

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

*ONE HUNDRED AND THIRTY THIRD*

*GENERAL ASSEMBLY*

*FIRST SESSION COMMENCED AND HELD AT DOVER*

**On Tuesday, January 8, A.D.**  
**1985**

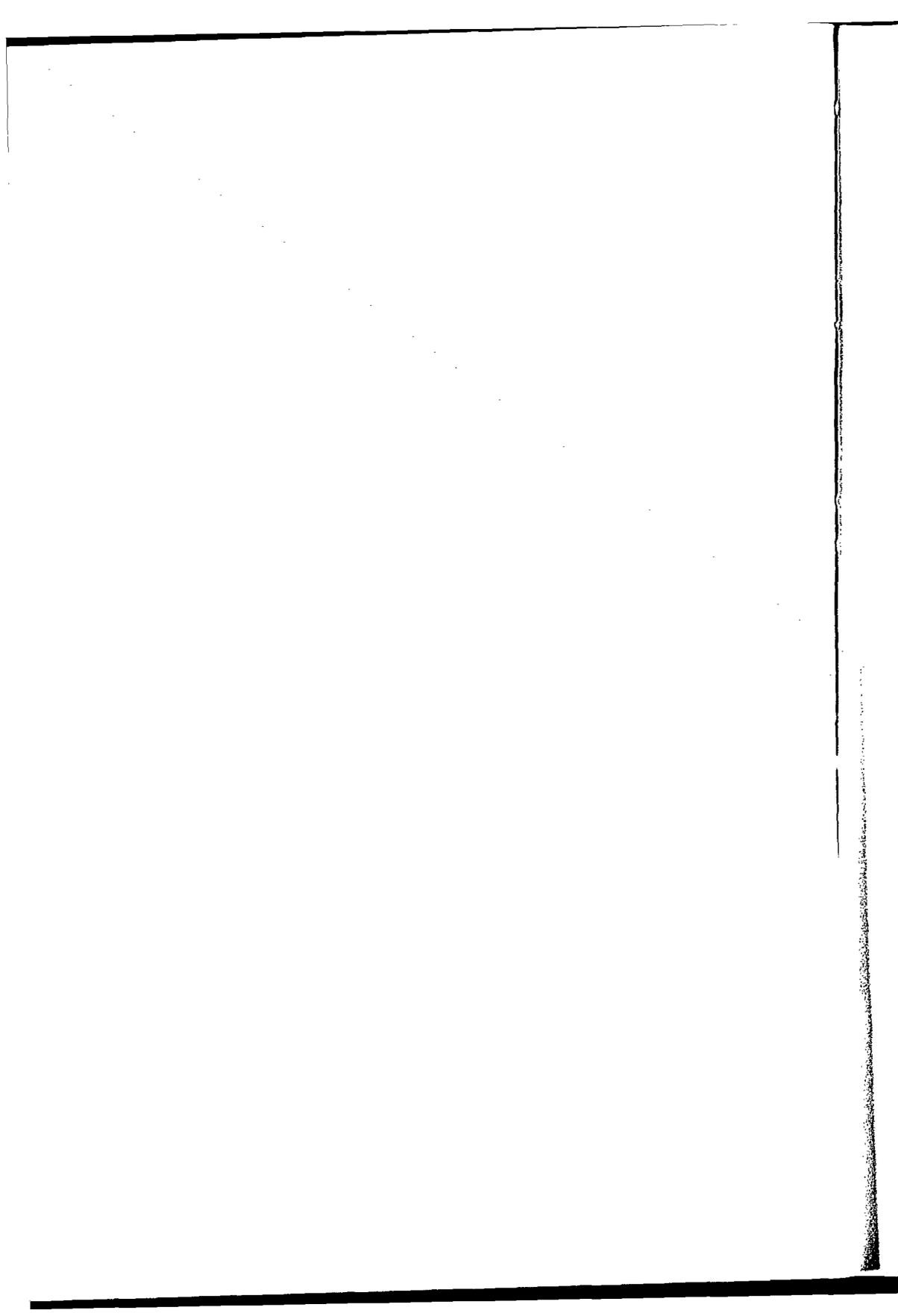
*SECOND SESSION COMMENCED AND HELD AT DOVER*

