

**LAWS**  
OF THE  
**STATE OF DELAWARE**

ONE HUNDRED AND TWENTY-SEVENTH  
GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 2, A. D.  
1973

SECOND SESSION COMMENCED AND HELD AT DOVER

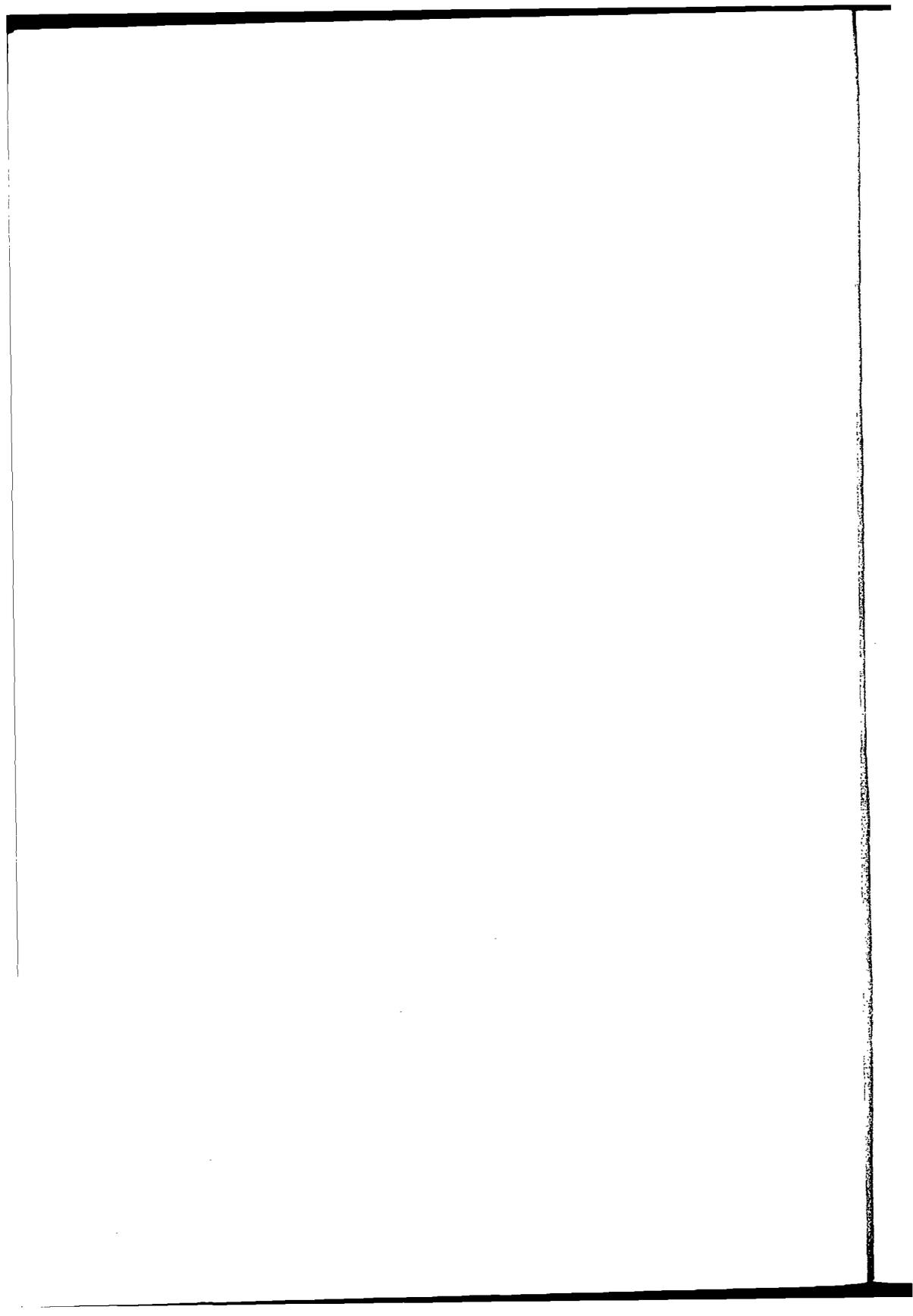
On Tuesday, January 8, A. D.  
1974

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**PART I**  
**VOLUME LVIX**

