

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND FOURTEENTH
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

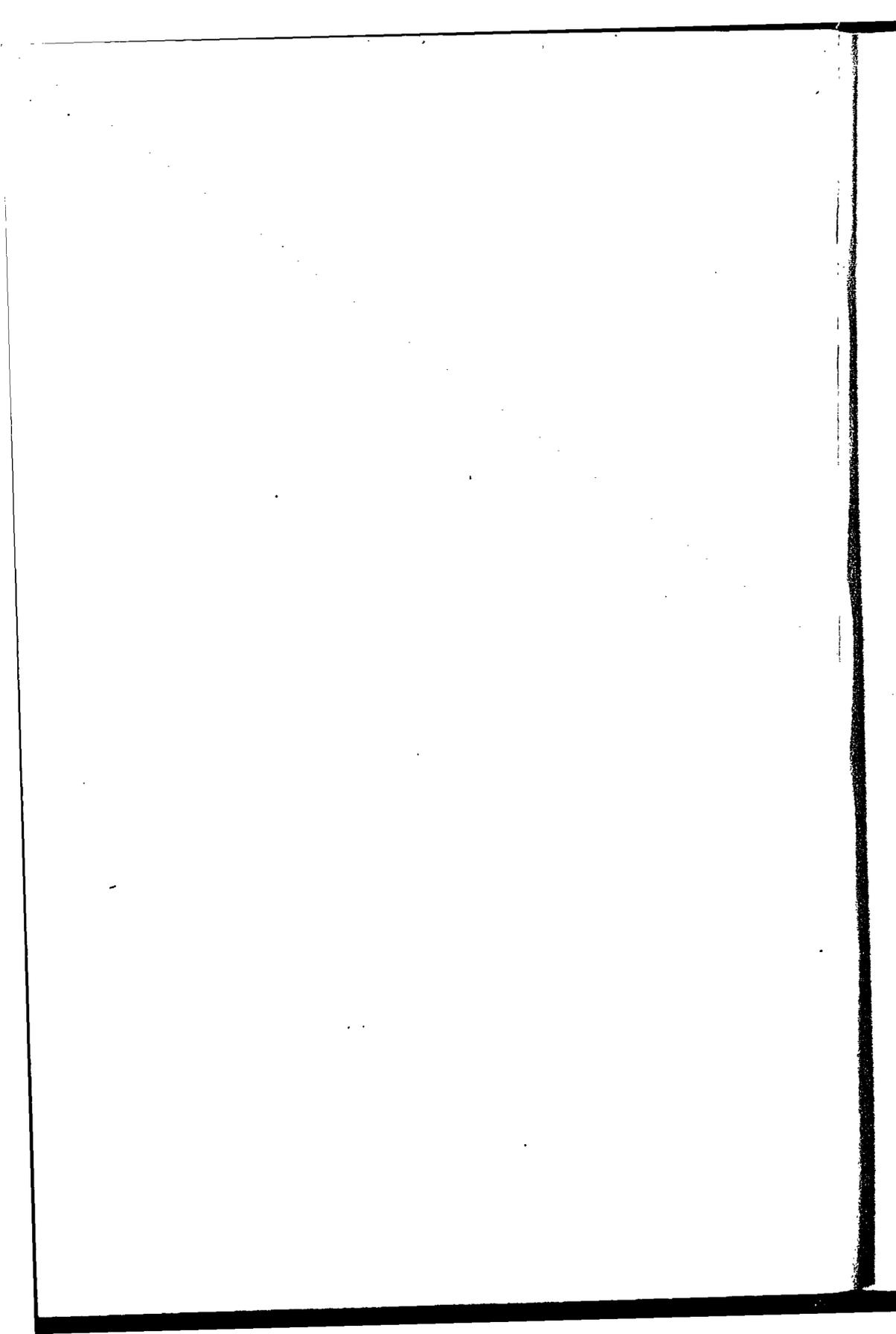
On Tuesday, January 7, A. D.
1947

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
OF AMERICA, THE ONE HUNDRED AND SEVENTY-FIRST

VOLUME XLVI

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LAWS OF DELAWARE

CHAPTER 1

DOVER

**AN ACT TO AMEND AN ACT CHANGING THE NAME OF
"THE TOWN OF DOVER" TO "THE CITY OF DOVER"
AND ESTABLISHING A CHARTER THEREFOR, WITH
RESPECT TO HOURS OF VOTING.**

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met: (two-thirds
of all the Members elected to each House of the General Assembly
concurring therein).*

Section 1. That Chapter 158, Volume 36, Laws of Delaware, 1929, be and the same is hereby amended by striking out and repealing the second paragraph of Section 8 of said Chapter as the said paragraph appears at the top of page 453 of said Volume and enacting in lieu thereof a new second paragraph as follows:

The election shall be opened at one o'clock P. M., and closed at seven o'clock P. M.

