

LAWS
OF THE
STATE OF DELAWARE

PASSED AT A

Special Session Of The
One Hundred and Fourth
General Assembly

COMMENCED AND HELD AT DOVER

On Tuesday, November 15, A. D.

1932

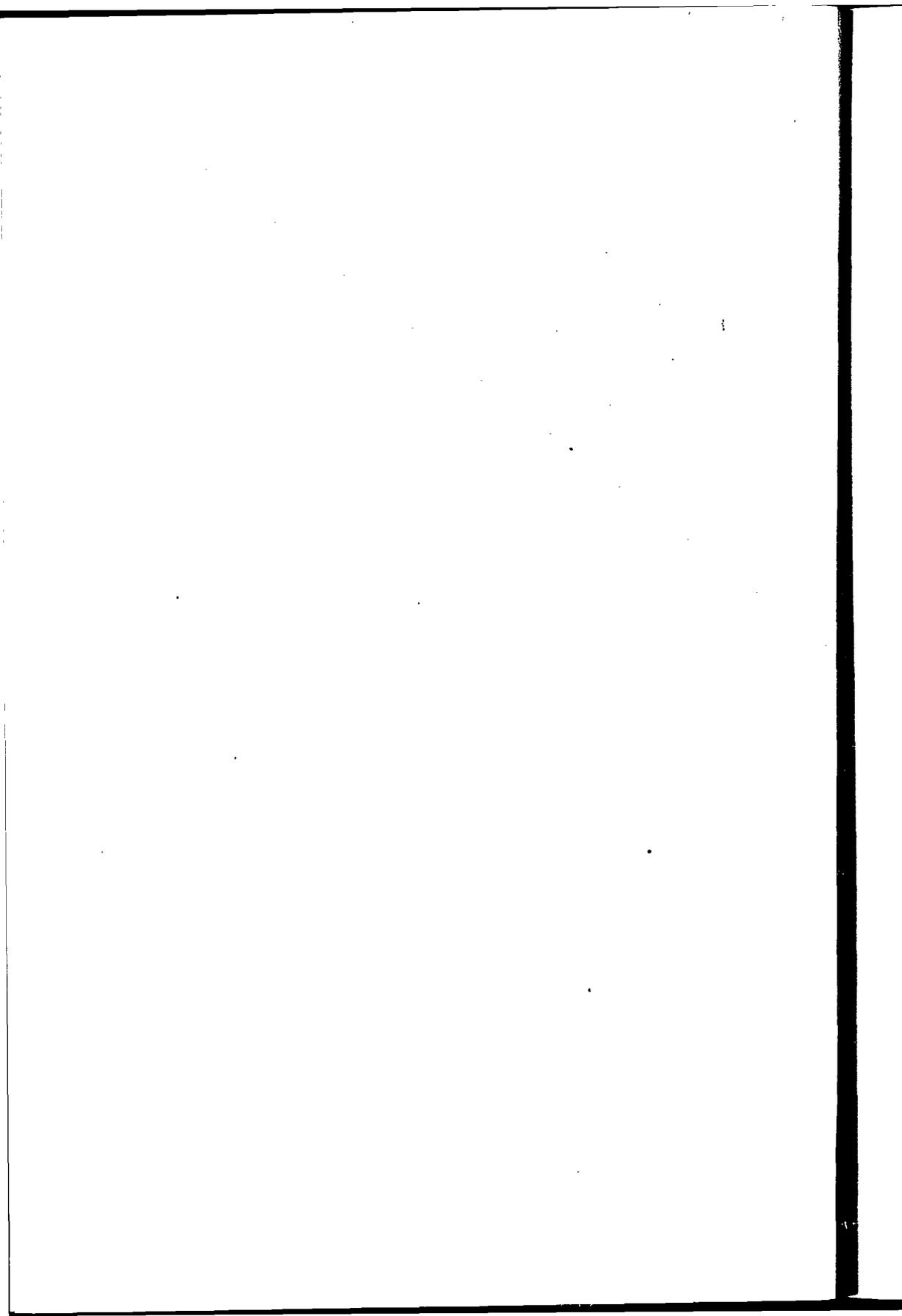
AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND FIFTY-SEVENTH

