

LAWS OF DELAWARE
VOLUME 84
CHAPTER 42
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 97

AN ACT TO AMEND TITLE 1, TITLE 2, TITLE 3, TITLE 4, TITLE 5, TITLE 7, TITLE 12, TITLE 16, TITLE 25, TITLE 26, TITLE 27, TITLE 28, TITLE 29, TITLE 30, AND TITLE 31 OF THE DELAWARE CODE RELATING TO GENDER SILENCING THE DELAWARE CODE.

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

Section 1. Amend § 211, Title 1 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 211. Scope of editorial revision; omissions.

(c)(1) The Revisors shall ~~gender neutralize or otherwise insure~~ use gender silent techniques to ensure that masculine and feminine pronouns are not used and shall ensure that a solely masculine or feminine designation ~~never~~ occurs ~~unless it could only apply to one~~ only when it applies to 1 gender.

(2) The Revisors shall apply paragraph (c)(1) of this section to all laws enacted on or after [the effective date of this Act] and may apply paragraph (c)(1) of this section to laws enacted before [the effective date of this Act].

(3) If the Revisors cannot determine how to apply paragraph (c)(1) of this section to masculine and feminine pronouns used in a law, the Revisors shall report this to the Director of the Division of Research for possible correction through the legislative process.

(4) "Gender silent techniques" include substituting the nouns to which the masculine and feminine pronouns refer.

Section 2. Amend § 141, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 141. Reports of investigations.

In order to facilitate the making of investigations by the Department, in the interest of public safety and promotion of aeronautics, the public interest requires, and it is, therefore, provided that the reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action or proceeding, growing out of any matter referred to in the investigation, hearing or report thereof, except in case of criminal or other proceedings instituted in behalf of the Department or this State under the provisions of this chapter and other laws of this State relating to aeronautics, nor shall the Secretary of Transportation, or any officer or employee of the Department be required to testify to any facts ascertained in, or information gained by reason of, ~~his~~ such person's official capacity, or be required to testify as an expert witness in any suit, action or proceeding involving any aircraft. Subject to the foregoing provisions, the Department may make available to appropriate federal and state agencies information and material developed in the course of its hearings and investigations.

Section 3. Amend § 1808, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1808. Regulation of ticket agents; penalties for violations.

(a) Each agent who is authorized to sell tickets or other evidence entitling the holder to travel on any railroad, steamboat or public conveyance shall be provided with a certificate setting forth ~~his~~ such agent's authority to make such sales, duly attested by the seal of the owner or persons operating such railroad, steamboat or public conveyance, and also by the signature of the officer whose name is signed upon the tickets or coupons which such agent may sell. Such agent shall exhibit to any person desiring to purchase the ticket, or to any officer of the law who may request of ~~him~~ the agent the certificate of ~~his~~ such agent's authority thus to sell, and shall keep the certificate conspicuously posted in ~~his~~ such agent's office for the information of travelers. No person not possessed of such authority shall sell or transfer any coupon or part of any ticket, or other evidence of the holder's title to travel on any railroad, steamboat or other public conveyance, whether the same is situated, operated or owned within or without this State.

Section 4. Amend § 1809, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1809. Redemption of unused tickets.

The owner or person operating any railroad, steamboat or other public conveyance shall provide for the redemption at ~~his or its~~ such owner's or operator's general office of the whole or such parts of coupons of any ticket sold as the purchaser has

not used, and shall redeem the same at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the portion of the ticket was actually used.

Section 5. Amend § 502, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 502. Compensation.

The State Chemist shall receive such compensation for ~~his~~ the State Chemist's services and expenses as may be fixed by the Department of Agriculture, to be paid out of funds of the State Treasury, in the same manner as other necessary expenses of the State are now paid, as provided by law.

Section 6. Amend § 708, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 708. Powers and duties of Secretary.

(c) In administering this chapter, the Secretary shall have such other powers as may be conferred upon ~~him~~ the Secretary by law not inconsistent with this chapter.

Section 7. Amend § 709, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 709. Fees to defray expenses.

(c) The Secretary shall require producers petitioning for a development order to deposit with ~~him~~ the Secretary in advance such amount as ~~he~~ the Secretary deems necessary to defray the expense of electing the first Board formulating an order, submitting it to referendum and issuing the order. If the order is issued, such persons shall be reimbursed when funds are available from assessments. If the order is not issued the Secretary shall refund only that portion of the deposit remaining after payment of expenses incurred on a pro rata basis.

Section 8. Amend § 906, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 906. Farmland Preservation Advisory Boards.

(a) Each county legislative body shall establish a Farmland Preservation Advisory Board which shall consist of 4 active farmers or agribusinessmen residing within the county and 1 member of the county legislative body, who shall serve as the Chairperson of the Board. The members of such Board shall be appointed by the county legislative body. The members shall serve without salary, but the county legislative body may entitle each such member to reimbursement of ~~his~~ such member's actual and necessary expenses incurred in the performance of official duties. A quorum of the Board for conducting business shall be 3 members and a majority vote of the quorum shall be necessary to take action on matters before the Board.

Section 9. Amend § 917, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 917. Termination of easement.

(e) *Subsequent request for termination after denial or failure to repurchase.* — If the request for termination is denied, or if the owner fails to repurchase the easement within 180 days of the appraisal, the owner may not again request termination of the easement until 5 years after ~~his~~ the owner's last such request.

Section 10. Amend § 1053, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1053. Conservation or reforestation plan required; applicability; regulations.

(a) No person shall commence a cutting operation unless seed trees have been reserved pursuant to the natural regeneration method set forth herein or pursuant to an alternate management plan approved by the State Forester or ~~his~~ the State Forester's designee.

Section 11. Amend § 1201, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1201. Declaration of purpose.

The purposes of this chapter are:

(3) To restrict the use of any pesticides which are found to be so hazardous to man or to ~~his~~ the environment that restrictions are necessary in the overall public interest, weighing the benefits and the risks of that use.

Section 12. Amend § 1202, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1202. Definitions.

For the purposes of this chapter:

(4) “Applicators”:

b. “Private applicator” means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by ~~him~~ the certified applicator or his the certified applicator’s employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

c. “Commercial applicator” means a certified applicator (whether or not ~~he~~ the certified applicator is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph b. of this subdivision. The Secretary may by regulation declare certain types of applicators, who use or supervise the use of any pesticide on property owned or rented by the applicator or the applicator’s employer, to be commercial applicators.

(35) “Secretary” means the Secretary of the Department of Agriculture of the State or ~~his~~ the Secretary’s duly authorized designee.

Section 13. Amend § 1221, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1221. Hearing procedure.

All hearings which are held for the suspension, modification or revocation of license, permit or certification shall be conducted by the Secretary. The licensee, permit holder or certified applicator shall have the right to appear personally, and to be represented by counsel, and to produce evidence and ~~witnesses in his own behalf.~~ witnesses. The Department shall preserve a full record of the proceeding. A transcript of the record may be purchased by any person interested in such hearing on payment to the Department the cost of preparing such transcript. The Department shall notify the licensee, permit holder or certified applicator of its decision in writing within 30 days after the conclusion of the hearing.

Section 14. Amend § 1233, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1233. Reports of pesticide accidents, incidents or loss.

(d) Where damage is alleged to have occurred, the claimant shall permit the Department, the licensee and ~~his~~ the licensee’s representatives, such as bondsman or insurer, to observe within reasonable hours the lands or nontarget organism alleged to have been damaged in order that such damage may be examined. Failure of the claimant to permit such observation and examination of the damaged lands shall automatically bar the claim against the licensee.

Section 15. Amend § 1908, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1908. Inspection fees.

Within the 30 day period following June 30 and December 31 of each year, each registrant shall submit, on a form furnished by the Department or its authorized agent, a semiannual statement setting forth the number of net tons of each agricultural liming material sold by ~~him~~ the registrant for use in this State during the previous 6 month period. Such statement shall be accompanied by payment of the inspection fee at the rate of 5 cents per ton. Such reports shall be confidential and no information therein shall be disclosed or published in any manner that will reveal the operation of any registrant.

Section 16. Amend § 2107, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2107. Inspection; sampling; analysis.

(a) It shall be the duty of the Secretary to sample, inspect, and test commercial fertilizers or soil conditioners distributed within this State at any time and place and to such an extent as ~~he~~ the Secretary may deem necessary to determine whether such commercial fertilizers or soil conditioners are in compliance with the provisions of this chapter. The Secretary, individually or through the Secretary’s agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to commercial fertilizers or soil conditioners subject to the provisions of this chapter and the rules and regulations pertaining thereto, and to the records relating to their distribution; provided, however, that the action of the Secretary

or his or her agent hereunder shall be with the consent of the person having control over the property in which such fertilizer or soil conditioner is kept, and if without such consent, then the Secretary or his or her agent is to obtain a valid search warrant therefor, specifying the premises to be searched and the purpose of the search, and setting forth probable cause.

Section 17. Amend § 2118, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2118. Violations.

(c) Nothing in this chapter shall be construed as requiring the Secretary or ~~his~~ the Secretary's representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of this chapter when the Secretary believes that the public interests will be best served by a suitable notice of warning in writing.

Section 18. Amend § 2505, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2505. Execution of bond; bond form; action upon bond.

The bond referred to in this chapter shall be executed by the applicant and by a surety company authorized and qualified to do business in this State as surety in favor of the Secretary in ~~his~~ the Secretary's official capacity for the benefit of all producers with whom the applicant shall transact business, for the period that the license is in force. Such bond shall be upon a form prescribed or approved by the Department and shall be conditioned to secure the faithful accounting for payment to producers, agents or representatives, of all agricultural products purchased, handled or sold by the dealer. Any producer claiming to be injured by the nonpayment, fraud, deceit or negligence of any dealer may bring action therefor upon the bond against the principal or the surety, or both, by the filing of a verified complaint. Such verified complaint shall be upon a form prescribed or approved by the Secretary.

Section 19. Amend § 2509, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2509. Secretary's authority to investigate; proceedings on complaints.

(a) Upon the verified written complaint of any producer or interested person or upon ~~his~~ the Secretary's own motion, the Secretary or assistant whom ~~he~~ the Secretary may designate may investigate the books and records of any dealer in agricultural products pertaining to such complaint at any time during business hours and shall have free access to the place at which the business is operated.

(b) When a verified written complaint is filed with the Secretary, the Secretary or assistant whom ~~he~~ the Secretary may designate may conduct a hearing thereon and shall furnish the holder of the license a copy of the complaint and a notice of the time and place of hearing, which notice shall be served personally or by registered mail directed to ~~his~~ the holder of the license's place of business or last known address with postage fully paid at least 20 days prior to the time fixed for the hearing. In the hearing of any complaint, the Secretary or assistant whom the Secretary may designate may sign and issue subpoenas, administer oaths, examine witnesses, take depositions, receive evidence and require by subpoena the attendance and testimony of witnesses and the production of records, documents and memoranda as may be material for the determination of the matter alleged in the complaint.

(e) If a creditor has reduced his or her claim to judgment, the judgment shall be presumptive of the amount due ~~him~~ the creditor.

Section 20. Amend § 3118, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3118. Butterfat statement given producers; contents.

(b) The statement shall contain the name or number of the producer or seller of the milk or cream, the date of delivery thereof, and the amount delivered. The statement shall be given in the terms of the unit used as a basis for determining the value thereof. A purchaser or receiver may, in lieu of the monthly statement of weights, give daily to the producer or to ~~his~~ the producer's agent at the time of delivery of milk or cream to the purchaser or receiver, a written statement of the amount of milk or cream received or purchased.

Section 21. Amend § 3142, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3142. Use of registered containers.

