

LAWS OF DELAWARE
VOLUME 84
CHAPTER 233
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 125

AN ACT TO AMEND TITLE 3, TITLE 6, TITLE 9, TITLE 10, TITLE 11, TITLE 12, TITLE 13, TITLE 14, TITLE 15, TITLE 16, TITLE 18, TITLE 19, TITLE 20, TITLE 21, TITLE 24, TITLE 25, TITLE 29, AND TITLE 30 OF THE DELAWARE CODE RELATING TO TECHNICAL CORRECTIONS.

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

Section 1. Amend § 1501, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1501. Definitions.

As used in this chapter:

(20)b. “Restricted noxious weed seeds” are the seeds of all of the following:

8. ~~Setaria~~ Giant foxtail (*Setaria faberi* R. A. W. Herrm.).

Section 2. Amend § 1507, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1507. Duties and authority of the Department.

(a) The Department shall administer and enforce this chapter and may do all of the following:

(2) Adopt rules and regulations under the Administrative Procedures Act, Chapter 101 of Title 29, and after public hearing, for all of the following:

d. Labeling flower seeds in respect to kind and variety or type and performance characteristics as required by §§ 1502 and 1502C of this title.

e. Maintain a list of the kinds of flower seeds subject to the flower seed germination labeling requirements of §§ 1502 and 1502C of this ~~title~~ title.

f. Maintain a list of the tree and shrub seed species subject to germination labeling requirements of §§ 1502 and 1503 of this title.

Section 3. Amend § 1706, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1706. Registration fees.

(a) An annual registration fee must be paid to the Department, by December 31 each year, for each commercial feed distributed in this State as follows:

(2) The annual registration fee for each pet food is as follows:

d. Notwithstanding paragraphs (a)(2)a. through (a)(2)c. of this section, for a pet food manufactured by a ~~nonprofit~~ nonprofit, the annual registration fee is \$23 for each product of each brand.

Section 4. Amend § 2222, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2222. Composition; appointment; qualifications and term; compensation; vacancies; civil liability.

(a) The Delaware Nutrient Management Commission consists of 19 members as follows:

(2) Three members appointed by the Governor, 1 each representing the following categories:

a. A representative of a commercial/agriculture nutrient applicator.

b. A representative of a golf course/lawn care industry.

c. A public citizen that does not represent any of the other categories.

Section 5. Amend § 8204, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8204. Rabies vaccination required for dogs, cats, and ferrets; antirabies clinics.

(a) *Vaccination of dogs.* — (1) Any person owning a dog 6 months of age or older in this State shall have that dog vaccinated against rabies by a licensed veterinarian, or by a licensed veterinary technician working under the indirect supervision of a licensed veterinarian ~~and if the dog is in a shelter and is owned by the shelter~~; exemption from vaccination against rabies may

be permitted if a licensed veterinarian has examined the animal and based on the veterinarian's professional judgment, has certified in writing that at the time, vaccination would endanger the animal's health because of its infirmity, disability, illness, or other medical considerations and a titer test, in the case of these medical exemptions, may be administered to assist in determining the need for the vaccination. The owner of the dog will receive a copy of the rabies vaccination certificate legibly signed by the licensed veterinarian and the licensed veterinary technician responsible for the administration of the vaccine. The owner of the dog will be responsible for keeping a valid rabies vaccination certificate or exemption certificate in their possession for inspection by an animal control officer, the Department, or the Division, if deemed necessary. Certification that the animal is exempt from vaccination shall be valid for a period of 1 year from the date of the issuance of the certificate of exemption, after which time the animal shall be re-examined by a licensed veterinarian and vaccinated against rabies or a new certificate of exemption shall be issued to the animal's owner.

(b) *Vaccination of cats.* —

Any person owning a cat 6 months of age or older in this State shall have the cat vaccinated against rabies by a licensed veterinarian, or by a licensed veterinary technician working under the indirect supervision of a licensed veterinarian ~~and if the cat is in a shelter and is owned by the shelter;~~ exemption from vaccination against rabies may be permitted if a licensed veterinarian has examined the animal and based on the veterinarian's professional judgment has certified in writing that at the time, vaccination would endanger the animal's health because of its infirmity, disability, illness, or other medical considerations and a titer test, in the case of these medical exemptions, may be administered to assist in determining the need for the vaccination. The owner of the cat will receive a copy of the rabies vaccination certificate legibly signed by the licensed veterinarian and the licensed veterinary technician responsible for the administration of the vaccine. The owner of the cat will be responsible for keeping a valid rabies vaccination certificate or exemption certificate in their possession for inspection by an animal welfare officer, the Department, or the Division. Certification that the animal is exempt from vaccination shall be valid for a period of 1 year from the date of the issuance of the certificate of exemption, after which time the animal shall be re-examined by a licensed veterinarian and vaccinated against rabies or a new certificate of exemption shall be issued to the animal's owner.

Section 6. Amend § 2732, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2732. Deceptive practices in consumer contracts.

In a contract for the sale or lease of merchandise to a consumer, a person engages in a deceptive practice when that person knowingly or ~~recklessly~~; recklessly does any of the following:

- (1) Distorts or obscures the terms, conditions or meaning of the contract or creates a likelihood of confusion or misunderstanding by the use of unintelligible words, ~~phrases or sentences;~~ or phrases, or sentences.
- (2) Omits information required by law to be disclosed in contracts with a ~~consumer;~~ or consumer.
- (3) ~~Violates § 2734~~ Fails to comply with § 2734 or § 2735 of this title; ~~or title.~~
- (4) With respect to a contract that automatically renews and without regard to the duration of such renewal period, fails to provide a cost-effective, timely, and easy to use mechanism for cancellation. A consumer who enters into a contract online shall be permitted to cancel the contract online.

Section 7. Amend § 2734, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2734. Contracts with automatic renewal provisions.

(a) ~~Any~~ A seller that sells, leases, or offers to sell or lease any merchandise to a consumer ~~pursuant to~~ under a contract that contains an automatic renewal provision shall disclose the terms of the automatic renewal provision clearly and conspicuously at the time the contract is entered into.

(b) ~~Any~~ A seller that sells or leases any merchandise to a consumer ~~pursuant to~~ under a contract that is renewed for a specified period of more than 1 month if the renewal causes the contract to be in effect more than 12 months after the day of the initiation of the contract, shall notify the consumer of each upcoming extension of the contract no less than 30 days and no more than 60 days before the cancellation deadline ~~pursuant to~~ under the automatic renewal provision. ~~Such notification shall disclose clearly and conspicuously:~~ The notification required under this subsection must clearly and conspicuously disclose all of the following:

- (1) That unless the consumer cancels the contract, the contract will automatically ~~renew;~~ renew.
- (2) The date by which the consumer must cancel the contract to avoid automatic ~~renewal;~~ renewal.

(3) The procedures the consumer must follow to cancel the ~~contract; and~~ contract. If the consumer entered into the contract online, the seller must provide an online procedure for a consumer to cancel the contract.

