jefferson Creek Canal; thence leaving the centerline of the Assawoman Canal and by and with the northerly low water line of Jefferson Creek Canal to a point where said low water line intersects the State lands; thence by and with the State lands, S 60° 45' 00" E, to the point of beginning."

Section 2. Amend Section 13, 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 resident Council member shall receive compensation in the amount of Ten Dollars ($10) and each non-resident Council member shall receive compensation in the amount of Twenty-five Dollars ($25) for each scheduled monthly Council meeting attended by the Council member. Any additional compensation to any Council member 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 Seventy-Five Dollars ($275) per calendar year for any Council member except the Mayor and Treasurer. The Mayor and Treasurer shall receive not more than Three Hundred Seventy-Dollars ($375) per calendar year."

Section 3. Amend Section 25, Chapter 143, Volume 57, Laws of Delaware by deleting said section in its entirety and substituting in lieu thereof a new section to read as follows:

"Section 25. Business Operations

The Town of South Bethany shall have the right and power to purchase, acquire, own, maintain, or lease to or from a third party, within the corporate limits of the Town, real estate for municipal purposes for sites and rights-of-way, for public buildings, and for other municipal and general welfare purposes; and for the location, erection and maintenance thereof of public or other facilities for the purposes aforesaid."

Section 4. Amend Section 30, Chapter 143, Volume 57, Laws of Delaware by numbering the paragraphs thereof as follows:

The first paragraph to be numbered (a), the second paragraph to be numbered (b), the third paragraph to be numbered (c), and the fourth paragraph to be numbered (d), and by adding a new paragraph (e) as follows:

"(e) Real Estate Transfer Tax

(i) The Council shall have the power and authority by ordinance to levy, assess and collect or provide for the levying, assessment and collection of such taxes as shall be determined by the Council to be paid by the transferor or transferee upon the transfer of real property or any interest in real property, situate within the corporate limits of the Town of South Bethany, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer occur; provided, however, that no tax levied under this section shall exceed one percent (1%) of the sales price (including the value of any assumed mortgage or mortgages) or fair market value of the real property so transferred; and provided further that no tax shall be levied upon an organization exempted from ad volorem real estate taxes.

(ii) No ordinance providing for a tax on the transfer of real property or any interest in real property authorized under this section shall become effective unless it receives an affirmative vote of two- thirds of all the elected members of the Council.

(iii) If the taxing power authority granted under this section shall be exercised by way of a stamp affixed to a document presented for recording, the Recorder of Deeds in and for Sussex County shall not receive for record any documents subject to said tax unless such stamps are affixed thereto.

(iv) The council may adopt an ordinance to provide for the effective administration and regulation of any tax adopted pursuant to the provisions of this section."

Approved July 8, 1986.

CHAPTER 461

FORMERLY

SENATE BILL NO. 578

AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, RELATING TO ITEMIZED DEDUCTIONS FOR THE PERSONAL INCOME TAX.

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

Section 1. Amend §1109, Chapter 11, Title 30 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) General. - In determining taxable income under this Chapter, in lieu of the standard deduction provided by §1108 of this Title, a resident individual may elect to deduct the sum of the itemized deductions claimed on his federal income tax return in determining his federal taxable income, or, if he does not itemize deductions or elects the credit for foreign taxes paid on his federal return, he may deduct 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

(1) Reduced by:

(A) The amount thereof representing income taxes imposed by this State;

(B) The amount of any income tax imposed on him for the taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein if he elected to take such amount as a credit in accordance with §1111(a) of this Title; and

(2) Increased by:

(A) An amount equal to the excess of the state employee automobile mileage reimbursement allowance over the standard mileage rate allowed as a charitable deduction for federal income tax purposes for unreimbursed automobile transportation expense incurred by an individual while serving as a volunteer for a charitable organization as defined in §170(c), Internal Revenue Code [26 U.S.C. §170(c)]; and

(B) An amount equal to one-half of the cost of insurance paid by a self-employed taxpayer for health care for himself, spouse and dependents to the extent the taxpayer's payment for health insurance exceeds his medical expenses deductible in computing his federal taxable income. For purposes of this sub-paragraph, 'self-employed taxpayer' shall mean a resident individual who derives more than one-half of his gross income from a trade, business or profession and not derived as an employee. Income in the nature of interest, dividends or other investment income shall not constitute self-employment income. No self-employed taxpayer whose total cost of insurance for health care for himself, spouse and dependents exceeds the gross income from his trade, business or profession shall be entitled to the deduction under this sub-paragraph."

Section 2. Amend §1124, Chapter 11, Title 30 of the Delaware Code by adding at the end of said Section the following:

"A non-resident shall be permitted the deduction provided in §1109(a)(2)(B) of Title 30 only if his gross income from self-employment from sources within Delaware exceeds one-half of his total gross income from all sources both within and without Delaware and only to the extent provided in §1126 of this Title."

Section 3. This Act shall be effective for tax years beginning after December 31, 1986.

Approved July 24, 1986.

CHAPTER 462

FORMERLY

HOUSE BILL NO. 107
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 14, TITLE 24, DELAWARE CODE RELATING TO CERTIFICATION AND REGISTRATION OF ELECTRICAL CONTRACTORS.

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

Section 1. Amend §1429, Chapter 14, Title 24, Delaware Code by adding a new subsection (d) to read as follows:

"(d) If a partnership, firm or corporation suffers a loss of certificate due to death or withdrawal of the certificate holder, and the partnership, firm or corporation continues to operate, and either a person associated with the partnership, firm or corporation obtains a new certificate under the provisions of subsection (c) of this section, or the partnership, firm or corporation has in its employ a person with a certificate, such partnership, firm or corporation shall be entitled to use the certificate number previously used by the partnership, firm or corporation, provided, however, that if the holder of the previous certificate number is alive, no re-assignment of his number shall occur without his written consent."

Approved July 8, 1986.

CHAPTER 463

FORMERLY

HOUSE BILL NO. 124
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2 AND 3

AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO DESECRATION OF A BURIAL PLACE.

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 §1331, Subchapter VII, Chapter 5, Title 11, Delaware Code by deleting the words "or burial" after the word "worship" and before the word "the" as they appear therein.

Section 2. Further amend Subchapter VII, Chapter 5, Title 11, Delaware Code by adding a new section which new section shall read as follows:

"§1340. Desecration of burial place.

A person is guilty of desecration of a burial place if he intentionally defaces, damages, pollutes or otherwise physically mistreats any such burial place. Any person who desecrates a burial place is guilty of a misdemeanor and upon conviction shall be fined not less than $1,000 nor more than $10,000".

Approved July 8, 1986.

CHAPTER 464

FORMERLY

HOUSE BILL NO. 163
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS FOR SCHOOL BUS DRIVER'S LICENSES.

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

Section 1. Amend §2708(a)(4), Chapter 27, Title 21 of the Delaware Code, by striking §2708(4) in its entirety and substituting in lieu thereof the following:

"(4) The applicant shall have completed an 18 hour course of training administered by the State Board of Education. This course of instruction shall include: (i) twelve hours duration of classroom instruction in the areas of school bus accident problems, defensive driving, physical, mental and emotional aspects of school bus driving, State traffic laws and Department of Public Safety rules and regulations, emergency assistance and first aid, school bus care and maintenance and child behavior and discipline, (ii) 2 hours of riding with and observing a school bus driver certified to be a Delaware School Bus Driver Trainer while transporting children on a school bus route, (iii) 2 hours of personal instruction in school bus driving on an empty school bus under the supervision of a Delaware Certified School Bus Driver Trainer and (iiii) 2 hours of actual operation of a school bus on an established school bus route with children aboard under the supervision of a school bus driver certified to be a Delaware School Bus Driver Trainer. The State Board of Education shall be responsible for developing the criteria for becoming a certified Delaware School Bus Driver Trainer as required in (ii), (iii) and (iiii)."

Section 2. Amend §2708(a)(6), Chapter 27, Title 21 of the Delaware Code, by striking said subparagraph in its entirety and by substituting in lieu thereof the following:

"(6) After investigation by the Department, the applicant shall prove to have a satisfactory driving record in accordance with standards set by the Department; provided, however, that at the time of the application, the applicant shall not have more than five points nor shall ever have had his driving privileges suspended in this state or in any other jurisdiction for violations of a motor vehicle code in the last five years."

Section 3. Amend §2708(a), Chapter 27, Title 21 of the Delaware Code, by adding a new subparagraph which shall read as follows:

"(8) The applicant shall never have been convicted of manufacture, delivery or possession, or possession with intent to deliver a controlled substance or a counterfeit controlled substance classified in Schedule I, II, III, IV or V of Chapter 47, Title 16 of the Delaware Code in this State or any other jurisdiction.

(9) The applicant shall never have been convicted of any other felony in this State or any other jurisdiction in the last five years.

(10) The applicant shall never have been convicted of any crime against a child in this State or any other jurisdiction."

Section 4. Sections 1, 2 and 3 of this Act shall apply to all new applicants for a school bus driver's license being licensed for the first time or whose school bus license has been expired over five years and is being reviewed.

Approved July 8, 1986.

CHAPTER 465

FORMERLY

HOUSE BILL NO. 249

AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO DEADLY WEAPONS AND DANGEROUS INSTRUMENTS.

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 Subpart E, Subchapter VII, Chapter 5, Title 11, Delaware Code, by adding the following new Sections:

"§1452. Unlawfully dealing with a knuckles combination knife; class B misdemeanor.

A person is guilty of unlawfully dealing with a knuckles combination knife when he sells, offers for sale or has in his possession a knife, the blade of which is supported by a knuckle ring grip handle.

Unlawfully dealing with a knuckles combination knife is a class B misdemeanor.

"§1453. Unlawfully dealing with a martial arts throwing star; class B misdemeanor.

A person is guilty of unlawfully dealing with a martial arts throwing star when he sells, offers for sale or has in his possession a sharp metal throwing star.

Unlawfully dealing with a martial arts throwing star is a class B misdemeanor."

Approved July 8, 1986.

CHAPTER 466

FORMERLY

HOUSE BILL NO. 368
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 19, TITLE 24 OF THE DELAWARE CODE RELATING TO THE LICENSING OF NURSES.

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

Section 1. Amend Section 1921, Chapter 19, Title 24 of the Delaware Code by designating the entirety of the existing section as subsection (a), and adding a new subsection (b) thereto as follows:

"(b) Persons involved in the rendering of electrolysis treatments shall be eligible for licensing under this Chapter regardless of whether the applicant is in compliance with subsection (6) of Section 1910 of this Chapter, or subsection (6) of Section 1914 of this Chapter, so long as such applicants are in compliance with subsections (1) through (5) of either Section 1910 or 1914."

Section 2. Amend §1918, Chapter 19, Title 24, Delaware Code by adding a new Subsection (g) thereto which shall read as follows:

"(g) Every registered or licensed practical nurse licensed under this Chapter primarily engaged in the practice of electrolysis shall be exempt from the requirement in Subsection 1918(a) that states in the event the applicant has not been actively employed in professional practical nursing in the past five years, the applicant will be required to give evidence of satisfactory completion of a professional or practical training refresher program within a one year period prior to renewal before licensure by renewal will be granted."

Approved July 8, 1986.

CHAPTER 467

FORMERLY

HOUSE BILL NO. 382
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 27, TITLE 25 OF THE DELAWARE CODE RELATING TO MECHANICS' LIENS.

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

Section 1. Amend Chapter 27, Title 25 of the Delaware Code by adding a new §2708 to read as follows:

"§2708. Fringe Benefits

A mechanics' lien may be used to secure payment of any unpaid amounts due under contract from the contractor arising from a subcontractor's labor including payment of fringe benefit items. As used in this Section, the phrase 'fringe benefit items' shall have the same meaning as the phrase 'benefits or wage supplements' defined in §1109(b),Title 19, Delaware Code."

Approved July 8, 1986.

CHAPTER 468

FORMERLY

HOUSE BILL NO. 402

AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO FLASHING LIGHTS ON VEHICLES.

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

Section 1. Amend §4353, Chapter 43, Title 21 of the Delaware Code by striking subsection (c) in its entirety and inserting a new subsection (c) which shall read as follows:

"(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment, vehicles authorized by the Department if determined to be in the interest of public safety, or on any vehicle as a means of indicating a right or left turn or the presence of a vehicular hazard requiring unusual care in approaching, overtaking or passing."

Approved July 8, 1986.

CHAPTER 469

FORMERLY

HOUSE BILL NO. 454

AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO MEDICAL SUPPLIES AS FURNISHED BY THE EMPLOYER.

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

Section 1. Amend §2322(a), Title 19 of the Delaware Code by adding the words "and providing hearing aids" before the word ",as" and after the word "glasses" as they appear therein.

Approved July 8, 1986.

CHAPTER 470

FORMERLY

HOUSE BILL NO. 463

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, 1986; SPECIFYING CERTAIN PROCEDURES CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS." BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

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

Section 1. Amend Section 221 of House Bill No. 350 of the 133rd General Assembly, being an Act entitled "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions." by adding the following at the end of said Section:

"The funds appropriated by this Section shall be a continuing appropriation. Any funds remaining in the State Board of Education Account Number (95-01-006-01-97) or local school district accounts (95-XX-000-01-85) on June 30, 1986, shall not be subject to reversion until June 30, 1987."

Approved July 8, 1986.

CHAPTER 471

FORMERLY

HOUSE BILL NO. 504
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SECTIONS 1742 AND 1748, TITLE 15, DELAWARE CODE RELATING TO VOTER REGISTRATION OF A PERSON CHANGING HIS OR HER NAME OR ADDRESS.

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

Section 1. Amend §1748, Chapter 17, Title 15, Delaware Code by striking the first sentence of §1748 in its entirety and substituting in lieu thereof the following:

"Any registered voter who changes his or her name by marriage or otherwise, shall be required to change their registration to their new name and authorize the transfer of the previous registration, information, including their voting record, to the new name."

Section 2. Amend §1742, Chapter 17, Title 15, Delaware Code by striking the first sentence of §1742(a) in its entirety and substituting in lieu thereof the following:

"(a) If any person, having been previously registered in any election district in this State, shall by his or her removal therefrom have attained a legal residence, as required by the Constitution of this State, in any other county of this State, such person must register as a qualified voter in such other county and authorize the transfer of the previous registration information, including their voting record, to the new address."

Section 3. Amend §1742(b), Chapter 17, Title 15, Delaware Code by striking the words "without delay" as they appear therein and substitute in lieu thereof the words "within 3 business days".

Approved July 8, 1986.

CHAPTER 472

FORMERLY

HOUSE BILL NO. 523

AN ACT TO AMEND CHAPTER 1, TITLE 13, DELAWARE CODE RELATING TO MARRIAGE.

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

Section 1. Amend §101, Chapter 1, Title 13, Delaware Code by striking §101(a) in its entirety and substituting in lieu thereof the following:

"(a) A marriage is prohibited and void between a person and his or her ancestor, descendant, brother, sister, uncle, aunt, niece, nephew or first cousin."

Approved July 8, 1986.

CHAPTER 473

FORMERLY

HOUSE BILL NO. 530
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 12, TITLE 14 OF THE DELAWARE CODE RELATING TO TEACHER CERTIFICATION.

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

Section 1. Amend Chapter 12, Title 14 of the Delaware Code by adding a new Subchapter III to read as follows:

"Subchapter III. Special Institute For Teacher Certification.

§1250. Special Institute.

A special institute to be run by one or more of Delaware's Teacher Training Institutions shall be established to provide a program for college graduates without Initial Standard Certificates to become certified to teach in Delaware public schools. The program shall be designed for such graduates, who hold a Bachelor's Degree, but who have no teacher training or previous teaching experience. The State Board of Education shall make rules and regulations relative to the Special Institute for Teacher Certification and the Teacher Training Institution(s) will set up and manage the program. There will be no tuition charged to persons participating in the Special Institute leading to initial certification.

§1251. Standards for Admission to Special Institute.

Any individual seeking certification under this Subchapter shall meet the following minimum requirements:

(1) Must have received a Bachelor's Degree, other than in Education, from a regionally accredited four-year program. The major field of study must be in a content area judged to be appropriate for Delaware's needs.

(2) Must have a grade point index in the major field of the Bachelor's degree which is two-tenths (2/10) of a point higher than the grade point index required for students entering regular teacher education programs at the Teacher Education Institution(s).

(3) Must meet the State Standards on the Pre-Professional Skills Tests.

(4) After earning the Initial Standard Certificate, must agree to teach for at least one year in a Delaware public school within two years. For failure to meet this requirement, the individual shall agree to pay back a sum equivalent to the tuition which would have been paid for the coursework leading to certification.

§1252. Format of Special Institute Program.

The general format for the Special Institute shall include the following:

(1) For the individual seeking certification in a secondary content area which corresponds to the major field of study in the Bachelor's program, it is intended that one summer of courses in the Special Institute; one-half year (one semester) of student teaching, or one year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the Initial Standard Certificate. A Provisional or Limited Standard Certificate, whichever is applicable, shall be issued to the person employed to complete the one year of full-time teaching experience in lieu of student teaching.

(2) For individuals seeking certification in Elementary or Special Education, it is intended that two summers of courses in the Special Institute (immediately before and after a student teaching experience or one year full-time teaching experience); one half year of student teaching or one year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of

study leading to the Initial Standard Certificate. A Provisional Certificate shall be issued to the person employed to complete the one year of full- time teaching experience in lieu of student teaching.

Section 2. In the event that there is no appropriation for the implementation or continuing 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.

Approved July 8, 1986.

CHAPTER 474

FORMERLY

HOUSE BILL NO. 541
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO PLAN REVIEW FEES.

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 §6607, Chapter 66, Title 16, Delaware Code, by redesignating paragraph (g) as paragraph (h) and adding a new paragraph (g) to read as follows:

"(g)(1) The State Fire Marshal, or his designee(s) shall review all plans and specifications, with the exception of those political sub-divisions having exclusive jurisdiction under §6606(c) for conformance to the requirements of §6607(a) and (c) of this Section, prior to actual construction for:

(a) all new buildings and additions; for any building undergoing a change in occupancy; or any part of a building suffering damage from fire, explosion, or any other cause; with the exception of buildings used wholly as dwelling houses containing no more than two families and buildings used wholly for farming purposes.

(b) alarm systems, fire protection systems, flammable and combustible liquid or gas installation or other miscellaneous installations falling under the provisions of the State Fire Prevention Rules and Regulations.

(c) subdivision plans.

(2) The State Fire Marshal is authorized to establish a schedule of plan review fees to be paid by the submitter of the plans reviewed under the provisions of §6607(g)(1).

(3) The plan review fees shall be based on actual costs with the initial payment being based on the estimated cost of construction of the building, additions, renovation, alarm system, fire protection systems, or flammable or combustible liquid or gas installations or other miscellaneous installations required to be approved and shall not exceed the following schedule:

(a) 3/10 of 1% up to the first $1,000,000 of cost,

(b) 1/10 of 1% over $1,000,000 of cost.

(c) The Fire Marshal must provide a schedule of reduced fees for low life hazard occupancies such as warehouses.

(4) Subdivision plan review fees shall not exceed:

(a) $25 for each minor subdivision plan,

(b) $75 for each major subdivision plan.

(5) It is expressly provided that said fees collected by the State Fire Marshal shall not affect the State appropriation or be deducted therefrom, but shall be so much additional monies available for carrying out the provisions of this subsection, and the said fees shall be paid to the State Treasurer for accounting and deposited in a special fund in the State Treasury.

(6) At the conclusion of two years of operation, the plan review program established by this legislation shall be reviewed. If the program is generating sufficient funding to sustain itself, the program shall be transferred to the General Fund and all revenues generated by this legislation deposited into the General Fund."

Approved July 8, 1986.

CHAPTER 475

FORMERLY

HOUSE BILL NO. 557
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND §203, CHAPTER 2, TITLE 29 OF THE DELAWARE CODE RELATING TO THE PENALTIES IMPOSED AGAINST DESTRUCTION, MOVING, REMOVING, DAMAGING OR OTHERWISE INJURING STATE BOUNDARY MARKERS AND THE PENALTY FOR FAILING TO SURRENDER AND DELIVER A STATE BOUNDARY MARKER.

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

Section 1. Amend Subsection (a), §203, Chapter 2, Title 29 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

(a) Whoever moves, removes, breaks, mutilates, defaces, destroys or otherwise injures any monument marking any boundary between this State and any adjacent state or commonwealth shall be guilty of a class B misdemeanor."

Section 2. Amend Subsection (c), Section 203, Chapter 2, Title 29 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(c) Whoever fails on demand to surrender and deliver the monument as required by Subsection (b) of this Section shall be guilty of a class B misdeameanor."

Approved July 8, 1986.

CHAPTER 476

FORMERLY

HOUSE BILL NO. 558
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 3 AND 25, TITLE 30 OF THE DELAWARE CODE, RELATING TO BONDING AND LICENSING REQUIREMENTS OF CONTRACTORS.

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 §375, Chapter 3, Title 30 of the Delaware Code by striking subsection (a)(1) of said section in its entirety and by substituting in lieu thereof a new subsection (a)(1) to read as follows:

"(1) The amount of the surety bond to be required of any non-resident contractor or subcontractor required to be licensed under Chapter 25 of this Title shall be as follows: 6% of the contract or subcontract price on all contracts of $20,000 or more, or 6% of contractor's or subcontractor's estimated cost-and-profit under a cost-plus contract of $20,000 or more. When the aggregate of 2 or more contracts in 1 calendar year is $20,000 or more, the amount of the bond or bonds shall be 6% of the aggregate amount of such contracts. The Division of Revenue may by regulation prescribe cash bonds in lieu of the foregoing where the aggregate amount of the contracts do not exceed $100,000 and shall deposit such cash bonds in a special fund of the State to be established for this purpose."

Section 2. Amend §375, Chapter 3, Title 30 of the Delaware Code by striking subsection (a)(2) of said section in its entirety and by substituting in lieu thereof a new subsection (a) (2) as follows:

"(2) The surety bond shall be filed before construction is begun in this State by the non resident contractor or subcontractor on any contract the price of which is $20,000 or more, or the estimated cost and-profit of which is $20,000 or more, and before construction is begun in this State by such non-resident contractor or subcontractor on any contract for less than $20,000 when the amount of the contract when aggregated with any other contracts on which construction was begun by such non resident contractor or subcontractor in the same calendar year equals or exceeds $20,000."

Section 3. Amend §375, Chapter 3, Title 30 of the Delaware Code by striking subsection (c) of said section in its entirety and by substituting in lieu thereof a new subsection (c) to read as follows:

"(c) In the case of any person or firm failing or refusing to comply with the provisions of this section, there shall be assessed by the Secretary of Finance a civil penalty of not more than $10,000 for each such occurrence."

Section 4. Amend §375, Chapter 3, Title 30, of the Delaware Code by striking existing subsection (d) of said section in its entirety and by substituting in lieu thereof a new subsection (d) to read as follows:

"(d) Any person or firm who wilfully or knowingly fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor and shall upon conviction be punishable by a fine not to exceed $3,000, or imprisonment not to exceed 6 months, or both."

Section 5. Amend §375, Chapter 3, Title 30 of the Delaware Code by adding thereto two new subsections to follow immediately after subsection (d) and to be known as subsections (e) and (f) respectively, to read as follows:

"(e) The definition of the terms 'non resident contractor' or 'subcontractor' as used in paragraphs (1) and (2) of subsection (a) of this §375 is the same as defined at 30 Del. C. §2501.

(f) As to each specific construction project in this State, upon the request of the non resident engaged as a contractor or subcontractor within the meaning of subsection (e) of this Section who establishes to the satisfaction of the Department that such non resident is in compliance with all the provisions of this Section applicable to such non resident, the Department shall issue to such non resident a certificate of compliance on a form prescribed by the Department."

Section 6. Amend §2501, Chapter 25, Title 30 of the Delaware Code, by inserting after the definition of "contractor" three new definitions for the terms "subcontractor," "resident contractor," and "non resident contractor", numbered as paragraphs (2), (3), and (4) respectively, to read as follows:

"(2) 'Subcontractor' means any person, partnership, firm, corporation or other business association or entity which enters into a contract (oral or written) directly with a prime contractor or directly with another subcontractor, to perform labor or to perform labor and provide materials

in connection with such labor, on a site of contract construction located in this State.

(3) 'Resident contractor' or 'resident subcontractor' includes any general contractor, prime contractor, subcontractor or other type of construction contractor whose principal place of business and main office is regularly maintained in this State. If any such contractor entity is comprised of more than one entity in a partnership, joint venture, or some other legal relationship establishing such contractor entity, the contractor entity shall itself be treated as a separate entity which must comply with the provisions of §375 of this Title to the extent they are otherwise applicable. If at least one of the constituent entities making up the contractor entity maintains his or its principal place of business and main office in this State, such contractor entity shall be construed to be a 'resident' or 'resident person' or 'resident contractor' of this State. If none of such constituent entities maintains his or its principal place of business and main office regularly in this State, such contractor entity shall be construed to be a 'non-resident person desiring to engage in business in this State as a contractor', a 'non-resident' and a 'non-resident person.' If any contractor is not comprised of more than one constituent entity in a partnership or joint venture or some other legal relationship establishing such contractor, and if such contractor shall regularly maintain his or its principal place of business and main office in this State, such contractor shall be construed to be a 'resident contractor'.

(4) 'Non-resident contractor' or 'non-resident subcontractor' is a general contractor, prime contractor, subcontractor or other type of construction contractor who is not a resident contractor; or one who does not regularly maintain a principal place of business and main office in this State."

Section 7. Amend §2501, Chapter 25, Title 30 of the Delaware Code by renumbering paragraph (2) and (3) as (5) and (6) respectively.

Section 8. Amend §2502, Chapter 25, Title 30 of the Delaware Code by deleting the word "resident" as it appears in the first sentence of subsection (a) of said section.

Section 9. Amend §2502, Chapter 25, Title 30 of the Delaware Code, by striking subsection (b) in its entirety and substitute in lieu thereof a new subsection (b) as follows:

"(b) The Division of Revenue shall not issue any license to any person until and unless such person, (i) is in compliance with all the provisions of §375 of this Title applicable to such person (ii) has filed a certificate of notice issued by the Delaware Department of Labor certifying that such person has notified the Department of Labor that such person has entered into or will be entering into contracts to perform labor on or to perform labor on and furnish material for a construction project located in Delaware, and (iii) has filed a certificate of insurance showing that he has insured his liability in the amount and manner, and when due, and as required, under the provisions of the workmen's compensation laws of this State, or a certificate on a form prescribed by the Industrial Accident Board of this State that he has been declared to be a qualified self-insurer by the Industrial Accident Board of this State pursuant to the provisions of the workmen's compensation laws of this State."

Section 10. Amend §2502, Chapter 25, Title 30 of the Delaware Code, by striking the words "and (b)" as they appear together in subsection (c) of said section.

Section 11. Amend §2503, Chapter 25, Title 30 of the Delaware Code, by striking §2503 in its entirety and by substituting in lieu thereof a new §2503 to read as follows:

"§2503. Duties of Architects, Professional Engineers, Contractors, and Construction Managers as to Non-Resident Contractor Licenses.

(a) Every architect or professional engineer or contractor or construction manager engaging in the practice of such profession shall furnish the Department of Finance within 10 days after entering into any contract with a contractor or subcontractor not a resident of this State, a statement of the total value of such contract or contracts together with the names and addresses of the contracting parties.

(b) In the case of any person or firm failing or refusing to comply with the provisions of this Section, there shall be assessed by the Secretary of Finance a civil penalty of not more than $10,000 for each occurrence.

(c) Any person or firm who wilfully or knowingly fails or refuses to comply with the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than $3,000, or imprisoned not more than 6 months, or both."

Section 12. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

CHAPTER 476

FORMERLY

HOUSE BILL NO. 558
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 3 AND 25, TITLE 30 OF THE DELAWARE CODE, RELATING TO BONDING AND LICENSING REQUIREMENTS OF CONTRACTORS.

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 §375, Chapter 3, Title 30 of the Delaware Code by striking subsection (a)(1) of said section in its entirety and by substituting in lieu thereof a new subsection (a)(1) to read as follows:

"(1) The amount of the surety bond to be required of any non-resident contractor or subcontractor required to be licensed under Chapter 25 of this Title shall be as follows: 6% of the contract or subcontract price on all contracts of $20,000 or more, or 6% of contractor's or subcontractor's estimated cost-and-profit under a cost-plus contract of $20,000 or more. When the aggregate of 2 or more contracts in 1 calendar year is $20,000 or more, the amount of the bond or bonds shall be 6% of the aggregate amount of such contracts. The Division of Revenue may by regulation prescribe cash bonds in lieu of the foregoing where the aggregate amount of the contracts do not exceed $100,000 and shall deposit such cash bonds in a special fund of the State to be established for this purpose."

Section 2. Amend §375, Chapter 3, Title 30 of the Delaware Code by striking subsection (a)(2) of said section in its entirety and by substituting in lieu thereof a new subsection (a) (2) as follows:

"(2) The surety bond shall be filed before construction is begun in this State by the non-resident contractor or subcontractor on any contract the price of which is $20,000 or more, or the estimated cost and-profit of which is $20,000 or more, and before construction is begun in this State by such non resident contractor or subcontractor on any contract for less than $20,000 when the amount of the contract when aggregated with any other contracts on which construction was begun by such non resident contractor or subcontractor in the same calendar year equals or exceeds $20,000."

Section 3. Amend §375, Chapter 3, Title 30 of the Delaware Code by striking subsection (c) of said section in its entirety and by substituting in lieu thereof a new subsection (c) to read as follows:

"(c) In the case of any person or firm failing or refusing to comply with the provisions of this section, there shall be assessed by the Secretary of Finance a civil penalty of not more than $10,000 for each such occurrence."

Section 4. Amend §375, Chapter 3, Title 30, of the Delaware Code by striking existing subsection (d) of said section in its entirety and by substituting in lieu thereof a new subsection (d) to read as follows:

"(d) Any person or firm who wilfully or knowingly fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor and shall upon conviction be punishable by a fine not to exceed $3,000, or imprisonment not to exceed 6 months, or both."

Section 5. Amend §375, Chapter 3, Title 30 of the Delaware Code by adding thereto two new subsections to follow immediately after subsection (d) and to be known as subsections (e) and (f) respectively, to read as follows:

"(e) The definition of the terms 'non resident contractor' or 'subcontractor' as used in paragraphs (1) and (2) of subsection (a) of this §375 is the same as defined at 30 Del. C. §2501.

(f) As to each specific construction project in this State, upon the request of the non-resident engaged as a contractor or subcontractor within the meaning of subsection (c) of this Section who establishes to the satisfaction of the Department that such non resident is in compliance with all the provisions of this Section applicable to such non resident, the Department shall issue to such non resident a certificate of compliance on a form prescribed by the Department."

Section 6. Amend §2501, Chapter 25, Title 30 of the Delaware Code, by inserting after the definition of "contractor" three new definitions for the terms "subcontractor," "resident contractor," and "non resident contractor", numbered as paragraphs (2), (3), and (4) respectively, to read as follows:

"(2) 'Subcontractor' means any person, partnership, firm, corporation or other business association or entity which enters into a contract (oral or written) directly with a prime contractor or directly with another subcontractor, to perform labor or to perform labor and provide materials

in connection with such labor, on a site of contract construction located in this State.

(3) 'Resident contractor' or 'resident subcontractor' includes any general contractor, prime contractor, subcontractor or other type of construction contractor whose principal place of business and main office is regularly maintained in this State. If any such contractor entity is comprised of more than one entity in a partnership, joint venture, or some other legal relationship establishing such contractor entity, the contractor entity shall itself be treated as a separate entity which must comply with the provisions of §375 of this Title to the extent they are otherwise applicable. If at least one of the constituent entities making up the contractor entity maintains his or its principal place of business and main office in this State, such contractor entity shall be construed to be a 'resident' or 'resident person' or 'resident contractor' of this State. If none of such constituent entities maintains his or its principal place of business and main office regularly in this State, such contractor entity shall be construed to be a 'non-resident person desiring to engage in business in this State as a contractor', a 'non-resident' and a 'non-resident person.' If any contractor is not comprised of more than one constituent entity in a partnership or joint venture or some other legal relationship establishing such contractor, and if such contractor shall regularly maintain his or its principal place of business and main office in this State, such contractor shall be construed to be a 'resident contractor'.

(4) 'Non-resident contractor' or 'non-resident subcontractor' is a general contractor, prime contractor, subcontractor or other type of construction contractor who is not a resident contractor; or one who does not regularly maintain a principal place of business and main office in this State."

Section 7. Amend §2501, Chapter 25, Title 30 of the Delaware Code by renumbering paragraph (2) and (3) as (5) and (6) respectively.

Section 8. Amend §2502, Chapter 25, Title 30 of the Delaware Code by deleting the word "resident" as it appears in the first sentence of subsection (a) of said section.

Section 9. Amend §2502, Chapter 25, Title 30 of the Delaware Code, by striking subsection (b) in its entirety and substitute in lieu thereof a new subsection (b) as follows:

"(b) The Division of Revenue shall not issue any license to any person until and unless such person, (i) is in compliance with all the provisions of §375 of this Title applicable to such person (ii) has filed a certificate of notice issued by the Delaware Department of Labor certifying that such person has notified the Department of Labor that such person has entered into or will be entering into contracts to perform labor on or to perform labor on and furnish material for a construction project located in Delaware, and (iii) has filed a certificate of insurance showing that he has insured his liability in the amount and manner, and when due, and as required, under the provisions of the workmen's compensation laws of this State, or a certificate on a form prescribed by the Industrial Accident Board of this State that he has been declared to be a qualified self-insurer by the Industrial Accident Board of this State pursuant to the provisions of the workmen's compensation laws of this State."

Section 10. Amend §2502, Chapter 25, Title 30 of the Delaware Code, by striking the words "and (b)" as they appear together in subsection (c) of said section.

Section 11. Amend §2503, Chapter 25, Title 30 of the Delaware Code, by striking §2503 in its entirety and by substituting in lieu thereof a new §2503 to read as follows:

"§2503. Duties of Architects, Professional Engineers, Contractors, and Construction Managers as to Non-Resident Contractor Licenses.

(a) Every architect or professional engineer or contractor or construction manager engaging in the practice of such profession shall furnish the Department of Finance within 10 days after entering into any contract with a contractor or subcontractor not a resident of this State, a statement of the total value of such contract or contracts together with the names and addresses of the contracting parties.

(b) In the case of any person or firm failing or refusing to comply with the provisions of this Section, there shall be assessed by the Secretary of Finance a civil penalty of not more than $10,000 for each occurrence.