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LAWS of DELAWARE

TITLE SIX

State Officers and Commissions

CHAPTER 1

P A R T 1

AN ACT to Relieve the People of the State from the Hardships and Suffering caused by Unemployment, creating and organizing for such purpose a Temporary Emergency Relief Commission, prescribing its powers and duties, making an appropriation for its work, supplying deficiencies in the General Fund of the State by directing the payment of the proceeds of Corporation Franchise Taxes into the General Fund, and authorizing the State Highway Department to perform work as an independent contractor for the purpose of providing relief hereby contemplated.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. Declaration of Emergency. That the public health and safety of the state and of each county, city and town therein are imperilled by the existing and threatened deprivation of a considerable number of their inhabitants of the necessaries of life, owing to the present economic depression and the long continued abnormal degree of unemployment resulting therefrom. Such condition is hereby declared to be a matter of public concern, state and local, and the correction thereof to be a state, county, city and town purpose, the consummation of which re-

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quires the furnishing of public aid to individuals. While the duty of providing aid for those in need, because of involuntary unemployment or for other reasons, is primarily an obligation of the local communities, nevertheless, it is the finding of the state that in the existing emergency the relief and assistance provided for by this act are vitally necessary to supplement the relief work accomplished or to be accomplished locally and to encourage and stimulate local effort in the same direction. This act, therefore, is declared to be a measure for the public health and safety and occasioned by an existing emergency. The provisions of any general, special or local law which are inconsistent with this act or which limit or forbid the furnishing of such assistance as is provided by this act to such persons as are permitted by this act to receive the same shall not apply to the relief authorized by this act.

Section 2. Definitions. That as used in this act the following words and phrases shall have the meanings respectively ascribed to them in this section, viz:

“Commission” means the temporary state agency created by this act, to be known as the temporary emergency relief commission:

“Relief director” means the respective members of the administration who are designated by the Commission at the time of their appointment as Relief Directors for the City of Wilmington, rural New Castle County, Kent County and Sussex County:

“County committee” means the committee provided by this act to be created in each county of the state to cooperate with the relief director of the county in the performance of his duties under the supervision of the commission:

“Work relief” means wages paid by or under the supervision of the commission to persons who are needy and involuntarily unemployed or whose employment is inadequate to provide the necessities of life for themselves and their dependents, from

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money appropriated by this act or contributed under the provisions of this act, for the performance of services or labor connected with work undertaken by or under the supervision of the commission:

“Direct relief” means food, shelter, clothing, fuel, light and other absolute necessities furnished under the provisions of this act, by or under the supervision of the commission, to needy persons or their dependents in their abode or habitation whenever possible:

“Emergency period” means the period between the first day of November, nineteen hundred thirty-two, and the thirty-first day of October, nineteen hundred thirty-three, or such extension of such period as may be made by the Governor under the authority of this act or by the General Assembly, or such shorter period as may be fixed by the Governor by his termination of the existence of the commission on thirty days’ notice in accordance with the provisions of this act.

Section 3. **Administrative Authority.** The administration of the emergency relief provided by this act shall be vested in a temporary state agency, to be known as the Temporary Emergency Relief Commission, to consist of eight members to be appointed by the Governor from the citizens of the State of Delaware at large, each county of the state to be represented on said commission, and the members of said commission at all times to be equally divided between the two principal political parties in this state and to serve not beyond the thirty-first day of October, nineteen hundred thirty-three, unless specifically authorized by the Governor to serve for a specified longer period that shall not extend beyond the thirtieth day of April, nineteen hundred thirty-four. The said commission shall designate four of its members as Relief Directors, one of whom shall be a resident of and shall be designated as Relief Director in and for the City of Wilmington; one of whom shall be a resident of, and shall be designated as Relief Director in and for rural New Castle County; one of

