

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 37  
151st GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 83

AN ACT TO AMEND TITLE 1, TITLE 2, TITLE 4, TITLE 7, TITLE 10, TITLE 11, TITLE 12, TITLE 14, TITLE 16, TITLE 17, TITLE 18, TITLE 21, TITLE 24, TITLE 26, TITLE 29, AND TITLE 30 OF THE DELAWARE CODE AND THE CHARTER OF THE TOWN OF GREENWOOD 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 § 501, Title 1 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 501. Designation.

(a) The following days shall be legal holidays in this State: January 1, known as New Year's Day; the third Monday in January, known as Martin Luther King, Jr. Day; Good Friday; July 4, known as Independence Day; the first Monday in September, known as Labor Day; November 11, known as ~~Veterans'~~ Veterans Day; the fourth Thursday in November, known as Thanksgiving Day; the Friday following Thanksgiving Day; December 25, known as Christmas; Saturdays; the day of the General Election as it biennially occurs; and in Sussex County, Return Day, the second day after the General Election, after 12:00 Noon.

If any of the legal holidays fall on Sunday, the Monday following shall be a legal holiday. If any of the legal holidays other than Saturday fall on Saturday, the Friday preceding shall be a legal holiday.

(c) ~~Veteran's~~ Veterans Day shall be a legal holiday for all public school students and the employees of public school districts and charter schools. If ~~Veteran's~~ Veterans Day falls on a Sunday, the following Monday shall be a legal holiday. If ~~Veteran's~~ Veterans Day falls on a Saturday, the preceding Friday shall be a legal holiday.

Section 2. 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.

(f)(1) Whoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor, shall be fined \$100 for the ~~1st offense~~ first violation and not less than \$200 nor more than \$500 for each subsequent ~~offense~~. A violation.

~~(2) Notwithstanding paragraph (f)(1) of this section, whoever commits a violation of this subsection must be assessed a civil penalty for a first violation or a and second violation of this subsection is a civil offense.~~ violation. Information concerning this civil offense may not appear on an individual's certified criminal record.

~~(3) Whoever commits a third or subsequent violation of this subsection is guilty of an unclassified misdemeanor.~~

(4) This section ~~shall~~ does not apply to the possession or consumption of alcoholic liquor in connection with any religious service or by members of the same family within the private home of any of said members.

Section 3. Amend § 903, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 903. Department of Natural Resources and Environmental Control; authority; permits; regulations.

(e) The ~~Department~~ Department, in accordance with the procedures ~~set forth in the Administrative Procedures Act, §§ 10101 through 10119 of Title 29, shall have~~ under subchapters I and II of the Administrative Procedures Act (Chapter 101 of Title 29), has the authority to promulgate regulations, which shall have the force and effect of law, to enhance the conservation and management of coastal finfisheries, including the biological and socioeconomic aspects of coastal finfisheries. Any regulation pertaining to fishing for food fish shall require a statement addressing whether or not said regulation will have a significant impact upon the conservation of the fishery in question. Except where otherwise provided in this section, such regulations shall be consistent with this chapter, and may only include, and encompass, the following areas:

Section 4. Amend § 607A, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 607A. Aggravated strangulation; penalty; defenses.

(f) A ~~person charged~~ charge under this section ~~shall~~ does not limit or preclude any other charge being brought against the person.

Section 5. Amend § 761, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 761. Definitions generally applicable to sexual offenses.

(g)(1) “Sexual contact” ~~means:~~ means any of the following touching, if the touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature:

(1) ~~a.~~ a. Any intentional touching by the defendant of the anus, breast, ~~buttocks~~ buttocks, or genitalia of another ~~person; or person.~~

(2) ~~b.~~ b. Any intentional touching of another person with the defendant’s anus, breast, buttocks, semen, or ~~genitalia; or genitalia.~~

(3) ~~c.~~ c. Intentionally causing or allowing another person to touch the defendant’s anus, breast, ~~buttocks~~ buttocks, or ~~genitalia~~ genitalia.

~~which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature.~~

(2) “Sexual contact” ~~shall also include~~ includes touching when covered by clothing.

Section 6. Amend § 827, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 827. Multiple offenses.

A person may be convicted both of burglary and of the offense which it was the purpose of the person's unlawful entry to commit or for an attempt to commit that offense. A person may be convicted both of home invasion burglary first degree and any of the underlying offenses designated in § 826(b) of this title.

Section 7. Amend § 1123, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1123. Liability of employer.

(b) Notwithstanding any other provision of this subpart, in any prosecution for a violation of § 1116, § 1118, or § 1120 of this title, the owner, proprietor, franchisee, store ~~manager~~ manager, or other person in charge of the establishment where the alleged violation occurred ~~shall have~~ has an affirmative defense if ~~such~~ the person or entity can establish that ~~prior to~~ before the date of the violation~~the violation~~, the person or entity; entity did all of the following:

(1) Adopted and enforced a written policy against selling tobacco products or tobacco substitutes to ~~persons~~ individuals under 21 years of ~~age~~; age.

(2) Informed its employees of the applicable laws regarding the sale of tobacco products or tobacco substitutes to ~~persons~~ individuals under 21 years of ~~age~~; age.

(3) Required employees to sign a form indicating that they have been informed of and understand the written policy required ~~herein~~; under this subsection.

(4) Required employees to verify the age of tobacco product or tobacco substitute customers by means of photographic ~~identification~~; and identification.

(5) Established and enforced disciplinary sanctions for noncompliance.

Section 8. Amend § 1125, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1125. Unannounced inspections; reporting; enforcement.

(a) The Department of Safety and Homeland Security or its delegates shall ~~be responsible for~~ conducting ~~conduct~~ annual, random, unannounced inspections at locations where tobacco products or tobacco substitutes are sold or distributed to test and ensure compliance with and enforcement of §§ ~~1116-1120 and 1124~~ [repealed]; §§ 1116 through 1120 of this title.

