

**SB 370** — An Act to Amend Chapter 67, Title 25, Delaware Code, Relating to Landlord and Tenant; Providing That A Landlord Shall Not Evict A Tenant on the Basis That the Tenant Makes Complaints Respecting Violations of the Building or Housing Code's. Introduced by Senator Holloway. Referred to the Committee on Health and Welfare.

**SB 373 with SA 1** — An Act Making A Supplementary Appropriation to the Salary Account of the Delaware State Police for the Purpose of Raising Salaries of All Appointed Members of the State Police and of All Former Appointed Members of the State Police Now on Pension. Introduced by Senator Isaacs. Referred to the Committee on Highways and Public Safety.

**SB 379** — An Act Relating to A Pension for John McGinnes, An Employee of the Delaware Department of Mental Health. Introduced by Senator Hale. Referred to the Committee on Health and Welfare.

**SB 381** — An Act to Amend Section 3313 (b), and 3313 (d), Subchapter II, Chapter 33, Title 19, Delaware Code, Relating to Wages and Unemployment Benefits By Increasing the Amount of the Weekly Benefits and Subchapter I, § 3302 (14) and (15). Introduced by Senator Slawik and Others. Referred to the Committee on Commerce and Labor.

**HR 54** — Relating to Exchanging the Position of Bills or Other Measures on the Agenda. Introduced by Rep. Benson. Laid on the Table.

On motion of Rep. Billingsley the following was given a final reading and placed before the House for consideration:

**HB 426** — An Act Amending Titles 30 and 21, Delaware Code, Providing for Omnibus Amendments and Corrections to the Revised Business Tax Provisions of HB 296 of the 125th General Assembly.

**HA 1 to HB 426** — Stricken on motion of Rep. Spence.

**HA 2 to HB 426** — Stricken on motion of Rep. Unruh.

**HA 3 to HB 426** — On motion of Rep. Billingsley, adopted by voice vote.

**HA 4 to HB 426** — On motion of Rep. Moerschel, roll call tabled.

**HA 5 to HB 426** — On motion of Rep. Billingsley, adopted by voice vote.

**HA 6 to HB 426** — On motion of Rep. Billingsley, adopted by voice vote.

**HA 7 to HB 426** — On motion of Rep. Moerschel, roll call for adoption revealed:

**YEAS** — Boulden, Burton, Butcher, Goldfeder, Gray, Harrington, Hearn, Kirk, McMahon, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Stansky, Unruh, Wright, Zimmerman — 20.

NAYS — Benson, Berndt, Billingsley, duPont, Frederick, Jarvis, Leshner, Little, Stabler, Mr. Speaker Hering — 10.

NOT VOTING — Burt, Dillman, Dodge, Heckert, Murphy, Sebrell, Seibel, Spence — 8.

ABSENT — Fonville — 1.

**HA 7 to HB 426** having received a majority was declared adopted.

Rep. Billingsley moved to defer action on **HB 426** as amended. Motion carried.

**HB 393** with **HA 1, 2, 3** having had its final reading was again before the House for consideration on motion of Rep. Berndt. On motion of Rep. Berndt, **HA 3 to HB 393** was adopted by voice vote.

Roll Call on **HB 393** with **HA 1, 2, 3** revealed:

YEAS — Benson, Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

NAYS — Rawlins — 1.

ABSENT — Billingsley, Fonville — 2.

**HB 393** with **HA 1, 2, 3** having received a constitutional majority was declared passed by the House.

Rep. Seibel moved to lift **HB 334** from the table. Motion carried.

Roll Call on **HB 334** revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

NOT VOTING — Harrington, Orth, Sebrell — 3.

**HB 334** having received a three-fourths majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

Mr. Hering moved that **HB 397** with **HA 2** again be brought before the House for consideration.

**HA 3 to HB 397** — Introduced by Rep. Heckert. Roll call on the amendment revealed:

YEAS — Benson, Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright — 33.

NAYS — Mr. Speaker Hering — 1.

NOT VOTING — Billingsley, Frederick, Murphy, Zimmerman — 4.

**ABSENT** — Fonville — 1.

**HA 3** to **HB 397** having received a majority was declared adopted.

Rep. Hering moved that the roll call on **HB 397** as amended, be tabled. Motion carried.

On motion of Rep. Hering the following was given a final reading and placed before the House for consideration:

**HB 360** with **HA 1** — An Act to Amend Title 14 Entitled "Education" By Adding Thereto A New Part Entitled "Delaware Institute of Medical Education and Research".

On motion of Rep. Unruh, **HA 1** to **HB 360** was adopted by voice vote.

Roll Call on **HB 360** with **HA 1** revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**ABSENT** — Burt, Fonville, Kirk — 3.

**HB 360** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. duPont the following was given a final reading and placed before the House for consideration:

**SB 80** with **SA 1**, **SA 2** — An Act to Amend Section 717 (d), Chapter 7, Title 4, Delaware Code, Relating to the Prohibition of Sales of Alcoholic Beverages at Certain Times By Empowering the Alcoholic Beverage Control Commission to Grant Extension Permits to License Holders Who Sell Alcoholic Beverages in A Hotel, Restaurant, Club or Tavern Up To Two O'Clock in the Morning on Certain Conditions. Introduced by Senator Holloway.

Rep. duPont moved that the roll call on **SB 80** with **SA 1** and **SA 2** be tabled. Motion carried.

On motion of Rep. duPont the following was given a final reading and placed before the House for consideration:

**HB 406** with **HA 1** — An Act to Amend Title 31, Delaware Code, Relating to the Department of Public Welfare.

On motion of Rep. Frederick, **HA 1** to **HB 406** was adopted by voice vote.

Roll Call on **HB 406** with **HA 1** revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

**ABSENT** — Burt, Fonville, Kirk, Spence — 4.

**HB 406** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Hering the following was given a final reading and placed before the House for consideration:

**SJR 10** — Providing for A Joint Committee of the General Assembly to Process the Report of the Constitution Revision Commission. Introduced by Senator Manning.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Lesh, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 33.

**NOT VOTING** — Benson, Butcher — 2.

**ABSENT** — Fonville, Kirk, Murphy, Stansky — 4.

**SJR 10** having received a majority was declared adopted. Mr. Hering returned to the Chair.

On motion of Rep. Dodge the following was given a final reading and placed before the House for consideration:

**HB 329** — An Act to Incorporate the Town of Dewey Beach.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Lesh, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

**ABSENT** — Fonville, Kirk, Murphy, Stansky — 4.

**HB 329** having received a constitutional majority was declared passed by the House.

On motion of Rep. Stabler the following was given a final reading and placed before the House for consideration:

**HB 400** — An Act to Amend Chapter 41, Title 11, Delaware Code, Relating to the Imposition and Collection of Fines and Costs, Providing for Remittance of Fines to Victims of Crimes, Prohibiting Imprisonment in Default of Fines, and Providing for Work Assignments for the Discharge of Fines.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Lesh, Little, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

**ABSENT** — Fonville, McMahon — 2.

**HB 400** having received a constitutional majority was declared passed by the House.



On motion of Rep. Zimmerman the following was given a final reading and placed before the House for consideration:

**HB 205** with **HA 1** — An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles" to Provide for Special Number and Registration Plates for Certain Motor Vehicles of the Fire Departments and Fire Companies of This State.

On motion of Rep. Zimmerman, **HA 1** to **HB 205** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

**NAYS** — duPont — 1.

**ABSENT** — Benson, Fonville, Sebrell — 3.

**HB 205** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Kirk the following was given a final reading and placed before the House for consideration:

**HCR 16** — Providing for A Joint Committee to Investigate Complaints Pertaining to the Operation of Facilities of the Delaware River and Bay Authority and Providing Funds Therefor.

Rep. Kirk moved for adoption by voice vote. Motion carried.

On motion of Rep. Frederick the following was given a final reading and placed before the House for consideration:

**HS 1** for **HB 353** — An Act Making A Supplementary Appropriation to the Budget Commission for the Purpose of Continuing to Aid Facilities for Child Day Care Centers and to Amend Subchapter VII, Chapter 3, Title 31, Delaware Code, By Providing for Assistance to All Centers.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Rawlins, Sebrell, Seibel, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 33.

**NAYS** — Quillen, Riddagh — 2.

**NOT VOTING** — Gray — 1.

**ABSENT** — Fonville, Spence, Unruh — 3.

**HS 1** for **HB 353** having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

On motion of Rep. Burt the following was given a final reading and placed before the House for consideration:

**SS 1 for SB 318 with HA 1** — An Act to Amend Chapter 17, Title 10, Delaware Code, Relating to the Municipal Court for the City of Wilmington and Providing for A Chief Judge Therefor. Introduced by Senator Castle.

On motion of Rep. Hering, **HA 1 to SS 1 for SB 318** was adopted by voice vote.

Roll Call on **SS 1 for SB 318 with HA 1** revealed:

**YEAS** — Berndt, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

**NOT VOTING** — Benson — 1.

**ABSENT** — Billingsley, Burton, Fonville, Jarvis — 4.

**SS 1 for SB 318 with HA 1** having received a constitutional majority was declared passed by the House.

Mr. Hering returned to the Chair.

Rep. duPont moved to lift the roll call on **SB 80**. Motion carried.

Roll Call revealed:

**YEAS** — Billingsley, Burt, Butcher, duPont, Goldfeder, Hearn, Jarvis, Kirk, Little, McMahon, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 22.

**NAYS** — Berndt, Boulden, Dillman, Frederick, Gray, Mears, Sebrell — 7.

**NOT VOTING** — Benson, Burton, Dodge, Harrington, Heckert, Leshner, Moerschel, Phillips, Unruh — 9.

**ABSENT** — Fonville — 1.

**SB 80** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**HS 1 for HB 261** — An Act to Amend Title 14, Delaware Code, By Assigning the Responsibility for Public Educational Broadcasting to the State Board of Education, Creating A Committee to Review and Evaluate the Program, and Making A Supplementary Appropriation Therefor.

Privilege of the floor was granted Mr. Lewis, Director of ETV to explain the bill.

**HA 2 to HS 1 for HB 261** — Introduced by Rep. Billingsley.

Rep. Leshner moved to table **HA 2** by voice vote. Motion carried.

**HA 3 to HS 1 for HB 261** — Introduced by Rep. Leshner. Adopted by voice vote.

Roll Call on **HS 1 for HB 261** with **HA 3** revealed:

**YEAS** — Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**NAYS** — Benson, Billingsley — 2.

**ABSENT** — Fonville — 1.

**HS 1 for HB 261** with **HA 3** having received a constitutional majority was declared passed by the House.

On motion of Rep. Little the following was given a final reading and placed before the House for consideration:

**SS 1 for SB 297 with SA 1** — An Act to Amend Title 15, Delaware Code, Relating to Primary Elections and Nominations of Candidates By Parties. Introduced by Senator Manning.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

**NAYS** — Jarvis — 1.

**NOT VOTING** — Benson, Burton, Seibell — 3.

**ABSENT** — Fonville — 1.

**SS 1 for SB 297 with SA 1** having received a constitutional majority was declared passed by the House.

House recessed at 5:48 P.M., reconvened at 9:42 P.M.

The Senate informed the House it had passed **SB 355** with **SA 1**, **SS 1 for SB 297 with HA 1, 2 and SA 1** and requested the concurrence of the House.

Mr. Fonville asked to be marked present.

On motion of Rep. Quillen the following was given a final reading and placed before the House for consideration:

**HB 392** — An Act Making A Supplemental Appropriation to the Delaware Commission of Shell Fisheries for Boat Rental.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Quillen, Rawlins, Seibell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Riddagh, Unruh — 8.

**HB 392** having received a constitutional majority was declared passed by the House.

On motion of Rep. duPont the following was given a final reading and placed before the House for consideration:

**SB 376** — An Act to Amend Chapter 1, Title 26, Delaware Code, Pertaining to the Composition, Appointment, Term, Qualifications, Vacancies, Quorum, and Chairman of the Public Service Commission. Introduced by Senator duPont.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Quillen, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Mr. Speaker Hering — 29.

**NOT VOTING** — Benson, Zimmerman — 2.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Riddagh, Unruh — 8.

**SB 376** having received a constitutional majority was declared passed by the House.

On motion of Rep. Quillen the following was given a final reading and placed before the House for consideration:

**SB 327** — An Act to Amend Title 7, Delaware Code, § 2133, Relating to the Taking of Oysters From Certain Rivers and Their Tributaries. Introduced by Senator Hickman.

Roll Call revealed:

**YEAS** — Berndt, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Harrington, Hearn, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Quillen, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 25.

**NOT VOTING** — Benson, Billingsley, Butcher, Fonville, Goldfeder, Heckert — 6.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Riddagh, Unruh — 8.

**SB 327** having received a constitutional majority was declared passed by the House.

Rep. duPont moved to lift the roll call on **HB 265** from the table. Motion carried.

Roll Call on **HB 265** revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman — 30.

NAYS — Benson — 1.

NOT VOTING — Gray, Heckert, Quillen, Riddagh, Unruh, Mr. Speaker Hering — 6.

ABSENT — Burton, Jarvis — 2.

**HB 265** having received a three-fourths majority was declared passed by the House.

On motion of Rep. Spence the following was given a final reading and placed before the House for consideration:

**HB 289** with **HA 1** and **HA 2** — An Act to Amend Title 11, Delaware Code, to Add A New Chapter 84 to Provide Mandatory Training and Education for Police Officers of Municipalities and Other Governmental Units of the State of Delaware and Establishing the Delaware Police Training Commission.

On motion of Rep. Spence, **HA 1** to **HB 289** was stricken. On motion of Rep. Benson, **HA 2** to **HB 289** was adopted by voice vote.

Roll Call on **HB 289** with **HA 2** revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 30.

ABSENT — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Quillen, Riddagh, Unruh — 9.

**HB 289** with **HA 2** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**HB 427** — An Act Making A Supplemental Appropriation to the Budget Director for the Development of Federal Program Reimbursement Plans.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 30.

ABSENT — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Quillen, Riddagh, Unruh — 9.

**HB 427** having received a constitutional majority was declared passed by the House.

On motion of Rep. Burt the following was given a final reading and placed before the House for consideration:

**SB 322 with SA 1** — An Act to Amend An Act Entitled "An Act to Amend Chapter 17 of Title 24, Delaware Code, Relating to Licensure to Practice Medicine and Surgery, the Termination of Human Pregnancy, and Penalties for Violation of the Said Chapter." Introduced by Senator Conner.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Goldfeder, Harrington, Hearn, Heckert, Leshner, Little, Murphy, Rawlins, Sebrell, Seibel, Spence, Stabler, Mr. Speaker Hering — 21.

**NOT VOTING** — Benson, Butcher, Fonville, McMahon, Orth, Stansky, Wright, Zimmerman — 8.

**ABSENT** — Burton, Gray, Jarvis, Kirk, Mears, Moerschel, Phillips, Quillen, Riddagh, Unruh — 10.

**SB 322 with SA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Burt the following was given a final reading and placed before the House for consideration:

**HB 435** — An Act to Amend Chapter 113, Volume 32, Laws of Delaware, Entitled "An Act Providing For A Police Pension Fund For Members of the Police Force of the City of Wilmington."

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Quillen, Riddagh, Unruh — 9.

**HB 435** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**HB 373** — An Act Making An Appropriation to the Historical Society of Delaware.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Quillen, Riddagh, Unruh — 9.

**HB 373** having received a three-fourths majority was declared passed by the House.

On motion of Rep. Jarvis, for Rep. Riddagh, the following was given a final reading and placed before the House for consideration:

**SB 352** — An Act Making A Supplementary Appropriation to the State Development Department of \$21,000 to Purchase 10.5 Acres of Land and Authorizing the Lease of Said Land to the United States Air Force. Introduced by Senator duPont.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, McMahon, Murphy, Orth, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 28.