(4) How the consumer may obtain details of the automatic renewal provision, ~~whether by contacting the seller at a specified telephone number or address, by providing a copy of the provision, by providing access to the contract, or by any other appropriate method.~~ including any of the following:

- a. Contacting the seller at a specified telephone number or address.
- b. Providing a copy of the provision.
- c. Providing access to the contract.
- d. By any other appropriate method.

(c) A seller that fails to comply with the requirements of this section is in violation of this subchapter unless the seller demonstrates ~~that~~ all of the following:

(1) As part of the seller's routine business practice, the seller ~~has both;~~ does all of the following:

- a. ~~Established and implemented~~ Establishes and implements written procedures to comply with this ~~section; and~~ section.
- b. ~~Enforces compliance with such procedures;~~ the procedures established under paragraph (c)(1)a. of this section.

(2) Any failure to comply with this ~~subchapter~~ section is the result of ~~error; and~~ error.

(3) As part of the seller's routine business practice, where an error has caused the failure to comply with this ~~subchapter, section,~~ section, the unearned portion of the contract subject to the automatic renewal provision is refunded as of the date on which the seller is notified of the error or becomes aware of the error, whichever is earlier.

(d) This section does not apply ~~to;~~ to any of the following:

- (1) Matters subject to the jurisdiction of the Public Service Commission.
- (2) Matters subject to the jurisdiction of the Insurance Commission of this State.
- (3) Matters subject to the jurisdiction of the Federal Communications Commission.
- (4) Leases subject to the Residential Landlord-Tenant Code, Chapters 51 through 59 of Title 25, or the Manufactured Homes and Manufactured Home Communities Act, Chapter 70 of Title 25.

Section 8. Amend § 2735, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2735. Remedies.

(c) With respect to any contract containing an automatic renewal provision that is renewed in violation of § 2734 of this title, such contract is voidable by the consumer.

(1) The consumer ~~shall~~ may void the automatic renewal contract using any method that would have been sufficient to cancel the contract prior to its renewal.

(2) A consumer who voids a contract pursuant to this subsection ~~shall~~ is not be liable for any costs, fees, or expenses associated with the contract that accrue after the date on which the consumer voided the contract. The seller may retain a prorated fraction of any prepaid fees or costs based on the time since the renewal was executed and the time remaining in the renewal period. The seller shall refund any remaining prepaid fees or costs to the consumer within 30 days.

Section 9. Amend § 2737, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2737. Enforcement.

(a) (1) Before bringing an action with respect to the automatic renewal of any contract containing an automatic renewal provision that is renewed in violation of § 2734 of this title, the consumer must provide the seller with notice of the violation and a request to cancel the extension of the contract. The consumer ~~shall send the notice by;~~ must send this notice by 1 of the following:

- a. ~~Email;~~ Email.
- b. ~~Mail; or~~ Mail.
- c. Any other method ~~the business wants to offer.~~ offered by the seller.

(2) ~~If An action may not be initiated under this chapter by the consumer against the seller for the cured violation of § 2734 of this title if, within 30 days of the consumer sending the notice, the seller:~~ notice required under paragraph (a)(1) of this section, the seller does all of the following:

a. ~~Cures the violation;~~ violation.

b. Provides the consumer with a written statement that the alleged ~~violations have~~ violation has been cured and that no further violations of that kind ~~shall occur;~~ and

~~e. Sends~~ will occur and sends a copy of such statement to the Director of Consumer Protection of the Department of ~~Justice,~~ Justice.

~~then no action shall be initiated under this chapter by the consumer against the seller for the cured violation of § 2734 of this title.~~

(3) Nothing in this section ~~shall preclude~~ precludes investigation or enforcement action by the Attorney General for violations of this chapter.

(c) The automatic renewal provisions of this subchapter ~~shall become effective~~ take effect on January 1, 2022.

Section 10. Amend § 9611, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9611. Recordation of instruments containing certificate of notarial act [Effective Aug. 1, 2023].

(a) Any document presented to the recorder for recording which contains a certificate of a notarial act as defined by §§ 4321(3)~~[repealed]~~ 4316(5) and 4328 of Title 29 (existing or as amended), shall, in addition to other matters which may be required by law, identify the name and title of the notarial officer who executed the certificate in a legible manner which is suitable for micrographic or electronic reproduction.

Section 11. Amend § 3901, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3901. Affidavits of defense; judgments by default on written instruments; opening judgments.

(e) Upon any judgment under this section a stay of execution for 6 months shall be granted on security being given by the defendant for the payment of such judgment, with interest and costs, in such form as by the rules of the court are prescribed. In case of a suit by or against a corporation, the affidavit by the cashier or treasurer shall be sufficient in this section. In case of security being given as aforesaid by the defendant, the entry of such security shall have all the force and effect of a judgment, and at the expiration of the stay given, the judgment, with costs, may be collected by execution process sued out jointly or severally against the principal and surety. Any affidavit authorized under this chapter may be taken out of this State before any judge of any court of record, the mayor or chief magistrate of any city or borough, a Commissioner of Deeds for this State, or any consul or vice-consul of the United States, or before any notary public of any state or territory within the United States or of the District of Columbia. The affidavit shall be certified under the hand and official stamp or seal, or seal of the court, city or borough, as the case may be, of the person taking the same.

Section 12. Amend § 1112C, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1112C. Enticement for purposes of sexual contact; class F felony.

(d) A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Nothing in this section shall preclude a separate charge, ~~conviction and~~ conviction, or sentence for any other crime set forth in this title, or in the Delaware Code.

Section 13. Amend § 1254, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1254. Assault in a detention facility; penalty; class B and class D felony.

(a)(1) Any person who, being confined in a detention facility, intentionally or recklessly causes physical injury to a correctional officer, other state employee of a detention facility acting in the lawful performance of duties, any other person confined in a detention facility or any other person at a detention facility or other place having custody of such person shall be guilty of a class D felony.

(2) Notwithstanding Chapter 45 of this title, any person convicted for a violation of this subsection shall be imprisoned for a mandatory minimum period of 2 years which shall commence upon final judgment of conviction. Such sentence shall not be suspended nor shall the defendant be eligible for parole or probation.

(b)(1) Any person who, being confined in a detention facility, intentionally or recklessly causes serious physical injury to a correctional officer, other state employee of a detention facility acting in the lawful performance of duties, any other person confined in a detention facility or any other person at a detention facility or other place having custody of such person shall be guilty of a class B felony.

(2) Notwithstanding Chapter 45 of this title, any person convicted for a violation of this subsection shall be imprisoned for a mandatory minimum period of 3 years which shall commence upon final judgment of conviction. Such sentence shall not be suspended nor shall the defendant be eligible for parole or probation.

(c)(1) Any person who, being confined in a detention facility, intentionally or recklessly strikes with urine, feces or other bodily fluid a correctional officer or other state employee of a detention facility acting in the lawful performance of duties or any other person at a detention facility or other place having custody of such person, other than another person confined at a detention facility shall be guilty of a class D felony.