(b) An individual under the age of 21 may be enlisted by the Department of Safety and Homeland Security or its delegates to test compliance with and enforcement of §§ 1116 through 1120 ~~and 1124~~ [repealed] of this title, provided however, that the individual may be used only under the direct supervision of the Department of Safety and Homeland Security, its employees or delegates and only where written parental consent has been provided for an individual under the age of 18.

Section 9. Amend § 1126, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1126. Jurisdiction.

The ~~Justices~~ Justice of the Peace Court ~~shall have~~ has jurisdiction over violations of this subpart, except in the instance of violations by ~~a person~~ an individual who has not attained the age of 18, in which case the Family Court ~~shall have~~ has jurisdiction.

Section 10. Amend § 4213, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4213. Arrest of persons under the influence of drugs; drug detoxification centers.

(b) The Director of the Division of ~~Drug Abuse Control~~ Substance Abuse and Mental Health (“Director”) shall designate certain hospital, ~~clinic~~ clinic, or other treatment facilities as “drug detoxification centers.” The Director shall so designate such a facility only when the Director is satisfied that the facility has the medical and other staff, as well as the equipment, to diagnose and treat drug abusers as provided for in this section.

(h) To further the implementation of this section, the Director of the Division of ~~Drug Abuse Control~~ Substance Abuse and Mental Health may prescribe regulations for the operation of drug detoxification centers and may assist such drug detoxification centers by distributing to them such funds as the General Assembly may from time to time appropriate to the Director for expenditure on their behalf.

Section 11. Amend § 4373, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4373. Mandatory expungement; application through SBI.

(b) *Exclusions.* — In addition to the exclusions under § 4372(f) of this title, the following misdemeanor convictions are not eligible for mandatory expungement under this section:

(1) A misdemeanor crime of domestic violence. For purposes of this section, a “misdemeanor crime of domestic violence”, means a misdemeanor offense that meets both of the following:

b. Is a misdemeanor ~~offense~~ or violation under any of the following sections: § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 781, § 785, § 791, § 804, § 811, § 821, § 822, § 823, or § 1311 of this title.

Section 12. Amend § 8405, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8405. Mandatory training; exceptions.

(a) Except as provided in subsection ~~(d)~~ (e) of this section, every municipality or other governmental unit of this State employing or intending to employ police officers shall require their attendance at an approved school. Every such municipality, other governmental unit or the University of Delaware or Delaware State University shall require that no person be given or accept an appointment as a police officer unless such person has successfully completed the required police training and education course at an approved school.

(d) A component of training for all persons enrolled in an approved school ~~shall~~ must be a course in the detection, ~~prosecution~~ prosecution, and prevention of sexual assault. Such evidence-based training ~~shall~~ must be victim-centered, and trauma-informed.

(e) Nothing contained in this chapter ~~shall limit~~ limits the authority, ~~power~~ power, or duties of the Secretary of ~~Public Safety as set forth in the Department of Safety and Homeland Security under~~ § 8203 of Title 29.

Section 13. Amend § 1313, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1313. Restricted access to a decedent's safe deposit box for the limited purpose of retrieving the decedent's last will ~~and/or~~ or declaration of disposition of last remains prior to the appointment of personal representative.

(d) Access to a safe deposit box ~~pursuant to~~ under subsection (a) of this section ~~shall be~~ must occur only under the supervision of an officer or employee of the financial institution, and ~~shall~~ must be restricted ~~only~~ to the following:

(1) Opening the safe deposit box with the key presented ~~in accordance with~~ under subsection (a) of this ~~section;~~ section.

(2) Making a photocopy of any wills or declarations of disposition of last remains located in the safe deposit ~~box;~~ box.

(e) Any will removed from a safe deposit box ~~pursuant to~~ under this section and appearing on its face to have been executed in Delaware or by a testator residing in Delaware shall be sent from the financial institution to the Register of Wills in accordance with § 1301(a) of this title if the decedent was domiciled in Delaware at the time of death. All declarations of disposition of last remains removed from the safe deposit box may be released to the person seeking access to the safe deposit box after compliance with subsection (d) of this section.

Section 14. Amend § 3981, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3981. Office established; appointment.

(a) There is established an Office of the Public Guardian, with a Public Guardian who shall serve as follows:

(1) The guardian of last resort for the citizens of Delaware who have been determined to lack capacity to make decisions regarding their persons, their property, or both.

(2) The representative payee of last resort for Social Security benefits.

(3) The VA fiduciary of last resort for ~~Veteran's Administration Benefits.~~ Department of Veterans Affairs benefits.

Section 15. Amend § 1008, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1008. The Redding Consortium for Educational Equity.

(a) The Redding Consortium for Educational Equity (~~the~~ "Consortium") ~~shall replace~~ replaces the Wilmington Education Improvement Commission. The Consortium shall recommend policies and practices to the Governor and General Assembly and to the Secretary of Education to achieve educational equity and to improve educational outcomes of all pre-K to grade-12 students in the City of Wilmington and northern New Castle County.

(d) The Consortium shall evaluate the need for additional or alternative educational facilities in the City of ~~Wilmington~~ Wilmington, including secondary schools.

(f) The Consortium shall develop a proposal for redistricting in the City of Wilmington and northern New Castle County that ~~will~~ must include provisions ~~stipulated in concurrent legislation under § 1026(d)(3) of Title 14~~ formulated specifically for that purpose with designated responsibilities and timelines for action at all levels.

(h) ~~The Consortium shall be composed of the following members (or their designees), who shall have full voting rights:~~ is comprised of 25 voting members, as follows:

(1) Fifteen members serving by virtue of position, or a designee selected by the member, as follows:

~~(1) One member of the Delaware State Senate representing the City of Wilmington, appointed by the President Pro Tempore, and one member of the Delaware House of Representatives representing the City of Wilmington, appointed by the Speaker of the House of Representatives;~~

~~One member of the minority caucus of the Senate appointed by the President Pro Tempore and one member of the minority caucus of the House of Representatives appointed by the Speaker of the House.~~

a. A State Senator representing the City of Wilmington, appointed by the President Pro Tempore of the Senate.

b. A State Representative representing the City of Wilmington, appointed by the Speaker of the House of Representatives.

c. A State Senator from the minority caucus, appointed by the President Pro Tempore of the Senate.

d. A State Representative from the minority caucus, appointed by the Speaker of the House of Representatives.