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whom shall be a resident of, and shall be designated as Relief Director in and for Kent County; one of whom shall be a resident of, and shall be designated as Relief Director in and for Sussex County, but not more than two of whom shall be members of the same political party. Any vacancy occurring for any cause among any of the members of the commission shall be filled by appointment by the Governor upon the recommendation of the remaining members of the commission of the political party to which the member causing the vacancy belonged. The commission shall organize immediately upon the appointment of its full membership by the election from its members at large of a Chairman, a Vice-Chairman, and a Secretary-Treasurer who shall perform the ordinary duties of both a secretary and a treasurer. It shall, at its meeting for organization, select a place within the state for the establishment of its central office. If suitable space should be available in a building owned or controlled by the state in such place, the custodian of such building shall on request of the commission assign such space for the use of the commission for its central office. If no such space be available the commission may rent suitable space for its central office by a lease terminable on thirty days' notice. The commission may employ and at pleasure remove an assistant secretary and such other clerical assistance in the central office as it may deem necessary and may fix the compensation of all such employees. The total expenses of the central office for the emergency period, however, including the actual and necessary traveling and other expenses incurred by the members of the commission shall not exceed the sum of Twenty-five Thousand Dollars, unless such sum be hereafter increased by the General Assembly by reason of an extension by that body of the emergency period. Each member of the commission, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State. The members of the commission shall receive no compensation for their services hereunder but shall be allowed their actual and necessary traveling and other expenses incurred by them in the performance of their duties. The commission shall continue to function only during the emergency period, except that it may complete projects for furnishing

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work relief begun prior to the expiration of such period and may complete the accounting of its administration of the emergency relief provided by this act.

Section 4. Nature of Relief Provided. The emergency relief provided by this act shall be confined to work relief and direct relief. No money shall be paid to any person for direct relief and no money shall be paid to any person for work relief except in the form of day's wages for day's work or hour's wages for hour's work. The payment of any money to any person in the form of a dole is hereby prohibited. All work relief payable under this act shall be inalienable by assignment or transfer and shall be exempt from levy and execution under the laws of this state.

Section 5. Plans for Relief and Method of Providing Work Relief. The commission shall study the report made to the Governor, under date of September thirtieth, nineteen hundred thirty-two, by the "Unemployment Relief Commission" and such other sources of information with respect to the needs for public relief within this state as may be available and shall as soon as possible after its organization, and from time to time thereafter, formulate plans for furnishing work relief and direct relief to meet the needs of the several counties of the state. To provide work relief where needed, the commission may undertake and complete any work of a public nature useful to be done either for the state, or any political sub-division or agency thereof, or any institution supported wholly or partly by the state, provided such work is not otherwise contemplated to be done, does not interfere or conflict with the duties of any other department, agency or political subdivision of the state, does not include the erection or reconstruction of, or any additions to any public buildings, and is consented to by the governing authority of any political subdivision of the state whose consent is necessary to be obtained. Any such work undertaken by the commission must be of a character that will require a high percentage of wage cost to total cost and will require exclusively hand labor so nearly as possible. To provide such work, the commission may become a sub-contrac-

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tor or an assignee of a general highway contractor within this State, and, to perform such work, may act in either such capacity even though such sub-contract or assignment will result in a loss to the commission. All money received by the commission from any such sub-contract or assignment shall be deposited in the state treasury and shall be considered and disposed of as a part of the money appropriated by this act.