**NOT VOTING** — Benson, Little, Quillen — 3.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Phillips, Riddagh, Unruh — 8.

**SB 352** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 271** — An Act Making A Supplemental Appropriation to Delaware State College. Introduced by Senator Holloway.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Quillen, Rawlins, Sebrell, Seibel, Spence, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 28.

**NOT VOTING** — Benson — 1.

**ABSENT** — Burton, Gray, Kirk, Mears, Moerschel, Orth, Phillips, Riddagh, Stabler, Unruh — 10.

**SB 271** having received a constitutional majority was declared passed by the House.

On motion of Rep. Quillen the following was given a final reading and placed before the House for consideration:

**SB 63** — An Act to Amend § 1115, Title 7, Delaware Code, Relating to the Use of Fishing Nets in Certain Tidal Waters. Introduced by Senator Isaacs.

Roll Call revealed:

**YEAS** — Quillen, Spence — 2.

**NAYS** — Goldfeder, Hearn, Stansky — 3.

**NOT VOTING** — Berndt, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Heckert, Jarvis, Leshner, Little, McMahon, Murphy, Orth, Rawlins, Sebrell, Seibel, Stabler, Wright, Zimmerman, Mr. Speaker Hering — 24.

ABSENT — Benson, Billingsley, Burton, Gray, Kirk, Mears, Moerschel, Phillips, Riddagh, Unruh — 10.

**SB 63** not having received a constitutional majority was declared lost.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**HB 340** — An Act to Amend Subchapter III, Chapter 41, Title 21, Delaware Code, Relating to Toll Evasion on the Delaware Turnpike; Penalty; Right of Appeal; Jurisdiction of Justice of the Peace.

Letter to Mr. Murphy read as follows:

June 16, 1969

TO: Rep. J. R. Murphy

FROM: C. S. Eller

**LEGISLATION AUTHORIZING ARREST AND FINES FOR DELAWARE TURNPIKE TOLL EVADERS**

The following is quoted from the minutes of the Highway Department's meeting of May 14, 1969:

"3005. **TURNPIKE DIVISION-APPROVAL TO INTRODUCE LEGISLATION AUTHORIZING ARREST AND FINES FOR TOLL EVADERS ON TURNPIKE:**

The General Manager advised the Members that the Turnpike is losing approximately \$20,000.00 per year due to the toll evaders. He recommended that the Department approve submission to the proposed legislation, as prepared by the Turnpike Attorney, to the General Assembly which would authorize arrests and fines for toll evaders on the Delaware Turnpike.

After discussion

"On motion made by Mr. Isaacson, seconded by Mr. Hickman, the Department unanimously approved the recommendation of the General Manager."

It seems inconsistent to have legal tolls established without the means to punish toll evaders. The commissioners were unanimous in their viewpoint that this legislation should be promptly implemented.

CSE/gpl

On motion of Rep. Murphy **HB 340** was deferred.

On motion of Rep. Sebrell the following was given a final reading and placed before the House for consideration:

**HS 1 for HB 276** — An Act to Amend Subchapter V, Chapter 17, Title 24, Delaware Code Providing for Immunity of Members of Medical Council of Delaware, The Board of Medical Examiners of Delaware, the County Medical Censor Committees, the State Osteopathic Censor Committee, and Physicians Who Are Members of Hospital Committees Whose Function is the Review of Medical Records and of Physicians'



Work With A View to Quality of Care and Utilization of Hospital Facilities From Suit or Liability for Action Taken As Members of Such Organizations and Committees.

Roll Call revealed:

**YEAS** — Benson, Berndt, Boulden, Burt, Dillman, Dodge, Frederick, Harrington, Hearn, Heckert, Leshner, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stan-sky, Unruh, Wright, Mr. Speaker Hering — 23.

**NAYS** — Burton, Fonville — 2.

**NOT VOTING** — Butcher, duPont, Goldfeder, Gray, Jarvis, Kirk, Little, Zimmerman — 8.

**ABSENT** — Billingsley, McMahon, Mears, Moerschel, Phillips, Stabler — 6.

**HS 1** for **HB 276** having received a constitutional ma-jority was declared passed by the House.

**HR 46** — Relating to Compensation Rates for Lawyers of the House. Introduced by Rep. Dodge. On motion of Rep. Dodge, **HR 46** was adopted by voice vote.

On motion of Rep. Sebrell the following was given a final reading and placed before the House for consideration:

**HB 415** with **HA 1** — An Act to Amend Section 342, Title 31, Delaware Code, Relating to the Powers of the Wel-fare Department With Respect to Boarding Homes for Chil-dren.

On motion of Rep. Sebrell, **HA 1** to **HB 415** was adopted by voice vote. At the request of Rep. Frederick, Rep. Sebrell deferred **HB 415** with **HA 1** until the next legislative day.

Committee Reports: Appropriations: **SB 332**, 1 favor-able, 4 on merits; Revenue and Taxation: **SB 360**, 4 on merits; Highways and Public Safety: **SB 338**, 1 favorable, 4 on merits; **SB 315**, 5 on merits; Government Operations: **SB 369**, 4 on merits.

The following prefiled bills and amendments were in-troduced:

**HS 1** for **HB 398** — An Act to Permit the Board of Education of the Milford Special School District to Transfer Certain Funds From Its Local Debt Service Account To Its Capital Improvement Account. Introduced by Rep. Harring-ton. Referred to the Committee on Education.

**HA 3** to **HS 1** for **HB 422** — Introduced by Rep. Heckert. Placed with bill.

**HA 12** to **HB 426** — Introduced by Rep. Unruh. Placed with bill.

**SB 257** — An Act to Amend Title 17 of the Delaware Code By Adding Thereto New Section 132 (b) (8) Giving the State Highway Department the Power to Provide Relocation Assistance to Persons Displaced As A Result of the Acquisi-tion for Highway Purposes of Real Property Upon Which

They Live or Conduct A Business or Farm Operation and By Adding Thereto New Chapter 19, Sections 1901 - 1912 Entitled Relocation Assistance. Introduced by Senator Hart. Referred to the Committee on Highways and Public Safety.

**SB 355** with **SA 1** — An Act Making A Supplementary Appropriation to the Governor for the Delaware Agency to Reduce Crime in Order to Provide Aid to Local Law Enforcement Agencies. Introduced by Senator Hart. Referred to the Committee on Judiciary.

On motion of Rep. Billingsley, **HB 426**, as amended, was again before the House for consideration.

On motion of Rep. Moerschel, **HA 8** to **HB 426** was brought before the House for consideration. No action taken.

Mr. Zimmerman moved to recess. Motion lost by voice vote. Mr. Moerschel moved to adjourn. Roll call on the motion revealed:

**YEAS** — Boulden, Burton, Goldfeder, Gray, Harrington, Hearn, Moerschel, Quillen, Rawlins, Riddagh, Sebrell, Stan-sky, Unruh, Wright, Zimmerman — 15.

**NAYS** — Benson, Berndt, Billingsley, Burt, Butcher, Dodge, duPont, Frederick, Fonville, Heckert, Leshner, Little, Seibel, Spence, Stabler, Mr. Speaker Hering — 16.

**NOT VOTING** — Dillman, Kirk, Murphy — 3.

**ABSENT** — Jarvis, McMahon, Mears, Orth, Phillips — 5.

Motion to adjourn not having received a majority was declared lost.

Committee Reports: Education: **HS 1** for **HB 398**, 4 on merits; Highways and Public Safety: **SB 257**, 1 favorable, 3 on merits.

**HR 54** — Relating to Exchanging the Position of Bills or Other Measures on the Agenda. Introduced by Rep. Benson. Adopted by voice vote.

House adjourned at 11:03 P.M.

## 52ND LEGISLATIVE DAY

The Speaker called the House to order at 1:45 P.M., on Thursday, June 26, 1969.

Prayer by the Chaplain Reverend Charles E. Covington, Rehoboth.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 39 members present, none absent.

Minutes of the previous legislative day were approved as posted.

Committee Reports: Public Buildings and Lands: **HB 399**, 1 favorable, 3 on merits; **HB 390**, 3 favorable, 1 on merits; (2nd report) Appropriations: 1 favorable, 3 on merits; Natural Resources: **HB 343**, 4 favorable, 1 on merits; **SB 105**, 6 on merits.

Mr. Speaker welcomed Miss Jan Unruh, daughter of Representative Unruh and a representative of Girls' State; he also recognized the members of Girls' State.

The following were introduced:

**HA 2 to SS 1 for SB 228** — Introduced by Rep. Dodge. Placed with bill.

**HA 1 to HB 350** — Introduced by Rep. Little. Placed with bill.

**HA 2 to HB 385** — Introduced by Rep. Billingsley and Others. Placed with bill.

**HA 2 to HB 415** — Introduced by Rep. Sebrell. Placed with bill.

**HA 2 to HB 416** — Introduced by Reps. Hearn and Gray. Placed with bill.

**HA 3 to HB 416** — Introduced by Rep. Gray. Placed with bill.

**SS 1 for SB 363** — An Act Providing For A Supplemental Appropriation to Various State Agencies for the Purpose of Adding To, Constructing, Repairing, Remodeling, and Equipping Certain Capital Improvements. Introduced by Senator Steele. Referred to the Committee on Appropriations.

**HR 55** — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 56** — Expressing the Best Wishes of the House of Representatives of the 125th General Assembly of the State of Delaware Concerning the Birthday of Representative Ernest S. Spence, Jr. Introduced by Rep. Berndt. Adopted by voice vote.

Rep. Billingsley again brought **HB 426**, as amended, before the House for consideration. Rep. Moerschel moved for adoption of **HA 8 to HB 426**. Rep. Moerschel moved that the roll call be tabled. Motion carried. On motion of Rep. Billingsley, **HA 9 to HB 426** was adopted by voice vote. On motion of Rep. Unruh, **HA 10 to HB 426** was stricken. On motion of Rep. Quillen **HA 11 to HB 426** was defeated by a voice vote. On motion of Rep. Unruh, **HA 12 to HB 426** was adopted by voice vote. **HA 13 to HB 426** — Introduced by Rep. Billingsley. On motion of Rep. Billingsley, roll call on **HA 13** was tabled. **HA 14 to HB 426** — Introduced by Reps. Billingsley and Jarvis. Adopted by voice vote. Rep. Billingsley moved to defer further action on **HB 426**. Motion carried.

On motion of Rep. Billingsley the following was given a final reading and placed before the House for consideration.

**HJR 10** — Relating to Working Hours of Full-Time State Employees.

At the request of Rep. Burt, Rep. Billingsley deferred **HJR 10**.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**HB 410** with **HA 1** — An Act Making A Supplementary Appropriation to Boys Home of Delaware, Inc.

On motion of Rep. Leshner, **HA 1** to **HB 410** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Berndt, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Harrington, Hearn, Kirk, Leshner, Little, McMahon, Mears, Murphy, Orth, Phillips, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman — 25.

**NAYS** — Benson, Quillen, Riddagh — 3.

**NOT VOTING** — Burton, Gray, Heckert, Moerschel, Rawlins, Sebrell, Unruh, Mr. Speaker Hering — 8.

**ABSENT** — Billingsley, Fonville, Jarvis — 3.

**HB 410** with **HA 1** not having received a three-fourths majority was declared lost.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 332** — An Act to Amend Chapter 74, Title 29, Delaware Code, Relating to the Limitation on the Amount of Bonded Indebtedness. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Berndt, Boulden, Burt, Butcher, Dillman, Dodge, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Murphy, Orth, Phillips, Sebrell, Seibel, Stabler, Mr. Speaker Hering — 24.

**NAYS** — duPont, Riddagh — 2.

**NOT VOTING** — Benson, Burton, Gray, Moerschel, Quillen, Rawlins, Stansky, Unruh, Wright, Zimmerman — 10.

**ABSENT** — Billingsley, Fonville, Spence — 3.

**SB 332** having received a constitutional majority was declared passed by the House.

On motion of Rep. Gray the following was given a final reading and placed before the House for consideration:

**HB 416** with **HA 1, 2, 3** — An Act to Amend Chapter 60, Title 7, Delaware Code, With Respect to Several Sections Relating to the Water and Air Resources Department.

On motion of Rep. Hearn, **HA 1** to **HB 416** was stricken. On motion of Rep. Hearn **HA 2** to **HB 416** was adopted by voice vote. On motion of Rep. Gray, **HA 3** to **HB 416** was adopted by voice vote. Privilege of the floor was granted Mr. John Bryson, Executive Director of the Water and Air Resources Commission to explain the bill and amendments.

Roll Call revealed:

**YEAS** — Boulden, Burton, Dodge, duPont, Fonville, Goldfeder, Gray, Harrington, Hearn, Heckert, Leshner, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 27.

**NOT VOTING** — Benson, Berndt, Billingsley, Burt, Dillman, Frederick, Jarvis, Kirk, Little, Murphy, Spence — 11.

**ABSENT** — Butcher — 1.

**HB 416** with **HA 2** and **HA 3** having received a two-thirds majority was declared passed by the House.

On motion of Rep. Gray the following was given a final reading and placed before the House for consideration:

**HB 417** — An Act to Amend Chapter 64, Title 7, Delaware Code, Relating to Underwater Lands.

Privilege of the floor was granted Mr. John Bryson, Executive Director of the Water and Air Resources Commission.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

**NOT VOTING** — Frederick, Little — 2.

**HB 417** having received a constitutional majority was declared passed by the House.

On motion of Rep. Billingsley, roll call on **HA 13** to **HB 426** was lifted from the table.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Murphy, Sebrell, Seibel, Spence, Stabler, Mr. Speaker Hering — 21.

**NAYS** — Boulden, Burton, Goldfeder, Gray, Harrington, Hearn, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Stansky, Unruh, Wright, Zimmerman — 18.

**HA 13** to **HB 426** having received a majority was declared adopted.

On motion of Rep. Billingsley, **HB 426** as amended, was again before the House for consideration.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Murphy, Seibel, Spence, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Boulden, Burton, Goldfeder, Gray, Harrington, Hearn, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Stansky, Unruh, Wright, Zimmerman — 18.

**NOT VOTING** — Sebrell — 1.

**HB 426** with **HA 3, 5, 6, 7, 9, 12, 13, 14** having received a constitutional majority was declared passed by the House.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**HB 419** — An Act to Amend Section 555, Title 28, Delaware Code, Relating to "Breakage" As to Harness Racing.

Roll Call revealed:

**YEAS** — Benson, Berndt, Boulden, Burt, Burton, Butcher, Dillman, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

**ABSENT** — Billingsley, Dodge — 2.

**HB 419** having received a constitutional majority was declared passed by the House.

House recessed at 3:35 P.M., reconvened at 4:03 P.M.

**HR 57** — Relating to Senate Bill No. 80, As Amended.

**WHEREAS**, the House of Representatives has passed Senate Bill No. 80, as amended, and it has been sent back to the Senate; and

**WHEREAS**, the members of the House of Representatives request that said Senate Bill No. 80, as amended, be reconsidered; and

**WHEREAS**, the members of the House of Representatives request that the Senate return Senate Bill No. 80, as amended, to the House of Representatives for reconsideration.

**NOW THEREFOR:**

**BE IT RESOLVED** by the House of Representatives of the 125th General Assembly of the State of Delaware that the members thereof desire to reconsider Senate Bill No. 80, as amended.

**BE IT FURTHER RESOLVED** that the Senate is requested to return Senate Bill No. 80, as amended, to the House of Representatives for reconsideration.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered to the presiding Officer of the Senate and the Secretary of the Senate.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be spread upon the Journal of the House of Representatives of the 125th General Assembly of the State of Delaware. Introduced by Rep. duPont. Adopted by voice vote.

Committee Reports: Appropriations: **HB 352**, 2 favorable, 3 on merits; **SB 355**, 1 favorable, 3 on merits.