(2) Notwithstanding Chapter 45 of this title, any person convicted for a violation of this subsection shall be imprisoned for a mandatory minimum period of 1 year, which shall commence upon final conviction. Such sentence shall not be suspended nor shall the defendant be eligible for parole or probation.

(3) When charged with a violation of this subsection, the defendant shall be tested for diseases transmittable through bodily fluids, the cost of such tests to be assessed as costs upon conviction. The results of such tests shall be provided only to the Attorney General, the victim of the assault, the defendant and the Department's medical care provider.

(d) The execution and operation of the sentence for any other crime causing such original confinement shall, upon the commencement of the sentence for a violation of this section, be placed in suspension, to be continued only after completion of the sentence for the violation of this section.

Section 14. Amend § 4209, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4209. Punishment, procedure for determining punishment, review of punishment and method of punishment for first-degree murder committed by adult offenders.

(d) *Determination of sentence.* —

(3) a. Not later than 90 days before trial the defendant may file a motion with the Court alleging that the defendant had a serious intellectual developmental disorder at the time the crime was committed. Upon the filing of the motion, the Court shall order an evaluation of the defendant for the purpose of providing evidence of the following:

1. Whether the defendant has a significantly subaverage level of intellectual functioning;
2. Whether the defendant's adaptive behavior is substantially impaired; and
3. Whether the conditions described in paragraphs ~~(d)(1) and (d)(2)~~ (d)(3)a.1. and (d)(3)a.2. of this section existed before the defendant became 18 years of age.

Section 15. Amend § 8404, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8404. Powers and duties.

(c) The Council shall propose regulations detailing mandatory standards for the use of body-worn cameras by police officers no later than January 15, 2022, to ensure widespread and consistent use of body-worn cameras. While developing the standards, the Council shall hold a minimum of 2 public meetings to solicit input from the community on the body-worn camera regulations to ensure that victims' rights advocates, community groups, and ~~member~~ members of the public have an opportunity to contribute to the development of the regulations. The Council shall include the Delaware State Troopers Association and the Delaware Fraternal Order of Police in discussions concerning regulations detailing mandatory standards for the use of body-worn cameras by police officers. The Council shall consult with the Department of Correction, the Department of Services for Children, Youth, and Their Families, and the Office of Defense Services in the development of the regulations. Notwithstanding anything to the contrary in Chapter 101 of Title 29, the regulations shall not come into effect until after review by the Delaware State Troopers Association and the Delaware Fraternal Order of Police and formal approval by the Council on Police Training. At

a minimum, the regulations shall address standards governing body-worn cameras use, activation, electronic storage, and dissemination.

Section 16. Amend § 265, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 265. Declaration of disposition of last remains; form.

The following declaration of disposition of last remains must be substantially in the following form:

DECLARATION OF DISPOSITION OF LAST REMAINS

I, (Name of Declarant), being of sound mind and lawful age, hereby revoke all prior declarations, wills, codicils, trusts, powers of appointment, and powers of attorney regarding the disposition of my last remains, and I declare and direct that after my death the following provisions be taken:

1. If permitted by law, my body shall be (Initial ONE choice):

_____ Buried. I direct that my body be buried at _____.

_____ Cremated. I direct that my cremated remains be disposed of as follows:

_____.

_____ Entombed. I direct that my body be entombed at _____.

_____ Other. I direct that my body be disposed of as follows: _____.

_____ Disposed of as _____ (Name of Designee) shall decide in writing. If _____ is unwilling or unable to act, I nominate _____ as my alternate designee.

2. I request that the following ceremonial arrangements be made (initial desired choice or choices):

I request _____ (Name of designee) make all arrangements for any ceremonies, consistent with my directions set forth in this declaration. If _____ is unwilling or unable to act, I nominate _____ as my alternate designee.

_____ Funeral. I request the following arrangements for my funeral:

_____.

_____ Memorial Service. I request the following arrangements for my memorial service:

_____.

3. Special Instructions. In addition to the instructions above, I request (on the following lines you may make special requests regarding ceremonies or lack of ceremonies): _____

_____.

Note: Those persons or entities asked to carry out a declarant's intent regarding disposition of last remains and ceremonial arrangements need do so only if the declarant's intent is reasonable under the circumstances. "Reasonable under the Circumstances" may take into consideration factors such as a known prepaid funeral, burial, or cremation plan of the declarant, the size of the declarant's estate, cultural or family customs, the declarant's religious or spiritual beliefs, the known or reasonably ascertainable creditors of the declarant, and the declarant's financial situation prior to death.

I may revoke or amend this declaration in writing at any time. I agree that a third party who receives a copy of this declaration may act according to it. Revocation of this declaration is not effective as to a third party until the third party learns of my revocation. My estate shall indemnify any third party for costs incurred as a result of claims that arise against the third party because of good-faith reliance on this declaration.

I execute this declaration as my free and voluntary act, on _____.

_____ (Declarant).

The following section regarding organ and tissue donation is optional. To make a donation, initial the option you select and sign below.

In the hope that I might help others, I hereby make an anatomical gift, to be effective upon my death, of:

A. _____ Any needed organs/tissues.

B. _____ The following organs/tissues:

_____.

Donor signature: _____.

Notarization Optional:

State of Delaware

County of _____ :

Acknowledged before me by _____, Declarant, on _____, _____. My commission expires:

*(Seal) (Stamp or Seal) Notary Public _____.

Section 17. Amend § 1176, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1176. Failure of person examined to retain records.

(a) If a person subject to examination under § 1171 of this title does not retain the records required by § 1145 of this title, the State Escheator may determine the amount of property due using a reasonable method of estimation based on all information available to the State Escheator, including ~~to~~ extrapolation and the use of statistical sampling when appropriate.

Section 18. Amend § 8-302, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8-302. Execution of acknowledgment of paternity.

(b) An acknowledgment of paternity is void if it:

(4) Is signed by ~~a~~ the mother or a man seeking to establish his paternity who is a minor at the time of signing the acknowledgment of paternity.

Section 19. Amend § 131, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 131. Public school enrollees' immunization program; exemptions.

(a) The Department shall from time to time, with advice from the Division of Public Health, adopt and promulgate rules and regulations to establish an immunization program to protect pupils enrolled in public schools from certain diseases. Such rules and regulations shall include at least the following:

(6) Provision for exemption from the immunization program for an enrollee whose parents or legal guardian, because of individual religious beliefs, reject the concept of immunization. Such a request for exemption shall be supported by the affidavit herein set forth:

AFFIDAVIT OF RELIGIOUS BELIEF

STATE OF DELAWARE

_____ County;

1. (I) (We) (am) (are) the (parent(s)) (legal guardian(s)) of _____ Name of Child .

2. (I) (We) hereby (swear) (affirm) that (I) (we) subscribe to a belief in a relation to a Supreme Being involving duties superior to those arising from any human relation.

3. (I) (We) further (swear) (affirm) that our belief is sincere and meaningful and occupies a place in (my) (our) life parallel to that filled by the orthodox belief in God.

