

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND TWENTY-EIGHTH
GENERAL ASSEMBLY

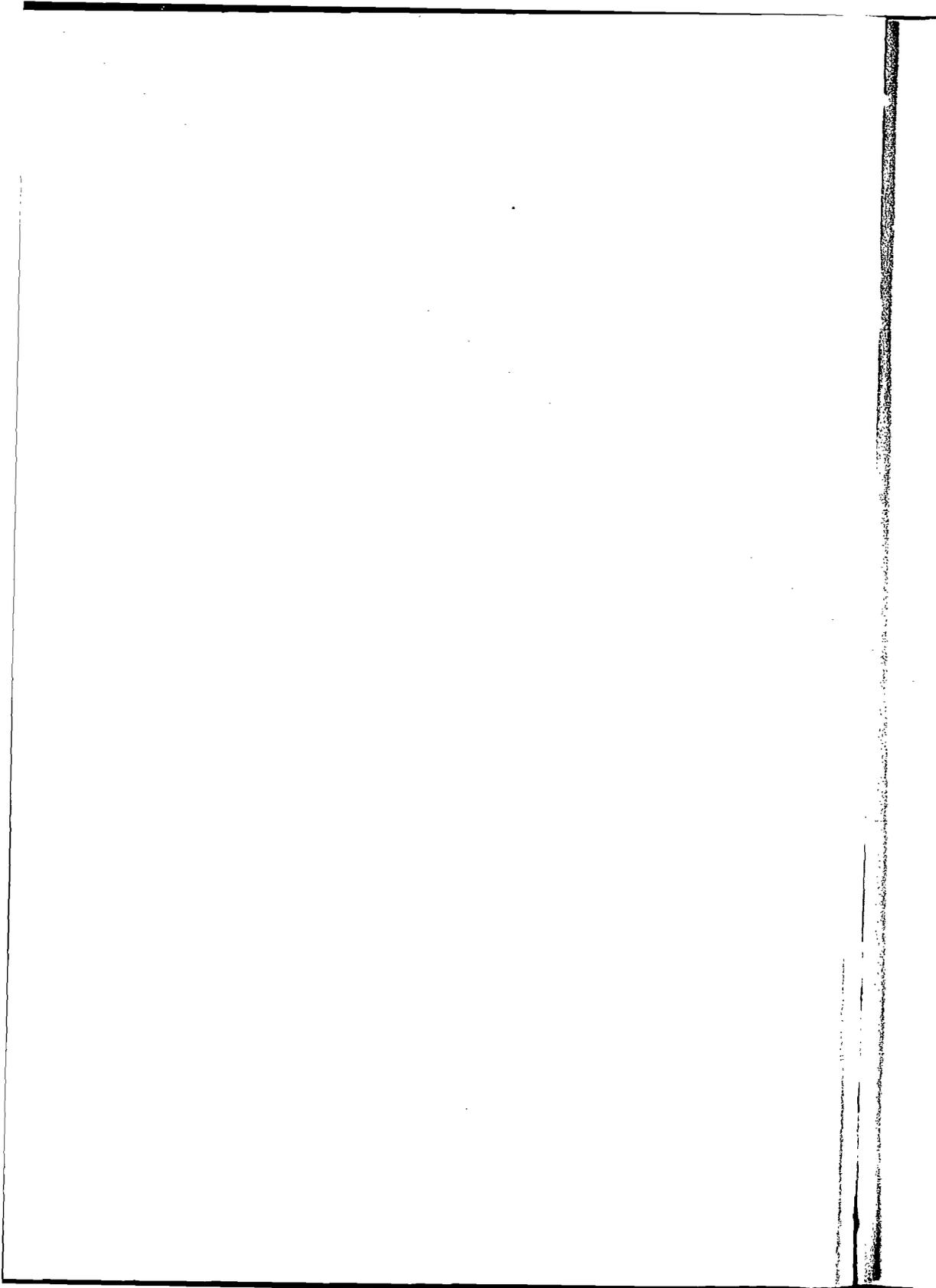
FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 14, A.D.
1975

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 13, A.D.
1976

PART I
VOLUME LX



LAWS OF DELAWARE

CHAPTER 1

FORMERLY HOUSE BILL NO. 1

AN ACT TO AMEND CHAPTER 63, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BUDGET APPROPRIATION BILL; AND PROVIDING A DATE FOR SUBMISSION OF A PROPOSED BUDGET TO THE GENERAL ASSEMBLY.