(c) Any person or firm who wilfully or knowingly fails or refuses to comply with the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than $3,000, or imprisoned not more than 6 months, or both."

Section 12. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 13. This Act shall be effective for all contracts executed or first effective on or after January 1, 1987.

Approved July 8, 1986.

CHAPTER 477

FORMERLY

HOUSE BILL NO. 597
AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2, 3, 4 AND 5 AND
SENATE AMENDMENTS NOS. 1, 2 AND 3

AN ACT TO AMEND TITLE 19, DELAWARE CODE BY ADDING A NEW CHAPTER THERETO RELATING TO POLICE OFFICERS AND FIREFIGHTERS EMPLOYMENT RELATIONS.

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

Section 1. Amend Title 19, Delaware Code by adding a new Chapter 16 thereto which shall be known as the "Police Officers and Firefighters Employment Relations Act" and shall read as follows:

"CHAPTER 16. POLICE OFFICERS AND FIREFIGHTERS
EMPLOYMENT RELATIONS ACT

§1601. Statement of policy.

It is the declared policy of the State and the purpose of this Chapter to promote harmonious and cooperative relationships between public employers and their employees, employed as police officers and firefighters, and to protect the public by assuring the orderly and uninterrupted operations and functions of public safety services. These policies are best effectuated by:

(1) Granting to police officers and firefighters the right of organization and representation;

(2) Obligating public employers and organizations of police officers and firefighters which have been certified as representing their 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

(3) Empowering the Public Employment Relations Board to assist in resolving disputes between police officers or firefighters and their public employers and to administer this Chapter.

§1602. Definitions.

(a) 'Appropriate bargaining unit' or 'bargaining unit' means a group of police officers or firefighters designated by the Public Employment Relations Board as appropriate for representation by an employee organization for purposes of collective bargaining.

(b) 'Board' means the Public Employment Relations Board established by 14 Del. C. §4006 and made applicable to this Chapter by 19 Del. C., §1301(2)(d).

(c) '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.

(d) 'Collective bargaining' means the performance of the mutual obligation of a public 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.

(e) '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.

(f) 'Employee organization' means any organization which admits to membership police officers or firefighters employed by a public 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.,

(g) '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.

(h) '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.

(i) 'Impasse' means the failure of a public employer and the exclusive bargaining representative to reach agreement in the course of collective bargaining.

(j) 'Mediation' means an effort by an impartial third party confidentially to assist in reconciling an impasse between the public employer and the exclusive bargaining representative regarding terms and conditions of employment.

(k) 'Public employee' or 'employee' means any police officer or firefighter employed by a public employer except those determined by the Board to be inappropriate for inclusion in the bargaining unit; provided, however, that for the purposes of this Chapter, this term shall not include any state employee covered under the state Merit System.

(l) 'Public employer' or 'employer' means the state or political subdivisions of the state or any agency thereof, any county, or any agency thereof, or any municipal corporation or municipality, city or town located within the state or any agency thereof, which, upon the affirmative legislative act of its common council or other governing body has elected to come within Title 19, Delaware Code, Chapter 13, or which hereafter, elects to come within Chapter 16 of this Title.

(m) 'Strike' means a public 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 employer for the purpose of inducing, influencing or coercing a change in the conditions, compensation rights, privileges or obligations of public employment; however, nothing shall limit or impair the right of any public employee to lawfully express or communicate a complaint or opinion on any matter related to terms and conditions of employment.

(n) '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 Chapter or any other law of the State to be within the exclusive prerogative of the public employer.

§1603 Employee rights.

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 Chapter or any other law of the State.

(4) Be represented by their exclusive representative, if any, without discrimination.

§1604. Employee organization as exclusive representative.

(a) 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 employer shall not bargain in regard to matters covered by this Chapter with any employee, group of employees or other employee organization.

(b) Nothing contained in this Section shall prevent employees individually, or as a group, from presenting complaints to a public 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 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.

(c) Any employee organization which has been certified as an exclusive representative

shall have the right to have its dues deducted and collected by the employer from the salaries of those 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 employer is expressly prohibited from any involvement in the collection of fines, penalties or special assessments levied on members by the exclusive representative.

§1605. Employer rights.

A public 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 employer, its standards of services, overall budget, utilization of technology, the organizational structure and the staffing levels, selection and direction of personnel.

§1606. Public Employment Relations Board.

The Board, established by 14 Del. Code, §4006, known as the 'Public Employment Relations Board,' shall be empowered to administer this Chapter under rules and regulations which it shall adopt and publish.

§1607. Unfair labor practices - Enumerated.

(a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

(1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this Chapter.

(2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization.

(3) Encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure or other terms and conditions of employment.

(4) Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint, or has given information or testimony under this Chapter.

(5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.

(6) Refuse or fail to comply with any provision of this Chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this Chapter.

(7) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and sign the resulting contract.

(8) Refuse to disclose any public record as defined by Chapter 100 of Title 29.

(b) It is an unfair labor practice for a public employee or for an employee organization or its designated representative to do any of the following:

(1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this Chapter.

(2) Refuse to bargain collectively in good faith with the public employer or its designated representative if the employee organization is an exclusive representative.

(3) Refuse or fail to comply with any provision of this Chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this Chapter.

(4) Refuse to reduce an agreement reached as a result of collective bargaining to writing and sign the resulting contract.

(5) Distribute organizational literature or otherwise solicit public employees during working hours in areas where the actual work of public employees is being performed in such a way as to hinder or interfere with the operation of the public employer. This

paragraph shall not be construed to prohibit the distribution of literature during the employee's designated meal period or in such areas not specifically devoted to the performance of the employee's official duties.

(6) Hinder or prevent (by threats, intimidation, force or coercion of any kind) the pursuit of any lawful work or employment by any person, or unreasonably interfere with the entrance to or egress from any place of employment.

§1608. Same - Disposition of complaints.

(a) The Public Employment Relations Board is empowered and directed to prevent any unfair labor practice described in §1607(a) and (b) of this Title and to issue appropriate remedial orders. Whenever it is charged that anyone has engaged or is engaging in any unfair practice described in §1607(a) and (b) of this Title, 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.

(b) 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 Chapter, such as payment of damages and/or the reinstatement of employee; provided, however, that the Board shall not issue:

(i) any order providing for binding interest arbitration on any or all issues arising in collective bargaining between the parties involved; or

(ii) any order, the effect of which is to compel concessions on any items arising in collective bargaining between the parties involved.

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 the conclusions of law and issues and dismiss the complaint.

(c) 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, subject to the limitations of Subsection (b) of this Section.

§1609. Same - Appeals; petitions for enforcement.

(a) Any person adversely affected by a decision of the Board under §1608 of this Title may appeal that decision to the Chancery Court of this State. Such an appeal must be filed within 15 days of the date upon which the decision was rendered and shall not automatically act as a stay.

(b) The Board may petition the Chancery Court of this State for enforcement of any order issued under §1608 of this Title.

§1610. Bargaining unit determination.

(a) 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 30 percent of the public employees in the unit claimed to be appropriate, indicating a desire to be represented for the purpose of bargaining collectively with the public employer.

(b) 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.

(c) 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.

(d) 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 overfragmentation of bargaining units on the efficient administration of government; and such other factors as the Board may deem appropriate.

(e) Procedures for redefining or modifying a unit shall be set forth in the rules and procedures established by the Board.

(f) Any bargaining unit designated as appropriate prior to the effective date of this Chapter, for which an exclusive representative has been certified, shall so continue without the requirement of a review and possible redesignation until such time as a question concerning appropriateness is properly raised under this Chapter. The appropriateness of the unit may be challenged by the public employer, 30 percent of the members of the unit, an employee organization, or the Board not more than 180 days nor less than 120 days prior to the expiration of any collective bargaining agreement in effect on the date of the passage of this Chapter.

The continued appropriateness of any bargaining unit designated as appropriate prior to the effective date of this Chapter, for which an exclusive representative is not certified, may be challenged by the public employer, 30 percent of the members of the unit, an employee organization or the Board at any time up until 30 days prior to the holding of an election to determine representation.

§1611. Determination and certification of exclusive representative.

(a) 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 30 percent of the employees 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 §1610(a) of this Title, such that the signatures submitted at that time represent at least 30 percent 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 signatures with uncoerced signatures of other employees within the designated appropriate bargaining unit, such that the signatures submitted represent at least 30 percent of the employees within the designated appropriate bargaining unit. No signature shall be considered valid if it was signed more than 12 months prior to the date on which the petition is filed.

(b) 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 30 percent 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 years' duration is in effect, no petition shall be entertained unless filed not more than 180 days nor less than 120 days prior to the expiration of such agreement. A decertification petition also may be filed if more than one year has elapsed from the date of certification of an exclusive bargaining representative and no collective bargaining agreement has been executed.

(c) 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 10 percent representation of the public employees within the designated appropriate bargaining unit, in accordance with rules and procedures adopted by the Board, and a choice that the public employee does not desire to be represented by any of the named employee organization(s).

(d) 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 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 choices on the original ballot that received the largest number of votes.

(e) No election shall be held pursuant to this Section within 12 months from the date of a preceding valid election.

§1612. Employee organizations required to register and submit annual reports.

Every employee organization which has or seeks recognition as a representative of public employees under this Chapter, 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 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.

§1613. Collective bargaining agreements.

(a) Collective bargaining shall commence at least 90 days prior to the expiration date of any current collective bargaining agreement or, in the case of a newly certified exclusive representative, within a reasonable time after certification.

(b) Negotiating sessions, including strategy meetings of public employers, mediation and the deliberative process of fact-finders shall be exempt from Chapter 100 of Title 29. Hearings conducted by fact-finders shall be open to the public.

(c) The public 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 employer and the exclusive bargaining representative.

(d) Any contract or agreement reached between a public employer and any exclusive representative shall be for a minimum period of two years from the effective date of such contract or agreement, unless otherwise mutually agreed upon by the public employer and the exclusive representative.

(e) No collective bargaining agreement shall be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending or budget, or would otherwise be contrary to law.

(f) Public employers shall file with the Board a copy of any agreements that have been negotiated with employee representatives following the consummation of negotiations. The Board shall maintain a current file of all such agreements.

§1614. Mediation.

(a) 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 60 days prior to the expiration date of an existing collective bargaining agreement, or, in the case of a newly certified exclusive representative, within 60 days after negotiations have commenced, both parties shall immediately notify the Board of the status of negotiations.

(b) If the parties have not voluntarily agreed to enlist the services of a mediator and less than 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 90 days have elapsed since negotiations began, the Board must appoint a mediator if so requested by the public employer or the exclusive bargaining representative. The mediator shall be chosen from a list of qualified persons maintained by the Board, or upon agreement of the parties, from the Federal Mediation and Conciliation Service, and shall be representative of the public.

(c) 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 employer and the exclusive bargaining representative may initiate fact finding at any time, by mutual agreement.

(d) Any costs involved in retaining a mediator to assist the parties in reaching a negotiated agreement shall be paid by the Board.

§1615. Fact finding.

(a) Within seven 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.

(b) If the Board initiates fact-finding, the public employer and the exclusive bargaining representative may, by mutual agreement, select their own fact-finder.

(c) Where the parties have not selected their own fact-finder within seven working days after the fact-finding has been initiated, the Board shall submit to the parties a list of five qualified, disinterested persons. Only those persons who possess the qualifications contained in 14 Del. C. §4006(d) will be considered minimally qualified and disinterested. Each party shall alternatively strike two names from the list. The order of striking shall be determined by lot. The remaining individual shall be designated the fact-finder.

(d) When the parties have not designated the fact-finder and notified the Board of their choice within five 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.

(e) 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.

(f) The fact-finder shall make written findings of facts and recommendations for the resolution of the dispute; provided, however, that the recommendation shall be limited to a determination of which of the parties' last, best, and final offers shall be accepted in its entirety.

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:

(1) The interests and welfare of the public.

(2) 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.

(3) 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.

(4) Increases in the average weekly wages earned in the private sector within the State as computed by the Department of Labor.

(5) Stipulations of the parties.

(6) The lawful authority of the public employer.

(7) The financial ability of the public employer based on existing revenues, to meet the costs of any proposed settlements; provided, that, any enhancement to such financial ability derived from savings experienced by such public employer as a result of a strike shall not be considered by the fact-finder.

(8) 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.

(g) Within 30 days after the conclusion of the hearings but not later than 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 employer, the certified exclusive representative and the Board.

(h) Not more than five 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 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.

(i) If the dispute continues, the Board shall forthwith publicize the fact-finder's findings of fact and recommendations along with position statements by the accepting and rejecting parties.

(j) The cost of fact-finding shall be borne equally by the parties involved in the dispute.

(k) Nothing in this Chapter shall be construed to prohibit or otherwise impede a public 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 of their own choosing at any time during the conduct of collective bargaining. If, at any point in the impasse proceedings invoked under this Chapter, 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.

§1616. Strikes prohibited.

(a) No public employee shall strike while in the performance of his or her official duties.

(b) No public 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 or she engaged in a strike.

(c) Where a public employee has lost entitlement to any daily pay or other consideration pursuant to Subsection (b) of this Section, any agreement between such public employee or employee organization bargaining on his or her behalf and a public employer which provided for the direct or indirect restoration of such entitlement shall be void as against public policy.

§1617. Injunctions.

(a) Chancery Court is vested with the authority to hear and determine all actions alleging violation of §1616 of this Title. Suits to enjoin violations of §1616 of this Title will have priority over all matters on the Court's docket except other emergency matters.

(b) Where it appears that any public 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 §1616 of this Title, the public employer may forthwith apply to the Court of Chancery for an injunction against such violation.

(c) If an order of the Court enjoining or restraining a violation of §1616 of this Title does not receive immediate compliance, the public 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.

(d) In determining an appropriate amount for fines imposed pursuant to Subsection (c) of this Section, the Court shall consider and receive evidence of:

(1) The extent and value of services lost due to the violation of §1616 of this Title.

(2) Any unfair labor practices committed by either party during the collective bargaining process.

(3) The extent of the willful defiance or resistance to the Court's order.

(4) The impact of the strike on the health, safety and welfare of the public.

§1618. 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 Chapter shall so continue without the requirement of an election and certification until such time as a question concerning representation is appropriately raised under this Chapter in accordance with §1611(b) of this Title, or until the Board would find the unit not to be appropriate in accordance with §1610(f) of this Title."

Section 2. Amend §1301(2), Chapter 13, Title 19, Delaware Code by adding a new Subsection 2(d)

which shall read as follows:

"(2)(d) All police officers and firefighters employed by the State or political subdivisions of the State or any agency thereof, any county or any agency thereof, or any municipal corporation,municipality, city or town located within the State or any agency thereof which, upon the affirmative legislative act of its common council or other governing body, has elected to come within Title 19, Delaware Code, Chapter 13, or which hereafter elects to come within Chapter 16 of this Title. All police officers and firefighters included in this Subsection shall be subject to the provisions of Chapter 16, Title 19."

Section 3. 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 4. This Act shall be effective sixty (60) days following enactment.

Section 5. This Act shall not apply to any contract negotiations between a public employer and its employees initiated, pending, or in litigation prior to the enactment of this Act into law.

Approved July 8, 1986.

CHAPTER 478

FORMERLY

HOUSE BILL NO. 617

AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE RELATING TO RETAIL AND WHOLESALE MERCHANTS' LICENSE REQUIREMENTS AND TAXES.

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 §2901(5), Chapter 29, Title 30 of the Delaware Code by striking the words "catalog stores and branch stores" as they appear in §2901(5) of said Title and substituting in lieu thereof the following:

"catalog stores (except such stores described in paragraph (7) f of this Section) and branch stores".

Section 2. Amend §2901(7)(d), Chapter 29, Title 30 of the Delaware Code by striking the word "and" as that word appears at the end of §2901(7)(d) of this Title.

Section 3. Amend §2901(7), Chapter 29, Title 30 of the Delaware Code by inserting at the end of §2901(7) of this Title a new subparagraph "f" to read as follows:

"f. Every person engaged in the business of catalog or mail order distribution of manufactured goods, when such persons do not own, operate, or engage in any retail business within the State of Delaware other than that described in this paragraph.".

Approved July 8, 1986.

CHAPTER 479

FORMERLY

HOUSE BILL NO. 630
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, BY AUTHORIZING VOTING DISTRICTS, PERMITTING CITY COUNCIL TO ESTABLISH DISTRICTS AND DISTRICT BOUNDARIES, AND PERMITTING CITY COUNCIL TO CHANGE, REALIGN OR ALTER DISTRICTS.

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

Section 1. Amend Section 5, Chapter 158, Volume 36 of the Laws of Delaware by striking the second paragraph thereof in its entirety and substituting in lieu thereof the following:

"In order that the members of Council shall be distributed over the City, the City shall be divided into districts. The districts and the district boundaries shall be established by Council so that the districts are nearly equal in population as shown by the 1980 federal decennial census. The district boundaries so established shall continue in effect until the next succeeding federal decennial census at which time Council shall redistrict the City for the next Council election."

Approved July 8, 1986.

CHAPTER 480

FORMERLY

HOUSE BILL NO. 640
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 31 OF 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 Chapter 31, Title 18 of the Delaware Code by deleting the Chapter in its entirety and substituting in lieu thereof the following new chapter which shall read as follows:

"CHAPTER 31. Group Life Insurance

Subchapter I. Group Life Insurance

§3101. Group policies must meet group requirements.

Except as provided in §3109 herein, no policy of group life insurance shall be delivered in this State unless it conforms to one of the descriptions contained in §§3102 through 3108.

§3102. Employee groups.

(a) A policy may be issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(1) the employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term 'employees' shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term 'employees' shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term 'employees' shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term 'employees' shall include elected or appointed officials. The policy may provide that the term 'employee' does not include farm laborers employed in agriculture.

(2) The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in subsection (3), a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing.

(3) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

§3103. Debtor groups.

(a) A policy may be issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditors with respect to their indebtedness, subject to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term 'debtors' shall include:

a. borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a lease or credit transaction;

b. the debtors of one or more subsidiary corporations; and

c. the debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control.

(2) The premium for the policy shall be paid either from the creditor's funds, or from

charges collected from the insured debtors, or from both. Except as provided in subsection (3), a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

(3) Any insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) The amount of insurance on the life of any debtor shall at no time exceed the greater of the scheduled or actual amount of unpaid indebtedness as to the creditor.

(5) The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(6) Notwithstanding the preceding provisions of the above subsections, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment on a non-decreasing or level term plan. Insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

§3104. Labor union, employee organization groups.

(a) A policy may be issued to a labor union, or similar employee organization, which shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements.

(1) The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof.

(2) The premium for the policy shall be paid either from funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in subsection (3), a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing.

(3) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

§3105. Trustee groups.

(a) A policy may be issued to a trust, or to the trustee(s) of a fund, established or adopted by two or more employers, or by one or more labor unions or similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustee(s) shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term 'employees' shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term 'employees' shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term 'employees' shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term 'employees' shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(2) The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons from both the insured persons and the employer(s) or union(s) or similar employee organization(s). Except as provided in subsection (3), a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

(3) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

§3106. Association groups.

(a) A policy may be issued to an association or to a trust or to the trustee(s) of a fund established, created, or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of 100 persons and have been organized and maintained in good faith for purposes other than that of obtaining insurance; shall have been in active existence for at least two years; and shall have a constitution and by-laws and a statement of organization or substantially similar document which provides that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board of committees. The policy shall be subject to the following requirements:

(1) The policy may insure members of such association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employees' employer.

(2) The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members.

(3) Except as provided in subsection (4), a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

(4) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

§3107. Credit union groups.

(a) A policy may be issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees, or agent shall be deemed the policyholder, to insure member of such credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

(1) The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof.

(2) The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in subsection (3), must insure all eligible members.

(3) An insurer may exclude or limit the coverage on any member as to whom evidence of individual insurability is not satisfactory to the insurer.

§3108. Discretionary Group

A policy may be issued to any other substantially similar group which, in the discretion of the Commissioner, may be subject to the issuance of a group life policy or contract.

§3109. Requirements for Other Groups; Out-of-State Groups

(a) Group life insurance offered to a resident of this State under a group health insurance policy issued to a group other than those described in §§3102 through 3108 shall be subject, where applicable, to the requirements of subsections (b) through (e) of this section.

(b) No such group life insurance policy shall be delivered in this State unless the Commissioner finds that:

(1) The issuance of such group policy is not contrary to the best interest of the public;

(2) The issuance of the group policy would result in economies of acquisition or administration; and

(3) The benefits are reasonable in relation to the premiums charged.

(c) No such group life insurance coverage may be offered in this State by an insurer under a policy issued in another state unless this state or another state having requirements substantially similar to those contained in subsections (b)(1), (2), and (3), has made a determination that such requirements have been met.

(d) The premium for the policy shall be paid either from the policyholders funds or from funds

contributed by the coverage persons or from both.

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

§3110. Disclosure requirements for other groups.

(a) With respect to a program of insurance which if issued on a group basis would not qualify under §§3102 through 3108 of this chapter, if compensation of any kind will or may be paid to, (1) a policyholder or sponsoring or endorsing entity in the case of a group policy, or (2) a sponsoring or endorsing entity in the case of individual blanket or franchise policies marketed by means of direct response solicitation, then in such cases the insurer shall cause to be distributed to prospective insureds a written notice that compensation will or may be paid.

(b) The written notice required by §3110(a) shall be distributed:

(1) whether compensation is direct or indirect, and

(2) whether such compensation is paid to or retained by the policyholder or sponsoring or endorsing entity, or paid to or retained by a third party at the direction of the policyholder or sponsoring or endorsing entity, or any entity affiliated therewith by way of ownership, contract or employment.

(c) The notice required by §3110(a) shall be placed on or accompany any application or enrollment form provided prospective insureds.

(d) As used in this Section, the following terms shall have the meanings indicated:

(1) 'direct response solicitation' means a solicitation through a sponsoring or endorsing entity through the mails, telephone or other mass communications media;

(2) 'sponsoring or endorsing entity' means an organization which has arranged for the offering of a program of insurance in a manner which communicates that eligibility for participation in the program is dependent upon affiliation with such organization or that it encourages participation in the program.

§3111. Dependents coverage.

(a) Except for a policy issued under §3103, a group life insurance policy may be extended to insure the employees or members with respect to their family members or dependents, or any class or classes thereof, subject to the following:

(1) The premium for the insurance shall be paid either from funds contributed by the employer, union, association, or other person to whom the policy has been issued, or from funds contributed by the covered person, or from both. Except as provided in paragraph (a)(2), a policy on which no part of the premium for the family members or dependents coverage is to be derived from funds contributed by the covered persons must insure all eligible employees or members with respect to their family members or dependents, or any class or classes thereof.

(2) An insurer may exclude or limit the coverage on any family member or dependent as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The amounts of insurance for any covered spouse or dependent child under policies issued on a group basis may, if requested by the policyholder, be limited to a percentage of the amount of insurance for which the employee or member is insured.

§3112. Group life insurance standard provisions.

No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in §§3113 through 3127 or provisions which in the opinion of the Commissioner are more favorable to persons insured, or at least as favorable to the persons insured and more favorable to the policyholder, provided, however, (a) that §§3117, 3119 through §3123, §3125 and §3127 shall not apply to policies insuring persons under §3103; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a non forfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same non forfeiture provisions as are required for individual life insurance policies.

§3113. Grace period.

A group life insurance policy shall contain a provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

§3114. Incontestability.

A group life insurance policy shall contain a provision that the validity of the policy shall not be contested except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating to insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime nor unless it is contained in a written instrument signed by him; provided, however, that no such provision shall preclude the assertion at any time of defenses based upon provisions in the policy which relate to eligibility for coverage.

§3115. Application; statements deemed representations.

A group life insurance policy shall contain a provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or, in the event of the death or incapacity of the insured person, to his beneficiary or personal representative.

§3116. Insurability.

A group life insurance policy shall contain a provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

§3117. Misstatement of age.

A group life insurance policy shall contain a provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be made.

§3118. Payment of benefits.

A group life insurance policy shall contain a provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured, except that where the policy contains conditions pertaining to family status the beneficiary may be the family member specified by the policy terms, subject to the provisions of the policy in the event there is no designated beneficiary, as to all or any part of each sums, living at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding $2,000 to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

§3119. Certificate.

A group life insurance policy shall contain a provision that the insurer will issue to the policyholder for delivery to each person insured a certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, a statement as to any dependent's coverage included in such certificate, and the rights and conditions set forth in §§3120 through 3123.

§3120. Conversion on termination of eligibility.

(a) A group life insurance policy shall contain a provision that if the insurance, or any portion of it, on a person covered under the policy or on the dependent of a person covered, ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one days after such termination, and provided further that:

(1) The individual policy shall, at the option of such person, be on any one of the forms then customarily issued by the insurer at the age and for the amount applied for, except that

the group policy may exclude the option to elect term insurance.

(2) The individual policy shall be in an amount not in excess of life insurance which ceases because of such termination, less the amount of any life insurance for which such person becomes eligible under the same or any other group policy within thirty-one days after such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(3) The premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to the individual age attained on the effective date of the individual policy.

(b) Subject to the same conditions set forth above, the conversion privilege shall be available (i) to a surviving dependent, if any, at the death of the employee or member, with respect to the coverage under the group policy which terminates by reason of such death and (ii) to the dependent of the employee or member upon termination of coverage of the dependent, while the employee or member remains under the group policy, by reason of the dependent ceasing to be a qualified family member under the group policy.

§3121. Conversion on termination of policy.

A group life insurance policy shall contain a provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured person, every person insured thereunder at the date of such termination whose insurance terminates, including the insured dependent of a covered person, and who has been so insured for at least five years prior to such termination date shall be entitled to have issued by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by §3120 above, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under a group policy issued or reinstated by the same or another insurer within thirty-one days after such termination, and (b) $10,000.

§3122. Death pending conversion.

A group life insurance policy shall contain a provision that if a person insured under the group policy, or the insured dependent of a covered person, dies during the period within which the individual would have been entitled to have an individual policy issued in accordance with §3120 or §3121 above and before such an individual policy shall become effective, the amount of life insurance which he would have been entitled to have issued under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

§3123. Disability provision.

Where active employment is a condition of insurance, the group life insurance policy shall contain a provision that an insured may continue coverage during the insured's total disability by timely payment to the policyholder of that portion, if any, of the premium that would have been required from the insured had total disability not occurred. The continuation shall be on a premium paying basis for a period of six months from the date on which the total disability started, but not beyond the earlier of (a) approval by the insurer of continuation of the coverage under any disability provision which the group insurance policy may contain or (b) the discontinuance of the group insurance policy.

§3124. Information to debtors.

In the case of a policy insuring the lives of debtors, such a group life insurance policy shall contain a provision that the insurer will furnish to the policyholder for delivery to each debtor insured under the policy a certificate of insurance describing the coverage and specifying that the death benefit shall first be applied to reduce or extinguish the indebtedness.

§3125. Notice as to conversion right.

If any individual insured under a group life insurance policy hereafter delivered in this State becomes entitled under the terms of such policy to have an individual policy of life insurance issued without evidence of insurability, subject to making of application and payment of the first premium within the period specified in such policy, and if such individual is not given notice of the existence of such right at least 15 days prior to the expiration date of such period, then in such event the individual shall have an additional period within which to exercise such right, but nothing herein

contained shall be construed to continue any insurance beyond the period provided in such policy. This additional period shall expire 15 days next after the individual is given such notice but in no event shall such additional period extend beyond 60 days next after the expiration date of the period provided in such policy. Written notice presented to the individual or mailed by the insurer to the last known address of the individual as furnished by the policyholder shall constitute notice for the purpose of this paragraph.

§3126. Readjustment of premium.

Any group life insurance contract may provide for a readjustment of the premium rate based upon the experience thereunder.

§3127. Application of dividends; rate reduction.

If a policy dividend is hereafter declared or a reduction in rate is hereafter made or continued for the first or any subsequent year of insurance under any policy of group life insurance heretofore or hereafter issued to any policyholder, the excess, if any, of the aggregate dividends or rate reductions under such policy and all other group insurance policies of the policyholder over the aggregate expenditure for insurance under such policies made from funds contributed by the policyholder, or by an employer of insured persons, or by an employer of insured persons, or by a union or association to which the insured persons belong, including expenditures made in connection with administration of such policies shall be applied by the policyholder for the sole benefit of insured employees or members."

Section 2. This Act shall not apply to any group life insurance contracts entered into or issued before the effective date of this Act, nor to any extensions, renewals, modifications or amendments to such group life contracts, whenever made.

Section 3. This Act shall become effective six months after its enactment into law.

Approved July 8, 1986.

CHAPTER 481

FORMERLY

HOUSE BILL NO. 644

AN ACT TO AMEND CHAPTER 27, TITLE 30 OF THE DELAWARE CODE RELATING TO MANUFACTURERS' GROSS RECEIPTS TAXES.

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

Section 1. Amend §2701(1), Chapter 27, Title 30 of the Delaware Code, by inserting the following at the end of §2701(1) of said Title to read as follows:

"Notwithstanding the foregoing, however, gross receipts shall not include proceeds received by any person for products sold to a buyer licensed under this Chapter provided that such products are purchased for the purpose of their inclusion as a part of a product manufactured by the buyer within this State. The product shall be considered to be included in the subsequent product manufactured by the buyer irrespective of whether it is included in an altered or unaltered form. The Secretary of Finance shall prescribe such rules, regulations and forms as he may deem necessary to carry out the purposes of this Chapter."

Section 2. This act shall be effective for all gross receipts received after December 31, 1986.

Approved July 8, 1986.

CHAPTER 482

FORMERLY

HOUSE BILL NO. 729

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL TRESPASS.

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 823, Subchapter III, Chapter 5, Title 11 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§823. Criminal trespass in the first degree; Class A misdemeanors

A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling or building used to shelter, house, milk, raise, feed, breed, study or exhibit animals.

Criminal trespass in the first degree is a Class A misdemeanor.

Approved July 8, 1986.

CHAPTER 483

FORMERLY

HOUSE BILL NO. 755
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 63 OF TITLE 7 OF THE DELAWARE CODE RELATING TO HAZARDOUS WASTE GENERATORS, TRANSPORTERS AND OWNERS OF HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL FACILITIES AND SITES, AND THE PAYMENT OF ANNUAL FEES TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR USE IN PROTECTING THE ENVIRONMENT OF THE STATE THROUGH THE ADMINISTRATION OF THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM.

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 Subsection (9) of Section 6305, Title 7 of the Delaware code by striking the last sentence of said Subsection and substituting in lieu thereof the following new last sentence to read as follows:

"Such regulations shall not provide for any annual fee under this Subsection in excess of $10,000.00 or in the case of small business concerns, any annual fee under this Subsection in excess of $500.00".

Approved July 8, 1986.

CHAPTER 484

FORMERLY

HOUSE BILL NO. 758
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES AND THE PUBLIC SERVICE COMMISSION.

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

Section 1. Amend Section 102, Title 26 of the Delaware Code by striking from subdivision (2) the words and phrase "including domestic public land mobile radio service, but excluding such service provided by cellular technology, telegraph" and substituting in lieu thereof the words and phrase "excluding telephone service provided by cellular technology, or by domestic public land mobile radio service".

Approved July 8, 1986.

CHAPTER 485

FORMERLY

SENATE BILL NO. 109
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER IV, TITLE 16 OF THE DELAWARE CODE RELATING TO TRAFFICKING IN MARIJUANA.

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

Section 1. Amend §4753A(a)(1), Subchapter IV, Title 16 of the Delaware Code by deleting said Paragraph (1) and inserting in lieu thereof the following:

"(1) 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 5 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:

a. Is in excess of 5 pounds, but less than 100 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and to pay a fine of $25,000.

b. Is 100 pounds or more, but less than 500 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 years and to pay a fine of $50,000.

c. Is 500 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and to pay a fine of $100,000."

Approved July 9, 1986.

CHAPTER 486

FORMERLY

SENATE BILL NO. 204
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO CONFINEMENT OF BITING DOGS.

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 I, Chapter 17, Title 7, of the Delaware Code by adding thereto a new Section designated as §1716 to read as follows:

"§1716. Confinement of Biting Dogs; Notice to Local Health Authority; Exemption

(a) When a person has been bitten by a dog, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the local health authority immediately and give the name and address of the person bitten and the owner of the animal. All dogs that bite a person shall be immediately confined for 10 days in a place designated by the local health authority. If the owner or the person who controls or possesses a dog that has bitten a person refuses to confine the animal as required by this section, the local health authority may order seizure of the animal and its confinement for 10 days at the expense of the owner.

(b) Confinement of a dog which has bitten a person will not be required provided the owner or the person who controls or possesses such dog can present a veterinarian's certificate of current rabies immunization."

Approved July 9, 1986.

CHAPTER 487

FORMERLY

SENATE SUBSTITUTE NO. 2

FOR

SENATE BILL NO. 313
AS AMENDED BY SENATE AMENDMENT NO. 1 & HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES.

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 27, which new chapter shall be entitled as follows:

"CHAPTER 27. ANATOMICAL GIFTS AND STUDIES"

Section 2. Amend Subchapter VII, Chapter 17, Title 24 of the Delaware Code (§1771 through §1777) by re-designating said subchapter as new Subchapter I (§2701 through §2709), Chapter 27, Part II, Title 16 of the Delaware Code.

Section 3. Amend Subchapter VIII, Chapter 17, Title 24 of the Delaware Code (§1780 through §1789) by re-designating said subchapter as new Subchapter II, (§2710 through §2719), Chapter 27, Title 16 of the Delaware Code.

Section 4. Amend Chapter 27, Part II, Title 16 of the Delaware Code by adding thereto a new subchapter, designated as Subchapter III, which new subchapter shall read as follows:

"SUBCHAPTER III. REQUEST FOR CONSENT TO AN ANATOMICAL GIFT

§2721. Requests for Anatomical Gifts

(a) It must be determined that the death of the patient in an acute care general hospital is imminent. On or before the occurrence of death, the hospital shall make a request of the first person or persons available in a class set forth in §2722, in the order of the priority stated. Where no person is available in a prior class at the time of the request, and in the absence of actual notice of consent or denial by the patient or a person in a prior class, the hospital shall make the request for an anatomical gift from the person or persons in the next class. Any consent or refusal relating to the donation of specific parts, organs or tissues need only be obtained from the person or persons in the highest priority class in which there is a person or persons available.