4. This belief is not a political, sociological or philosophical view of a merely personal moral code.

5. This belief causes (me) (us) to request an exemption from the mandatory school vaccination program for _____ Name of Child .

6. (I) (We) acknowledge that, in the event that the Division of Public Health declares that there is an outbreak of a vaccine preventable disease, or if in the estimation of the Division of Public Health, (my) (our) child has had, or is at risk of having an exposure to a vaccine preventable disease, (my) (our) child shall be temporarily excluded from attendance at the public school, in which case, it will be (my) (our) responsibility, along with the school, to assist (my) (our) child in keeping up with school work, and (my) (our) child shall be authorized to return to school once approved by the Division of Public Health.

7. (I) (We) acknowledge that (I) (we) have been given the opportunity to receive from the school district information regarding the medical benefits and risks in choosing whether to have the child participate in the immunization program, and if (I) (we) have not taken that opportunity, it is hereby waived.

Signature of Parent(s) or Legal Guardian(s)

SWORN TO AND SUBSCRIBED before me, a registered Notary Public, this _____ day of _____,

(Seal) (Stamp or Seal)

Notary Public:

My commission expires:

Section 20. Amend § 161A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 161A. Definitions.

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

A. "Active duty" means: Full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ Chapters 1209 and 1211.

Section 21. Amend § 402, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 402. Definitions [For application of this section, see 83 Del. Laws, c. 316, § 3].

For the purposes of this chapter, the following terms shall have the following meanings:

(1) "Application" shall mean the standard application for educational options. This application ~~This application, which consists of an online application or a written application,~~ shall be provided by the Department of ~~Education, which consists of an online application or a written application.~~ Education.

Section 22. Amend § 1270B, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1270B. Delaware Performance Appraisal System II [Effective July 1, 2023].

(c) (1) Delaware Performance Appraisal System II must have no more than 5 components and must have a strong focus on student improvement, with 1 component dedicated to student improvement. All components must be weighted equally.

(2) For all Part I and Part II goals, the specialist, as well as the administrator, may propose measures to be used to provide data to judge progress towards the goals. The proposed measures must be approved by the administrator and not result in additional assessments for students. With regard to Part II goals, the measures must be selected from a list of the standardized measures that may be created by a school district or charter school but must be approved by the Department. If the specialist and administrator do not agree, ~~the supervisor's~~ administrator's decision is final.

(3) The measure of student improvement must take into consideration student absence, student mobility, student chronic noncompliance with school rules, chronic failure by parents to abide by the Parents' Declaration of Responsibilities under § 157 of this title, and other factors that may adversely affect the evaluation. If a student has missed more than 15% of the class time, the student's performance shall only be used with the agreement of the teacher specialist or administrator under this chapter.

Section 23. Amend § 1337, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1337. Public Education Compensation Committee.

(c) The Committee shall consist of the following ~~members:~~ members, or a designee selected by the member serving by virtue of position: ~~the Secretary of Education; the Controller General; the Director of the Office of Management and Budget; the President of the Delaware State Education Association; the Executive Director of the Delaware Association of School Administrators; an educator appointed by the Senate President Pro Tempore; 2 school financial officers appointed by the Governor; 1 school superintendent appointed by the Governor; a charter school administrator appointed by the Speaker of the House; a representative of the Office of the Governor; the Chair of the House Education Committee; the Chair of the Senate Education Committee; 1 member from the House minority caucus appointed by the Speaker of the House of Representatives; and 1 member from the Senate minority caucus appointed by the President Pro Tempore of the Senate. The Committee will elect a chair from amongst the membership.~~

(1) The Secretary of Education.

(2) The Controller General.

(3) The Director of the Office of Management and Budget.

(4) The Executive Director of the Delaware State Education Association.

(5) The Executive Director of the Delaware Association of School Administrators.

(6) An educator appointed by the Senate President Pro Tempore.

(7) Two school financial officers appointed by the Governor.

(8) One school superintendent appointed by the Governor.

(9) A charter school administrator appointed by the Speaker of the House.

(10) A representative of the Office of the Governor.

(11) The Chair of the House Education Committee.

(12) The Chair of the Senate Education Committee.

(13) One member of the House minority caucus appointed by the Speaker of the House of Representatives.

(14) One member of the Senate minority caucus appointed by the President Pro Tempore of the Senate.

(d) The Committee will elect a chair from amongst the membership.

~~(d)~~(e) The Committee shall seek input from others including educators, parents, school administrators, local school boards, and higher education representatives. The Committee shall hold public meetings in person or virtually to specifically gather input from educators.

~~(e)~~(f) The Department of Education shall provide staff assistance to the Committee and shall convene the first meeting no later than August 1, 2022.

Section 24. Amend § 1716E, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1716E. Mental health services unit and ~~funding.~~ funding for grades K through 5.

(i) The Department of Education shall promulgate rules and regulations to implement and enforce this ~~chapter.~~ section.

Section 25. Amend § 1716F, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1716F. Mental health services unit and funding for middle school.

(h) The Department of Education shall promulgate rules and regulations to implement and enforce this ~~chapter.~~ section.

Section 26. Amend § 1917, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1917. Collection and deposit of school taxes.

(d)(4)a. Where title to property on which a credit is claimed is held by claimant and another or others, either as tenants in common or as joint tenants, the claimant is not allowed a credit against that claimant's interest in the property in excess of the assessed valuation of that claimant's proportionate share in the property. For the purposes of this subsection, the claimant's proportional share is deemed to be equal to that of each of the other tenants unless it is shown that the interests in question are not equal, in which event claimant's proportionate share must be as shown.

d. Right to claim credit under this subsection will be withdrawn for the subsequent tax year from any taxpayer who has not paid in full such taxpayer's property tax bill by the end of the tax year for which a credit was reported for that taxpayer to the Secretary of Finance by the receiver of taxes and county treasurer. Taxpayers who fail to pay in full their property tax bill by the end of the tax year for which a credit was reported for that taxpayer to the Secretary of Finance by the receiver of taxes and county treasurer may qualify for credits under this subsection in subsequent tax years upon the payment in full of property taxes and penalties owed before the beginning of the subsequent tax year. A claimant must notify the receiver of taxes or county treasurer of any modification in status that results in the claimant no longer meeting the definition of "qualified person" set forth in paragraph (d)(1) of this section or ~~no longer an~~ of eligible surviving spouse under paragraph ~~(d)(1)~~ (d)(1)d. of this section.

Section 27. Amend § 3105A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3105A. Early intervention service providers; requirements.

~~(e)~~ Ensure ~~The Department shall ensure~~ that early intervention service providers complete the background checks required under § 309 of Title 31.

Section 28. Amend § 8003, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8003. School bus safety camera systems.

