

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND TWENTY-SIXTH
GENERAL ASSEMBLY

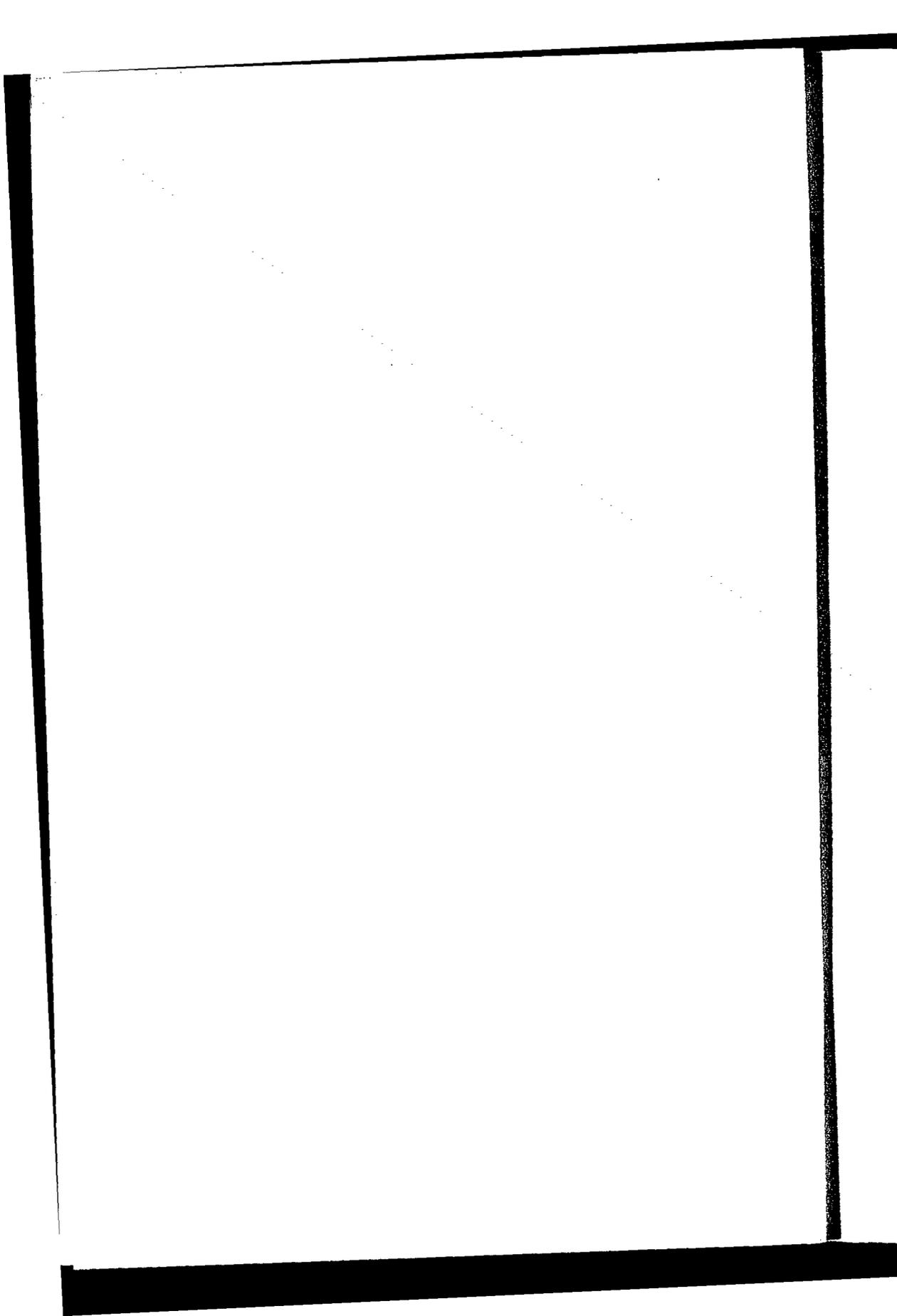
FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 5, A. D.
1971

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 11, A. D.
1972

PART I
VOLUME LVIII



LAWS OF DELAWARE

CHAPTER 1

FORMERLY SENATE BILL NO. 2

AN ACT TO AMEND CHAPTER 9, TITLE 28, DELAWARE CODE, RELATING TO MISCELLANEOUS PROVISIONS.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 906 (a), Title 28, Delaware Code, is amended by striking the period at the end of the sentence and inserting a comma in lieu thereof, and by adding after said comma the following:

“nor shall this prohibition apply to horse racing in New Castle County.”

Approved January 28, 1971.

CHAPTER 2

FORMERLY SENATE BILL NO. 3

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE
CODE, RELATING TO HORSE RACING.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 322 (c) Title 28, Delaware Code, is amended
by striking and deleting from the second sentence the figure "61"
and inserting in lieu thereof the figure "65."

Approved January 28, 1971.

CHAPTER 3

FORMERLY SENATE BILL NO. 44
WITH HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION FROM THE GENERAL FUND OF THE STATE IN THE AMOUNT OF \$47,000 TO THE CRIPPLED CHILDREN'S SECTION OF THE DIVISION OF MATERNAL, CHILD AND CRIPPLED CHILDREN'S SERVICES OF THE DIVISION OF PHYSICAL HEALTH OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

WHEREAS, the division of crippled children's services exhausted its funds on January 1, 1971; and

WHEREAS, this has cut off services to physically handicapped children in the following areas — braces and repairs, crutches, hearing aids and repairs, surgery, anaesthesia, in-hospital treatment, x-ray, audiologic and otologic examinations, transporting downstate children to the Alfred I. duPont Institute, transporting children to the regional heart program at Johns Hopkins Hospital, orthodontia and pedodontia; and

WHEREAS, even in times of financial stress and prudent economic practice, physically handicapped children of Delaware still need care which should not be postponed.

NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That there is hereby appropriated from the General Fund of the State of Delaware to the Crippled Children's Section of the Division of Maternal, Child and Crippled Children's Services of the Division of Physical Health of the Department of Health and Social Services the sum of Forty-seven Thousand Dollars (\$47,000).

Section 2. Any funds remaining unexpended on June 30, 1971, shall revert to the General Fund of the State.

Approved February 5, 1971.

CHAPTER 4
FORMERLY HOUSE BILL NO. 2

**AN ACT TO AMEND SUBCHAPTER II, CHAPTER 3, TITLE 28
OF THE DELAWARE CODE, RELATING TO RACING
APPLICATIONS, AWARD OF DATES, AND MAXIMUM
RACING DAYS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Amend section 322, Subchapter II, Chapter 3, Title 28 of the Delaware Code, by striking the phrase "15th day of January" as it appears in paragraph (c) therein, and substituting therefor the phrase "first Tuesday in February" in lieu thereof.

Section 2. Amend section 322, Subchapter II, Chapter 3, Title 28 of the Delaware Code, by striking the phrase "15th day of January" as it appears in paragraph (e) therein, and substituting therefor the phrase "first Tuesday in February" in lieu thereof.

Approved February 10, 1971.

CHAPTER 5

FORMERLY SENATE BILL NO. 35

**AN ACT TO VALIDATE A BOND ELECTION HELD IN THE
ALEXIS I. duPONT SCHOOL DISTRICT, DELAWARE.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Bond Election held in the Alexis I. duPont School District on May 16, 1970, is hereby validated and confirmed, notwithstanding that the Notice of such election was published a total of five (5) times, rather than six (6) times, prior to said election, as provided in Chapter 21, Title 14, Delaware Code.

Section 2. This Act shall take effect immediately.

Approved February 11, 1971.

CHAPTER 6

FORMERLY SENATE BILL NO. 52

AN ACT AUTHORIZING THE TREASURER OF THE STATE OF DELAWARE TO ADVANCE \$78,000 FROM THE GENERAL FUND TO THE STATE DEPARTMENT OF PUBLIC INSTRUCTION TO EXPEDITE THE COMPLETION OF NECESSARY WATER AND SEWER FACILITIES FOR THE H. B. DU PONT MIDDLE SCHOOL IN THE ALEXIS I. DU PONT SCHOOL DISTRICT.

WHEREAS, the State's 60% share of the \$130,000 projected for the completion of the water and sewer facilities for the H. B. duPont Middle School in the Alexis I. duPont School District was inadvertently omitted from the authorized 1969 Capital Improvement Program; and

WHEREAS, such belatedly discovered omission has been provided for in the yet to be authorized 1972 Capital Improvement Program; and

WHEREAS, the required necessity certificates have been issued, the local 40% share of \$52,000 has been authorized by referendum held on May 16, 1970 and the local bond sale is scheduled for February 15, 1971, therefore,

Be it enacted by the General Assembly of the State of Delaware

Section 1. • The Treasurer of the State of Delaware is hereby authorized to advance from the General Fund the sum of \$78,000 to the State Department of Public Instruction to expedite the completion of the necessary water and sewer facilities for the H. B. duPont Middle School in the Alexis I. duPont School District, which sum shall be repaid to the General Fund, when and if such sum shall have been authorized and funded in accordance with the projected 1972 Capital Improvement Program.

Approved February 11, 1971.

CHAPTER 7

FORMERLY HOUSE BILL NO. 20

AN ACT TO AMEND SECTION 9602, TITLE 9, DELAWARE CODE, RELATING TO THE SALARY OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 9602 (1), Title 9, Delaware Code, is amended by striking the figure "\$9,000", as the same appears therein, and inserting in lieu thereof the figure "\$12,000".

Section 2. This Act is effective January 1, 1971.

Approved March 2, 1971.

CHAPTER 8

FORMERLY HOUSE BILL NO. 12
WITH SENATE AMENDMENT NO. 1**AN ACT TO AMEND SECTION 2004, CHAPTER 20, TITLE 14,
DELAWARE CODE RELATING TO CONSTRUCTION OF
FACILITIES EXCEEDING THE STANDARD SCHOOL
CONSTRUCTION FORMULA.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Amend Section 2004, Title 14, Delaware Code, by striking the section in its entirety and substituting in lieu thereof the following:

§ 2004. Construction of facilities exceeding the standard formula

The provisions of this Chapter shall not prevent the State Board of Education from approving school construction requests submitted by Districts when such requests vary from the standard formula; provided, however, that when the costs of the facilities so approved exceed the costs determined by the standard formula, the voters in the Districts so affected may authorize and limit by referendum the expenditure of funds to the amount based on the standard formula, such referendum to be held in accordance with the provisions of Chapter 21 of this Title. The following form shall be used on the ballots in such election:

Section I – Vote for one

- A. For a bond issue at this time
- B. Against a bond issue at this time

Section II – Vote for one

In the event that the majority of votes cast in Section I is for a bond issue, which bond issue would you prefer?

- A. For the bond issue in the amount of \$ _____ as recommended by the School Board.