~~(2) e. The Superintendent of the Red Clay Consolidated School District; District.~~

~~(3) f. The Superintendent of the Christina School District; District.~~

~~(4) g. The Superintendent of the Colonial School District; District.~~

~~(5) h. The Superintendent of the Brandywine School District; District.~~

~~(6) i. The Superintendent of the New Castle County Vo-Tech School District; District.~~

~~(7) j. The Mayor of the City of ~~Wilmington~~; Wilmington.~~

~~(8) k. The Head of the Metropolitan Urban League; League.~~

~~(9) l. The President of the Delaware Hispanic Commission; Commission.~~

~~(10) m. The Chair of the Advisory Council on English Learners; Learners.~~

~~(11) n. A Chair of the Wilmington Community Advisory Council Council.~~

~~(12) o. The President of the Delaware State Education Association.~~

(2) The following additional members, who shall have full voting rights, shall be Ten members identified and appointed by the co-chairs of the ~~Consortium~~; Consortium, as follows:

~~(13) a. A representative of the Wilmington Center for Education Equity and Public Policy; Policy.~~

(14) ~~b.~~ b. A charter school ~~lead;~~ lead.

(15) ~~c.~~ c. Two teachers from schools in the City of ~~Wilmington;~~ Wilmington.

(16) ~~d.~~ d. Two business ~~leaders;~~ leaders.

(17) ~~e.~~ e. Two ~~parents;~~ parents.

(18) ~~f.~~ f. Two additional community leaders or representatives of the Wilmington and northern New Castle County community with educational interests.

(i) The Consortium is comprised of the following non-voting members, or a designee selected by the member:

(1) ~~The Secretary of Education, the~~ Education.

(2) ~~The Secretary of Finance (or designee), and the~~ Finance.

(4) ~~The Director of the Office of Management and Budget (or designee) shall serve as ex-officio, nonvoting members.~~ Budget.

(j) ~~An affirmative vote of a majority of all voting members shall be required to take action. Official action by the Consortium requires the approval of a majority of all voting members.~~

(k) ~~Meetings of the Consortium and all related committees shall be public unless designated for executive session. are public meetings and must be conducted under the requirements of the Freedom of Information Act, Chapter 100 of Title 29.~~

(m) The Consortium ~~shall~~ may invite education and community stakeholders to participate in meetings as nonvoting members as determined by the co-chairs.

(n) ~~The legislative representative~~ The co-chairs of the Consortium as follows:

(1) ~~The member appointed by the President Pro Tempore of the Senate shall be one co-chair, and the~~ under paragraph (h)(1)a. of this section.

(2) ~~A member appointed by the Governor shall appoint the other co-chair from among~~ from the members of the Consortium appointed pursuant to paragraphs (h)(2) through (17) under paragraphs (h)(1)e. through (h)(1)o. or paragraphs (h)(2)a. through (h)(2)e. of this section.

(r) The Consortium shall report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House, ~~and the City of Wilmington~~ Wilmington, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives at least once each fiscal year. It shall annually present a report to a joint session of the education committees of the Senate and the House. Each report ~~shall include:~~ must include all of the following:

(1) A summary of the work and actions completed by the Consortium to accomplish its purposes as ~~stated above; and~~ required under this section.

(2) Recommendations of the Consortium about whether and how to further implement, promote, and achieve improvement in the education of pre-K to grade-12 students in the City of Wilmington and northern New Castle County.

(s) ~~The Consortium shall be staffed by the University of Delaware's Institute for Public Administration and Delaware State University's School of Graduate Studies. Studies shall staff the Consortium. The staff shall be managed by a~~ A policy director from the Institute for Public Administration, ~~who shall be approved by the co-chairs of Consortium.~~ Consortium, shall manage the staff. An annual line item allocation of funding shall must be provided to the Consortium to support the operational services, research, and analysis carried out by the Institute for Public Administration and Delaware State University and in the development of the transition, resource, and development plan.

Section 16. Amend § 3007A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3007A. Provider Advisory Board; powers and duties.

The Board ~~shall have the authority to serve in an advisory capacity to the Office of Child Care Licensing with regard to adopting, promulgating, and amending such rules and regulations as~~ has the following powers and duties:

(1) Advise and consult with OCCL regarding the development, adoption, promulgation, and any amendment to the rules, regulations, and policies that are required to carry out this chapter with respect to early care and education ~~education, family child care homes, and school-age centers.~~

(2) Encourage OCCL to communicate with persons licensed under this chapter and to facilitate such communication.

(3) Encourage OCCL to enforce this chapter in a manner that recognizes that most child care providers are private businesses that need stable and reasonable regulations.

Section 17. Amend § 3445, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3445. Ivyane D.F. Davis Memorial Scholarship Fund.

(b) *Administration.* — (1) Notwithstanding any other provision to the contrary, this scholarship fund shall be administered by the Child Protection Accountability Committee (“Committee”).

(2) The ~~Board~~ Committee shall adopt such rules and regulations as it deems necessary and proper to administer the provisions of this scholarship fund.

(3) The ~~Board~~ Committee shall annually report to the General Assembly of the State the number of recipients of scholarships, the institutions attended by said recipients, the total of expenditures made under this scholarship fund, and such other information as it deems useful for members of the General Assembly.

(d) *Scholarship awards.* — (1) The ~~Board~~ Committee shall award up to 50 Ivyane D.F. Davis Memorial Scholarships annually, subject to General Assembly appropriations and private donations to and interest earned on proceeds of the scholarship fund created ~~herein.~~ under this section.

(2) Scholarship awards shall not exceed the amount set by the ~~Board.~~ Committee.

(3) Scholarships may be renewed upon application by recipients on an annual basis if the ~~Board~~ Committee is satisfied that the recipient is making satisfactory academic or vocational progress.