(c) *Liability.* —

The owner or operator of a vehicle approaching a school bus from the front or from the rear who has failed to stop when a school bus is stopped and displays flashing lamps to take on or discharge school children as evidenced by information obtained

from a school bus safety camera system, shall be subject to a civil or administrative assessment of \$100 for a first offense, which shall increase to \$500 for each subsequent offense within 10 years of the prior offense or offenses; provided, however, that the school district may provide for an additional assessment not to exceed \$10 if the civil or administrative assessment is not paid within 20 days, which assessment may be increased to an amount not to exceed \$20 if the assessment is not paid within 45 days, and may be increased to an amount not to exceed \$30 if the assessment is not paid within 90 days. Court costs or similar administrative fees not to exceed \$35 may also be assessed against an owner or operator who requests a hearing to contest the violation and is ultimately found or pleads responsible for the violation or who fails to pay or contest the violation in a timely manner. No assessments ~~and~~ or court costs other than those specified in this subsection may be imposed. A violation for which a civil assessment is imposed under this subsection shall not be classified as a criminal offense and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance. Assessments collected as a result of a traffic control signal monitoring system shall be paid to the school district, after first being applied to reimburse the private vendor or manufacturer and the school district for their costs of administering such systems. This subsection does not apply to an owner or operator of a vehicle on a roadway with 4 or more lanes approaching a school bus from the front.

(j) Notwithstanding any other provision in this section, if the motor vehicle which is found by the school bus safety camera system to have failed to comply with a school bus signal is commercially licensed, then the owner of that vehicle shall be sent notice of the date, time, and location of the violation with 2 photographs thereof. Within 10 days of the receipt of said notice, the owner of the vehicle shall provide the school district with the name and address of the driver of the vehicle at the date, time, and location of the violation and, within the same time period, shall provide the driver of the vehicle with the photographs of the violation. After receipt by the school district of the name and address of the driver of the vehicle at the time of the violation, the driver of the vehicle shall be prima facie responsible for such violation in the same manner as provided for under § 7003 of Title 21 and shall be subject to the provisions of this section. Failure of the owner of the vehicle found to be in violation of subsection (d) of this section to provide the name and address of the driver at the time of the violation within the period prescribed shall cause the owner to be held responsible as set forth in ~~paragraph (d)(5)~~ subsection (g) of this section.

Section 29. Amend Chapter 90D, Title 14 and Chapter 100, Title 29 of the Delaware Code by transferring § 9001D of Title 14, redesignating § 9001D of Title 14 as § 10008 of Title 29, and making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 90D. Livestreaming Board of Trustees Meetings of Public Institutions of Higher Education [~~Transferred~~]
§ 9001D. Board of Trustees meetings; livestreaming ~~requirements~~. requirements [~~Transferred to § 10008 of Title 29~~].
§ 10008. Livestreaming Board of Trustees meetings of public institutions of higher learning.

(a) For purposes of this section, “full Board of Trustees” means the full Board of Trustees for each of the following:

- (1) University of Delaware, under § 5107 of ~~this title~~. Title 14.
- (2) Delaware State University, under § 6505 ~~this title~~. Title 14.
- (3) Delaware Technical and Community College, under § 9105 of ~~this title~~. Title 14.

(b) Meetings of a full Board of Trustees must be available over the internet by livestream broadcast that meets all of the following:

- (1) Streams audio and video of the meeting.
- (2) Permits the public to hear all participants contemporaneously.

(c) A recording of a meeting livestreamed under subsection (b) of this section must be posted on a public website within a reasonable time after the meeting concludes and must remain on the website for at least 1 year.

(d) Notice of a full Board of Trustees meeting must include information on how the public can access the livestream broadcast of the meeting and a recording of the meeting.

(e) (1) A technological failure that prevents, or a technological limitation that limits, public access otherwise required under paragraphs (b)(1) and (b)(2) of this section does not invalidate a meeting or an action taken at a meeting.

(2) Subsections (b) and (c) of this section do not require the livestreaming or recording of the portion of a full Board of Trustees meeting that is in an executive session under § 10004 of ~~Title 29~~. this title.

Section 30. Amend § 9219, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9219. Basic salary schedule for Plan A employees.

(f) The salary paid to any Plan B employee shall be paid in accordance with a merit system comparable pay system. Such a system shall be subject to the following provisions:

(1) For salary purposes, the 37.5 hour merit salary schedule shall be the pay plan for Plan B employees. Salary adjustments shall be granted under the same conditions as listed in § 8(d)(1)(ii) of 70 Del. Laws, c. 118.

(2) a. The class specifications for positions occupied by Delaware Technical and Community College Plan B employees shall be assigned paygrades comparable to the Merit System pay plan using the same criteria authorized by the Department of Human Resources for Merit System positions. Notwithstanding the forgoing, the College is authorized to adopt a separate pay plan for Plan B employees assigned to ~~an~~ information technology class specifications and support positions, without impact to the general fund appropriation limit as provided in § 1 of the annual Appropriations Act.

b. Periodic classification maintenance reviews shall be processed under the normal Department of Human Resources maintenance review processes. Critical reclassifications shall be processed under the same general system as the Merit System, subject to final approval of a committee composed of the President of the College, Secretary of the Department of Human Resources, Director of the Office of Management and Budget and Controller General.

Section 31. Amend § 4904, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4904. Oath at polling place before opening an election.

Before opening the election, the inspector, judges, clerks and any other appointed election officers shall subscribe to the following oath:

“I do solemnly swear (or affirm) that in the election to be held on the _____ day of _____ A. D. _____ I will not knowingly or willfully receive or consent to the receiving of the vote of any alien, and also that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias, and that I will determine every matter that shall come before me and perform every act and duty by law required of me, touching the election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots that shall be taken at such election to be fully read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; that I have not received, nor will I receive directly or indirectly from or through any candidate to be voted for at such election, or any other person, any money, pay or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I will at any time directly or indirectly receive any money, pay or other valuable thing or reward from such candidate or other person other than that provided by law and if I shall discover any partiality, unfairness or corruption in the conduct of the election, I shall disclose the same to the Department of Elections that is conducting the election and to the Attorney General to the end that the subject may be investigated, so help me God (or so I solemnly affirm).”

Section 32. Amend § 5608A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5608A. Voting procedure; execution of statement; return of ballot [For application of this chapter, see 83 Del. Laws, c. 353, § 6].

(a) The procedure for completing a mail ballot and returning it to the Department includes all of the following:

(2) The elector shall confirm that the information about that elector on the ballot envelope is correct and then sign the self-administered oath and enter the elector’s state-issued driver’s license number or state-issued nondriver identification ~~card~~, card number, or the last 4 digits of the elector’s Social Security number.

Section 33. Amend § 5615A, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5615A. Challenges [For application of this chapter, see 83 Del. Laws, c. 353, § 6].

(a) A mail ballot may be challenged for any of the following:

(3) The ballot envelope does not contain the elector’s state-issued driver’s license number or state-issued nondriver identification ~~card~~, card number, or the last 4 digits of the elector’s Social Security number, as required under § 5608A(a)(2) of this title.

Section 34. Amend § 8044, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8044. Tardy reports.