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CHARLES PRINTING CO., WILMINGTON, DELAWARE



## CHAPTER 1

FORMERLY SENATE BILL NO. 2  
AS AMENDED BY  
SENATE AMENDMENT NO. 1  
AND HOUSE AMENDMENT NO. 3

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO  
BORROW MONEY TO BE USED FOR CAPITAL IM-  
PROVEMENT AND EXPENDITURE IN THE NATURE  
OF CAPITAL INVESTMENT AND TO ISSUE BONDS  
AND NOTES THEREFOR AND APPROPRIATING  
THE MONEY TO THE STATE BOARD OF EDUCATION.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each branch thereof concurring therein):*

Section 1. There is appropriated to the State Board of Education the sum of \$1,268,000 for construction of Howard Vo-Tech High School in Wilmington, or so much thereof as may be necessary for carrying out the purposes of this Act, which shall be in addition to the \$8,367,000 previously authorized and appropriated for said purpose.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in this Act, and are to include but not be limited to design, planning, land acquisition, acquisition of utility and service areas, construction, repairing, remodeling, equipping, landscaping, and inspection costs but are not to be used for ordinary or normal maintenance expense.

Section 3. None of the monies appropriated by this Act shall be expended after June 30, 1975, unless the project has progressed into any or all of the following phases prior to July 1, 1975: Initial Engineering, Planning, Procurement, Construction.

Section 4. The said sum of \$1,268,000 or so much thereof as may be necessary for carrying out the purposes of this Act, shall be borrowed by the issuance of bonds and bond anticipa-

tion notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable.

Section 5. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any monies received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 7. The sums of money appropriated and allocated for school construction purposes pursuant to Section 1 of this Act shall be expended in accordance with the provisions of this Act, and Chapter 75, Title 29, Delaware Code.

Section 8. No money appropriated and allocated by this Act for school construction purposes pursuant to Section 1 of this Act shall be expended for educational supplies of an extra-ordinary nature; provided, however, that nothing herein contained

pendable nature which are consumed or materially changed as shall preclude the purchase of all educational supplies necessary for the initial operation of schools so built, altered or added to in accordance with the provisions of the School Construction Capital Improvements Act, being, Chapter 75, Title 29 of the Delaware Code.

Section 9. (a) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education shall allocate such portions of the total appropriation for the total cost of the school construction authorized by Section 1 hereof as shall be necessary to provide for the customary audit function, but in no event, shall such allocation exceed one-half percent of such total cost. The State Auditor of Accounts shall be responsible for arranging the audit function in accordance with Section 2906 and Section 2907 of Title 29, Delaware Code.

(b) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education shall allocate such portions of the total appropriation for the total cost of school construction authorized by Section 1 hereof as shall be necessary to provide for the customary supervision (construction inspection services), but in no event shall such allocation exceed one percent of such total cost.

(c) In contracting for the supervision (construction inspection services) as prescribed in Section 9(b) hereinabove, the State Board of Education shall give first preference to an experienced Delaware organization, able to, and offering to provide quality service on a "non-profit, at cost" basis, and in so contracting it shall not be subject to the bidding laws as prescribed by Chapter 69, Title 29, Delaware Code. If no such organization is able to or is willing to offer to perform such specialized service on such "non-profit, at cost" basis, then the State Board of Education may contract for such services with profit making organizations on a bid basis as prescribed by Chapter 69, Title 29, Delaware Code.

Section 10. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the project authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because the project authorized by

this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements.

Section 11. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1978, except as provided in Chapter 75, Title 29, Delaware Code.

Section 12. No bonds or notes shall be issued or sold, or monies borrowed on behalf of this State, pursuant to this Act, without the full guarantee to the buyer that the State of Delaware is an equal opportunity employer.

Section 13. This Act may be known, styled or referred to as the "Howard Vo-Tech High School Construction Act."

Approved January 31, 1973.

