

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND THIRTY-SEVENTH

GENERAL ASSEMBLY

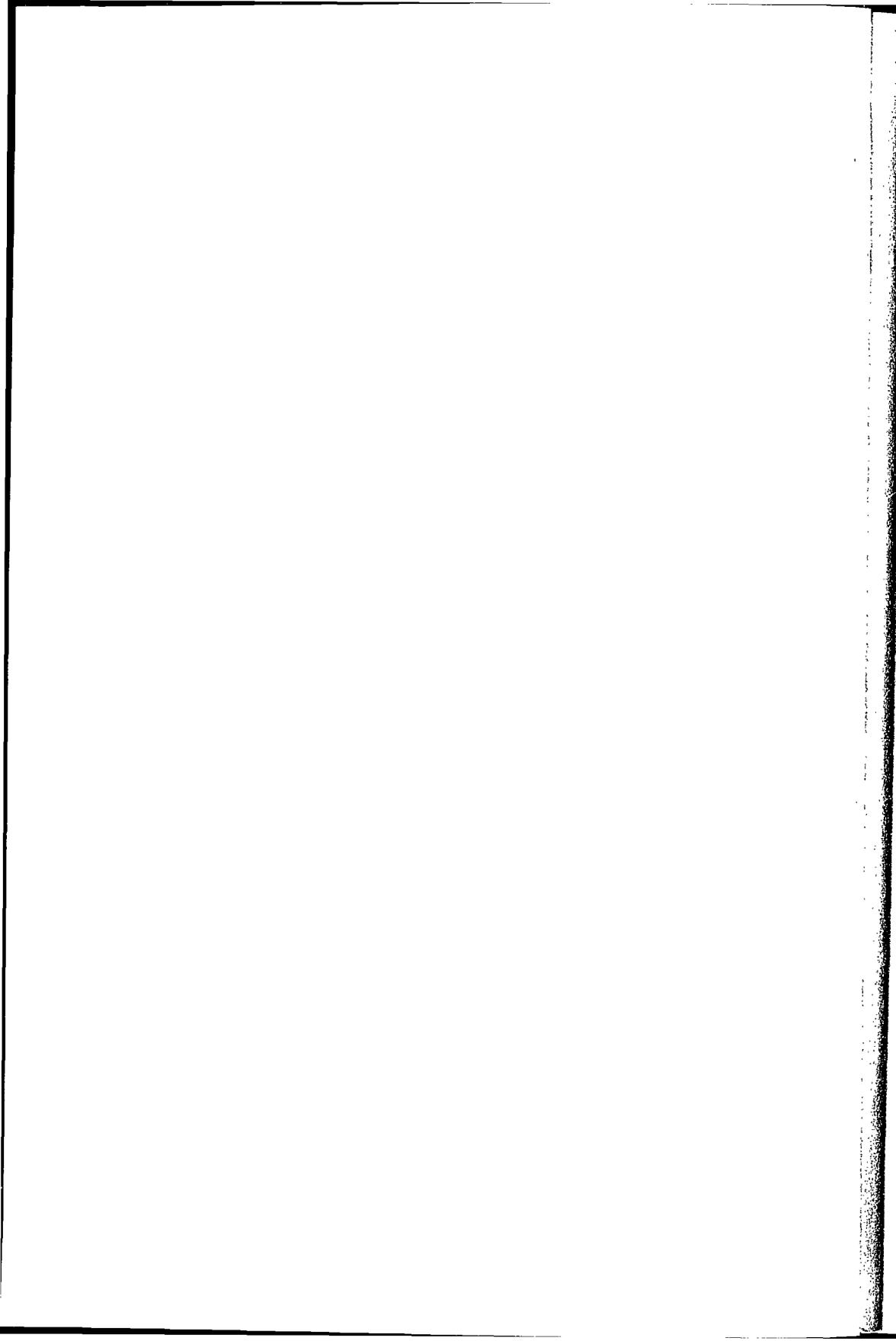
FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 7, A.D.
1993

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 11, A.D.
1994

VOLUME LXIX
Part I



CHAPTER 1

FORMERLY

SENATE BILL NO. 2

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend Section 3326(g), Chapter 33, Title 19, Delaware Code by adding a subsection (6) to read as follows:

"The provisions of subsections (1), (2), (3) and (5) of this section shall not apply should at any time these provisions be temporarily or permanently suspended by Federal law. If these provisions are suspended by Federal law, the provisions of State law which apply to claims for or the payment of regular benefits shall apply to claims for and the payment of extended benefits."

Approved February 8, 1993.

CHAPTER 2

FORMERLY

SENATE BILL NO. 3

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, §11 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CERTIFICATION OF QUESTIONS OF LAW TO THE SUPREME COURT.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 136th General Assembly, being Chapter 375, Volume 6B, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, §11 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CERTIFICATION OF QUESTIONS OF LAW TO THE SUPREME COURT.