(4) Selection of scholarship recipients shall be based on such criteria, established by the ~~Board,~~ Committee, as academic achievement, community service, participation in extracurricular activities and promise of success in the institution of higher learning or vocational courses selected by applicants.

(5) In cases where more than 1 applicant are judged to be equally qualified for scholarships, financial need shall be considered in establishing priorities for the award of available scholarships.

(6) Funds disbursed under this scholarship fund shall be disbursed on an annual or semiannual basis and shall be disbursed to the institution or school which a recipient attends, not directly to the student.

(e) *Creation of Ivyane D.F. Davis Memorial Scholarship Fund.* — (1) The Ivyane D.F. Davis Memorial Scholarship Fund (“Fund”) is hereby created.

(2) The ~~Board~~ Committee is authorized to accept donations from private individuals and organizations for deposit in the Fund.

(3) A portion of the Fund, not to exceed one-half of the Fund’s principle and interest, may be used to assist the Division of Family Services in obtaining Chafee Educational and Training Vouchers funding; provided, that the ~~Board~~ Committee is authorized, by regulation, contract, or memorandum of understanding with the Division of Family Services, to administer the funding obtained; and further provided, that the portion of the Fund used to obtain the funding is utilized in accordance with the purpose and intent of this section.

Section 18. Amend § 3101, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3101. Definitions.

~~As used in~~ For purposes of this chapter:

(10) “Stillbirth” means any complete expulsion or extraction from its mother of a product of human conception ~~the weight of which is in excess of 350 grams, that weighs 350 grams or more,~~ or in the absence of weight, of 20 completed weeks gestation or more, resulting in other than a live birth and which is not an induced termination of pregnancy.

Section 19. Amend § 4767, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4767. First offenders controlled substances diversion program.

(a) Any person who:

(1) Has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state thereof relating to narcotic drugs, marijuana, or stimulant, depressant, hallucinogenic drug or other substance who is charged through information or indictment with possession or consumption of a controlled substance under ~~§ 4763 or § 4764 or § 4761(a) or (b) [repealed]~~ § 4763, § 4764, or § 4761(a) of this title; and

Section 20. Amend § 4768, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4768. Medical ~~and/or~~ or psychiatric examination ~~and/or~~ or treatment.

After a conviction and ~~prior to~~ before sentencing for violation of ~~§ 4761(a) or (b) [repealed], § 4761(a), § 4763, or § 4764~~ of this title, or ~~prior to~~ before conviction if the defendant consents, the court may order the defendant to submit to a medical ~~and/or~~ or psychiatric examination ~~and/or~~ or treatment. The court may order such examination by the Department of Health and Social Services or by a private physician, ~~hospital~~ hospital, or clinic and the court may make such order regarding the term and conditions of such examination ~~and/or~~ or treatment and the payment therefor by the defendant as a court in its discretion shall determine. The Department of Health and Social Services or the private physician, ~~hospital~~ hospital, or clinic shall report to the court within such time as the court shall order, not more than 90 days from the date of such order. After such report and upon conviction of such violation, the court shall impose sentence or suspend sentence and may impose probation ~~and/or~~ or a requirement of future medical ~~and/or~~ or psychiatric examination ~~and/or~~ or treatment including hospitalization or outpatient care upon such terms and conditions and for such period of time as the court shall order.

Section 21. Amend § 4784, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4784. Forfeitures.

(a) The following shall be subject to forfeiture to the State and no property rights shall exist in them:

(8) Any real property which is used, or is intended for use, to store, grow, manufacture, compound, process, deliver, ~~import~~ import, or export any controlled substance in violation of this chapter except that:

a. No real property is subject to forfeiture under this section by reason of any act or omission established by any owner thereof to have been committed or omitted without the owner's knowledge or consent;

b. No real property being leased out by its owner shall be subject to forfeiture under this section unless the owner of the real property is a consenting party or privy to the violation of the Controlled Substances Act;

c. No real property shall be subject to forfeiture for a violation of § 4759, ~~§ 4761(a) or (b) [repealed], § 4761(a), § 4763 or § 4764~~ of this title; and

d. A forfeiture of real property encumbered by a bona fide security interest of the secured party if the party neither had knowledge of nor consented to the act or omission.

Section 22. Amend § 8701, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8701. Definitions.

As used in this chapter, unless the context clearly indicates a different meaning, the following words and phrases shall have the meaning ascribed to them in this section:

(1) "Affordable Care Act" means the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 ~~(2010)~~ et seq.

Section 23. Amend § 2139O, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2139O. Marine Education, Research and Rehabilitation Institute, Inc. special license plates.

(a) The owner of a motor vehicle which is a private passenger vehicle or a truck or trailer with a manufacturer's gross vehicle weight rating (GVWR) of 26,000 pounds or less may apply to the Division of Motor Vehicles for a special Marine ~~Education~~, Education, Research and Rehabilitation Institute, Inc. license plate.

Section 24. Amend § 2702, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2702. Definitions.

(e) *Classifications, endorsements and restrictions.* —

(5) *Conditional license.* — Limited driving privileges granted under §§ ~~2607(b), 4177C, 4177E~~ ~~[repealed]~~, § ~~4177K(e)~~ ~~[repealed]~~ or § ~~4177K(e)~~ ~~[repealed]~~ § 2607(b) or § 4177C of this title; title and § 4767 of Title 16; and § 1012 of Title 10 ~~[repealed]~~. 16.

Section 25. Amend § 2707, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2707. License qualifications.

(b) The Department shall not issue an operator's or chauffeur's license to any:

(9) ~~Except as provided by § 1012 of Title 10~~ ~~[repealed]~~, a ~~person~~ Person who has not reached the person's twenty-first birthday at the time of the offense, who has been convicted of or pleads guilty to, including a conviction or guilty plea pursuant to § 4767 of Title 16 and qualifying for first offender election under § 4177B of this title, any of the offenses listed hereinafter or who has been adjudicated delinquent as a result of acts which would constitute such offense if committed by an adult, for a period of 2 years from the date of sentencing, or until said person's eighteenth birthday, whichever is longer. The following shall constitute offenses under this paragraph:

Section 26. Amend § 3708, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3708. Qualifications of applicant; report to Attorney General; judicial review.

