



SPONSOR: Sen. Buckson

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 38

AMEND House Bill No. 38 by after line 230 inserting the following:

“Section 2. Amend Section 9 of the Town Charter of the Town of Magnolia by making deletions as shown by strike through and insertions as shown by underline as follows:

9. Taxation; Tax Limit.

9.1 Taxation.

The Town Council is authorized to levy and collect from the taxables of the Town, according to the terms and provisions of this Act, such sum of money as may be deemed by the Town Council as necessary and proper for the general municipal needs of the Town, including sufficient monies to pay interest and principal on any municipal bond issued by the Town pursuant to sections ~~12.1 and/or 12.2~~ 12.1, 12.2, or 12.3 of this Charter, or pursuant to any special act of the General Assembly.

9.4 Limitation on Taxes.

The total amount of money to be raised by real property taxes and utility fixture taxes shall in no year exceed ~~two percent (2%)~~ 2% of the total assessed valuation of all taxable real estate (and improvements thereon) in the Town; provided, however, that this limit on taxes for general Town purposes shall not limit or prohibit the Town from levying and collecting such further and additional taxes or sums of money in any year as may be necessary or expedient to pay the interest on, or to retire the principal of, any bonds or certificates of indebtedness issued by the Town pursuant to sections ~~12.1 and/or 12.2~~ 12.1, 12.2, or 12.3 of this Charter as the same become due, or before they become due; or to create an adequate sinking fund reserve for the retiring of such indebtedness either before or at the time they become due.

Section 3. Amend Section 10 of the Town Charter of the Town of Magnolia by making deletions as shown by strike through and insertions as shown by underline as follows:

10. Collection of Taxes.

10.6 Applicability to Taxes.

23 The provisions of this section and of section 11 of this Charter apply to all taxes levied by the Town Council of the  
24 Town of Magnolia, pursuant to section ~~12.4~~ 12.5 of this Charter, provided that all references in this section and in section  
25 11 to an Annual Tax List or Taxes shall, for all purposes relating to such special taxes, be deemed to refer to the tax list  
26 showing the amounts of special taxes levied against the real property.”.

27 FURTHER AMEND House Bill No. 38 on lines 7 and 15 by deleting “fifty thousand dollars (\$50,000)” and  
28 inserting in lieu thereof “\$50,000”.

29 FURTHER AMEND House Bill No. 38 on lines 10, 104, 119, and 228 by deleting “five (5)” and inserting in lieu  
30 thereof “~~five (5)~~ 5”.

31 FURTHER AMEND House Bill No. 38 on line 24 by deleting “fifteen percent (15%)” and inserting in lieu thereof  
32 “15%”.

33 FURTHER AMEND House Bill No. 38 on lines 26, 30, 53 by deleting “four (4)” and inserting in lieu thereof “4”.

34 FURTHER AMEND House Bill No. 38 on line 28 by deleting “forty (40)” and inserting in lieu thereof “40”.

35 FURTHER AMEND House Bill No. 38 on line 33 by deleting “fifteen (15%)” and inserting in lieu thereof “15%”.

36 FURTHER AMEND House Bill No. 38 on line 50 by deleting “five (5)” and inserting in lieu thereof “5”.

37 FURTHER AMEND House Bill No. 38 on line 86 by deleting “twenty-five percent (25%)” and inserting in lieu  
38 thereof “25%”.

39 FURTHER AMEND House Bill No. 38 on lines 99, 103, 107, 113, and 117 by deleting “fourteen (14)” and  
40 inserting in lieu thereof “~~fourteen (14)~~ 14”.

41 FURTHER AMEND House Bill No. 38 on lines 99, 103, 108, 113, 118, 211, and 224 by deleting “sixty (60)” and  
42 inserting in lieu thereof “~~sixty (60)~~ 60”.

43 FURTHER AMEND House Bill No. 38 on lines 139 through 140 by deleting “three (3)” and inserting in lieu  
44 thereof “~~three (3)~~ 3”.

45 FURTHER AMEND House Bill No. 38 on lines 204 through 205 by deleting “fifteen (15)” and inserting in lieu  
46 thereof “~~fifteen (15)~~ 15”.

47 FURTHER AMEND House Bill No. 38 on lines 50, 155, 164, and 168 by deleting “and/or” and inserting in lieu  
48 thereof “or”.

49 FURTHER AMEND House Bill No. 38 on lines 104, 120, 167, and 229 by deleting “and/or” and inserting in lieu  
50 thereof “~~and/or~~ or”.

51 FURTHER AMEND House Bill No. 38 on lines 180, 183, 192, 197, 199, 202, and 205 through 206 by deleting  
52 “12.2 and/or” and inserting in lieu thereof “12.2, or”.

### SYNOPSIS

This Amendment makes technical corrections to House Bill No. 38 by revising references in Section 9 and 10 of the Town Charter of Magnolia (Charter) to correspond with revisions being made to Section 12 of the Charter by HB 38.

This Amendment also makes the following technical corrections to HB 38 and the Charter to conform to the standards of the Delaware Legislative Drafting Manual:

1. Replaces “and/or” with “or” because in this context, “or” is inclusive and can mean 1 or more of the sections listed. Delaware Courts have stated that the use of “and/or” should always be avoided in statutes. (See Rule 10)
2. States numbers in the numerical form only. (See Rule 19(b))
3. Expresses percentages with the percent symbol. (See Rule 19(f))

Author: Senator Buckson