(b) The fact of any person other than the rightful owner or owners thereof using any such bottles, boxes, tins, cans, or other receptacles or containers for the sale or storage therein of any milk, cream or other dairy products, or other beverages, oils, compounds or mixtures, without the written consent of such owner or owners, of which a description of the names, marks, or devices thereon has been filed and published in the manner provided for in this subchapter; or the buying, selling, using, disposing of, destroying, retaining, or trafficking in such bottles, boxes, tins, cans, or other receptacles or containers, by any person other than the owner or owners thereof, without written consent; or having ~~in his~~ possession, by any junk dealer or other dealer in secondhand articles, of any bottles, boxes, tins, cans, or other receptacles or containers, of which a description of the names, marks, or devices thereon has been filed and published without written consent, shall be prima facie evidence of the unlawful use, retention, possession of, or trafficking in such bottles, boxes, tins, cans, or other receptacles or containers.

Section 22. Amend § 3161, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3161. Requirement of bond; amount.

(d) In the case of a milk dealer or handler who pays producers in full each week for milk purchased, acquired or received by ~~him~~ the milk dealer or handler from such producers, the bond required by subsection (a) of this section shall be in a sum equal to 50 percent of the value of the highest aggregate amount of milk purchased, acquired or received by the dealer or handler from producers in any 1 month during the preceding calendar year, which value shall be computed according to such milk dealer's or handler's posted prices for such month, and shall not in any event exceed \$50,000.

Section 23. Amend § 3168, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3168. Increase of bond.

If it appears from the dealer's or handler's financial statement, or from facts otherwise ascertained by the Department of Agriculture, that the bond afforded to producers selling, supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers, the Department may require such milk dealer or handler to procure an additional surety, or to give an additional bond or additional security for the collateral bond, in a sum to be determined by the Department, which (1) shall not exceed more than 50 percent of the value of the highest aggregate amount of milk purchased, acquired or received on consignment or otherwise by the dealer or handler from producers in any 1 month during the preceding or current year, which value shall be computed according to the prices applicable, or which (2) shall be a sum not exceeding by more than 50 percent the amount found to be due and owing producers by such dealer on a particular date determined by the Department, whichever sum is greater, but the total increase shall not in any event exceed \$50,000. In the case of a milk dealer or handler who pays producers in full each week for milk purchased, acquired or received or handled on consignment or otherwise by ~~him~~ the milk dealer or handler from such producers, any increase required hereunder shall not exceed more than 25 percent of such value or amount, but the total increase in any event shall not exceed \$25,000.

Section 24. Amend § 3501, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3501. Definitions.

As used in this chapter, unless the context clearly requires a different construction:

(2) "Consumer" means any person who acquires eggs for consumption in ~~his~~ the consumer's own household and not for resale.

Section 25. Amend § 6304, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6304. Violations of certification; penalties; jurisdiction.

(a) Whoever sells, or advertises for sale, chicks, eggs or poultry of the kind specified in § 6302 of this title, or advertises in any way that ~~his~~ such person's flock or hatchery is under state supervision without the authority of the Department of Agriculture, shall be fined not less than \$25 nor more than \$500, together with costs of suit.

Section 26. Amend § 7306, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7306. Possession of cattle having pleuro-pneumonia; notice; penalties.

Whoever, knowing or having reason to suspect that pleuro-pneumonia exists among the cattle in ~~his~~ that person's possession or under ~~his~~ that person's care, fails to forthwith give notice thereof to the Department of Agriculture, shall be fined not more than \$500 or be imprisoned not more than 1 year.

Section 27. Amend § 7325, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7325. Report of veterinarians; vaccination identification; noncompliance.

Each veterinarian authorized to make vaccinations shall report to the Department of Agriculture on forms furnished by it all vaccinations. Every animal vaccinated under this chapter shall have tattooed in ~~his~~ the animal's left ear such numerals and letters as the Department of Agriculture authorizes. Any veterinarian not complying with the rules made by the Department of Agriculture for the control and eradication of Bang's disease shall not be assigned any further state work.

Section 28. Amend § 7602, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7602. Definitions.

For the purpose of this chapter, unless the context otherwise requires:

(2) "Secretary" means the Secretary of the State Department of Agriculture or ~~his~~ the Secretary's designee.

Section 29. Amend § 8533, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8533. Liability of stockholders and officers for debts of association.

The officers and stockholders of an association, organized under and accepting this chapter, shall not be individually liable for the debts of the association otherwise than as provided in this chapter. Each common stockholder of an association shall be liable in ~~his~~ the common stockholder's individual capacity to the amount of stock held by ~~him~~ the common stockholder for all work and labor done to carry on the operations of the association. The terms "work" and "labor" as used in this section mean only such obligations incurred by the association for salary and wages for actual labor and services performed by individuals.

Section 30. Amend § 8551, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8551. Prohibited acts.

(a) No person shall knowingly induce or attempt to induce any stockholder of an association organized under this chapter to breach ~~his~~ such stockholder's marketing contract with the association, or maliciously and knowingly spread false reports about the finances or management thereof.

Section 31. Amend § 8703, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8703. Definitions.

When used in this chapter:

(1) "Secretary" means the Secretary of Agriculture or ~~his~~ the Secretary's delegate.

(11) "Poultry product" means any poultry carcass or part thereof, or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as ~~he~~ the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

Section 32. Amend § 8707, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8707. Powers of Secretary.

In order to accomplish the objective stated in § 8706 of this title, the Secretary shall:

(1) By regulations require antemortem and postmortem inspections, quarantine, segregation and reinspection with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted by ~~him~~ the Secretary under § 8708(13) of this title, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce;

(3) Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as ~~he~~ the Secretary deems necessary to effectuate the purposes of this chapter;

(4) By regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, as ~~he~~ the Secretary may require, all information required under § 8703(16) of this title, and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this chapter;

Section 33. Amend § 8708, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8708. Additional powers of Secretary.

In order to accomplish the objective stated in § 8706 of this title the Secretary may:

(3) Order labeling and containers to be withheld from use if ~~he~~ the Secretary determines that the labeling is false or misleading or the containers are of a misleading size or form;

(4) By regulations prescribe the sizes and style of type to be used for labeling information required under this chapter, and definitions and standards of identity or composition or standards of fill of container, consistent with federal standards, when ~~he~~ the Secretary deems such action appropriate for the protection of the public and after consultation with the Secretary of Agriculture of the United States;

(7) By regulations require that every person engaged in business in or for intrastate commerce as a broker, renderer, animal food manufacturer, or wholesaler or public warehouseman of livestock products or poultry products, or engaged in the business of buying, selling or transporting in intrastate commerce any dead, dying, disabled or diseased livestock or poultry or parts of the carcasses of any such animals (including poultry) that died otherwise than by slaughter shall register with the Secretary ~~his~~ such person's name and the address of each place of business at which and all trade names under which ~~he~~ such person conducts such business;

(8) Adopt by reference or otherwise such provisions of the rules and regulations under the federal acts (with such changes therein as ~~he~~ the Secretary deems appropriate to make them applicable to operations and transactions subject to this chapter) which shall have the same force and effect as if promulgated under this chapter, and promulgate such other rules and regulations as ~~he~~ the Secretary deems necessary for the efficient execution of this chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under § 8707(5) of this title or subdivisions (1), (2) or (3) of this section and prescribing procedure for proceedings in such cases; provided, that this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection, under § 8707(5) or subdivisions (1) or (3) of this section pending issuance of a final order in any such proceeding;

(14) May exempt the following types of operations from inspection: (a) slaughtering and preparation by any person of livestock and poultry of ~~his~~ such person's own raising exclusively for use by ~~him~~ such person and members of ~~his~~ such person's household, and ~~his~~ such person's nonpaying guests and employees; and (b) any other operations which the Secretary may determine would best be exempted to further the purposes of this chapter, to the extent such exemptions conform to the Federal Meat Inspection Act [21 U.S.C. § 601 et seq.] and the federal Poultry Products Inspection Act [21 U.S.C. § 451 et seq.] and the regulations thereunder.

Section 34. Amend § 9001, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9001. Enactment; form.

The Pest Control Compact entered into with all other jurisdictions legally joining therein shall be in the form substantially as follows:

Article IV The Insurance Fund, Internal Operations and Management

(d) The Governing Board shall elect annually, from among its members, a chairman, a vice chairman, a secretary and a treasurer. The chairman may not ~~succeed himself.~~ serve a consecutive term. The Governing Board may appoint an executive director and fix ~~his~~ the executive director's duties and ~~his~~ the executive director's compensation, if any. Such executive director shall serve at the pleasure of the Governing Board. The Governing Board shall make provision for the bonding of such of the officers and employees of the Insurance Fund as may be appropriate.

Article V Compact and Insurance Fund Administration

(a) In each party state there shall be a compact administrator, who shall be selected and serve in such manner as the laws of ~~his~~ such compact administrator's state may provide, and who shall:

- (1) Assist in the coordination of activities pursuant to the compact in ~~his~~ such compact administrator's state; and
- (2) Represent ~~his~~ such compact administrator's state on the Governing Board of the Insurance Fund.

Section 35. Amend § 9025, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9025. Request.

Within the meaning of Article VI(b) or VIII(a) of the compact, a request or application for assistance from the Insurance Fund may be made by the Governor whenever in ~~his~~ the Governor's judgment the conditions qualifying this State for such assistance exist and it would be in the best interest of this State to make such request.

Section 36. Amend § 9026, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9026. Appropriations.

The department, agency or officer expending or becoming liable for an expenditure, on account of a control or eradication program undertaken or intensified pursuant to the compact, shall have credited to ~~his~~ the department's, agency's, or officer's account in the State Treasury the amount or amounts of any payments made to this State to defray the cost of such program, or any part thereof, or as reimbursement thereof.

Section 37. Amend § 10003, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10003. Composition; appointment; qualifications and term; compensation; vacancies.

(b) Not more than 3 Commissioners shall be of the same political party. One Commissioner shall be appointed from each county of the State and shall be a bona fide resident of the county for which appointed. No person shall be appointed to the Commission nor be an employee thereof nor officiate at pari-mutuel meetings conducted in this State who is licensed or regulated, directly or indirectly, by the Commission other than for the position to which ~~he~~ the person is appointed nor shall ~~he~~ the person have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any firm, association or corporation so licensed or regulated or which participates in pari-mutuel meetings in any manner. No person shall be a member of the Commission who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Delaware or any other state, or the United States.

(c) The term of office of each Commissioner shall be 6 years from the 22nd day of April in the year of ~~his~~ such Commissioner's appointment and until ~~his~~ such Commissioner's successor shall qualify.

(d) Members of the Harness Racing Commission shall receive a \$150 stipend for each meeting. The Chairperson of the Commission shall receive \$250 per meeting. The Commission shall meet no more than 16 times per year. Each Commissioner shall be entitled to be paid ~~his~~ such Commissioner's reasonable expenses for traveling to and from any office of the Commission on official business.

Section 38. Amend § 10103, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10103. Powers, duties and jurisdiction.

(c) The Commission shall possess all necessary powers and duties to regulate the conduct of all participants in any thoroughbred and/or Arabian racing meet authorized by the Commission within this State including, but not limited to, owners, trainers, assistant trainers, authorized agents, jockeys, jockey's agents, stable agents, stable employees, stewards, racing officials, licensee's employees or any employee of a person or concern contracting with the licensee to provide a service or commodity and which employment requires ~~his~~ the employee's presence on licensee's grounds during a racing meet, or veterinarian, farrier, dental technician or supplier of food, tack, medication or horse feed. For this purpose, the Commission may promulgate and prescribe such rules and regulations as it may deem proper and necessary.

Section 39. Amend § 10107, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10107. Employees.