(b) The hospital medical staff shall develop a protocol for identifying potential organ and tissue donors. The hospital shall require that, when the death of the patient is imminent, the persons designated in §2722 be asked whether the patient has previously agreed to donate any tissues or organs. If not, the appropriate person or persons, under §2722 shall be informed of the option to donate organs and tissues pursuant to the provisions of this Chapter. If such person agrees to the donation of any tissues or organs from the patient, the hospital shall then notify an organ and tissue procurement organization, and cooperate in the procurement of the anatomical gift or gifts.

(c) The protocols developed by the hospitals shall include a mechanism for appropriate training of the personnel making the request for anatomical donation.

(d) Where the hospital has received actual notice that either the patient, or the first person or persons available in a class set forth in §2722, does not wish to make an anatomical gift, the hospital shall not request consent to an anatomical gift.

(e) 'Acute care general hospital' shall mean a hospital that provides diagnostic and therapeutic services to patients for a variety of medical conditions both surgical and non-surgical and in which the average length of stay for all patients is less than thirty days.

§2722. Persons Qualified to Consent.

The following persons may, in the order set forth herein, consent to or deny a request for an anatomical gift of any specific parts, organs or tissues of the body of a patient in a terminal condition and incompetent or a deceased person who has not made an anatomical gift. Such consent or denial shall be in writing. If there is a conflict among members of a class, the denial will control:

(a) the spouse of the patient or decedent;

(b) a son or daughter of the patient or decedent, if such son or daughter is eighteen years of age or older;

(c) either parent of the patient or decedent;

(d) a brother or sister of the patient or decedent, if such brother or sister is eighteen years of age or older; and

(e) the guardian of the patient or decedent at the time of the decedent's death.

§2723. Certification of Donation.

Where an anatomical gift is requested in accordance with the provisions of this Subchapter, the hospital shall complete a 'Certificate of Request of an Anatomical Gift,' on a form promulgated by the Bureau of Vital Statistics. Said certificate shall include a statement to the effect that a request for consent to an anatomical gift has been made; a statement whether or not such consent was granted; the name of the person granting or refusing such request, and the relationship of such person to the patient. Where a request is made pursuant to this Subchapter, such request and its disposition shall be noted in the patient's medical record, and on the death certificate.

§2724. Exceptions.

Where, in the opinion of the attending physician, based on medical criteria, a request under this Subchapter would not yield a donation which would be suitable, a request for an anatomical donation is not required. The hospital shall, however, keep a record of each instance in which a request under this Subchapter was not made, and the reason such request was not made.

§2725. Declaration Concerning Medical Treatment.

Consent to an anatomical gift under this statute shall not override an individual's declaration regarding medical treatment under 16 Del. C. §2501 et seq.

§2726. Liability.

A hospital or physician who acts in good faith in accord with the terms of this Subchapter is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

§2727. Effective Date.

This Act shall become effective on January 1, 1987."

Approved July 9, 1986.

CHAPTER 488

FORMERLY

SENATE BILL NO. 361
AS AMENDED BY SENATE AMENDMENT NOS. 1, 2, 6 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO SIMULTANEOUS EMPLOYMENT.

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

Section 1. Amend Chapter 58, Title 29, Delaware Code, by adding a new subchapter III, said subchapter to read as follows:

"SUBCHAPTER 111. COMPENSATION POLICY

§5821. Findings

(1) There are numerous elected State officials and other paid appointed officials who are also employed by State agencies, educational and other institutions, and other jurisdictions of government within the State of Delaware.

(2) The members of the General Assembly believe that the taxpayers of Delaware should not pay an individual more than once for coincident hours of the workday.

(3) The State should have in place clear policies and procedures to ensure that taxpayers of the State as a whole, and of its various governmental jurisdictions, are not paying employees or officials from more than one tax- funded source for duties performed during coincident hours of the workday.

§5822. Policy

(a) Any person employed by the State, or by any political subdivision of the State, including but not limited to any county, city or municipality, who also serves in an elected or paid appointed position in State government or in the government of any political subdivision of the State, including but not limited to any county, city or municipality, shall have his or her pay reduced on a prorated basis for any hours or days missed during the course of the employee's normal workday or during the course of the employee's normal workweek while serving in an elected or paid appointed position which requires the employee to miss any time which is normally required of other employees in the same or similar positions.

(b) Any day an employee misses work due to his or her elected or paid appointed position, he or she shall have his or her immediate supervisor verify a time record stating specifically the number of hours worked that day; said verification to take place at least once every pay period.

(c) All time records, so verified, shall be kept by the immediate supervisor until such time as they are required by the State Auditor.

(d) No employee shall be permitted to make up time during hours other than the normal workday for purposes of compensation.

(e) Any hours or days during which an employee uses vacation or personal days to which he or she is entitled shall not constitute hours or days which fall within the scope of this subchapter.

(f) School administrators whose duties require that they work regularly during summer months shall not be exempted from this Chapter. If a school administrator shall have no immediate supervisor, his time record shall be verified by the appropriate school board at its next regular or special meeting following any pay period in which said administrator missed work due to his or her elected or paid appointed position.

§5823. Audits; Penalty

(a) The State Auditor shall conduct an annual audit of the time records which have been kept by the supervisors or school board in accordance with §5822(b) and (c) to determine whether or not an employee was paid from more than one tax- funded source for working coincident hours of the day.

(b) Any discrepancy found by the State Auditor shall be reported to the Office of the Attorney General for possible prosecution under 11 Del. C. §876 (Tampering with Public Records in the First Degree) and any other appropriate section."

Section 2. The provisions of this Bill shall become effective on January 1, 1987.

Approved July 9, 1986.

CHAPTER 489

FORMERLY

SENATE BILL NO. 417
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 39 OF TITLE 14 AND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JULY 1, 1985.

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

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

"(g) Any monthly service or disability pension which became effective on or before July 1, 1985 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 on or prior to July 1, 1985 and is payable on the date this subsection is enacted into law shall be increased effective July 1, 1986, by 2% plus 1/12 of 1% for each full month of retirement preceding July 1, 1985, up to a maximum of 24 months. These increases shall continue to be paid through June 30, 1987, and every fiscal year thereafter provided that funds are appropriated in accordance with Sec. 5544 (i) of this Chapter."

Section 2. Amend Section 3909, Chapter 39, Title 14 of the Delaware Code, by adding thereto a new subsection to be designated as subsection (d) to read as follows:

"(d) Any pension under this Chapter that is payable on the date this subsection is enacted into law shall be increased effective July 1, 1986, by $30 a month."

Section 3. Amend Sec. 5544, Chapter 55, Title 29, Delaware Code, by adding thereto a new subsection to be designated as subsection (i) to read as follows:

"(i) The State's obligation to the State Employees' Pension Trust Fund and the State Judiciary Retirement Fund to implement the provisions of Sec. 5532 (g) of this Chapter shall be the payment required to amortize the unfunded accrued liability over three years from July 1, 1986.

The State's obligation to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, to implement the provisions of Sec. 5532 (g) of this Chapter in fiscal year 1987 shall be the lump sum actuarial liability of the benefits granted."

Section 4. This Act shall become effective on July 1, 1986, provided that there are sufficient funds appropriated in the Fiscal Year 1987 Budget Appropriation Act.

Approved July 9, 1986.

CHAPTER 490

FORMERLY

SENATE BILL NO. 503
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF PHYSICIAN'S ASSISTANTS.

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

Section 1. Amend Section 1703(e)(7), Subchapter I, Chapter 17, Title 24 of the Delaware Code by repealing said paragraph in its entirety and inserting in lieu thereof the following paragraph:

"(7) The rendering of medical assistance to a physician licensed under this Chapter by a person who has been registered as a physician's assistant with the Board. Such physician's assistant shall be a regular employee of the physician to whom assistance is rendered and shall limit his activity to patients under the care of his supervising physician. A physician's assistant shall not maintain or manage an office separate and apart from the supervising physician's primary office. The assistance rendered by a registered physician's assistant shall be in compliance with regulations adopted by the Board delineating activities in which a physician's assistant may engage. Provided, however, that no regulation of the Board shall purport to authorize physician's assistants to engage in diagnosis, to prescribe legend drugs or therapeutics, to practice medicine or surgery or refraction or to pronounce a patient dead in any setting. The physician employing a physician's assistant shall direct and supervise the activity of such assistant and shall be responsible for the professional and clinical actions of his assistant. Such registered physician's assistants shall not delegate an assigned task to any other individual, nor shall they independently bill a patient for services rendered at the request of the physician. Nothing herein shall be construed to change or modify practices currently prevailing in the practice of optometry or ophthalmology, nor shall anything herein be construed to apply to the rendering of clerical assistance to a physician.

Section 2. Amend Section 1730(a), Subchapter IV, Chapter 17, Title 24 of the Delaware Code by adding a new paragraph to said subsection which shall be designated as paragraph (17), which shall read as follows:

"To adopt regulations regarding activities which may be undertaken by physician's assistants and to register all physician's assistants, certified and non-certified, with the Board. The Board may establish categories of physician's assistants commensurate with the training and experience of physician's assistants to be registered within each category and commensurate with the duties to be assumed by physician's assistants within each category. The Board may, by regulation, establish the maximum number of physician's assistants who may be supervised by a physician. The Board may, by regulation, establish reasonable fees for registering physician's assistants and renewing the registration of physician's assistants on a biennial basis and such fees charged shall reasonably reflect all costs necessary to defray the expenses of the Board in administering the regulation and registration of physician's assistants. The Board may suspend, or revoke the registration of a physician's assistant or otherwise discipline a physician's assistant for engaging in unprofessional conduct as defined in Section 1731(b) of this Chapter or for inability to render medical services with reasonable skill or safety to patients because of mental illness or mental incompetence, physical illness or excessive use of drugs, including alcohol. Any disciplinary action undertaken against a physician's assistant shall be in accordance with those procedures applicable to disciplinary actions against physicians as set out in Subchapter IV and V of this Chapter. An appeal of disciplinary action imposed by the Board shall be taken in accordance with Subchapter V of this Chapter."

Approved July 9, 1986.

CHAPTER 491

FORMERLY

SENATE BILL NO. 513
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, TITLE 3 OF THE DELAWARE CODE RELATING TO NURSERIES AND NURSERY STOCK.

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

Section 1. Amend Chapter 13, Title 3 of the Delaware Code by striking said Chapter in its entirety and substituting in lieu thereof a new Chapter 13 to read as follows:

"CHAPTER 13. Nurseries and Nursery Stock

§1301. Definitions

(a) 'Nursery' Any place where nursery stock is produced for sale or distribution.

(b) 'Nurseryman' Any person engaged in the production of nursery stock for sale or distribution.

(c) 'Nursery Dealer' Any person, except a nurseryman, who buys, collects or acquires nursery stock for the purpose of selling, planting or distributing it. This does not include a person who acquires plants for personal use.

(d) 'Nursery Stock':

(1) Any trees, shrubs, vines, plants, grafts, cuttings and buds whether cultivated or wild, and all viable parts of these plants;

(2) Any other plant or plant part, including cut Christmas trees, whose movement the Department may regulate in order to control any dangerously injurious plant pest.

(e) 'Plant Pest' Any insect, snail, nematode, fungus, virus, bacterium, weed, parasitic plant, or any other microorganism or plant which is considered by the Department to be dangerously injurious to the agricultural, forest or horticultural interests of the State.

§1302. Application for Certification

(a) A nursery producing nursery stock for sale, distribution or exchange must hold a valid nursery certificate of inspection for each of its sales locations. An application for certification must be filed with the Department of Agriculture on forms provided by the Department. The application for certification must include the following: Name and address of owner and nursery, location of all nursery stock, number of acres in production and list of all suppliers of nursery stock. After receiving the application for certification, the Department of Agriculture will examine, inspect or cause to be examined or inspected, at least once a year, at such time as it deems best, all nursery stock grown in the nursery The nursery producing nursery stock must maintain adequate weed control so that a thorough inspection of the nursery stock can be made.

(b) If any dangerously injurious plant pests are found in any nursery or on any premises within the State where said nursery stock is grown, the Department, its officers, agents or servants shall cause to be destroyed or treated as provided in Chapter 11 of this Title, such portion of the nursery stock as, in the opinion of the Department, may be necessary to adequately control the infestation or infection The sale, shipment, distribution or exchange of such nursery stock will not be permitted until it is released by the Department. Such nursery stock will be promptly released when, in the opinion of the Department, the plant pest infestation or infection has been satisfactorily controlled If such infested or infected nursery stock be destroyed as herein provided, then the owner or owners shall pay the cost thereof; and if he or they refuse or neglect to pay the same, it shall be collected as provided in Chapter 11 of this Title

§1303 Shipment or Sale of Nursery Stock; Labeling and Certification

No person shall sell or offer for sale, or ship, send out, or give away, by mail, express, freight or otherwise, any nursery stock from any nursery or orchard mentioned in this Chapter or any premises within the State where nursery stock is grown without accompanying the same with a copy of the certificate prescribed in Section 1301 or Section 1309 of this Title, printed upon a tag or label not easily destroyed, which shall be firmly attached or fastened in a conspicuous position upon each carload, box, bale or package so sold or offered for sale, or shipped, sent out or delivered.

§1304. Illegal Shipments of Nursery Stock; Penalty

Whoever sells or offers for sale or delivers, within the State or ships or transports or sends out of the State to any other State or territory of the United States, or foreign possession thereof, or to the District of Columbia, any nursery stock without attaching a certificate, or defaces, mutilates or destroys the certificate or wrongfully attaches a certificate, shall be fined not less than $100.00 nor more than $500.00 or be imprisoned not less than 1 month nor more than 1 year or both.

§1305. Shipment of Nursery Stock into State; Labeling and Certification

When any nursery stock is shipped, sent or mailed into this State to any nurseryman, dealer, agent or other person in this State, every carload, bale, box or package thereof, shall be plainly labeled on the outside with the name of the consignor, the state of origin and the name of the consignee, and shall have attached or fastened thereto a certificate showing that the contents thereof have been examined by a duly qualified state or government officer and found apparently free from all dangerously injurious plant pests.

§1306. Uncertified Shipment of Nursery Stock into this State; Public Nuisance; Nondelivered; Abatement, Loss Liability

Whenever any nursery stock is shipped or sent into this State, without the certificate required by Section 1305 of this Title, plainly attached or fastened on the outside of each carload, box, bale or package, the same shall be deemed and considered a public nuisance, to be abated in the manner hereinafter provided, and the agent of the transportation company or person or firm receiving the same, shall not deliver said nursery stock to anyone, but shall at once notify the Department of Agriculture of such nuisance. The Department shall thereupon institute proceedings before any Justice of the Peace to abate the nuisance. The Justice of the Peace shall summon all parties and interests before him, if they are known and can be summoned, and if not, then such of them as can be summoned, to show cause why such nuisance shall not be abated. At the trial or hearing of the cause, if the Justice of the Peace shall determine that the provisions of this Chapter have been violated, he shall order and direct that the nuisance be abated by the destruction of all such nursery stock, unless the shipper, consignor or its agent, or consignee or his agent, agrees to have the nursery stock returned to the consignor at his or their own expense; or provides proper certification; or authorizes to have the nursery stock inspected and certified by a duly authorized officer or employee of the Department of Agriculture at his or their own expense.

§1307. Transportation Companies Receiving Uncertified Nursery Stock; Failure to Notify Department; Penalty

Whoever, being an agent of a transportation company, firm or person, knowingly receives a carload, box, bale or package of nursery stock without a certificate attached as provided for in Section 1303 of this Title, and fails to immediately notify the Department of Agriculture, shall be fined $500.00 for each offense.

§1308. Nurserymen, etc.; Selling, Shipping or Delivering Infected Nursery Stock; Forfeiture; Public Nuisance; Abatement

If any nurseryman, dealer or agent sells, ships or delivers any nursery stock into or in this State which is infested or infected with any plant pest and which upon inspection by the Department of Agriculture, its officers or agents, is found to be so infested or infected, the nurseryman, dealer or agent shall forfeit the value of such nursery stock and shall not collect or receive the same from the purchaser or consignee; and if the purchaser or consignee has paid for the stock, either in whole or in part, he shall have a right of action against the nurseryman, dealer or agent to recover the sum or sums so paid in any action on the case. All nursery stock so shipped, sold or delivered, and which, upon inspection, is found to be infested or infected, shall be deemed a public nuisance, and shall be abated in the same way and manner as provided in Section 1306 of this Title.

§1309. Certification of Nursery Dealers

(a) A nursery dealer engaged in the sale, distribution or exchange of nursery stock must hold a valid nursery dealer certificate for each of its sales locations. An application for certification must be filed with the Department on forms provided by the Department. The application for certification must include the name and address of the owner and sales outlet(s), and a listing of all suppliers of nursery stock, including the name of the consignor and the state or origin. The Department will issue and give to the owner(s) or persons in charge of the nursery stock a nursery dealer certificate when the above requirements have been met.

(b) The Department of Agriculture will examine and inspect the nursery stock as it deems necessary. Any nursery stock found to be infested or infected with dangerously injurious plant pests will be subject to the provisions stated in Section 1302.

§1310. Labeling and Advertising of Nursery Stock

Nursery stock may not be labeled or advertised with false or misleading information. A nurseryman, nursery dealer or other person may not offer for sale, sell or distribute any nursery stock represented to be 'virus-free,' 'essentially virus-free,' or any other similar notation, unless such nursery stock is produced under a program accepted by the Department. All plants offered for sale as 'virus-free,' 'essentially virus-free,' or any other similar notation must have the name or state certificate number of the producer and the state of origin on the label.

§1311. Reciprocal Agreements

Nursery stock from other states will be received into the State on the same basis as nursery stock from the State is received in other States. An official directory of certified nurseries and nursey dealers will be accepted from other States in lieu of individual nursery certificates.

§1312. Violations and Penalties

(a) The penalty for violation of any Section of this Chapter not already stated will be suspension or revocation of the nursery or dealer certificate.

(b) All hearings which are held for suspension or revocation of the nursery or nursery dealer certificate shall be conducted by the Secretary of Agriculture or his designee. The holder of the nursery or nursery dealer certificate shall have the right to appear personally, and to be represented by counsel, and to produce evidence and witnesses in his own behalf. The Department shall preserve a full record of the proceeding. A transcript of the record may be purchased by any person interested in such hearing upon payment to the Department of the cost of preparation of such transcript. The Department shall notify the holder of the nursery or nursery dealer certificate of its decision in writing within 30 days after the conclusion of the hearing.

§1313. Appeals

Any holder of a nursery or nursery dealer certificate who feels aggrieved by an action of the Department in denying, suspending, modifying or revoking his nursery or nursery dealer certificate, may take an appeal, within 30 days of such action, to the Superior Court, and after full hearing on the record the court shall make such decree as seems just and proper. Written notice of such appeal, together with the grounds therefore, shall be served upon the Secretary of the Department.

Approved July 9, 1986.

CHAPTER 492

FORMERLY

SENATE BILL NO. 542

AN ACT TO AMEND CHAPTER 84, TITLE 11, DELAWARE CODE RELATING TO THE COUNCIL ON POLICE TRAINING.

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

Section 1. Amend §8402(a), Chapter 84, Title 11, Delaware Code by striking the number "9" as it appears therein and substituting in lieu thereof the number "10".

Section 2. Amend §8402(b), Chapter 84, Title 11, Delaware Code by striking the word "and" as it appears after the word "Governor;" and before the words "the mayor" in the first sentence of subsection (b) and by striking the period "." at the end of the first sentence of subsection (b) and substituting in lieu thereof the following:

"; the Chairman of the Delaware Police Chiefs Council, Inc."

Section 3 Amend §8403(a), Chapter 84, Title 11, Delaware Code by striking the word "Five" as it appears in the fourth sentence thereof and substituting in lieu thereof the word "six".

Approved July 9, 1986.

CHAPTER 493

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 116
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2 AND 3

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING FOR A DELAWARE RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS ACT.

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

Section 1. Amend Part I, Title 11 of the Delaware Code by adding thereto a new chapter, designated as Chapter 15, which new chapter shall read as follows:

"CHAPTER 15. ORGANIZED CRIME AND RACKETEERING

§1501. Statement of Purpose

The purpose of this chapter is to guard against and prevent the infiltration and illegal acquisition of legitimate economic enterprises by racketeering practices, and the use and exploitation of both legal and illegal enterprises to further criminal activities. This Chapter is intended to apply to conduct beyond what is traditionally regarded as "organized crime" or "racketeering".

§1502. 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)(1) 'Beneficial interest' shall include any of the following:

(i) the interests of a person as a beneficiary under any trust arrangement under which a trustee holds legal or record title to personal or real property; or

(ii) the interests of a person, under any other form of express fiduciary arrangement, pursuant to which any other person holds legal or record title to personal or real property for the benefit of such person.

(2) The term "beneficial interest" shall not include the interest of a stockholder in a corporation, or the interest of a partner in either a general partnership or a limited partnership.

(b) 'Documentary materials' shall mean any book, paper, document, writing, drawing, graph, chart, photograph, phono-record, magnetic tape, computer print-out, and any data compilation from which information can be obtained or from which information can be translated into useable form, or other tangible item.

(c) 'Enterprise' shall include any individual, sole proprietorship, partnership, corporation, trust, or other legal entity; and any union, association or group of persons associated in fact, although not a legal entity. The word "enterprise" shall include illicit as well as licit enterprises, and governmental as well as other entities.

(d) 'Foreign corporation' shall have the same definition as is set forth in §372, Title 8 of the Delaware Code.

(e) 'Pattern of racketeering activity' shall mean two of more incidents of conduct,

(1) that:

(i) constitute racketeering activity;

(ii) are related to the affairs of the enterprise;

(iii) are not so closely related to reach other and connected in point of time and place that they constitute a single event; and

(2) where:

(i) at least one of the incidents of conduct occurred after the effective date of this Act;

(ii) the last incident of conduct occurred within 10 years after a prior occasion of conduct; and

(iii) as to criminal charges, but not as to civil proceedings, at least one of the incidents of conduct constituted a felony under the Delaware Criminal Code, or if committed subject to the jurisdiction of the United States or any state of the United States, would constitute a felony under the Delaware Criminal Code if committed in the State of Delaware.

(f) 'Pecuniary value' shall mean:

(1) Anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else which constitutes an economic advantage; or

(2) Any other property or service that has a value in excess of one hundred dollars ($100).

(g) 'Personal property' shall include any personal property or any interest in such personal property; or any right, including bank accounts, debts, corporate stocks, patents or copyrights. An item of personal property or a beneficial interest in personal property shall be deemed to be located where the trustee is, where the personal property is, or where the instrument evidencing the right is.

(h) 'Principal' shall mean a person who engages in conduct constituting a violation; or one who is legally accountable for the unlawful conduct of another person or entity.

(i) 'Racketeering' shall mean to engage in, to attempt to engage in, to conspire to engage in or to solicit, coerce or intimidate another person to engage in:

(1) any activity defined as "racketeering activity" under 18 U.S.C. §1961 (1) (A), (B), (C), or (D); or

(2) any activity constituting any felony which is chargable under the Delaware Code or any activity constituting a misdemeanor under the following provisions of the Delaware Code.

(i) Chapter 53 of Title 30 relating to evasion of payment of cigarette taxes;

(ii) Chapter 73 of Title 6 relating to the sale of securities;

(iii) Chapter 5 of Title 11 relating to prostitution;

(iv) Chapter 5 of Title 11 and Title 6 relating to forgery and counterfeiting;

(v) Chapter 5 of Title 11 relating to perjury;

(vi) Chapter 5 of Title 11 and title 28 relating to bribery and misuse of public office and improper influence;

(vii) Chapter 5 of Title 11 relating to obscenity;

(viii) Chapter 5 of Title 11 and Title 28 relating to gambling;

(vix) Title 11 and Title 16 relating to drug abuse, prevention and control;

(xx) Chapter 5 of Title 11 relating to tampering with jurors, evidence and witnesses; or

(xxi) Chapter 51 of Title 30 relating to motor fuel tax offenses.

(j) 'Real property' shall mean any real property situated in this State or any interest in such real property; including, but not limited to, any lease of or mortgage upon such real property.

(k) (1) 'Trustee' shall include

(i) any person acting as trustee under a trust in which the trustee holds legal or record title to personal or real property; or

(ii) any person who holds legal or record title to personal or real property, for which any other person has a beneficial interest; or

(iii) any successor trustee

(2) The term "trustee" shall not include an assignee or trustee for an insolvent debtor, nor an executor, administrator, 'administrator with will annexed,' testamentary trustee, conservator, guardian or committee appointed by, under the control of, or accountable to, a Court.

(l) 'Unlawful debt' shall mean a debt incurred or contracted in an illegal gambling activity or business; or a debt which is unenforceable under State law, in whole or in part, as to either principal or interest.

§1503. Violations

(a) It shall be unlawful for any person employed by, or associated with, any enterprise to conduct or participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity or collection of an unlawful debt.

(b) It is unlawful for any person, through a pattern of racketeering activity or proceeds derived therefrom, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise, real property, or personal property, of any nature, including money.

(c) It is unlawful for any person who has received any proceeds derived, directly or indirectly, from a pattern of racketeering activity in which such person has participated, to use or invest, directly or indirectly, any part of such proceeds or any proceeds derived from the investment or use thereof, in the acquisition of any interest in, or the establishment or operation of, any enterprise or real property.

(d) It is unlawful for any person to conspire or attempt to violate any of the provisions of subsections (a), (b), or (c).

§1504. Criminal Penalties

(a) Any person convicted of conduct constituting a violation of any of the provisions of this Chapter shall be guilty of a felony, and shall be punished by imprisonment for not less than five years nor more than twenty years, pay a fine or twenty-five thousand dollars ($25,000), or suffer both fine and imprisonment.

(b) Any person convicted of conduct constituting a violation of any of the provisions of §1504 shall criminally to forfeit, to the State of Delaware any real or personal property used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of §1504 including any property constituting an interest in or means of control or influence over the enterprise involved in the conduct in violation of §1504 or any property constituting proceeds derived from the conduct in violation of §1504 including:

(1) any position, office, appointment, tenure, commission, or employment contract of any kind that he acquired or maintained in violation of §1504 or through which he conducted or participated in the conduct of the affairs of an enterprise in violation of §1504 or that afforded him a source of influence or control over the affairs of an enterprise that he exercised in violation of §1504;

(2) any compensation, right, or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in this Section that accrued to him during the period of conduct in violation of §1504;

(3) any interest in, security of, claim against, or property or contractual right affording him a source or influence or control over the affairs of an enterprise that he exercised in violation of §1504; or

(4) any amount payable or paid under any contract for goods or services that was awarded or performed in violation of §1504.

(c) In lieu of any fine otherwise authorized by law, any person convicted of engaging in racketeering, or any other conduct in violation of §1504, through which such person derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained, or three times the gross loss caused, hichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(d) Upon conviction of a person under the provisions of this chapter, the Superior Court shall authorize the Attorney General to seize all property or other interests declared forfeited under this chapter upon such terms and conditions as the Court shall deem proper. The State shall dispose of all property or other interests seized under this chapter as soon as feasible, making due provision for the rights of innocent persons. If a property right or other interest is not exercisable or transferrable for value by the State, it shall expire and shall not revert to the convicted person.

§1505. Civil Remedies

(a) The Superior Court of this State shall have jurisdiction to prevent and restrain violations of this chapter by issuing appropriate orders, including but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future

activities or investments of any person including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in; or ordering the dissolution or reorganization of any enterprise, making due provision of the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section and in addition for damages, civil forfeiture and a civil penalty of up to $100,000 for each incident of activity constitute a violation of this chapter. In any action brought by the State under this section, the Court shall proceed as soon as practicable to hold a hearing and reach a final determination in the matter. Pending final determination thereof, the Court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of any satisfactory performance bond, as it shall deem proper.

(c) Any person directly or indirectly injured by reason of any conduct constituting a violation of this chapter may sue therefor in any appropriate court, and if successful shall recover three times the actual damages sustained and, when appropriate, punitive damages. Damages under this subsection are not limited to competitive or distinct injury. Plaintiffs who substantially prevail shall also recover attorneys' fees in the trial and appellate courts; together with the costs of investigation and litigation, reasonably incurred; provided however, no action may be had under this section except against a defendant who has been criminally convicted of a racketeering activity which was the source of the injury alleged, and no action may be brought under this provision except within one year of such conviction.

(d) Any person who is injured by reason of any violation of this Chapter shall have a right or claim to property forfeited under §1505, or to the proceeds derived therefrom, which right or claim shall be superior to that of the State (other than for costs) in the same property or proceeds. To enforce such right or claim, the injured person must intervene.

(e) Upon the filing of a civil proceeding or action, the plaintiff shall immediately notify the Attorney General of the filing. The Attorney General may intervened upon certification that in the pinion of the Attorney General the action is of general public interest.

(f) Notwithstanding any other provision of law providing a shorter period of limitations, a civil proceeding or action under this paragraph may be commenced within five years after the conduct made unlawful under Section 1504 or when the cause of action otherwise accrues or within any longer statutory period that shall be applicable. If a criminal proceeding or civil action or other proceeding is brought or intervened in by the Attorney General to punish, prevent, or restrain any activity made unlawful under Section 1504, the running of the period of limitations prescribed by this Subparagraph with respect to any other cause of action of an aggrieved person based in whole or part upon any matter complained of in any such prosecution, action, or proceeding, shall be suspended during the pendency of such prosecution, action, or proceeding and for two years following its termination.

§1506. Forfeiture Proceedings

(a) The Attorney General is authorized to institute and conduct any proceedings under this chapter for the forfeiture of real or personal property to the State. All property of every kind used or intended for use in the course of, derived from, or realized through a pattern of racketeering conduct is subject to forfeiture to the State. Forfeiture shall be by means of a procedure which may be known and referred to as a "R.I.C.O. forfeiture proceeding."

(b) A R.I.C.O forfeiture proceeding under this chapter may be commenced before or after seizure of the property. If the complaint is filed before seizure, it shall state what property is sought to be forfeited; that the property is within the jurisdiction of the Court; the grounds for forfeiture; and the name of each person known to have or claim an interest in the property.

(c) To the extent that property which has been forfeited under this chapter cannot be located; has been transferred, sold, or deposited with third parties; or has been placed beyond the jurisdiction of the State, the Attorney General may institute and conduct any proceedings to retrieve such property as are necessary and appropriate, including forfeiture of any other property of the defendant up to the value of the property that is unreachable

(d) No person convicted under this chapter nor any person acting in concert with him, or on his behalf, shall be eligible to purchase forfeited property from the State. The interests of an innocent party in the property shall not be subject to forfeiture.

(e) The Court may, upon such terms and conditions as it deems appropriate, order that the property be sold by an innocent party who holds a lien on, or security interest in, the property at any time during the proceedings Any proceeds from such sale, over and upon the amount necessary to satisfy the lien or security interest, shall be paid into the court pending final judgment in the forfeiture proceeding. No such sale shall be ordered, however, unless the obligation upon which the lien or security interest is based is in default

(f) The proceeds of any sale or other disposition of forfeited property imposed under this chapter, whether by final judgment, settlement or otherwise, shall be applied in the following order:

(1) to the fees and costs of the forfeiture and sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising, and court costs;

(2) if any funds remain, then to all costs and expenses of investigation and prosecution, including costs of resources and personnel incurred in investigation and prosecution;

(3) if any funds remain, then the remainder or one thousand dollars ($1,000), whichever is less, to the Crime victim Compensation Fund;

(4) if any funds remain, to the Special Law Enforcement Assistance Fund, or its successor; or if no such fund is in existence, to the Fund which is dedicated entirely to law enforcement.

§1507. Racketeering Lien Notice; Lis Pendens

(a) Upon the institution of any criminal or civil proceeding under this chapter, the State, then or at any time during the pendency of the proceedings, may file in the official records of any one or more counties of this State, a racketeering (or "R.I.C.O.") lien notice. Such notice shall create, and be equivalent to, a lien. No filing fee or other charge shall be required as a condition for filing such lien notice, and the prothonotary shall, upon the presentation of the lien notice, immediately record it in the official records.

(b) The racketeering (R.I.C.O.) lien notice shall be signed by the Attorney General, the Chief Deputy Attorney General or the State Prosecutor. The notice shall be in such form as the Attorney General shall prescribe, and shall set forth the following information:

(1) the name of the person against whom the civil proceeding has been brought. The notice may, but is not required to, list any other aliases, names, or fictitious titles under which the person may be known. In its discretion the State may also list any corporation, partnership, or other entity which is owned or controlled by such person.

(2) if known to the Attorney General, the present residence and business addresses of the person named in the racketeering lien notice, and addresses for other names set forth in such lien notice;

(3) a reference to the criminal or civil proceeding, stating that a proceeding under this Chapter has been brought against the person named in the racketeering lien notice, and including the name of the county or counties where the proceeding has been initiated;

(4) a statement that the Notice is being filed pursuant to this Chapter; and

(5) the name and address of the agency within the State Department of Justice that can answer any further questions.

(6) such other information as the Attorney General shall deem appropriate.

(c) The Attorney General or a Deputy Attorney General may amend any lien filed under this section at any time, by filing an Amended Racketeering Lien in the same manner as a R.I.C.O. lien. An Amended Racketeering Lien shall identify, with reasonable certainty, the lien which is being amended.

(d) The Attorney General or a Deputy Attorney General shall, as soon as practicable after filing the acketeering lien notice, furnish to any person named in the lien a notice of the filing of such lien. The notice may be mailed by certified mail, return receipt requested. Failure to notify the person named in the lien in accordance with this subsection shall not invalidate nor otherwise affect any racketeering lien notice filed in accordance with this section.

(e) A racketeering lien is perfected against interests in personal property by filing the lien notice with the Secretary of State, except that in the case of a titled motor vehicle it shall be filed with the Division of Motor Vehicles. A racketeering lien is perfected against interests in real property by filing the lien notice with the prothonotary in the county in which the real property is located. The State may give such additional notice of the lien as it deems appropriate.

(f) The filing of a notice of lien in accordance with this section creates a lien in favor of the State in:

(1) any interest of the defendant in real property situated in the county in which the lien notice is filed, then maintained or thereafter acquired in the name of the defendant identified in the notice;

(2) any interest of the defendant in personal property situated in this State, then maintained or thereafter acquired in the name of the defendant identified in the lien notice; and

(3) any property identified in the lien notice to the extent of the defendant's interest therein.

(g) The filing of a racketeering lien notice under this section is notice to all persons dealing with the person or property identified in the lien of the State's claim. The lien created in favor of the State in accordance with this section is superior to and prior to the claims and interests of any other person, except a person possessing:

(1) a valid lien perfected prior to the filing of the racketeering lien notice;

(2) in the case of real property, an interest acquired and recorded prior to the filing of the racketeering lien notice; or

(3) in the case of personal property, an interest acquired prior to the filing of the racketeering lien notice.