The following were introduced:

**HA 1 to HB 340** — Introduced by Rep. Murphy. Placed with bill.

**SB 52 with SA 1** — An Act to Amend Section 1301 (3) (b), Chapter 13, Title 19, Delaware Code, Relating to the Exemption of Certain Employees From the Definition of Public Employees. Introduced by Senator Hale. Referred to the Committee on Revised Statutes.

**SB 356** — An Act Relating to Salaries of Certain Public Officials By Raising Certain Salaries. Introduced by Senator Hale. Referred to the Committee on Revised Statutes.

**HA 1 to SB 80** — Introduced by Rep. duPont. Laid on the table.

**HB 443** — An Act Relating to the Possession and Sale of B B Guns and Air Rifles. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

The Senate informed the House it had passed **SS 1** for **SB 297** with **HA 1, 2** and **SA 1**, **SS 1** for **SB 363, SB 257, SB 356, SB 52** with **SA 1** and requested concurrence of the House; also, **HB 320** with **SA 2, 3, 5, 7**, **358** with **HA 3, 5, HB 364, HB 365, HB 368, HB 370** with **HA 1, 2, HB 375, HB 310, HS 1** for **HB 218** with **HA 1, HB 169** with **HA 1, HB 189, HB 283** and returned same to the House.

On motion of Rep. Quillen the following was given a final reading and placed before the House for consideration:

**SB 182** — An Act Making A Supplementary Appropriation to the Delaware State Planning Office. Introduced by Senator Elliott.

On motion of Rep. Quillen, roll call on **SB 182** was tabled.

Mr. Speaker welcomed former Senator Allen J. Frear.

Rep. duPont moved to lift **HA 1 to SB 80** from the table. Motion carried. Rep. Frederick moved for deferment of the entire bill and amendments. No action taken. On motion of Rep. duPont, roll call on **HA 1 to SB 80** was tabled.

On motion of Rep. duPont the following was given a final reading and placed before the House for consideration:

**HS 1 for HB 404** — An Act to Amend Chapter 5, Title 31 and Chapter 5, Title 13, Delaware Code, Relating to the Payment to the Department of Public Welfare of Sums Collected for Support Under Court Order, and to the Initiation of Action By the Family Courts for Better Job Status and Empowering the Department of Public Welfare to Institute Support Proceedings.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips,

Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

ABSENT — Leshner — 1.

HS 1 for HB 404 having received a constitutional majority was declared passed by the House.

On motion of Rep. Burton the following was given a final reading and placed before the House for consideration:

SB 86 — An Act to Amend § 3701 (b), Title 18, Delaware Code, Relating to the Effective Date of the Delaware Insurance Code. Introduced by Senator Foltz.

Roll Call revealed:

YEAS — Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

NOT VOTING — Benson — 1.

ABSENT — Billingsley, Leshner, Spence — 3.

SB 86 having received a constitutional majority was declared passed by the House.

On motion of Rep. Burton the following was given a final reading and placed before the House for consideration:

SB 87 — An Act to Amend § 1741(b) (2), Title 18, Delaware Code, Relating to the Residence Qualifications for the Issuance of An Adjustor's License. Introduced by Senator Foltz.

Roll Call revealed:

YEAS — Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

NOT VOTING — Benson — 1.

ABSENT — Billingsley, Spence — 2.

SB 87 having received a constitutional majority was declared passed by the House.

On motion of Rep. Harrington the following was given a final reading and placed before the House for consideration:

HS 1 for HB 398 — An Act to Permit the Board of Education of the Milford Special School District to Transfer Certain Funds From Its Local Debt Service Account To Its Capital Outlay Account.

Roll Call revealed:

YEAS — Benson, Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Lit-



tle, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

ABSENT — Billingsley, Spence — 2.

**HS 1** for **HB 398** having received a three-fourths majority was declared passed by the House.

On motion of Rep. Moerschel the following was given a final reading and placed before the House for consideration:

**HB 380** — An Act to Amend Title 4, Delaware Code, Relating to the Interstate Transportation of Alcoholic Liquors.

Roll Call revealed:

YEAS — Benson, Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

NOT VOTING — Phillips — 1.

ABSENT — Billingsley, Harrington, Spence — 3.

**HB 380** having received a constitutional majority was declared passed by the House.

On motion of Rep. Murphy, **HB 340** was again before the House for consideration.

On further motion of Rep. Murphy, **HA 1** to **HB 340** was adopted by voice vote.

Roll Call on **HB 340** with **HA 1** revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Rawlins, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

NOT VOTING — Kirk — 1.

ABSENT — Quillen, Seibel — 2.

**HB 340** with **HA 1** having received a two-thirds majority was declared passed by the House.

On motion of Rep. Kirk the following was given a final reading and placed before the House for consideration:

**HB 391** — An Act to Amend Subchapter II of Chapter 19, Title 14, Delaware Code, Relating to Tax on Mobile Homes.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

NOT VOTING — Mears — 1.

ABSENT — Quillen, Rawlins — 2.

**HB 391** having received a constitutional majority was declared passed by the House.

On motion of Rep. Burt the following was given a final reading and placed before the House for consideration:

**SS 1 for SB 16 with SA 1** — An Act to Amend Title 19, Chapter 31, Delaware Code, Permitting the Taking of An Appeal to the Courts By An Aggrieved Party From An Adverse Decision By the Employment Security Commission in A Proceeding Pursuant to Title 19, Section 3155, Delaware Code and to Provide for Payment of the Costs Thereof From the General Funds of the State of Delaware Not Otherwise Appropriated. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Murphy, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Zimmerman, Mr. Speaker Hering — 29.

**NOT VOTING** — Benson, Burton, Orth, Phillips, Quillen, Rawlins, Unruh, Wright — 8.

**ABSENT** — Gray, Moerschel — 2.

**SS 1 for SB 16 with SA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Berndt, the following was given a final reading and placed before the House for consideration:

**HB 385 with HA 1, 2** — An Act Making A Supplementary Appropriation to the State Highway Department for Administration of the Motor Carrier Fuel Purchase Law.

On motion of Rep. Berndt, **HA 1 to HB 385** was stricken.

On motion of Rep. Billingsley, **HA 2 to HB 385** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**NOT VOTING** — Burton — 1.

**HB 385 with HA 2** having received a constitutional majority was declared passed by the House.

House recessed at 5:12 P.M., reconvened at 8:22 P.M.

The following amendment was introduced:

**HA 1 to HB 339** — Introduced by Rep. Leshner.

On motion of Rep. Hearn the following was given a final reading and placed before the House for consideration:

**HB 339 with HA 1** — An Act Relating to A Pension for Marie G. Ryan, A Former Employee of the Board of Public Education in Wilmington.

On motion of Rep. Leshner, **HA 1 to HB 339** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT** — Phillips — 1.

**HB 339 with HA 1** having received a constitutional majority was declared passed by the House.

Mr. Speaker welcomed Pierre duPont, V, and Mrs. Pierre duPont, IV, and Mrs. Herbert Leshner.

Rep. duPont moved to lift the roll call on **HA 1 to SB 80 with SA 1, 2**. Motion carried.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, duPont, Fonville, Frederick, Hearn, Heckert, Kirk, Little, McMahon, Murphy, Quillen, Riddagh, Seibell, Seibel, Spence, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Burton, Goldfeder, Gray, Mears, Orth, Phillips, Wright — 7.

**NOT VOTING** — Dodge, Harrington, Jarvis, Moerschel, Rawlins, Stansky, Unruh, Zimmerman — 8.

**ABSENT** — Leshner — 1.

**HA 1 to SB 80 with SA 1, 2** having received a majority was declared adopted.

Rep. duPont moved for a roll call on **SB 80 with SA 1 and 2 and HA 1**. Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Butcher, Dillman, duPont, Fonville, Goldfeder, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Wright, Zimmerman, Mr. Speaker Hering — 28.

**NAYS** — Burton, Dodge, Frederick, Gray, Harrington, Mears, Orth, Stansky, Unruh — 9.

**NOT VOTING** — Boulden — 1.

**ABSENT** — Phillips — 1.

**SB 80 with SA 1, 2 and HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Sebrell, **HB 415** with **HA 1** was again before the House for consideration.

**HA 2** to **HB 415** — Introduced by Rep. Sebrell. Adopted by voice vote.

Roll Call on **HB 415** with **HA 1** and **2** revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT** — Phillips — 1.

**HB 415** with **HA 1** and **2** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 326** — An Act to Create the Office of Controller General and to Make A Supplementary Appropriation Therefore. Introduced by Senator Steele.

At the request of Rep. Zimmerman, Mr. Leshner moved that **SB 326** be laid on the Speaker's desk. Motion carried.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 336** — An Act to Amend Section 15, Chapter 429, Volume 55, Laws of Delaware, Relating to Money Borrowed By the State for Capital Improvements and to the Issuance of Bonds and Notes Therefor and Appropriating \$42,639,992.-00 to Various State Agencies, By Extending the Date for Expenditure of the Moneys Appropriated to July 1, 1970. Introduced by Senator Isaacs.

Mr. Leshner moved that **SB 336** be laid on the Speaker's desk. Motion carried.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 339** — An Act to Amend Chapter 74, Title 29, Delaware Code, Relating to Bonds of the State By Providing for the Replacement of Lost, Destroyed or Defaced Bonds.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 33.

**NOT VOTING** — Benson, Burton, Gray, Quillen, Unruh — 5.

**SB 339** having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 347** — An Act to Amend Chapter 21, Title 14, Delaware Code, Relating to Local School Bonds By Providing for the Replacement of Lost, Destroyed or Defaced Bonds. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Wright, Zimmerman — 32.

**NOT VOTING** — Benson, Burton, Quillen, Unruh — 4.

**ABSENT** — Phillips, Mr. Speaker Hering — 2.

**SB 347** having received a constitutional majority was declared passed by the House.

Mr. Burt moved to lift the roll call on **SB 98** with **HA 1** from the table. Motion carried.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Quillen, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 30.

**NAYS** — Goldfeder, Harrington, Phillips, Rawlins, Riddagh — 5.

**NOT VOTING** — Butcher, Fonville, Mears — 3.

**ABSENT** — Stabler — 1.

**SB 98** with **HA 1** having received a two-thirds majority was declared passed by the House.

On motion of Rep. Spence the following was given a final reading and placed before the House for consideration:

**HB 293** — An Act to Amend Chapter 95, Title 10, Delaware Code, to Permit the Deputy Administrator to Determine Whether Any Justice of the Peace Court Shall Hear Criminal Actions, Civil Actions, or Both.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman — 37.

**ABSENT** — Phillips, Mr. Speaker Hering — 2.

**HB 293** having received a constitutional majority was declared passed by the House.

On motion of Rep. Spence the following was given a final reading and placed before the House for consideration:

**HB 294** — An Act to Amend Chapter 92, Section 9203, Title 10, Delaware Code, As Amended to Increase the Number of Justices of the Peace in New Castle County.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Murphy, Orth, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman — 34.

**ABSENT** — Burton, Moerschel, Phillips, Quillen, Mr. Speaker Hering — 5.

**HB 294** having received a constitutional majority was declared passed by the House.

On motion of Rep. Jarvis, the following was given a final reading and placed before the House for consideration:

**SB 360** — An Act to Permit Municipalities to Adopt County Assessments for Purposes of Municipal Taxation and Providing for the Implementation Thereof. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman — 35.

**NOT VOTING** — Benson — 1.

**ABSENT** — Phillips, Quillen, Mr. Speaker Hering — 3.

**SB 360** having received a constitutional majority was declared passed by the House.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**SB 338 with SA 1** — An Act to Amend Chapter 11, Title 17, Delaware Code, Relating to Outdoor Advertising and the Control Thereof in Areas Adjacent to the Public Highways and Public Lands of This State. Introduced by Senator Hart.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Zimmerman — 29.

**NAYS** — Gray — 1.

**NOT VOTING** — Benson, duPont, Goldfeder, Quillen, Rawlins, Stabler, Wright — 7.

**ABSENT** — Phillips, Mr. Speaker Hering — 2.

**SB 338** with **SA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Quillen the following was given a final reading and placed before the House for consideration:

**HB 424** — An Act to Amend Section 309 and Section 304 (2), Title 4, Delaware Code, Relating to Scope of Regulations Made By the Delaware Liquor Commission; Amendment of the Delaware Liquor Commission Regulations By the General Assembly; and More Particularly Imposing Restrictions Upon the Delaware Liquor Commission As to Regulation of Pool Tables, Pinball Machines, and Shuffleboards in Business Places Selling Alcoholic Liquors.

Roll Call revealed:

**YEAS** — Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Goldfeder, Gray, Harrington, Hearn, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman — 29.

**NAYS** — Benson, Sebrell — 2.

**NOT VOTING** — Berndt, Fonville, Frederick, Heckert, Mears — 5.

**ABSENT** — Jarvis, Phillips, Mr. Speaker Hering — 3.

**HB 424** having received a constitutional majority was declared passed by the House.

Mr. Leshner moved to lift **SB 336** from the table. Motion carried. **HA 1** to **SB 336** — Introduced by Rep. Leshner. Adopted by voice vote. Privilege of the floor was granted Mr. Glenn Kenton, House Attorney, to explain the bill. Mr. Leshner, at the suggestion of Rep. Stabler, moved that **SB 336**, as amended, be deferred until the next legislative day. Motion carried.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**HB 139** — An Act Proposing An Amendment to Article 2, Section 15, of the Constitution of the State of Delaware, Relating to the Compensation, Expenses and Allowances of Members of the General Assembly.

Roll Call revealed:

**YEAS** — Benson, Berndt, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Goldfeder, Harrington, Hearn, Leshner, Little, McMahon, Murphy, Orth, Quillen, Rawlins, Sebrell, Seibel, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 26.

**NAYS** — Burton, Riddagh, Unruh — 3.

**NOT VOTING** — Billingsley, Gray, Heckert, Jarvis, Kirk, Mears, Moerschel, Spence — 8.

**ABSENT** — Frederick, Phillips — 2.

**HB 139** having received a two-thirds was declared passed by the House.

On motion of Rep. Riddagh the following was given a final reading and placed before the House for consideration:

**SB 289 with SA 1** — An Act to Amend Chapter 1, Title 22, Delaware Code, Relating to Municipalities. Introduced by Senator Elliott.

On motion of Rep. Riddagh the roll call on **SB 289 with SA 1** was tabled.

On motion of Rep. Burt the following was given a final reading and placed before the House for consideration:

**SB 375** — An Act to Amend Chapter 65, Title 11, Delaware Code, in Order to Adopt the Interstate Corrections Compact. Introduced by Senator Manning.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

**NOT VOTING** — Benson, Butcher — 2.

**ABSENT** — Frederick, Phillips — 2.

**SB 375** having received a constitutional majority was declared passed by the House.

House recessed at 10:02 P.M., reconvened at 10:29 P.M.

The Senate informed the House it had passed **SB 380, SS 1 for SB 80** and requested the concurrence of the House; also, **HB 361, HB 378, HB 420 with HA 1, HB 402 with HA 1, HB 403, HB 366, HB 405 with HA 1, HB 401 with HA 1** and returned same to the House. Also, **HB 418** having lost.

Committee Reports: Government Operations: **SB 365**, 4 on merits; Revenue and Taxation: **SB 377**, 4 on merits; **SB 378**, 4 on merits; Appropriations: (2nd Report) **SB 317**, 1 favorable, 4 on merits.

Prefiled:

**HR 58** — Authorizing Payment for Services Rendered By the Legislative Staff of the House of Representatives of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**SB 380** — An Act Making A Supplementary Appropriation to the Governor's Committee on Employment of the Handicapped. Introduced by Senator Cicione. Referred to the Committee on Appropriations.

**SS 1 for SB 80** — An Act to Amend Section 717 (d), Chapter 7, Title 4, Delaware Code, Relating to the Prohibition of Sales of Alcoholic Beverages at Certain Times By Empowering the Alcoholic Beverage Control Commission to Grant Extension Permits to License Holders Who Sell Alcoholic Beverages in A Hotel, Restaurant, Club or Tavern



Up to One O'Clock in the Morning on Certain Conditions. Introduced by Senator Holloway. Referred to the Committee on Commerce and Labor.