(c) The Commission may appoint a racing inspector or investigator for each thoroughbred racing meet. Such racing inspector shall perform all duties prescribed by the Commission consistent with the purposes of this chapter. Such racing

inspector shall have full and free access to the books, records and papers pertaining to the pari-mutuel system of wagering and to the enclosure or space where the pari-mutuel system is conducted at any thoroughbred racing meeting to which ~~he~~ the racing inspector shall be assigned for the purpose of ascertaining whether the holder of such permit is operating in compliance with the Commission's rules and regulations. The racing inspector shall investigate whether such rules and regulations promulgated by the Commission are being violated at such thoroughbred race track or enclosure by any licensee, patron or other person. Upon discovering any such violation, the racing inspector shall immediately report his or her findings in writing and under oath to the Commission or its designee as it may deem fitting and proper. The racing inspector or investigator shall be devoted full time to the duties of the office and shall not hold any other position or employment, except for performance of similar duties for the Harness Racing Commission.

Section 40. Amend § 10164, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10164. Rules, regulations and special powers of Commission; subpoenas; contempt; perjury.

(c) If any person refuses to obey any subpoena or to testify or to produce any books, papers or documents, then any Commissioner may apply to the Superior Court of the county in which ~~he~~ the Commissioner or the Commission may be sitting, and, thereupon, the Court shall issue its subpoena requiring the person to appear and testify or to produce the books, papers and documents before the Commission.

Section 41. Amend § 10208, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10208. Powers and duties of Compact Committee.

In order to carry out the purposes of this Compact, the Compact Committee is hereby granted the power and duty to:

(c) Issue licenses to, and renew the licenses of, participants in live racing listed in subsection (a) of this section who are found by the committee to have met the licensure and renewal requirements established by the committee. The Compact Committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the Compact Committee shall notify the applicant that it will not be able to process ~~his~~ the applicant's application further. Any such applicant shall have the right to present additional evidence to, and to be heard by, the Compact Committee, but the final decision on issuance or renewal of the license shall be made by the Compact Committee using the requirements established pursuant to subsection (a) of this section.

Section 42. Amend § 516, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 516. Consumption off premises of hotel, restaurant, club, store or taproom.

(c) No person in charge of a taproom, whether as owner, lessee, manager or otherwise, may apply for a license to sell alcoholic liquors for consumption off the premises where sold, and the Commissioner shall not issue such a license for use in a taproom. Provided, however, that any person issued a license which authorizes ~~him~~ the person to sell alcoholic liquors in a taproom for consumption off the premises prior to July 6, 1983, shall be permitted to retain said license, unless revoked by the Commissioner pursuant to this title; and provided further, that any person issued a license which authorizes ~~him~~ the person to sell alcoholic liquors in a taproom for consumption off the premises prior to July 6, 1983, shall be permitted to transfer said license with the approval of the Commissioner as provided in § 571 of this title.

Section 43. Amend § 518, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 518. Physicians, dentists, veterinarians and medical institutions.

(b) A veterinarian may purchase alcoholic liquors for professional purposes without a permit or license. A veterinarian may, in the course of ~~his~~ the veterinarian's practice, administer or cause to be administered alcoholic beverages to any animal under treatment.

Section 44. Amend § 522, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 522. Application for license to purchase for resale.

(b) Any individual 21 years of age or older may apply for a license permitting the purchase of alcoholic liquors for resale. Any partnership may apply for a license permitting the purchase of alcoholic liquors for resale if such application is approved by a majority of the partners and each of the partners is 21 years of age or older. A corporation may apply for a license

permitting the purchase of alcoholic liquors for resale if all the officers and directors of the corporation making the application are 21 years of age or older, and no stockholder under the age of 21 years owns or controls, either ~~by himself directly~~ or through a custodian, more than 25% of the outstanding shares of stock of the applicant corporation, with the further provision that no group of such minor stockholders and/or custodians may own or control in the aggregate, more than 45% of the stock of the applicant corporation.

Section 45. Amend § 710, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 710. Reports by importers.

The Commissioner shall require every importer to make a monthly report of ~~his~~ the importer's manufacture, purchases, stocks and sales of alcoholic liquor to the Commissioner.

Section 46. Amend § 711, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 711. Refilling bottles.

Alcoholic liquor in bottles, procured by the holder of a license to resell for the purpose of delivering the same to consumers, shall be kept in the bottles in which it was procured. As long as any such bottle bears the mark or label which it bore when delivered, no other alcoholic liquor, substance or liquid shall be put therein, and no holder of a license, nor anyone ~~on his~~ the licensee's behalf, after the alcoholic liquor bottled in one of the bottles has been poured out, may refill the bottle, either wholly or in part, with intent to supply alcoholic liquor or any other substance or liquid to any consumer.

Section 47. Amend § 714, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 714. Places for keeping spirits, wines or beer.

No person shall keep spirits, wines or beer in the State except:

(6) In the baggage of an individual who is transporting alcoholic liquor for ~~his individual~~ such individual's use;

Section 48. Amend § 718, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 718. Shipping and transporting alcoholic liquor.

(c) If the transportation of alcoholic liquor be effected by a common carrier, the individual transporting or in charge of the transportation of such alcoholic liquor shall have ~~in his~~ such individual's possession and produce upon request a waybill or other evidence of authorized shipment containing the name and address of the shipper and the name and address of the consignee.

Section 49. Amend § 719, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 719. Distillery and wine manufacturer.

(a) No provision of this title shall prevent any distillery or brewery, duly licensed by the United States or by this State to manufacture alcohol or spirits in this State, or any wine manufacturer in this State from having or keeping for sale ~~in his~~ the manufacturer's establishment in this State the alcoholic liquor so licensed to be manufactured by ~~him,~~ the manufacturer or from selling or delivering the same in accordance with the provisions of this title.

Section 50. Amend § 722, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 722. Physicians, dentists, veterinarians and pharmacists.

(a) No provision of this title shall prevent any individual who is licensed in this State to practice medicine, surgery or obstetrics, or dentistry, or veterinary medicine or surgery from purchasing alcoholic liquor in quantities larger than one bottle and keeping and using the same for purposes of solution or sterilization ~~in his~~ the licensed individual's own practice, or in making a preparation for external application to be administered by ~~himself,~~ the licensed individual, or from purchasing brandy, as defined in the United States Pharmacopoeia, or rum, for use in compounding ~~his~~ the licensed individual's medicines.

Section 51. Amend § 724, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 724. Retaliatory beer tax and regulations; violations by out-of-state manufacturers of beer; hearing, penalties and appeal.

(b) Upon learning of the Commissioner by a manufacturer of beer whose principal place of business is outside this State or by any servant, agent, employee or representative of such manufacturer within or partly within and partly outside this State of any violation of this title or any laws of this State relating to alcoholic liquors, or of any regulation of the Commissioner adopted pursuant thereto, or of any violation of any laws of this State or of the United States of America relating to the tax payment of alcoholic liquors, the Commissioner shall cite such manufacturer to appear before it not less than 10 nor more than 15 days from the date of mailing to such manufacturer at ~~his~~ such manufacturer's principal place of business wherever located by registered mail a notice to show cause why the further importation into this State of beer manufactured by ~~him~~ such manufacturer should not be prohibited. Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the Commissioner shall immediately issue an order prohibiting the importation of beer manufactured by such manufacturer into this State for a period of not less than 6 months nor more than 3 years. Notice of such action of the Commissioner shall be given immediately to such manufacturer and to all persons licensed to import beer within this State by mailing a copy of such order to such manufacturer at its principal place of business wherever located and to such licensees at their licensed premises. Thereafter no person licensed to import beer within this State shall purchase or sell any beer manufactured by such outside manufacturer during the term of the prohibition. Any violation of the prohibitory order is a misdemeanor and also constitutes grounds for revocation or suspension of a license to import beer. In all such cases the Commissioner shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. Any outside manufacturer aggrieved by the action of the Commissioner may appeal to the Superior Court in the same manner as provided in § 541 of this title for appeals from refusals to grant licenses.

Section 52. Amend § 901, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 901. Offenses carrying penalty of imprisonment for 3 to 6 months.

Whoever:

(5) Not being the holder of a license under this title, claims or represents ~~that he is~~ to be the holder of a license or exhibits a document purporting to be a license under this title; or

Section 53. Amend § 904, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Offenses concerning certain persons.

(b) Any person under the age of 21 years who knowingly makes false statement to any person engaged in the sale of alcoholic liquor for the purpose of obtaining the same and to the effect that ~~he~~ the person is 21 years of age or older, shall, in addition to the payment of costs, be fined for the first offense, not less than \$100 nor more than \$500, and on failure to pay such fine and costs, shall be imprisoned for 30 days, and for each subsequent like offense, shall be fined not less than \$500 nor more than \$1,000, and on failure to pay such fine and costs shall be imprisoned for 60 days.

Section 54. Amend § 136, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 136. Cease and desist orders.

(e) Except as provided in subsection (f) of this section, a cease and desist order shall not become effective in less than 10 days after the order is served. After an order is served, but before its effective date, upon petition of any interested party the Commissioner shall conduct a hearing. At the conclusion of such hearing, the Commissioner may affirm the cease and desist order as originally issued, or ~~he~~ the Commissioner may modify, amend or rescind such order.

Section 55. Amend § 137, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 137. Removal of officer or director.

The Commissioner shall have the power to remove any officer or director of a bank, trust company, building and loan association or building and industrial development corporation subject to supervision by the Commissioner and also to prohibit such person from further participation in any manner in the conduct of the affairs of any financial institution, in accordance with the procedures and subject to the conditions and limitations set forth in this section.

(1) The Commissioner may serve written notice of intent to remove an officer or director from office or to prohibit the officer's or director's further participation in any manner in the conduct of the affairs of any financial institution if, in the opinion of the Commissioner, such officer or director has:

- a. Violated a law, rule, regulation or cease and desist order which has become final;
- b. Engaged in or participated in any unsafe or unsound practice; or
- c. Committed or engaged in any act, omission or practice which constitutes a breach of the officer's or director's fiduciary duties as such officer or director;

and the Commissioner determines that as a result of such action by the officer or director the financial institution has suffered or probably will suffer substantial financial loss or other damage, or that the interests of depositors or shareholders could be seriously prejudiced by reason of such violation, practice or breach of fiduciary duty; provided, however, that such violation, practice or breach of fiduciary duty must be found by the Commissioner to be one involving personal dishonesty on the part of such officer or director. The Commissioner may serve written notice of intent to remove an officer or director from office or to prohibit the officer's or director's further participation in any manner in the conduct of the affairs of any financial institution if, in the opinion of the Commissioner, such officer or director has, by conduct with respect to any other business entity which resulted, or is likely to result, in substantial financial loss or other damage, evidenced ~~his~~ such officer's or director's personal dishonesty and unfitness to continue as an officer or director.

Section 56. Amend § 160, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 160. Prior permission required.

(a) No person, acting directly or indirectly or through or in concert with 1 or more other persons, shall acquire control of any Delaware chartered bank or trust company through a purchase, assignment, transfer, pledge or other disposition of voting stock of such bank or trust company unless the State Bank Commissioner has been given at least 60 days' prior written notice of such proposed acquisition and within that time period the Commissioner has not issued a notice disapproving the proposed acquisition or extending for up to another 30 days the period during which such approval may issue. The period for disapproval may be further extended only if the Commissioner determines that any acquiring party has not furnished all the information required or that in ~~his~~ the Commissioner's judgment any material information submitted is substantially inadequate. An acquisition may be made prior to the expiration of the disapproval period if the Commissioner issues written notice of ~~his~~ the Commissioner's intent not to disapprove the action.

Section 57. Amend § 162, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 162. Content of notice.

Except as otherwise provided by regulation of the Commissioner, a change of control notice filed under this subchapter shall contain at least the following information:

(1) The identity, personal history, business background and experience of each person by whom or on whose behalf the acquisition is to be made, including ~~his~~ such person's material business activities and affiliations during the past 5 years, and a description of any material pending legal or administrative proceedings in which ~~he~~ such person is a party and any criminal indictment or conviction of such person by a state or federal court.