(a)(5)a. A reporting party named in a citation is responsible for the administrative penalty assessed under paragraph (a)(4)a.1. of this section.

b. Notwithstanding paragraph ~~(a)(4)a.~~ (a)(5)a. of this section, the administrative penalty may be paid by a political committee or political action committee for which a reporting party named in a citation is responsible for filing a report required under this chapter.

Section 35. Amend § 122, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 122. Powers and duties of the Department of Health and Social Services.

The Department shall have the following general powers and duties:

(3) Adopt, promulgate, amend, and repeal regulations consistent with law, which regulations shall not extend, modify or conflict with any law of this State or the reasonable implications thereof, and which shall be enforced by all state and local public health officials, to do all of the following:

u. 1. Promulgate and enforce standards to regulate food establishments which may include, but are not limited to, restaurants, caterers, temporary food vendors, grocery stores, food vending machines, ice manufacturers and cottage industries that prepare or handle food for human consumption whenever it is determined that said food represents a hazard to the public health.

~~Notwithstanding any regulation to the contrary, the owner of a food establishment or beer garden may permit leashed dogs in the owner's beer garden or on the owner's licensed outdoor patio.~~

5. Churches, schools, fire companies and other nonprofit organizations are exempt from these fees.

6. Notwithstanding any regulation to the contrary, the owner of a food establishment or beer garden may permit leashed dogs in the owner's beer garden or on the owner's licensed outdoor patio.

Section 36. Amend § 126, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 126. Regulations and orders of Department and Secretary — Effect; distribution.

~~(c) A copy of every regulation or order of the Department of Health and Social Services, giving the date that it takes effect, shall be filed with the Secretary of State, and copies of such regulations or orders shall be issued by the Department of Health and Social Services in pamphlet form for general distribution. The Department must promulgate regulations in accordance with the procedures under the Administrative Procedures Act, Chapter 101 of Title 29.~~

Section 37. Amend § 1802, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1802. Definitions.

As used in this chapter:

(2) "Insurer" means any person, firm, association or corporation duly licensed in this State as an insurance company pursuant to ~~Chapter 47~~ 5 of this title.

Section 38. Amend § 3370B, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3370B. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome.

(b) ~~At any time that the State is required by the Secretary of the United States Department of Health and Human Services, or its successor agency, determines it is required under federal law to defray the cost of any coverage for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome required under subsection (a) of this section, the requirements under subsection (a) of this section are inoperative and the State may not assume any obligation for the cost of coverage for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome.~~

Section 39. Amend § 3571T, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3571T. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome.

(b) ~~At any time that the State is required by the Secretary of the United States Department of Health and Human Services, or its successor agency, determines it is required under federal law to defray the cost of any coverage for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome required under subsection (a) of this section, the requirements under subsection (a) of this section are inoperative and the State may not assume any obligation for the cost of coverage for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome.~~

Section 40. Amend § 5005, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5005. Standards and management of an insurer within an insurance holding company system.

(a) *Transactions within an insurance holding company system.* —

(6) Supervision, seizure, conservatorship or receivership proceedings.

a. Any affiliate that is party to an agreement or contract with a domestic insurer that is subject to § 5004(b)(3)e. of this title shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed pursuant to Chapter 59 of this title for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that are either of the following:

1. An integral part of the insurer's operations, including, but not limited to management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions.
2. Essential to the insurer's ability to fulfill its obligations under insurance policies.

b. The Commissioner may require that an agreement or contract pursuant to § 5004(b)(3)e. of this title for the provision of services described in paragraphs (a)(6)a.1. and 2. ~~above of this section~~ specify that the affiliate consents to the jurisdiction as set forth in this § 5005(a)(6) of this chapter. title.

Section 41. Amend § 104, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 104. Preparation of certificates, papers and abstracts.

The Department shall formulate and have printed certificates and papers required in the issuing of employment certificates and the abstracts of the law relating to the hours of child labor ~~and conditions and hours of females~~ in this State.

Section 42. Amend § 3716, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3716. Private plans.

(a) (1) Except as provided under subsection (e) of this section, an employer may apply to the Department for approval to meet the employer's obligations under this chapter through a private plan. To be approved as meeting an employer's obligations under this chapter, a private plan must do all of the following:

~~l. Providing~~ Provide that the cost to employees covered by a private plan is not greater than the cost charged to employees under the State program.

m. Provide an internal administrative review process and notice to employees of the option to appeal a final determination of the private plan to the Family and Medical Leave Insurance Appeal, consistent with § 3711 of this title.

Section 43. Amend § 3718, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3718. Powers of the Department.

(g) The Department has exclusive authority to settle any claim related to noncompliance with ~~this. this chapter.~~

Section 44. Amend § 3102, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3102. Definitions.

As used in this chapter:

(1) "COVID-19 order" means any modification to the Declaration of a State of Emergency Declaration, Emergency, or other order issued by the Governor pursuant to the authority granted by this chapter, relating to the COVID-19 State of Emergency.

(2) “COVID-19 State of Emergency” means the state of emergency declared effective as of Friday, March 13, 2020, at 8:00 a.m. Eastern Standard Time by the Governor, pursuant to the Declaration of a State of Emergency Declaration, Emergency, and any subsequent state of emergency for the State of Delaware, or any portion thereof, relating to coronavirus disease 2019, also known as COVID-19.

Section 45. Amend § 3156, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3156. Notarization [Repealed effective Aug. 1, 2023].

The provisions of Paragraph B of the Eleventh Modification of the Declaration of a State of Emergency Declaration, Emergency, dated April 15, 2020, shall continue in full force and effect until July 31, 2023.

Section 46. Amend § 318, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 318. Notarial fees; penalty.

(a) Notaries’ public fees for administering and certifying, under hand and notarial stamp or seal, the necessary oaths or affirmations to an applicant for the registration and titling of a motor vehicle and the necessary operator’s license shall not exceed 50 cents for the first certification and 25 cents for each additional certification.

Section 47. Amend § 2715, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2715. Driver license renewal cycle; fees; photograph [Effective until Apr. 1, 2025].

(f) Notwithstanding the length of issuance and fees as stated in this ~~subsection, section~~, the length of issuance and fees for commercial motor vehicle driver’s licenses as required in Chapter 26 of this title shall be as required in § 2611 of this title.

Section 48. Amend § 2715, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2715. Driver license renewal cycle; fees; photograph [Effective Apr. 1, 2025].

(f) Notwithstanding the length of issuance and fees as stated in this ~~subsection, section~~, the length of issuance and fees for commercial motor vehicle driver’s licenses as required in Chapter 26 of this title shall be as required in § 2611 of this title.

Section 49. Amend § 4144, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4144. Drivers to exercise due care.

Notwithstanding ~~the foregoing any other~~ provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person, or a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red or accompanied by a guide dog upon a roadway.

Section 50. Amend § 707, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 707. Qualifications of applicant; report to Attorney General; judicial review.

(a) An applicant who is applying for licensure as a doctor of chiropractic under this chapter shall submit evidence, verified by oath and satisfactory to the Board, that such person:

(1) Has received a degree of “Doctor of Chiropractic” from a school or college fully accredited by an accrediting agency recognized by the U.S. Department of ~~Education; Education~~.