**SCR 15** — Applying to the Congress to Call A Convention for the Purpose of Proposing An Amendment to the Constitution of the United States. Introduced by Senator Cook and Others. Referred to the Committee on House Administration.

Rep. Riddagh moved to lift the roll call on **SB 289** with **SA 1**. Motion carried.

Roll Call revealed:

**YEAS** — Berndt, Boulden, Burt, Burton, Dillman, Dodge, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 31.

**NAYS** — Billingsley — 1.

**NOT VOTING** — Benson, Butcher, duPont, Fonville, Goldfeder, Heckert — 6.

**ABSENT** — Phillips — 1.

**SB 289** with **SA 1** having received a two-thirds majority was declared passed by the House.

Rep. Zimmerman moved to suspend all rules for the sole purpose of acting on the following bill:

**SB 366** — An Act Making A Supplementary Appropriation to the Department of Correction for the Purpose of Granting Salary Increase to Certain Employees. Introduced by Senator Foltz.

Roll Call revealed:

**YEAS** — Boulden, Butcher, Fonville, Goldfeder, Gray, Hearn, Jarvis, Kirk, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman — 22.

**NAYS** — Burt, Heckert, Leshner, Little — 4.

**NOT VOTING** — Benson, Berndt, Burton, Dillman, Dodge, duPont, Frederick, Sebrell, Stabler, Mr. Speaker Hering — 10.

**ABSENT** — Billingsley, Harrington, Phillips — 3.

**SB 366** having received a constitutional majority was declared passed by the House.

On motion of Rep. duPont the following was given a final reading and placed before the House for consideration:

**SB 384** — An Act to Amend Subchapter II, Section 522 (c), Title 28, Delaware Code, Relating to Licenses to Conduct Harness Racing Meets. Introduced by Senator Hickman.

**HA 1 to SB 384** — Introduced by Rep. Quillen. Adopted by voice vote.

Roll Call revealed:

**YEAS** — Boulden, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 33.

**NOT VOTING** — Benson, Berndt, duPont, Leshar — 4.

**ABSENT** — Billingsley, Phillips — 2.

**SB 384** with **HA 1** having received a constitutional majority was declared passed by the House.

Rep. Jarvis moved to suspend all rules for the sole purpose of acting on the following bill. Motion carried.

**SB 377** — An Act to Amend Chapter 4, Title 28, Delaware Code, Relating to Horse Racing in Kent County. Introduced by Senator Isaacs.

Roll Call revealed:

**YEAS** — Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, Fonville, Goldfeder, Gray, Hearn, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 29.

**NOT VOTING** — Benson, Berndt, Burton, duPont, Frederick, Harrington, Heckert, Leshar, Quillen — 9.

**ABSENT** — Phillips — 1.

**SB 377** having received a constitutional majority was declared passed by the House.

Rep. Jarvis moved to suspend all rules for the sole purpose of acting on the following bill. Motion carried.

**SB 378** — An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to An Alcoholic Liquor License Issued to A Food Concessionaire At A Horse Racing Track. Introduced by Senator Isaacs.

Roll Call revealed:

**YEAS** — Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Moerschel, Murphy, Orth, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 31.

**NOT VOTING** — Benson, Berndt, duPont, Frederick, Leshar, Mears — 6.

**ABSENT** — Phillips, Quillen — 2.

**SB 378** having received a constitutional majority was declared passed by the House.

Committee Reports: Commerce and Labor: **SS 1** for **SB 80**, 4 on merits; **SB 314**, 4 on merits; Appropriations: **HB 367**, 4 on merits.

House adjourned at 11:20 P.M.

### 53RD LEGISLATIVE DAY

The Speaker called the House to order at 2:15 P.M., on Friday, June 27, 1969.

Prayer by the Chaplain Reverend David Mulford, Georgetown.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 38 members present, 1 absent:

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

Absent — Phillips — 1.

Minutes of the previous legislative day were approved as posted.

Communications: Legislative Advisory No. 23.

June 27, 1969

TO: Sen. Reynolds duPont, Sen. Michael N. Castle, Sen. Margaret R. Manning, Sen. Allen J. Cook, Sen. Andy Foltz, Sen. Dean C. Steele, Sen. Herman M. Holloway, Rep. George C. Hering, III, Rep. Clifford B. Hearn, Rep. Thomas L. Little, Rep. Joseph R. Murphy, Clerk of the House, Secretary of the Senate, Raymond S. Pusey, Russell W. Whitby, Howard Jones, John Babiarz, Eugene Bunting, Sec. of State, Richard H. Caldwell, Asst. Sec. of State, Daniel P. Ross, Treasurer, George W. Cripps, Auditor, Joseph T. Cashman, Budget Dir., Christopher L. Perry, Daniel Enterline, Jerry Sapienza, Legislative Reference Bureau.

FROM: Jerome O. Herlihy, Counsel to the Governor.

The Governor approved the following legislation on the indicated dates:

**SB 271** — 6-26-69 - appropriating \$50,000 to the Delaware State College to cover expenses of increased enrollment.

**SB 332** — 6-26-69 - setting the debt limit at 2.8 times the total revenue.

**SB 352** — 6-26-69 - appropriating \$21,000 to the Development Department to buy land for the Air Force Base.

**SB 192** as amended by **SA 1** and **SA 2** — 6-26-69 - reconstituting and providing for increased regulatory powers by the State Board of Veterinary Medicine.

**HB 291** — 6-26-69 - giving local parking authorities power to pledge the credit of local governments.

**HB 165** as amended by **SA 1** — 6-26-69 - requires all non-profit corporations which incorporate after January 1, 1969, to apply to the Blind Commission prior to any solicitation for the blind.

**SB 305** — 6-25-69 - making a number of reforms in Delaware election procedure and providing for bi-partisan departments of election.

**SB 376** — 6-25-69 - covering the composition of the present and future members of the Public Service Commission.

**HB 243** — 6-25-69 - allowing certain oversize buses which federal law or regulations permit on the highways to drive on certain Delaware highways.

Committee Reports: Appropriations: **SB 331**, 1 favorable, 3 on merits; **SB 368**, 1 favorable, 3 on merits.

The following prefiled material was introduced:

**HB 444** — An Act Relating to the General Revision of the Criminal Law of This State By Amending Part I, Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure"; By A General Revision of That Part to be Effected By Repealing That Part in Its Entirety and Substituting Therefore A New Part; and Further, to Amend Parts II and III, Title 11, Delaware Code, Relating to Criminal Procedure, Particularly Chapters 19, 27, 29, 35, 37, 39, 43, 47, and 59; and Further to Repeal Certain Sections of Chapters 47 and 49, Title 16, Delaware Code, Relating to Crimes Relating to Health and Safety. Introduced by Reps. Stabler and Burt. Referred to the Committee on Judiciary.

**HA 1** to **HB 389** — Introduced by Rep. Dodge. Placed with bill.

**HR 59** — Authorizing Payment for Services Rendered By Certain Members of the Legislative Staff of the House of Representatives of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 60** — Relating to Expenses of the Office of Speaker of the House of Representatives. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 61** — Relating to Prefiling of Bills During the Times the General Assembly Is Not Formally In Session. Introduced by Rep. Stabler. Adopted by voice vote.

**SR 368** — Relative to House Bill No. 368.

WHEREAS, the Senate has passed House Bill No. 368, and it has been sent to the House of Representatives; and

WHEREAS, the Members of the Senate request that said House Bill No. 368 be reconsidered; and

WHEREAS, the Members of the Senate request that the House of Representatives return House Bill No. 368 to the Senate for reconsideration.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware that the members thereof desire to reconsider House Bill No. 368.

BE IT FURTHER RESOLVED that the House of Representatives is requested to return House Bill No. 368 to the Senate for reconsideration.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to the Clerk of the House of Representatives.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal of the Senate of the 125th General Assembly of the State of Delaware.

Introduced by Senator Castle. Adopted by voice vote.

**HR 62** — Relating to the Return of House Bill No. 368 to the Senate for Reconsideration. Introduced by Rep. Leshner. Adopted by voice vote.

Rep. Frederick moved that all rules be suspended for the sole purpose of acting on **SB 333**. Motion carried.

**SB 333** — An Act to Amend Chapter 1, Title 16, Delaware Code, Relating to Deputy State Health Officers. Introduced by Senator Castle.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**NOT VOTING** — Benson, Burton — 2.

**ABSENT** — Phillips — 1.

**SB 333** having received a constitutional majority was declared passed by the House.

On motion of Rep. Little the following was given a final reading and placed before the House for consideration:

**HB 332** with **HA 1, 2** — An Act to Provide A Supplementary Appropriation to the Vocational-Technical School Districts for Adult Vocational-Technical Education Programs.

On motion of Rep. Little, **HA 1** was adopted by voice vote. On motion of Rep. Hearn, **HA 2** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT** — Phillips — 1.

**HB 332** with **HA 1, 2** having received a constitutional majority was declared passed by the House.

On motion of Rep. Spence the following was given a final reading and placed before the House for consideration:

**HB 292** — An Act Making A Supplementary Appropriation to the Chief Justice of the State of Delaware for Additional Salaries for Deputy Clerks of the Justice of the Peace Courts.

On motion of Rep. Boulden, **HA 1** was stricken. Rep. Boulden moved to adopt **HA 2**, Rep. Leshner moved to table **HA 2**. Motion carried, **HA 2** was tabled.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Murphy, Orth, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 33.

**NOT VOTING** — Burton, Moerschel, Quillen, Rawlins — 4.

**ABSENT** — Little, Phillips — 2.

**HB 292** having received a constitutional majority was declared passed by the House.

The Speaker recognized Mrs. W. Neal Moerschel and Miss Avis Newton.

**HR 63** — Expressing the Dissatisfaction of the House of the 125th General Assembly to the Increase in Rates By the Artesian Water Co. Despite An Order of the Public Service Commission to Delay Any Increase for 90 Days.

WHEREAS, it has come to the attention of the House of the 125th General Assembly that certain residents of Delaware, who are serviced by the Artesian Water Co., are dissatisfied by said service and the intended increase in rates by the Artesian Water Co.; and,

WHEREAS, the Artesian Water Co. without the approval of the Public Service Commission and despite an order by the Commission to delay any increase in rates for 90 days in order to allow for public hearings has nevertheless announced its intention to increase its rates under bond effective Tuesday, July 1, 1969 and to collect them while continuing to seek the approval of the Public Service Commission.

NOW THEREFORE:

BE IT RESOLVED by the House of the 125th General Assembly of the State of Delaware that the displeasure and dissatisfaction of its members be announced to the Artesian Water Co. and the Public Service Commission for the said

increase in water rates under bond despite the order by the Public Service Commission to delay such increase for 90 days to allow for a public hearing.

**BE IT FURTHER RESOLVED** that the Public Service Commission be urged to take any legal steps as appropriate to prevent, if possible, the intended increase in rates.

**BE IT FURTHER RESOLVED** that a copy of this resolution be entered on the Journal of the House and a copy be sent to the Artesian Water Co. and the Public Service Commission.

Introduced by Rep. Jarvis. Adopted by voice vote.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 303** — An Act Making A Supplementary Appropriation to the Delaware State Development Department for Flags. Introduced by Senator Cicione.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**ABSENT** — Benson, Little, Phillips — 3.

**SB 303** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 350** — An Act Making A Supplemental Appropriation to the State Employees' Retirement Fund From the Capital Investment Fund. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Moerschel, Murphy, Orth, Seibell, Seibel, Spence, Stansky, Wright, Zimmerman, Mr. Speaker Hering — 29.

**NOT VOTING** — Benson, Burton, Quillen, Rawlins, Riddagh, Unruh — 6.

**ABSENT** — Little, Mears, Phillips, Stabler — 4.

**SB 350** having received a constitutional majority was declared passed by the House.

Rep. Leshner moved to consider **SA 1** to **HB 368**. Motion carried. Roll Call on **SA 1** to **HB 368** revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen,

Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

ABSENT — Little, Phillips — 2.

**SA 1 to HB 368** having received a majority was declared adopted.

On motion of Rep. Frederick the following was given a final reading and placed before the House for consideration:

**SB 178** — An Act to Amend § 5111. Title 16, Related to "Mental Health" By Providing A Director of Community Mental Retardation Programs. Introduced by Senator Hale.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

**NAYS** — Benson, Leshner — 2.

ABSENT — Little, Phillips, Spence — 3.

**SB 178** having received a constitutional majority was declared passed by the House.

Rep. Leshner moved that **SB 326** be lifted from the table. Motion carried.

**HA 1 to SB 326** — Introduced by Rep. Zimmerman. Adopted by voice vote.

**HA 2 to SB 326** — Introduced by Rep. Leshner. Stricken on motion of Rep. Leshner.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, McMahon, Mears, Murphy, Orth, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 30.

**NOT VOTING** — Benson, Burton, Fonville, Moerschel, Quillen — 5.

ABSENT — Heckert, Little, Phillips, Sebrell — 4.

**SB 326** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**HB 363** — An Act Authorizing the Incumbent State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Belle Everett.

Roll Call revealed:

**YEAS** — Benson, Billingsley, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Leshner, McMahon, Mears,



Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

ABSENT — Berndt, Boulden, Kirk, Little, Phillips — 5.

**HB 363** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration.

**HB 374** — An Act Appropriating Moneys for Education and Training of Children of Military Veterans Who Died While in the Armed Services of the United States or Who Died From Disease, Wounds or Disabilities Resulting From Such Service.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

NAYS — Burton — 1.

ABSENT — Little, Orth, Phillips — 3.

**HB 374** having received a constitutional majority was declared passed by the House.

The following letter from Governor Peterson was read as follows:

June 27, 1969

The Honorable George C. Hering  
Speaker of the House  
125th General Assembly  
Dear Mr. Speaker:

I understand that Senate Bill 355 will be coming before the House of Representatives for a vote this afternoon.

I respectfully request the privilege of addressing the House of Representatives on this proposal which would provide State aid for local law enforcement agencies.

Sincerely,  
Russell W. Peterson  
Governor

Mr. Speaker appointed Reps. Jarvis and Hearn to escort the Governor to the House Chamber.

Mr. Speaker welcomed Governor Peterson.

Governor Peterson spoke briefly regarding **SB 355**, as amended.

Executive Order No. 6 relative to Governor Peterson's remarks.

**EXECUTIVE ORDER  
NUMBER SIX**

TO: Heads of All State Departments and Agencies  
 SUBJECT: Delaware Agency to Reduce Crime (formerly  
 the Delaware Law Enforcement Planning  
 Agency)

WHEREAS, by his Executive Order Number 37, of August 20, 1968, Governor Charles L. Terry created the Delaware Law Enforcement Planning Agency; and

WHEREAS, it is desirable that said Agency continue to qualify under the federal "Omnibus Crime Control and Safe Streets Act of 1968", in accordance with the original conception of said Agency, and that it further qualify and be the State planning agency for purposes of the federal "Juvenile Delinquency Prevention and Control Act of 1968"; and

WHEREAS, it is desirable that both the membership and responsibilities of said Agency be expanded in order to better provide the comprehensive plans required by such federal legislation and to administer the planning and action grants available thereunder; and

WHEREAS, it is the Governor's intention that this Agency be the planning agency for and administer not only federal programs and federal funds, but also State programs and State funds provided in aid of local law enforcement agencies; and

WHEREAS, it is anticipated that sufficient funds will be appropriated to the Governor for the use of said Agency in aiding local law enforcement agencies, to be accomplished after such local entities have submitted applications for and obtained approval of specific action plans for the use of such funds, and upon receiving proof on the part of the local entity of ability to provide additional funds for accomplishing the purposes of the grant in an amount equal to at least one-half of the grant itself; and

WHEREAS, because of the expanded functions of the Agency beyond mere "planning", a more appropriate name for the Agency is considered to be: "Delaware Agency to Reduce Crime"; and

WHEREAS, it is expected that the expansion and upgrading of the role of the Delaware Agency To Reduce Crime as part of a broad crime reduction effort, and the providing of both federal and State funds to be administered by it, will lead to greatly enhancing the quality of law enforcement exhibited by Delaware's local agencies in this field which are not regularly financed by the Annual Budget Act of the State.