(h) Where a trustee conveys title to real property against which a R.I.C.O. lien notice has been filed; and the lien notice has been filed in the county in which the property is located and names a person who, to the actual knowledge of the trustee, holds a beneficial interest in the trust, the trustee shall be liable to the State for the greater of:

(1) the amount of proceeds received directly by the person named in the R.I.C.O. lien notice, as a result of the conveyance;

(2) the amount of proceeds received by the trustee as a result of the conveyance, and distributed to any person named in the lien notice; or

(3) the fair market value of the interest of the person named in the lien notice in the real property so conveyed; provided however, that if the trustee conveys the real property, and holds proceeds that would otherwise be paid or distributed to the beneficiary (or at the direction of the beneficiary or his designee), the trustee's liability shall not exceed the amount of the proceeds so held for so long as the proceeds are held by the trustee.

(i) Upon entry of judgment in favor of the State, the State may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the State's lien priority, as provided in this section, the State shall (in addition to such other notice as is required by law) give at least thirty days' notice of such execution to any person, possessing at the time such notice is given, an interest recorded subsequent to the date the State's lien was perfected.

(j) Upon the entry of a final judgment in favor of the State, or an Order providing for forfeiture of property to the State, the title of the State to the property:

(1) in the case of real property, or a beneficial interest in real property, relates back to the date of filing the racketeering lien notice; or if no racketeering lien notice was filed, then to the date of recording of the final judgment, or an abstract thereof, in the county where the real property is located.

(2) in the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the State, or the date of filing of a racketeering lien notice in accordance with this section, whichever is earlier; but if the property was not seized, and no racketeering lien was filed, then to the date the final judgment was filed with the Secretary of State, or in the case of a titled motor vehicle, with the Division of Motor Vehicles.

(k) The provisions of this section shall not limit any right of the State to obtain any order or injunction, receivership, writ, attachment, garnishment or other remedy; nor limit any right of action which is appropriate to protect the interests of the State, or which is available under other applicable law.

(l) In the event the Attorney General determines that the provisions of this section are unclear or insufficient he may petition the Superior Court for the promulgation of rules to further clarify, or more effectively accomplish, the intent of this Chapter and of this Section. Where any rule promulgated by the Court conflicts with any provision of this Section, the provisions of this Section shall be paramount.

§1508. Term of Lien Notice

(a) The term of a racketeering lien notice shall be for a period of six years from the date of filing, unless a renewal lien notice has been filed; and, in such case, the term of the renewal lien notice shall be for a period of six years from the date of its filing. The State shall be entitled to only one renewal of a specific racketeering lien notice.

(b) The Attorney General may release, in whole or in part, any racketeering lien notice or may release any specific real property or beneficial interest from a lien notice upon such terms and conditions as he, or the Court, may determine. Any release of a racketeering lien notice executed by the

Attorney General may be filed in the official records of any county. No charge or fee shall be imposed or the filing of any release of a racketeering lien notice.

(c) If no civil proceeding has been instituted by the Attorney General, seeking a forfeiture of any property owned by the person named in the racketeering lien notice, the acquittal in the criminal proceeding of such person named in the lien notice or the dismissal of the criminal proceeding, shall terminate the lien notice; and, in such case, the filing of the racketeering lien notice shall have no effect. Where a civil proceeding has been instituted, and the criminal proceeding has been dismissed, or the person named in the racketeering lien notice has been acquitted in the criminal proceeding, the lien notice shall continue for the duration of the civil proceeding.

(d) If no civil proceeding is then pending against the person named in a R.I.C.O. lien notice, any person named in the lien notice may institute a civil action against the State, seeking a release or extinguishment of the State's lien. Notice of such civil action shall be filed in the county where the lien notice was filed.

§1509. Investigative Demands

(a) Whenever the Attorney General has reasonable cause to believe that any person or enterprise may have knowledge of, has been engaged in or is engaging in any conduct in violation of this Chapter, the Attorney General may, in his discretion, conduct an investigation of such conduct. The Attorney General is authorized before the commencement of any civil or criminal proceeding under this Chapter to subpoena witnesses. He may issue in writing and caused to be served any person an investigative demand by which he may compel the attendance of witnesses, examine witnesses under oath, require the production of evidence or documentary materials, and require answers to an investigative demand written interrogatories to be furnished under oath.

(b) The production of documentary material in response to an investigative demand served under this section shall be made pursuant to a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by an individual having knowledge of the facts and circumstances relating to the production of materials, which certificate shall affirm that all of the documentary material required by the investigative demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

(c) The Attorney General may, in his discretion, require the production under this section of documentary materials prior to the taking of any testimony of the person subpoenaed. The required documentary materials shall made available for inspection or copying during normal business hours at the principal place of business of the person served, or at such other time and place as may be agreed upon between the person served and the Attorney General.

(d) The examination of all persons pursuant to this section shall be conducted by the Attorney General or by a person designated in writing to be his representative, before an officer chosen by the Attorney General who is authorized to administer oaths in this State. The statements made shall be aken down stenographically, or by a sound recording device, and shall be transcribed.

(e) No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served investigative demand of the Attorney General under this section, knowingly remove to any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any documentary material or materials that are the subject of the demand. A violation of this subsection is a Class E felony. The Attorney General shall investigate suspected violations of this section.

(f) In the event a witness supoenaed under this section fails or refuses to appear, or to produce documentary materials as provided herein, or to give testimony relevant or material to an investigation, the Attorney General may petition the Superior Court in the county where the witness resides for an Order requiring the witness to attend and testify, or to produce the documentary materials. Any failure or refusal by the witness to obey an order of the Court may be punishable by the Court as contempt.

§1510. Registration of Foreign Corporations

(a) Each foreign corporation desiring to acquire of record any real property shall have, prior to acquisition, and shall continuously maintain in this State during any year thereafter in which such real property is owned by the corporation:

(1) a registered office; and

(2) a registered agent, which agent may be either:

(i) an individual resident in this State, whose business office is identical with such registered office; or

(ii) another corporation authorized to transact business in this State, having a business office identical with such registered office.

(b) Each registered agent appointed in accordance with this section, on whom process may be served, shall file a statement in writing with the Secretary of State accepting the appointment as registered agent simultaneously with being designated.

(c) Each foreign corporation shall file with the Secretary of State, no earlier than January 1 and not later than July 1 of each year, a sworn report on such forms as the Secretary of State shall prescribe, setting forth:

(1) the name of such corporation;

(2) the street address and the principal office such corporation; and

(3) the name and street address of the registered agent and registered office of such corporation; and

(4) the signature of the corporate president, vice-president, secretary, assistant secretary, or treasurer attesting to the accuracy of the report as of the date immediately preceding filing of the report.

(d) Each foreign corporation which fails to file a report as required by this section, or fails to aintain a registered office or a registered agent as required by this section, shall not be entitled to own, purchase, or sell any real property; and such corporation shall not be entitled to sue or to defend in the courts of this State, until such requirements have been complied with.

(e) The Secretary of State shall record the status of any foreign corporation which fails to comply with the requirements of this section.

(f) The filing of a report by a corporation as required by this section shall be solely for the purposes of this Chapter and, notwithstanding any other act, shall not be used as a determination of whether the corporation is doing business in this State.

§1511. Use of Property and Funds for Law Enforcement Purposes

(a) All cash, bonds and other funds forfeited to the State in accordance with this chapter which remain after distribution pursuant to §1507 (f) shall be deposited into the Special Law Enforcement Assistance Fund for the use by the State for any purpose deemed by the Attorney General to be in the interest of law enforcement.

(b) Personalty forfeited to the State which is not cash or currency shall not be sold or otherwise converted until the Attorney General determines, in writing, that such personalty cannot be used for law enforcement related purposes. If the Attorney General determines that there is a law enforcement use for such personalty, the personalty shall become State property and the Justice Department shall have the right of first refusal.

Section 2. Amend Chapter 4, Part I, Title 11 of the Delaware Code by adding thereto the following sections:

"§477. Racketeering Activities; Excluded Defenses

(a) In any prosecution under Chapter 15 where it is alleged that the offender or offenders were acting as members of a group or informal organization it shall be no defense to such prosecution or were engaged in any form of racketeering or racketeering activity, that:

(1) one or more members of the group or organization are not criminally responsible for the offense for which the prosecution is brought;

(2) one or more members of the group or organization have been acquitted, have not been prosecuted or convicted, have been convicted of a different offense, or are immune from prosecution;

(3) a different person has been charged with, acquitted, or convicted of any offense set forth in Chapter 15 of this Title.

(b) Once an act of racketeering has been initiated by a group and there is a subsequent change in the number or identity of persons in such group or organization, as long as two or more of the original members remain in such group or are involved in a continuing course of conduct constituting an offense under Chapter 15, it shall be no defense for a defendant to claim he was not part of the group or organization.

§478. Organized Crime; Renunciation

(a) It is an affirmative defense to a prosecution under §1504, Chapter 15 of this Title, that under circumstances manifesting a voluntary and complete renunciation of his criminal objective, the defendant withdrew from the proposed or intended unlawful activity before the commission of an offense set forth in Chapter 15 of this Title; and that such person took further affirmative action that, in whole or in part, prevented the commission of the offense.

(b) Renunciation is not "voluntary," if it is motivated in whole or in part:

(1) by circumstances not present or apparent at the inception of the defendant's course of conduct that increased the probability of detection or apprehension, or that made more difficult the accomplishment of the objective; or

(2) by a decision to postpone the criminal conduct until another time, or to transfer the criminal act to another (but similar) objective or victim.

(c) Evidence that the defendant withdrew from the unlawful activity before commission of an offense set forth in Chapter 15 of this Title, and made substantial effort to prevent the commission of an offense under that Chapter, shall be admissible as mitigation at the hearing on punishment if such person has been found guilty; and in the event of a finding of renunciation under this section, the punishment of such person shall be less than that which would otherwise be imposed. The Court shall determine the extent and genuiness of the renunciation, and determine the reduction."

Section 3. Amend Chapter 35, Part II, Title 11 of the Delaware Code by adding the following Section to Subchapter I:

"§3502. Testimonial Immunity

(a) A party to an offense under Chapter 15 of this Title may be required to furnish evidence, or to testify concerning the offense.

(b) No evidence or testimony required to be furnished under the provisions of this Section, nor any information directly or indirectly derived from such evidence or testimony, may be used against the witness in any criminal case, except in a prosecution for perjury or contempt.

(c) If a witness or other person is or may be called to produce evidence at a hearing or trial under Chapter 15, or at an investigation brought by the Attorney General under §1510 of this Tittle, the Superior Court for the county in which the hearing, trial, or investigation is or may be held shall, upon certification in writing of such request by the Attorney General, require such person to produce the evidence, notwithstanding his refusal to do so on the basis of his privilege against self-incrimination."

Section 4. This Act shall be known and may be cited as: The Delaware Racketeer-Influenced and Corrupt Organizations Act.

Section 5. The application of one civil remedy under this Act shall not preclude the application of any other remedy, civil or criminal, under this Act or any other provision of law. Civil remedies under this Act are not mutually exclusive.

Section 6. If any provision of this Act or the application 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 hereby declared severable.

Approved July 9, 1986.

CHAPTER 494

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 326
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN SEXUAL OFFENSES.

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

Section 1. Amend Chapter 5, Subchapter II, Subpart D, Title 11 of the Delaware Code by deleting Subpart D in its entirety and substituting in lieu thereof the following:

"Subpart D. Sexual Offenses

§761. Definitions generally applicable to sexual offenses

(a) Cunnilingus means any oral contact with the female genitalia.

(b) Fellatio means any oral contact with the male genitalia.

(c) Object means any item, device, instrument, substance or part of the body other than a tongue or penis. It does not mean a medical instrument used by a licensed medical doctor or nurse for the purpose of diagnosis or treatment.

(d) Sexual offense means any offense defined by §§761 through 775 and §1109 of this title.

(e) Sexual intercourse means:

(1) Any act of physical union of the genitalia or anus of one person with the mouth, anus or genitalia of another person. It occurs upon any penetration, however slight. Ejaculation is not required; or

(2) Any act of cunnilingus or fellatio regardless of whether penetration occurs. Ejaculation is not required.

(f) Sexual contact means any intentional touching of the anus, breast, buttocks or genitalia of another person and shall also include touching of those specified areas when covered by clothing.

(g) Without consent means:

(1) The defendant compelled the victim to submit by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or

(2) the defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or

(3) the defendant knew that the victim suffered from a mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct; or

(4) the defendant had substantially impaired the victim's power to appraise or control his conduct by administering or employing without the other person's knowledge or against his will, drugs, intoxicants or other means for the purpose of preventing resistance.

(h) Voluntary Social Companion means a victim who is in the defendant's company on the occasion of the offense as a result of the victim's exercise of rational intellect and free will, without trick, coercion or duress. A victim who is less than 16 years of age, or who is mentally defective, is not the voluntary social companion of a defendant in whose custody or care the victim is placed.

§762 Provisions generally applicable to sexual offenses

(a) Mistake as to age. Whenever in the definition of a sexual offense, the criminality of conduct depends on the age of the person being below the age of 16, it is no defense that the actor did not know the person's age, or that the actor reasonably believed the person to be 16 years old or older.

(b) Gender. Unless a contrary meaning is clearly required, the male pronoun shall be deemed to refer to both male and female.

§763. Sexual Harassment: Class B Misdemeanor

A person is guilty of sexual harassment when:

(a) He threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or

(b) he suggests, solicits, requests, commands, importunes or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with him, knowing that he is thereby likely to cause annoyance, offense or alarm to that person.

Sexual harassment is a Class B Misdemeanor.

§764. Indecent Exposure in the Second Degree: Class B Misdemeanor

A male is guilty of indecent exposure in the second degree if he exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person.

A female is guilty of indecent exposure in the second degree if she exposes her genitals, breast, or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

§765. Indecent Exposure in the First Degree: Class A Misdemeanor

A male is guilty of indecent exposure in the first degree if he exposes his genitals or buttocks to a person who is less than 16 years of age under circumstances in which he knows his conduct is likely to cause affront or alarm.

A female is guilty of indecent exposure in the first degree if she exposes her genitals, breast, or buttocks to a person who is less than 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm.

§766. Incest: Class A Misdemeanor

A person is guilty of incest if he engages in sexual intercourse with another person with whom he has one of the following relationships:

A male and his child.

A male and his parent.

A male and his brother.

A male and his sister.

A male and his grandchild.

A male and his niece or nephew.

A male and his father's sister or brother.

A male and his mother's sister or brother.

A male and his father's wife.

A male and his wife's child.

A male and the child of his wife's son or daughter.

A female and her parent.

A female and her child.

A female and her brother.

A female and her sister.

A female and her grandchild.

A female and her niece or nephew.

A female and her father's sister or brother.

A female and her mother's sister or brother.

A female and her mother's husband.

A female and her husband's child.

A female and the child of her husband's son or daughter.

The relationships referred to herein include blood relationships without regard to legitimacy and relationships by adoption.

Incest is a Class A Misdemeanor and is an offense within the original jurisdiction of the Family Court.

§767. Unlawful Sexual Contact in the Third Degree: Class A Misdemeanor

A person is guilty of unlawful sexual contact in the third degree when he has sexual contact with another person or causes the victim to have sexual contact with him or a third person and he knows that the contact is either offensive to the victim or occurs without the victim's consent.

§768. Unlawful Sexual Contact in the Second Degree: Class E Felony

A person is guilty of unlawful sexual contact in the second degree when he intentionally has sexual contact with another person who is less than 16 years of age or causes the victim to have sexual contact with him or a third person.

§769. Unlawful Sexual Contact in the First Degree: Class D Felony

A person is guilty of unlawful sexual contact in the first degree when, in the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes physical injury to the victim or he displays what appears to be a deadly weapon or dangerous instrument.

§770. Unlawful Sexual Penetration in the Third Degree: Class D Felony

A person is guilty of unlawful sexual penetration in the third degree when he intentionally places one or more fingers of thumbs or an object, as defined by 11 Del. C. §761(c), inside the vagina or anus of a person under any of the following circumstances:

(1) The sexual penetration occurs without the victim's consent; or

(2) the victim is less than 16 years old.

This law does not apply to a licensed medical doctor or nurse who places one or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment.

§771. Unlawful Sexual Penetration in the Second Degree: Class C Felony

A person is guilty of unlawful sexual penetration in the second degree when he intentionally places one or more fingers or thumbs or an object, as defined by 11 Del. C. §761(c), inside the vagina or anus of a person under any of the following circumstances:

(1) The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes physical injury to the victim; or

(2) the victim is less than 16 years old and during the commission of the crime or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes physical injury to the victim.

§772. Unlawful Sexual Penetration in the First Degree: Class B Felony

A person is guilty of a unlawful sexual penetration in the first degree when he intentionally places one or more fingers or thumbs or an object, as defined by 11 Del. C. §761(c), inside the vagina or anus of a person under any of the following circumstances:

(1) The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes serious physical injury to the victim; or

(2) the victim is less than 16 years old and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes serious physical injury to the victim; or

(3) the sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immeidate flight from the crime, or during an attempt to prevent the reporting of the crime, he displays what appears to be a deadly weapon or dangerous instrument; or

(4) the victim is less than 16 years old and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he displays what appears to be a deadly weapon or a dangerous instrument.

§773. Unlawful Sexual Intercourse in the Third Degree: Class B Felony

A person is guilty of unlawful sexual intercourse in the third degree when he intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The intercourse occurs without the victim's consent; or

(2) the victim is less than 16 years of age.

§774. Unlawful Sexual Intercourse in the Second Degree: Class A Felony

A person is guilty of unlawful sexual intercourse in the second degree when he intentionally engages in sexual intercourse with another person and any of the following circumstanees exist:

(1) The intercourse occurs without the victim's consent and he inflicts physical, mental or emotional injury upon the victim:

(a) On the occasion of the crime, or

(b) during the immediate flight from the crime, or

(c) during an attempt to prevent the reporting of the crime, or

(2) the intercourse occurs without the victim's consent and the defendant was not the victim's voluntary social companion on the occasion of the crime.

§775. Unlawful Sexual Intercourse in the First Degree: Class A Felony

A person is guilty of unlawful sexual intercourse in the first degree when he intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The intercourse occurs without the victim's consent, and he inflicts serious physical, mental or emotional injury upon the victim:

(a) On the occasion of the crime; or

(b) during the immediate flight from the crime; or

(c) during an attempt to prevent the reporting of the crime; or

(2) the intercourse occurs without the victim's consent and the defendant was not the victim's voluntary social companion on the occasion of the crime and had not permitted the defendant sexual intercourse within the previous 12 months; or

(3) in the course of committing unlawful sexual intercourse in the third degree or unlawful sexual intercourse in the second degree, the defendant displayed what appeared to be a deadly weapon or a dangerous instrument; or

(4) the victim is less than 16 years of age and the defendant is not the victim's voluntary social companion on the occasion of the crime.

Nothing contained in this section shall preclude a separate charge, conviction and sentence for possession of a deadly weapon during the commission of a felony."

Section 2. Amend §1103, Chapter 5, Subchapter V, Title 11 of the Delaware Code by adding a new paragraph (e) (10) as follows:

"(10) Sexual Contact."

Section 3. Amend §4209A, Chapter 42, Title 11 of the Delaware Code by striking first degree rape as it appears in the section title and in the section and by substituting in lieu thereof the phrase "unlawful sexual intercourse in the first degree".

Section 4. Amend §4209(j), Chapter 42, Title 11 of the Delaware Code by striking the word "rape" as it appears therein and substituting in lieu thereof the phrase "unlawful sexual intercourse".

Section 5. Sections 761 to 775 of Title 11 of the Delaware Code as amended by the enactment of this law shall apply to all such offenses committed, or alleged to have been committed, on or after the date of the enactment by the amendments. Sections 761 to 774 of Title 11 as they were in effect prior to the date of the amendments enacted today shall govern all offenses committed, or alleged to have been committed, before the date of the enactment of these amendments. Offenses which were committed, or which were alleged to have been committed, during a course of conduct covering a time period both before and after the date of the enactment of these amendments shall be governed by Sections 761 to 774 of Title 11 as they were in effect on the date prior to the enactment of these amendments.

Section 6. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Approved July 9, 1986

CHAPTER 495

FORMERLY

HOUSE BILL NO. 335
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO EXEMPTION OF PERSONS 65 YEARS OF AGE FROM FOODFISHING EQUIPMENT PERMIT FEES.

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

Section 1 Amend §915(b), Title 7, Delaware Code, by inserting between the sentence ending "under the jurisdiction of this State " and the sentence beginning "Food fishing equipment permit fees apply" the following sentence

"Any resident of this State, 65 years of age or older, who is not a commercial foodfishing licensee, is exempt from the foodfishing equipment permit fees but must comply with all other foodfishing equipment permit procedures and requirements."

Approved July 9, 1986

CHAPTER 496

FORMERLY

HOUSE BILL NO. 336

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO THE FEE FOR FYKE NETTING.

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

Section 1. Amend §915(b)(4), Chapter 9, Title 7, Delaware Code, by striking the figures "$30" and "$300" respectively and substituting in lieu thereof the figures "$5" and "$50".

Approved July 9, 1986.

CHAPTER 497

FORMERLY

HOUSE BILL NO. 464

AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE DELAWARE CRIMINAL CODE; AND INCREASING CERTAIN JURISDICTIONAL AMOUNTS FROM THREE HUNDRED DOLLARS ($300) TO FIVE HUNDRED DOLLARS ($500).

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

Section 1. Amend Subsection (b), Section 811, Chapter 5, Title 11 of the Delaware Code, by striking the figure "$300" as the same appears in paragraph (2) of said subsection, and substituting the figure "$500" in lieu thereof.

Section 2. Amend §840, Chapter 5, Part I, Title 11 of the Delaware Code, by striking the figure "300" wherever the same appears in the last paragraph of said section, and substituting the figure "$500" in lieu thereof.

Section 3. Amend §841, Chapter 5, Part I, Title 11 of the Delaware Code, by striking the figure "$300" as the same appears in the last paragraph of said section, and substituting the figure "$500" in lieu thereof.

Section 4. Amend §848, Chapter 5, Part I, Title 11 of the Delaware Code, by striking the figure "$300" as the same appears in the last paragraph of said section, and substituting the figure "$500" in lieu thereof.

Section 5. Amend §851, Chapter 5, Part I, Title 11 of the Delaware Code, by striking the figure "$300" as the same appears in the last paragraph of said section, and substituting the figure "$500" in lieu thereof.

Section 6. Amend §900, Chapter 5, Part I, Title 11 of the Delaware Code, by striking the figure "$300" as the same appears in the last paragraph of said section, and substituting the figure "$500" in lieu thereof.

Section 7. Amend §903, Chapter 5, Part I, Title 11 of the Delaware Code, by striking the figure "$300" wherever the same appears therein, and substituting the figure "$500" in lieu thereof.

Approved July 9, 1986.

CHAPTER 498

FORMERLY

HOUSE BILL NO. 474
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO LEAVE WITH PAY FOR EMPLOYEES PERFORMING HAZARDOUS DUTY ASSIGNMENTS.

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

Section 1. Amend §5933, Chapter 59, Title 29, Delaware Code, by adding thereto the following new paragraphs (c) and (d) to read as follows:

"(c) Notwithstanding the provisions of paragraph (a), the three month limitation shall not apply to any employee injured while performing a hazardous duty assignment and whose injury or injuries arose out of and in the course of performing hazardous duty, provided, however, such employee shall be entitled to the benefits of this section for not more than 12 months. Hazardous duty assignments shall include, but not be limited to:

(1) employees otherwise qualified who are employed by the Department of Corrections;

(2) employees otherwise qualified who are employed by the Delaware State Hospital who are assigned to programs for the criminally insane;

(3) employees otherwise qualified who are employed by the Division of Youth Rehabilitation;

(4) State of Delaware law enforcement officers in the performance of their duties; provided, however, no law enforcement officer shall be covered under the provisions of this section while said officer is performing a function or duty that is considered administrative in nature.

(5) State employees serving in response to the imminent danger of hazardous waste material, including but not limited to the SERT Team.

(d) The Director of State Personnel shall promulgate such rules and regulations as may be required to administer the provisions of this Act and shall periodically review and recommend other State employees engaged in hazardous duty assignments for inclusion for coverage under the provisions of this Section."

Approved July 9, 1986.

CHAPTER 499

FORMERLY

HOUSE BILL NO. 503
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, TITLE 19 DELAWARE CODE, PERTAINING TO EMPLOYEE RELATIONS.

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

Section 1. Amend §1307, Chapter 13, Title 19 Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§1307. Failure to obtain majority of votes

(a) 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.

(b) No election shall be held pursuant to this Chapter within twelve (12) months from the date of a preceding valid election resulting in certification or non certification of an exclusive bargaining unit."

Approved July 9, 1986

CHAPTER 500

FORMERLY

HOUSE BILL NO. 508
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT OFFENSES AND PENALTIES.

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

Section 1. Amend subsection (b), Section 4755, Chapter 47, Title 16 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) Any person who violates subparagraph (a)(1), (a)(2), (a)(4) or (a)(5) of this section shall be guilty of a felony, and upon conviction shall be fined not more than $3,000.00 or imprisoned not more than 10 years or both. Any person who violates subparagraph (a)(3) of this section upon conviction shall be fined not more than $3,000 or imprisoned, not more than 10 years or both."

Approved July 9, 1986.

CHAPTER 501

FORMERLY

HOUSE BILL NO. 510

AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF PERSONS INVOLVED IN THE MANUFACTURE, DISTRIBUTION OR DISPENSING OF CONTROLLED SUBSTANCES.

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

Section 1. Amend subsection (a), Section 4732, Chapter 47, Title 16 of the Delaware Code by striking the word "annually" where it appears therein and substituting in lieu thereof the word "biennially".

Section 2. Amend Section 4732, Chapter 47, Title 16 of the Delaware Code by adding a new subsection (g) thereto to read as follows:

"(g). Every registrant under this chapter shall be required to report any change of professional or business address in such a manner as the secretary may require by regulation."

Approved July 9, 1986.

CHAPTER 502

FORMERLY

HOUSE BILL NO. 511
AS AMENDED BY HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend §6907, Title 29, Delaware Code, by inserting between the first and second sentence thereof the following:

"In determining how the interest of the State or contracting county is better served in making an award to other than the lowest responsible vendor, the agency may take into consideration unsatisfactory performances on any previously awarded contract by the vendor being rejected."

Approved July 9, 1986.

CHAPTER 503

FORMERLY

HOUSE BILL NO. 526
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTERS 3, 7, 21, 23, 27, 31, 41, 42 AND 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE PENALTY PROVISIONS OF THE MOTOR VEHICLE CODE.

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

Section 1. Amend §315, Chapter 3, Part I, Title 21 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§315. Failure to report change of address; penalty

Whoever, holding an operator's license issued to him under the laws of this State or having a motor vehicle or tractor registered in his name under the laws of this State, fails or neglects within one month after any change of his address to notify the Department of any such change of address shall be fined, for the first offense, not less than $10 nor more than $50. For each subsequent like offense, he shall be fined not less that $50 nor more than $100."

Section 2 Amend §702, Chapter 7, Part I, Title 21 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§702. Failure to answer summons; penalty.

Whoever fails to answer any summons to appear in any court of competent jurisdiction to answer for any violation of the motor vehicle laws of this State, after notice thereof served personally or securely fastened to the motor vehicle of which such person is the owner or operator, shall be fined, for the first offense, not less than $25 nor more than $50. For each subsequent like offense, he shall be fined not less than $50 nor more than $100, or imprisoned not less than 2 nor more than 15 days or both."

Section 3 Amend §2102(b), Subchapter I, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) Whoever violates Subsection (a) of this Section shall be fined for the first offense not less than $25 nor more than $100 For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both."

Section 4 Amend §2118(r), Subchapter I, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(r) Whoever violates any Subsection of this Section shall be fined for the first offense not less than $150 nor more than $1,000, or imprisoned not less than 10 nor more than 30 days, or both, and shall have his driving license and/or privileges suspended for 3 months For each subsequent like offense, occurring within 3 years of a former offense, he shall be fined not less than $500 nor more than $2,000, or imprisoned not less than 30 nor more than 60 days, or both, and shall have his driving license and/or privileges suspended for 6 months The minimum fine imposed for a violation of Subsections (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 of the offense 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 privileges of driving revoked in this State until such time as he has furnished proof of insurance to the Division of Motor Vehicles."

Section 5 Amend §2126(c), Subchapter II, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(c) Whoever violates Subsection (b) of this Section shall be fined not less than $25 nor more than $50 "

Section 6 Amend §2133(a), Subchapter II, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following

"(a) Any person who:

(1) Knowingly inserts any false information upon the face of a temporary registration plate; or

(2) Issues any temporary registration plate to a person or for a vehicle other than those permitted under this Title; or

(3) Operates any vehicle bearing a temporary registration plate which is invalid or expired shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both."

Section 7. Amend §2134(g), Subchapter II, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(g) Any person who is not a handicapped person, as defined in Subsection (a) of this Section, and who intentionally and falsely represents himself as having the qualifications to obtain such a handicapped vehicle registration plate in an attempt to obtain such plate shall for the first offense be fined not less than $50 nor more than $100. For each subsequent like offense, he shall be fined not less than $100 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both. Justices of the Peace shall have jurisdiction over offenses under this Section."

Section 8. Amend §2135(h), Subchapter II, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(h) Any person who is not a handicapped person, as defined in §2134(a) of this Title, and who intentionally 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, for the first offense, be fined not less than $50 nor more than $100. For each subsequent like offense, he shall be fined not less than $100 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both. Justices of the Peace shall have jurisdiction over offenses under this Section."

Section 9. Amend §2174, Subchapter VI, Chapter 21, Part II, Title 21 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§2174. Penalties.

Whoever violates this Subchapter shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $100 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both."

Section 10. Amend §2340, Subchapter II, Chapter 23, Part II, Title 21 of the Delaware Code by striking the figure "$5" as it appears therein and substituting in lieu thereof the figure "$25".

Section 11. Amend §2701(f), Subchapter I, Chapter 27, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(f) Whoever violates Subsection (c) or (d) of this Section shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $100."

Section 12. Amend §2704(b), Subchapter I, Chapter 27, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) Whoever violates this section shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both."

Section 13. Amend §2757(a), Subchapter IV, Chapter 27, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(a) Whoever violates this Chapter shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both."

Section 14. Amend §3109(a), Chapter 31, Part II, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(a) Whoever violates this Chapter shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more

than $200, or imprisoned not less than 10 nor more than 30 days or both. Justices of the Peace shall have jurisdiction over violations of this Chapter."

Section 15. Amend §4126(b), Subchapter IIIA, Chapter 41, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) Whoever violates Subsection (a) of this Section shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both. Justices of the Peace shall have original jurisdiction to hear, try and finally determine alleged violations of this Section."

Section 16. Amend §4128(b), Subchapter IIIA, Chapter 41, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) No person shall refuse to pay, evade or attempt to evade the payment of any such toll. Any such violation regarding the payment of tolls shall be punishable by a fine of not less than $25 nor more than $100, or imprisonment for not less than 10 nor more than 30 days or both."

Section 17. Amend §4146(f), Subchapter V, Chapter 41, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(f) Whoever violates this Section shall for the first offense be fined not less than $10 nor more than $25. For each subsequent like offense, he shall be fined not less than $25 nor more than $50."

Section 18. Amend §4169(c)(1), Subchapter VIII, Chapter 41, Part III, Title 21 of the Delaware Code by striking said paragraph in its entirety and substituting in lieu thereof the following:

"(1) Whoever violates this Section shall for the first offense be fined $20. For each subsequent offense, he shall be fined $25 or be imprisoned not less than 10 nor more than 30 days or both. A subsequent violation, before being punishable as such, shall have been committed within 24 months after the commission of the prior offense."

Section 19. Amend §4175(b), Subchapter IX, Chapter 41, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) Whoever violates Subsection (a) of this Section shall for the first offense be fined not less than $100 nor more than $300, or be imprisoned not less than 10 nor more than 30 days or both. For each subsequent like offense occurring within 3 years of a former offense, he shall be fined not less than $300 nor more than $1,000, or be imprisoned not less than 30 nor more than 60 days or both. 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. Whoever is convicted of violating Subsection (a) of this Section and who has had the charge reduced from the violation of §4177(a) of this Title shall, in addition to the above, be ordered to complete a course of instruction or program of rehabilitation established under §4177D of this Title and to pay all fees in connection therewith. In such cases, the court disposing of the case shall note in the court's record that the offense was alcohol related and such notation shall be carried on the violator's motor vehicle record."

Section 20. Amend §4176(c), Subchapter IX, Chapter 41, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(c) Whoever violates this Section shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense occurring within 3 years of a former offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both."

Section 21 Amend §4205(a), Chapter 42, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(a) Whoever violates Chapter 41 or 42 of this Title shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both. All second offenses, before being punishable as such, shall have been committed within 12 months after the commission of the first offense unless otherwise specifically provided."

Section 22 Amend §4315, Subchapter I, Chapter 43, Part III, Title 21 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§4315. Penalties for §§4301-4316.

(a) Whoever violates §§4301-4305 of this Title shall for the first offense be fined not less than $25 nor more than $100. For each subsequent like offense, he shall be fined not less than $50 nor more than $200, or imprisoned not less than 10 nor more than 30 days or both.

(b) Whoever violates §§4306-4311 of this Title shall for the first offense be fined not less than $10 nor more than $25. For each subsequent like offense, he shall be fined not less than $25 nor more than $100.

(c) Whoever being the operator, owner or custodian of any motor vehicle which is operated in violation of §§4312-4316 of this Title shall be fined not less than $25 nor more than $100.

(d) In case of any violation of §§4301-4316 by any common carrier or person operating under a permit or certificate issued by any public authority, in addition to the penalties prescribed in this Section, such permit or certificate shall be revoked or, in the discretion of the issuing authority suspended until such Sections are satisfactorily complied with."

Section 23. Amend §4317(f), Subchapter I, Chapter 43, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(f) Whoever violates this Section shall for the first offense be fined not less $10 nor more than $25. For each subsequent like offense, he shall be fined not less than $25 nor more than $100."

Section 24. Amend §4358, Subchapter II, Chapter 43, Part III, Title 21 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof the following:

"§4358. Penalties.

Whoever violates this Subchapter shall for the first offense be fined not less than $10 nor more than $25. For each subsequent like offense, he shall be fined not less than $25 nor more than $100."