(2) Shall provide proof satisfactory to the Board that the applicant has successfully passed Parts I, II, III, IV and the physiotherapy section of the National Board of Chiropractic Examiners’ ~~examination; examination~~.

(3) ~~Shall~~ Has not ~~have~~ been the recipient of any administrative penalties regarding the applicant’s practice of chiropractic, including ~~but not limited to~~ fines, formal reprimands, license suspensions or revocation (except for license revocations for nonpayment of license renewal fees), probationary limitations ~~and/or~~ and has not entered into any “consent agreements” which contain conditions placed by a Board on the applicant’s professional conduct and practice, including any voluntary surrender of a license. The Board may determine, after a hearing, whether such administrative penalty is grounds to deny ~~licensure; licensure~~.

(4) Does not have any impairment related to drugs, alcohol, or a finding of mental incompetence by a physician qualified by specialty or experience to make a professional diagnosis regarding mental capacity, that would limit the applicant's ability to undertake the practice of chiropractic in a manner consistent with the safety of the ~~public~~; public.

(5) Does not have a criminal conviction record, nor pending criminal charge relating to an offense that is substantially related to the practice of chiropractic. If however, after considering the factors set forth under § 8735(x)(3) of Title 29 through a hearing or review of documentation the Board determines that granting a waiver would not create an unreasonable risk to public safety, the Board, by an affirmative vote of a majority of the quorum, shall waive this paragraph (a)(5). Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the ~~Board~~; Board.

a.-d. [Repealed.]

(6) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, has not been convicted of a felony ~~sexual offense~~; offense.

(7) Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain the following:

a. A report of the applicant's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Central Repository contains no such information relating to that ~~person~~; person.

b. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification shall be the intermediary for purposes of this section and the Board of Chiropractic shall be the screening point for the receipt of said federal criminal history ~~records~~; records.

c. An applicant may not be licensed to practice chiropractic until the applicant's criminal history reports have been produced. An applicant whose record shows a prior criminal conviction related to the practice of chiropractic may not be licensed by the Board unless a waiver is granted pursuant to paragraph (a)(5) of this section.

Section 51. Amend § 1935, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1935. Advanced Practice Registered Nurse (APRN) — Authority and duties.

(b) An APRN licensed by the Board of Nursing ~~with~~ has full-practice authority and is authorized within the APRN's role and population foci to:

(1) Prescribe, procure, administer, store, dispense, and furnish over the counter, legend and controlled substances pursuant to applicable state and federal laws and within the APRN's role and population foci.

(2) Plan and initiate a therapeutic regimen within the APRN's role and population foci that includes ordering and prescribing nonpharmacological interventions, including:

a. Medical devices and durable medical equipment, nutrition, blood, and blood products.

b. Diagnostic and supportive services including home health care, hospice, and physical and occupational therapy.

(3) Diagnose, prescribe and institute therapy or referrals of patients within the APRN's role and population foci to health-care agencies, health-care providers and community resources.

(4) Sign death certificates.

(5) Terminate a human pregnancy in accordance with § 1790 of this title.

(c) ~~APRNs with full-practice authority~~ shall seek consultation regarding treatment and care of patients as appropriate to patient needs and the APRN's level of expertise and scope of practice.

Section 52. Amend § 110, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 110. Certificates of notaries public; validity [Effective Aug. 1, 2023].

No official certificate of any notary public shall be invalid or defective because the impression of the official stamp or seal of such officer upon the certificate does not strictly comport with the requirements of ~~§ 4309~~ 4330 of Title ~~29~~ 29. All such certificates shall be valid in all respects; and in all cases where such certificates are annexed to papers proper to be recorded, the several recorders shall admit such papers to record. The record of the same, or a duly certified copy thereof, shall be

competent evidence, and every such paper shall be as good and effectual in law as though the stamp or seal used by the officer certifying the acknowledgment of the same had been made or engraved in exact conformity with the provisions of the law.

Section 53. Amend § 5316, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5316. Protection for victims of domestic abuse, sexual offenses and/or stalking.

(a) A landlord may not pursue any action for summary possession, demand any increase in rent, decrease any services, or otherwise cause any tenant to quit a rental unit where said tenant is a victim of domestic abuse, sexual offenses, or stalking, and where said tenant has obtained or has sought assistance for domestic abuse, sexual offenses, or stalking from any court, police, medical emergency, domestic violence, or sexual offenses program or service.

(c) A landlord may rebut the presumption that the prohibited action is in violation of subsection (a) of this section, above, if:

(10) The landlord, after being given notice ~~of the tenant's victimization per~~ that the tenant is a victim of "domestic abuse," "sexual offenses," or "stalking" as defined in § 5141(9) or (33) 5141 of this title, discontinues those actions prohibited by subsection (a) of this section, above.

Section 54. Amend § 802, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 802. Composition of the Senate; staggered terms.

The Senate shall be composed of 21 members who shall be chosen to hold office ~~for 4 years.~~ a term established under § 806 of this title. The State shall be divided into 21 senatorial districts, from each of which shall be chosen by the qualified electors thereof, 1 Senator. ~~The terms of office of the several Senators shall be staggered so that 10 Senators shall be elected at the first biennial general election following June 30, 2011, for a term of 2 years, and 11 Senators shall be elected at such election for a term of 4 years.~~

Section 55. Amend § 901, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 901. Altering, defacing, or concealing bills or acts; penalties.

(a) (1) It is unlawful to wilfully do any of the following to an act passed by the General Assembly or a bill pending before a House of the General Assembly, a committee of a House of the General Assembly, or a joint committee of the General ~~Assembly.~~ Assembly:

a. Add to.

b. Alter.

c. Deface.

d. Erase.

e. Obliterate.

f. Mutilate.

g. Blot.

h. Blur.

i. Steal.

j. Hide.

k. Conceal.

l. Destroy.

m. Misplace with the intent to conceal.

(2) A violation of paragraph (a)(1) of this section is a felony and is to be punished by a fine of not less than \$100 nor more than \$5,000 and costs of prosecution and imprisonment of not less than 1 year nor more than 10 years.

(d) This section does not prevent or limit a House of the General Assembly from punishing an individual who violates paragraph (a)(1) of this section for contempt according to parliamentary usage. A punishment for contempt by a House of the General Assembly does not prevent or limit a prosecution under this section.

Section 56. Amend § 904, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Engrossment; duty of Secretary of the Senate and Chief Clerk of the House as to passed bills or resolutions.

(a) (1) If a bill or resolution is amended, the Division of Research shall prepare an engrossed copy of the bill or joint resolution for the Governor and publication in the Session Laws and the simple or concurrent resolution for publication on the General Assembly’s website.

(2) In preparing the engrossed copy of a bill or resolution, the Division of Research may correct manifest clerical, typographical, and grammatical errors ~~caused by the bill or resolution being amended.~~ created during the amendment process.

(3) In preparing the engrossed copy of a bill or resolution, the Division of Research shall proofread the engrossed copy before release to ensure accurate engrossment.