NOW, THEREFORE, I, Russell W. Peterson, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby amend the Executive Order of August 20, 1968, designated Executive Order Number 37, and expand its contents in the following particulars:

1. The name "Delaware Law Enforcement Planning Agency" is changed to "Delaware Agency to Reduce Crime", wherever it appears, and shall henceforth be the name of the Agency.

2. Paragraph 2 of the prior order, listing the ex officio members of the Agency, is augmented by adding the "City Solicitor of the City of Wilmington" and the "United States Attorney for the District of Delaware". This paragraph is further amended by striking reference to "President of the Delaware Mayors Association" and substituting in lieu thereof "President of the Delaware League of Local Governments". Further amend paragraph 2 of the prior order by striking the word "President" of the Levy Court of Kent County and the Levy Court of Sussex County, respectively, and substituting the word "Representative", in both instances. In all other respects the list of ex officio members is reaffirmed and adopted.

3. Paragraph 3 of the prior order is stricken and in lieu thereof is substituted the following:

"In addition the Agency shall include up to 12 members representing the public at large who shall be appointed by the Governor and serve at his pleasure."

With respect to the six public members presently serving, provision shall take effect upon their resignation of the expiration of their respective terms, whichever first occurs.

4. The designation of this Agency as the "State Planning Agency" within the meaning of the Omnibus Crime Control and Safe Streets Act of 1968 is reaffirmed and adopted and the Agency shall also carry out such State planning functions as may be required under the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

5. At the direction of the Governor, and in addition to any duties and responsibilities invested in the Agency heretofore, the Agency shall perform such other duties with respect to, and shall administrate, coordinate and implement, any federal or State program in the area of law enforcement planning and crime prevention as the Governor shall assign to it. Such powers and duties to act at the direction of the Governor in the area of law enforcement planning and crime prevention shall include authority to receive and administer federal and/or State funds, including both monies for direct grants and monies provided for matching purposes.

6. All State funds provided to the Agency at the direction of the Governor for the purpose of aiding local law enforcement agencies shall be administered and distributed according to the following guidelines and directions:

(a) The Agency is authorized to make grants of such funds at the direction of the Governor to political subdivisions of this State, and law enforcement agencies thereof,

which make application for the same, after it shall be satisfied that such grant and the local matching funds hereinafter described shall be used for any one of the following purposes, which shall be additional to the law enforcement program or functions of the local entity at the time of such grant:

(i) Public protection, including the development, evaluation, implementation and purchase of methods, devices, facilities, and equipment designed to improve or strengthen law enforcement and reduce crime in public and private places.

(ii) The recruiting and hiring of law enforcement personnel and the training of personnel in law enforcement.

(iii) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding and cooperation with law enforcement agencies.

(iv) Purchase, lease, renovation or construction of buildings or other physical facilities designed to facilitate, improve and strengthen law enforcement, including, but not limited to, police stations, substations or precinct police facilities, located in decentralized areas of a political subdivision where particular need exists, crime prevention, limitation of potential civil disorders and the enhancement of police-community relations.

(v) The organization, education and training of regular law enforcement officers, special law enforcement units and law enforcement reserve units for the prevention, detection and control of riots and other civil disorders, including acquisition of riot control equipment.

(vi) The augmentation or supplementation of salaries and other compensation of law enforcement personnel.

(b) Grants of State funds hereunder may also be made for the planning and preliminary staffing and administrative expenses associated with projects and programs in the categories set forth in subsection (a) of this Section. Such funds may be used by the local entities as part of the local matching share required by Federal Act if the Federal-local project program is within the categories set forth in subsection (a) of this Section.

(c) All applications made by political subdivisions shall be made on behalf of and signed by the chief executive officer of such subdivision. The Agency by rule and regulation shall prescribe the form and manner of applications and the method of accounting to the Agency for funds received hereunder and the results of all projects and programs.

(d) All grants made by the Agency shall be upon the condition that the political subdivision involved shall provide additional locally-raised funds for accomplishing the

purposes of the grant amounting to at least one-half of the grant made by the Agency.

(e) All grants shall be made with a view to the comprehensive plan developed by the Agency pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 and to the extent deemed advisable by the Agency, with approval of the Governor, such grants shall be in accordance with the priorities established by such plan.

7. In all other respects prior Executive Order Number 37, dated August 20, 1968, is reaffirmed and continued in effect.

APPROVED this 22nd day of May, 1969  
Russell W. Peterson  
Governor

ATTEST:  
Eugene Bunting  
Secretary of State

The previously appointed Representatives escorted Governor Peterson from the House Chamber.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 355 with SA 1** — An Act Making A Supplementary Appropriation to the Governor for the Delaware Agency To Reduce Crime in Order to Provide Aid to Local Law Enforcement Agencies. Introduced by Senator Hart.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Murphy, Orth, Quillen, Rawlins, Seibrell, Seibel, Spence, Stabler, Stanley, Wright, Zimmerman, Mr. Speaker Hering — 30.

**NAYS** — Benson, Burton, Harrington, Riddag, Unruh — 5.

**NOT VOTING** — Moerschel — 1.

**ABSENT** — Goldfeder, Little, Phillips — 3.

**SB 355 with SA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**HB 434** — An Act to Amend "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970", Being House Bill No. 187 of the 125th General Assembly and Also Known as the 1970 Budget Appropriation Bill With Respect to the Department of Corrections.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder,

Hearn, Heckert, Jarvis, Kirk, Leshner, Mears, Murphy, Seibel, Spence, Stabler, Wright, Zimmerman, Mr. Speaker Hering — 24.

**NAYS** — Benson, Harrington, McMahon, Orth, Quillen, Riddagh, Sebrell, Unruh — 8.

**NOT VOTING** — Burton, Gray, Moerschel, Rawlins, Stansky — 5.

**ABSENT** — Little, Phillips — 2.

**HB 434** having received a constitutional majority was declared passed by the House.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**SB 315** — An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Registration of Certain Vehicles. Introduced by Senator Hart.

Privilege of the floor was granted Mr. Russell Whitby, Motor Vehicle Commissioner to explain the bill.

Roll Call revealed:

**YEAS** — Berndt, Boulden, Burt, Burton, Dodge, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 31.

**NAYS** — Billingsley, duPont — 2.

**NOT VOTING** — Benson, Butcher, Heckert — 3.

**ABSENT** — Dillman, Little, Phillips — 3.

**SB 315** having received a constitutional majority was declared passed by the House.

On motion of Rep. Dodge the following was given a final reading and placed before the House for consideration:

**HB 367** with **HA 1** — An Act to Amend Title 18, Chapter 65, Delaware Code, Relating to Insurance By Providing for Insurance for the Protection of the State of Delaware.

On motion of Rep. Dodge, **HA 1** to **HB 367** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, McMahon, Mears, Moerschel, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

**ABSENT** — Dillman, Jarvis, Little, Murphy, Phillips — 5.

**HB 367** with **HA 1** having received a constitutional majority was declared passed by the House.

Rep. Quillen moved that the roll call on **SB 182** be lifted from the table. Motion carried.

Roll Call revealed:

**YEAS** — Berndt, Boulden, Burt, Burton, Dillman, Dodge, Goldfeder, Gray, Harrington, Hearn, Jarvis, McMahon, Mears, Murphy, Orth, Phillips, Quillen, Seibel, Stabler, Stansky, Wright, Zimmerman — 22.

**NOT VOTING** — Benson, Billingsley, duPont, Frederick, Heckert, Kirk, Little, Moerschel, Rawlins, Riddagh, Sebrell, Spence, Unruh, Mr. Speaker Hering — 14.

**ABSENT** — Butcher, Fonville, Leshner — 3.

**SB 182** having received a constitutional majority was declared passed by the House.

On motion of Rep. Burton the following was given a final reading and placed before the House for consideration:

**SB 317** — An Act to Amend Chapter 62, Title 29, Delaware Code, Relating to Planning By Providing A New Subchapter to Create A Federal Reinsurance Facility Fund to Satisfy the State of Delaware's Obligations Pursuant to Part B, Title XII, of the National Housing Act and Making An Appropriation Therefor From the Capital Investment Fund. Introduced by Senator Foltz.

**HA 1** — Introduced by Rep. Leshner. Adopted by voice vote.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

**NAYS** — Sebrell — 1.

**NOT VOTING** — Benson — 1.

**ABSENT** — Little, Phillips — 2.

**SB 317** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Spence the following was given a final reading and placed before the House for consideration:

**HB 390** — An Act Making A Supplementary Appropriation to the Delaware State Police for the Purpose of Establishing and Maintaining Security for the Capitol Complex.

Privilege of the floor was granted Mr. Dan Enterline to explain the bill. Rep. Spence moved to table the roll call on **HB 390**. Motion carried.

On motion of Rep. duPont the following was given a final reading and placed before the House for consideration:

**SS 1** for **SB 80** — An Act to Amend Section 717 (d), Chapter 7, Title 4, Delaware Code, Relating to the Prohibition of Sales of Alcoholic Beverages At Certain Times By Em-

powering the Alcoholic Beverage Control Commission to Grant Extension Permits to License Holders Who Sell Alcoholic Beverages In A Hotel, Restaurant, Club or Tavern Up To One O'Clock in the Morning on Certain Conditions. Introduced by Senator Holloway.

**HA 1 to SS 1 for SB 80** — Introduced by Rep. Zimmerman. Adopted by voice vote.

On motion of Rep. duPont, roll call on **SS 1 for SB 80** with **HA 1** was tabled.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**SB 257** — An Act to Amend Title 17 of the Delaware Code By Adding Thereto New Section 132 (b) (8) Giving the State Highway Department the Power to Provide Relocation Assistance to Persons Displaced As A Result of the Acquisition for Highway Purposes of Real Property Upon Which They Live or Conduct A Business or Farm Operation and By Adding Thereto New Chapter 19, Sections 1901 - 1912 Entitled Relocation Assistance. Introduced by Senator Hart.

On motion of Rep. Murphy, roll call on **SB 257** was tabled.

Rep. duPont moved to lift the roll call on **SS 1 for SB 80** with **HA 1**. Motion carried. Rep. duPont moved to table the roll call. Motion carried.

On motion of Rep. Heckert, **HB 320** with **SA 2, 3, 5, 7** was again before the House for consideration. **HA 4 to HB 320**, as amended, was adopted by voice vote on motion of Rep. Heckert.

Roll Call on **HB 320** as amended revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**ABSENT** — Boulden, Little, Phillips — 3.

**HB 320** with **SA 2, 3, 5, 7** and **HA 4** having received a constitutional majority was declared passed by the House.

Rep. Stabler moved to recess to the call of the chair at 5:58 P.M.

## 1ST LEGISLATIVE DAY — SPECIAL SESSION

The Speaker called the House to order at 1:17 P.M. on Tuesday, October 14, 1969.

Prayer by the Chaplain Reverend John Irwin, Selbyville.

The Speaker led those present in a Salute of the Flag.



Proclamation from the Governor regarding Special Session.

# NOTICE

TO: ALL HOUSE MEMBERS

FROM: GEORGE C. HERING, III, SPEAKER

DATE: October 6, 1969

RE: SPECIAL SESSION CONVENED BY GOVERNOR PETERSON

In accordance with Article 3, Section 16 of the Constitution, Governor Peterson has, by Proclamation, convened the General Assembly into extraordinary session on Tuesday, October 14, 1969, at 1:00 P.M.

In accordance with and pursuant to his Proclamation directed to me as Presiding Officer of the House of Representatives of the 125th General Assembly, you are hereby notified that the House will convene at the aforementioned date and time.

I believe the Governor sent all legislators copies of his October 1, 1969, letter outlining his requests for matters to be considered.

# PROCLAMATION

WHEREAS, the Delaware General Assembly has ended its regular sessions for the year 1969; and

WHEREAS, Article 3, Section 16 of the Constitution of the State of Delaware authorizes the Governor on extraordinary occasion to convene the General Assembly by Proclamation; and

WHEREAS, several urgent matters demand consideration by the General Assembly this year;

NOW, THEREFORE, I, RUSSELL W. PETERSON, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the General Assembly into Extraordinary Session on Tuesday, October 14, 1969, at 1 p.m. to consider the following matters:

1. Two bills involving Reorganization of the Executive Branch.

2. Senate Bill 351, An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments and to issue bonds and notes therefor and appropriating the moneys to various agencies of the State.

3. Senate Substitute 1 for Senate Bill 228, An Act to amend Title 14, Delaware Code, relating to education by providing for negotiations and relations between Boards of Edu-

cation and organizations of public school employees. This has passed the Senate.

4. New Castle County reapportionment if such legislation is introduced at the request of New Castle County Council.

5. Appointments for Senate confirmation.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 1st day of October in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

Russell W. Peterson

Governor

Eugene Bunting

Secretary of State

Roll Call revealed 39 members present, none absent.

Veto Messages from the Governor regarding **HB 310**, **HB 148** and **HB 329**:

July 8, 1969

To the House of Representatives of the  
125th General Assembly of the  
State of Delaware:

On June 27, 1969, I received House Bill No. 310 entitled:  
"An Act to Amend Section 1178 (a), Title 10, Delaware Code, Relating to Authority of Family Court of Kent and Sussex Counties to Commit 16-to-18-Year-Old Juveniles to State Board of Corrections in Certain Cases."

I return this bill without my approval for the following reasons:

Juveniles should not be committed to an adult prison by Family Courts except in unusual cases and then only if the juvenile is put in joint custody of the Department of Corrections and the Youth Services Commission. This is the existing law for the New Castle County Family Court. House Bill No. 310 applies to the Family Courts of Kent and Sussex Counties only and permits them to commit juveniles to the sole custody of the Department of Corrections.

We are working toward establishing a statewide Family Court and should not in the interim be passing legislation that sets up different laws for the courts in our several counties.

Another major effort underway is to provide the Youth Services Commission with facilities and programs so that no juveniles need be committed by Family Courts to adult prisons.

Because of the above factors, I find I have no reasonable alternative other than vetoing House Bill No. 310, and I therefore return it herewith unsigned.

Respectfully submitted,  
Russell W. Peterson  
Governor

Enclosure

July 8, 1969

To the House of Representatives of the  
125th General Assembly of the  
State of Delaware:

On June 27, 1969, I received House Bill No. 148 as amended by SA 1 entitled:

"An Act Conferring Upon Justices of the Peace Original Jurisdiction For Any Motor Vehicle Violation By A Child Over 16 Years of Age."

I return this bill without my approval for the following reasons:

1. After giving this bill a great deal of thought and consideration, I have found more reasons to veto it than to sign it. A major reason for not approving this bill is that the Justices of the Peace would not have any authority over parents of 16 or 17-year-olds charged with violating the Motor Vehicle Code. The Family Courts of the three counties presently have the power to exercise control over the parents of alleged juvenile offenders. For example, the Courts can require parents to impose curfew restrictions on the juvenile, or to limit his use of the vehicle, or to require withdrawal of the parental consent the juvenile must have to obtain a drivers license. Also, Family Courts require that at least one parent be present during the trial of a juvenile traffic offender. This is done to give the Family Court access to the parent and to make the parent, or parents, aware of the juvenile's offense. The bill that I am returning, although it requires some effort to have the parents present, does not make that presence mandatory as in Family Court. Furthermore, the magistrates will not have and do not have equivalent powers of supervision by and through the parents of the juvenile traffic offender.