**On Tuesday, January 14, A.D.**  
**1986**

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**VOLUME LXV**

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CHAPTER 1

FORMERLY

HOUSE BILL NO. 67

AN ACT TO AMEND CHAPTER 13, TITLE 9 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT OF PROPERTY IN NEW CASTLE COUNTY IN YEARS OF GENERAL REASSESSMENT OF PROPERTY.

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

Section 1. Amend Section 1308, Chapter 13, Title 9 of the Delaware Code by adding a new subparagraph (d) to read as follows:

"(d) Notwithstanding any provision of this Title, for any fiscal year in which the county government of New Castle County proposes to implement a general reassessment of property, the County Government may by ordinance establish appropriate and reasonable time periods for the filing of exemption applications; submission, inspection and certification of assessment rolls; notices of assessments; appeals from such assessments; and any other requirements relating to the implementation of the general reassessment. In no case, however, shall the County Government extend any such period more than 10 days beyond that otherwise established in this Title. This authorization shall apply only to the fiscal year in which the general reassessment is implemented. In each fiscal year thereafter, the procedures specified in this Title shall be followed."

Section 2. This Act shall become effective immediately upon its signature by the Governor and shall apply to any acts required to be taken by New Castle County in connection with the implementation of the general reassessment for Fiscal Year 1986.

Approved February 6, 1985.

CHAPTER 2

FORMERLY

HOUSE BILL NO. 1

AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

Section 1. Amend §6602 (1), Chapter 66, Title 18, Delaware Code by striking the number "50,000" and substituting in lieu thereof the number "100,000".

Section 2. Amend §6602 (1), Chapter 66, Title 18, Delaware Code by striking the number "10,000" and substituting in lieu thereof the number "20,000".

Section 3. Amend §6601, Chapter 66, Title 18, Delaware Code by striking the period '.' at the end of paragraph "j" and substituting in lieu thereof the following:

": or

k. Agents of the State Division of Alcoholic Beverage Control; or

l. Officers or agents of the State Office of Narcotics and Dangerous Drugs."

Section 4. Amend §6607, Chapter 66, Title 18, Delaware Code by striking the number "50,000" as it appears in the last sentence of this section and substituting in lieu thereof the number "100,000".

Section 5. This Act shall be effective for any deaths occurring after July 1, 1984.

Approved February 14, 1985.

CHAPTER 3  
FORMERLY  
HOUSE BILL NO. 61

AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF CORRECTIONS TO NAME THE KENT CORRECTIONAL INSTITUTION LOCATED AT 300 WATER STREET, DOVER, DELAWARE, AS THE JOHN E. MORRIS CORRECTIONAL INSTITUTION IN HONOR OF THE LATE JOHN EDWARD MORRIS, REPRESENTATIVE FROM THE 34TH DISTRICT FROM 1972 TO 1980.

WHEREAS, Representative John Edward Morris was a distinguished Kent Countian whose service to the citizens of Kent County as a Representative from 1972 to 1980 was outstanding; and

WHEREAS, Ed Morris' career was varied in that he successfully pursued many different careers, but perhaps the closest one to his heart was his love for children and to be able to lend a helping hand to those who were not only fortunate in the socio-economic scheme of things, but also for those who ran afoul of the law; and

WHEREAS, Ed Morris dedicated his life as a counselor in juvenile corrections and was instrumental in establishing the Stevenson Home in Milford to house youth offenders and subsequently became the Superintendent; and

WHEREAS, the Kent Correctional Center located at 300 Water Street, Dover, Delaware was one of Ed Morris' deepest concerns and he devoted countless hours in trying to make the institution an effective rehabilitative center for wayward youth; and

WHEREAS, naming the Kent Correctional Institution in honor of John E. Morris is highly fitting and proper.