Section 25. Amend §4371(b), Subchapter IV, Chapter 43, Part III, Title 21 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) Whoever violates Subsection (a) of this Section shall for the first offense be fined not less than $10 nor more than $25. For each subsequent like offense, he shall be fined not less than $25 nor more than $100."

Approved July 9, 1986.

CHAPTER 504

FORMERLY

HOUSE BILL NO. 536

AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES, AND TO THE POSSESSION OR ATTEMPTED POSSESSION OF PRESCRIPTION MEDICATIONS BY ILLEGAL OR FRAUDULENT MEANS, AND PENALTIES APPLYING THERETO.

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

Section 1. Amend Subsection (a), Section 4756, Chapter 47, Title 16 of the Delaware Code by striking the present subparagraph (2) in its entirety and adding a new subparagraph (2) thereto to read as follows:

"(2) To use in the course of the manufacture, distribution or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired or issued to another person."

Section 2. Amend Subsection (a), Section 4756, Chapter 47, Title 16 of the Delaware Code by adding a new subparagraph (6) thereto a read as follows:

"(6) To acquire or attempt to or obtain possession of a controlled substance by robbery, burglary or theft."

Section 3. Amend Subsection (a), Section 4756, Chapter 47, Title 16 of the Delaware Code by adding a new subparagraph (7) thereto to read as follows:

"(7) To acquire or obtain or attempt to acquire or obtain, possession of a substance for which a valid prescription or order of a practitioner is required, by misrepresentation, fraud, forgery, deception or subterfuge."

Section 4. Amend Subsection (b), Section 4756, Chapter 47, Title 16 of the Delaware Code by striking said Subsection in its entirety and substituting in lieu thereof the following:

"(b) Any person who violates this Section upon conviction shall be guilty of a felony, and upon conviction shall be fined not more than $3,000.00 or imprisoned not more than ten years or both."

Approved July 9, 1986.

CHAPTER 505

FORMERLY

HOUSE BILL NO. 542

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT AND PROVIDING FOR THE REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM OF MALES BORN AFTER JANUARY 1, 1960 IN ORDER TO BECOME AVAILABLE FOR CERTAIN STATE BENEFITS OR EMPLOYMENT.

WHEREAS, it is a federal law that requires all males turning eighteen years of age to register with the Selective Service System; and

WHEREAS, the continuation of the program for peace time registration for the Selective Service System contributes to national readiness by reducing by up to two months the time required for full defense mobilization; and

WHEREAS, the registration program is an important signal to our allies and to our potential adversaries of the seriousness of the United States defense commitment at home and abroad; and

WHEREAS, 99 percent of potential registrants have registered with the Selective Service System since the resumption of registration and by registering have enhanced United Staters defense preparedness; and

WHEREAS, the American people overwhelmingly support registration; and

WHEREAS, the Solomon Amendment requires that eligible men must register with Selective Service to be eligible for federal student aid; and

WHEREAS, eligibility for federal employment requires registration with the Selective Service; and

WHEREAS, the State of Delaware provides employment to young men eligible for the Selective Service; and

WHEREAS, student aid money and employment opportunities from the State are limited and it is both just and proper that Delawareans' tax revenue should go only to those men who obey the law and register with the Selective Service.

NOW, THEREFORE:

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

Section 1. Amend Chapter 59, Title 29 of the Delaware Code by adding a new Section 5941A which shall read as follows:

"5941A. Requirement of Registration with Selective Service System.

The rules shall provide that all males born after January 1, 1960 must have registered with the Selective Service System in order to be eligible for state employment."

Section 2. Amend Chapter 61, Title 29 of the Delaware Code by adding a new Section 6104 which shall read as follows:

"6104. Requirement of Registration with Selective Service System.

All males born after January 1, 1960 must have registered with the Selective Service System in order to be eligible for any scholarship, loan, grant, or any program supported by the General Fund, or any subsequent fund developed by the State to provide educational assistance to residents of the State of Delaware or any other State."

Section 3. 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 9, 1986.

CHAPTER 506

FORMERLY

HOUSE BILL NO. 563
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE RELATING TO PROCEEDINGS IN THE INTEREST OF A CHILD.

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

Section 1. Amend §937(c)(3), Chapter 9, Title 10 of the Delaware Code by inserting the phrase "unless the Director of Youth Rehabilitation Services, in his discretion, determines that it is in the best interest of the child's treatment to participate in programs which may require the child to leave the institution" between the word "commitment" and the semicolon ";" as they appear in said Subsection.

Section 2. Amend §937(c)(3), Chapter 9, Title 10, Delaware Code by inserting the phrase "or unless the Director of Youth Rehabilitation Services, in his discretion, determines that it is in the best interest of the child's treatment to participate in programs which may require the child to leave the institution" between the word "child" and the semicolon ";", as they appear at the end of the Subsection.

Approved July 9, 1986.

CHAPTER 507

FORMERLY

HOUSE BILL NO. 571
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE REPORTING OF A DISCHARGE OF A POLLUTANT OR AN AIR CONTAMINANT AND PROVIDING FOR CRIMINAL SANCTION AND JURISDICTION FOR DISCHARGE OF A POLLUTANT.

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

Section 1. Amend §6028, Chapter 60, Subchapter II, Title 7 of the Delaware Code by deleting said Section in its entirety and substituting in lieu thereof the following:

"§6028. Report of a Discharge of a Pollutant or an Air Contaminant.

Any person who causes or contributes to the discharge of an air contaminant into the air or a pollutant into surface water, ground water or on land, or disposal of solid wastes, either in excess of any condition specified in any permit or variance duly issued by the Department, or in the absence of a permit or variance, shall report such an incident to the Department at such person's earliest opportunity after said discharge has occurred.

The reporting requirements under this Section are in addition to, and not in lieu of, any other discharge reporting requirements found in any other state, federal, county or local government statutes, regulations or ordinances. For purposes of this Section, the requirement that all discharges be reported to the Department at the earliest opportunity shall mean that the person who causes or contributes to the discharge shall first contact the Department in person or by telephonic communication at said person's earliest opportunity after said discharge. At the Department's discretion, the Department may require said person to file a written report with the Department describing the facts and circumstances relating to the cause and results of the discharge in question. Any person who knowingly fails to comply with the requirements of this Section shall, upon conviction, be fined not less than $500, nor more than $5,000, or imprisoned for 6 months, or both. The Superior Court shall have jurisdiction of offenses under this Section."

Approved July 9, 1986.

CHAPTER 508

FORMERLY

HOUSE BILL NO. 581
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 61, TITLE 7 OF THE DELAWARE CODE RELATING TO UNDERWATER LANDS AND TO CREATE CHAPTER 72 RELATING TO SUBAQUEOUS LANDS.

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 61, Title 7 of the Delaware Code by changing its title to "Minerals in Submerged Lands", removing all reference to subchapters and repealing Sections 6151 through 6159 inclusive. Sections 6161, 6162 and 6163 are renumbered as Sections 6141, 6142 and 6143 respectively.

Section 2. Amend Title 7 of the Delaware Code by adding thereto a new Chapter, designated as Chapter 72, Subaqueous Lands, which shall read as follows:

"§7201. Purposes.

Subaqueous lands within the boundaries of Delaware constitute an important resource of the State and require protection against uses or changes which may impair the public interest in the use of tidal or navigable waters. The purposes of this Chapter are to empower the Secretary and, for commercial projects, the Governor, to deal with or to dispose of interest in public subaqueous lands and to place reasonable limits on the use and development of private subaqueous lands, in order to protect the public interest by employing orderly procedures for granting interests in public subaqueous land and for issuing permits for uses of or changes in private subaqueous lands. To this end, this Chapter empowers the Secretary to adopt rules and regulations to effectuate the purposes of the Chapter, to apply to the Courts for aid in enforcing this statute and the rules and regulations adopted pursuant hereto, and to convey interests in subaqueous lands belonging to the State.

§7202. Definitions.

(1) 'Commercial project' means any docking facility other than a single-boat pier or dock intended to serve a single family dwelling;

(2) 'Department' means the Department of Natural Resources and Environmental Control;

(3) 'Governor' means the Governor of the State of Delaware;

(4) 'Navigable water' means a river, stream, lake, bay or inlet capable or susceptible of having been or being used for transport of useful commerce;

(5) 'Secretary' means the Secretary of the Department of Natural Resources and Environmental Control;

(6) 'Subaqueous lands' means submerged lands and tidelands;

(7) 'Submerged lands' means lands lying below the line of mean low tide in the beds of all tidal waters within the boundaries of this State, together with the beds of navigable rivers, streams, lakes, bays and inlets within the boundaries of the State as established by law;

(8) 'Tidelands' means lands lying between the line of mean high water and the line of mean low water.

§7203. Jurisdiction.

The Secretary shall have jurisdiction for any noncommercial project involving ungranted lands by the State, or for conveying a fee simple or lesser interest or the granting of easements for noncommercial projects in these lands. The Governor and Secretary together shall have jurisdiction for commercial projects over all ungranted subaqueous lands owned by the State, and for conveying a fee simple or lesser interest, or the granting of easements for commercial projects in these lands. All jurisdiction and authority remaining in the State as to subaqueous lands for which leases have been made or may be made is vested in the Secretary and it is vested for all commercial projects in the Secretary and the Governor together.

Owners of private subaqueous lands must obtain a permit from the Department before making any use of such lands which may contribute to the pollution of public waters, infringe upon the rights of the public, infringe upon the rights of other private owners, or make

connection with public subaqueous lands.

§7204. Ejectment of trespassers.

The Department may eject from any subaqueous lands owned by the State any person, firm or corporation trespassing upon any such lands, including the fixed mooring of floating structures, through appropriate action in the courts of this State.

§7205. Permits required.

No person shall deposit material upon or remove or extract materials from, or construct, modify, repair or reconstruct, or occupy any structure or facility upon submerged lands or tidelands without first having obtained a permit, lease or letter of approval from the Department. Such permit, lease or letter of approval, if granted, may include reasonable conditions required in the judgment of the Department to protect the interests of the public. The Department may adopt regulations setting fees for such permits. If it is determined that granting the permit, lease or approval will result in loss to the public of a substantial resource, the permittee may be required to take measures which will offset or mitigate the loss. This section shall not apply to any repairs or structural replacements which are above the mean low tide and which do not increase any dimensions or change the use of the structure.

§7206. Easements and transfers of title.

(a) Pursuant to this Chapter, the Secretary and the Governor shall have exclusive joint jurisdiction over commercial projects to convey a fee simple or lesser interest or to grant easements with respect to subaqueous lands belonging to the State. The Secretary shall have exclusive jurisdiction over noncommercial projects, pursuant to this Chapter, to convey a fee simple or lesser interest or to grant easements with respect to subaqueous lands belonging to the State. All jurisdiction and authority to convey a fee simple or lesser inerest or to grant easements over subaqueous lands as to which grants have been made or may be made is vested in the Secretary and the Governor together. All leases for shellfish grounds shall be made pursuant to Chapter 19 of this Title.

(b) All members of the General Assembly shall be given 2 weeks notice of intent to convey any interest in subaqueous lands.

§7207. Application.

(a) Each applicant for a lease, permit or grant, pursuant to this Chapter, shall file with the Secretary a request stating in detail the type of lease, permit or grant desired, showing the location of the area and containing specifications for any proposed construction.

(b) The Secretary may require such additional information as will enable him to consider the application properly. He may require an environmental assessment to be provided if he determines that the proposed use or activity may have a substantial adverse effect upon the environment.

(c) The Secretary may request of any State agency a report or recommendation concerning any application before the Department.

(d) Upon receipt of an application in proper form, the Secretary shall advertise in a daily newspaper of statewide circulation and in a newspaper of general circulation in the county in which the activity is proposed:

(1) the fact that the application has been received;

(2) a brief description of the nature of the application; and

(3) a statement that a public hearing may be requested by any interested person who offers a meritorious objection to the application.

(4) If the Secretary decides that an objection is not meritorious, he shall then provide a written response so stating his reasons.

§7208. Hearing.

(a) A public hearing shall be held:

(1) if a permit, grant or lease for a period of time in excess of 10 years is sought; or

(2) if the Secretary determines that a public hearing is in the public interest; or

(3) if a written meritorious objection to the application is received within 20 days of the advertisement of the public notice for the application. A public hearing request shall be deemed meritorious if it exhibits a familiarity with the application and provides a reasoned statement of the action's probable impact.

(b) Notice of the public hearing shall be sent to the applicant, to immediately adjacent property owners and to any interest person who requests it, and such notice shall be published in the same manner as the application.

(c) The Secretary shall make a written statement of reasons to be placed with the application if a public hearing is not held.

§7209. Public notice.

(a) The published notice shall contain a general description of the location of the property and a statement of the nature of the lease, permit or grant sought to be acquired.

(b) If the advertisement is also used to provide notice of a public hearing, it shall also give the time, date and place of the hearing, which shall occur not less than 20 days following the publication of the advertisement.

§7210. Appeals to Environmental Appeals Board.

Any person whose interest is substantially affected by any action of the Secretary or of the Department taken pursuant to this Chapter, may appeal to the Environmental Appeals Board as established by Title 7 of the Delaware Code, Section 6007 within 20 days after the announcement of the decision. Such appeal shall be governed by the provisions of Title 7 of the Delaware Code, Sections 6008 and 6009. There shall be no appeal of a decision by the Secretary or the Governor to deny a permit on any matter involving State-owned subaqueous lands.

§7211. Costs, deposits and fees.

(a) All costs for the proceedings under this Chapter shall be assessed against the applicant.

(b) The Secretary may require a deposit at the time of the application or at any other time to insure the payment of the costs.

(c) All costs and deposits and all fees collected under this Chapter are hereby appropriated to the Department to carry out the purposes of this Chapter.

§7212. Rules; delegation.

The Secretary may after public hearing, adopt, amend, modify or repeal rules or regulations to effectuate the policy and purposes of this Chapter. The Secretary may delegate his powers or duties under this Chapter, except the power to convey or to lease or grant easements in subaqueous lands.

§7213. Existing rights.

This Chapter shall not change the law of this State relating to existing property, riparian or other rights of this State or other persons in submerged, tideland or filled lands.

§7214. Violations; enforcement, civil and criminal penalties.

(a) The Secretary shall enforce this Chapter.

(b) Whoever violates this Chapter, or any rule, regulation or condition of a lease or permit issued pursuant to authority granted in this Chapter, or an order of the Secretary, shall be punishable as follows:

(1) If the violation has been completed, by a civil penalty of not less than $1,000 nor more than $10,000 for each completed violation. Each day of continued violation shall be considered as a separate violation. The Superior Court shall have jurisdiction of a violation in which a civil penalty is sought.

(2) If the violation is continuing or threatening to begin, the Secretary may, in addition to seeking a monetary penalty as provided in paragraph (1) of this Subsection, seek a temporary restraining order, a temporary injunction or permanent injunction in the Court of Chancery.

(c) Whoever violates this Chapter, or any rule or regulation promulgated thereunder, or any rule or regulation in effect at the time of the enactment of this Chapter or any lease or

permit condition, or any order of the Secretary, shall be punishable by a criminal penalty of not less than $50 nor more than $500 for each violation. Each day of violation shall be considered as a separate violation. The Courts of the Justice of the Peace shall have jurisdiction of offenses under this Subsection.

(d) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under this Chapter, or under any lease or permit, rule, regulation or order issued under this Chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this Chapter, shall, upon conviction, be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment for not more than 6 months, or both. The Superior Court shall have jurisdiction of offenses under this Subsection.

§7215. Cease and desist order.

The Secretary shall have the power to issue an order to any person violating any rule or regulation or permit condition or lease condition or provision of this Chapter, to cease and desist from such violation. Any cease and desist order issued pursuant to this Section shall expire:

(1) after 30 days of its issuance;

(2) upon withdrawal of said order by the Secretary; or

(3) when the order is superseded by an injunction, whichever occurs first.

§7216. Interference with Department personnel.

No person shall obstruct, hinder, delay or interfere with, by force or otherwise, the performance by Department personnel of any duty under this Chapter, or any rule or regulation or order or permit or decision, promulgated or issued thereunder."

Approved July 9, 1986.

CHAPTER 509

FORMERLY

HOUSE BILL NO. 599
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 68, TITLE 18 OF THE DELAWARE CODE RELATING TO MALPRACTICE REVIEW PANELS.

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

Section 1. Amend Section 6813, Chapter 68, Title 18 of the Delaware Code by deleting this Section in its entirety and substituting in lieu thereof the following:

"§6813. Compensation of Panelists

Each member of the malpractice review panel shall be paid at the rate of $100 per diem plus actual and necessary expenses incurred in the performance of their official duties, but not to exceed a total of $700 for both expenses and compensation paid to any one member of the panel for one matter. The member of the Commissioner's staff designated to serve as a panel's ex officio member shall receive only actual and necessary expenses incurred as compensation. Fees of the panel and reasonable fees of expert witnesses called by the panel, together with travel expense, shall be paid through an assessment as deemed appropriate by the panel based upon the decision of the panel. The panel shall submit a written explanation of the criteria used in allocating the fees and expenses."

Section 2. This Act shall terminate on June 30, 1987.

Approved July 9, 1986.

CHAPTER 510

FORMERLY

HOUSE BILL NO. 601
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2 AND SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 81, TITLE 10, DELAWARE CODE, TO PROVIDE FOR A LIMITATION OF CIVIL LIABILITY FOR CERTAIN NON- PROFIT ORGANIZATION VOLUNTEERS.

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

Section 1. Amend Chapter 81, Title 10, Delaware Code by adding thereto a new Section §8133 to read as follows:

"Section 8133. Limitation from Civil Liability for Certain Non-Profit Organization Volunteers.

(a) For purposes of this Section, the following terms shall have the meanings ascribed herein:

(1) 'Volunteer' is any trustee, director, officer, agent or worker who is engaged in an activity without compensation.

(2) 'Activity' is any decision, act or event undertaken by an organization in furtherance of the purpose or purposes for which such organization is organized and exempted from federal income tax. By way of example, and not limitation, the planning for, sponsorship, and conduct of a fundraising event for the benefit of one or more organizations is an 'activity'.

(3) 'Compensation' is any remuneration, whether by way of salary, fee or otherwise, for services rendered, exclusive of any gift

erquisite in the form of access to services of the organization at no or a reduced cost or reimbursement for costs actually incurred.

(4) 'Employee' is any person who receives compensation from an organization or a third party for services rendered in connection with an activity of such organization.

(5) 'Organization' is any not-for-profit corporation:

(i) exempt from federal income tax under Section 501 (c) of the Internal Revenue Code as amended or other act of Congress; and

(ii) engaged in one or more activities within the State in furtherance of a purpose for which it is organized.

(b) No volunteer of an organization shall be subject to suit directly, derivately or by way of contribution for any civil damages under the laws of Delaware resulting from an any negligent act or omission performed during or in connection with an activity of such organization.

(c) Notwithstanding those provisions of Subsection (b) of this Section, a plaintiff may sue and recover civil damages from a volunteer based upon a negligent act or omission involving the operation of a motor vehicle during an activity; provided, that the amount recovered from such volunteer shall not exceed the limits of applicable insurance coverage maintained by or on behalf of such volunteer with respect to the negligent operation of a motor vehicle in such circumstances.

(d) The immunity granted in Subsection (b) of this Section shall not extend to any act or omission constituting wilful and wanton or grossly negligent conduct.

(e) In any suit against an organization for civil damages based upon the negligent act or omission of a volunteer, proof of such act or omission shall be sufficient to establish the liability of the organization therefor under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer with respect to such negligent act or omission under Subsection (b) of this Section."

Approved July 9, 1986.

CHAPTER 511

FORMERLY

HOUSE BILL NO. 703
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 96, TITLE 9 OF THE DELAWAE CODE TO ASSESS A DOCUMENTARY SURCHARGE FOR THE BENEFIT OF THE HOUSING DEVELOPMENT FUND.

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 9607, Title 9 of the Delaware Code by designating the existing section as subsection "(a)" and adding thereto new subsections "(b)" and "(c)" to read as follows:

"(b) The Recorder of Deeds in each County shall collect, for each document or paper recorded or filed, a surcharge of three dollars ($3.00).

(c) Not later than the 20th day of each month, each Recorder of Deeds shall remit to the State Treasurer ninety five percent (95%) of the amount of the surcharge collected under subsection (b) of this section. The State Treasurer shall deposit such funds into the Housing Development Fund established under Subchapter V, Chapter 40 of Title 31 of this Code. Each Recorder of Deeds shall retain five percent (5%) of the amount of the surcharge as compensation for the expenses of the Recorder of Deeds in collecting and remitting the surcharge provided in subsection (b)."

Section 2. This Act shall become effective 45 days after its enactment into law.

Approved July 9, 1986.

CHAPTER 512

FORMERLY

HOUSE BILL NO. 704
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT ENTITLED "THE HOUSING DEVELOPMENT ACT OF 1986", AMENDING CHAPTER 86, TITLE 29 OF THE DELAWARE CODE AND CHAPTER 40, TITLE 31 OF THE DELAWARE CODE RELATING TO THE STATE COUNCIL ON HOUSING AND THE HOUSING DEVELOPMENT FUND.

WHEREAS, finance capital for law income rental housing has fallen to a perilously low level, and severe cutbacks in federal subsidies for housing for the poor, amounting to more than a $19.6 billion loss nationally in federal budget authority for low income housing subsidies, along with fluctuating high interest rates and chronically unmet housing needs, leave states and cities with the burden of meeting these housing needs; and

WHEREAS, in order to resolve the local crisis in housing financing, and its wide-ranging effects on moderate and low income citizens, creative ideas and new sources of capital are desperately needed by the State of Delaware; and

WHEREAS, a "housing trust fund" program is one approach to providing at least a small part of the capital needed to bridge the gap between the cost of effective low and moderate income housing strategies and the shrinking availability of financing by providing a predictable source of capital which can be applied flexibly to the particular needs of the State of Delaware; and

WHEREAS, in 1968 the General Assembly established the Housing Development Fund as a revolving fund within the Delaware State Housing Authority to make low-interest and interest-free loans to non-profit and limited-profit housing sponsors for the development of housing for low-moderate-income persons and families; and

WHEREAS, with an initial endowment of $3,000,000, supplemented by an additional $5,000,000 appropriation in 1971, the Housing Development Fund, over its 18 years of operation, has generated some $38,100,000 in loans to spur development of low/moderate-income housing, assisting some 3,203 units of such housing in the process, thus providing essential interim financing without which many such projects would have been impossible or too costly to benefit low/moderate-income persons and families; and

WHEREAS, the drying-up of new federal housing subsidies has resulted in a slowing-down of the Housing Development Fund's programs, leaving uncommitted balances in the Fund which currently amount to some $2,100,000; and

WHEREAS, by expanding the permitted uses of the Housing Development Fund to include making grants as well as loans, by removing the current restriction on the amortization period of loans made, by permitting the Fund to retain interest on its uncommitted balances, and by appropriating an additional $2,500,000 to the Fund, thus bringing its total assets to more than $11,000,000, the Housing Development Fund could serve as Delaware's "housing trust fund" to help bridge the gap between the State's low/moderate-income needs and the ever-shrinking availability of finance capital; and

WHEREAS, in order to insure that the maximum benefit is derived from a revamped Housing Development Fund, and to encourage the public-private partnership essential to any successful housing program, it is appropriate to expand the State Council on Housing and give it oversight authority concerning the programs proposed by the State Housing Authority for the use of the Fund.

NOW THEREFORE:

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

Section 1. Amend Subchapter I, Chapter 86, Title 29 of the Delaware Code by striking the numeral "7" from subsection (b) of Section 8609 and substituting in lieu thereof the numeral "9".

Section 2. Further amend Subchapter I, Chapter 86, Title 29 of the Delaware Code by striking from subsection (c) of Section 8609 the words and phrase "At least 3, but no more than 4" and substituting in lieu thereof the words and phrase "At least 4, but no more than 5", and by further striking from subsection (c) of Section 8609 the words and phrase "and at least 2, but no more than 3" and substituting in lieu thereof the words and phrase "and at least 3, but no more than 4".

Section 3. Amend Subchapter III, Chapter 40, Title 31 of the Delaware Code by striking from subdivision (11) of Section 4016 the word "and" that appears following the semicolon ending that subdivision, by striking the period that appears at the end of subdivision (12) of Section 4016 and substituting in lieu thereof a semicolon followed by the word "and", and by adding to Section 4016 a new subdivision (13) to read as follows:

"(13) Approve all programs proposed by the State Housing Authority for using the Housing Development Fund."

Section 4. Amend Subchapter V, Chapter 40, Title 31 of the Delaware Code by designating the existing text of Section 4067 as subsection "(a)" and by adding to Section 4067 new subsections designated "(b)", "(c)" and "(d)" to read as follows:

"(b) In addition to the appropriation made in subsection (a) of this section, and in addition to any further appropriations which may not be reflected in subsection (a) of this section, and in addition to accrued interest on loans, the Housing Development Fund shall retain any interest or other earnings which accrue on uncommitted balances remaining in the Fund undisbursed, and such accrued interest shall not be deposited in the General Fund.

(c) Any other law to the contrary notwithstanding, programs for the disbursement of funds from the Housing Development Fund, and disbursements pursuant to such programs, may include grants as well as loans; provided, however, that any program including grants shall not cause the Fund to lose entirely its character as a revolving fund.

(d) In allocating the resources of the Housing Development Fund over time, any program mix or targeting of funds shall account for the demographics of the population in need of housing, should balance the programs appropriately between rental assistance and home ownership, and should apportion the available resources statewide according to local need."

Section 5. Amend Subchapter V, Chapter 40, Title 31 of the Delaware Code by striking from the first paragraph of subdivision (2) of Section 4073 the semicolon which appears following the words and phrase "for each housing development", and by striking from the second paragraph of subdivision (2) of Section 4073 the comma which appears following the words and phrase "by the Authority", and by further striking from subdivision (2) of Section 4073 the words and phrase "but in no event shall such amortization period exceed 50 years" where it appears therein.

Section 6. This Act shall become effective on July 1, 1986.

Approved July 9, 1986.

CHAPTER 513

FORMERLY

HOUSE BILL NO. 734

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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 3349, Chapter 33, Title 19 of the Delaware Code, by adding a new subsection (d) to read as follows:

"(d) After July 1, 1986, no employer's rate shall be reduced below the new employer rate for any calendar year unless and until he has had employment in each of the 2 consecutive experience years immediately preceding the computation date, and no employer shall be eligible for a reduced rate if he has reported no employment for 5 or more consecutive calendar quarters in such 2 experience years."

Section 2. Amend Chapter 33, Title 19 of the Delaware Code, by striking existing §3348 thereof in its entirety and by substituting in its place a new §3348 to read as follows:

"§3348. Average employer assessment rate; average industry assessment rate; average construction industry assessment rate; new employer rate; standard rate of assessment.

(a) On or before December 31 of each year, the Secretary of Labor shall establish an average employer assessment rate for the next succeeding calendar year. The average employer assessment rate shall be computed by multiplying total taxable wages paid by each employer, regardless of industrial classification category as listed in the Standard Industrial Classification (SIC) Manual furnished by the Federal government, during the 12 consecutive months ending on June 30 by the employer's assessment rate established for the next calendar year and dividing the aggregate product for all employers by the total of taxable wages paid by all employers during the 12 consecutive months ending on June 30.

(b) On or before December 31 of each year, the Secretary of Labor shall establish an average industry assessment rate for the next succeeding calendar year for industrial classification categories (carried to 4 places) 15, 16 and 17 as listed in the Standard Industrial Classification (SIC) Manual furnished by the Federal government. The average industry assessment rate for standard industrial classification categories 15, 16 and 17 shall be computed by multiplying total taxable wages paid by each employer in the industrial classification category during the 12 consecutive months ending on June 30 by the employer's assessment 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 12 consecutive months ending on June 30.

(c) On or before December 31 of each year, the Secretary of Labor shall establish an average construction industry assessment rate for the next succeeding calendar year for industrial classification categories (carried to 2 places) 15, 16 and 17 as listed in the Standard Industrial Classification (SIC) Manual furnished by the Federal government. The average construction industry assessment rate shall be computed by multiplying total taxable wages paid by each employer in the construction industry during the 12 consecutive months ending on June 30 by the employer's assessment rate established for the next calendar year and dividing the aggregate product for all employers by the total of taxable wages paid by all construction industry employers during the 12 consecutive months ending on June 30.

(d) For any employer, excluding those employers in SIC categories 15, 16 and 17, who first becomes subject to this chapter on or after July 1, 1986, the new employer rate shall be the average employer assessment rate.

(e) For any employer in SIC categories 15, 16 and 17 who first becomes subject to this chapter on or after July 1, 1986, the new employer rate shall be the average industry assessment rate in that employer's particular SIC category (carried to 4 places) or the average construction industry assessment rate, whichever is the greater.

(f) The SIC category assigned to any employer shall be as determined by the Secretary of Labor or his designee and shall be reviewable only for abuse of discretion.

(g) An employer's new employer rate, once assigned, shall not vary until the employer becomes a rated employer as defined in §3349 of this title.

(h) Each employer subject to the new employer rate shall pay an assessment in an amount equal to the product of the new employer rate times wages paid by him during any calendar year, except as may be otherwise prescribed in this chapter.

(i) The standard rate of assessment shall be 2 7/10 percent for calendar years prior to 1985 and 5 4/10 percent for calendar year 1985 and subsequent years."

Approved July 9, 1986.

CHAPTER 514

FORMERLY

HOUSE BILL NO. 735

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend Chapter 33, Title 19 of the Delaware Code, by striking existing §3315(l) thereof in its entirety and by substituting in its place a new §3315(l) to read as follows:

"(1) For the week in which he left work voluntarily without good cause attributable to such work and for each week thereafter until he has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned wages in covered employment equal to not less than 4 times the weekly benefit amount. However, if an individual has left work involuntarily because of illness, no disqualification shall prevail after he becomes able to work and available for work and meets all other requirements under this Title, but the Department shall require a doctor's certificate to establish such availability. Wage credits earned in such work, if from employment under this Title in the employ of any employer liable for assessments under §3348 of this Title, shall not constitute employer's benefit wages in connection with §§3349 - 3356 of this Title. Any employer liable for reimbursement payments in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with §3345 of this Title when an individual becomes eligible for benefits upon separation from a subsequent employer."

Section 2. Amend Chapter 33, Title 19 of the Delaware Code, by striking existing §3315(2) thereof in its entirety and by substituting in its place a new §3315(2) to read as follows:

"(2) For the week in which he was discharged from his work for just cause in connection with his work and for each week thereafter until he has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned wages in covered employment equal to not less than 4 times the weekly benefit amount. Wage credits earned in such work, if from employment under this Title in the employ of any employer liable for assessments under §3348 of this Title, shall not constitute employer's benefit wages in connection with §§3349 - 3356 of this Title. Any employer liable for reimbursement payments in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with §3345 of this Title when an individual becomes eligible for benefits upon separation from a subsequent employer."

Section 3. Amend §3315(3), Chapter 33, Title 19 of the Delaware Code, by deleting the words "the duration of the period of unemployment during which such refusal occurred;" as they appear therein and by substituting in their place the words "each week thereafter until he has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned wages in covered employment equal to not less than 4 times the weekly benefit amount;".

Section 4. Amend Chapter 33, Title 19 of the Delaware Code, by striking existing §3315(6) thereof and by substituting in its place a new §3315(6) to read as follows:

"(6) If the Department determines such individual has made a false statement or representation knowing it to be false or knowingly has failed to disclose a material fact to obtain benefits to which he was not lawfully entitled, and such disqualification shall be for a period of 1 year beginning with the date on which the first false statement, false representation or failure to disclose a material fact occurred."

Section 5. Amend Chapter 33, Title 19 of the Delaware Code, by striking existing §3315(7) thereof and by substituting in its place a new §3315(7) to read as follows:

"(7) For any week with respect to which the Department finds that he has become unemployed by reason of commitment upon conviction and sentencing to any penal institution and for each week thereafter until he has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned wages in covered employment equal to not less than 4 times the weekly benefit amount. Wage credits earned in his most recent employment prior to such commitment, if from employment under this Title in the employ of any employer liable for assessments under §3348 of this Title, shall not constitute employer's benefit wages in connection with §§3349 - 3356 of this Title. Any employer liable for reimbursement payments in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with §3345 of this Title when an individual becomes eligible for benefits upon separation from a subsequent employer."

Section 6. Amend §3326(a)(5), Chapter 33, Title 19 of the Delaware Code, by striking the word "ex-servicemen" as it appears therein and by substituting in its place the word "ex-servicepersons".

Section 7. Amend §3326(a)(6), Chapter 33, Title 19 of the Delaware Code, by striking the word "ex-servicemen" as it appears therein and by substituting in its place the word "ex-servicepersons".

Section 8. Amend §3326(a)(8)a., Chapter 33, Title 19 of the Delaware Code, by striking the word "ex-servicemen" as it appears therein and by substituting in its place the word "ex-servicepersons".

Section 9. Amend Chapter 33, Title 19 of the Delaware Code, by striking existing §3326(a)(8)b. thereof and by substituting in its place a new §3326(a)(8)b. to read as follows:

"b. Has 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.) and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and"

Section 10. Amend §3326(c)(3), Chapter 33, Title 19 of the Delaware Code, by striking the word "unemployment" as it appears therein and by substituting in its place the word "employment".

Section 11. Amend §3326(g)(3)c.3., Chapter 33, Title 19 of the Delaware Code, by striking the word "or" as it appears therein before the word "whether" and by substituting in its place the word "of".

Section 12. Amend §3345(b)(1), Chapter 33, Title 19 of the Delaware Code, by inserting the parenthetical phrase "(whether paid due to immediate eligibility or eligibility upon separation from a subsequent employer)" directly after the words "extended benefits paid" as they appear therein.

Section 13. Amend §3345(b)(3), Chapter 33, Title 19 of the Delaware Code, by inserting the parenthetical phrase "(whether paid due to immediate eligibility or eligibility upon separation from a subsequent employer)" directly after the words "paid in subsequent weeks" as they appear therein.

Section 14. Amend §3350(4), Chapter 33, Title 19 of the Delaware Code, by striking the word "fund" as it appears therein and by substituting in its place the word "Fund".

Section 15. Amend §3350(9)b., Chapter 33, Title 19 of the Delaware Code, by striking the word "fund" as it appears in the first paragraph thereof and by substituting in its place the word "Fund".

Section 16. Amend §3357, Chapter 33, Title 19 of the Delaware Code, by striking the caption and first paragraph thereof and substituting in their place a new caption and first paragraph to read as follows:

"§3357. Interest on past-due assessments and reimbursement payments in lieu of assessments.