2. Another reason for returning this bill unsigned is that in many cases traffic violations indicate more serious and deeper problems. The Family Courts are designed to deal with these problems. I do not believe that the magistrates will have the staff to cope with the varied problems which may come to light when a juvenile violates the Motor Vehicle Code.

3. In addition, I do not think that removing one category of offenses from the Family Court is the best procedure. If this bill became law it could cause a great deal of adminis-

trative difficulty, with different courts handling the same juvenile without being aware of it.

4. Studies within the Family Courts have demonstrated that fines for traffic violations are not the best deterrents. The Family Courts have available to them many more alternatives, than the magistrates would have by virtue of this bill, in dealing with a juvenile traffic offender. The methods used by Family Courts have succeeded in keeping the recidivism rate very low.

5. Furthermore, a Justice of the Peace does not have the authority to commit juveniles to the institutions established for juvenile offenders. As a result he would in some instances be required to commit juveniles to adult correctional institutions. One of the basic defects of our correctional system is that it does require commitment of juvenile and adult offenders in the same institutions.

6. The Delaware Agency to Reduce Crime, which has just completed exhaustive studies of law enforcement and administration of justice in this state, is opposed to this bill.

Because of the above-listed factors, I veto House Bill No. 148 as amended by SA 1, and I therefore return it herewith unsigned.

Respectfully submitted,  
Russell W. Peterson  
Governor

Enclosure

July 15, 1969

To the House of Representatives of the  
125th General Assembly of the  
State of Delaware:

On July 14, 1969, I received House Bill No. 329 entitled:  
"An Act to Incorporate the Town of Dewey Beach."

I am returning this bill without my signature for the following reasons:

1. The bipartisan co-sponsors of this bill, Representatives Robert Dodge and Jacob Zimmerman, have requested me to do so and Senator Thomas Hickman, who helped get this bill passed in the Senate, has concurred in this request.

2. At a hearing held in Rehoboth on July 7th, with many interested people from the Dewey Beach area, it was apparent that the incorporation of Dewey Beach is not the desire of most people in that community at this time.

3. This bill was primarily sponsored to focus attention in the Dewey Beach area on such problems as water supply, sewage disposal and police protection. As a result of the passage of this bill and the subsequent hearing, strong area wide interest in getting action on these problems has been

stirred up. Many people feel that the most practical way to find near-term relief from these problems is for Dewey Beach and neighboring communities to be annexed by Rehoboth. The leaders of Rehoboth are receptive to this. In any event, by vetoing this bill I leave the door open to further consideration of the alternatives.

This present veto will not necessarily preclude a reconsideration by me of a similar bill in the future should that be the wish of the majority of the people of Dewey Beach and the members of the Legislative.

The hearing in Rehoboth made it clear once again that the whole area from Lewes to Fenwick Island has a large stake in obtaining a solution for the long run to the rapidly growing problem of water supply and sewage disposal. To facilitate developing as promptly as possible a plan for solving these area wide problems, I agreed to appoint a committee for that purpose with representation from all of the communities involved. I will do this shortly.

Respectfully submitted,  
Russell W. Peterson  
Governor

#### Enclosure

Prefiled bills and Amendments introduced as follows:

**HB 445** — An Act Making A Supplementary Appropriation to the Department of Justice. Introduced by Rep. Hering. Referred to the Committee on Judiciary.

**HB 446** — An Act Removing Jurisdiction From the Family Court and Conferring Upon the Superior Court Exclusive Original Jurisdiction For Any Violation of Chapter 47, Title 16, Delaware Code. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 447** — An Act to Amend Title 4, § 904(f), Delaware Code, Relating to Possession or Consumption of Alcoholic Liquors By Minors. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 448** — An Act to Amend Chapter 44, Title 21, Delaware Code, Relating to Abandoned Vehicles. Introduced by Rep. Dodge. Referred to the Committee on Revised Statutes.

**HB 449** — An Act Making A Supplementary Appropriation to the State Highway Department. Introduced by Rep. Dodge. Referred to the Committee on Highways and Public Safety.

**HB 450** — An Act to Amend Title 30, Chapter 30, § 3002, Relating to Motor Vehicle Document Fee With Respect to Motor Vehicles Owned, Operated and Used By the State of Delaware and Its Political Subdivisions, the American Legion, Veterans of Foreign Wars, and Volunteer Fire Companies. Introduced by Rep. Boulden. Referred to the Committee on Revenue and Taxation.

**HB 451** — An Act to Amend Title 30, paragraph 2501 (c), paragraph 2702 (b), paragraph 2902 (c), paragraph 2903 (c), paragraph 2904 (c), paragraph 2906 (c), and paragraph 2907 (c) So As to Repeal the Present Mercantile License Fee Rate and Restore the Previous Rate. Introduced by Rep. Zimmerman and Others. Referred to the Committee on Revenue and Taxation.

**SA 2 to HB 311** — Introduced by Senator Slawik. Placed with bill.

**SA 3 to HB 311** — Introduced by Senator Hale. Placed with bill.

**SA 4 to HB 411** — Introduced by Senator Elliott and Others. Placed with bill.

**SA 5 to HB 411** — Introduced by Senator Cook. Placed with bill.

Rep. Benson moved that **HB 311** be reassigned to the Revised Statutes committee. Motion carried.

**SCR 17** — Providing For A Joint Session of the Senate and the House of Representatives. Introduced by Senator duPont. On motion of Rep. Stabler, **SCR 17** was adopted by voice vote.

Committee Reports: Commerce and Labor: **SB 82**, 2 favorable, 2 on merits; **SB 381**, 1 favorable, 3 on merits.

Copy of letter from Rep. Hering to all House Members.

**TO: ALL HOUSE MEMBERS**

**FROM: GEORGE C. HERING, III, SPEAKER**

**DATE: October 9, 1969**

**RE: APPOINTMENT OF COMMITTEE TO RECOMMEND  
CODE OF ETHICS FOR HOUSE MEMBERS**

As many of you know, I have long been concerned about adopting a Code of Ethics for legislators. Last session the House passed a bill which would have initiated such a study. Regretfully, in my judgment, it did not pass the Senate.

Earlier this week, Governor Peterson appointed a committee to prepare a Code of Ethics for the state officers and employees. When learning of this, I personally called the Governor and strongly suggested to him that I did not feel it proper for his committee to study a separate but equal branch of our state government. Hence, I have contacted personally six members of the House and wish to advise the entire membership by a copy of this letter that pursuant to the rules vested in the Speaker, I am appointing a special committee to recommend a Code of Ethics for House members. They are as follows:

W. Laird Stabler, Jr. — Chairman  
David S. Benson  
Robert J. Berndt  
George R. Quillen

Edward S. Stansky  
Lewis B. Harrington

I am asking the members of this committee to look into the broad spectrum of ethical conduct on the part of House members and make recommendations in the following areas:

- (1) conflict of interest;
- (2) the propriety of legislators doing business with state agencies;
- (3) attorney-legislator representing clients before State Boards or Commissions; and
- (4) dual-job holding.

I am further asking that they report back with the recommendations by April 30, 1970. At a time when public servants are being looked at with the highest scrutiny, I think it only proper that we strengthen the faith and confidence of the public in their law-makers by establishing ground rules for our own conduct.

House recessed at 1:50 P.M.

#### SENATE CHAMBER

The Sergeant-at-Arms announced the Speaker and Members of the House. They were admitted and seated. The President invited Speaker Hering and President Pro-Tempore duPont to a seat on the rostrum.

#### JOINT SESSION

Senator Grier moved that the Senate and House convene in Joint Session. Motion prevailed.

Senator Grier moved that the President of the Senate preside over the Joint Session. Motion prevailed.

Senator Grier moved that the Secretary of the Senate and Chief Clerk of the House act as Secretaries of the Joint Session. Motion prevailed.

The President appointed the following committee to escort the Governor to the Senate Chamber: Senators Schlor, Robbins, Manning and Hickman; Representatives Quillen, Burton, Hearn and Leshner.

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session. The Governor addressed the members of the General Assembly as follows:

Mr. President

Mr. President Pro Tem

Mr. Speaker

Ladies and Gentlemen of the 125th General Assembly

Fellow Delawareans:

I have convened this extraordinary session of the 125th General Assembly to consider several matters of vital importance to the State of Delaware.

Uppermost among these are the first two proposals for reorganization of the executive branch of our state government.

One is the proposed Department of Health and Social Services, which would combine the human services functions now performed by twelve major boards and commissions.

The other is the Department of Natural Resources and Environmental Control, which would be responsible for functions currently performed by six major boards and commissions. In addition, many smaller agencies would be affected.

I see no need for me to discuss here today the details of these proposals. Both plans have been submitted to you and to the public and will, I am sure, be thoroughly studied before action is taken by the General Assembly.

But I do want to talk generally about why the State of Delaware needs reorganization and the benefits that will derive from it.

The need for a change from the commission form of government in Delaware is critical and has been recognized for years by many study groups, including the Commission on Reorganization of the state government in 1950, the New Day for Delaware Committee in 1960, and the Governor's Goals Committee in 1965. As far back as 1918, a study recommended consolidation into nine administrative departments.

All of these studies have emphasized the pressing need for increased efficiency by streamlining the administrative process, the need for pinpointing responsibility and authority, and the need for centralizing operations now scattered through scores of agencies and commissions.

Several weeks ago the Governor's Economy Committee, although not engaged in a study of reorganization, come to the inescapable conclusion that this state's government would be able to operate much more efficiently by changing to a cabinet-type system.

In my first message to the Legislature in March, I requested that a governor's task force on reorganization be established to assist me in developing proposals for creating a cabinet form of government.

The General Assembly, in the law creating the task force, said: "It is declared to be the public policy of this state that the commission form of government shall be abolished and a cabinet form of government shall be adopted. . ."

The need for pulling together the lines of responsibility and authority was described by the Griffenhagen Report of 1950. "The Governor," it said, "sits in the driver's seat but the wheels do not always turn in response to his driving."



The report also said that an executive branch that is not responsive to the will of the governor cannot be expected to remain responsive to the will of the people.

And therein lies the most convincing argument of all. Government exists to serve the people. Any system that falls short of that goal fails people.

Despite the unanimity of these previous studies, Delaware has not made significant progress towards reorganization. New agencies and commissions have sprung up more quickly than they could be abolished. In the period from 1950 to 1966, for example, a steady proliferation increased the number of state agencies from 97 to 129. The prime reason was that the governmental structure was inadequate to meet the growing demand for services, and as new areas of need developed, new agencies were created to meet those needs.

The trend in this nation today is toward returning more responsibility—in the form of authority and dollars—to the states. The states must be ready to shoulder that responsibility. One study group has estimated that half the governors lack the authority to do so.

As the task force has pointed out, the major rewards of consolidation will be:

1. Increased responsiveness and accountability of government.
2. Better delivery of services to the citizens of the state.
3. Improved effectiveness and efficiency in administration.
4. Continued utilization of citizen participation in government.
5. More effective evaluation of present programs and great ability to anticipate and provide for the long-range needs of the state.

What this government and what every government needs is more results for tax dollars spent. The cabinet form of government is an infinitely better tool to do that job.

The commission form has served its purpose, but it is a Horse-and-Buggy Vehicle that cannot cope with the space age.

Let me stress here that criticism of the commission form does not extend to the many dedicated commission members who for years have devoted their time and talent to serving the people of this state.

Meaningful citizen involvement in government is vital and will be strengthened rather than weakened under the cabinet system. Relieved of their housekeeping chores, these people will be able to pay more attention to performance and results. They can be watchdogs for the taxpayers. They can

provide forums for public discussion. They can step back and look at the problem in broad perspective and thereby become more effective in long-range planning.

To assure this continued citizen involvement, this proposal gives the Advisory Council access to all books and records of the secretary. It calls upon the council to submit annual reports to the secretary, to the General Assembly and to the governor.

The mixture of citizen concern and professional talent can be powerful fuel for the cabinet system.

So far we have two proposals. Others will follow, and at a fairly rapid pace. The fact that the legislation creating the task force gives it a December 31, 1970 termination date is tacit recognition that the General Assembly feels Delaware has waited long enough to do this job.

I cannot at this time give you specifics of the other departments to be proposed. That cannot come until after the task force consults with members of the many agencies involved to get their ideas on possible groupings.

However, I am asking the task force to consider general areas, such as transportation, law enforcement, general services, finance, labor, community affairs, agriculture and economic development. There are others. Let me stress that these are areas to be considered and not necessarily the names of the new departments to be proposed.

In any event, these proposals will be fully and publicly discussed before they are presented for final action. The nine-member task force will be consulting with scores of commission members. The 10-member Joint Legislative Committee which you established earlier this year is now working closely with the task force. Many private agencies and good government groups are being asked for their ideas. The news media will, I am sure, continue to keep the public informed of developments.

All of these elements add up to a potent partnership to assure that the final decisions will reflect the best thinking of many people.

I am convinced that the cabinet form of government will hasten the day that Delaware can say it is a model state.

I urge your favorable action on these first two proposals.

In July of this year, I signed legislation to correct gross and obvious malapportionment of New Castle County Council Districts. This law is an equitable one that adheres to the one-man, one-vote principle.

Objections to this plan have focused primarily on the manner in which the legislation was enacted—specifically, that there was inadequate opportunity for public discussion and that it violated the home rule principle.

Therefore, when I signed the Bill into law I said that I would also sign any alternate proposal submitted by county council so long as it was also a fair one that implemented the one-man, one-vote rule.

The legislative leadership assured me that if such a plan were presented, they would seek to get it acted upon by the General Assembly at this extraordinary session.

City Council accepted the challenge and has come up with a plan. It is a plan that is eminently fair and adheres strictly to the one-man, one-vote principle. District lines were drawn by a non-partisan computer. This plan has bipartisan support. It is strongly endorsed by good government groups such as the League of Women Voters and the Committee of 39.

And it represents the full exercise of the vitally important principle of home rule.

If this plan is approved by County Council tonight, I strongly urge the General Assembly to enact this plan into law. I will be proud to sign this legislation because I view it as a tribute to a victory for the democratic process.

This is an accomplishment in which we can all take pride.

#### PROFESSIONAL NEGOTIATIONS

Another matter I ask you to consider at this extraordinary session is the so-called Professional Negotiations Bill that passed the Senate last year and is now before the House of Representatives.

I realize that some House Members question whether this is a serious enough matter for consideration now. I respectfully submit that it is, that this legislation is urgently needed.

Robert H. McBride, President of the State Board of Education, and George V. Kirk, Chairman of the Chief School Officers, have both written me of their organization's serious concern that failure to enact this legislation will increase the possibility of conflict between teachers and Board of Education.

Enactment of this law can resolve serious local problems that have developed over whether school districts can sign contracts with teachers' groups. The legality of 14 existing agreements between teachers and Boards of Education is at stake. In addition, there is uncertainty in many other districts, an uncertainty that threatens the reasonably harmonious relations Delaware now enjoys between Boards of Education and teachers.

Mr. McBride, in urging me to press for passage of this legislation, said that prompt action "Should prevent pending court suits and prevent further development of damaging adversary relations between teachers and boards, which have been the prelude to strikes in other states."

We face many problems in our schools today which we cannot avoid. We do not need this potential problem which we can avoid.

If the relationship between teachers and Boards of Education deteriorates, Delaware's education in general—and our children in particular—will suffer for it.

### BOND BILL

The Capital Improvements Act is the fourth major item upon which I urge you to take action at this extraordinary session.

Because Bond Bills encompass so many projects affecting different groups and areas in the state, they have in the past—and again this year—been delayed by political debate.

I have heard many comments about the Bond Bill, but not once has anyone seriously suggested to me that it is not needed, or that it will not eventually pass the General Assembly.

Obviously, it is needed. The kindergartens are needed. So are the highway projects that have been planned for many years and for which civic associations all over the state are clamoring. The expansion for the Delaware Technical and Community College, and the food service building for the Home and Hospital for the Chronically Ill at Smyrna, and the children's cottages at the Governor Bacon Health Center are all vitally needed.