NOW, THEREFORE:

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

Section 1. The Department of Corrections is hereby authorized and directed to name the Kent Correctional Institution located at 300 Water Street, Dover, Delaware as the John E. Morris Correctional Institution in honor of the late John E. Morris, Representative from the 34th District, Kent County.

Approved April 12, 1985.

CHAPTER 4

FORMERLY

HOUSE BILL NO. 99  
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 18, DELAWARE CODE, ESTABLISHING A REGULATORY REVOLVING FUND FOR THE REVENUES AND EXPENSES OF THE OFFICE OF THE INSURANCE COMMISSION; AND TO TRANSFER FUNDS FROM THE BUDGET OFFICE CONTINGENCY (10-02-004) (SELF INSURANCE FUND) TO THE OFFICE OF THE INSURANCE COMMISSIONER (12-03-001) (CONTRACTUAL SERVICES) FOR THE PURPOSE OF PROVIDING START-UP FUNDS FOR THE REGULATORY REVOLVING FUND.

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

Section 1. Amend §308, Chapter 3, Title 18, Delaware Code, by striking the section in its entirety and substituting in lieu thereof the following:

"§308. Office; expenses; account of receipts; Regulatory Revolving Fund.

(a) The Department shall operate 2 offices, the principal office in Dover and a branch office in Wilmington.

(b) There is hereby created within the Office of the Insurance Commissioner a Special Fund to be designated as the Insurance Commissioner Regulatory Revolving Fund which shall be used in the operation of the Office of the State Insurance Commissioner in the performance of the various functions and duties required of the Office by law.

(c) All supervisory assessments, examination fees and any rate filing or from filing fees paid by insurers and collected by the Commissioner pursuant to this Title shall be deposited in the State Treasury to the credit of said State Insurance Commissioner Regulatory Revolving Fund to be used in the operation of the office as authorized by the General Assembly in its annual operating budget. All other fees and/or taxes collected by the Commissioner shall not be deposited in said fund but shall be deposited in the General fund of the State.

(d) Funds in the State Insurance Commissioner Regulatory Revolving Fund shall be used by the Commissioner in the performance of his various functions and duties involved in the oversight of insurance companies as provided by law, subject to annual appropriations by the General Assembly for salaries and other operating expenses of the office.

(e) The maximum unencumbered balance which shall remain in the State Insurance Commissioner Regulatory Revolving Fund at the end of any fiscal years shall be \$70,000, and any amount in excess thereof shall cause the Insurance Commissioner to reduce assessments or fees collected in the next Fiscal Year by an amount sufficient to reduce the Regulatory Revolving Fund fiscal year end balance back to or below \$70,000."

Section 2. The budget Director and the Controller General are hereby authorized and directed to transfer the sum of \$70,000 from the Budget Office Contingency (10-02-004) (Self Insurance Fund) to the Office of the Insurance Commissioner (Contractual Services). Such sum shall not be utilized in computing the unencumbered balance as set forth in Section 1 of this Act. Such sum (\$70,000) is to be repaid by the office of the Insurance Commissioner to the Budget Office Self Insurance Contingency fund on or before June 30, 1986.

Approved April 12, 1985.

CHAPTER 5  
FORMERLY  
HOUSE BILL NO. 131

AN ACT TO AMEND CHAPTER 42, TITLE 18 OF THE DELAWARE CODE TO DIRECT THE DELAWARE INSURANCE GUARANTY ASSOCIATION TO ASSESS ITS MEMBER INSURERS AND TO PAY OVER SUCH ASSESSMENTS TO THE INSURANCE COMMISSIONER REGULATORY REVOLVING FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FIFTHS OF ALL OF THE MEMBERS ELECTED TO EACH HOUSE THEREOF CONCURRING THEREIN):