Assessments and reimbursement payments in lieu of assessments which remain unpaid on the date they are due and payable, as prescribed by the Department, shall bear interest, at a rate determined by regulation by the Secretary of Labor, from and after such due date until payment plus accrued interest is received by the Department. Interest collected pursuant to this Section after September 30, 1967, shall be paid into the Special Administration Fund."

Section 17. Amend §3363, Chapter 33, Title 19 of the Delaware Code, by striking the words "Federal Bankruptcy Act of 1898 as amended" as they appear therein and by substituting in their place the words "Bankruptcy Reform Act of 1978 as amended".

Section 18. Amend Chapter 33, Title 19 of the Delaware Code, by striking the existing §3374 thereof and by substituting in its place a new §3374 to read as follows:

" Any assignment, pledge or encumbrance of any rights to benefits which are or may become due or payable under this Chapter shall be void. Such rights to benefits shall be exempt from levy, execution, attachment or any other remedy whatsoever provided for the collection of debt. Benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessaries furnished to such individual or his spouse or dependents during the time when such individual was unemployed, and for child support obligations in accordance with §3313(g) of this Title. Any waiver of any exemption provided for in this Section shall be void."

Section 19. The amendments made by Sections 1, 2, 3, 5, 12 and 13 of this Act are not severable from each other.

Section 20. The amendments made by Sections 1, 2, 3, 4, 5, 12 and 13 of this Act shall be effective upon enactment for new or additional claims filed on or after such date. The amendment made by Section 16 of this Act shall be effective upon enactment for interest charged on assessments and reimbursement payments in lieu of assessments which remain unpaid on the date they are due and payable commencing July 1, 1987. The amendments made by all other Sections of this Act shall be effective upon enactment.

Approved July 9, 1986.

CHAPTER 515

FORMERLY

HOUSE BILL NO. 747

AN ACT TO AMEND CHAPTER 16, TITLE 3, DELAWARE CODE RELATING TO GRAIN TESTING DEVICES.

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 §1604, Chapter 16, Title 3 of the Delaware Code by striking the third and fourth sentence and substituting in lieu thereof the following new sentences:

"Upon approval and payment of a fee of $10.00, the Department shall issue a license to the applicant for two calendar years. The license shall be renewed biennially without futher examination, if the duties have been performed satisfactorily and upon payment of the fee of $10.00."

Approved July 9, 1986.

CHAPTER 516

FORMERLY

HOUSE BILL NO. 754
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 63 OF TITLE 7 OF THE DELAWARE CODE RELATING TO THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM AND THE COLLECTION OF A WASTE-END ASSESSMENT FROM PERSONS WHO GENERATE, TREAT, STORE AND DISPOSE OF HAZARDOUS WASTE WHICH WILL CREATE ADDITIONAL INCENTIVES FOR REDUCING THE AMOUNT OF HAZARDOUS WASTE BEING GENERATED AND PROCESSED AND THUS REDUCE THE NEGATIVE IMPACT OF HAZARDOUS WASTES ON THE ENVIRONMENT AND NATURAL RESOURCES OF THIS STATE.

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 §6305(a)(9) of Chapter 63, Title 7 of the Delaware Code by striking the word "generators" from the first sentence thereof.

Section 2. Amend Chapter 63, Title 7 of the Delaware Code by adding a new Section to said Chapter to read as follows:

"§6318. Waste-End Assessments for Persons Generating, Storing, Treating and Disposing of Hazardous Wastes.

(a) The Secretary is hereby authorized to impose and collect waste-end assessments in accordance with this Section but in no case shall any person pay an annual assessment required by this Section in an amount that exceeds $20,000.00 regardless of the number of facilities where hazardous waste is generated, treated, stored or disposed.

(b) The provisions of this Section relating to paying an assessment apply to every person who is engaged in the generation, storage, treatment or disposal of a hazardous waste within this State and who is regulated by the Department under the provisions of Chapter 63, Title 7 of the Delaware Code, or any regulations promulgated thereunder.

(c) The information reporting requirements imposed under the provisions of this Section, as set forth in the form prescribed by the Department, shall be reported to the Department on a quarterly basis beginning from the effective date of this Section. The information that is to be reported to the Department shall be so reported within twenty days after the last quarter.

(d) The annual assessment payments shall be paid to the Department October 1 of each year, the first of said assessment payments to be due October 1, 1987, in accordance with the provisions of the Department fee regulations. The assessments paid to the Department under this Section are hereby appropriated to the Division of Air and Waste Management and shall be used to carry out the purposes of this Chapter.

(e) If any person fails or refuses to pay the Department any assessment or fails or refuses to file the written information with the Department pursuant to the requirements of this Section, the Department may estimate the amount of said person's assessment on the basis of any information known by the Department. The Department may then add to the said person's estimated unpaid annual assessment a penalty in an amount equal to fifteen percent of the estimated unpaid annual assessment. This penalty shall be in addition to, and not in lieu of, any other applicable penalties.

(f) For persons engaged in the generation of a hazardous waste, the annual assessment to be paid to the Department for hazardous waste generated after the effective date of this Section, shall be calculated as follows:

(1) $12.00 per ton of hazardous waste generated that was disposed of into or on any land;

(2) $9.00 per ton of hazardous waste generated that was treated or disposed of, exclusive of land disposal and incineration, at a facility located off the site from where the hazardous waste was generated;

(3) $2.00 per ton of hazardous waste generated that was incinerated;

(4) For purposes of this Subsection, the meaning of the phrase 'generation of a hazardous waste' does not include the retrieval or creation of hazardous waste, which must be disposed of due to remediation of an inactive hazardous waste disposal site;

(5) Notwithstanding any provision of this Subsection to the contrary, no assessment shall be imposed under this Section for activities which the Department determines are for the resource recovery of any hazardous waste.

(g) For owners or operators of hazardous waste storage, treatment or disposal facilities regulated under Chapter 63, Title 7 of the Delaware Code, the annual assessment that is to be paid to the Department for hazardous waste that is stored, treated or disposed of after the effective date of this Section shall be calculated as follows:

(1) No assessment shall be imposed under the provisions of this Subsection for the disposal of hazardous waste where said hazardous waste was generated by a person subject to an assessment under Subsection (f) of this Section;

(2) $12.00 per ton of hazardous waste that was disposed of into or on any land;

(3) $9.00 per ton of hazardous waste that was stored, treated or disposed of, exclusive of land disposal, at any facility located off-site from where the hazardous waste was generated;

(4) Notwithstanding any provision of this Subsection to the contrary, no assessment shall be imposed under this Section for activities which the Department determines are for the resource recovery of any hazardous waste.

(h) When calculating the amount of hazardous waste that is to be subject to any assessment under this Section, if the person responsible for the assessment is involved with more than one type of hazardous waste being generated, treated, stored or disposed of, then the total amount of all the hazardous wastes being generated, treated, stored or disposed of by said person at any one site, shall be used to calculate the amount of the assessment.

(i) All of the requirements under this Section that apply to persons who generate, treat, store or dispose of hazardous waste are in addition to and not in lieu of any other fees or requirements that must be complied with by said persons under any other statute, regulation, ordinance or permit condition.

(j) If any part of this Section is found to be unlawful or unconstitutional, the remaining lawful or constitutional part of the Section shall remain effective.

(k) The effective date of this Section shall be October 1, 1986.

(l) The Superior Court of the State of Delaware shall have jurisdiction over actions to collect assessments and penalties under this Section."

Approved July 9, 1986.

CHAPTER 517

FORMERLY

SENATE BILL NO. 220
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCES FOR ROBBERY IN THE SECOND DEGREE.

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

Section 1. Amend §831 of Chapter 5, Title 11 of the Delaware Code by designating the present paragraph as (a) and adding new subparagraphs (b) and (c) to read as follows:

"(b) Notwithstanding §4204 of this Title, a person convicted of robbery in the second degree under subparagraph (a) of this section against a person the age of 65 years or over, and who has been previously convicted or adjudged delinquent for having committed a felony or misdemeanor within the last five years where the victim suffered physical injury, shall receive a minimum mandatory sentence of not less than one year. Such sentence shall not be subject to suspension and no person convicted for such a violation shall be eligible for parole, probation or any other reduction, nor shall such an offender be permitted to be furloughed or be allowed to participate in work release or supervised custody outsdie the prison institution or facilities."

Approved July 10, 1986.

CHAPTER 518

FORMERLY

SENATE BILL NO. 378

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAXES BY ALLOWING A CREDIT FOR MEMBERS OF DELAWARE VOLUNTEER FIRE COMPANY AUXILIARIES.

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

Section 1. Amend §1113, Title 30, Delaware Code, by inserting between the words "company" and "shall" the following:

"or an individual who is a voting member of a Delaware volunteer fire company auxiliary."

Section 2. Amend §1113, Title 30, Delaware Code, by inserting between the words "firefighter" and "during the taxable year" the words "or fire company auxiliary member".

Section 3. This Act shall apply to tax years beginning after December 31, 1986.

Approved July 10, 1986.

CHAPTER 519

FORMERLY

HOUSE BILL NO. 548
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 57, TITLE 15 OF THE DELAWARE CODE RELATING TO THE CANVASS OF VOTE AND PROCLAMATION OF RESULTS OF ELECTION.

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

Section 1. Amend §5702, Chapter 57, Title 15 of the Delaware Code by redesignating present Subsection (c) as new Subsection (d) and inserting a new Subsection (c) to read as follows:

"(c) Any candidate for statewide office in a general election may apply to the Court for a recount of all the ballots cast and recorded for such office if the number of votes separating such candidate and the closest opposing candidate is less than 1,000 votes or less than 1/2 of 1 percent of all votes cast for the two candidates, whichever amount is less. Such recount shall thereupon be conducted by the Court at State expense. The request for a recount under this Subsection must be presented before the adjournment of the Court of Canvass for the election in question and any recount that takes place shall not extend beyond the petitioner's contest."

Approved July 10, 1986.

CHAPTER 520

FORMERLY

HOUSE BILL NO. 621

AN ACT AWARDING SPECIAL PENSION BENEFITS TO RUTH M. PARKER; APPROPRIATING 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, Ruth M. Parker has been continuously employed for almost 20 years as a Delaware House of Representatives staff member; and

WHEREAS, Ruth Parker, for 9 of these years has worked as secretary and receptionist, and for almost 11 of these years, has worked as secretary to four House Speakers; and

WHEREAS, Ruth Parker has rendered impartial assistance over the years to democrats and republicans alike and has been a calming and positive influence throughout her stay; and

WHEREAS, under the statutes and the rules and regulations of the Board of Pension Trustees, Ruth Parker will not receive a State pension for her many years of services for the State of Delaware.

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 Ruth M. Parker a pension in the amount of $350.00 per month as if such award were made pursuant to Chapter 55, Title 29 of the Delaware Code.

Section 2. The Board of Pension Trustees is hereby authorized and directed to transfer the sum of $24,761.85 from a contingency line item appropriation in Chapter 87, Volume 65, Laws of Delaware for Budget Office - Contingencies (10-02-004) to the Special Fund authorized by Volume 61, Chapter 455, Laws of Delaware, for the purposes of implementing the provisions of Section 1 of this Act, commencing with the date of July 1, 1986.

Approved July 10, 1986.

CHAPTER 521

FORMERLY

HOUSE BILL NO. 622

AN ACT AWARDING SPECIAL PENSION BENEFITS TO ANNA REDDING; APPROPRIATING MONIES INTO THE SPECIAL 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 OF THE DELAWARE CODE.

WHEREAS, Anna Redding has been continuously employed for almost 19 years as a staff member to the Delaware House of Representatives; and

WHEREAS, Anna Redding has worked in the capacities of Assistant Chief Clerk, Attache and Head Page; and

WHEREAS, Anna Redding has rendered impartial assistance over the years to democrats and republicans alike and has been a calming and positive influence throughout her stay; and

WHEREAS, under the statues, rules and regulations of the Board of Pension Trustees, Anna Redding will not receive a State pension for her many years of dedicated service to the State of Delaware.

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 Anna Redding a pension in the amount of $300.00 per month as if such award were made pursuant to Chapter 55, Title 29 of the Delaware Code.

Section 2. The Board of Pension Trustees is hereby authorized and directed to transfer the sum of $30,187.54 from a contingency line item appropriation in Chapter 87, Volume 65, Laws of Delaware for Budget Office- Contingencies (10-02-004) to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware for the purpose of implementing the provisions of Section 1 of this Act, commencing with the date of July 1, 1986.

Approved July 10, 1986.

CHAPTER 522

FORMERLY

HOUSE BILL NO. 247
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE TO REVISE THE AMOUNT OF EMPLOYEE CONTRIBUTIONS TO THE STATE EMPLOYEES' PENSION PLAN.

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

Section 1. Delete Subsection §5543(a), Chapter 55, Title 29, Delaware Code in its entirety and substituting in lieu thereof a new Subsection 5543(a) to read as follows:

"(a) Effective January 1, 1987, employee contributions to the Fund shall be either 3% of total monthly compensation in excess of $500, plus 2% of that portion which exceeds the amount determined by dividing social security wage base by 12; or if any employee receives annual compensation in fewer than 12 months, 3% of total monthly compensation which exceeds the amount determined by multiplying the ratio of 12 over the number of months which he receives annual compensation times $500, plus 2% of monthly compensation which exceeds the amount determined by dividing the social security wage base by the number of months he or she receives annual compensation. In no event shall total compensation during any calendar year in excess of $6,000 be exempt from contributions."

Approved October 10, 1986.

CHAPTER 523

FORMERLY

SENATE JOINT RESOLUTION NO. 5

DESIGNATING MONDAY, MAY 27, 1985, AS MEMORIAL DAY AND DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE FOR THE YEAR 1985.

WHEREAS, under Delaware Code, Title 1, §501, Memorial Day is to be celebrated annually on May 30th; and

WHEREAS, May 30, 1985, falls on Thursday; and

WHEREAS, under Federal law, Memorial Day, 1985, will be observed on Monday, May 27; and

WHEREAS, the observance of Memorial Day, 1985, on two different days creates a condition of confusion and inconvenience for a vast majority of the citizens of this State; and

WHEREAS, the public schools, and most businesses and private schools, are observing Memorial Day on Monday, May 27th, and family observances are the most meaningful way to pay due respect to those whose memory we honor on this day.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 133rd General Assembly of the State of Delaware, the House of Representatives concurring therein, that Monday, May 27, 1985, shall be a legal holiday in lieu of Thursday, May 30, 1985, in the State of Delaware and designated Memorial Day, any provisions of Title 1, Delaware Code, to the contrary notwithstanding.

Approved May 9, 1985.

CHAPTER 524

FORMERLY

HOUSE JOINT RESOLUTION NO. 17

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1986.

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 House of Representatives and the Senate of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the estimated gross general fund revenue for Fiscal Year 1986 is $951.2 million, estimated revenue refunds are $76.0 million, estimated net State general fund revenue is $875.2 million and estimated unencumbered funds are $116.2 million.

Approved July 2, 1985.

CHAPTER 525

FORMERLY

SENATE JOINT RESOLUTION NO. 6

DIRECTING THE DIRECTOR OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS AND THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO COMMEMORATE THE CATASTROPHIC SHIPWRECK OF THE FAITHFUL STEWARD, OFF OF DELAWARE SEASHORE STATE PARK BY THE ERECTION OF A STATE HISTORICAL MARKER ON THE DUNES OVERLOOKING THE SITE, ON SEPTEMBER 2, 1985, THE TWO HUNDREDTH ANNIVERSARY OF THE WRECK,

WHEREAS, the Faithful Steward's grounding and sinking on September 2, 1785 is one of Delaware's most famous maritime tragedies; and

WHEREAS, over two hundred Irish immigrants and seamen lost their lives that day in the surf near Indian River Inlet; and

WHEREAS, the Faithful Steward's large consignment of coinage bound for the Americas, as well as the life's savings of the hundreds of immigrants have since washed ashore by the thousands and is commonly believed to be the source of the many remarkable finds made on Delaware's "Coin Beach"; and

WHEREAS, the Delaware Seashore State Park in the vicinity of the wrecksite of The Faithful Steward has been one of the most productive coin beaches in North America; and

WHEREAS, the two hundredth anniversary of The Faithful Steward's catastrophic sinking will fall on Labor Day, September 2, 1985; and

WHEREAS, Labor Day is traditionally reserved to honor persons such as the Irish immigrants whose labor was so instrumental in the growth of this State and this nation.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 133rd General Assembly of the State of Delaware, the House and Representatives and the Governor concurring therein, that the Director of the Division of Historical and Cultural Affairs commemorate the tragic loss of The Faithful Steward and the ill-fated immigrants aboard her, as well as her legacy, the Delaware Coin Beach, by the erection of a State Historical Marker on the Delaware Seashore State Park dunes overlooking the wrecksite.

BE IT FURTHER RESOLVED that such dedication take place on September 2, 1985, the two hundredth anniversary of the wreck of The Faithful Steward.

Approved July 4, 1985.

CHAPTER 526

FORMERLY

HOUSE JOINT RESOLUTION NO. 3
AS AMENDED BY HOUSE AMENDMENT NO. 1

TO CREATE A COMMITTEE ON THE ESTABLISHMENT OF COOPERATIVE PROGRAMS BETWEEN PUBLIC AND HIGHER EDUCATION IN THE VOCATIONAL-TECHNICAL AREAS.

WHEREAS, the important goal of education is to prepare students to successfully enter the job market; and

WHEREAS, the market trends indicate strong job growth in areas requiring an associate's degree; and

WHEREAS, combining the teaching, technical resources and facilities of both public and higher education to provide cooperative programs in the areas of vocational and technical courses can be of benefit to our students; and

WHEREAS, the quality of educational curricula in Delaware is high priority at the state and local level; and

WHEREAS, it is desirable to foster articulation between public and higher education officials in the area of vocational and technical education to explore innovative ideas to enhance our educational offerings.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the Controller General convene a committee to establish cooperative programs between public and higher education in the vocational technical areas.

BE IT FURTHER RESOLVED THAT THE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING:

The President of Delaware Technical and Community College or designee;

The State Superintendent of Public Instruction or designee;

The Executive Director of the Advisory Council on Career and Vocational Education or designee;

Two members of business and private industry from the Private Industry Council, as designated by said Council;

Two members of the House of Representatives, one from each party selected by the Speaker of the House of Representatives;

Two members of the Senate, one from each party selected by the President Pro Tempore of the Senate.

BE IT FURTHER RESOLVED that staff cooperation and resources to the committee be made available by the Controller General's Office, the Department of Public Instruction and Delaware Technical and Community College.

BE IT FURTHER RESOLVED that this committee shall be convened within 14 days of signature of the Governor of this resolution with a final report presented to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House and Senate Education Chairpersons, and the Chairperson and Vice Chairperson of the Joint Finance Committee, no later than January 1, 1986.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Controller General.

Approved July 12, 1985.

CHAPTER 527

FORMERLY

HOUSE JOINT RESOLUTION NO. 16

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1985.

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 House of Representatives and the Senate of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the estimated gross general fund revenue for Fiscal Year 1985 is $947.2 million, estimated revenue refunds are $69.2 million, estimated net State general fund revenue is $878.0 million and estimated unencumbered funds are $46.6 million.

Approved July 12, 1985.

CHAPTER 528

FORMERLY

SENATE JOINT RESOLUTION NO. 4

REQUIRING THAT THE STATE GEOLOGIST EVALUATE AND REPORT ON ACTIVITIES RELATED TO ENERGY EXPLORATION.

WHEREAS, the search for oil and gas and geothermal energy is being extended into new regions by innovative methods; and

WHEREAS, exploratory efforts of various types are presently underway in each of our neighboring States; and

WHEREAS, the Delaware Geological Survey finds that the basic geologic structure of part of Delaware, although largely unknown, is technically worthy of consideration for exploration; and

WHEREAS, exploration for or development of new energy resources could have significant positive or negative economic and environmental impacts; and

WHEREAS, the State Geologist, as Director of the Delaware Geological Survey, is responsible for investigations of the mineral resources of the State and for the advisement of its officials.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the State Geologist shall hereby be required to evaluate all activities related to oil, gas, and geothermal energy exploration or development on land or water within the State and report his findings and recommendations promptly to the appropriate and affected agencies and officials of the State.

BE IT FURTHER RESOLVED that in order to receive and consider the report of the State Geologist any agency or official of the State approached to allow, permit, or otherwise provide for such activities shall promptly notify the State Geologist, providing details of the contact and requesting a report and recommendations.

Approved July 12, 1985.

CHAPTER 529

FORMERLY

HOUSE JOINT RESOLUTION NO. 18

PROVIDING FOR THE ESTABLISHMENT OF A MOBILE HOME STUDY COMMISSION TO STUDY THE PROBLEMS AND ISSUES RELATING TO MOBILE HOME RESIDENTS, BUSINESS ENDEAVORS, THE RAMIFICATIONS AND IMPLICATIONS OF MOBILE HOME PROBLEMS AND ISSUES FOR THE PUBLIC IN GENERAL; FURTHER PROVIDING STAFF ASSISTANCE AND THE ISSUANCE OF A FINAL REPORT OF THEIR FINDINGS AND RECOMMENDATIONS.

WHEREAS, a significant number of people in Delaware either reside in or own mobile homes in this State; and

WHEREAS, there are persons within this State that are engaged in the business of selling mobile homes, renting space and facilities to accommodate these structures in mobile home parks, and various other commercial endeavors relating to mobile homes; and

WHEREAS, both the mobile home residents and persons engaged in mobile home related businesses experience unique problems related to their living accommodations and type of business enterprise; and

WHEREAS, many issues such as zoning, tax laws, and landlord-tenant matters should be examined in view of their implications for all parties concerned and affected by mobile homes;and

WHEREAS, it would be beneficial to the welfare of the general public and more specifically to the mobile home residents and business persons to have a study done of the problems and issues unique to mobile homes.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 133rd General Assembly of the State of Delaware, the Governor concurring therein, that there is hereby established a Mobile Home Study Commission to study the problems and issues relating to mobile home residents and persons engaged in businesses of mobile homes. Said Commission shall consist of 12 members to be selected as follows: 1 member from the Division of Consumer Affairs appointed by the Governor; 2 members from the House of Representatives, one from each political party, to be appointed by the Speaker; 2 members from the Senate, one from each political party, to be appointed by the President Pro Tempore; 3 members representing County overnment, one from each of the three counties, appointed by the Governor; 2 members representing mobile home residents, at least one of whom shall be a member of the Delaware Mobile Home Park Tenants Association, appointed by the Governor; and 2 members representing mobile home related businesses, at least one of whom shall be a representative of the Delaware Manufactured Housing Association, appointed by the Governor.

BE IT FURTHER RESOLVED that the State services and assistance the Commission may require in carrying out its purposes shall be provided by the Department of Community Affairs.

BE IT FURTHER RESOLVED that the Commission shall issue a report of its findings and any recommendations for legislation to the Governor and members of the Legislature no later than March 1, 1986.

Approved July 19, 1985.

CHAPTER 530

FORMERLY

SENATE JOINT RESOLUTION NO. 19

DESIGNATING MONDAY, MAY 26, 1986, AS MEMORIAL DAY AND DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE FOR THE YEAR 1986 IN LIEU OF FRIDAY, MAY 30, 1986.

WHEREAS, under Delaware Code, Title 1, §501, Memorial Day is to be celebrated annually on May 30th; and

WHEREAS, May 30, 1986, falls on Friday; and

WHEREAS, under Federal law, Memorial Day, 1986, will be observed on Monday, May 16; and

WHEREAS, the observance of Memorial Day, 1986, on two different days creates a condition of confusion and inconvenience for a vast majority of the citizens of this State; and

WHEREAS, the public schools, and most businesses and private schools, are observing Memorial Day on Monday, May 26th, and family observances are the most meaningful way to pay due respect to those whose memory we honor on this day.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 133rd General Assembly of the State of Delaware, the House of Representatives concurring therein, that Monday, May 26, 1986, shall be a legal holiday in lieu of Friday, May 30, 1986, in the State of Delaware and designated Memorial Day, any provisions of Title 1, Delaware Code, to the contrary notwithstanding.

Approved May 19, 1986.

CHAPTER 531

FORMERLY

HOUSE JOINT RESOLUTION NO. 21
AS AMENDED BY HOUSE AMENDMENT NO. 1

INSTRUCTING THE DELAWARE DEVELOPMENT OFFICE IN COOPERATION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION TO PLAN AND EXECUTE A MARKETING PROGRAM TO ATTRACT NEW TEACHERS TO DELAWARE.

WHEREAS, a significant shortage of qualified teachers is imminent in the State of Delaware; and

WHEREAS, the task of recruiting new teachers to our state is becoming more and more difficult; and

WHEREAS, many jurisdictions are already promoting the virtues of their states to prospective teachers by innovative means; and

WHEREAS, the Delaware Development Office has proven that it is very capable of carrying out successful economic development ventures; and

WHEREAS, a number of legislators and education community representatives met recently for a two-day seminar to discuss this problem among others; and

WHEREAS, those persons assembled at the seminar unanimously adopted a recommendation to prepare a resolution to this effect.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 133rd General Assembly of the State of Delaware, the Senate concurring therein, that the Delaware Development Office in full cooperation with the Department of Public Instruction be instructed to prepare a full-fledged marketing plan which will be used to attract prospective teachers to our state.

BE IT FURTHER RESOLVED that this plan shall serve to promote the virtues of living and working in Delaware, including the specific advantages to the teaching profession.

BE IT FURTHER RESOLVED that this plan shall be coordinated with the work of the various recruitment officers of the several school districts in our State.

BE IT FURTHER RESOLVED that a hot line shall be established as part of this plan to provide a convenient central location for teacher inquiries.

BE IT FURTHER RESOLVED that this plan shall be conceptualized by February 15, 1986 and be implemented by March 15, 1986 in order to impact on hiring for September 1986.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent immediately to the Director of the Delaware Development Office and the Superintendent of the Department of Public Instruction.

Approved April 28, 1986.

CHAPTER 533

FORMERLY

HOUSE JOINT RESOLUTION NO. 20

DIRECTING THE DIRECTOR OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS AND THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO COMMEMORATE THE DELAWARE BREAKWATER QUARANTINE STATION 1884-1926 BY THE ERECTION OF A STATE HISTORICAL MARKER IN THE CAPE HENLOPEN STATE PARK ON OR NEAR OCTOBER 20, 1986, THE ONE HUNDRED AND SECOND ANNIVERSARY OF THE OPENING OF THE STATION.

WHEREAS, the opening of the Delaware Breakwater Quarantine Station on October 20, 1884 was the beginning of a unique event in Delaware history; and

WHEREAS, the Station was part of a national effort to prevent the importation and spread of epidemics into major American cities by the waves of people immigrating to America; and

WHEREAS, it is estimated that over 200,000 people passed through the Station; and

WHEREAS, the Cape Henlopen State Park contains the site of the Delaware Breakwater Quarantine Station; and

WHEREAS, the one hundred and second anniversary of the opening of the Delaware Breakwater Quarantine Station will fall on October 20, 1986; and

WHEREAS, Delaware's population is composed of descendents of immigrants and it is fitting that the immigrants be honored.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives and Senate of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the Director of the Division of Historical and Cultural Affairs commemorate the Delaware Breakwater Quarantine Station, its staff and the people who went through the facility by the erection of a State Historical Marker on the Cape Henlopen State Park.

BE IT FURTHER RESOLVED that such dedication take place on or near October 20,1986, the one hundred and second anniversary of the opening of the Delaware Breakwater Quarantine Station.

Approved May 21, 1986.

CHAPTER 534

FORMERLY

SENATE JOINT RESOLUTION NO. 12

AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DESIGN AND INSTALL IN AN APPROPRIATE PLACE A PLAQUE COMMEMORATING THE CIVILIAN CONSERVATION CORPS AND THE DELAWAREANS WHO SERVED THEREIN.

WHEREAS, the Civilian Conservation Corps was created by Congress in 1933 to hire unemployed young men for public conservation work; and

WHEREAS, the CCC provided training and employment for more than 2 million young Americans before it was abolished by Congress in 1942; and

WHEREAS, thousands of Delawareans served in the CCC and helped conserve and develop America's invaluable natural resources by such activities as planting trees, fighting forest fires, and building dams; and

WHEREAS, it is appropriate that a plaque be installed to commemorate the CCC and those who served in it;

NOW THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 133rd General Assembly, the Governor concurring therein, that the Secretary of the Department of Natural Resources and Environmental Control is hereby authorized and directed to design and install in an appropriate place a commemorative plaque honoring the Civilian Conservation Corps and the thousands of Delawareans who contributed to the preservation of our natural resources by serving therein; and

BE IT FURTHER RESOLVED that a copy of this Senate Joint Resolution be forwarded to Secretary John E. Wilson, III, of the Department of Natural Resources and Environmental Control upon its adoption and signing by the Governor.

Approved May 21, 1986.

CHAPTER 535

FORMERLY

SENATE JOINT RESOLUTION NO. 25

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1986.

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 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the estimated gross general fund revenue for Fiscal Year 1986 is $964.6 million, estimated revenue refunds are $76.4 million, estimated net State general fund revenue is $888.2 million and estimated unencumbered funds are $116.8 million.

Approved June 30, 1986.

CHAPTER 536

FORMERLY

SENATE JOINT RESOLUTION NO. 26

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1987.

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 133rd General Assembly of the State of Delaware, with the approval of the Governor, that the estimated gross general fund revenue for Fiscal Year 1987 is $1,003.8 million, estimated revenue refunds are $80.0 million, estimated net State general fund revenue is $923.8 million and estimated unencumbered funds are $64.1 million.

Approved June 30, 1986.

CHAPTER 537

FORMERLY

SENATE JOINT RESOLUTION NO. 21

DIRECTING COUNTIES AND MUNICIPALITIES TO COOPERATE IN THE IMPLEMENTATION OF A RECORDS MANAGEMENT PROGRAM, TO BE CALLED THE DELAWARE LOCAL RECORDS PROJECT.

WHEREAS, it is the responsibility of all governments to preserve and efficiently manage public records; and

WHEREAS, the rapid growth of Delaware's counties and municipalities has resulted in growing quantities of records being produced and increasingly complex systems of records-keeping; and

WHEREAS, it is the responsibility of the Department of State to ensure the preservation of historical records, and oversee the management of all public records of the State and its political subdivisions; and

WHEREAS, the Department of State, Division of Historical and Cultural Affairs, Bureau of Archives and Records Management, is developing a program designed to assist the State's counties and municipalities in properly managing their records; and

WHEREAS, said program, formally known as the Delaware Local Records Project, will enable State and local governments to recognize and fulfill legal requirements concerning records, ensure the preservation of historically valuable materials, and promote overall government economy and efficiency.

NOW THEREFORE:

BE IT RESOLVED by the Senate and House of Representatives of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that all county and municipal governments within the State are hereby directed to provide cooperation and participation in this important and worthwhile endeavor.

BE IT FURTHER RESOLVED that upon its signature by the Governor, a certified copy of this Senate Joint Resolution be forwarded to all county and municipal governments within the State.

Approved July 8, 1986.

CHAPTER 538

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER FIVE

RE: DECLARATION OF DROUGHT WARNING; DROUGHT ADVISORY COMMITTEE

NOW, THEREFORE, I Michael N. Castle, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. This Executive Order shall constitute a drought warning for the State of Delaware.

2. All State agencies shall immediately impose a ban on all non-essential use of water as more fully set forth in paragraph three of this Executive Order.

3. All Delawareans are asked to voluntarily restrict the non-essential use of water including but not limited to the following:

(a) The use of fresh water for non-agricultural irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs, and outdoor plants with these exceptions:

(1) Water applied by hand-held containers or hand-held hoses with manually operated flow control nozzles for irrigation to domestic vegetable and fruit gardens; and

(2) Water used by commercial nurseries at the minimum amount necessary to maintain stock; and

(3) Water applied in the minimum amount necessary to implement revegetation of land following earth moving where it is necessary to prevent soil erosion; and

(4) Water applied in the minimum amount necessary to allow new lawns and shrubs to survive or for application of fertilizers and herbicides to existing lawns.

(b) The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios;

(c) The use of water for watering any portion of golf courses except tees and greens;

(d) The use of water for ornamental purposes including fountains, artificial water falls, and reflecting pools;

(e) The use of water for non-commercial washing and cleaning of automobiles, trucks, or other motor vehicles and trailers, except domestic washing from hand-held buckets and hand-held hoses with automatic flow control nozzles where use is restricted to the minimum volume necessary;

(f) The use of water from a fire hydrant for any purposes (including the use of sprinkler caps) except for fire fighting;

(g) The use of water for flushing sewers or hydrants except as deemed necessary in the interest of public health and safety;

(h) The serving of water in restaurants, clubs, and entertainment establishments unless specifically requested by a customer. Additionally, the citizens of Delaware are urged to adopt other measures to save water where possible, including observing the following practices; repairing leaky water fixtures; flushing toilets only when necessary; minimizing splashing from swimming pools and avoiding evaporation by covering pools when not in use; installing shower flow restrictors, toilet tank dams, and faucet aerators.

4. Delaware water suppliers are requested to consider the adoption of such other water conservation measures as may be practicable.

5. The Department of Natural Resources and Environmental Control and the Delaware Geological Survey will immediately prioritize agency programs so as to give water resource evaluations and relevant conservation measures a high priority.

6. The Department of Natural Resources and Environmental Control shall immediately implement the drought warning directives set forth in the Comprehensive Water Management Plan.

7. The Department of Natural Resources and Environmental Control will immediately schedule a public hearing upon twenty (20) days notice to consider potential mandatory restrictions on water use should such action become necessary.

8. There shall hereby be established a Drought Advisory Committee composed of the following eight (8) members:

(a) Governor's Chief of Staff, Chairman;

(b) Secretary of Department of Natural Resources and Environmental Control;

(c) Secretary of the Department of Public Safety;

(d) Chairman of the Public Service Commission;

(e) Director of the Delaware Geological Survey;

(f) State Fire Marshal;

(g) Secretary of the Department of Agriculture;

(h) Secretary of the Department of Health and Social Services;

9. The Drought Advisory Committee shall investigate and report to the Governor on measures that may be necessary to implement under a drought emergency. Such measures to be considered shall include but are in no way limited to the following:

(a) Additional resource management aimed toward the efficient utilization of water resources of the State including those concerning the physical capabilities, and problems of water delivery;

(b) Operating procedures for the transfer of water wherever possible;

(c) Enforcement measures which should be taken in addition to those normally carried out by the police;

(d) The feasibility of modifying user rates and imposing surcharges by water utilities to encourage the maximum utilization of surface waters and water conservation;

(e) The need for contingency funds to carry out actions under a declared drought emergency.