It is not necessary for me to list the many other important projects contained in this legislation. They are well known to us all. Further delay of this urgently needed Bill would be a disservice to the people of this state.

I also want to emphasize that this is a tight Bond Bill that is millions of dollars less than the various state agencies feel they need.

A companion measure to the Bond Bill has passed the Senate and will, I hope, be enacted by the House at this session. That is Senate Substitute 1 for Senate Bill 363, which covers \$1.1 million in small capital projects that we have decided to pay out of current revenue instead of with borrowed money, as was done for years. They are important capital items and should be approved at this session.

I will also ask the Senate to confirm a number of appointments.

In summary, these are the matters that compelled me to convene this extraordinary session. They are extremely important to the people of this state.

The 125th General Assembly already has distinguished itself as one of the most creative and productive in the state's history. I sincerely hope that you will see fit to add these pieces of legislation to your list of achievements.

I also want to take this opportunity to thank you, members of the General Assembly, and the people of Delaware for the help and cooperation given me during my first nine months as governor. I am tremendously encouraged and enthused by the concern and involvement of so many dedicated people.

We in the executive branch are very excited about the work done by the Governor's Economy Committee and about the great potential it has uncovered for saving the taxpayers millions of dollars a year. I will shortly appoint a person to serve full time on implementation of the committee's recommendations so that the people of Delaware can derive benefits as soon as possible.

Right now we are also working hard on preparation of a budget for next year. As you know, I have asked and am receiving from the various state agencies what they feel to be their top-priority goals in the coming years.

In January, I will be presenting to you and the people of Delaware a definition of key goals for this state, and I will be charting the courses and objectives for the remainder of my administration.

Finally, let's rededicate ourselves to this concept of making Delaware a model state. I sincerely urge you to join in a constructive effort that can achieve that objective.

Let us as political parties continue to debate and compete with each other, but let our objectives be to find the best way to do the job, rather than to seek political advantage. We can do it. I am confident we will do it and that we will show the nation how to build a better life for all of its citizens.

I do not suggest a moratorium on criticism. I do urge strong emphasis on constructive criticism.

We can all benefit from the example set by Pope John, who overcame centuries of suspicion and conflict with the simple dictum—let's talk about what we have in common rather than what divides us.

By our example, we each others. By our example, we can help create the climate of brotherhood and good will in which the human spirit flourishes.

Thank you for the opportunity to address this Joint Session.

The previously named committee escorted the Governor from the Chamber.

Senator Grier moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

The Secretary of the Senate and the Chief Clerk of the House compared their Journals, found them to agree, and so notified the President.

Senator Grier moved the two Houses now separate to reconvene in their respective Chambers. Motion prevailed.

House reconvened at 4:19 P.M.

The following prefiled bills were introduced:

**HB 452** — An Act Removing Jurisdiction From the Family Court and Conferring Upon the Superior Court Exclusive Original Jurisdiction For Any Violation of Chapter 49, Title 16, Delaware Code. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 453** — An Act to Amend Title 29, Delaware Code, By Creating A New Chapter to be Designated as Chapter 80 Relating to the Establishment of a Department of Natural Resources and Environmental Control, Defining Its Organization, Powers, Duties and Functions and Providing for the Transfer of Materials and Equipment to Said Department From Various State Agencies and Providing A Supplementary Appropriation to the Governor to Implement the Provisions of This Act. Introduced by Rep. Frederick and Others. Referred to the Executive Reorganization Committee.

**SCR 18** — Making An Appropriation to Certain Members of the Staff of the Senate and the House of Representatives of the 125th General Assembly of the State of Delaware to Attend the Council of State Government Course on Legislative Administration. Introduced by Senator Hale. On motion of Rep. Stabler, **SCR 18** was adopted by voice vote.

**HB 454** — An Act to Amend Title 17, § 705, Relating to Railroad Crossings of Public Highways. Introduced by Rep. Murphy and Others. Referred to the Committee on Highways and Public Safety.

House recessed to the Call of the Chair at 4:27 P.M.

The Speaker called the House to order at 5:26 P.M. Mr. Stabler moved to adjourn thereby ending the 1st Legislative Day of the Special Session.

## **2ND LEGISLATIVE DAY — SPECIAL SESSION**

The House convened at 5:27 P.M. on Tuesday, October 28, 1969.

Prayer by Representative Dodge for Chaplain Reverend Charles Covington, Rehoboth.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 39 members present, none absent.

The Minutes of the previous legislative day were approved as posted.

Communications: Letter to Rep. Little as follows:

October 23, 1969

Honorable Thomas Little  
 State Assembly  
 Dover, Delaware  
 Dear Sir:

We, the Political Science class of Wilmington College, being a part of the "Concerned Majority" request that you as Chairman of the Elections Committee submit a bill that will ratify the amendment to the constitution abolishing the Electoral College System and creating the one-man, one-vote system.

Such a system enables a presidential candidate to be elected without a true majority. As it stands now, the present system places the control of the election in the winnings of a few large cities. The country would be able to have a more representative form of government if the one-man, one-vote system was established. We feel that the present system of electing a president is outdated and leaves the possibility that the electors may not vote for who they were elected for.

Delaware was the first state to ratify the present constitutional system of electing a president; let's make Delaware the first to ratify a better form of electing a president. The ratification of this amendment will coincide with Governor Peterson's desire to make Delaware a "model" State.

Respectfully Yours,

Matt Summilh, Jeffry Rosenberg, Michael Di Gangi, Rochelle L. Greenbaum, Paul McMahon, Stuart Saligo, Robert Sniasouski, David A. Newberry, Kenneth W. Johnson, John Kocik, William E. Linge, Raymond Orth, David Rudolph, John Broderick, Donald Helms, Hewet Stucker, John L. Zito, Stephen Zuehana, Alfred De Maio, Brotrio Shafrin.

The following prefiled bills and amendments were introduced:

**HB 455** — An Act to Amend Title 9, Chapter 65, § 6506, Relating to the Establishment of Sanitary and Water Districts and Persons Eligible to Vote in an Election on the Question of the Establishment of a Sanitary Sewer District. Introduced by Rep. Dodge. Referred to the Committee on Government Operations.

**HB 456** — An Act to Amend Section 1316, Chapter 13, Title 14, Delaware Code, Relating to the Number and Months of Employment of Personnel in a School District by Providing for Additional Days of Employment for Certain Personnel Beyond the Number of Days Defined for a Ten Month School Year and By Making A Supplementary Appropriation to the State Board of Education Therefor. Introduced by Rep. Heckert and Others. Referred to the Committee on Education.

**HB 457** — An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to Criminal Offenses of Sale, Possession, Use, Manufacture, Cultivation, and Growth of Narcotic Drugs and Dangerous Drugs and Prescribing Penalties for Such Violations. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 458** — An Act to Amend Chapter 51, Title 29, Delaware Code, By Providing Hospitalization, Medical and Surgical Benefits for State Employees and Making A Supplementary Appropriation for That Purpose. Introduced by Rep. Zimmerman and Others. Referred to the Committee on Appropriations.

**HB 459** — An Act to Amend § 463, Title 11, Delaware Code, Relating to Carrying A Concealed Deadly Weapon Without A License. Introduced by Rep. Benson and Others. Referred to the Committee on Judiciary.

**HB 460** — An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power By Exempting Lands and Improvements of the Central Grange No. 61 From Assessment and Taxation. Introduced by Reps. Kirk and Unruh. Referred to the Committee on Revenue and Taxation.

**HB 461** — An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to Harness Racing. Introduced by Rep. Murphy and Others. Referred to the Committee on Commerce and Labor.

**HB 462** — An Act to Amend Title 9, Section 1316, Delaware Code Relating to Collection of School Capitation Taxes and Other Taxes. Introduced by Rep. Unruh and Others. Referred to the Committee on Education.

**HB 463** — An Act to Amend Title 22, Delaware Code, By Adding A New Chapter Relating to Exemptions From Taxation on Real Property for Improvements. Introduced by Rep. Hearn. Referred to the Committee on Revenue and Taxation.

**HA 1 to HB 451** — Introduced by Rep. Zimmerman. Placed with bill.

**HA 1 to HB 453** — Introduced by Rep. Frederick. Placed with bill.

**HA 1 to HB 454** — Introduced by Rep. Murphy. Placed with bill.

**HA 1 to SS 1 for SB 363** — Introduced by Rep. Hering. Placed with bill.

Committee Reports: Executive Reorganization: **HB 453**, 3 favorable, 1 on merits; Education: **SS 1 for SB 228**, 4 on merits; Appropriations: **SS 1 for SB 363**, 6 favorable.

House recessed at 5:43 P.M.



The Speaker called the House to order at 2:42 P.M. Mr. Stabler moved to adjourn thereby ending the 2nd Legislative Day of the Special Session.

### 3RD LEGISLATIVE DAY — SPECIAL SESSION

The House convened at 2:43 P.M. on Wednesday, October 29, 1969.

Prayer by the Chaplain Reverend Charles E. Covington, Rehoboth.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 38 members present, 1 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

Absent. Gray — 1.

Minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

**HB 464** — An Act to Amend Title 24, Delaware Code, § 1766, Relating to the Termination of Human Pregnancy. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 465** — An Act to Permit the Board of Education of Stanton School District to Transfer Certain Funds From Its Local Debt Service Account to Its Construction Account. Introduced by Rep. Jarvis and Others. Referred to the Committee on Education.

**HA 2 to SS 1 for SB 363** — Introduced by Rep. Hering. Placed with bill.

**HR 64** — Expressing the Best Birthday Wishes of the House of Representatives of the 125th General Assembly to Representatives George R. Quillen and Phillip W. Orth.

WHEREAS, the members of the House of the 125th General Assembly have learned that October 28th was the birth date of Representatives George R. Quillen and Phillip W. Orth, and;

WHEREAS, the members of the House wish to acknowledge the anniversary of the arrivals upon this planet of the Representatives from Harrington and Richardson Park,

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware, that:

"Best birthday wishes be sent to Bobby Quillen,  
And if the good Lord above is willin'

May good health and happiness be bestowed,  
 Upon this blondish "King of the Road".  
 And across the aisle for Phillip Orth,  
 Whose head of hair has since gone forth;  
 May he too be blessed and feel alive,  
 On this birthday - number fifty-five!"

BE IT FURTHER RESOLVED that a copy of this resolution be entered upon the Journal of the House and copies delivered to Representatives Quillen and Orth respectively.

Introduced by Rep. Dillman and Others. Adopted by voice vote.

**SB 390** — An Act Making A Supplementary Appropriation to Boys Home of Delaware Inc. Introduced by Senator Slawik and Others. Referred to the Committee on Appropriations.

**SB 407** — An Act to Amend Part II, Title 9, Delaware Code, Relating to the Government of New Castle County. Introduced by Senator duPont and Others. Referred to the Committee on Elections.

Mr. Stabler took the Chair as Acting Speaker.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SS 1 for SB 363** — An Act Providing for A Supplemental Appropriation to Various State Agencies for the Purpose of Adding To, Constructing, Repairing, Remodeling, and Equipping Certain Capital Improvements. Introduced by Senator Steele.

On motion of Rep. Hering, **HA 1** to **SS 1** for **SB 363** was stricken.

On motion of Rep. Hering, **HA 2** to **SS 1** for **SB 363** was adopted.

Roll Call on **SS 1** for **SB 363** with **HA 2** revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

**NAYS** — Rawlins — 1.

**ABSENT** — Gray — 1.

**SS 1** for **SB 363** with **HA 2** having received a constitutional majority was declared passed by the House.

Mr. Hering returned to the Chair as Speaker.

House recessed at 3:02 P.M., reconvened at 4:17 P.M.

Committee Reports: Appropriations: **HB 147**, 2 on merits, 2 unfavorable; **HB 273**, 1 favorable, 3 on merits, 1 unfavorable; Education: **HB 228**, 1 favorable, 3 on merits; Judiciary: **HB 464**, 6 favorable; Revenue and Taxation: **HB 153**, 3 on

merits, 1 unfavorable; Health & Welfare: **HB 421**, 3 favorable, 2 on merits; Elections: **SB 407**, 3 favorable, 2 on merits.

The following prefiled Resolution was introduced:

**HR 65** — Relative to the Death of Irene A. Dillman, Wife of Representative John A. Dillman.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with regret of the passing of Irene A. Dillman, wife of John A. Dillman, a member of the House; and

WHEREAS, the members of the House desire to express in this public manner the sympathy felt by each member of this House for Representative John A. Dillman, one of their most dedicated colleagues;

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 125th General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Irene A. Dillman, wife of John A. Dillman;

BE IT FURTHER RESOLVED, that Representative Dillman and his family have the full sympathy of the members of the House of Representatives of the 125th General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Jarvis and all members of the House. Adopted by voice vote.

Mr. Speaker recognized John Dillman III, son of John Dillman, Jr., who was home from Viet Nam.

House recessed at 4:23 P.M., reconvened at 6:03 P.M.

The following prefiled legislation was introduced:

**HB 466** — An Act to Amend Title 30, Delaware Code, By Adding A New Chapter 4, Relating to Extraordinary Tax Relief. Introduced by Rep. Hearn. Referred to the Committee on Revenue and Taxation.

**HA 1 to SB 369** — Introduced by Rep. Moerschel. Placed with bill.

**SB 351** with **SA 1, 2, & 4** — An Act Authorizing the State of Delaware to Borrow Money to Be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefore and Appropriating the Moneys to Various Agencies of the State. Introduced by Senator Foltz. Accompanied by debt statement.

Mr. Stabler moved that all rules be suspended for the sole purpose of acting upon SB 351, as amended. Motion prevailed.

Rep. Gray asked to be marked present.

On further motion of Rep. Stabler, SB 351 with SA 1, 2 and 4 was given a final reading and placed before the House for consideration.

Roll Call revealed:

YEAS — Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 31.

ABSENT — Benson, Butcher, Fonville, Goldfeder, Hearn, McMahon, Orth, Riddagh — 8.

SB 351 with SA 1, 2 and 4 having received a constitutional majority was declared passed by the House.

House recessed at 6:11 to the call of the chair.

The Speaker called the House to order at 2:06 P.M. Mr. Stabler moved to adjourn thereby ending the 3rd legislative day of the Special Session.

#### 4TH LEGISLATIVE DAY — SPECIAL SESSION

The House convened at 2:07 P.M. on Thursday, October 30, 1969.

Prayer by the Chaplain Reverend Charles E. Covington.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 38 members present, 1 absent.

Members present: Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

Absent: Benson — 1.

The following prefiled legislation was introduced:

**HR 66** — Relating to Members of the S.D.S. on the Campus of the University of Delaware. Introduced by Rep. Sebrell. Adopted by voice vote.

**HR 67** — Relative to the Death of John M. LeCato.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with regret of the passing of John M. LeCato; and

WHEREAS, John M. LeCato has served well the people of the State of Delaware and the community in which he lived as a Representative of the 123rd General Assembly and on the Board of Commissioners of the City of Rehoboth Beach; and

WHEREAS, John M. LeCato was universally respected and admired by the people of Sussex County and the State of Delaware; and

WHEREAS, the members of the House of Representatives of the 125th General Assembly desire to express to the family of the deceased, in this public manner, their sympathy at the occasion of this loss;

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware that the members thereof wish to express their regret at the passing of John M. LeCato, a prominent figure in his community, and a former member of the House of Representatives of the State of Delaware; and

BE IT FURTHER RESOLVED that the family of John M. LeCato has the full sympathy of the members of the House of Representatives of the 125th General Assembly of the State of Delaware which is extended by sending a copy of this resolution to his immediate family; and

BE IT FURTHER RESOLVED that the text of this resolution be made a part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Dodge. Adopted by voice vote.

SCR 19 — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly. Introduced by Senators Manning and Robbins. Adopted by voice vote.

Mr. Speaker recognized Mr. Charles K. Keil, a former member of the 123rd General Assembly.