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 Article IV, §11 paragraph (9) of the Delaware Constitution of 1897, as amended, by striking said paragraph (9) in its entirety and substituting in lieu thereof a new paragraph (9) to read as follows:

'(9) To hear and determine questions of law certified to it by other Delaware courts, the Supreme Court of the United States, a Court of Appeals of the United States, a United States District Court, or the highest appellate court of any other state, where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme Court may, by rules, define generally the conditions under which questions may be certified to it and prescribe methods of certification.'"

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 136th General Assembly:

NOW THEREFORE:

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. The said proposed amendment is hereby concurred in and adopted, and shall forthwith become a part of the Constitution of the State of Delaware.

Effective January 28, 1993.

CHAPTER 3

FORMERLY

SENATE BILL NO. 12

AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO VEHICLES OWNED OR USED BY FIRE COMPANIES.

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

Section 1. Amend Section 2105, Title 21, of the Delaware Code by adding a new Subsection (k) thereto to read as follows:

"(k) The provisions of this section shall not apply to vehicles and fire apparatus which were manufactured prior to January 1, 1993 that are owned or used by an organized fire company within this state."

Approved February 8, 1993.

CHAPTER 4

FORMERLY

SENATE BILL NO. 16

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO ALLOWABLE GROSS WEIGHTS ON COMMERCIAL MOTOR VEHICLES.

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

Section 1. Amend §2105, Chapter 21, Title 21 of the Delaware Code by striking paragraphs (a)(1) and (a)(2) in their entirety and inserting the following new paragraphs (a)(1) and (a)(2) to read as follows:

"(a)(1) With respect to such vehicles which were lawfully registered in this State on December 31, 1990, as a 1987 or older model year vehicle, the obligation to provide manufacturer's weight rating documentation shall not apply to any application for registration, or renewal of registration, of such vehicles until January 1, 1998.

(a)(2) With respect to such vehicles which were lawfully registered in this State on December 31, 1990, as 1988 or newer model vehicles, the obligation to provide manufacturer's weight rating documentation shall not apply to any application for registration, or renewal of registration, of such vehicles until the following dates:

- A. 1988 year model - January 1, 1998
- 1989 year model - January 1, 1999
- 1990 year model - January 1, 2000
- 1991 year model - January 1, 2001."

Approved February 8, 1993.

CHAPTER 5

FORMERLY

SENATE BILL NO. 47
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" REGARDING THE DEBT CEILING.

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. Paragraph 36, Section 30, Chapter 276, Volume 65, Laws of Delaware, as amended, be and is hereby amended by adding a new sentence at the end of thereof as follows:

"Debt which has been advance refunded with proceeds of the advance refunding sufficient to pay principal and interest on the debt to the first allowable call date having been irrevocably deposited in trust with a Delaware bank irrevocably with instructions to make no investment of the funds deposited other than in guaranteed or direct obligations of the United States shall not be counted as indebtedness."

Section 2. Subsection (b), Section 34, Chapter 276, Volume 65, Laws of Delaware, as amended, be and the same is hereby amended by deleting the word "succeed" and replacing said word with the word "exceed".

Section 3. Subsection (b), Section 34, Chapter 276, Volume 65, Laws of Delaware, as amended, be and the same is hereby amended by adding a sentence at the end thereof as follows:

"Debt which has been advance refunded with proceeds of the advance refunding sufficient to pay principal and interest on the debt to the first allowable call date having been irrevocably deposited in trust with a Delaware bank irrevocably with instructions to make no investment of the funds deposited other than in guaranteed or direct obligations of the United States shall not be counted as indebtedness."

Approved March 19, 1993.

CHAPTER 6

FORMERLY

HOUSE BILL NO. 86
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 1, 5 AND 7 OF TITLE 4 OF THE DELAWARE CODE REGARDING A LICENSE FOR A MULTI-PURPOSE SPORTS FACILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Section 101 of Chapter 1, Title 4 of the Delaware Code by redesignating Sections 101(25) through (39) as Section 101(26) through (40) and inserting a new Section 101(25) as follows:

"(25) 'Multi-purpose sports facility' shall mean a stadium owned and/or operated by the State of Delaware featuring minor league baseball games where admission fees are charged to the public and having a seating capacity of at least four thousand (4,000) seats and excludes stadia which are operated and maintained by educational institutions, including by not limited to high schools, colleges or universities."

Section 2. Amend Section 512, Chapter 5, Title 4 of the Delaware Code by striking the heading in Section 512 and subsection 512(b) in its entirety and inserting in lieu thereof the following:

"Section 512. Licenses for taprooms, hotels, restaurants or clubs, food concessionaires at horse racetracks, multi-purpose sports facilities, dinner theater performances, bowling alleys, caterers, removal of partially consumed bottles from premises."