10. The Drought Advisory Committee shall consult with other agencies and organizations both public and private in carrying out the above described activities. The organizations and agencies to be consulted include but are not limited to the following:

(a) Delaware Farm Bureau;

(b) Delaware State Grange;

(c) New Castle County Water Resources Agency;

(d) Nursery and tree growers associations;

(e) Water utility companies;

(f) Any other major water user groups deemed appropriate.

Approved this 9th day of May, 1985.

(GREAT SEAL)

MICHAEL N. CASTLE
GOVERNOR

(Attest:) Michael E. Harkins
Secretary of State

CHAPTER 539

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER FOURTEEN

RE: CONTINUATION OF DROUGHT WARNING; MANDATORY RESTRICTIONS ON CERTAIN NON-ESSENTIAL USES OF WATER.

NOW, THEREFORE, I, MICHAEL N. CASTLE, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. Pursuant to my authority under 20 Del. C. Section 3132, the previously-declared drought warning is continued and the following mandatory restrictions on the use of water are imposed in that portion of the State of Delaware north of the Chesapeake & Delaware Canal:

(a) The use of water for ornamental purposes is banned.

(b) The use of water for washing paved surfaces such as streets, sidewalks, outdoor plazas, driveways, garages parking areas and patios is banned with the following exceptions:

(i) Water may be used for pre-washing in preparation of asphalt street or driveway recoating and sealing.

(ii) Clay tennis courts may be watered by hand-held hose as minimally necessary and not between 10 a.m. and 4 p.m.

(c) The service of water to any patron of a restaurant, club or other eating place is permitted only if specifically requested by the patron.

(d) Watering non-commercial outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants is permitted only with the use of a bucket, can or hand-held hose.

(e) Watering established lawns is not permitted. Newly-seeded, sodded or fertilized lawns may be watered as necessary.

(f) Watering or sprinkling of golf courses is limited to tees, greens and aprons.

(g) The use of water for non-commercial washing or cleaning of vehicles is prohibited except for windshields and windows. This restriction shall not apply to emergency vehicles.

2. The voluntary restrictions on the non-essential use of water imposed by Executive Order Number Five are continued. To the extent the mandatory restrictions imposed by this Executive Order govern the same uses restricted by Executive Order Number Five, the mandatory restrictions set forth in this Executive Order shall control.

3. The Drought Advisory Committee shall continue to meet on a regular basis and report to the Governor on water conditions and other problems which may cause a state of emergency to be declared.

Approved this 23rd day of September, 1985.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest:) Michael E. Harkins
Secretary of State

CHAPTER 540

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER ELEVEN

RE: CONTINUATION OF DROUGHT WARNING

NOW, THEREFORE, I, MICHAEL N. CASTLE, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. A drought warning for the State of Delaware shall continue in effect.

2. All the provisions, terms and conditions of Executive Order Number Five dated May 9, 1985, shall remain in effect.

3. In addition, the following actions by agencies of the State of Delaware are ordered to take place as soon as practicable:

(a) The Public Service Commission, in conjunction with the Division of Environmental Control of the Department of Natural Resources and Environmental Control shall establish, after due hearing, appropriate procedures and levels of fines and/or surcharges for all public and private water utilities to follow if and when fines and/or surcharges are imposed under the authority of 20 Del. C. §3113(d). The establishment of said procedures, fines and surcharges shall be for the purpose of curtailing water consumption in the event a "State of Emergency" is declared pursuant to 20 Del. C. §3133.

(b) The Public Service Commission shall establish, after due hearing, procedures to be used in case of a declared drought emergency to facilitate increased conjunctive use and pass-through transfers for conjunctive use and shall further establish a procedure for raising and allocating funds to pay those expenses associated with the increased movements of surface water.

4. The Water Resources Agency of New Castle County is ordered to immediately schedule and perform a 24-hour test of all water utility interconnections in northern New Castle County to determine their operability and to establish their maximum flow rate as soon as practicable.

5. The Drought Advisory Committee shall continue to meet on a regular basis and report to the Governor on water conditions and other issues that may cause a state of emergency to be declared.

Approved this 31st day of July, 1985.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest:) MICHAEL E. HARKINS
Secretary of State

CHAPTER 541

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER SIXTEEN

RE: RECISION OF MANDATORY WATER USE RESTRICTIONS

NOW, THEREFORE, I MICHAEL N. CASTLE, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. The mandatory water-use restrictions upon water users in that portion of the State of Delaware north of the Chesapeake and Delaware Canal imposed by Executive Order No. 14 (Paragraphs 1 (A)-(g)) are hereby rescinded.

2. The drought warning for the State of Delaware, as declared pursuant to my authority under 20 Del. C. §3132 on May 9, 1985 (Executive Order No. 5) shall continue in effect.

3. The Drought Advisory Committee shall continue to meet on a regular basis and report to the Governor on water supply and hydrological conditions within the State of Delaware.

4. Those agencies of the State of Delaware which have undertaken drought response actions and studies pursuant to Executive Order No. 11 dated July 31, 1985 shall complete said actions and/or studies, to wit:

(a) The Public Service Commission, in conjunction with the Division of Water Resources of the Department of Natural Resources and Environmental Control, shall establish after due hearing, appropriate procedures and levels of fines and/or surcharges for all public and private water utilities to follow for the purpose of curtailing water consumption in the event of a declared drought emergency pursuant to 20 Del. C. §3133;

(b) The Public Service Commission shall establish after due hearing procedures to be used in the event of a declared drought emergency, increased conjunctive use and pass through transfers for conjunctive use, and shall further establish a procedure for raising and allocating funds to pay those expenses associated with the increased movements of surface water.

5. Those public water suppliers and major industrial water users in northern New Castle County should continue to develop water shortage contingency plans and should complete such plans for review by the Delaware Department of Natural Resources and Environmental Control.

6. The voluntary restrictions on the non essential use of water imposed by Executive Order No. 5 dated May 9, 1985 shall remain in effect.

Approved this 31st day of October, 1985.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest:) MICHAEL E. HARKINS
Secretary of State

CHAPTER 542

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWENTY

RE: TERMINATION OF DROUGHT WARNING; RECISION OF VOLUNTARY WATER USE RESTRICTIONS

NOW, THEREFORE, I, MICHAEL N. CASTLE, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. The Declaration of Drought Warning for the State of Delaware as declared pursuant to my authority under 20 Del. C. §3132 as set forth in Executive Order Number 5 dated May 9, 1985 is hereby terminated.

2. The voluntary restrictions upon the nonessential use of fresh water in the State of Delaware imposed pursuant to Executive Order Number 5 dated May 9, 1985 (Paragraph 3) are hereby terminated.

3. Those agencies of the State of Delaware which have undertaken drought response actions and studies pursuant to Executive Order Number Eleven, dated July 31, 1985, shall complete said actions and/or studies, to- wit:

The Public Service Commission shall establish after due hearing:

(a) in conjunction with the Division of Water Resources of the Department of Natural Resources and Environmental Control, appropriate procedures and levels of fines and/or surcharges for all public and private water utilities to follow for the purpose of curtailing water consumption in the event of a declared drought emergency pursuant to 20 Del. C. §3133;

(b) procedures to be used in the event of a declared drought emergency, increased conjunctive use and pass-through transfers for conjunctive use and shall further establish a procedure for raising and allocating funds to pay those expenses associated with the increased movements of surface water.

4. Those public water suppliers and major industrial water users in northern New Castle County should continue to develop water shortage contingency plans and should complete such plans for review by the Delaware Department of Natural Resources and Environmental Control.

5. The Drought Advisory Committee shall, in its discretion, continue to convene and report to the Governor on water supply and hydrological conditions within the State of Delaware.

Approved this 20th day of December, 1985.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest:) MICHAEL E. HARKINS
Secretary of State

CHAPTER 543

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWENTY-FIVE

RE: ALLOCATION OF UNIFIED VOLUME CAP FOR NONESSENTIAL FUNCTION BONDS; METHOD OF REALLOCATION

NOW, THEREFORE, I, MICHAEL N. CASTLE, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. For purposes of this Executive Order the following words and phrases shall be defined as indicated:

(a) "Code" means the Internal Revenue Code of 1954, as amended;

(b) "Mortgage Subsidy Bonds", "Private Activity Bonds" and "Private Activity Bond Cap" shall have the meanings ascribed to those terms in the Code;

(c) "Chief Elected Official" means the highest elected official of any political subdivision of the State of Delaware, including, but not limited to, the County Executive of New Castle County, the President of the Sussex County Council, the President of the Levy Court of Kent County and the Mayor of the City of Wilmington;

(e) "H.R. 3838" means H.R. 3838 as approved by the United States House of Representatives on December 18, 1985;

(f) "501(c)(3) Bonds", "Nonessential Function Bonds" and "Volume Cap" shall have the meanings ascribed to those terms in H.R. 3838; and

(g) "Housing Bonds" means qualified exempt facility bonds for qualified residential rental projects, qualified mortgage bonds and qualified veterans mortgage bonds, all as defined in H.R. 3838.

2. The $200,000,000 annual Volume Cap established under Title VII of H.R. 3838 for each calendar year, beginning January 1, 1986, is hereby allocated as follows to the State of Delaware and local governmental issuers:

	501(c)(3) Bonds	Housing Bonds	Any Bonds
State of Delaware	$ 30,000,000	$ 45,950,000	$ 39,696,500
New Castle County	0-	21,555,600	20,651,500
City of Wilmington	0-	4,607,900	10,625,000
Kent County	0-	6,482,300	7,022,000
Sussex County	0-	6,404,200	7,005,000
	$ 30,000,000	$ 85,000,000	$ 85,000,000

3. The Housing Bond allocation to each issuer may be used by each issuer in any amount up to its total Housing Bond allocation for any Housing Bond. No specific amount need be reserved for any particular kind of Housing Bond.

4. The allocation of "Any Bonds" may be used for 501(c)(3) Bonds, Housing Bonds or any other obligation subject to the annual Volume Cap established under H.R. 3838.

5 The allocation to the State of Delaware for 501(c)(3) Bonds shall be further suballocated or reassigned by future executive order(s). In determining the suballocation of the 501(c)(3) Bond allocation, priority shall be given to obligations for the non profit health facilities and educational institutions in the State of Delaware. The Secretary of Finance of the State of Delaware, with the advice of the Director of the Delaware Development Office, shall evaluate the capital financing needs of those bond issuers, including, but not limited to, the Delaware Health Facilities Authority, which may require a suballocation or reassignment of a portion of the State's 501(c)(3) Bonds allocation, and shall recommend to the Governor what suballocations or reassignments of this allocation should be made. The Secretary of Finance shall maintain a record of such suballocations and reassignments. No agency or instrumentality of the State of Delaware receiving a suballocation or reassignment of the State's 501(c)(3) Bonds allocation may reassign further any such suballocated portion other than back to the State of Delaware.

6. The allocation to the State of Delaware for Housing Bonds is hereby suballocated as follows: Delaware State Housing Authority - $37,640,118; Delaware Economic Development Authority $8,309,882.

7. The allocation of $39,696,500 to the State of Delaware for "Any Bonds" is hereby suballocated in its entirety to the Delaware Economic Development Authority.

8. The Governor retains the right, by further executive order, to modify the suballocations and reassignments made under paragraphs 5, 6 and 7 of this Executive Order; provided, however, that no such modification shall cause any obligation issued prior to the date of such modification to lose its qualification for tax-exempt treatment under the Code. This modification authority retained by the Governor shall be exercised with due regard to any actions taken by any person in reliance upon any existing allocation to any issuer.

8. Any issuer (other than the State of Delaware or its agencies or instrumentalities) may reassign any or all of its allocation of the annual Volume Cap to any other issuer including the State of Delaware or any of its agencies or instrumentalities. Any such reassignment shall be made by a written instrument and may be made upon such terms and conditions as may be specified in the written instrument. In the absence of any other procedure established by any political subdivision of the State of Delaware, such a reassignment shall be made by its Chief Elected Official. Any such assignment shall be effective upon receipt by the assignee and receipt of a copy of the written instrument by the Secretary of Finance of the State of Delaware. The Secretary of Finance of the State of Delaware shall maintain a record of all reassignments made pursuant to this paragraph.

9. The application and allocation of any annual Volume Cap to the obligations of any issuer shall be considered effective upon the issuer's delivery to the Secretary of Finance of the State of Delaware of a notice of the issuance of the obligations identifying the issuer, the amount of annual Volume Cap allocated to the obligations, the purpose of the financing, and, in the case of a 501(c)(3) Bond or a Housing Bond, an opinion of bond counsel to the effect that the obligations qualify as 501(c)(3) Bonds or Housing Bonds, as the case may be, and providing such other information as the Secretary of Finance of the State of Delaware might require. Upon the request of any issuer, the Governor will certify as to the satisfaction of the annual Volume Cap requirements of H.R. 3838 by any issuer's obligations.

10. On or before the last day of each month following the date of this Executive Order, each issuer allocated or assigned a portion of the annual Volume Cap shall file with the Secretary of Finance of the State of Delaware and with each other issuer such reports as the Secretary may deem necessary to carry out the purposes of this Executive Order. Each such report shall contain at least the following information for the year with respect to all obligations issued or planned to be issued by the issuer:

(a) A brief description of the project financed or to be financed;

(b) The amount of such obligations subject to the annual Volume Cap, and, to the extent that any portion is claimed to be exempt from the annual Volume Cap, an opinion of bond counsel to that effect;

(c) The date of issuance or the date of preliminary approval if not yet issued; and

(d) A status report on the issuance, including the anticipated date of issue, if not yet issued.

11. This Executive Order shall be construed and applied consistently with the terms of H.R. 3838, in the form it was passed by the United States House of Representatives prior to the date of this Executive Order, with a view toward protecting the tax-exempt status of obligations issued in reliance upon this Executive Order and maximizing the use of the State of Delaware's total annual Volume Cap.

12. In the event of final enactment of H.R. 3838 or any other legislation affecting the proposed annual Volume Cap on obligations which may be issued by the State and local governmental issuers and which can qualify for tax-exempt treatment under the Code, a subsequent executive order will be issued addressing this subject which will, to the maximum extent possible, preserve the allocation of the annual Volume Cap necessary to maintain the tax-exempt status of any obligations issued in reliance upon any allocation made pursuant to this Executive Order.

13. This Executive Order is not intended to have any effect, and shall have no effect, upon the allocation of the Private Activity Bond Cap under 29 Del. C. §5091.

Approved this 22nd day of May, 1986.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest:) MICHAEL E. HARKINS
Secretary of State

CHAPTER 544

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWENTY-SIX

RE: REALLOCATION OF A PORTION OF THE STATE OF DELAWARE'S ALLOCATION FOR 501(c)(3) BONDS PURSUANT TO EXECUTIVE ORDER TWENTY-FIVE

NOW, THEREFORE, I, MICHAEL N. CASTLE, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

Four Million Four Hundred Thousand Dollars ($4,400,000) of the 1986 annual *Volume Cap* under H.R. 3838 for 501(c)(3) Bonds, which has been allocated pursuant to Executive Order Twenty-Five to the State of Delaware, is hereby suballocated to The City of Wilmington for the purpose of issuing bonds on behalf of St. Francis Hospital. The City may not further reassign this suballocation for 501(c)(3) Bonds other than back to the State of Delaware.

Approved This 20th day of June, 1986.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest): Michael E. Harkins
Secretary of State

CHAPTER 545

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWENTY-SEVEN

RE: DECLARATION OF DROUGHT WARNING: DROUGHT ADVISORY COMMITTEE

NOW, THEREFORE, I, Michael N. Castle, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. This Executive Order shall constitute a drought warning for the State of Delaware.

2. All State agencies shall immediately impose a ban on all non-essential use of water as more fully set forth in paragraph three of this Executive Order, and each shall develop and implement best management practices for all agency water uses.

3. All Delawareans are asked to voluntarily restrict the non-essential use of water including but not limited to the following:

(a) The use of fresh water for non-agricultural irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs, and outdoor plants with the following exceptions which are appropriate only during evening and early morning hours:

(1) Water applied by hand-held containers or hand-held hoses with manually operated flow control nozzles for irrigation to domestic vegetable and fruit gardens or low pressure perforated hoses with the user in attendance; and

(2) Water used by commercial nurseries at the minimum amount necessary to maintain stock; and

(3) Water applied in the minimum amount necessary to implement revegetation of land following earth moving where it is necessary to prevent soil erosion; and

(4) Water applied in the minimum amount necessary to allow new lawns and shrubs to survive or for application of fertilizers and herbicides to existing lawns.

(b) The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios;

(c) The use of water for watering any portion of golf courses, except tees and greens which may be watered only during evening and early morning hours;

(d) The use of water for ornamental purposes including fountains, artificial waterfalls, and reflecting pools;

(e) The use of water for non-commercial washing and cleaning of automobiles, trucks, or other motor vehicles and trailers, except emergency vehicles and domestic washing from hand-held buckets and hand-held hoses with automatic flow control nozzles where use is restricted to the minimum volume necessary which is acceptable only on unpaved surfaces;

(f) The use of water from a fire hydrant for any purposes (including the use of sprinkler caps) except for fire fighting;

(g) The use of water for flushing sewers or hydrants except as deemed necessary in the interest of public health and safety;

(h) The serving of water in restaurants, clubs, and entertainment establishments unless specificially requested by a customer.

Additionally, the citizens of Delaware are urged to adopt other measures to save water where possible, including observing the following practices: repairing leaky water fixtures; flushing toilets only when necessary; minimizing splashing from swimming pools and avoiding evaporation by covering pools when not in use; installing shower flow restrictors, toilet tank dams, and faucet aerators.

(4) Delaware water suppliers are requested to consider the adoption of such other water conservation measures as may be practicable.

(5) The Department of Natural Resources and Environmental Control and the Delaware Geological Survey will immediately prioritize agency programs so as to give water resource evaluations and relevant conservation measures a high priority.

(6) The Department of Natural Resources and Environmental Control shall immediately implement the drought warning directives set forth in the Comprehensive Water Management Plan.

(7) The Department of Natural Resources and Environmental Control will immediately schedule a public hearing upon twenty (20) days notice to consider potential mandatory restrictions on water use should such action become necessary.

(8) The Drought Advisory Committee composed of the following eight (8) members shall be continued until relieved by me.

(a) Governor's Chief of Staff, Chairman;

(b) Secretary of Department of Natural Resources and Environmental Control;

(c) Secretary of the Department of Public Safety;

(d) Chairman of the Public Service Commission;

(e) Director of the Delaware Geological Survey;

(f) State Fire Marshal;

(g) Secretary of the Department of Agriculture;

(h) Secretary of the Department of Health and Social Services.

(9) The Drought Advisory Committee shall investigate and report to the Governor on measures that may be necessary to implement under a drought emergency. Such measures to be considered shall include but are in no way limited to the following:

(a) Additional resource management aimed toward the efficient utilization of water resources of the State including those concerning the physical capabilities and problems of water delivery;

(b) Operating procedures for the transfer of water wherever possible;

(c) Enforcement measures which should be taken in addition to those normally carried out by the police;

(d) The feasibility of modifying user rates and imposing surcharges by water utilities to encourage the maximum utilization of surface waters and water conservation;

(e) The encumbering of contingency funds to carry out actions uder a declared drought emergency.

(10) The Drought Advisory Committee shall consult with municipalities, other agencies, and organizations both public and private in carrying out the above described activities. The organizations and agencies to be consulted include but are not limited to the following:

(a) Delaware Farm Bureau;

(b) Delaware State Grange;

(c) New Castle County Water Resources Agency;

(d) Nursery and tree growers associations;

(e) Delaware Turfgrass Association;

(f) Water utility companies;

(g) Any other major water user groups deemed appropriate.

Approved this 10th day of July, 1986.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest): Michael E. Harkins
Secretary of State

CHAPTER 546

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER THIRTY-TWO

RE: CONTINUATION OF DROUGHT WARNING; MANDATORY RESTRICTION ON CERTAIN NON-ESSENTIAL USES OF WATER

NOW, THEREFORE, I, MICHAEL N. CASTLE, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. Pursuant to my authority under 20 Del. C. §3132, the previously-declared drought warning is continued and mandatory restrictions on the use of water are imposed in that portion of the State of Delaware north of the Chesapeake and Delaware Canal, to wit:

The following non-essential uses of water are prohibited:

(a) The use of fresh water for non-agricultural irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs, and outdoor plants with the following exceptions which are appropriate only from 5:00 a.m. to 8:00 a.m.:

(i) Water applied by hand-held containers or hand-held hoses with manually operated flow control nozzles for irrigation to domestic vegetable and fruit gardens or low pressure perforated hoses with the user in attendance; and

(ii) Water used by commercial nurseries at the minimum amount necessary to maintain stock; and

(iii) Water applied in the minimum amount necessary to implement revegetation of land following earth moving where it is necessary to prevent soil erosion; and

(iv) Water applied in the minimum amount necessary to allow new lawns and shrubs to survive or for application of fertilizers and herbicides to existing lawns.

(b) The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios;

(c) The use of water for watering any portion of golf courses, except tees and greens which may be watered only from 5:00 a.m. to 8 a.m.;

(d) The use of water for ornamental purposes including fountains, artificial waterfalls, and reflecting pools;

(e) The use of water for non-commercial washing and cleaning of automobiles, trucks, or other motor vehicles and trailers, except emergency vehicles and domestic washing from hand held buckets and hand-held hoses with automatic flow control nozzels where use is restricted to the minimum volume necessary and is acceptable only on unpaved surfaces;

(f) The use of water from a fire hydrant for any purposes (including the use of sprinkler caps) except for fire fighting;

(g) The use of water for flushing sewers or hydrants except as deemed necessary in the interest of public health and safety;

(h) The serving of water in restaurants, clubs, and entertainment establishments unless specifically requested by a customer.

Additionally, the citizens of Delaware are urged to adopt other measures to save water where possible, including observing the following practices: repairing leaky water fixtures; flushing toilets only when necessary; minimizing splashing from swimming pools and avoiding evaporation by covering pools when not in use; installing shower flow restrictors, toilet dams, and faucet aerators.

2. The voluntary restrictions on the non essential use of water imposed by Executive Order Number Twenty-Seven are continued. To the extent the mandatory restrictions imposed by this Executive Order govern the same uses restricted by Executive Order Number Twenty-Seven, the mandatory restrictions set forth in this Executive Order shall control.

3. Delaware water suppliers are requested to consider the adoption of such other water conservation measures as may be practicable.

4. The Drought Advisory Committee shall continue to meet on a regular basis and report to the Governor on water conditions and other issues which may cause a state of emergency to be declared.

5. The drought warning shall continue until the Drought Advisory Committee recommends to the Governor that he issue an executive order terminating it.

Approved this 25th day of September, 1986.

(GREAT SEAL)

MICHAEL N. CASTLE
Governor

(Attest:) MICHAEL E. HARKINS
Secretary of State

INDEX

abandoned vehicles, Chapter 46

absentee ballots, Chapter 455

Administrative Procedures Act

Board of Dental Examiners, Chapter 238

Unemployment Insurance Appeals Board, Chapter 416

ADULT CORRECTIONS

arrest and commitment, Chapter 207

diagnostic services and special groups, Chapter 424

habitual offenders, Chapter 159

adult entertainment establishments, Chapter 420

Advisory Council for the Coordination of Services to the Handicapped, Chapter 93

agricultural and soil conservation

drainage of lands, Chapter 307

soil and water conservation districts, Chapter 362

Agricultural Marketing Fund, Chapter 166

AGRICULTURE

agricultural and soil conservation, Chapters 307 & 362

Agricultural Marketing Fund, Chapter 166

bee keeping, Chapter 366

cloud seeding, Chapter 68

Council on Apple Promotion, Chapter 174

dealers in agricultural products, Chapter 116

Farmland Assessment Act, Chapter 65

grain testing devices, Chapter 515

nurseries and nursery stock, Chapter 491

pesticides, Chapter 187

preservation of agricultural lands, Chapter 311

seeds, Chapter 104

air quality

discharge of a pollutant or an air contaminant, Chapter 507

release of toxic vapors and fumes, Chapter 286

Alcoholic Beverage Control Commission

duties and powers, Chapter 322

jurisdiction, Chapter 50

ALCOHOLIC LIQUORS

licenses and taxes, Chapters 152 & 291

regulatory provisions, Chapters 50 & 156

wine tasting, Chapter 283

anatomical gifts and studies

requests for anatomical gifts, Chapter 487

Uniform Anatomical Gift Act, Chapter 335

ANIMALS

dogs, Chapters 149 & 486

domestic and foreign animals, Chapter 366

euthanasia, Chapter 136

Appalachian States Low-level Radioactive Waste Compact, Chapter 244

APPROPRIATIONS

Delaware Development Office, Chapter 251

Artisans' Savings Bank

limitations on loans to customers, Chapter 288

loans to managers of the bank, Chapter 98

Attorney General, Chapter 134

AUDITOR OF ACCOUNTS

duties and responsibilities, Chapter 263

funds due to the State from Justices of the Peace, Chapter 259

Workmen's Compensation, Chapter 260

AUTHORIZATION FOR INSURERS TO CONDUCT BUSINESS

annual statement by insurer, Chapter 270

deposit requirements, Chapter 409

reciprocity between states, Chapter 264

Bank Ownership and Participation in Export Trading Company Act, Chapter 160

BANKS AND TRUST COMPANIES

Artisans' Savings Bank, Chapters 98 & 288

Bank Ownership and Participation in Export Trading Company Act, Chapter 160

building and loan associations, Chapter 13

business practices, Chapter 422

consumer credit banks, Chapter 183

foreign banks, Chapter 444

investment limitations, Chapter 256

power to close banks on holidays, Chapter 298

Bethany Beach, Town of

notice to owners, Chapter 208

re-incorporation of town, Chapter 295

BIDDING REQUIREMENTS FOR PUBLIC WORKS
procurement of materiel and work, Chapter 128
Professional Services Negotiation Act, Chapter 423
wage provisions in public construction contracts, Chapter 368

bingo, Chapter 180

Board of Accountancy, Chapter 167

Board of Chiropractic, Chapter 331

Board of Dental Examiners, Chapter 210

Board of Electrical Examiners
compensation of Board members, Chapter 231
electrical contractors, Chapter 462

Board of Examiners of Psychologists, Chapter 223

Board of Examiners of Speech and Language Pathologists, Chapter 224

Board of Medical Practice
hearings before the Board, Chapter 66
registration of physician assistants, Chapter 490

BOARD OF PENSION TRUSTEES
appeals, Chapters 131 & 151
compensation of members, Chapter 343
information relating to retired State employees, Chapter 443
pension status of members, Chapter 421

Board of Pharmacy, Chapter 378

Board of Pilot Commissioners, Chapter 229

Board of Registration for Professional Land Surveyors, Chapter 222

Board of Social Work Examiners, Chapter 282

Board of Veterinary Medicine, Chapter 323

BONDS AND NOTES OF THE STATE

approval of plans and specifications, Chapter 434

Delaware State Housing Authority, Chapter 14

issuing authority for State bonds, Chapter 280

issuing officers for State bonds, Chapter 119

volume cap for non-essential function bonds, Chapter 543

Bradley, Lavina, Chapter 70

BRIDGEVILLE, TOWN OF

borrowing for current expenses, Chapter 285

power to borrow money, Chapter 24

power to raise revenue, Chapter 23

sewer and water-main improvements, Chapter 404

Budget Appropriations Act (1985), Chapter 9

BUDGET APPROPRIATIONS ACT (1986)

original Act, Chapter 87

salary schedules for teachers, Chapter 230

Sentencing Accountability Commission, Chapter 242

State Board of Education, Chapters 236 & 470

Budget Appropriations Act (1987), Chapter 348

Budget Commission, Chapter 219

BUDGET, FISCAL AND PROCUREMENT REGULATIONS

bonds and notes of the State, Chapter 434

Budget Commission, Chapter 219

budget regulations for State agencies, Chapters 88 & 137

plans and specifications, Chapter 275

procurement of materiel and award of contracts, Chapters 128, 368, 423 & 502

building and loan associations, Chapter 13

Capital Improvements Bond Act of 1982, Chapter 26

Capital Improvements Bond Act of 1983, Chapter 251

Capital Improvements Bond Act of 1985, Chapter 212

Capital Improvements Bond Act of 1986, Chapter 385

Cash Management Policy Board, Chapter 373

"chicken house" Act, Chapter 482

CHILDREN

child victims and witnesses, Chapter 158

termination and transfer of parental rights, Chapter 457

testimony in civil trials, Chapter 111

child support enforcement, Chapter 228

CITY CHARTERS

Dover, Chapters 28 & 479

Harrington, Chapter 20

New Castle, Chapters 7, 201 & 459

Rehoboth Beach, Chapters 33, 34, 438 & 439

Seaford, Chapters 21, 94, 97, 248 & 249

CIVIL ACTIONS FOR DEBT

appeals, Chapter 40

attachments, Chapter 49

docketing, Chapter 173

enforcement of foreign judgments, Chapter 333

executions, Chapter 35

judgments by default on written instruments, Chapter 296

trials, Chapter 30

Civilian Conservation Corps, Chapter 543

Clean Water Act, Chapter 144

Clerk of the Peace, Chapter 401

COLLECTION OF COUNTY TAXES

abatement of taxes, Chapter 300

notice of the time and place for collection, Chapter 315

penalty for late payment, Chapter 59

COLLEGES AND UNIVERSITIES

Delaware National Guard benefits, Chapter 440

free tuition for senior citizens, Chapter 41

Univeristy of Delaware, Chapter 458

COMMERCE AND TRADE

business of banks and trust companies, Chapter 256

business tax credits and deductions, Chapter 233

commercial development, Chapter 220

commercial fishing, Chapters 193 & 194

transient retailers, Chapter 391

Uniform Commercial Code, Chapters 83 & 432

Uniform Limited Partnership Act, Chapter 188

Commission for Women, Chapter 370

Commission on Family Law

composition of the Commission, Chapter 175

travel expenses, Chapter 9

Commission on Veterans' Affairs, Chapter 232

Committee on the Establishment of Cooperative Programs, Chapter 526

conduct of officers and employees of the State

Code of Ethics, Chapter 349

compensation policy, Chapter 488

CONSTABLES

Board of Examiners, Chapter 433

county constables, Chapters 358 & 360

Justice of the Peace constables, Chapter 411

CONSTITUTIONAL AMENDMENTS

composition of grand juries, Chapter 186

form of oath for members of the General Assembly, Chapter 309

Lieutenant- Governor, Chapters 293 & 395

right to keep and bear arms, Chapter 332

term of office of sheriff, Chapter 235

Consumer Credit Bank Act, Chapter 183

contractors and sub- contractors

electrical contractors, Chapter 462

occupational and business licenses and taxes, Chapter 476

Corporate Revolving Fund, Chapter 234

CORPORATIONS

banking corporations, Chapter 98

formation of a corporation, Chapter 127

personal liability of directors, Chapter 289

Council on Apple Promotion, Chapter 174

Council on Consumer Affairs, Chapter 445

Council on Manufactured Housing, Chapter 445

COUNTIES

appointment of Code Enforcement Constables, Chapter 364

County and Municipal Police Pension Plan, Chapter 91

county government, Chapter 450

county officers, Chapter 358

county taxes, Chapters 59, 60, 132, 300, 305 & 359

Kent County, Chapters 101, 163, 253, 303 & 313

New Castle County, Chapters 241 & 279

Sussex County, Chapters 19, 54, 55 & 371

County and Municipal Pension Plan, Chapter 157

COUNTY ASSESSMENTS AND TAXES

boards of assessment, Chapter 305

collection of current taxes, Chapters 59, 300 & 315

collection of delinquent taxes, Chapter 60

limitations upon taxing powers, Chapter 132

valuation and assessment of property, Chapter 359

county constables

compensation, Chapter 358

election and qualification, Chapter 360

COUNTY GOVERNMENT AND COUNTY ADMINISTRATORS

County Advisory Retirement Board, Chapter 57

county officers, Chapter 216

operation of courthouse, Chapter 56

regular meetings, Chapter 450

salary and expenses, Chapter 55

COUNTY OFFICERS

Clerks of the Peace, Chapter 401

county comptrollers, Chapters 358 & 360

recorders, Chapter 511

salaries of Sussex County officials, Chapter 216

COURTS AND CIVIL PROCEDURE

court officers and employees, Chapter 364

enforcement of foreign judgments, Chapter 333

Family Court, Chapters 190 & 243

Justices of the Peace, Chapters 30 & 31

offenses related to judicial proceedings, Chapter 110

pleading and practice, Chapter 296

procedure, Chapters 111 & 314

Superior Court, Chapters 51 & 292

CRIMES

altering or defacing of bills or acts, Chapter 425

first degree murder, Chapter 281

offenses against the person, Chapters 268, 357 & 494

offenses against the public health, Chapter 463

offenses involving deadly weapons, Chapter 465

offenses involving property, Chapters 482 & 497

offenses related to judicial proceedings, Chapter 110

organized crime and racketeering, Chapter 493

Criminal Justice Information System, Chapter 451

CRIMINAL PROCEDURE

arrest and commitment, Chapter 207

classification of offenses, Chapter 159

defenses to criminal liability, Chapter 90

jurisdictional amounts, Chapter 497

offenses committed on Sunday, Chapter 82

Racketeer-influenced and Corrupt Organizations Act, Chapter 493

trial by jury, Chapter 186

witnesses and evidence, Chapter 109

deadly weapons dealers, Chapter 379

dealers in agricultural products, Chapter 116

DECEDENTS AND DECEDENTS' ESTATES
- descent and distribution, Chapters 140, 351 & 428
- fiduciary relationships, Chapters 337 & 341
- wills, Chapter 422

DEFINITIONS
- beverage containers, Chapter 16
- commercial unit, Chapter 213
- home health agency, Chapter 69
- issuing officer, Chapter 119
- motorized wheelchair, Chapter 340
- motor vehicle, Chapter 272
- narcotic drug, Chapter 287
- person, Chapter 144

Delaware Breakwater Quarantine Station, Chapter 533

Delaware Development Office
- program to attract teachers to Delaware, Chapter 531
- removing employees from merit system, Chapter 225

