

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND TWENTY-NINTH
GENERAL ASSEMBLY

SPECIAL SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 4, A.D.
1977

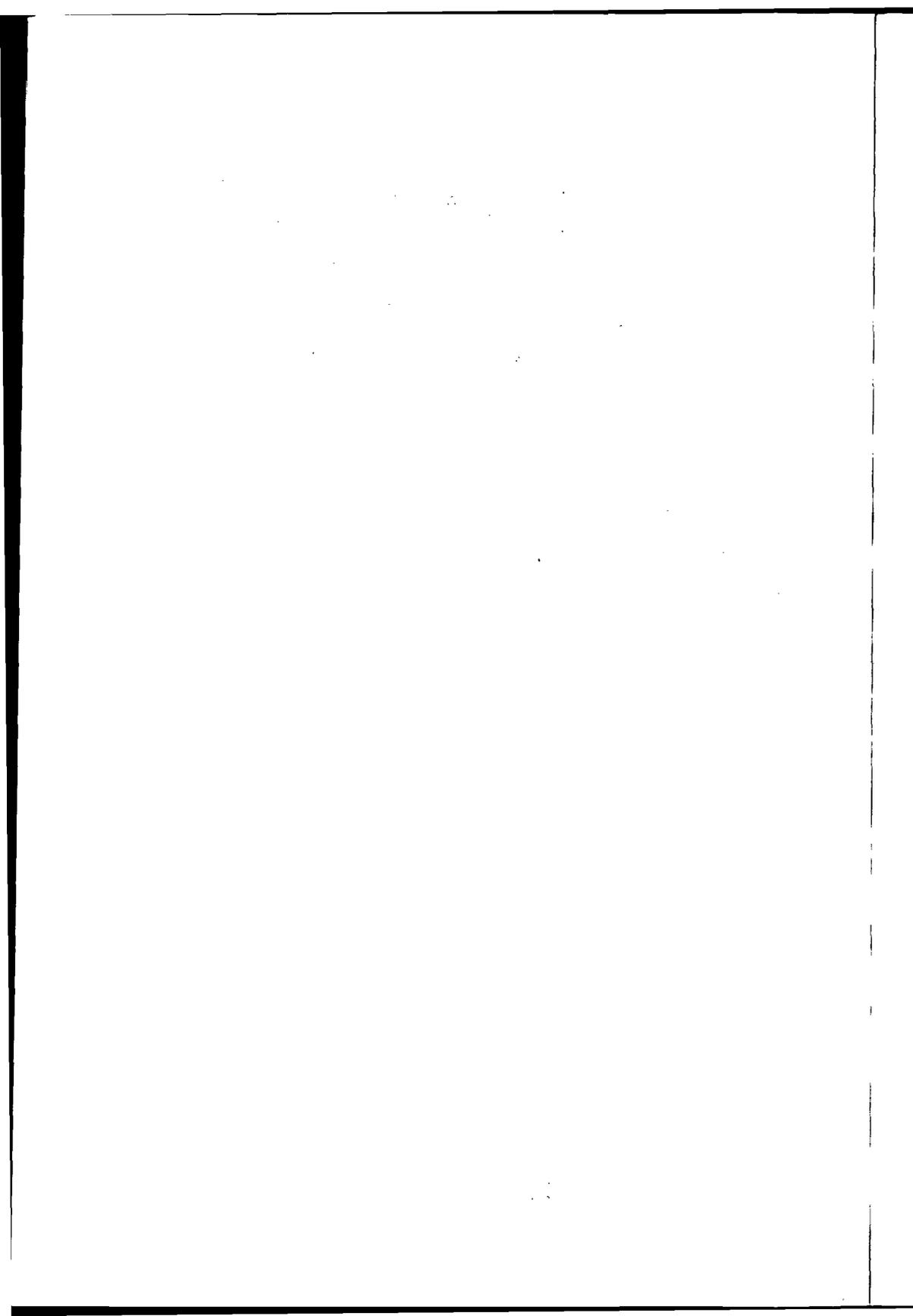
FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 11, A.D.
1977

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 10, A.D.
1978

PART II
VOLUME LXI



CHAPTER 313

FORMERLY HOUSE BILL NO. 870

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE BLADES
VOLUNTEER FIRE COMPANY FOR THE OPERATION AND MAINTENANCE
OF ITS NEW RESCUE TRUCK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE (Three-fourths of members elected to each House
concurring):

Section 1. There is appropriated to the Blades Volunteer
Fire Company the sum of \$1,250 to be used for the maintenance
and operation of a rescue truck in the public service.

Section 2. This is a supplementary appropriation for the
Fiscal Year ending June 30, 1978, and the monies appropriated
shall be paid by the State Treasurer out of monies in the
General Fund not otherwise appropriated.

Approved June 6, 1978.

CHAPTER 314

FORMERLY HOUSE BILL NO. 271
AS AMENDED BY
SENATE AMENDMENT NOS. 3 AND 5

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO
OPERATING OR RIDING ON MOTORCYCLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE:

Section 1. Amend §4185, Title 21, Delaware Code, by striking
subsection (b) and by inserting in lieu thereof the following:

"(b) Every person operating or riding on a motorcycle shall have in his possession a safety helmet approved by the Secretary of Public Safety and shall wear eye protection approved by the said Secretary; provided, however, that every person operating or riding on a motorcycle up to 19 years of age shall wear a safety helmet and eye protection approved by the Secretary of Public Safety."

Approved June 10, 1978.

CHAPTER 315

FORMERLY SENATE BILL NO. 90

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DIVISION OF ENVIRONMENTAL CONTROL.