Section 58. Amend § 834, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 834. Duties and powers of Commissioner.

In order to effectuate the provisions of this subchapter, the Commissioner shall, in addition to exercising the authority provided in §§ 833 and 835 of this title:

(1) Adopt and issue such regulations, decrees, orders, rulings and forms, and enter into such cooperative agreements with out-of-state savings institutions, out-of-state savings and loan holding companies and out-of-state bank holding companies, or any subsidiaries of the foregoing, as ~~he~~ the Commissioner deems to be necessary and proper;

(2) Require by negotiation, administrative order or cooperative agreement the maintenance and production of such documents and reports, the periodic conduct of such examinations, and otherwise supervise and govern the activities of the out-of-state savings institution, out-of-state savings and loan holding company or out-of-state bank holding company as ~~he~~ the Commissioner deems necessary and proper;

Section 59. Amend § 857, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 857. Bank Commissioner cooperative agreements.

Prior to approving the acquisition by any Delaware bank holding company of any bank located in another state or bank holding company, the Commissioner may enter into cooperative agreements with the appropriate regulatory authorities for the periodic examinations of any out-of-state bank holding company or bank acquired by a Delaware bank holding company and may accept reports of examination and other records from such authorities in lieu of conducting ~~his~~ the Commissioner's own examination. The Commissioner may enter into joint actions with other regulatory authorities having concurrent jurisdiction over any out-of-state bank holding company or bank acquired by a Delaware bank holding company or may take such actions independently to carry out ~~his~~ the Commissioner's responsibilities under this subchapter to assure the safety and soundness of any Delaware bank and to assure compliance with applicable Delaware banking laws.

Section 60. Amend § 907, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 907. Reserve requirements.

(c) Whenever the State Bank Commissioner determines that the maintenance of sound banking practices or the prevention of injurious credit expansion or contraction makes such action advisable, ~~he~~ the Commissioner may, by general regulation, change, from time to time, the requirements as to reserves against demand or time deposits, or both, in banking institutions doing business in this State which are not members of the Federal Reserve System. The reserves so specified shall be not less than the statutory requirement, nor greater than those requirements of the Federal Reserve Bank in this district applicable to member banks in this State. Reserves maintained under federal statute by state chartered nonmember banks shall satisfy the reserve requirements of this section.

Section 61. Amend § 909, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 909. Loan limitations.

(d) No bank, trust company or savings bank shall make any loans directly or indirectly to any of its executive officers or directors in an amount that, when aggregated with the amount of all other extensions of credit to that person, exceeds the lesser of \$500,000 or 5% of the bank's total capital, except on the following conditions:

(2) That at the time the loan shall be voted upon, there shall be submitted to and examined by the directors voting upon the loan a written statement signed by the proposed borrower setting forth clearly ~~his~~ the proposed borrower's financial condition and disclosing ~~his~~ the proposed borrower's assets and liabilities, and in case the loan shall be granted, the statement shall be preserved and kept with the evidence of the loan while the same remains unpaid, but no such statement shall be necessary where the loan is secured by liquid collateral worth at least 20 percent more than the amount of the loan.

Section 62. Amend § 924, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 924. Bank deposit accounts in trust form.

(a) The following terms shall have the following definitions for the purposes of this section.

(3) A "trust account" includes all deposits in a savings account, interest- or noninterest-bearing transaction account, time deposit whether or not evidenced by a certificate or any similar deposit account in a banking organization which:

a. Is established by a depositor as trustee for another, other than a depositor describing ~~himself~~ the depositor as acting under a will, trust instrument or other document, court order or decree (including so-called Totten Trust accounts), or

Section 63. Amend § 1703, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1703. Supervision and examination of association by Commissioner.

(b) Any examination under this chapter may be made by the Commissioner in person or by the Commissioner's deputy, or the Commissioner's clerk, or by special persons designated by the Commissioner, when so authorized by the Commissioner and acting under the Commissioner's orders. Before proceeding with the examination of any association, the person conducting the examination shall, if required, exhibit to the officers of the association satisfactory evidence of ~~his~~ such person's authority to make the examination.

(d) In connection with any examination under this section, the Commissioner may examine, under oath or affirmation, the officers, directors or trustees, and the employees, of the association, relative to its affairs, and, for this purpose, ~~he~~ the Commissioner may administer oaths or affirmations.

Section 64. Amend § 1907, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1907. Withdrawal value of shares.

The withdrawal value paid in any 1 fiscal year to any shareholder of a building and loan association, after having paid all dues, interest, premiums, fines and membership fees due by ~~him~~ the shareholder for a period of 1 year or more, shall be computed upon a uniform basis in respect to all such withdrawals in the fiscal year.

Section 65. Amend § 1916, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1916. Fiscal agent.

If and when an association is a member of a Federal Home Loan Bank, it shall have power to act as fiscal agent of the United States, and, when so designated by the Secretary of the Treasury, it shall perform, under such regulations as ~~he~~ the Secretary may prescribe, all such reasonable duties as fiscal agent of the United States as ~~he~~ the Secretary may require, and when authorized shall have power to act as fiscal agent for any instrumentality of the United States or of any instrumentality of this State.

Section 66. Amend § 2005, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2005. Filing of articles of merger, consolidation or conversion; payment of fees; approval by Secretary of State.

The articles of merger, consolidation or conversion, as the case may be, the proof of publication of the advertisement required by this chapter, and a certificate or certificates from the proper department or departments evidencing payment by the corporation of all taxes and charges as required by law, shall be delivered to the Secretary of State.

The Secretary of State shall examine such articles of merger, consolidation or conversion, such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this chapter, and also whether the name of the surviving, new or converted association, as the case may be, conforms with the requirements of law for the name of such an association, or, if the name is not the same as either or any of the merging or consolidating associations, whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public.

After all the fees, taxes, and other charges have been paid as required by law, except for the costs of an examination made by the State Bank Commissioner, pursuant to this chapter, to determine whether to approve the merger, consolidation or conversion, or any other charges made by the State Bank Commissioner, the Secretary of State, if the articles of merger, consolidation or conversion, the certificate or certificates herein required to be delivered therewith and the proof of publication contain the information and are in the form required by this chapter, shall forthwith, but not prior to the day specified in the advertisement of the intention to file the articles, endorse ~~his~~ the Secretary of State's approval thereon, and shall forthwith transmit them to the State Bank Commissioner.

If the Secretary of State shall disapprove the articles of merger, consolidation or conversion pursuant to this chapter, ~~he~~ the Secretary of State shall forthwith give notice thereof to the association or federal savings and loan association, stating in detail ~~his~~ the Secretary of State's reasons for doing so, and stating how such association or federal savings and loan association can remedy the nonconformance with the provisions of this chapter. Upon remedying the defect, such association or federal savings and loan association may in the same manner file the same or amended articles, whichever the particular case may require.

Section 67. Amend § 2006, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2006. Approval of articles of merger, consolidation or conversion by State Bank Commissioner.

The State Bank Commissioner shall, immediately upon the receipt from the Secretary of State of the articles of merger, consolidation or conversion, conduct such examination as the Commissioner may deem necessary to ascertain from the best sources of information at his or her command:

- (1) Whether the name of the surviving, new or converted association, or federal savings and loan association is likely to mislead the public;
- (2) Whether the consolidation, merger or conversion is made for legitimate purposes;
- (3) Whether the interests of the shareholders or creditors are adequately protected;

(4) Whether the surviving, new or converted association meets all the requirements of this chapter and violates none of its prohibitions.

The cost of such examination and any other charges of the State Bank Commissioner, bearing upon the filing of the articles of merger, consolidation or conversion, shall be assessed upon the associations in the manner provided by law for assessments by the State Bank Commissioner of costs of examinations or other charges.

Each federal savings and loan association desiring to merge, consolidate or convert shall pay to the Secretary of State, at the time the articles of merger, consolidation or conversion are filed, such reasonable fees, as shall be established by rule and regulation by the State Bank Commissioner, for the investigation made by the State Bank Commissioner, pursuant to this chapter, to determine whether the articles should be approved. Such fees shall be paid by the Secretary of the State to the State Treasurer, to become a part of the General Fund of the State.

Within 30 days after the receipt of the articles of merger, consolidation or conversion from the Secretary of State, the State Bank Commissioner shall, upon the basis of the facts disclosed by the investigation provided for by this section, either approve or disapprove such articles. The Commissioner shall immediately notify the Secretary of State in writing of the Commissioner's action. If the Commissioner shall approve the articles of merger, consolidation or conversion, the Commissioner shall endorse his or her approval thereon, and shall return them to the Secretary of State.

If the State Bank Commissioner disapproves the articles of merger, consolidation or conversion, the Commissioner shall return them to the Secretary of State, stating in detail the Commissioner's reasons for doing so. The Secretary of State shall immediately give notice to the associations or federal savings and loan associations desiring to merge, consolidate or convert, or to the federal savings and loan association desiring to convert of the action of the State Bank Commissioner, and of the reasons therefor as stated to ~~him~~ the Secretary of State by said State Bank Commissioner. Such associations or federal savings and loan association may appeal from such disapproval as provided by law in § 8710 of Title 29.

Section 68. Amend § 2009, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2009. Rights of dissenting shareholders.

If any shareholder of an association or federal savings and loan association which becomes a party to a plan of merger, consolidation or conversion shall file with such association or federal savings and loan association, prior to or at the meeting of shareholders at which the plan of merger, consolidation or conversion is submitted to a vote, or in the case of a shareholder of a surviving association which, pursuant to this chapter, becomes a party to a plan of merger without action by its shareholders, shall file, within 20 days after the written notice of such merger has been given as required by this chapter, a written objection to such plan of merger, consolidation or conversion, and shall not vote in favor thereof, and such shareholder, within 20 days after the merger, consolidation or conversion was effected, shall make written demand on the surviving, new or converted association or federal savings and loan association for the payment of the fair value of the shareholder's shares as of the day prior to the date on which the vote was taken approving the merger, consolidation or conversion, or in the case of a surviving association which, pursuant to this chapter, became a party to the merger without action of its shareholders the day prior to the date on which the articles of merger were filed with the Secretary of State, without regard to any depreciation or appreciation thereof in consequence of the merger, consolidation or conversion, the surviving, new or converted association or federal savings and loan association shall pay to such shareholder the fair value of the shareholder's shares upon surrender of the share certificate or other evidence of the shareholder's shares. The demand of the shareholder shall state the number and kind of the shares owned by the shareholder. Any shareholder who fails to file such written objection, or any shareholder who files such written objection and fails to make demand within the 20-day period, shall be conclusively presumed to have consented to the merger, consolidation or conversion, and shall be bound by the terms thereof. If within 30 days after the date on which such merger, consolidation or conversion was affected the value of such shares shall be agreed upon by the dissenting shareholder and the surviving, new or converted association or federal savings and loan association, payment thereof shall be made in cash, within 90 days after the date on which such merger, consolidation or conversion was affected, upon the surrender of the share certificate or other evidence of ~~his~~ the dissenting shareholder's shares. Upon payment of the agreed value, the dissenting shareholder shall cease to have any interest in such shares or in the association or federal savings and loan association.