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

Section 1. Amend §6335, Chapter 63, Part VI, Title 29 of the Delaware Code by striking the words "within 5 days after the organization of both Houses" as the same appear in the first paragraph of said section, and substituting the words "on or before February 1 of each year" in lieu thereof.

Approved January 15, 1975.

CHAPTER 2

FORMERLY HOUSE BILL NO. 17

**AN ACT TO AMEND CHAPTER 33, PART III, TITLE 19,
DELAWARE CODE, RELATING TO UNEM-
PLOYMENT COMPENSATION AND PROVIDING
FOR "TRIGGERING ON" AND "OFF" OF
EMERGENCY EMPLOYMENT BENEFITS TO
EXHAUSTEES DURING THE CURRENT
ECONOMIC CRISIS.**

WHEREAS, inflation, unemployment and the number of workers who have exhausted their rights to Unemployment Insurance benefits is at a high level detrimental to our State's economy; and

WHEREAS, the Congress of the United States has passed legislation to provide for extension of benefits to unemployed workers who have exhausted their rights to benefits under State Unemployment Insurance laws; and

WHEREAS, it is essential, both to many families who are in need through no fault of their own and to the economy of our State, that relief from this condition be granted at the earliest possible moment during this period of winter hardship.

NOW, THEREFORE:

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

Section 1. Amend §3326 (a) (2), Title 19, Delaware Code, by adding at the end thereof the following new sentence:

"Effective with respect to compensation for weeks of unemployment beginning before December 31, 1976, and beginning after December 31, 1974, there has been a National 'on' indicator beginning any extended benefit period as if the phrase 4.5 percent read 4 percent."

Section 2. Amend §3326 (a) (3), Title 19, Delaware Code, by adding at the end thereof the following new sentence:

“Effective with respect to compensation for weeks of unemployment beginning before December 31, 1976, and beginning after December 31, 1974, there has been a National ‘off’ indicator ending any extended benefit period as if the phrase 4.5 percent read 4 percent.”

Section 3. Amend §3326 (4) (A), Title 19, Delaware Code, by adding the following clause between the words “years” and “and”:

“shall be waived until December 31, 1976”.

Section 4. Amend §3326 (5) (A), Title 19, Delaware Code, by adding the following clause after the words calendar years:

“shall be waived until December 31, 1976.”

Section 5. This Act shall become effective immediately.

Approved January 21, 1975.

CHAPTER 3

FORMERLY HOUSE BILL NO. 50

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE LEGISLATIVE COUNCIL OF DELAWARE.

WHEREAS, the present rapid rate of price increases, particularly in the area of paper needs, which price has doubled over the previous year, has greatly affected the Legislative Council budget for fiscal year 1975; and

WHEREAS, proper equipment is desperately needed in the House and Senate to properly perform the duties of the 128th General Assembly in the areas of typing and processing legislation; and

WHEREAS, many purchases of material for use by both the House and Senate are made through Legislative Council, and purchases are necessary by the individual houses to meet the legal requirements regarding legislation; and

WHEREAS, services performed by Legislative Council to the General Assembly and their constituency have considerably increased, thereby necessitating additional overtime functions by the Legislative Council staff; and

WHEREAS, a federal ruling regarding overtime pay vs. compensatory time is now pending in the U. S. Supreme Court, and the State Personnel Commission has not yet reached an independent conclusion regarding same.

NOW THEREFORE,

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

Section 1. The sum of \$17,036. is appropriated to the Legislative Council (01-08-001) for the balance of the fiscal year ending June 30, 1975 as follows:

Line 16 - Overtime Salaries	\$ 1,540
Line 50 - Contractual Services	
Legislative Council	999
House	25
Senate	216
Line 60 - Supplies & Materials	
Legislative Council	5,717
House	1,500
Senate	1,500
Line 70 - Capital Outlay	
Legislative Council	539
House	2,500
Senate	2,500
	<hr/>
	\$17,036

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 February 4, 1975.