Section 1. Amend §4208, Chapter 42, Title 18 of the Delaware Code by adding to subsection (a) a new paragraph "(9)" to read as follows:

"(9) Annually assess each member insurer an amount not to exceed one-tenth of one percent of the member insurer's net direct written premiums written in Delaware. The Commissioner shall determine the amount of this annual assessment and shall so notify the Association not later than July 31 of the calendar year in which the assessment is to be made. This annual assessment shall be included in, and shall not result in the member insurer's aggregate assessment under this chapter exceeding, the 2% assessment limitation provided in paragraph (3) of this section. The proceeds of the annual assessment provided by this paragraph (9) shall be paid over by the Association to the Insurance Commissioner's Regulatory Revolving Fund to partially subsidize the oversight activities of the Commissioner, thereby minimizing the need for the assessments provided for by paragraph (3) of this section."

Approved April 12, 1985.

CHAPTER 6  
FORMERLY  
HOUSE BILL NO. 132

AN ACT TO AMEND CHAPTER 44, TITLE 18 OF THE DELAWARE CODE TO DIRECT THE DELAWARE LIFE & HEALTH GUARANTY ASSOCIATION TO ASSESS ITS MEMBER INSURERS AND TO PAY OVER SUCH ASSESSMENTS TO THE INSURANCE COMMISSIONER REGULATORY REVOLVING FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FIFTHS OF ALL OF THE MEMBERS ELECTED TO EACH HOUSE THEREOF CONCURRING THEREIN):

Section 1. Amend Chapter 44, Title 18 of the Delaware Code by inserting in subsection (a) of Section 4409, following the words and phrase "the powers and duties of the Association," and before the words and phrase "the Board of Directors shall assess", the words and phrase "and of minimizing the Association's liability by partially subsidizing the oversight activities of the Commissioner".

Section 2. Further amend Chapter 44, Title 18 of the Delaware Code by striking from the first line of subsection (b) of Section 4409 the numeral "3" and substituting in lieu thereof the word "four".

Section 3. Further amend Chapter 44, Title 18 of the Delaware Code by adding to subsection (b) of Section 4409 a new paragraph "(4)" to read as follows:

"(4) Class D assessments shall be made annually to partially subsidize the oversight activities of the Commissioner, thereby minimizing the need for Class B and Class C assessments."

Section 4. Further amend Chapter 44, Title 18 of the Delaware Code by adding to subsection (c) a new paragraph "(5)" to read as follows:

"(5) Class D assessments shall be made against each member insurer annually in an amount not to exceed one-tenth of one percent of the member insurer's premiums written in this State during the calendar year preceding the assessment. The Commissioner shall determine the amount of the Class D assessment and shall so notify the Association not later than July 31 of the calendar year in which the assessment is to be made. The proceeds of this assessment shall be paid over by the Association to the Insurance Commissioner's Regulatory Revolving Fund."

Section 5. Further amend Chapter 44, Title 18 of the Delaware Code by inserting in subsection (e) of Section 4409, following the words and phrase "for each account", and before the words and phrase "shall not in any 1 calendar year", the words and phrase ", and including Class D assessments,".

Approved April 12, 1985.

## CHAPTER 7

## FORMERLY

## HOUSE BILL NO. 146

AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE AS AMENDED BY CHAPTER 454, VOLUME 60, CHAPTER 312, VOLUME 60, CHAPTER 233, VOLUME 51 AND CHAPTER 123, VOLUME 35 RELATING TO "AN ACT AMENDING, MERGING AND CONSOLIDATING THE CHARTER OF NEW CASTLE".