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

(3) For licensure as a hearing aid dispenser, shall submit evidence, verified by oath and satisfactory to the Board, that such person has met the current standards promulgated by the National Institute for Hearing Instrument Studies or its successor; in addition, the applicant shall:

a. Provide verification of a high school diploma or its equivalent.

b. Provide proof of successful completion of a national examination prepared by a national testing service and approved by the Division.

c. An applicant shall complete 6 months of training prior to taking the examination. The Board in its rules and regulations shall establish the frequency of direct supervision during the training period.

d. ~~[Repealed.]~~

e. Paragraphs ~~(a)(3)a., c. and d. [repealed]~~ (a)(3)a. and c. of this section ~~herein shall do not~~ apply to applicants who are licensed audiologists.

Section 27. Amend § 315, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 315. Utility facility relocation charge [Effective June 14, 2025].

(e) This section applies only to regulated natural gas and electric utilities that file general rate cases with the Public Service Commission. With respect to a telecommunications service provider electing to be governed under subchapter VII-A of this chapter, upon application by such service provider, utility facility relocation costs not otherwise reimbursed under § 143 of Title 17 shall be considered by the ~~Commission under § 707(c)(6) of this title [repealed].~~ Commission.

Section 28. Amend § 8409, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8409. Council on Transportation.

(b) The Council shall serve in an advisory capacity, except as otherwise provided, to the Secretary, the Deputy Secretary, the Transportation Directors and the Governor, and ~~shall:~~ shall do all of the following:

(1) Consider matters relating to transportation in the State and other matters such as the budget and Capital Transportation Program which may be referred to it by the Governor or the Secretary of the ~~Department;~~ Department.

(2) Study, research, plan and advise on matters it deems appropriate to enable the Department to function in the best possible ~~manner;~~ manner.

(3) Have final approval of and adopt the Department of Transportation Capital Transportation Program which shall be submitted biennially to the Council by the ~~Department;~~ Department.

a. The Council shall review the updated Department Capital Transportation Program prepared by the Department of Transportation, and established ~~pursuant to~~ under § 8419 of this title, as amended. The updated Capital Transportation Program shall cover a period of not less than 6 years. The draft Capital Transportation Program shall be available to the public and the Council shall publish notices in a newspaper of general circulation in each county. The notices shall specify dates and places at which public meetings will be held, by the Council, 1 in each county, at which time the program will be reviewed and publicly explained and objections or comments may be made by an individual or group. Public meetings shall be held at least 2 weeks after the draft Capital Transportation Program is made available to the public. The notices shall also specify the name and address of the person to whom written comments may be sent. The written comments must be received by the person within 10 days after the last public meeting, which must be scheduled no later than September 30 of the program year. Following the written comment period, the Council may make priority changes to the proposed Capital Transportation Program in an open meeting by documenting the reasons and justifications for changes, using the priority formula-based processes described in § 8419 of this title, and shall adopt the program by March 1 of the program year. The Capital

Transportation Program as prepared by the Department and as adopted by vote of the Council shall become the adopted Capital Transportation Program for the upcoming fiscal years. The adopted program shall be submitted to the agency charged with preparation of the State Capital ~~Transportation Improvement~~ Program and members of the General Assembly ~~on or on or before~~ March 15 of the program year for inclusion in the ~~state capital improvements program~~ State Capital Improvement Program for the following fiscal year.

b. The Department ~~capital improvements program,~~ Capital Transportation Program, as recommended to the agency charged with preparation of the ~~State's Capital Improvements~~ State Capital Improvement Program, shall set forth estimated expenditures by project ~~and/or or~~ program for engineering, ~~rights-of-way~~ rights-of-way, and construction of any major capital transportation ~~project/program~~ project or program when applicable. The ~~program~~ Program shall include detailed information by project as to location, description of improvement, areas of ~~deficiency~~ deficiency, and priority ~~rating;~~ rating.

(4) Have final approval of and adopt all corridor route projects in connection with new road alignments, which project shall be submitted to the Council by the ~~Department;~~ Department.

(5) Have final approval on matters relating to highway transportation priority planning ~~as set forth in~~ under § 8419 of this title, as amended; title.

(6) Review and comment on the issuance, suspension, ~~revocation~~ revocation, or reinstatement of all certificates of public convenience and necessity issued ~~pursuant to~~ under Chapter 18 of Title 2, ~~as amended.~~ 2.

Section 29. Amend § 6405A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6405A. Department of Transportation.

(c) It is the intent of the General Assembly that the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program shall be delegated the responsibility of approving modifications to the list of paving and rehabilitation projects in the "Road System" portion of the "Supplemental Information for Transportation Projects" when the Department of Transportation needs such modifications. These changes may be made subject to the Co-Chairs' approval, when:

(1) The Department has completed or determined that it has sufficient funds on hand to complete projects in the program category; or

(2) When projects so listed cannot be constructed in the construction season covered by the Annual Bond and Capital Improvement Act because of conflicting public works projects in progress or scheduled, or for other compelling reasons; and

(3) Funds appropriated to the Road System program category are available for use on additional or other projects fitting within that category.

In modifying the list, the Department must substitute the next suitable paving and rehabilitation project or projects from the most recently approved Department of Transportation Capital ~~Improvement~~ Transportation Program or based on the Department's Road System priority and management systems. A copy of the changes should be forwarded to the Director of the Office of Management and Budget and Controller General.

Section 30. Amend § 8419, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8419. Transportation priority planning.

The Department of Transportation, with Council approval, shall:

(5) Review any priority changes that would result in the introduction of new projects or programs to a proposed or adopted Department Capital ~~Improvements-Transportation~~ Program and make recommendations on such priority changes or introduction of new projects or programs based on the criteria and formula-based process which establish the priorities or projects and programs. The Department shall fully document its recommendations in a written report to the Council on Transportation.