CHAPTER 4

FORMERLY HOUSE BILL NO. 96
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 5, TITLE 28,
DELAWARE CODE, RELATING TO RACING DATES
AND THE STATE TAX AND LICENSEE'S COM-
MISSIONS ON PARI-MUTUEL AND TOTALIZATOR
POOLS AT HARNESS RACING TRACKS.**

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

Section 1. Amend §522, Chapter 5, Title 28, Delaware Code, by striking subsection (c) of said section in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) The commission shall, on or before the 15th day of September of the year preceding that for which a license is desired, award all dates for harness horse racing in this State for the succeeding year; but the dates so awarded, shall not exceed 150 days in the aggregate for New Castle County, 200 days in the aggregate for Kent and Sussex Counties. The commission may in its discretion authorize any person, corporation or association licensed under this Chapter to transfer all or a portion of the racing dates awarded to such licensee under this section to the track of any other person, corporation or association licensed under this Chapter to conduct racing in this State; provided, however, each licensee in Kent County which has requested and been awarded racing dates in any calendar year shall conduct a minimum of 8 weeks of racing at the track of such licensee during said year. Each licensee upon request shall be guaranteed a minimum of 8 weeks of racing. In awarding such dates, the commission shall observe previous traditional seasons. If the harness racing dates as applied for do not conflict with each other, the commission shall award the dates applied for. If the racing dates as applied for conflict with each other, the commission shall award each of such applicants at its discretion; provided, however, that there shall be no racing between the

Saturday before and the Saturday after Christmas unless Christmas falls on Saturday or Sunday in which case there shall be no racing between Monday before Christmas and the Monday after Christmas. The action of the commission shall be final."

Section 2. Amend §555, Chapter 5, Title 28, Delaware Code by redesignating subsection (b) thereof as subsection (c) and striking the letter "(a)" as the same appears in line 2 of said subsection and substituting in lieu thereof the letters "(a) or (b)".

Section 3. Amend §555, Chapter 5, Title 28, Delaware Code, by striking subsection (a) thereof in its entirety and inserting in lieu thereof the following:

"(a) Every person engaged in the business of conducting a harness racing meet under this Chapter shall pay as a tax to this State a percentage of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day on any and every race track licensed under this Chapter and on all races that day at such track.

The percentage of such pari-mutuel and totalizator pools to be paid as such tax shall be as follows:

- (1) 1 1/2% if the total daily contributions to such pools do not exceed \$400,000;
- (2) 3 1/2% if the total daily contributions to such pools exceed \$400,000 but do not exceed \$600,000;
- (3) 6% if the total daily contributions to such pools exceed \$600,000.

The tax shall be computed daily and shall be paid by certified check on a weekly basis. Each check shall be transmitted by the licensee to the Secretary of Finance no later than Wednesday following the week for which the tax is due.

(b) The tax imposed in subsection (a) shall remain in effect until March 31, 1976. Subsequent to March 31, 1976, every person engaged in the business of conducting a harness racing meet under this Chapter shall pay as a tax to this State 5 1/2% of the total contributions to all pari-mutuel and totalizator pools conducted or made on any and every racetrack licensed under this Chapter and on every race at such track, plus 1/2 of the odd cents of all redistributions to

be made on pari-mutuel or totalizator pool contributions exceeding the sum equal to the lowest multiple of 10, such odd cents to be calculated upon the basis of each dollar wagered. If a minus pool is created, the association may break to the lowest multiple of 5. The tax shall be paid by certified check on a weekly basis and each check shall be transmitted by the licensee to the Secretary of Finance no later than Wednesday following the week for which the tax is due."

Section 4. Amend §556, Chapter 5, Title 28, Delaware Code, by striking said section in its entirety and inserting in lieu thereof a new §556 to read as follows:

"§556. Licensee's commissions on pari-mutuel and totalizator pools

(a) The commission shall authorize commissions pursuant to subsection (b) of this section on pari-mutuel or totalizator pools to all licensees operating a racing meet pursuant to this Chapter. The commission shall be a portion of the total daily contributions to all pari-mutuel or totalizator pools conducted or made at the racing meet and at every race at the meet, plus the odd cents of all redistributions to be made on all pari-mutuel or totalizator pool contributions, exceeding the sum equal to the next lowest of ten, such odd cents to be calculated upon the basis of each dollar wagered.

(b) COMMISSION	IF TOTAL DAILY CONTRIBUTIONS TO SUCH POOLS ARE:
16 1/2%	\$1.00 to \$400,000
14 1/2%	\$400,001 to \$600,000
12%	over \$600,000.

In the event the commissions authorized by this section shall exceed 12 1/2%, one half of the excess over and above such 12 1/2% shall be distributed in purses.

(c) The commissions authorized in subsections (a) and (b) of this section shall remain in effect until March 31, 1976. Subsequent to March 31, 1976, the Commission shall authorize as commissions on pari-mutuel or totalizator pools to the licensee operating a harness racing meet, 12 1/2% of the total contributions to all pari-mutuel and