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 Section 18, Chapter 216, Volume 27, Laws of Delaware as amended, by striking the said Section in its entirety and inserting in lieu thereof the following:

"Section 18. The Council shall have power and authority to appropriate out of the Treasury, by ordinance or resolution passed by a majority of all members, all sums of money necessary to carry on the government of the City and defray the expenses thereof, and the said council shall fix and determine the salary or compensation to be paid to the Police Constables, and all other persons in the employ of the said City. The emoluments and compensations of the Mayor, President and members of council and Treasurer shall be set from time to time by ordinance duly adopted by the Mayor and council of New Castle. Until such an ordinance is passed, the Mayor shall receive twelve hundred dollars per year, President of Council, eleven hundred dollars per year, members of Council, one thousand dollars per year and Treasurer, eight hundred dollars per year. The compensation of any officer elected by the people shall not be changed during his or her continuance in office."

Approved April 12, 1985.

## CHAPTER 8

## FORMERLY

## SENATE BILL NO. 135

AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE, RELATING TO UNIFORM TAX RATES FOR SCHOOL DISTRICTS THAT TRAVERSE TWO COUNTIES.

WHEREAS, the reassessment of properties in one county in a school district that lies in two counties creates vast inequities in the tax payments based on assessment; and

WHEREAS, a uniform tax rate on properties obviously assessed at widely varying percentages of true value would result in gross inequities among the taxpayers.

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

Section 1. Amend §1916, Chapter 19, Title 14, Delaware Code, by designating the existing subsection (c) as subsection (d) and by adding a new subsection designated as (c) to read as follows:

"(c) Notwithstanding any other provisions of this Title to the contrary, the school board of the district whose jurisdiction traverses county boundary lines and whose local school taxes are made different as a result of property reassessment shall levy real estate taxes in the following manner:

1. In the county not reassessed, at a rate authorized by law and referendum.
2. In the county recently reassessed, at a newly calculated rate based on the newly established assessments which at its maximum would bring in revenue equal to the amount authorized by law and by referendum, based on the previous year's assessment, plus the quarterly updates and the 10% increase as authorized by subsection (b) of this Section."

Approved April 25, 1985.

## CHAPTER 9

## FORMERLY

SENATE BILL NO. 39  
AS AMENDED BY SENATE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1  
TO SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 334, VOLUME 64, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1985, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS".

WHEREAS, the 132nd General Assembly passed and the Governor signed into Law House Bill No. 699 concerning the Family Law Commission, and

WHEREAS, this Legislation provided for the members of the Family Law Commission to receive travel expenses, and

WHEREAS, no funds were appropriated to pay travel expenses,

NOW THEREFORE:

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

Section 1. Amend Chapter 334, Volume 64, Section 1 by striking those figures appearing in the "From" column within this Section 1 and substituting certain figures in lieu thereof; by adding a new line item and figure appearing in the "To" column; with reference to the lines and pages on which the same appear as hereinafter set forth:

<u>Page</u>	<u>Line</u>	<u>Organization/Item</u>	<u>From</u>	<u>To</u>	<u>Increase (Decrease)</u>
2	2	(01-00-000) LEGISLATIVE			
2	3	(01-00-001) General Assembly House			
2	9	Mileage-Legislators	40.0	39.0	(1.0)
2	15a	Travel Family Law Comm.	0	2.0	2.0
2	16	TOTAL - General Assembly	1,454.1	1,455.1	1.0
2	17	(01-02-001) General Assembly Senate			
2	23	Mileage-Legislative	27.5	26.5	(1.0)
2	30	TOTAL - General Assembly Senate	854.1	853.1	(1.0)

Approved May 2, 1985.

CHAPTER 10  
FORMERLY  
SENATE BILL NO. 101

AN ACT TO ALLOW ANDREW JOHN KELLEHER, A NON-RESIDENT, TO MARRY RHONDA YVONNE MCCOY, A NON-RESIDENT.