## CHAPTER 2

## FORMERLY SENATE BILL NO. 34

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS  
TO THE DEPARTMENT OF JUSTICE FOR THE PUR-  
POSE OF PROVIDING ADDITIONAL CONTRACTUAL  
SERVICES AND CAPITAL OUTLAY.**

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

Section 1. The sum of \$25,000 is hereby appropriated to the Department of Justice for the fiscal year ending June 30, 1973, in the following categories and amounts:

Contractual Services .....	\$14,300
Capital Outlay .....	10,700
	<hr/>
	\$25,000

Section 2. This Act shall be considered a supplementary appropriation and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of the funds in the above categories remain unexpended upon June 30, 1973, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved March 13, 1973.

## CHAPTER 3

FORMERLY SENATE BILL NO. 100  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO PROVIDE A PROCEDURE FOR BORROWING MONEY AND ISSUING 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 15, Chapter 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of Section 15, Chapter 277, Volume 49, Laws of Delaware, as amended, and substituting in lieu thereof the following:

**Section 15. Borrowing of Money and issuance of Bonds—  
Limitation of Bonded Indebtedness.**

The Town Council may borrow money and issue bonds on certificates of indebtedness to secure the payment thereof on the faith and credit of Mayor and Council of Laurel to provide funds for the erection, the extension, the enlargement, the purchase or repair of any plant, machinery, appliance 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 or improvement of highways, streets or lanes, or for the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; to defray the cost or the share of the Town of the cost of any permanent municipal improvement or improvements; provided, however, that the borrowing of money therefor shall have been authorized by the Town Council in the manner as follows:

(a) Council by resolution shall propose to the residents and property owners of the Town that a stated amount of money shall

be borrowed for any of the above purposes. 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 other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession and shall fix a time and place for a public hearing on the said resolution.

(b) Notice of the time and place of the public hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town of Laurel, or, in the descretion of the Town Council, distributed in circular form at least one (1) week before the time set for the said public hearing.

(c) After the public hearing, a second resolution shall then be passed by Council giving final authorization for the loan if, in the opinion of the individual members of Council, no cause has been shown why the bond issue should not be undertaken; provided, however, that the resolution for the final authorization of the loan shall be passed by a majority of two-thirds (2/3) of all the elected members of Council.

(d) The form of bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the class or classes of bonds, the time or times of maturity, and provisions as to registration shall be determined by the Council after said public hearing. The bonds may be sold at either public or private sale as determined by the Town Council. The Council may provide in its budget and in the fixing the rate of tax for the payment of principal and interest of said bonds at the maturity or maturities thereof a sinking fund therefor. The full faith and credit of Mayor and Council of Laurel shall be deemed to be pledged for the due payment of the bonds and the interest thereon issued pursuant to the provisions hereof when the same have been properly executed and delivered for value and there shall be no limitation upon the amount of taxes which may be raised by taxation for the payment of interest on and principal of any bonded indebtedness whether before or after the passage of this Act.

(e) The bonds shall be signed by the Mayor of the Town, the President of the Town Council and attested by the Town Clerk and the corporate seal of the municipality or a facsimile

thereof shall be affixed to the bonds and any coupons attached thereto shall bear the facsimile signature of the Mayor. The bonds and the income therefrom shall be exempt from all taxation by the State of Delaware or any political subdivision, agency or authority thereof.

Section 2. The provisions of Section 1 of this Act shall become effective upon approval by the Governor of the State of Delaware and shall remain effective for a period of one year from that date; provided however, that any bond issue commenced within the said period of one year from the date of approval of this Act by the Governor shall be completed under the provisions of Section 1 of this Act notwithstanding that the bonds may be delivered after the expiration of one year from the date of approval of this Act by the Governor of the State of Delaware. The maximum amount of bonded indebtedness which may be incurred pursuant to Section 1 of this Act shall not exceed Four Hundred Twenty-five Thousand Dollars (\$425,000).

Section 3. After the expiration of one year from the date this Act is approved by the Governor of the State of Delaware, the Town Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Laurel, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliance 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 or improvements 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 or the share of The Town of the cost of any permanent municipal improvements; provided however, that the borrowing of money therefor shall have been authorized by the Town Council and shall have been approved by the electors in the manner and at the time following:

(a) Council by resolution shall propose to the electors of the Town by resolution that a stated amount of the money shall be borrowed for any of the above purposes. The resolution shall state that amount of the money desired to be borrowed, the pur-