"(b) A food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility may apply to the commission for a license to purchase spirits and wine from an importer, and to receive, keep and sell such spirits and wine to patrons in dining rooms, suites leased by patrons in the multi-purpose sports facility or at counters (except at multi-purpose sports facilities) for consumption on the premises as authorized by the Commission, subject, however, to such rules and regulations as may be promulgated by the Delaware Alcoholic Beverage Control Commission. The license issued to a food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility pursuant to this Section and Section 513 of this Title, shall continue to be valid whether or not a race meet or minor league baseball game are in progress and such licenses shall be entitled to all of the rights and privileges granted to a restaurant licensee together with the rights and privileges authorized by a license issued pursuant to Section 709 of this Title upon payment of the license fee set forth in Section 709."

Section 3. Amend Section 513, Chapter 5, Title 4, Delaware Code by striking the heading in Section 513 in its entirety and designating the existing two paragraphs of Section 513 as Section 513(a) and (b) respectively and adding a new heading and subsection (c) which shall read as follows:

"Section 513 - Sale of beer for consumption on premises of tavern, horse racetrack or multi-purpose sports facility."

"(c) Any person in charge of dispensing food at a multi-purpose sports facility may apply to the Commission for a license to purchase and to receive, keep and sell beer only, for consumption on the premises, at bars, counters, or similar contrivances or through individual vendors employed by the licensee. The holder of such a license may sell beer only under the following circumstances:

(1) In plastic, styrofoam, or paper containers on the multi-purpose sports facility premises; and

(2) For consumption on the licensed premises."

Section 4. Amend Section 554, Chapter 5, Title 4, Delaware Code by adding new subsection (hh) and (ii) which shall read as follows:

"(hh) For a license to sell beer only at a multi-purpose sports facility, the biennial fee shall be \$1,000.00.

(ii) For a license to sell wine and spirits at a multi-purpose sports facility, the biennial fee shall be \$1,000.00."

Section 5. Amend Section 709(d), Chapter 7, Title 4, Delaware Code by striking Section 709(d) in its entirety and substituting new section 709(d) as follows:

"(d) No holder of a license for the sale of alcoholic liquor in a hotel, restaurant, club, tavern, taproom, horse racetrack, multi-purpose sports facility, dining room of a boat, passenger cars of a railroad or caterer shall sell the same between the hours of 1:00 a.m. and 9:00 a.m. The closing hour may be made earlier in any municipality by ordinance of the municipal corporation. The sale of alcoholic liquors shall be permitted in a licensed hotel, restaurant, club, horse racetrack, multi-purpose sports facility, dining room of a boat, passenger cars of a railroad or caterer on every day of the year; provided that no such licensee shall be required to be open to sell alcoholic liquors on any of the holidays specified in subsection (e) of this Section. Any holder of a license to sell alcoholic liquor in a licensed hotel, restaurant, horse race track, multi-purpose sports facility, dining room of a boat, passenger car of a railroad or caterer who wishes to sell alcoholic liquors on Sundays shall pay a fee of \$200.00 for the issuance of a special license to serve alcoholic liquors on Sundays, which shall be in addition to any other license fees which may be required of the licensee. The sale of alcoholic liquors shall be permitted in a licensed tavern or taproom on every day of the year except the holidays specified in subsection (e) of this Section, on which days said licensee shall not be permitted to sell alcoholic liquors."

Approved April 6, 1993.

CHAPTER 7

FORMERLY

SENATE BILL NO. 77

AN ACT ADJUSTING THE SALARY OF THE SECRETARY-SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE THE SALARY ADJUSTMENT.

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

Section 1. Provisions of Chapter 290, Volume 68, Laws of Delaware, to the contrary notwithstanding, effective February 1, 1993, the annual salary of the Secretary - Services for Children, Youth and Their Families (37-01-00) shall be equivalent to the salary for the Secretary - Health and Social Services (35-01-00).

Section 2. The Budget Director, with the concurrence of the Controller General, shall transfer sufficient funds as necessary from contingencies contained in (10-02-04) to fund said salary adjustment as contained in this act for the remainder of the fiscal year ending June 30, 1993.

Section 3. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved April 13, 1993.

CHAPTER 8
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 79

AN ACT SUPERSEDING PORTIONS OF CHAPTER 290, VOLUME 68, LAWS OF DELAWARE AND AMENDING CHAPTER 7, TITLE 29 OF THE DELAWARE CODE RELATING TO ADJUSTMENTS OF SALARIES FOR CERTAIN STATE OFFICIALS AND LEGISLATIVE STIPENDS AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE SUCH ADJUSTMENTS.