If within such period of 30 days the shareholder and the surviving, new or converted association or federal savings and loan association do not so agree, then the dissenting shareholder may, within 60 days after the expiration of the 30-day period, apply, by petition to the Court of Chancery of this State, within the county in which the place of business of the surviving, new or

converted association or federal savings and loan association is situated for the appointment by the court of 3 disinterested persons to appraise the fair market value of ~~his~~ the dissenting shareholder's shares without regard to any depreciation or appreciation thereof in consequence of the merger, consolidation or conversion. The award of the appraisers, or of a majority of them, when confirmed by the court, shall be final and conclusive. The costs of such appraisal, including a reasonable fee to the appraisers, shall be fixed by the court, and shall be assessed either upon the new, surviving or converted association or federal savings and loan association, or upon the dissenting shareholder, or upon both, in the discretion of the court. The award shall be payable only upon, and simultaneously with, the surrender to the surviving, new or converted association or federal savings and loan association of the share certificate or certificates representing the shares of the dissenting shareholder. If the award shall not be paid by the surviving, new or converted association or federal savings and loan association within 30 days after the award was made by the appraisers, the amount of the award shall be a judgment against the surviving, new or converted association or federal savings and loan association, as the case may be, and may be collected as other judgments in such court are by law collectible. Upon the payment of the award or judgment, the dissenting shareholder shall cease to have any interest in such shares or in the surviving, new or converted association or federal savings and loan association. Unless the dissenting shareholder shall file a petition within the time herein limited, such shareholder, and all persons claiming under ~~him~~, such shareholder, shall be conclusively presumed to have approved and ratified the merger, consolidation or conversion and shall be bound by the terms thereof. The right of the dissenting shareholder to be paid the fair value of ~~his~~ the dissenting shareholder's shares, as herein provided, shall cease if and when the association shall abandon the merger, consolidation or conversion.

Section 69. Amend § 2104, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2104. Issuance of license.

Upon the filing of an application for a license, if the Commissioner shall find that the financial responsibility, experience, character and general fitness of the applicant and of the members thereof (if the applicant is a partnership or association) and of the officers and directors thereof (if the applicant is a corporation) are such as to warrant belief that its business will be operated honestly, fairly and efficiently within the purpose of this chapter, ~~he~~ the Commissioner shall thereupon issue a license to transact business in accordance with this chapter. If the Commissioner shall not so find, ~~he~~ the Commissioner shall not issue such license and ~~he~~ the Commissioner shall notify the applicant of its denial, give notice of the grounds for refusal and notify the applicant of the right to request a hearing. If the applicant requests a hearing, the Commissioner shall hold such hearing under Chapter 101 of Title 29. The Commissioner shall approve or deny every application for license hereunder within 90 days from the date the Commissioner determines that the application as filed with ~~him~~ the Commissioner is complete.

Section 70. Amend § 2209, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2209. Suspension, revocation or surrender of license.

(g) Whenever the Commissioner shall revoke or suspend a license issued pursuant to this chapter, ~~he~~ the Commissioner shall forthwith execute a written order to that effect. The Commissioner shall forthwith serve the written order upon the licensee. Any such order may be reviewed in the manner provided by Chapter 101 of Title 29.

Section 71. Amend § 2210, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2210. Supervision and examination of business by Commissioner.

(a) Every person or combination of persons licensed to transact business as provided in this chapter in the State shall be subject to the supervision and examination of the State Bank Commissioner and shall be examined by the Commissioner or ~~his~~ the Commissioner's authorized representative annually or at such intervals as the Commissioner deems necessary.

Section 72. Amend § 2302, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2302. Definitions.

For the purposes of this chapter:

(4) "Personal money order" means any instrument for the transmission or payment of money in relation to which the purchaser or remitter appoints or purports to appoint the seller thereof as ~~his~~ the purchaser's or remitter's agent for the receipt, transmission or handling of money, whether such instrument be signed by the seller or by the purchaser or remitter or some other person.

Section 73. Amend § 2308, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2308. Action by Commissioner; conditional approval; license requirements; acquisition.

(a) Upon the filing of the application and the payment of the investigation fee and the annual license fee, the Commissioner shall, to the extent the Commissioner deems advisable, investigate the financial responsibility, financial condition, financial and business experience, character and general fitness of the applicant, and if the Commissioner finds these qualities are such as to warrant the belief that the applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes of the intent of this chapter and in the manner commanding the confidence and trust of the community, the Commissioner shall advise the applicant in writing of the Commissioner's conditional approval of the application, and thereafter, upon compliance by the applicant with § 2309 of this title, shall issue to the applicant a license to engage in the business of selling and issuing checks, subject to this chapter. If the Commissioner determines on the basis of the Commissioner's investigation that the applicant does not comply with the purposes of this chapter as set forth in the preceding sentence of this section ~~he~~ the Commissioner shall notify the applicant of the denial of the conditional approval of the license stating the reasons therefor in writing.

Section 74. Amend § 2313, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2313. Disclosure of responsibility and evidence of receipt.

(b) Every licensee shall furnish a customer with a receipt or other acknowledgment upon receiving funds from such customer. Such receipt or other acknowledgment shall be numbered serially and shall bear the name and address of the licensee. Each licensee who receives money for transmission abroad shall forward such money to the person or bank designated to receive the same within 5 days after receipt thereof, and shall immediately give the person delivering the money for transmission a receipt and his or her name with the name and address of the licensee printed thereon. The receipt shall state the date when such money was received, the amount thereof, its equivalent in the currency of the country to which it is to be forwarded, and the name and address of the payee.

Section 75. Amend § 2741, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2741. Rules and regulations of Commissioner.

The State Bank Commissioner may make such rules and regulations, and such specific rulings, demands and findings as ~~he~~ the Commissioner deems necessary for the proper conduct of the business authorized and licensed under and for the enforcement of this chapter. The rules and regulations and the specific rulings, demands and findings shall be in addition to, and not inconsistent with, this chapter.

Section 76. Amend § 3209, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3209. License; bond; insurance.

(e) If the Commissioner shall at any time reasonably determine that the bond or securities of the aforesaid are insecure, deficient in amount, or exhausted in whole or in part, or if the surety on the bond shall have notified the Commissioner of its intention to cancel the bond, ~~he~~ the Commissioner shall by written order require the filing of a new or supplemental bond or the depositing of a new or additional securities in order to secure compliance with this chapter, such order to be complied with within 20 days following service thereof upon the licensee.

Section 77. Amend § 3221, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3221. Cease and desist orders.

(d) Except as provided in subsection (e) of this section, a cease and desist order shall not become effective in less than 10 days after the order is served. After an order is served, but before its effective date, upon petition of any interested party, the Commissioner shall conduct a hearing. At the conclusion of such hearing, the Commissioner may affirm the cease and desist order as originally issued, or ~~he~~ the Commissioner may modify, amend or rescind such order.

Section 78. Amend § 3311, Title 5 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3311. Applications; review by Commissioner.

(c) After a review of an application and receipt and review of any additional or supplemental information requested by the Commissioner, the Commissioner shall approve the application for a license under this chapter if the Commissioner determines that:

(2) Each director, officer and controlling person of the applicant is of good character and sound financial standing; each director and officer of such applicant is competent to perform ~~his~~ the director's and officer's functions with respect to such applicant; and the directors and officers of such applicant are collectively able to manage the business of such applicant as a Bidco;

Section 79. Amend § 6501, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6501. Delaware River Basin Compact.

The Delaware River Basin Compact is entered into and enacted into law; subject to the execution by the Governor as provided in the Compact and in accordance with its terms. The Compact is as follows:

DELAWARE RIVER BASIN COMPACT

ARTICLE 2 ORGANIZATION AND AREA

2.3 ALTERNATES.

Each member of the commission shall appoint an alternate to act in ~~his~~ the member's place and stead, with authority to attend all meetings of the commission and with power to vote in the absence of the member. Unless otherwise provided by law of the signatory party for which ~~he~~ the alternate is appointed, each alternate shall serve during the term of the member appointing ~~him~~, the alternate, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

2.6 ORGANIZATION AND PROCEDURE.

The commission shall provide for its own organization and procedure, and shall adopt rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in ~~his~~ the member's discretion of an advisor to serve without compensation, who may attend all meetings of the commission and its committees.

ARTICLE 14 GENERAL PROVISIONS

14.2 REGULATIONS: ENFORCEMENT.

The Commission may:

(b) Designate any officer, agent or employee of the Commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which ~~he~~ such person is duly assigned to perform ~~his~~ such person's duties.

14.6 OATH OF OFFICE.

An oath of office in such form as the Commission shall prescribe shall be taken, subscribed and filed with the Commission by the executive director and by each officer appointed by ~~him~~ the executive director not later than 15 days after the appointment.

14.8 PROHIBITED ACTIVITIES.

(a) No commissioner, officer or employee shall:

2) solicit or accept money or any other thing of value in addition to the compensation or expenses paid ~~him~~ such person by the Commission for services performed within the scope of ~~his~~ such person's official duties;

3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in ~~his~~ such person's employment with the Commission.

(b) Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit ~~his~~ such person's office or employment.

14.11 ANNUAL INDEPENDENT AUDIT.

(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the Commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall forfeit ~~his~~ such officer's or employee's office.

Section 80. Amend § 3819, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3819. Access to and confidentiality of information; records.

(b) Except to the extent otherwise provided in the governing instrument of a statutory trust, each trustee, in person or by attorney or other agent, shall have the right to examine all the information described in subsection (a) of this section for any purpose reasonably related to ~~his~~ the trustee's position as a trustee.

Section 81. Amend § 302, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 302. Officers; meetings; quorum; secretary.

(b) The secretary of the local board shall keep the minutes of the meetings of the local board, and shall perform all such duties as shall be assigned to the Secretary by the local board, for which services ~~he~~ the Secretary shall receive such compensation as the city council or commissioners of the respective cities or towns may determine.

Section 82. Amend § 502, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 502. Report of contagious diseases — To local boards.

Every physician or other person having knowledge of any person who is suffering from any disease dangerous to the public health, which the Department of Health and Social Services may require to be reported shall report the same to the local health board or official nearest ~~his~~ such physician's or other person's place of residence, giving the name, age, sex and color of the patient and the house or place where the patient may be found.

Section 83. Amend § 505, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 505. Communicable diseases; regulations; quarantine.

(b) The regulation respecting the communicable diseases shall provide for:

(3) Any other matter relating to the care of and due to the illness of the patient from such a communicable disease while the patient is living and ill from the disease or to the disposal of ~~his~~ the patient's body when dead;

Section 84. Amend § 5201, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5201. Interstate Compact; enactment.

The Interstate Compact on the Mentally Disordered Offender, hereinafter called "the compact," is enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE V Disposition of Charges

(f) No fact or other matter established or adjudicated at any hearing pursuant to this Article, or in connection therewith, shall be deemed established or adjudicated, nor shall it be admissible in evidence in any subsequent prosecution of the untried indictment, information or complaint concerned in a petition filed pursuant to this Article unless:

2. The defendant ~~himself~~ personally offers or consents to the introduction of the determination or adjudication at such subsequent proceedings.

Section 85. Amend § 5707, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5707. Petition for involuntary sterilization.

(b) Any petition under this section shall have annexed thereto the affidavit of a psychiatrist or psychologist duly licensed to practice in the State, which affidavit shall set forth:

(1) The date ~~he~~ the affiant last examined the respondent;

(c) Any petition under this section shall also have annexed thereto an affidavit or affidavits of the duly licensed physician or physicians, which affidavit or affidavits shall set forth:

(1) The date that ~~he~~ the affiant last examined the respondent;

Section 86. Amend § 121, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 121. Form of deed; legal effect; other forms as valid.

(a) The following shall be a sufficient form of deed for the conveyance of real estate:

This Deed made this _____ day of _____, A.D.

Between A. B., of _____, party of the first part and C. D. of _____, party of the second part.

Witnesseth, that the said party of the first part for and in consideration of the sum of _____, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part.

ALL

(Description of premises).

(Recital of title).

In witness whereof, the said party of the first part hath hereunto set ~~his~~ the party of the first part's hand and seal.