Approved January 20, 1947.

CHAPTER 2

APPROPRIATION

ACQUISITION OF LANDS IN DOVER

AN ACT MAKING AN ADDITIONAL APPROPRIATION TO CARRY OUT THE PROVISIONS OF CHAPTER 294, VOLUME 45, LAWS OF DELAWARE, 1945, PROVIDING FOR THE ACQUISITION OF CERTAIN LANDS IN DOVER.

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

Section 1. That there is hereby appropriated to the State Building and Grounds Commission the sum of Five Thousand Dollars (\$5,000.00) as an additional amount necessary to carry out the provisions of Chapter 294, Volume 45, Laws of Delaware, 1945, providing for the acquisition of certain lands in Dover. The State Treasurer is hereby authorized and directed to pay such sum or portions thereof upon warrants of the said Commission signed by the Chairman or Vice-Chairman and attested by the Secretary or acting secretary of said Commission.

Section 2. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain in force until the objects and purposes of this Act have been fully accomplished. Any part of the aforesaid sum of Five Thousand Dollars (\$5,000.00) remaining unexpended, at the time the work of the Commission has been concluded under the provisions of this Act, shall revert to the General Fund of the State of Delaware.

Section 3. This Act shall be known as a supplementary and a deficiency appropriation bill and funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved January 21, 1947.

CHAPTER 3

APPROPRIATION

SECRETARY OF STATE

**AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR
THE EXPENSES OF THE OFFICE OF THE SECRETARY
OF STATE FOR THE FISCAL YEAR ENDING ON THE
30TH DAY OF JUNE, A. D., 1947.**

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

Section 1. That there is hereby appropriated to the Secretary of State the sum of Five Thousand Dollars (\$5,000.00) for additional expenditures of his office during the fiscal year ending June 30, 1947, and made necessary by the increased volume of business handled by said office.

Section 2. This Act shall be known as a supplementary and a deficiency appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved January 23, 1947.

CHAPTER 4

PRINTING AND DISTRIBUTION OF PUBLIC LAWS

AN ACT TO AMEND CHAPTER 10 OF THE REVISED CODE OF DELAWARE, 1935, WITH REFERENCE TO THE PRINTING AND DISTRIBUTION OF PUBLIC LAWS.

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

Section 1. That Chapter 10 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of 338. Sec. 2. thereof and enacting and inserting in lieu thereof a new 338. Sec. 2., as follows:

338. Sec. 2. Printing and Distribution of Public Laws:—The Secretary of State shall, as soon as practicable after the adjournment of the General Assembly, have Fifteen Hundred (1500) copies of all bills, resolutions, proclamations of the Governor, orders, and votes of a public nature, accurately printed, in volume form, and arranged in the discretion of said official, with an index thereto, to be prepared by him, and shall carefully preserve the originals in the State Archives. The printing of Session Laws shall be done under contract made by the Secretary of State, and in accordance with specifications furnished by said Secretary. The Secretary of State shall then have Eight Hundred (800) copies bound with a general index, and he shall distribute the same as follows: Fifty (50) copies to the Prothonotary of New Castle County, Twenty (20) copies to the Prothonotary of Kent County, and Twenty (20) copies to the Prothonotary of Sussex County; One (1) copy to the Executive, One (1) copy to each State Officer, One (1) copy to each County Officer of the respective Counties; One (1) copy to the Library of Congress, One (1) copy to the State Library of each of the United States, and the residue to the State Library of this State for the Librarian to distribute, who shall charge the respective Prothonotaries for each volume of the Session Laws a price equal to the actual cost to the State for printing the same. At the end of one year after the delivery of such copies to the respective Prothonotaries, they shall return all unsold copies, and shall be

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credited therefor the amount which they have been charged for same, and such returned copies shall be delivered to the State Librarian. The State Librarian shall also charge for such copies the actual price paid by the State for same. The copies delivered as herein provided to the Executive, and to the State and County Officers shall be kept and remain in their respective offices, and be by them delivered to their successors, as the property of said offices. The other Seven Hundred (700) copies of such bills, resolutions, proclamations of the Governor, orders, and votes of a public nature, so printed as aforesaid, shall be in pamphlet form with paper binding or covers and shall be sold by the State Librarian at a price equal to the actual price paid by the State.

All moneys realized from the sale of the Session Laws of the State of Delaware by the State Librarian, shall be paid to the State Treasurer for the use of the State.

Approved January 27, 1947.