WHEREAS, Andrew Kelleher wishes to marry Rhonda McCoy on June 8, 1985 in the State of Delaware; and

WHEREAS, Rhonda McCoy's Grandmother lives in Newark, and both Andrew Kelleher and Rhonda McCoy wish to Marry in Delaware; and

WHEREAS, both Andrew Kelleher and Rhonda McCoy are presently residing in the State of Texas; and

WHEREAS, both Andrew Kelleher and Rhonda McCoy will not be able to return to Delaware more than 96 hours prior to the time of their scheduled marriage; and

WHEREAS, §107(a), Title 13 of the Delaware Code states that a non-resident of Delaware must wait 96 hours after acquiring a marriage license before the marriage ceremony may take place; and

WHEREAS, Andrew Kelleher and Rhonda McCoy could be married but for the non-residency requirements of the Delaware Code; and

WHEREAS, it is the public policy of this State to encourage marriage.

NOW, THEREFORE:

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

Section 1. Andrew Kelleher and Rhonda McCoy are hereby exempted from the application of §107(a), Title 13 of the Delaware Code and are specifically permitted to marry on June 1, 1985, or within 30 days thereafter; the Clerk of the Peace for New Castle County shall issue to Andrew Kelleher and Rhonda McCoy an official marriage license pursuant to this Act, the provisions of Chapter 1, Title 13, or any other law of this State to the contrary notwithstanding.

Approved May 2, 1985.

CHAPTER 11  
FORMERLY  
HOUSE BILL NO. 36  
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 10, TITLE 22 OF THE DELAWARE CODE RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR PERSONS 65 OR OLDER.

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

Section 1. Amend §1002, Chapter 10, Title 22 of the Delaware Code by striking the words "of the first \$5,000 of assessed valuation, provided" as they appear therein.

Section 2. Amend Chapter 10, Title 22 of the Delaware Code by striking §1003 in its entirety and redesignating Sections 1004 through 1007 as Sections 1003 through 1006.

Approved May 3, 1985.

## CHAPTER 12

## FORMERLY

SENATE BILL NO. 96  
AS AMENDED BY SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO THE RIGHTS OF LAW ENFORCEMENT OFFICERS.

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

Section 1. Amend Title 11, Delaware Code, by adding thereto a new Chapter to be designated as Chapter 92 to read as follows:

## "CHAPTER 92. POLICE BILL OF RIGHTS

§9200. Political Activity; Rights of Officers Under Investigation

(a) A law enforcement officer within a jurisdiction in this State has the same rights to engage in political activity as are afforded to any other person. The right to engage in political activity shall not apply to any law enforcement officer while he or she is on duty or when he or she is acting in his or her official capacity or while in uniform.

(b) A 'law enforcement officer' for the purposes of the Chapter shall be defined as follows:

A police officer who is a sworn member of the following law enforcement agencies:

1. Delaware State Police;
2. Wilmington City Police Department;
3. New Castle County Police Department;
4. The police department, bureau, or force of any incorporated city or town within this State;
5. The University of Delaware Police Division;

No law enforcement officer not a member of one of the above agencies shall be covered by this Act.

(c) Whenever a law enforcement officer is under investigation or is subjected to questioning for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or questioning shall be conducted under the following conditions:

1. The questioning shall be conducted at a reasonable hours, preferably at a time when the officer is on duty unless the gravity of the investigation in the opinion of the investigator is of such degree that immediate questioning is required.
2. The questioning shall take place at the agency headquarters or at the office of the local troop or police unit in which the incident allegedly occurred as designated by the investigating officer or unless otherwise waived in writing by the officer being investigated.
3. The law enforcement officer under investigation shall be informed of the name, rank, and command of the officer in charge of the investigation. All questions directed to the officer shall be asked by and through no more than two investigators. No complaint against an officer shall be prosecuted under departmental rule or regulation unless the complaint is supported by substantial evidence after investigation by an authorized member of the department.
4. The law enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to being questioned.
5. Interview sessions shall be for reasonable periods of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary.
6. Except upon refusal to answer questions pursued in a valid investigation, no officer shall be threatened with transfer, dismissal or other disciplinary action.
7. A complete record, either written, taped or if taped, transcribed as soon as practicable, shall be kept of all interviews held in connection with the administrative investigation upon