Section 31. Amend § 1417, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1417. Budget of Authority.

The expenditures of the Authority from the Transportation Trust Fund, including expenditures required to be made by resolutions or trust agreements made or to be made by the Authority, shall be approved annually by the General Assembly. The obligations under any such resolution or trust agreement shall be met solely from motor fuel taxes, motor vehicle document fees, motor vehicle registration fees, motor carrier road use taxes and registration fees, the moneys transferred or disbursed to the Transportation Trust Fund ~~pursuant to~~ under § 307 of Title 21, receipts and revenues derived from the Delaware Turnpike and any other receipts and revenues of the Authority pledged and assigned to the holders of bonds of the Authority. The budget for capital and operating expenditures of the Authority payable from the Transportation Trust Fund shall be presented annually by the Authority to the General Assembly. If the General Assembly does not approve the operating budget of the Authority ~~prior to~~ before July 1 for the year such budget is submitted, the operating budget, as submitted to the General Assembly, shall be deemed adopted by the Authority until such time as the budget is approved by the General Assembly, provided that the operating expenditures of the Authority shall not exceed similar expenditures of the Authority for the year ~~prior to~~ before the budget year by more than a factor equal to the Consumer Price Index as defined in § 1320(f) of this title. Any obligations incurred by the Authority ~~pursuant to~~ under an operating budget deemed adopted by the Authority shall be binding on the Authority. Failure by the General Assembly to approve the capital or operating budget of the Authority shall not affect or impair the obligation of the Authority to meet its obligations to holders of outstanding bonds. The provisions of Chapter 84 of Title 29, including the establishment of priorities for spending state funds, shall apply to available money and bonding capacity in the Transportation Trust Fund for highway projects. The Authority's annual budget as prepared and approved shall reflect that a significant objective of this chapter is to achieve adequate funding and predictable implementation of the Department of Transportation's Capital ~~Improvement-Transportation~~ Program and other needs of the transportation system.

Section 32. Amend § 2003, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2003. Projects.

(e) *Selection and approval.* —

(2) Each selected project must be subsequently approved, within 45 days of its selection, by both (i) the directly affected metropolitan planning organization or organizations and (ii) the Council on Transportation established pursuant to ~~under~~ under § 8409 of Title 29 or its successor, in that order. If a directly affected metropolitan planning organization approves a selected project, it shall be deemed to have given its approval to amend the Transportation Improvement Program to include such project. If the Council on Transportation approves a selected project, it shall be deemed to have given its approval to amend the ~~Capital Improvements~~ State Capital Improvement Program to include such project. Approval for each selected project by the affected metropolitan planning organization and the Council on Transportation shall be based solely upon the project's compatibility with State and regional transportation plans, compliance with applicable laws and regulations, and fiscal impact upon the State Capital Improvement Program or regional Transportation Improvement Program. If either organization disapproves a project, it shall set forth in writing its reasons for doing so. If neither approval nor disapproval is granted within 45 days after ~~such~~ the proposal was delivered to any affected metropolitan planning organization or the Council on Transportation, ~~such~~ the proposal shall be deemed approved by those organizations. Moreover, in the event that a project is disapproved as provided above, the Department may resubmit the plan or revise version thereof no sooner than 60 days after notification that the plan has been disapproved by either party.

Section 33. Amend § 132, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 132. General powers and duties.

(c) To these ends the Department ~~may~~; may do the following:

- (1) Determine upon and lay out a system of state ~~highways~~; highways.
- (2) Take over and convert into state highways any public road by whatever name such road or part thereof, or under whatever authority or control such road or part thereof, may have theretofore ~~existed~~; existed.
- (3) Lay out, open, widen, straighten, grade, extend, construct, ~~reconstruct~~ reconstruct, and maintain any state highway or proposed state highway for the purpose of the improvement of state ~~highways~~; highways.
- (4) Acquire by condemnation or otherwise any land, easement, franchise, ~~material~~ material, or property, which, in the judgment of the Department, shall be necessary therefor, provided that the Department ~~shall~~ may not reconstruct a highway unless there will result a net saving or reconstruction, further provided that § 145 of this title ~~shall~~ may not be deemed to be inconsistent with the provisions ~~hereof~~; under this paragraph (c)(4) of this section.
- (5) Have access to and make copies of maps, surveys, ~~data~~ data, or information which any state agency may possess concerning any road in the ~~State~~; State.
- (6) Employ and discharge professional or technical experts, surveyors, agents, assistants, clerks, employees and laborers, skilled and unskilled, and also such advisers and consultants as may be required to accomplish the purposes of the chapter and the other responsibilities of the Department. In the event that the

size of the ~~capital improvement program~~ Capital Transportation Program requires overtime to administer in a timely manner, or in the event that: (i) The federal government makes available additional funding for transportation projects which are part of the Department's ~~capital improvement program~~; Capital Transportation Program; and (ii) use of these funds in a particular federal fiscal year is required to access these funds; and (iii) overtime is required to administer the program within that federal fiscal year to assure the use of these funds, then for these purposes the Department may pay overtime moneys to those employed ~~pursuant to~~ under this subsection, any relevant Delaware law, ~~rule~~ rule, or regulation to the contrary ~~notwithstanding~~; notwithstanding.

(7) Secure and furnish offices and quarters for the ~~Department and furnish the same~~; Department.

(8) Exclusively grant franchises and licenses to public service corporations or to corporations furnishing gasoline or petroleum products to the air field installation operated by the federal government in Kent County, to use the state highways, in whole or in part, for a term not exceeding 50 years; provided, however, that any franchise or license granted to any such corporation furnishing gasoline or petroleum products to said air field installation shall restrict the use of said state highways to the transmission of gasoline or petroleum products to said air field installation. Any franchise or license owned by any public service corporation on April 2, 1917, ~~shall~~ is not be affected by this ~~chapter~~; chapter.