CHAPTER 5

APPROPRIATION

SALARY INCREASE FOR CERTAIN STATE EMPLOYEES

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF TEMPORARY INCREASES IN THE SALARIES OF CERTAIN EMPLOYEES OF THE STATE FOR THE FISCAL YEARS ENDING JUNE 30, 1947, JUNE 30, 1948 AND JUNE 30, 1949, RESPECTIVELY.

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

Section 1. That there is hereby appropriated the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) for the fiscal year ending June 30, 1947, and the sum of Four Hundred Sixty Thousand Dollars (\$460,000.00) for the fiscal year ending June 30, 1948, and the sum of Four Hundred Sixty Thousand Dollars (\$460,000.00) for the fiscal year ending June 30, 1949. The amounts hereby appropriated for each of said years shall be paid by the State Treasurer for the purposes and in the manner as hereinafter set forth.

Section 2. The State Treasurer is hereby directed to pay out of the sums appropriated in Section 1 of this Act as a temporary addition to the basic salary of certain State employees covered by the provisions of this Act, (not to include, however, elected officials, attaches of the General Assembly nor any employees of the University of Delaware), an increase at the rate of Two Hundred Dollars (\$200.00) per annum, but not to exceed one-twelfth (1/12th) of said increase in any one month except that such salary increases may be paid to school teachers, members of the teaching staff at the State College for Colored Students, and employees of the State Board of Education, the Board of Public Education in the City of Wilmington, any Board of Education of a Special School District, any Board of School Trustees of school districts, or the State College for Colored Students, in ten (10) equal monthly payments in any fiscal year.

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Section 3. The Two Hundred Dollars (\$200.00) annual increase in basic salary herein provided shall be paid to all State employees qualifying for such payments who receive annual salaries within a range of Five Hundred Dollars (\$500.00) and more to Five Thousand Dollars (\$5,000.00) and less. No increase in basic salary granted in Section 2 hereof shall cause the sum of any basic salary to exceed a total annual payment of Five Thousand Dollars (\$5,000.00).

Section 4. The temporary salary increase herein provided shall be paid to all those persons qualifying for such increases who were State employees on the 31st day of December, A. D., 1946. The increased temporary salary herein provided shall become effective on the first day of the calendar month in which this bill is duly enacted by the General Assembly and approved by the Governor.

Section 5. In the event of the severance of employment by any employee covered by this Act who would have otherwise been eligible for the salary increase as provided by this Act, the employment of any other person in his place or stead shall, upon satisfactory proof of employment submitted to the State Treasurer, render such person eligible to the temporary salary increase herein provided, if the duties of such person are of the same nature and the position in which he is employed is regularly constituted by a department, board or other agency and/or required or authorized by law.

Section 6. The provisions of this Act shall be deemed to apply to all school employees of this State and/or any political subdivision of this State to whom any salary increase as provided in this Act would be applicable if said employee were paid entirely out of the moneys of this State.

Section 7. The temporary salary increase herein provided shall remain in effect until the end of the next biennium on June 30, 1949, for all State employees qualified for such increased payments except teachers in the public schools. As to such teachers the provisions of this bill shall remain in effect only to the end of the current fiscal year on June 30, 1947.

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Section 8. If any State employee receives a cash salary of less than Five Hundred Dollars (\$500.00) annually but also receives as a part of the remuneration for his services, board and lodging, such board and lodging shall be considered to be of a value of One Dollar (\$1.00) per day, and the value of such board and lodging shall be added to his basic cash salary for the purpose of determining the salary increase under the provisions hereof.

Section 9. The term "basic salary" as used in this Act shall be taken to include all salary payments made through the office of the State Treasurer from moneys derived from State revenue or from any other source (except such moneys as are appropriated by the United States Government) and in respect to which salary payments a board, commission, department, officers, or other agency of the State of Delaware exercises control and the amounts of which were included on a payroll for the month of December, 1946, for payment by the State Treasurer. Subject to the foregoing limitations, any compensation for personal services in the nature of emoluments, fees, honorariums, and the like, which is not ordinarily regarded as wages in the commonly accepted sense of the term, is to be considered as salary for the purpose of determining "basic salary" as hereinabove defined. If salary is payable or paid to any State employee by one or more agencies and/or political subdivisions of the State and/or by the Federal Government, or any agency thereof, and whether paid through the office of the State Treasurer or otherwise, and the total thereof equals or exceeds the sum of Five Thousand Dollars (\$5,000.00) per annum, such employees shall not be eligible to receive any temporary salary increase provided for by this Act.

Section 10. Every board, department, officer or other agency shall on or before the first day of the month following the month in which this Act becomes effective, submit to the State Auditor in such form as he shall prescribe a certified statement of all persons in its employ on December 31, 1946, if such persons are at present employed by said board, department, officer