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. Amend §6002 (16), Chapter 60, Title 7 of the Delaware Code by inserting after the word and comma "dirt," and before the word "and" the following:

"hydrocarbons, oil, and product chemicals,".

Approved June 12, 1978.

CHAPTER 316

FORMERLY SENATE BILL NO. 137

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO SATISFY A SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE STATE OF DELAWARE AND MANUFACTURERS' LEASE PLANS, INC., A PENNSYLVANIA CORPORATION, IN CONNECTION WITH THE CLAIM OF MANUFACTURERS' LEASE PLANS, INC., FOR CERTAIN SERVICES RENDERED TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR SERVICES UNDER A WRITTEN CONTRACT.

WHEREAS, a lawsuit was filed in the Superior Court of the State of Delaware in and for New Castle County by Manufacturers' Lease Plans, Inc., alleging breach of contract by the State of Delaware and the Department of Administrative Services; and

WHEREAS, the plaintiff alleged that the sum of approximately eight thousand eight hundred fifty dollars (\$8,850) was due and owing from the State of Delaware, Department of Administrative Services, for payment under said contract; and

WHEREAS, a Settlement Agreement was reached between the plaintiff through its attorney, Killoran & Van Brunt, and the State of Delaware, whereby the defendants agreed, for settlement purposes, to pay to plaintiff the sum of six thousand six hundred thirty-seven and 50/100 dollars (\$6,637.50).

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby appropriated the sum of \$6,637.50 to satisfy the Settlement Agreement entered into by means of Stipulation between the State of Delaware and Killoran & Van Brunt, attorney for plaintiff, in connection with Civil Action No. 694, 1975, in the Superior Court of the State of Delaware in and for New Castle County. Said funds shall be appropriated to J. R. Julian on behalf of Killoran & Van Brunt to be disbursed in accordance with the Settlement Agreement.

Section 2. No funds shall be disbursed to Manufacturers' Lease Plans, Inc., until a signed release is obtained from said corporation discharging the State of Delaware and the Department of Administrative Services from any and all liability in connection with the subject matter of the litigation in Civil Action No. 694, 1975, in the Superior Court of the State of Delaware in and for New Castle County. The sum appropriated hereunder shall be in full and complete payment of any claim that Manufacturers' Lease Plans, Inc., had against the State of

Delaware or the Department of Administrative Services and which was alleged in the pleadings of Civil Action No. 694, 1975.

Section 3. This Act is a supplementary appropriation act and the funds hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 4. This Act shall not be construed to obligate the State of Delaware to any individual or corporation for any other purpose except as set forth herein; it being the intention of the Legislature only to discharge the obligation created by means of the Stipulation settling the subject litigation.

Approved June 12, 1978.

CHAPTER 317

FORMERLY HOUSE BILL NO. 778
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO THE DEPARTMENTS OF ELECTION FOR NEW CASTLE COUNTY AND KENT COUNTY TO BE USED FOR THE PURCHASE OF VOTING MACHINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sums of \$43,200 and \$9,600 are hereby appropriated to the Departments of Election for New Castle County and Kent County, respectively, for the purchase of voting machines by each Department.

Section 2. All voting machines purchased with funds appropriated by this bill shall meet the requirement set forth in Title 15, Section 5001, Delaware Code.

Section 3. This Act is a supplemental appropriation for Fiscal 1978 to be paid by the State Treasurer out of funds not otherwise appropriated; and any funds herein appropriated and remaining unexpended or unencumbered on June 30, 1978, shall revert to the General Fund of the State of Delaware.

Approved June 12, 1978.

CHAPTER 318

FORMERLY HOUSE BILL NO. 835
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO
PASSENGERS RIDING IN TOWED VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE:

Section 1. Amend Section 4191, Title 21 of the Delaware Code
by adding thereto a new subsection (d) as follows:

"(d) The provisions of this section shall not apply to:

(1) vehicles in a parade when the vehicles are
drawn or towed at a speed of less than 20 miles per
hour;

(2) Trailers which have been designed or modified
to carry passengers for sightseeing or public trans-
portation purposes provided that such activity complies
with the requirements of the Transportation Authority
as provided in Chapter 18, Title 2 of the Delaware
Code."

Approved June 12, 1978.

CHAPTER 319

FORMERLY SENATE BILL NO. 578

AN ACT TO AMEND CHAPTER 32, TITLE 29 OF THE DELAWARE CODE DISSOLVING THE DELAWARE AMERICAN REVOLUTION BICENTENNIAL COMMISSION AND CREATING A NEW DELAWARE HERITAGE COMMISSION.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Chapter 32, Title 29 of the Delaware Code is hereby repealed.

Section 2. Amend Title 29 of the Delaware Code by adding a new Chapter 32 thereto to read as follows:

"CHAPTER 32. DELAWARE HERITAGE COMMISSION

§3201. Creation and membership; termination

(a) There is created the Delaware Heritage Commission composed of 9 citizens of the State appointed by the Governor to serve at his pleasure, 1 of whom shall be designated by the Governor as Chairman of the Commission.

(b) Members of the Commission shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Commission.

(c) The Commission may appoint members of a Heritage Resources Committee to assist the Commission in its work. The Division of Historical and Cultural Affairs of the Department of State and the Department of Public Instruction may be represented by ex-officio, non-voting members, and the Commission is authorized to enter into ex-officio non-voting representation from other agencies of government and from nonprofit organizations as the Commission may deem appropriate.

(d) The Commission shall cease to exist on December 31, 1990.

§3202. Executive Director; other personnel; exemptions from Merit System

(a) The Commission may engage an Executive Director to devote his full time to the work of the Commission, and the Commission may employ such additional full-time or part-time personnel as are required for the work of the Commission at such compensation as shall be set by the Commission.