(9) Make and enter into any and all contracts, agreements or stipulations for the execution of the purposes of this ~~chapter~~; chapter.

(10) Purchase all machinery, tools, supplies, ~~material~~ material, and instrumentalities whatsoever which may be necessary for the full performance of its ~~duties~~; duties.

(11) Call upon the Attorney General for the Attorney General's opinion or advice touching its duties or ~~powers~~; powers.

(12) Accept lands by easement or lease in the name of the State in areas where it is deemed necessary to establish dumping areas for the use of the public, supervise and control all areas so accepted and provide suitable passageways to the dumping areas and further, police the areas in order to prevent the spread of pests and disease and make such other regulations and rules as shall be deemed necessary for the purpose of carrying out the intent and purpose of this ~~paragraph~~; paragraph.

(13) Enter upon the lands or waters of any person for the purpose of surveys, repairs, ~~reconstruction~~ reconstruction, and operation of publicly financed improvements but subject at all times to responsibility for all and any damages which shall be done to the property of any such person or persons. Water levels to be maintained back of publicly financed sluices, water control structures, ~~dams~~ dams, and similar structures shall be at a level that will not cause damage to adjoining property, such as seepage of water into basements and wells, and that no lands ~~shall~~ may be flooded without the owners' full ~~consent~~; and consent.

(14) Place vending machines ~~and/or~~ or other items that will enable drivers to be more rested and refreshed in safety roadside rest areas, unless prohibited by federal laws, ~~rules~~ rules, or regulations. Any profits derived from such items ~~shall~~ must be credited to the Department of Transportation Safety Roadside Rest Area Fund.

a. There is hereby created within the State Treasury a special fund to be designated as the Department of Transportation Safety Roadside Rest Area Fund which ~~shall~~ must be used in the operation and maintenance of the roadside rest areas under the jurisdiction of the Department.

b. Any profits realized by the Department from items available at existing roadside rest areas that are for the purpose of enabling drivers to be more rested and refreshed ~~shall~~ must be deposited in the State Treasury to the credit of said Department of Transportation Safety Roadside Rest Area Fund. Such profits ~~shall~~ must be used by the Department for the operation and maintenance of the safety roadside rest area facilities within its jurisdiction.

Section 34. Amend § 145, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 145. Corridor capacity preservation.

(d) *Implementation.* — On or before October 1, 1996, and every 3 years thereafter, ~~pursuant to the provisions of~~ under 23 U.S.C. § 134 et seq., the Department's long-range plans shall propose transportation routes requiring corridor capacity preservation, if any. The determination of these routes shall be based upon the following criteria: Level of service analysis; input and comment from the counties and municipalities to the need within growth areas; development trends; traffic growth; additional threats to roadway integrity; safety; support for long range planning goals of the Department and ~~the any relevant metropolitan planning organization(s);~~ organization; deliverability; economic impacts; ~~social/environmental~~ social or environmental impacts; and air quality. The location of these routes shall be submitted to the local government bodies of the counties and municipalities for review and then presented to the public at a public hearing. The local governing bodies shall have 90 days to review the locations and respond to the Department. The Department shall, after considering public comments and the responses of the local governing bodies of the municipalities and counties, determine those routes requiring corridor capacity preservation. Each county and municipality shall incorporate these determinations into their comprehensive development plans or amendments thereto. Any subsequent Departmental corridor capacity preservation projects shall be subject to the same approval process as other capital projects. When approved by the Council on Transportation and adopted by the General Assembly, the Department may then proceed to pursue these projects as set forth each year in the Department's Capital ~~Improvement~~ Transportation Program. Property interests acquired for these projects under this section shall be in fee simple absolute or such lesser interest as the Department may deem appropriate. Acquisition of such property interests may be obtained by gift, devise, purchase, or in the exercise of the power of eminent domain, by condemnation in the manner prescribed in Chapter 61 of Title 10, subject to the provisions of Chapter 95 of Title 29.

Section 35. Amend § 5162, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5162. Appropriations paid through State Treasurer.

(a) There shall be appropriated annually to municipalities within the State beginning in the State's 1998 fiscal year and each subsequent year thereafter in conjunction with, ~~pursuant to,~~ under, and as a portion of, the

Delaware Transportation Trust Fund within the Capital ~~Improvement~~-Transportation Program, a sum in the amount as appropriated in the annual Bond and Capital Improvement Act. The sum so appropriated shall be transferred to the Municipal Street Aid Fund by the State Treasurer and distributed to municipalities as provided in this subchapter.

Section 36. Amend § 6960, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6960. Prevailing wage requirements.

~~(1) A Prevailing Wage Advisory Committee is established to provide advice to the General Assembly as to how the prevailing wage survey can be improved or whether the survey should be eliminated. The Prevailing Wage Advisory Committee shall provide a report to the General Assembly no later than January 20, 2016. The Committee shall have 7 members appointed to 4-year terms. There shall be:~~

~~(1) Two members of the House of Representative appointed by the Speaker of the House of Representatives;~~

~~(2) Two members of the Senate appointed by the President Pro Tempore;~~

~~(3) The Secretary of the Department of Labor or designee appointed by the Secretary of the Department of Labor, who shall be the chair of the committee;~~

~~(4) A member of the Delaware Building and Construction Trades Council appointed by the President of the Council; and~~

~~(5) A member of the Associated Builders and Contractors, Inc. appointed by the President of the Associated Builders and Contractors, Inc. [Reserved].~~

Section 37. Amend § 8721, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8721. Delaware Commission of Veterans' Affairs — Duties and responsibilities.

~~(b)(1) The Commission shall hire hire, through the State Merit System employment process process, and employ an Executive Director, a clerical assistant assistant, and such other personnel as are necessary to perform those the duties prescribed by the Commission. All employees of the Commission, including the Executive Director, shall must be veterans as defined in § 8720(b) of this title. Said~~

~~(2) The Executive Director shall be is authorized to use the designation "Delaware Office of Veterans' Services" when promoting, performing performing, or furthering the work of the Commission. Said employees~~

~~(3) The Executive Director and staff shall report to the Secretary of State on all administrative matters and shall report to the Commission on all substantive matters.~~

Section 38. Amend § 1606, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1606. Withholding of income tax on sale or exchange of real estate by nonresident pass-through entities.