Sealed and Delivered in _____ (Seal)

The Presence of:

(b) A deed in the form prescribed in subsection (a) of this section, duly executed and acknowledged, unless otherwise restricted or limited, or unless contrary intention appears therein, shall be construed to pass and convey to the grantee therein and to ~~his~~ the grantee's heirs and assigns the fee simple title or other whole estate or interest which the grantor could lawfully convey in and to the property therein described together with the tenements, hereditaments, franchises and appurtenances thereunto belonging, and the reversions and remainders, rents, issues and profits thereof. The words "grant and convey" in any deed shall, unless specifically restricted or limited operate as a special warranty against the grantor and the grantor's heirs and all persons claiming under the grantor or them. Nothing contained in this section shall invalidate a deed not made in the form prescribed in subsection (a) of this section, but a deed made in the form heretofore in common use within this State shall be valid and effectual.

Section 87. Amend § 130, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 130. Notarial acts by members of the armed forces.

(c) In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate indorsed upon or attached to the instrument or documents, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledged the instrument as ~~his~~ the person's act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgment.

Section 88. Amend § 174, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 174. Persons serving with armed forces.

(b) An affidavit executed by the attorney-in-fact or agent setting forth that ~~he~~ the affiant has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this State, such affidavit (when authenticated for record in the manner prescribed by law) shall likewise be recordable.

Section 89. Amend § 722, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 722. Service of summons.

(a) If a party, named in the summons for partition cannot be found in the county, to be served personally, service may be made by leaving a copy of the summons at the usual place of abode of such party within the county at least 6 days before the return day thereof in the presence of an adult person, or, if such party has no known place of abode within the county and cannot be served personally, and ~~his~~ such party's appearance is not duly entered at the return of the summons, the Court shall make such further order for service of the summons as seems proper to it.

Section 90. Amend § 1102, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1102. Perpetuating testimony of boundaries.

(a) Any person interested in perpetuating testimony respecting boundaries or landmarks may file a petition in the Court of Chancery representing the case, and naming the tenants and the owners of adjoining land, and praying for an order to take depositions to perpetuate testimony respecting the bounds. A summons shall be issued for summoning the tenants and owners to appear and show cause if they have any objection to such order. If any of them cannot be found, the Court may order proper service or publication of notice to them. If no sufficient objection is shown, the Court shall order that commission issue to 1 or more persons to take depositions on interrogatories filed after 10 days written notice of the filing thereof. Notice to an attorney or solicitor of record shall be sufficient notice to the party for whom ~~he~~ the attorney or solicitor of record appears, and notice need not be given to any person not residing in the county where the lands lie.

Section 91. Amend § 1107, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1107. Right of holders of separate parts of tract or of younger survey to a commission.

When several persons hold separate parts of the same tract, they, or any of them, may have a commission to mark and bound the whole, as well as the several parts thereof. When any person holding a younger survey is interested in the locating of interfering or neighboring elder surveys, ~~he~~ the person shall have a commission to mark and bound the elder survey. Three months' written notice shall be given to the person seised of the elder tract of the intention to apply for such commission. The commission may be obtained only if the person seised of the elder tract neglects to apply for and obtain the commission. The commission shall be executed in like manner and have the same effect as if obtained by a person seised of the land therein mentioned.

Section 92. Amend § 1306, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1306. Division ditches and fences; remedy for neglect to maintain; allowance to guardian or lessee; special marsh laws.

(c) A guardian shall be allowed any sum so expended or paid for that guardian's ward, and a lessee or tenant may deduct the same from ~~his~~ the lessee's or tenant's rent, unless otherwise stipulated by the contract. This section shall not be construed to repeal any special law respecting the improvement of marsh or meadow whereby any other provision is made concerning dividing ditches or fences.

Section 93. Amend § 2101, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2101. Form of mortgage; effect [For application of section, see 80 Del. Laws, c. 280, § 2].

(a) The following shall be a sufficient form of mortgage for the purpose of creating a lien on real estate within this State:

WHEREAS, A. D. of , hereinafter called party of the first part, in and by ~~his~~ the party of the first part's certain obligation duly executed, bearing even date herewith, stands bound unto C. D. of in the sum of Dollars, payable together with interest thereon, at the rate of per centum per annum, payable , from the date thereof, together with costs and counsel fees, under the terms and conditions therein expressed.

NOW THIS MORTGAGE WITNESSETH, that the said party of the first part for and in consideration of the aforesaid debt of Dollars, and for the better securing the payment of the same, with interest, as aforesaid and costs and counsel fees, doth hereby grant and convey unto the said party of the second part,

ALL

DESCRIPTION OF PREMISES

RECITAL

And it is hereby expressly provided and agreed that if any action, suit, matter or proceeding be brought for the enforcement of this mortgage or the accompanying bond, and if the plaintiff or lien holder in said action, suit or proceeding shall recover judgment in any sum, such plaintiff or lien holder shall also recover as reasonable counsel fees _____ per centum of the amount decreed for principal and interest, which said counsel fees shall be entered, allowed and paid as a part of the decree or judgment in said action, suit or proceeding.

Provided Always, Nevertheless, that if the said party of the first part, ~~his~~ the said party of the first part's Heirs, Executors, Administrators or Assigns, shall and do well and truly pay, or cause to be paid, unto the said party of the second part, ~~his~~ the said party of the second part's Executors, Administrators or Assigns, the aforesaid debt of _____ dollars on the day and time hereinbefore mentioned and appointed for the payment thereof with interest, then and from henceforth, as well this present Indenture, and the estate hereby granted, as the said recited Obligation, shall cease, determine and become void and of no effect, anything hereinbefore contained to the contrary thereof, in anywise notwithstanding.

In Witness Whereof, the said party of the first part has hereunto set the party of the first part's hand and seal this _____ day of _____
A.D. _____

Sealed and delivered in
the presence of

(Seal)

Section 94. Amend § 2209, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2209. Compliance with code of regulations and administrative provisions.

Each unit owner shall comply with the code of regulations and with such rules governing the details of the use and operation of the property and the use of the common elements as may be in effect from time to time and with the covenants, conditions and restrictions set forth in the declaration or in the deed to ~~his~~ the unit owner's unit or in the declaration plan.

Section 95. Amend § 2218, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2218. Books of receipts and expenditures, availability for examination.

The treasurer shall keep detailed records of all receipts and expenditures, including expenditures affecting the common elements specifying and itemizing the maintenance, repair and replacement expenses of the common elements and any other expenses incurred. Such records shall be available for examination by the unit owners during regular business hours. In accordance with the actions of the council assessing common expenses against the units and unit owners, ~~he~~ the treasurer shall keep an accurate record of such assessments and of the payment thereof by each unit owner.

Section 96. Amend § 2707, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2707. Payment of contractor by owner of residence as a defense; certification of payment for labor and materials or release of liens by contractor.

No lien shall be obtained under this chapter upon the lands, structure, or both, of any owner which is used solely as a residence of said owner when the owner has made either full or final payment to the contractor, in good faith, with whom ~~he~~ the owner contracted for the construction, erection, building, improvement, alteration or repair thereof. Prior to or simultaneous with the receipt of any full or final payment by the contractor, the contractor must provide the owner either:

Section 97. Amend § 2712, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2712. Requirements of complaint or statement of claim.

(b) The complaint and/or statement of claim shall set forth:

(3) The name of the contractor and whether the contract of the plaintiff-claimant was made with such owner or ~~his~~ such owner's agent or with such contractor;

(10) The amount which plaintiff claims to be due ~~him~~ plaintiff on each structure.

Section 98. Amend § 2715, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2715. Issuance and service of scire facias.

The writ shall be issued, returnable and served in the same manner as other writs of scire facias upon the defendant therein named, if ~~he~~ the defendant can be found within the county. A copy of the writ shall be left with some person residing in the structure to which the labor was done or for which the materials were furnished, if occupied as a place of residence, but if not so occupied, the sheriff shall affix a copy of such writ upon the door or other front part of such structure.

Section 99. Amend § 2719, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2719. Execution by levari facias; form.

The execution of every judgment under the foregoing provisions shall be by writ of levari facias in the following form:

“..... County, ss.:

The State of Delaware.

To the Sheriff of said County, greeting:

We command you that without any other writ from us of the following described building and lot of ground, to wit (describing the same according to the record), in your bailiwick, you cause to be levied as well a certain debt of which lately in our Superior Court for the County aforesaid, before the Judges thereof, recovered against to be levied of the said building and lot of ground, as also the interest thereon from the day of, A. D., and also the sum of for the cost which accrued thereon, according to the form and effect of an act of the General Assembly in such cases made and provided, and have you there moneys before our Judges at at our Superior Court in and for the County of there to be held on the day of next to render unto the said for ~~his~~ the debt, interest and costs aforesaid, and have you then there this writ.”

Witness (as in similar writs).

Section 100. Amend § 2722, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2722. Lien where labor is done or materials furnished at instance of lessee or tenant.

Nothing contained in this subchapter shall be construed to render property liable to liens under this chapter for repairs, alterations or additions, when such property has been altered, added to or repaired by or at the instance of any lessee or tenant without the prior written consent of the owner or ~~his~~ the owner's duly authorized agent.

Section 101. Amend § 2723, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2723. Rights of owner where lien or judgment is obtained by a subcontractor.

The owner of any structure built, repaired or altered by any contractor who has contracted to build, erect, alter or repair the same and furnish the materials therefor may, in case any liens are entered under this chapter upon the structure, upon any claim for materials which by the terms of ~~his~~ the contract the contractor was bound to furnish, by any person or persons other than such contractor, retain and withhold from such contractor so much of the moneys to be paid to ~~him~~ such contractor in pursuance of the contract made with such contractor as may be necessary to liquidate and discharge such liens; and, in case judgment is recovered by such lien creditors, the owner may apply the moneys or such part thereof as may be necessary to satisfy the judgment to the payment and satisfaction thereof. Such payment shall be considered and treated as a payment pro tanto to the contractor towards the moneys provided to be paid by the contractor.

Section 102. Amend § 2726, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2726. Mechanics' lien on ship or vessel; time for filing claim; procedure.

This subchapter shall also extend to labor or materials performed or furnished in the construction, alteration, furnishing, rigging, launching or repairing of any ship or vessel within this State. No bill of particulars and affidavit shall be filed more than 1 year after such ship or vessel has been launched, rigged, furnished and ready for sea or after such repairs have been completed and shall contain the name of the ship or vessel or a description thereof sufficient for identification. Upon filing the bill of particulars and affidavit under the provisions of this section, the Prothonotary may issue a writ of attachment, directed to the sheriff of the county in which the ship or vessel may be, commanding the sheriff to attach the defendant by such ship or vessel,

together with the tackle, apparel and furniture, wheresoever the same may be found in ~~his~~ the sheriff's bailiwick, so that ~~he~~ the defendant appears at the next term of the Superior Court to answer the plaintiff's demands. The sheriff shall, under such writ, seize and take possession of the ship or vessel and have the same inventoried and appraised and shall be answerable therefor. If the defendant in the attachment at any time before judgment appears and enters into recognizance to the plaintiff in the writ of attachment in a reasonable penalty and with surety to be approved by the Prothonotary with condition to pay the condemnation money and all costs or otherwise abide the judgment of the Superior Court in the case and if ~~he~~ the plaintiff fails to make good ~~his~~ the plaintiff's plea, the attachment shall be dissolved, the ship or vessel shall be discharged, and the case shall proceed as in other cases of assumpsit for work and labor or materials furnished.

Section 103. Amend § 2734, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2734. Summons; judgment; transcript.

Immediately upon the filing of any claim under this subchapter, the justice of the peace with whom the claim is filed shall issue a summons, as in other civil cases, to the owner and contractor, directed to any constable of the county. The time for the defendant's appearance shall not be more than 3 days from the date of the summons, and not more than 2 adjournments shall be had and then only from day to day. If the defendant fails to appear at the time appointed or if after a hearing the justice is satisfied of the correctness of the claim, the justice shall give judgment as in other cases and, upon the payment of cost and a demand for the transcript, ~~he~~ the justice shall furnish such transcript.