Section 57. Amend § 5251, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5251. Definitions.

As used in this chapter:

~~(a) (1)~~ (1) “Carrier” ~~shall mean~~ means the disability insurance company selected pursuant to § 5254 of this title.

~~(b) (2)~~ (2) “Committee” ~~shall mean~~ means the State Employee Benefits Committee as established by § 9602 of this title.

~~(c) (3)~~ (3) “Creditable compensation” ~~shall mean~~ means the base rate of compensation that the employee received on the last day of employment before the employee developed a disability as determined by the Committee.

~~(d) (4)~~ (4) “Disability benefit” ~~shall mean~~ means income replacement payments payable to a participating employee under a short-term or long-term disability benefit program pursuant to this chapter.

~~(e) (5)~~ (5) “Employee” ~~shall mean~~ means an eligible “employee” as defined in § ~~5501~~ (f) 5501 of this title who elects to participate in the Program as specified in § 5519 of this title. This shall include any employee who is collecting benefits pursuant to § 8352(4) of Title 11.

~~(f) (6)~~ (6) “Employment” ~~shall mean~~ means any occupation for which the employee is reasonably suited by training or experience.

~~(g) (7)~~ (7) “Program” means the Disability Insurance Program created pursuant to this chapter providing short-term and long-term disability benefits for eligible employees electing to participate in the Program.

Section 58. Amend § 5290, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5290. Definitions.

As used in this chapter:

(1) “Carrier” ~~shall mean~~ means the supplemental income benefits carrier selected pursuant to § 5292 of this title.

(2) “Claims loss ratio” ~~shall mean~~ means claims payable as a percentage of premium income, or ratio of incurred losses and loss adjustment expenses to net premiums earned.

(3) “Committee” ~~shall mean~~ means the State Employee Benefits Committee as established by § 9602 of this title.

(4) “Employee” ~~shall mean~~ means an eligible ~~employee~~ “employee” as defined in §§ ~~5501~~ (e) 5501 and 5201 of this title who elects to participate in the supplemental insurance program as specified in § 5293 of this title.

(5) “Income indemnity” ~~shall mean~~ means restoration to the participating employee of a loss by payment.

(6) “Premium” ~~shall mean~~ means the price of insurance protection for a specified risk for a specified period of time.

(7) “Supplemental insurance program” ~~shall mean~~ means voluntary insurance benefits designed to supplement existing major medical coverage where the payments are predetermined and paid regardless of other available coverage.

Section 59. Amend § 7929, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7929. Division for the Visually Impaired.

(a) The Division for the Visually Impaired (“Division”) has the power, duties, and functions necessary to provide services for persons with blindness and persons with visual impairment, including the powers, duties, and functions under this section, Chapter 21 of Title 31, and Chapter 23 of Title 31 [repealed.].

Section 60. Amend § 8011, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8011. Water Infrastructure Advisory Council.

(g) Council shall work in concert with DNREC, DHSS, DelDOT, DDA, the Conservation Districts, the Delaware Geological Survey, the Public Service Commission, DOF, the Cabinet Committee on State Planning Issues, and ~~another~~ any other appropriate department, agency, or committee focusing on statewide planning issues. Each agency shall provide reasonable staff time and resources as Council may require to fulfill Council's duties and responsibilities. Council shall also work in concert with the Water Resources Agency of New Castle County and each appropriate agency that a county may designate. DNREC and DHSS are the lead agencies in coordinating support for Council.

Section 61. Amend § 8081, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8081. Legislative findings.

(a) The General Assembly finds all of the following:

(5) It is important that priorities for clean water projects in this State be given to projects that utilize green infrastructure and enhancement of natural systems to provide ecological benefits that include all of the following: ~~improve water quality, demonstrate a high ratio of nutrient or pollution reduction to the amount of funding, and improve of community resilience to extreme weather, sea level rise, and other climate impacts.~~

a. Improvement of water quality.

b. Demonstration of a high ratio of nutrient or pollution reduction to the amount of funding.

c. Improvement of community resilience to extreme weather, sea level rise, and other climate impacts.

Section 62. Amend § 9003, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9003. Powers, duties, and functions.

(a) The Department of Services for Children, Youth and Their Families has the following powers, duties, and functions:

(4) To prepare and maintain a written case plan for each child under its supervision or custody, which must include a description of the child's ~~problems~~, needs, the care and treatment of the child, and any other services to be provided to the child and the child's family; each case plan must be designed to achieve any placement of the child outside of the child's home in the least restrictive setting available and in close proximity to the child's home, consistent with the best interests and special needs of the child.

Section 63. Amend § 1116, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1116. Delaware investment credit [For application of this section, see 81 Del. Laws, c. 244, §§ 4, 5].

~~A resident and nonresident individual shall be allowed a credit against that individual's tax otherwise due under this chapter in an amount equal to 15% of the individual's investment that is qualified under subchapter X of Chapter 87A of Title 29 ("Delaware Investment Tax Credit Program") [repealed] and certified as such by the Director of the Division of Small Business to the Director of Revenue. Notwithstanding § 329 of this title to the contrary, determinations by the Delaware Economic Development Authority as to the qualification of any investment under the Delaware Investment Tax Credit Program [repealed] shall not be appealable to the Tax Appeal Board. In no event shall the credit allowable under this section exceed the tax otherwise due under this chapter. Unused credits under this section may be carried forward 4 years from the tax year in which they are certified under the Delaware Investment Tax Credit Program [repealed]. [Repealed]~~

Section 64. Amend § 2002, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2002. Definitions.

As used in this subchapter:

(4) "Economic development" means any activity that aids in business development and ownership in impoverished ~~areas~~, areas or for low and moderate income families.

Section 65. Amend § 2004, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2004. Qualification for tax-~~credit~~, credit; Neighborhood Assistance Act Advisory Council.

(a) For each taxable period beginning on or after July 1, 2007, a person that contributes to a neighborhood organization or that provides neighborhood assistance in an impoverished area or for low and moderate income families shall receive a tax credit as provided in § 2005 of this title if the Director of the Delaware State Housing Authority annually approves the proposal

of the taxpaying investor. The Director of the Delaware State Housing Authority shall promulgate rules and regulations for the approval or disapproval of such proposals by taxpaying investors.

(b) A Neighborhood Assistance Act Advisory Council, whose members shall be appointed every 2 years by the Director of the Delaware State Housing Authority and ~~comprising~~ be comprised of community development practitioners and representatives of the private and public ~~sectors~~ sectors, shall be established. The Neighborhood Assistance Act Advisory Council shall provide guidance and recommendations to the Director of the Delaware State Housing Authority in establishing program priorities and mechanisms for the program to be conducted and determining the impoverished area or areas selected and the estimated amount to be invested in the program or neighborhood organization. The Neighborhood Assistance Act Advisory Council shall assist the Delaware State Housing Authority in establishing and promulgating rules and regulations for the approval or disapproval of proposals by taxpaying investors and neighborhood organizations.

Approved September 21, 2023