(d) *Due date of estimated tax return, payment.* The return or form provided for in subsection (b) of this ~~section, section~~ and, unless the taxpayer is exempt as provided in subsection (c) of this ~~section~~ section, the estimated tax reported ~~due, due~~ shall be remitted with the deed to the Recorder before the deed shall be recorded.

Section 39. Amend § 9536, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9536. Setoff or counterclaim.

(b) If the defendant has any account, ~~demand~~ demand, or cause of action, against the plaintiff, exceeding \$15,000, ~~\$25,000~~, the defendant may bring it forward and plead it as a setoff as ~~specified in~~ under subsection (a) of this ~~section, or not, at the defendant's pleasure, and shall~~ section. ~~The defendant does not, by neglecting so to plead it, lose such cause of action.~~

(c) If the defendant pleads a setoff exceeding \$15,000, ~~\$25,000~~ and it is found on the ~~trial, trial~~ that there is any sum due the defendant from the plaintiff, judgment shall be given against the plaintiff, in the defendant's favor, for such sum, provided ~~it~~ the sum does not exceed \$15,000. ~~If it~~ \$25,000. ~~If the sum~~ exceeds \$15,000, ~~\$25,000~~ that fact shall be stated on the record, and judgment shall be given for costs for the defendant, who ~~shall be at liberty to~~ may prosecute such cause of action in court; or ~~such~~ the defendant may remit the excess above \$15,000, ~~\$25,000~~ and take judgment for that sum.

Section 40. Amend § 9572, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9572. Proceedings on appeal.

(b) In the appeal each party may make demands against the other, and the Court or jury by its or their verdict may find a sum either for plaintiff, or defendant, but not for an amount exceeding \$15,000, ~~\$25,000~~, exclusive of interest and costs, unless such party has claimed more than that sum before the justice. Judgment shall be rendered accordingly.

Section 41. Amend § 9583, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9583. Issuance of writ; affidavit.

(a) A justice shall issue a writ of attachment on ~~On~~ an affidavit made and filed by the plaintiff, or any credible person for the plaintiff, that the defendant is justly indebted to the plaintiff in a stated sum not exceeding \$15,000, ~~\$25,000~~, and any of the following apply:

(1) The defendant has absconded, or is as that person believes, absconded.

(2) The individual believes that the defendant is about to remove the defendant's person, person or the defendant's effects out of the State, with intent to defraud the defendant's ~~creditors, or creditors.~~

(3) The defendant intentionally conceals the defendant's person, so that process of summons cannot be served on the ~~defendant, or defendant.~~

(4) The defendant is a nonresident of the State, as the case may be, the justice shall issue a writ of attachment; provided, however, that no such State.

~~(b) writ of attachment shall issue unless the affidavit~~ A justice must issue a writ of attachment if all of the following apply:

~~(1) The affidavit under subsection (a) of this section provides specific facts demonstrating the validity of the debt and for believing that the debtor has absconded or is about to remove the defendant's person or the defendant's effects out of the State, with intent to defraud the defendant's creditors, or intentionally concealed the defendant's person so that process of summons cannot be served on the defendant, or is a nonresident of the State; provided further, that the~~ a situation under paragraphs (a)(1) through (a)(4) of this section exists.

~~(2) The plaintiff provide,~~ provides, at the time of filing, a cash bond in the amount of ~~\$100-~~\$100.

~~(c) The cash bond under paragraph (b)(2) of this section is conditioned that if the suit shall not be~~ is not prosecuted with effect, or if the judgment rendered ~~therein shall be in the suit is~~ is in favor of a defendant, the plaintiff will pay any and all costs which may be awarded to a defendant, together with any and all damages, not exceeding the amount of the bond, which a defendant in the suit may have sustained by reason of such attachment, the remainder, if any, to be returned to the plaintiff when judgment is rendered.

Section 42. Amend Section 19 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

Town Manager

Section 19.

~~(l) He~~ The Town Manager shall give to the Town of Greenwood a bond, if the Town Council requires, in the sum and form and with such security satisfactory to the Town Council for the faithful performance of the duties of the office and the restoration to the Town of Greenwood, in case of the Town Manager's death, resignation, or removal from office, all books, papers, vouchers, money, and other property of whatever kind in the Town Manager's possession belonging to the Town. If someone other than the Town Manager is appointed Town Treasurer, the Town may require the Town Treasurer to be bonded as outlined in this paragraph.

Section 43. Amend Section 27 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

Collection Of Annual Taxes

Section 27.

~~(a) The Tax Collector,~~ Tax Collector shall proceed to collect those amounts identified on the Annual Tax List as soon as possible following the receipt of the Annual Tax List. In addition to powers otherwise delegated to the Town Tax Collector under this Charter, the Town Tax Collector has the same powers, remedies, and authority, including the monition procedure, as conferred upon the Receiver of Taxes for Sussex County under Chapter 87 of Title 9 or in accordance with any future corresponding provision of law. In exercising the powers, remedies, and authority under this subsection, the Town Tax Collector and the Superior Court shall follow the same procedures as applicable to the Receiver of Taxes under Chapter 87 of Title 9.

Section 44. Amend Section 31 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

## Curbing And Paving

### Section 31.

(a)(1) The Town Council has the power to cause to do all of the following in the Town:

- (1) a. Pave or repave a sidewalk.
- (2) b. Repair or relay an existing curb or gutter.
- (3) c. Install a new sidewalk, curb, or gutter.
- (4) d. Pave or repave a street.

(b)(2) Curbing and paving under ~~subsection (a)~~ paragraph (a)(1) of this section may be done to any part or portion of a sidewalk, curb, gutter, or street, and the Town Council shall determine the specifications of the curbing and paving, including the material used and the width or size of the sidewalk, curb, gutter, or street.

Approved June 3, 2021