Section 104. Amend § 2735, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2735. Entry of transcript and judgment in Superior Court; effect; costs; contractor to give security to owner.

The transcript and judgment may be entered in the Superior Court of the county in which the structure is situated and, when so entered, if within 2 days from the date of the judgment, shall become a lien on such structure or bridge and upon the ground upon which the same is erected and shall relate back to the day when the labor was commenced and shall take priority accordingly. Any and all transcripts taken and entered in the Superior Court under this subchapter shall contain a description of the property upon which it is to become a lien and shall conform to the description set forth in the plaintiff's statement. All costs and charges shall follow the judgment and shall be the same as are authorized by law in civil cases before justices of the peace. Every contractor, when so required, shall give ample security to the owner of any structure being altered, erected or repaired by ~~him~~ such contractor to save such owner harmless from the provisions of this subchapter.

Section 105. Amend § 2736, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2736. Execution by levam facias; form.

The execution of every judgment entered in the Superior Court upon transcript under the provisions of this subchapter shall be by writ of levam facias in the following form:

"County, ss.:

The State of Delaware.

To the Sheriff of said County, Greeting:

We command you that without any other writ from us, of the following described building and lot of ground, to wit (describing the same according to the record) in your bailiwick, you cause to be levied as well a certain debt of , which lately before one of the justices of the peace for the County aforesaid recovered against to be levied of the said building and lot of ground, as also the interest thereon from the day of A.D. , and also the sum of for the costs which accrued thereon according to the form and effect of an Act of the General Assembly in such cases made and provided, and have you there the moneys before our Judges at , at our Superior Court in and for the County of , there to be held on the day of next, to render unto the said ~~for his~~ the debt, interest and costs aforesaid and have you then there this writ."

Witness (as in similar writs).

Section 106. Amend § 3501, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3501. Enforcement by public sale; nature of sale.

In all cases in which commission merchants, factors and all common carriers or other persons have a lien under existing laws upon any goods, wares, merchandise or other personal property for or on account of the costs or expenses of carriage,

storage or labor bestowed on such goods, wares, merchandise or other personal property, if the owner or consignee of the property fails or neglects or refuses to pay the amount of charges upon any such property, goods, wares or merchandise, within 60 days after demand thereof, made personally upon such owner or consignee or at ~~his~~ such owner's or consignee's last known place of residence, then in such case the commission merchant, factor, common carrier or other person having such lien may, after the expiration of the period of 60 days, expose the goods, wares, merchandise or other personal property to sale at public auction and sell the same, or so much thereof as is sufficient to discharge the lien together with costs of sale and advertising. Notice of the sale, together with the name of the person to whom the goods have been consigned, shall first be published for 3 successive weeks in a newspaper published in the county and by 6 written or printed handbills, put up in the most public and conspicuous places in the vicinity of the depot where the goods are located.

Section 107. Amend § 3502, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3502. Notice in special cases; jurisdiction of justices of the peace in cases of perishable property.

Upon the application of any of the persons or corporations having a lien upon goods, wares, merchandise or other property, as mentioned in § 3501 of this title verified by affidavit, to any judge of the Superior Court or to the Court of Chancery setting forth that the place of residence of the owner or consignee of any such goods, wares, merchandise or other property is unknown or that such goods, wares, merchandise or other property are of such a perishable nature or so damaged or showing any other cause that renders it impracticable to give the notice as required in § 3501 of this title, then, in such case, the judge hearing such application may make an order, to be signed by ~~him~~, such judge, authorizing the sale of such goods, wares, merchandise or other property upon such terms as to notice as the nature of the case may admit of and to such judge seems proper. In cases of perishable property, the affidavit and proceedings required by this section may be had before a justice of the peace.

Section 108. Amend § 3903, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3903. Sale to satisfy liens.

(c) Upon receipt of an application which is made pursuant to subsection (b) of this section, the justice of the peace shall send a notice and a copy of the application by certified mail or registered mail, return receipt requested, to the owners, secured parties of record and any known lienholders and any other persons whose names and addresses are listed in the application. If the identity of the last registered owner or secured party cannot be determined with reasonable certainty, § 3905 of this title shall have the same effect as notice sent by certified or registered mail. The notice shall include all of the following:

(2) A statement that the person has a legal right to a hearing in court; if a hearing in court is desired, the enclosed declaration under penalty of perjury must be signed and returned and if the declaration is signed and returned, the lienholder will be allowed to sell the vehicle only if ~~he~~ the lienholder obtains a judgment in court or obtains a release from the owners and any known lienholders.

(7) A declaration which may be executed by the person under penalty of perjury stating that ~~he~~ the person desires to contest the claim which gives rise to the lien and that ~~he~~ the person has a valid defense to the claim and ~~he~~ the person shall furnish names and addresses where official notice may be received of any person or persons including ~~himself~~ the declarant known to claim an interest in the property of the hearing date.

Section 109. Amend § 4301, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4301. Liens in favor of charitable hospitals.

Every charitable association, corporation or other institution maintaining a hospital in this State, supported in whole or in part by private charity, shall have a lien upon any and all claims or demands, all rights of action, suits, counterclaims of any person admitted to any such hospital and receiving treatment, care and maintenance therein which arise out of any personal injuries received in any such accident which any such injured person may have, assert or maintain against any such other person or corporation for damages, compensation or other claim on account of such injuries for the amount of the reasonable charges of such hospital for all medical treatment, care and nursing and maintenance of such injured person while in such hospital to the extent of the full and true consideration paid or given to, or on behalf of, such injured person or ~~his~~ such injured person's legal representative.

Section 110. Amend § 4302, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4302. Establishment of lien; notice of claim.

A charitable association, corporation or other institution shall file in the office of the Prothonotary of the county in which such injuries shall have occurred a notice in writing, containing the names and addresses of the injured person, the date of the accident, the name and location of the hospital and, if then known, the name of the person alleged to be liable to such injured person by reason of the injuries received, prior to the payment of any moneys to such injured person or ~~his~~ such injured person's legal representative by such person to such injured person. Copies of the notice shall be sent by registered mail by the hospital to such injured person and all parties in interest who are then known. Thereafter an affidavit by a competent person acting on behalf of such institution, setting forth such service, and all attempts to serve the same shall be filed in the office of the Prothonotary.

Section 111. Amend § 4902, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4902. Definitions.

As used in this chapter, unless the context clearly requires otherwise, the following words shall have the following meaning:

(4) "Owner" means the owner, operator, lessor or sublessor of a self-service storage facility, ~~his~~ such person's agent or any other person authorized by him or her to manage the facility or to receive rent from an occupant under a rental agreement.

Section 112. Amend § 4904, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4904. Enforcement; satisfaction of lien.

(a) An owner's lien as provided for in § 4903 of this title for a claim which has become due may be satisfied as follows:

(3) The notice shall include:

c. A notice of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement, which provides the name, street address and telephone number of the owner or ~~his~~ the owner's designated agent whom the occupant may contact to respond to said notice;

Section 113. Amend § 5903, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5903. Defenses.

It shall be sufficient defense to this proceeding, if any defendant of record establishes that:

(2) The condition or conditions alleged in the petition have been caused by the wilful or grossly negligent acts of 1 or more of the petitioning tenants or members of ~~his or their~~ the tenant's or tenants' families or by other persons on the premises with ~~his or their~~ the tenant's or tenants' consent; or

Section 114. Amend § 5906, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5906. Powers and duties of the receiver.

The receiver shall have all the powers and duties accorded a receiver foreclosing a mortgage on real property and all other powers and duties deemed necessary by the Court. Such powers and duties shall include, but are not necessarily limited to, collecting and using all rents and profits of the property, prior to and despite any assignment of rent, for the purposes of:

(3) Paying all expenses reasonably necessary to the proper operation and management of the property including insurance, mortgage payments, taxes and assessments and fees for the services of the receiver and any agent ~~he~~ the receiver should hire;

Section 115. Amend § 5907, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5907. Discharge of the receiver.

(b) Upon paragraphs (a)(1) and (2) of this section being satisfied, the owner, mortgagee or any lienor may apply for the discharge of the receiver after paying to the latter all moneys expended by ~~him~~ receiver and all other costs which have not been paid or reimbursed from the rent and profits of the property.

Section 116. Amend § 6303, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6303. Order of distress; service of claim and order; levy; inventory; return; duration of levy.

(d) The officer serving the order shall make a return of ~~his~~ the officer's action to the court, including the date and time thereof.

Section 117. Amend § 6306, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6306. Procedure in the event of a forcible entry.

Where entry is gained forcibly and if no tenant is found on the premises, a copy of the claim and order shall be affixed on a prominent place on the interior of the leased premises. The constable or sheriff shall then proceed to make an inventory of each article of goods distrained and leave affixed to the premises a copy of the inventory and shall attempt to contact the tenant if ~~his~~ the tenant's whereabouts are known and leave the premises locked and as safe and secure as possible. The constable or sheriff serving the order shall make a return of the constable's or sheriff's action to the Court including the date, time and manner of the forcible entry.

Section 118. Amend § 6705, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6705. Distress on agricultural leases.

(b) A distress may be of the grain, orchard produce or other crops found upon the premises out of which the rent issues, or upon which it is charged, whether growing, severed, in sheaves, stacks or otherwise, as well as upon horses, cattle and other goods and chattels of the tenant being upon the premises; provided, however, goods and chattels not the property of the tenant, but being in ~~his~~ the tenant's possession or upon the premises, are not subject to distraint. Also excepted from this section are any animals, not the property of the tenant, which have escaped into the premises of the landlord through a defect in the fences which the tenant was bound to repair. Goods and chattels which have been sold or leased to the tenant under the terms of a conditional sales contract or lease, properly recorded in accordance with law, are not subject to the process of the agricultural landlord's distress.

Section 119. Amend § 6707, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6707. Removal by tenant of hay.

Whenever a tenant at the beginning of that tenant's tenancy has moved or carried upon the demised premises any hay, the tenant shall at the expiration of that tenant's tenancy be authorized to remove from the premises, without the consent of the owner, a like quantity of hay. In any dispute concerning the quantity of hay removed or carried upon such demised premises by the tenant at the beginning of ~~his~~ the tenant's tenancy, the burden of proof shall be upon the tenant.

Section 120. Amend § 6721, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6721. Disposition of manure.

(a)(1) In the absence of an express agreement between the parties, an agricultural tenant, whether a tenant at will or for a term of years, shall have no right to remove, or sell for removal, any manure made in the ordinary course of that tenant's husbandry on the farm occupied by such tenant and consisting of the collections from any stable or barnyard, or of composts formed by an admixture of these with soil or other substances.

(3) During the term of the lease, however, the tenant of a farm lease is entitled to the possession of the manure made thereon in the ordinary course of husbandry, for the purpose of using it on the farm but shall have no right to sell it. If the tenant sells the manure, the landlord shall have the choice of receiving the money paid, or ~~he~~ the landlord may maintain an action against the purchaser for the true value of the manure if the amount paid was less than the true value.

Section 121. Amend § 7104, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7104. Conversion plan.

Where real property is being utilized as a manufactured community, such real property cannot be converted to multiple-unit usage until the owner of such property has filed a true copy of the conversion plan with the Attorney General; with the office of the Recorder of Deeds of the county or counties in which the land is situated; and has mailed or delivered a copy to the tenant's association, if 1 is in existence within the manufactured home community at that time. The conversion plan shall contain:

(2) Information needed by present lessees and others who must make a decision concerning whether or not to purchase units in the conversion project, including but not limited to:

g. Statement by the owner that ~~he~~ the owner has received a certificate attesting that the proposed conversion project meets all zoning codes of the county and municipality in which the project will be located, or the conversion project is a valid preexisting nonconforming use;

Section 122. Amend § 7105, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7105. Notice requirements.