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

Section 1. Provisions of Chapter 290, Volume 68, Laws of Delaware, to the contrary notwithstanding, effective March 1, 1993, the salaries for the listed positions are as follows:

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(01-01-01)	Representative	\$ 24.9	
(01-02-01)	Senator	24.9	
(02-01-00)	Chief Justice - Supreme Court	106.7	
(02-01-00)	Justice - Supreme Court	103.0	
(02-02-00)	Chancellor - Court of Chancery	101.7	
(02-02-00)	Vice Chancellor - Court of Chancery	97.9	
(02-03-00)	President Judge - Superior Court	101.7	
(02-03-00)	Associate Judge - Superior Court	97.9	
(02-06-00)	Chief Judge - Court of Common Pleas	100.5	
(02-06-00)	Judge - Court of Common Pleas	95.4	
(02-08-00)	Chief Judge - Family Court	100.5	
(02-08-00)	Associate Judge - Family Court	95.4	
(02-13-00)	Chief Magistrate - Justice of the Peace Courts	70.2	
(02-13-00)	Magistrate - Justice of the Peace Courts	39.8	
(10-02-00)	Budget Director	84.7	
(10-03-01)	Director - Delaware Development Office	79.1	
(10-04-00)	Personnel Director	\$ 79.1	
(12-01-01)	Lieutenant Governor	37.6	
(12-02-01)	Auditor	64.7	
(12-03-01)	Insurance Commissioner	64.7	
(12-05-01)	State Treasurer	70.2	
(15-01-01)	Attorney General	87.2	
(15-02-01)	Public Defender	70.2	
(20-01-00)	Secretary - State	79.1	
(25-01-00)	Secretary - Finance	84.7	
(30-01-00)	Secretary - Administrative Services	73.7	
(35-01-00)	Secretary - Health and Social Services	84.7	
(38-01-00)	Commissioner - Correction	79.1	
(40-01-00)	Secretary - Natural Resources and Environmental Control	79.1	
(45-01-00)	Secretary - Public Safety	73.7	
(55-01-01)	Secretary - Transportation		\$ 79.1
(60-01-00)	Secretary - Labor	7.4	66.3
(65-01-00)	Secretary - Agriculture	67.9	
(76-01-01)	Adjutant General	65.0	

Section 2. Provisions of Chapter 290, Volume 68, Laws of Delaware, to the contrary notwithstanding, effective March 1, 1993, the additional yearly compensation for any member of the Senate and the House of Representatives by virtue of his or her appointment or election to any of the following positions shall be increased by three percent:

<u>Budget Unit</u>	
(01-02-01)	President Pro Tempore of the Senate;
(01-01-01)	Speaker of the House;
(01-02-01)	Majority and Minority Leader of the Senate;
(01-01-01)	Majority and Minority Leader of the House;
(01-02-01)	Majority and Minority Whip of the Senate;
(01-01-01)	Majority and Minority Whip of the House;
(01-01-01)	Chairman of the Joint Finance Committee;
(01-02-01)	Vice-Chairman of the Joint Finance Committee;

(01-02-01) Members of the Joint Finance Committee, Senate; and
(01-01-01) Members of the Joint Finance Committee, House.

Section 3. The Budget Director, with the concurrence of the Controller General, shall transfer sufficient funds as necessary from contingencies contained in (10-02-04) to fund said salary and legislative stipend adjustments as contained in this Act for the remainder of the fiscal year ending June 30, 1993.

Section 4. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 5. This Act shall become effective upon enactment into law.

Approved April 13, 1993.

CHAPTER 9

FORMERLY

HOUSE BILL NO. 55

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR REFUNDING PURPOSES.

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 50(c), Chapter 158, Volume 36, Laws of Delaware, as amended, by striking Section 50(c) and substituting in lieu thereof a new Section 50(c) to read as follows:

"(c) Bonds may be authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the Council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the Mayor, for the following purposes:

(i) to finance public storm sewers, streets and appurtenances provided that no more than \$1,000,000 aggregate principal amount of bonds may be issued at any one time pursuant to this clause (i) and any new bonds issued pursuant to this clause (i) may not cause the total aggregate principal amount of bonds outstanding at any one time pursuant to this clause (i) to exceed one percent (1%) of the total taxable assessment for a general tax at the time such new bonds are issued; and

(ii) to refund bonds secured by the City's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return; and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption."

Section 2. Amend Section 50, Chapter 158, Volume 36, Laws of Delaware, as amended, by adding a new Section 50(g) to read as follows:

"(g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant to subsection (c)(ii) shall be treated as no longer outstanding and (ii) bonded indebtedness, principal amount of bonds and bonds outstanding shall be determined without regard to original issue discount."

Section 3. This Act shall be effective upon its enactment into law.

Approved April 13, 1993.