Section 6. Duties of Relief Directors and County Committees. The general direction and control of the furnishing of the emergency relief provided by this act in each of the counties of the state shall be confided to the relief director for the county, under the supervision of the commission. Each relief director shall receive from, or upon authorization of, the commission all state funds and funds otherwise contributed to the commission for the emergency relief provided by this act that are allocated by the commission to his county and shall disburse the same in his county for such work relief and direct relief as shall have been approved by the commission and in such manner as shall be in accordance with the provisions of this act and with such rules as shall be made by the commission under the authority of this act. Each relief director shall also establish necessary office facilities in his county for the administration therein of the emergency relief provided by this act and shall employ such assistants and purchase such office furniture and supplies as may be necessary to carry out the purposes of the act, all under the supervision of the commission. The expense of such office facilities, furniture, supplies and assistants in each county shall not exceed per month such amount as the commission shall from time to time determine. It shall be the duty of each relief director to establish an effective system of investigation and to employ a suitable number of investigators and checkers to detect imposters and to prevent furnishing work relief or direct relief to those not eligible to receive it under this act. But no relief director shall be held personally liable for impositions, or for the furnishing of work relief or direct relief to those not eligible to receive it, except such as may be due to his gross carelessness or wilful neglect in the per-

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formance of his duties. Each relief director shall organize in his county a county committee to be composed of the members of the citizens' relief committees now in existence in the several incorporated cities and towns of the county and such citizens' committees as may hereafter be appointed, in cities and towns in which no such committees now exist, by the chief executive officers of such cities and towns, respectively, at the request of such relief directors, and such county committee shall also contain such number of members, to be appointed by the relief director from the county outside of incorporated cities and towns, as the relief director may from time to time deem necessary. The functions and duties of the county committee in each county shall be to raise by subscription within the county the sum of money which is hereinafter required to be furnished by each county, or the people thereof, in order that the commission may be empowered to disburse for direct relief in the county any part of the money hereby appropriated for the emergency relief provided by this act; and also to cooperate and advise with the relief director of the county with respect to any matter or thing concerning which he may from time to time request their cooperation and advice in connection with the administration in the county of the emergency relief provided by this act. Neither the relief directors nor members of county committees shall receive any compensation for their services. The necessary expenses of relief directors shall be considered as expenses incurred by them as members of the commission. No expenses of county committees, or the members thereof, if any such expenses should be incurred, shall be paid out of any money appropriated by this act or out of any money contributed to the commission, under the provision of this act, from the counties respectively.

Section 7. Eligibility for Relief. In furnishing work relief and/or direct relief under this act no discrimination shall be made against any applicant on the grounds of race, color, religious belief, or political affiliation. No such relief shall be furnished except to persons who are in actual need and who are involuntarily out of employment yet capable and willing to work, or whose

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employment is not sufficiently remunerative to provide the necessities of life for themselves and their dependents, and who have been residents of the state for at least one year immediately prior to their applications for relief. The following classes of persons shall not be eligible for relief under this act, viz.,—those who receive old age pensions from the state; those who receive Mothers' Aid from the state; those who are listed in the State Tax Office as physically or mentally incapacitated from earning a living; those who are incapable of undertaking any regular work; those who have never been regularly employed and have been in whole or in part charges upon the community; those who are provided for by law, private charity or otherwise.

Section 8. Rules. The commission shall make and enforce rules, in accordance and consonance with the provisions of this act, which will best promote the efficiency and effectiveness of the relief which this act is intended to furnish. None of the money appropriated or provided for by this act shall be expended or allowed except in accordance with such rules. A certified copy of such rules shall be filed in the office of the Secretary of State, a copy thereof shall be sent to each member of the county committees of the several counties, a copy shall be posted in each of at least five public places in each county, and the rules shall be published three times in a daily newspaper published in and having a general circulation throughout the state. The rules so made, certified, filed, posted and published shall have the force and effect of law.

Section 9. Relating to the Furnishing of Relief. For the purpose of furnishing work relief where needed, the commission shall be empowered to purchase, or authorize the purchase, of all such tools, materials and/or supplies as may be necessary for the completion of the work undertaken by the commission and, whenever deemed necessary, to provide compensation insurance for persons employed. Upon the termination of the emergency period and the completion of all work undertaken by the commission for the purpose of furnishing work relief under the provisions of this