Delaware Heritage Commission, Chapter 25

Delaware Institute of Dental Education and Research, Chapter 374

Delaware Institute of Medical Education and Research, Chapter 372

Delaware Insurance Guaranty Association, Chapter 5

Delaware Life and Health Guaranty Association, Chapter 6

Delaware Local Records Project, Chapter 461

Delaware National Guard, Chapter 440

Delaware Securities Act, Chapter 220

Delaware State Hospital, Chapter 90

Delaware State Housing Authority, Chapter 14

Delmarva Advisory Council, Chapter 39

dentists

Board of Dental Examiners, Chapter 210

Delaware Institute of Dental Education and Research, Chapter 374

Department of Administrative Services, Chapter 241

Department of Agriculture

Pilot Project on Cloud Seeding, Chapter 68

preservation of agricultural lands, Chapter 311

DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT

Commission for Women, Chapter 370

Division of Consumer Affairs, Chapter 445

Division of Libraries, Chapter 290

DEPARTMENT OF CORRECTION

diagnostic services and special groups, Chapter 424

inmate contacts outside the institution, Chapter 245

inmates on supervised custody or work release, Chapter 396

Department of Finance

biennial reports to the Governor, Chapter 271

Board of Pension Trustees, Chapters 131, 151, 343 & 421

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

administration of Uniform Controlled Substances Act, Chapter 501

Delaware City screening program, Chapter 129

Division of Child Support Enforcement, Chapter 89

Department of Labor, Chapter 92

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

finfishing in tidal waters, Chapters 192 & 408

Hazardous Wastes Clean-up Revolving Fund, Chapter 47

oil pollution liability, Chapter 319

Outfall for Lake Gerar project, Chapter 26

Department of Public Safety, Chapter 531

DEPARTMENT OF PUBLIC SAFETY

drivers' licenses, Chapters 77 & 81

failure to report change of address, Chapter 503

motor carrier safety and responsibility, Chapter 198

uncollectable checks, Chapter 178

Department of Services for Children, Youth and their Families

Council on Services for Children, Youth and their Families, Chapter 211

powers and duties, Chapter 168

Department of Transportation, Chapter 75

descent and distribution

elective shares, Chapter 428

escheat, Chapters 140 & 351

desecration of a burial place, Chapter 463

Dewey Beach, Town of, Chapter 255

Division of Air and Waste Management, Chapter 431

Division of Child Support Enforcement, Chapter 89

Division of Business and Occupational Regulation
change of name, Chapter 355
computation of fees, Chapter 380

Division of Corporations, Chapter 234

DIVISION OF ENVIRONMENTAL CONTROL
Clean Water Act, Chapter 144
discharge of air contaminants, Chapter 507
duties and powers, Chapters 344 & 361

Division of Historical and Cultural Affairs
Local Records Project, Chapter 537
"Faithful Steward" historical marker, Chapter 525

Division of Libraries, Chapter 290

Division of Professional Regulation, Chapter 355

Division of Revenue, Chapter 271

dogs
confinement of biting dogs, Chapter 486
dogs running at-large, Chapter 149

DOMESTIC RELATIONS
child support enforcement, Chapter 228
Interstate Withholding Act, Chapter 115
marriage, Chapter 472
termination and transfer of parental rights, Chapter 457

Dorzbach, Doris, R., Chapter 170

Dover, City of

election districts, Chapter 479

reimbursements for Mayor and Council, Chapter 28

DRIVERS' LICENSES

drivers' performance records, Chapter 81

periodic issuance of license, Chapter 329

school bus drivers, Chapter 464

Drought Advisory Committee, Chapters 538 & 545

DRUGS

designer drugs, Chapter 317

non-addictive narcotic drugs, Chapter 52

prescription drugs, Chapters 500 & 504

EDUCATION

colleges and universities, Chapters 41 & 440

expenditures by school districts, Chapter 88

local school taxes, Chapters 8 & 99

period of silent reflection, Chapter 130

private business and trade schools, Chapters 63 & 103

re-organization of school districts, Chapters 247 & 312

salaries and working conditions of school employees, Chapters 299 & 381

State Board of Education, Chapter 456

teacher certification, Chapter 473

Teacher Incentive Program, Chapter 437

teachers' retirement and disability pensions, Chapter 489

ELECTIONS

alcoholic beverages, Chapter 156

general elections, Chapters 455 & 519

political contributions by insurance companies, Chapter 195

registration of voters, Chapter 471

Ellifritz, Christina M., Chapter 201

EMPLOYMENT SECURITY COMMISSION

compensation, Chapter 417

powers and duties, Chapter 122

Special Administration Fund, Chapter 415

State Employment Service, Chapter 375

energy

energy exploration, Chapter 528

regulation of water and energy, Chapters 146 & 541

ENVIRONMENTAL CONTROL

hazardous wastes management, Chapters 320, 483 & 516

offenses related to toxic substances, Chapter 286

oil pollution liability, Chapter 319

Underground Storage Tank Act, Chapter 161

ESTIMATES OF GENERAL FUND REVENUES

Estimate of General Fund revenues for Fiscal Year 1985, Chapters 524 & 527

Estimate of General Fund revenues for Fiscal Year 1986, Chapter 535

Estimate of General Fund revenues for Fiscal Year 1987, chapter 536

EXECUTIVE ORDERS APPEARING IN THIS VOLUME

continuation of drought warning, Chapter 540

declaration of drought warning, Chapters 538 & 545

mandatory restrictions on certain water uses, Chapters 539, 541 & 546

re-allocation of certain federal bonds, Chapter 544

termination of drought warning, Chapter 542

volume cap for non-essential function bonds, Chapter 543

"euthanasia bill," Chapter 136

Fair Labor Standards Act, Chapter 215

FAMILY COURT

adult proceedings, Chapter 243

jurisdiction and powers, Chapter 190

procedure, Chapter 145

Farmland Assessment Act, Chapter 65

federal bonds and financial assistance to the State

re-allocation of certain federal assistance funds, Chapter 544

volume cap for non-essential function bonds, Chapter 543

FEES AND LICENSES

insurance, Chapters 142 & 143

professions and occupations, Chapter 380

Fenwick Island, Town of

assessment and collection of taxes, Chapter 85

elections, Chapter 321

fiduciary relationships

guardian and ward, Chapter 337

trusts, Chapter 341

FINES AND PENALTIES

collection of county taxes, Chapter 59

dogs running at-large, Chapter 149

Uniform Controlled Substances Act, Chapter 485

FINFISHING IN TIDAL WATERS

Department of Natural Resources and Environmental Control, Chapter 192

food fishing equipment permit, Chapters 67, 495 & 496

marking requirement for fishing equipment, Chapter 194

restrictions upon certain fishing equipment, Chapter 106

sale or trade of food fish, Chapter 193

size limits on finfish, Chapter 407

FIREARMS

limitations on municipal regulation, Chapter 278

regulation by municipalities, Chapter 133

wounds or injuries caused by firearms, Chapter 123

FIRE DEPARTMENTS AND COMPANIES

Employment Relations Act, Chapter 477

Personal Income Tax credits, Chapter 397

Volunteer Firemen's Pension Plan, Chapter 269

Fire Marshal's Advisory Board

fire prevention, Chapter 246

State Fire Prevention Commission, Chapter 400

Fire School Advisory Board, Chapter 246

First State Improvement Fund, Chapter 197

Food Conservers, Inc., Chapter 72

FOOD FISHING EQUIPMENT PERMITS

fyke netting, Chapter 486

gill nets for commercial fishermen, Chapter 67

requirements and fees, Chapter 495

Foreign Banking Development Act, Chapter 444

Forestry

nurseries and nursery stock, Chapter 491

prevention of forest fires, Chapter 453

Foster Child Review Act, Chapter 294

Frederica, Town of, Chapter 254

Freedom of Information Act, Chapter 191

fuel adjustment clause, Chapter 240

Gaming Control Board

composition of the Board, Chapter 226

qualifications of members, Chapter 325

GENERAL ASSEMBLY

Eighth Senatorial District, Chapter 84

legislative bills and laws, Chapter 425

Ninth Senatorial District, Chapter 252

notification of the promulgation of administrative rules, Chapter 257

oath of office, Chapter 309

general elections

absentee voting, Chapter 455

canvass of the vote, Chapter 519

Georgetown, Town of, Chapter 276

GRANTS-IN-AID

Food Conservers, Inc., Chapter 72

1985 Grants-in-Aid Act, Chapter 185

1986 Grants-in-Aid Act, Chapter 383

Greenwood, Town of

issuance of bonds, Chapter 326

power to borrow money, Chapter 18

group life insurance

group policies and group requirements, Chapter 480

professional association groups, Chapter 347

HANDICAPPED AND DISABLED PERSONS

Advisory Council for the Coordination of Services to the Handicapped, Chapter 93

disabled persons' parking permits, Chapter 102

sheltered employment, Chapter 74

harness racing

disposition of moneys for unclaimed tickets, Chapter 121

licensee's commissions on pari-mutuel pools, Chapter 267

HARRINGTON, CITY OF

contracts, Chapter 405

nominating petitions, Chapter 20

police department, Chapter 418

Hazardous Substance Spill Clean-up Fund, Chapter 53

HAZARDOUS WASTES MANAGEMENT

assessments to generators of hazardous waste, Chapter 516

Division of Air and Waste Management, Chapter 430

enforcement, Chapter 320

regulations, Chapter 483

HEALTH AND SAFETY

anatomical gifts and studies, Chapters 335 & 487

hospitals and other health facilities, Chapter 125

mental health, Chapter 148

sanatoria and rest homes, Chapter 442

State and local boards of health, Chapter 301

vital statistics, Chapter 413

highways, Chapter 75

Home Counselling Center for Senior Citizens, Chapter 126

horse racing

application for a racing license, Chapter 15

pari-mutuel machines and totalizators, Chapter 386

hospitals and other health facilities, Chapter 125

HOUSE JOINT RESOLUTIONS APPEARING IN THIS VOLUME

Committee on the Establishment of Cooperative Programs, Chapter 526

Delaware Breakwater Quarantine Station, Chapter 533

estimate of General Fund revenues for Fiscal Year 1985, Chapters 524 & 527

Mobile Home Study Commission, Chapter 529

Housing Development Act of 1986, Chapter 512

Human Relations Commission, Chapter 377

HUNTING, TRAPPING AND FISHING

finfishing in tidal waters, Chapters 67 & 106

hunting, trapping and fishing licenses, Chapter 217

obstruction of hunting or fishing activities, Chapter 303

Husbands, William J., Chapter 201

INCOME TAXES ON RESIDENT INDIVIDUALS

child care expense credits, Chapter 202

expenses incurred by volunteer firemen, Chapter 518

itemized deductions, Chapters 403 & 461

"Indirect Costs" Special Fund, Chapter 181

inheritance taxes

property subject to tax, Chapter 164

rates and determination of tax, Chapter 393

INSURANCE

administration of deposits, Chapter 419

authorization of insurers, Chapters 264 & 270

fees and taxes, Chapters 142, 143 & 196

group life insurance, Chapters 347 & 480

group life insurance for State employees, Chapter 399

health care insurance, Chapter 449

health care malpractice insurance and litigation, Chapter 509

Life and Health Insurance Guaranty Association Act, Chapters 162 & 410

line-of-duty death benefits, Chapters 2, 138, 273 & 454

re-insurance, Chapter 96

unfair practices in the insurance business, Chapter 195

Insurance Commissioner

group life insurance, Chapter 347

pooling of county and municipal insurance, Chapter 265

Insurance Department, Chapter 165

INSURANCE REGULATORY REVOLVING FUND

administration of the Fund, Chapter 4

Delaware Insurance Guaranty Association, Chapter 5

Delaware Life and Health Guaranty Association, Chapter 6

International Trade Act of Delaware, Chapter 155

INTER-STATE COMPACTS AND COMMISSIONS

Delmarva Advisory Council, Chapter 39

Interstate Withholding Act, Chapter 115

Vehicle Equipment Safety Compact, Chapter 448

judges and justices

judicial pensions, Chapter 489

Superior Court judges, Chapter 51

John Morris Correctional Institution, Chapter 3

Johnson, Roselien, Chapter 70

JUSTICE OF THE PEACE COURTS

certification of amounts due to the State, Chapter 259

constables, Chapter 411

fines and costs, Chapter 218

landlord-tenant relationships, Chapter 108

procedure in civil cases, Chapters 30, 31 & 40

procedure in criminal cases, Chapter 82

Kelliher, Andrew J., Chapter 10

KENT COUNTY

building permits, Chapter 304

government of Kent County, Chapter 101

pensions for county employees, Chapter 313

salary increases for public officials, Chapter 163

sanitary sewer districts, Chapter 253

term of office for sheriff, Chapter 235

LABOR

minimum wage, Chapters 369 & 436

right of public employees to organize, Chapter 499

salaries and working conditions of school employees, Chapters 299 & 381

sheltered employment, Chapter 74

state apprentices, Chapter 92

unemployment compensation, Chapters 44, 414, 513 & 514

workmen's compensation, Chapter 469

LANDLORD AND TENANT

commercial units, Chapter 213

mobile homes and mobile home parks, Chapter 446

rent, Chapter 189

security deposits, Chapter 171

summary proceeding for possession, Chapters 108 & 114

tenant's remedies for failure to supply heat, Chapter 150

Laurel, Town of

enumeration of powers, Chapter 284

manner of holding municipal elections, Chapter 117

LAW ENFORCEMENT ADMINISTRATION

Criminal Justice Information System, Chapter 451

police "bill of rights," Chapters 12 & 139

police training program, Chapter 492

State Bureau of Identification, Chapters 48 & 452

LEGAL HOLIDAYS

closing of banks on holidays, Chapter 298

Memorial Day, Chapter 523

Return Day, Chapter 62

Lewes, City of

Board of Public Works, Chapter 86

town budget, Chapter 22

LICENSE REQUIREMENTS FOR ALCOHOLIC BEVERAGES

certificate of license, Chapter 152

manufacture and importation of alcoholic liquors, Chapter 291

wine tasting, Chapter 283

LICENSES AND PERMITS

alcoholic beverage licenses, Chapters 152, 283 & 291

foodfishing equipment permits, Chapter 67

license to drive, Chapter 81

site evaluation and percolation testers, Chapter 362

Lieutenant-Governor

compensation, Chapter 395

election and term, Chapter 293

LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

Board of Directors, Chapter 162

powers and duties, Chapter 410

limitation of actions, Chapter 510

LINE-OF-DUTY DEATH BENEFITS

benefits diminished by other payments, Chapter 273

court employees, Chapter 454

payment for benficiaries, Chapter 2

probation and parole officers, Chapter 138

local school boards, Chapter 247

local school taxes

rate of tax, Chapter 99

tax collection warrant, Chapter 8

MANUFACTURER'S LICENSE REQUIREMENTS AND TAXES

exemption of certain receipts from taxation, Chapter 169

license requirements, Chapter 388

products manufactured in Delaware, Chapter 481

marriage, Chapter 472

McCoy, Rhonda Y., Chapter 10

MEDICAL PRACTICES

Board of Medical Practice, Chapter 66

Delaware Institute of Medical Education and Research, Chapter 372

medical examiners, Chapter 43

medical malpractice, Chapter 509
Uniform Anatomical Gift Act, Chapter 335
Uniform Determination of Death Act, Chapter 237
wounds or injuries caused by firearms, Chapter 123

Memorial Day
May 27, 1985, Chapter 523
May 26, 1986, Chapter 530

mental health, Chapter 148

Merit System of Personnel Administration
rules, Chapters 154 & 498
Selective Service System, Chapter 505

Millsboro, Town of, Chapter 412

Milton, Town of, Chapter 266

minimum wage
minimum wage rate, Chapter 436
remedies of employees, Chapter 369

missing persons, Chapter 48

mobile homes and mobile home parks
Mobile Home Lots and Leases Act, Chapter 446
Mobile Home Study Commission, Chapter 529

Morris, John E., Chapter 3

MORTGAGES AND OTHER LIENS
liens of garagemen, Chapter 42
mechanics' liens, Chapter 467
mortgages on real estate, Chapters 32 & 310

MOTOR CARRIERS' FUEL PURCHASE LAW

collection of bad checks, Chapter 302

credit for motor fuel tax payment, Chapter 427

definition of "motor vehicle," Chapter 272

exempt vehicles, Chapter 205

report requirements, Chapter 328

vehicle markers, Chapter 36

motorcycles

license to operate a motorcycle, Chapter 356

Motorcycle Riders Education Program, Chapter 27

MOTOR FUEL TAX

gasoline, Chapter 339

special fuels, Chapter 297

State aid to municipalities, Chapter 354

MOTOR VEHICLES

administration

failure to report change of address, Chapter 503

Motorcycle Rider Education Program, Chapter 26

motor vehicle carrier safety and responsibility, Chapter 198

registration of vehicles

disabled persons' parking permit, Chapter 102

fees, Chapter 262

period of registration, Chapter 330

plates, Chapters 76, 78 & 277

registration card, Chapter 113

regulation and enforcement

automotive recyclers, Chapter 318

enforcement of motor vehicle laws, Chapter 141

operation and equipment, Chapters 46, 363, 447 & 468

requirement of insurance for all motor vehicles, Chapters 177 & 324

rules of the road, Chapter 353

sales of used motor vehicles, Chapter 79

types of vehicles

motorboats, Chapter 334

motorcycles, Chapter 356

motorized wheelchairs, Chapter 340

off-highway vehicles, Chapters 112 & 398

vehicle titles and licenses

drivers' licenses, Chapters 77, 81 & 329

non-driver identification cards, Chapter 37

school bus drivers, Chapter 464

title and liens, Chapters 327 & 352

MUNICIPALITIES

City of Rehoboth Beach, Chapter 438

exemptions from municipal taxation, Chapter 11

home rule, Chapter 420

liability insurance, Chapter 264

municipal zoning regulations, Chapter 61

parking authorities, Chapter 316

pensions, Chapters 91 & 157

regulation of firearms, Chapters 133 & 278

Urban Community Revitalization Study Task Force, Chapter 365

NATURAL RESOURCES

forests, Chapter 453

regulation of finfishing, Chapters 106, 192 & 193

underwater lands, Chapter 508

navigation and waters, Chapter 334

NEW CASTLE, CITY OF

annexation, Chapter 459

Board of Water and Light Commissioners, Chapter 200

salaries of City officials, Chapter 7

NEW CASTLE COUNTY

county departments, Chapters 1 & 279

revenue from motor vehicle violations, Chapter 141

sewers, Chapter 435

Newport, Town of, Chapter 214

non-driver identification cards, Chapter 37

Non-profit Sports Liability Limitation Act, Chapter 258

Northeast Interstate Low-level Radioactive Waste Management Compact, Chapter 244

Northern Delaware Industrial Development Corporation, Chapter 120

nursing and schools of nursing

disciplinary proceedings, Chapter 221

licensing exceptions, Chapter 466

OCCUPATIONAL AND BUSINESS LICENSES AND TAXES

cost of licenses and fees, Chapters 29, 402 & 476

exemption from occupational taxes, Chapter 184

express companies, Chapter 118

gross receipts tax, Chapter 392

manufacturer's license requirements and taxes, Chapters 169 & 388

retail and wholesale merchants' license requirements and taxes, Chapters 389, 390, 406 & 478

Occupational Therapy Act, Chapter 172

OCCUPATIONS AND PROFESSIONS

accountants, Chapter 167

automotive recyclers, Chapter 318

chiropractors, Chapter 331

contractors, Chapter 462

deadly weapons dealers, Chapter 379

dealers in used vehicles, Chapter 79

dentists, Chapter 210

electricians, Chapter 231

land surveyors, Chapter 222

licenses and taxes, Chapter 28

maritime pilots, Chapter 229

nurses, Chapters 221 & 466

occupational therapists, Chapter 172

pharmacists, Chapter 378

private detectives, Chapter 376

professional engineers, Chapters 261 & 336

psychologists, Chapter 223

real estate brokers and salesmen, Chapter 274

social workers, Chapter 282

speech pathologists, Chapter 224

veterinarians, Chapter 323

OFFENSES AGAINST THE PERSON

acts causing death, Chapter 357

release of toxic vapors or fumes, Chapter 286

sexual offenses, Chapter 494

OFFENSES INVOLVING PROPERTY

arson and related offenses, Chapter 497

criminal trespass and burglary, Chapter 482

robbery, Chapter 517

Office of Pensions and Investments, Chapter 443

Office of State Medical Examiner, Chapter 43

OPERATION AND EQUIPMENT OF MOTOR VEHICLES

abandoned vehicles, Chapter 46

disposal of older vehicles, Chapter 363

special restrictions on lights, Chapter 468

stop-signal devices, Chapter 447

Parker, Ruth M., Chapter 520

PENSIONS

county and municipal pension plan, Chapter 157

judicial pensions, Chapter 489

Kent County, Chapter 313

PERSONAL INCOME TAX

credits for volunteer firemen, Chapter 397

imposition and rate of tax, Chpater 394

non-resident individuals, Chapter 147

resident individuals, Chapters 202, 403 & 461

returns and payment of tax, Chapter 176

withholding of tax, Chapter 401

Phoenix Steel Corporation, Chapter 120

pesticides, Chapter 187

physician assistants, Chapter 490

police "bill of rights"

political activity, Chapter 12

suspension or other disciplinary action, Chapter 139

POLICE OFFICERS AND DEPARTMENTS

Employment Relations Act, Chapter 477

pensions, Chapter 91

police training program, Chapter 492

PRESTO wine, Chapter 50

prisons and prisoners

discipline, medical care and discharge, Chapters 245 & 396

method of punishment for first degree murder, Chapter 281

private business and trade schools

application for certificate, Chapter 63

disposition of student records, Chapter 103

private detectives, Chapter 376

PROCEDURE IN JUSTICE OF THE PEACE COURTS

appeals, Chapter 308

civil actions for debt, Chapters 30, 40 & 173

trespass actions, Chapter 31

procurement of materiel and award of contracts

opening of bids, Chapter 502

wage provisions in public construction contracts, Chapter 368

professional engineers

engineering corporations and partnerships, Chapter 336

legal liabilities of the Council, Chapter 261

PUBLIC ASSISTANCE CODE

elegibility for assistance, Chapter 107

fraudulent acts, Chapter 345

medical care subrogation, Chapter 124

Professional Services Negotiation Act, Chapter 423

PUBLIC OFFICERS AND EMPLOYEES

conduct of officers and employees of the State, Chapters 349 & 488

health care insurance, Chapter 449

members of the General Assembly, Chapters 84 & 252

Merit System of Personnel Administration, Chapters 154, 215 & 505

PUBLIC SERVICE COMMISSION

establishment of water use procedures and fines, Chapter 541

declaration of drought warning, Chapter 540

jurisdiction over cellular telephone service, Chapter 484

PUBLIC UTILITIES

merger or consolidation of a public utility, Chapter 146

rates, Chapter 240

rights-of-way, Chapter 227

telephones, Chapter 484

Public Utilities Tax

exemptions from tax, Chapter 17

imposition of tax, Chapter 387

Pusey, Thelma, Chapter 338

Racketeer-influenced and Corrupt Organizations Act, Chapter 493

Real Estate Guaranty Fund, Chapter 274

REAL PROPERTY

mortgages and other liens, Chapters 32 & 42

Real Estate Guaranty Fund, Chapter 274

titles and conveyances, Chapter 306

Realty Transfer Tax, Chapter 426

recorder of deeds, Chapter 511

Redding, Anna, Chapter 521

registration and control of off-highway vehicles
operation of off-highway vehicles, Chapter 112
penalties for unlawful operation, Chapter 398

registration of voters, Chapter 471

registration plates
number and registration plates, Chapter 78
transit plates, Chapter 76

REHOBOTH BEACH, CITY OF
enumeration of powers, Chapter 33
indemnification of City officers and employees, Chapter 439
referendum on ordinances, Chapter 34
structure of government, Chapter 438

re-insurance, Chapter 96

religion, Chapter 130

re-organization of school districts
elections in re-organized districts, Chapter 247
Indian River School District, Chapter 312

requirement of insurance for all motor vehicles
occupational licenses, Chapter 177
requirement of insurance for employers, Chapter 324

RETAIL AND WHOLESALE MERCHANTS' LICENSE REQUIREMENTS AND TAXES
catalogue or mail-order distributors, Chapter 478
grain and feed dealers license requirements, Chapter 406
gross receipts, Chapter 389
retailer license requirements, Chapter 390

returnable beverage container legislation, Chapter 16

Return Day, Chapter 62

right of public employees to organize

police officers and fire-fighters, Chapter 477

voting for bargaining representative, Chapter 499

RULES AND REGULATIONS

Merit System of Personnel Administration, Chapter 498

rules and regulations of State agencies, Chapter 257

State Board of Education, Chapter 456

rules of the road, Chapter 353

SALARIES AND WAGES

county constables, Chapter 358

minimum wage, Chapter 369

school employees, Chapter 381

unemployment compensation, Chapters 45 & 367

SEAFORD, CITY OF

assessor and assessment of taxes, Chapters 94 & 97

collection of taxes, Chapter 21

general powers of the city, Chapter 248

qualifications for Mayor and City Councilman, Chapter 249

seeds, Chapter 104

Selbyville, Town of

Bond Anticipatory Notes, Chapter 250

sewage disposal plant and system, Chapter 182

SENATE JOINT RESOLUTIONS APPEARING IN THIS VOLUME

activities related to energy exploration, Chapter 528

designation of Memorial Day, Chapters 523, 530 & 532

estimate of General Fund revenues for Fiscal Year 1986, Chapter 535

estimate of General Fund revenues for Fiscal Year 1987, Chapter 536

"Faithful Steward" historical marker, Chapter 525

marker to commemorate the Civilian Conservation Corps, Chapter 534

senior citizens, Chapter 239

Sentencing Accountability Commission, Chapter 206

SEWER AND WATER DISTRICTS

Kent County, Chapter 253

New Castle County, Chapter 435

Sussex County, Chapter 371

sexual harassment, Chapter 349

Single Audit Act of 1984, Chapter 263

South Bethany, Town of

boundaries, Chapter 100

re-incorporation, Chapter 460

Special Advocate Program, Chapter 95

SPECIAL ACCOUNTS AND SPECIAL FUNDS

Agricultural Marketing Fund, Chapter 166

Corporate Revolving Fund, Chapter 234

Hazardous Substances Spill Clean-up Fund, Chapter 53

Hazardous Wastes Clean-up Revolving Fund, Chapter 47

"Indirect Costs" Special Fund, Chapter 181

Insurance Commissioner Revolving Fund, Chapters 4 & 5

Special Administration Fund, Chapter 415

SPECIAL PENSIONS FOR NON-CONTRIBUTING, INELIGIBLE BENEFICIARIES

Parker, Ruth M., Chapter 520

Pusey, Thelma, Chapter 338

Redding, Anna, Chapter 521

Titus, Richard L., Chapter 382

SPORTS AND AMUSEMENTS

bingo, Chapter 180

gambling, Chapters 226 & 325

harness racing, Chapters 121 & 267

horse racing, Chapters 15 & 386

hunting and fishing, Chapter 303

St. Francis Hospital, Chapter 544

STATE AGENCIES

Administrative Procedures Act, Chapter 238

Budget Appropriation Act, Chapter 137

rules and regulations promulgated by State agencies, Chapter 257

STATE BOARD OF EDUCATION

Christina School District, Chapter 236

development and training activities, Chapter 470

rules and regulations, Chapter 456

State Board of Health

free-standing surgical centers, Chapter 301

home health care, Chapter 69

State boundaries, Chapter 475

State Bureau of Identification, Chapter 452

State Department of Justice, Chapter 134

state economic development

Delaware Development Office, Chapter 225

First State Improvement Fund, Chapter 197

STATE EMPLOYEES

employment of pensioners, Chapter 80

former State employees, Chapter 73

group life insurance, Chapter 399

medical leave, Chapter 342

Merit System of Personnel Administration, Chapters 154 & 498

STATE EMPLOYEES' PENSION PLAN

employment of pensioners, Chapter 80

financing and administration, Chapter 522

line-of-duty death benefits, Chapter 2

mandatory retirement, Chapter 239

survivor's pension, Chapter 73

University of Delaware, Chapter 458

veteran's preference, Chapter 71

withdrawal of benefits, Chapter 342

State Employees' Retirement Fund, Chapter 522

State Escheator, Chapter 140

State Fire Prevention Commission, Chapter 400

State Geologist, Chapter 528

STATE GOVERNMENT

Alcoholic Beverage Control Commission, Chapter 322

bonds and notes of the State, Chapter 289

boundaries of the State, Chapter 475

budget and fiscal regulations, Chapters 88 & 128

Delaware Heritage Commission, Chapter 25

Department of Natural Resources and Environmental Control, Chapter 47

Department of Transportation, Chapter 38

Department of Services for Children, Youth and their Families, Chapter 168

Freedom of Information Act, Chapter 191

State Housing Code, Chapter 153

State Librarian, Chapter 290

State Personnel Office, Chapter 346

State Public Assistance Code, Chapter 107

State Treasurer, Chapter 373

Stone, Donna D., Chapter 170

summary proceedings for possession

stay of proceedings by tenant, Chapter 108

stay of proceedings on appeal, Chapter 114

SUPERIOR COURT

additional associate judges, Chapter 51

organization and operation, Chapter 292

vacating of public roads and bridges, Chapter 209

supplementary appropriations, Chapter 185

SUSSEX COUNTY

county government and county administrators, Chapters 54, 55, 56 & 57

elected county officers, Chapter 216

planning and zoning, Chapters 19 & 58

Return Day, Chapter 62

sewers and water, Chapter 371

TAXATION

business tax credits and deductions, Chapter 233

county taxes, Chapters 1, 59 & 60

gross receipts tax, Chapter 392

inheritance taxes, Chapters 164 & 393

insurance taxes, Chapter 196

local school taxes, Chapter 7

manufacturer's license requirements and taxes, Chapters 169 & 481

Motor Carriers' Fuel Purchase Law, Chapters 36, 205, 302, 328 & 427

Motor Fuel Tax, Chapters 297, 339 & 354

municipal taxation, Chapter 11

occupational and business taxes, Chapters 118 & 184

Personal Income Tax, Chapters 147, 176, 202, 394 & 403

Public Utilities Tax, Chapters 17 & 387

Realty Transfer Tax, Chapter 426

retail and wholesale merchants' license requirements and taxes, Chapter 389

Tax Reduction Act of 1985, Chapter 204

Tobacco Products Tax, Chapters 350 & 441

tax ditches, Chapter 307

teacher certification, Chapter 473

Teacher Incentive Program, Chapter 437

Titus, Richard L., Chapter 382

Tobacco Products Tax

levy and collection of tax, Chapter 441

smokeless tobacco products, Chapter 350

TOWN CHARTERS

Bethany Beach, Chapters 208 & 295

Bridgeville, Chapters 23, 24, 285 & 404

Dewey Beach, Chapter 255

Fenwick Island, Chapters 85 & 321

Frederica, Chapter 254

Georgetown, Chapter 276

Greenwood, Chapter 18

Laurel, Chapters 117 & 284

Lewes, Chapter 86

Millsboro, Chapter 412

Milton, Chapter 266

Newport, Chapter 214

Selbyville, Chapter 182

South Bethany, Chapters 100 & 460

Wyoming, Chapter 384

training schools for delinquent children, Chapter 105

TRANSFERS OF FUNDS ACROSS BUDGET LINES

from Budget Office Contingency Account to Department of Health and Social Services, Chapter 129

from Budget Office Contingency Account to Department of Public Safety, Chapter 53

from Budget Office Contingency Account to Office of Insurance Commissioner, Chapter 4

from "Judicial and Executive Branch Agencies" to State Personnel Office, Chapter 346

from Office of the Insurance Commissioner to General Fund Operating Budget Unit, Chapter 265

from Sentencing Accountability Commission to Public Defender's Office, Chapter 242

transportation, Chapter 209

transient retailers, Chapter 391

Underground Storage Tank Act, Chapter 161

underwater lands, Chapter 508

UNEMPLOYMENT COMPENSATION

administrative provisions

cooperative education students, Chapter 44

employer's coverage and assessments, Chapter 513

Employment Security Commission, Chapters 122 & 417

compensation benefits

disqualification from benefits, Chapter 514

extended benefits, Chapter 414

wages, Chapters 45 & 367

weekly benefit amount, Chapter 179

Uniform Anatomical Gift Act, Chapter 335

Uniform Commercial Code

bank deposits and collections, Chapter 83

bulk transfers, Chapter 432

UNIFORM CONTROLLED SUBSTANCES ACT

controlled substances

designer drugs, Chapter 317

manufacture and distribution of controlled substances, Chapter 501

narcotic drugs and isomers, Chapter 287

offenses and penalties

diversion of lawful drugs within a hospital, Chapter 504

non-narcotic drugs, Chapter 52

prescriptions, Chapter 500

trafficking in marijuana, Chapter 485

Uniform Determination of Death Act, Chapter 237

Uniform Enforcement of Foreign Judgments Act, Chapter 333

Uniform Limited Partnership Act, Chapter 188

Urban Community Revitalization Study Task Force, Chapter 365

Vehicle Equipment Safety Compact, Chapter 448

vehicle titles and liens

satisfaction of liens, Chapter 327

surrendered certificates of title, Chapter 352

VETERANS

Commission on Veterans' Affairs, Chapter 232

Merit System of Personnel Administration, Chapter 71

M. I. A. special license plates, Chapter 277

Veterans' Military Pay Act, Chapter 135

VICTIMS OF CRIMES

children, Chapter 158

compensation for victims of crime, Chapter 64

missing persons, Chapter 48

Violent Crimes Compensation Board, Chapter 64

vital statistics, Chapter 413

Volunteer Firemen

pension plan, Chapter 269

personal income tax, Chapters 397 & 518

water

conservation, Chapter 362

restrictions on certain non-essential uses, Chapters 539 & 546

weapons

Constitutional right to bear arms, Chapter 332

martial arts weapons, Chapter 465

WELFARE

Foster Child Review Act, Chapter 294

housing and slum clearance, Chapter 512

Housing Code, Chapter 153

Public Assistance Code, Chapters 107 & 124

sanatoria and rest homes, Chapter 442

training schools for delinquent children, Chapter 105

welfare agencies, Chapters 95 & 126

WELFARE AGENCIES

Home Counselling Center for Senior Citizens, Chapter 126

Human Relations Commission, Chapter 377

Special Advocate Program, Chapter 95

Winterbottom, Thomas L., Chapter 135

witnesses and evidence

child victims and witnesses, Chapters 111 & 158

video-taped depositions, Chapter 109

Workmen's Compensation

payments for injury or death, Chapter 469

taxes and charges upon insurance carriers, Chapter 260

Wyoming, Town of, Chapter 384

ZONING

municipal zoning regulations, Chapter 61

Sussex County, Chapter 58

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