(a) *Preliminary notice period.* — Any owner of real estate on which a manufactured home community is located who wishes to convert such property to multiple-unit usage shall provide a written preliminary notice to each tenant, and to the tenants' association, if 1 is in existence, of the owner's intention to convert the property. The preliminary notice shall not constitute, nor shall it include, a notice to the tenant to terminate ~~his~~ the tenant's tenancy. Such preliminary notice shall also notify each tenant of the following:

(c) *Final notice.* — The final notice shall contain a provision stating that each tenant in occupancy at the time of the preliminary notice shall have the exclusive right to purchase a unit in the proposed conversion project, and that such exclusive right to purchase shall continue through the first 90 days after the waiver or termination by the tenants' association of its option, and for such additional time thereafter as the owner shall permit. A copy of the final notice shall also be mailed or delivered to the tenants' association, if such association was in being at the time of the preliminary notice. The final notice shall contain a provision that any person who is a tenant of the manufactured home community, and who elects to purchase a unit in the conversion project, shall not be required to pay more for any unit than the price set forth in the conversion plan, nor more than any other person purchasing the same type of unit. The final notice shall not constitute, nor shall it include, a notice to the tenant to immediately terminate ~~his~~ the tenant's tenancy.

Section 123. Amend § 7106, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7106. Approval by Attorney General.

No conversion of real property on which a manufactured home community is situated shall be lawful unless such conversion has received the approval of the Attorney General after a thorough review the conversion plan to determine compliance with this chapter. Where the Attorney General has not acted to approve, conditionally approve or disapprove a conversion plan or prospective conversion within 90 days after receipt of the conversion plan, the conversion plan or prospective conversion shall be deemed to have been approved; provided, however, that the provisions of § 7103 of this title are mandatory, and cannot be waived. The Attorney General may, by a writing addressed to the owner, suspend ~~his~~ the Attorney General's decision for an additional 30 days. When the conversion plan is approved, no provision of the plan shall be changed without the written approval of the Attorney General.

Section 124. Amend § 7107, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7107. Extension and termination of leases.

(a) Any tenant at the time of the preliminary notice grace period shall be entitled to have ~~his~~ the tenant's lease extended, on the same terms and conditions as the immediately preceding lease, until the expiration of the grace period. Nothing in this subsection shall prevent the owner from increasing rent pursuant to § 7110(d) of this title.

(b) After receipt of the final notice, and upon 30 days' written notice to the owner, a tenant may without penalty terminate ~~his~~ the tenant's existing lease; provided, however, that the owner shall receive a full month's rent for any partial month of tenancy.

Section 125. Amend § 7110, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7110. Rights of tenant during conversion.

(c) Any tenant who has left the manufactured home community or is about to do so because the owner or ~~his~~ the owner's agents are substantially interfering with ~~his~~ the tenant's comfort, peace or quiet contrary to the terms of this chapter may apply to the Attorney General for assistance. The Attorney General may act on such tenant's behalf to secure restraining actions to abate the disturbance and/or to prohibit the owner from engaging in any course of conduct (including, but not limited to, interruption or discontinuance of essential services) which would substantially interfere with such person's tenancy.

Section 126. Amend § 7112, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7112. Eviction; access to comparable housing.

(a) Where, at the conclusion of the grace period, a tenant is evicted by order of court solely as a result of the conversion, the owner shall pay for all expenses incurred by such tenant in moving into ~~his~~ the tenant's new residence. If the new residence is in a manufactured home community, such expenses shall include all "setting up" expenses, including connections to all utilities.

Section 127. Amend § 312, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 312. Action for refund of unauthorized rate increase.

If the public utility fails to make refund within 90 days after the final determination by the Commission or by the court on appeal from the Commission's order that the rate is excessive, any person entitled to such refund may sue therefor in any court of this State of competent jurisdiction and shall be entitled to recover, in addition to the amount of the refund due, all court costs and reasonable attorney's fees, but no action may be maintained for that purpose unless instituted within 2 years after such final determination. Any number of persons entitled to such refund may join as plaintiffs and recover their several claims in a single action, and in such action the court shall render a judgment severally for each plaintiff as ~~his~~ each plaintiff's interest may appear.

Section 128. Amend § 501, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 501. Investigations, inquiries or hearings by Commission, its members or representatives.

(c) Any determination or order of a Commissioner upon any such investigation, inquiry or hearing undertaken or held by ~~him~~ the Commissioner shall not become and be effective until approved and confirmed by at least a quorum of the Commission; and upon such confirmation, such determination or order shall be the determination or order of the Commission.

Section 129. Amend § 502, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 502. Investigation, inquiry or hearing conducted by examiner.

In any investigation, inquiry or hearing, the Commission may designate any qualified officer or employee of the Commission as an examiner who may administer oaths, examine witnesses and receive evidence in any locality which the Commission, having regard to the public convenience and the proper discharge of its functions and duties, may designate. The testimony or evidence so taken or received shall have the same force and effect as if taken or received by the Commission, or by any one of the members thereof. Upon completion of such hearing or the taking of such testimony and evidence, the examiner shall submit to the Commission ~~his~~ the examiner's findings and recommendations thereon, which findings and recommendations shall be considered by the Commission and such action taken with respect thereto by the Commission as it decides to be proper.

Section 130. Amend § 506, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 506. Refusal to obey subpoena, answer question or produce documents; contempt.

If a person subpoenaed to attend before the Commission, any member or examiner thereof, fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the Commission, any member or examiner thereof, refuses without lawful cause to be examined or to answer a legal or pertinent question, or to produce a book or paper when ordered to do so by the Commission, any member or examiner thereof, the Commission or any member thereof may apply to the Superior Court in and for the county where such hearing or investigation is being held or any Judge thereof in vacation, who shall have the power of the Court for such purpose, for an order returnable in not less than 2 nor more than 10 days, directing such person to show cause before the Court, or any Judge thereof in vacation, why ~~he~~ such person should not comply with the subpoena or order of the Commission. Upon the return of such order, the Court or Judge before whom the matter comes on for hearing, shall examine under oath the persons whose testimony may be relevant, and such person shall be given an opportunity to be heard, and if the Court or Judge determines that the person refused without legal excuse to obey the command of such subpoena or to be examined, or to answer a legal or pertinent question, or to produce a book or paper which ~~he~~ such person was ordered to produce, the Court or Judge may order such person to comply forthwith with the subpoena or order of the Commission, and any failure to obey such order of the Court or Judge may be punished by the Court or Judge as a contempt of the Superior Court.

Section 131. Amend § 507, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 507. Privilege against self-incrimination.

No person shall be excused from testifying or producing any book, document or paper in any investigation or inquiry by or upon hearing before the Commission, or any member or examiner thereof, upon the ground that the testimony, evidence, book, document or paper required of such person may tend to incriminate such person or subject such person to penalty, or forfeiture, but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which ~~he~~ such person shall, under oath, have testified or produced incriminating evidence. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in ~~his~~ such person's testimony. Nothing contained in this section is intended to give, or shall be construed in any manner to give any corporation immunity of any kind.

Section 132. Amend § 602, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 602. Contents of application.

All franchise applications shall consist only of the following:

(12) A statement by the applicant that ~~he~~ the applicant has read and is familiar with this chapter.

Section 133. Amend § 905, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 905. Placement of telegraph wires.

Telegraph wires shall be attached to the poles at least 12 feet above the ground except where they enter a house. If any agent of a telegraph company having supervision of the line suffers this provision to be violated for 10 days after notice by mail directed to ~~him~~ the agent at the post office nearest ~~his~~ the agent's residence, ~~he~~ the agent shall forfeit and pay \$20 to anyone who will sue for the same.

Section 134. Amend § 101, Title 27 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 101. Formation; increasing or decreasing number of trustees.

(b)(1) Such society or congregation may from time to time increase the number of trustees and may decrease the number to not less than 3 by a vote of the society or congregation at a public meeting called for that purpose in the same manner as provided in § 105 of this title for the election of trustees, voting and counting the votes as provided therein.

(2) If the society or congregation by a plurality of votes of the members present determines to increase or diminish the number of trustees, such fact shall be certified to the Recorder in the county in which such society or congregation has property, to be by ~~him~~ the Recorder recorded in the deed records thereof, which certificate shall set forth the number of trustees heretofore contained in the act of incorporation and the number fixed by the meeting provided for by this chapter and shall be signed by a majority of the new board of trustees. The Recorder shall receive the same fees now provided by law for like services.

Section 135. Amend § 703, Title 28 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 703. Bribing official of sporting event.

Whoever directly or indirectly gives or promises to give any money or valuable thing as a bribe, present or reward to any person acting or intending to act as a referee, umpire, judge, timer, measurer or as an official for any purpose, for any amateur or professional athletic or sporting game, match or contest with intent to induce such person to act corruptly in making decisions, rulings, interpretations or adjudications or in the performance of ~~his~~ official duties in connection therewith shall be fined not more than \$3,000 or imprisoned not more than 3 years or both.

Section 136. Amend § 901, Title 28 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 901. License for shows and other exhibitions.

(c) Whoever wilfully suffers any unlicensed exhibition to be had or made in any house or upon any premises in ~~his~~ the person's possession shall pay to the city or town a fine as set by the city or town.

Section 137. Amend § 926, Title 28 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 926. Permits for outdoor musical festival.

(c) The Superintendent of the State Police, or the chief of police of any incorporated municipality of more than 5,000 persons, shall not issue a permit until the promoter furnishes evidence that ~~he~~ the promotor has provided:

Section 138. Amend § 1504, Title 28 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1504. Applicability of general election laws; conduct of referendum.

(e) The Governor shall certify and proclaim the results of any such referendum at the time ~~he~~ the Governor certifies and proclaims the results of the general election pursuant to the provision of § 5710 of Title 15.

Section 139. Amend § 4830, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4830. Standards of licensing.

(c) The Director shall deny a license to any applicant or revoke the license of any licensee based on the following criteria:

(4) A conviction which has been the subject of a pardon or order of expungement shall not be grounds for automatic disqualification under paragraphs (c)(1) and (2) of this section, but may be grounds for disqualification under paragraph (c)(3) of this section. Such conviction also may be considered in evaluating an applicant's ability to demonstrate ~~his~~ the applicant's qualifications pertaining to good character, honesty and integrity;

(j) (1) Within 30 days after an adverse determination by the Director, the applicant or licensee seeking to appeal the denial of a permit application or revocation or suspension of a previously issued permit may demand a hearing before the Lottery Commission and show cause why the Director's determination was in error. Failure to demand a hearing within the time allotted in this section precludes the person from having an administrative hearing, but in no way affects ~~his~~ the person's right to petition for judicial review.

Section 140. Amend § 2124, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2124. Revocation, denial, or nonrenewal of licenses for nonpayment of taxes.

(b) *Other persons affected.* — The Director may revoke, deny or withhold a license under the preceding subsection when ~~he~~ the Director finds that:

Section 141. Amend § 381, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 381. Interstate Compact for the Placement of Children; enactment [Effective upon enactment by 35 states and upon promulgation of rules by the Interstate Commission].

The State of Delaware hereby enters into the Interstate Compact for the Placement of Children as set forth in this section. The Compact shall take effect upon enactment by at least 35 states and upon approval of the Interstate Commission on the Placement of Children. The text of the Compact is as follows:

ARTICLE III. APPLICABILITY

B. The provisions of this compact shall not apply to:

4. The placement of a child, not subject to Article III, Section A, of this compact into a residential facility by ~~his~~ the child's parent.

7. Cases in which a U.S. citizen child living overseas with ~~his~~ the child's family, at least 1 of whom is in the U.S. armed services, and who is stationed overseas, is removed and placed in a state.

Approved May 31, 2023