On motion of Rep. Heckert the following was given a final reading and placed before the House for consideration:

SS 1 for SB 228 with SA 2, 6, 8, 9 & HA 1, 2 — An Act to Amend Title 14, Delaware Code, Relating to Education By Providing for Negotiations and Relations Between Boards of Education and Organizations of Public School Employees. Introduced by Senator Hale.

HA 3 to SS 1 for SB 228 — Introduced by Rep. Heckert. Placed with bill.

HA 4 to SS 1 for SB 228 — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

HA 5 to SS 1 for SB 228 — Introduced by Rep. duPont. Placed with bill.

**HA 6 to SS 1 for SB 228** — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

**HA 7 to SS 1 for SB 228** — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

**HA 8 to SS 1 for SB 228** — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

**HA 9 to SS 1 for SB 228** — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

**HA 10 to SS 1 for SB 228** — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

**HA 11 to SS 1 for SB 228** — Introduced by Rep. duPont. Placed with bill.

**HA 12 to SS 1 for SB 228** — Introduced by Rep. duPont. Stricken on motion of Rep. duPont.

On motion of Rep. Dodge, **HA 1** and **HA 2 to SS 1 for SB 228** was stricken.

Rep. Zimmerman asked for deferral of **SS 1 for SB 228** as amended. On motion of Rep. Heckert **SS 1 for SB 228**, as amended, was deferred until later in the legislative day. Motion carried.

On motion of Rep. Little the following was given a final reading and placed before the House for consideration:

**SB 407** — An Act to Amend Part II, Title 9, Delaware Code, Relating to the Government of New Castle County. Introduced by Senator duPont.

Roll Call revealed:

**YEAS** — Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Rid-dagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 35.

**NAYS** — Berndt, Orth — 2.

**NOT VOTING** — Jarvis — 1.

**ABSENT** — Benson — 1.

**SB 407** having received a constitutional majority was declared passed by the House.

The House recessed at 2:32 P.M., reconvened at 4:04 P.M.

The following prefiled legislation was introduced:

**HA 2 to HB 453** — Introduced by Rep. Frederick and Others. Placed with bill.

**HB 467** — An Act to Amend Chapter 43 of Title 11, Delaware Code, Relating to the Board of Parole. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HR 68** — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 69** — Authorizing Payment for Services Rendered By the Legislative Staff of the House of Representatives of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 70** — Authorizing Payment for Compiling and Indexing the House Journal for the 124th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

On motion of Rep. Heckert, **SS 1** for **SB 228**, as amended, having had its final reading, was again before the House for consideration.

On motion of Rep. Heckert, **HA 3** to **SS 1** for **SB 228** was adopted by voice vote.

On motion of Rep. duPont, **HA 5** to **SS 1** for **SB 228** was adopted by voice vote.

On motion of Rep. duPont, **HA 11** to **SS 1** for **SB 228** was adopted by voice vote.

On motion of Rep. Moerschel, Mr. Charles Harris, Delaware State Education Association, was granted privilege of the floor.

Roll Call on **SS 1** for **SB 228**, as amended, revealed:

**YEAS** — Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 23.

**NAYS** — Boulden, Goldfeder, Harrington, Hearn, McMahon, Mears, Orth, Stansky, Zimmerman — 9.

**NOT VOTING** — Butcher, Gray, Moerschel, Phillips, Rawlins, Wright — 6.

**ABSENT** — Benson — 1.

**SS 1** for **SB 228** with **SA 2, 6, 8, 9** and **HA 3, 5, 11** having received a constitutional majority was declared passed by the House.

On motion of Rep. Frederick the following was given a final reading and placed before the House for consideration:

**HB 453** with **HA 1 & 2** — An Act to Amend Title 29, Delaware Code, By Creating A New Chapter to be Designated as Chapter 80 Relating to the Establishment of A Department of Natural Resources and Environmental Control, Defining its Organization, Powers, Duties and Functions and Providing for the Transfer of Materials and Equipment to Said Department From Various State Agencies and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of this Act.

On motion of Rep. Frederick, **HA 1** to **HB 453** was stricken.

On motion of Rep. Frederick **HA 2** to **HB 453** was adopted by voice vote.

Roll Call on **HB 453**, as amended, revealed:

**YEAS** — Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Heckert, Jarvis, Kirk, Leshner, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 22.

**NAYS** — Boulden, Goldfeder, Harrington, Orth — 4.

**NOT VOTING** — Butcher, Fonville, Gray, Hearn, Little, McMahon, Mears, Phillips, Rawlins, Stansky, Wright, Zimmerman — 12.

**ABSENT** — Benson — 1.

**HB 453** with **HA 2** having received a constitutional majority was declared passed by the House.

House recessed at 4:49 P.M., reconvened at 6:02 P.M.

Legislative Advisory No. 30 from the Office of the Governor.

August 21, 1969

**TO:** Eugene Bunting, Sec. of State, Richard H. Caldwell, Asst. Sec. of State, Daniel P. Ross, Treasurer, George W. Cripps, Auditor, Joseph T. Cashman, Budget Dir., Legislative Reference Bureau, Clerk of the House, Secretary of the Senate.

**FROM:** Jerome O. Herlihy, Counsel to the Governor.

Final action was taken by the General Assembly on the following constitutional amendments. Passage for the second time will be noted where necessary after each proposal.

**SB 8** — 5-27-69 - amending Article II, Section 4 of the Constitution relating to the time and frequency of sessions and providing termination dates (second passage).

**SB 11** — 6-24-69 - amending Article V, Section 2 relating to qualifications for voting, specifically providing for voting by 19 and 20-year-old persons (first passage).

**SB 42** — 5-28-69 - amending the Articles III and XV of the Constitution abolishing the Office of Coroner. (first passage)

**SB 170** — 5-28-69 - amending Article VIII, Section 1 relating to the exemption from taxation of real property. (first passage)

**HB 20** — 4-24-69 - amending Article IV of the Constitution to create a court on the Judiciary (second passage).

**HB 49** — 5-28-69 - amending Article IV, Section 2 of the Constitution relating to active judicial duty by retired judges (first passage).

**HB 56** — 6-10-69 - amending Article III, Section 20 of the Constitution relating to procedure to be followed upon gubernatorial disability (second passage).

**HB 59** — 5-13-69 - amending Article V, Section 6 of the Constitution giving the Chief Justice power to appoint a Judge for the purpose of constituting a quorum. (first passage)



Action by the 125th General Assembly under previous Administration:

**SB 1 — 1-17-69** - making a supplementary appropriation to the Development Department of \$12,000 for presidential inauguration expenses.

§ 1002. Qualifications and amount of exemption

Every person, a resident of a Municipality of this State, with a population in excess of 50,000 persons, of the age of 65 or more years, having an income not in excess of \$3,000 per year and residing in a dwelling house owned by him which is a constituent part of his real property, shall be entitled, on proper claim being made therefor, to exemption from municipal taxation on such real property to an assessed valuation not exceeding \$5,000 in the aggregate, except that no such exemption shall be permitted where said person's spouse lives in said dwelling house and has an income in excess of \$3,000 per year.

§ 1003. Application for exemption

No exemption from taxation on the valuation of real property as provided in this Chapter, shall be allowed except upon written application therefor, which application shall be on the form prescribed by the Department of Finance for New Castle County or the Board of Assessment for Kent County or the Board of Assessment for Sussex County and provided for the use of claimants under § 8133 of Title 9, Delaware Code. A copy of each application filed with the assessor of a county taxing district pursuant to § 8133, Chapter 81, Title 9, Delaware Code, shall be furnished by said assessor to the municipal taxing official of any Municipality in which real property, which is the subject of such application, is located and shall be deemed an application to the Municipality for exemption under this Chapter.

An application for exemption under this Chapter shall be filed with the county assessor of the taxing district on or before November 1 of the pre-tax year.

§ 1004. Contents of application

Every fact essential to support a claim for exemption under this Chapter shall exist on September 1 of the pre-tax year. Every application by a claimant therefor shall establish that he was, on September 1 of the pre-tax year, (a) a resident of the Municipality for the period required, (b) of the age of 65 or more years, (c) the owner of a dwelling house which is a constituent part of the real property for which the exemption is claimed, (d) residing in said dwelling house. Said applicant shall also establish that his income for the yearly period as provided by this Chapter did not exceed \$3,000, and that his spouse, if living in said dwelling house, does not have an income in excess of \$3,000.

§ 1005. Allowance of exemption

If an application is approved by the municipal taxing official, he shall allow an exemption from taxation against the assessed valuation of the real property assessed to the claimant in the amount of the claim approved by him.

§ 1006. Continuance of exemption

A claimant shall establish his qualifications as outlined in this Chapter each year. Any assessor or municipal taxing official may at any time, require the filing of a new application or such proof as he shall deem necessary to establish the right of a claimant to continued exemption. A claimant shall inform the assessor and the municipal taxing official of any change in his status or property which may affect his right to continuance of exemption.

§ 1007. Tenants in common or joint tenants

(a) Where title to property on which an exemption is claimed is held by claimant and another or others, either as tenants in common or as joint tenants, claimant shall not be allowed an exemption against his interest in said property in excess of the assessed valuation of his proportionate share in said property, which proportionate share, for the purposes of this Chapter, shall be 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 shall be as shown.

(b) Nothing in this Chapter shall preclude more than one tenant, whether title be held in common or joint tenancy, from claiming exemption against the property so held, but no more than the equivalent of one full exemption in regard to such property shall be allowed in any year, and in any case in which the claimants cannot agree as to the apportionment thereof, the exemption shall be apportioned between or among them in proportion to their interest. Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but not more than one exemption in regard to such property shall be allowed in any year.

(c) Right to claim exemption under this Chapter shall extend to property the title to which is held by a partnership to the extent of the claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim exemption under this Chapter, but not to property the title to which is held by a corporation.

§ 1008. Rules and regulations

The Department of Finance of New Castle County or Board of Assessment for Kent County or Board of Assessments for Sussex County may promulgate such rules and regulations and prescribe such forms as they shall deem

necessary to implement this Chapter. They may, in their discretion, eliminate the necessity for sworn application in which event all declarations by the claimant shall be considered as if made under oath and the claimants, as to false declarations, shall be subject to the penalties as provided by law for perjury.

#### § 1009. Oaths

Each assessor and municipal taxing official and their duly designated assistants may take and administer the oath, where required, on any claim for exemption under this Chapter and no charge shall be made for the taking of any affidavit or the preparation of any form required by this Chapter.

#### § 1010. Appeals

An aggrieved taxpayer may appeal from the disposition of an exemption claim under this Chapter in the same manner as is provided for appeals from assessments generally.

Section 2. The first tax year upon which this Act shall apply shall be the tax year commencing July 1, 1970.

The following prefiled legislation was introduced:

**HB 468** — An Act to Amend Title 22, Delaware Code, Entitled "Municipalities" By Adding Thereto A New Chapter Relating to Exemptions From Taxation on Real Property of Residents of Municipalities, With A Population in Excess of 50,000 Persons, of the Age of 65 or More Years Having An Income Not in Excess of \$3,000 Per Year. Introduced by Rep. Hearn. Referred to the Committee on Revenue and Taxation.

**HB 469** — An Act to Amend An Act Authorizing the City of Dover to Issue Revenue Bonds for the Purpose of Financing the Extension, Reconstruction, or Improvement of the City's Water System, Electrical System and Sewer System, and to Provide for the Payment of Such Bonds By Deleting Therefrom the Maximum Interest Rate of Said Bonds. Introduced by Reps. Sebrell and Zimmerman. Referred to the Committee on Government Operations.

**SB 400** with **SA 5** — An Act to Amend Title 29, Delaware Code, By Creating A New Chapter to be Designated As Chapter 79 Relating to the Establishment of A Department of Health and Social Services, Defining Its Organization, Powers, Duties and Functions and Providing for the Transfer of Materials and Equipment to Said Department From Various State Agencies and Providing A Supplementary Appropriation to the Governor to Implement the Provisions of This Act. Introduced by Senator Hale and Others.

Rep. Frederick moved for suspension of rules for the sole purpose of acting on **SB 400**, as amended.

Roll Call revealed:

YEAS — Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Heckert, Leshner, Moerschel, Murphy, Quillen, Riddagh, Seibell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 22.

NAYS — Harrington — 1.

NOT VOTING — Boulden, Butcher, Jarvis, Kirk, Little, McMahon, Orth, Phillips, Stansky, Wright, Zimmerman — 11.

ABSENT — Benson, Goldfeder, Hearn, Mears, Rawlins — 5.

SB 400 with SA 5 having received a constitutional majority was declared passed by the House.

House recessed at 6:12 P.M., to the call of the chair.

### 1ST LEGISLATIVE DAY — 2nd Session

In accordance with Chapter 289 Laws of Delaware, Mr. Speaker Hering called the House to order at 1:48 P.M., Tuesday, January 13, 1970.

Prayer by the Chaplain Reverend Charles E. Covington, Rehoboth.

Mr. Speaker asked a silent prayer in the memory of former Representative Abe Goldfeder.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 38 members present, none absent.

The Minutes of the previous legislative day were approved as posted.

Legislative Advisory No. 31 from the Office of the Governor.

November 10, 1969

TO: Sen. Dean Steele, Sen. Everette Hale, Rep. Herbert A. Leshner, Rep. William L. Frederick, E. Norman Veasey, Esq., Robert Halbrook, C. Douglass Buck, Jr., Charles K. Keil, Esq., Joseph S. Yucht, Esq., Mrs. Honey Golby, Dr. Kenneth C. Madden, Eugene Bunting, Sec. of State, Richard H. Caldwell, Asst. Sec. of State, Daniel P. Ross, Treasurer, George W. Cripps, Auditor, Joseph T. Cashman, Budget Dir., Legislative Council, Clerk of the House, Secretary of the Senate, Christopher L. Perry, Gerald Sapienza, Daniel Enterline.

FROM: Jerome O. Herlihy, Counsel to the Governor.

The Governor approved the following legislation on the indicated dates:

SS 1 for SB 228 as amended by SA 2, 6, 9 and HA 3, 5, 11 - October 31, 1969 — providing for negotiations between boards of education and public school employees.

SB 351 as amended by SA 1, 2, 4 - October 31, 1969 — authorizing the issuance of \$48,973,000 in bonds.

**SS 1 for SB 363** as amended by **HA 2** - October 31, 1969 — making supplementary appropriations for minor capital improvements.

**SB 400** as amended by **SA 5** - November 5, 1969 — creating a Department of Health and Social Services.

**HB 453** as amended by **HA 2** - November 5, 1969 — creating a Department of Natural Resources and Environmental Control.

**SB 407** - November 6, 1969 — relating to the realignment of the districts for the New Castle County Council.

The following prefiled legislation was introduced:

**HCR 17** — That the Two Houses Meet in Joint Session to Hear the Message of the Governor. Introduced by Rep. Stabler. Adopted by voice vote.

**HB 470** — An Act to Amend Title 9, Chapter 65, Relating to the Establishment of Sanitary and Water Districts and Qualifications for Participation in Petitions For or Election On the Question of the Establishment of a Sanitary Sewer District. Introduced by Rep. Dodge. Referred to the Committee on Government Operations.

**HB 471** — An Act Amending § 2701, Title 11, Delaware Code, Relating to the Removal of Jurisdiction Over Misdemeanors From the Courts of Common Pleas By Express Action of Legislature. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 472** — An Act Amending Subchapter III of Chapter 9 of Title 10, Delaware Code and Subchapter III of Chapter II of Title 10, Delaware Code, Relating to the Removal of Jurisdiction Over Certain Violations of Law From the Family Courts By Express Action of Legislature. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 473** — An Act to Amend Title 9, Delaware Code, Sections 309, 8205, 8405, 9306, 9402, 9602, and Title 10, Delaware Code, Sections 2101, 2302, and 2502, and Title 12, Delaware Code, Section 2505, So As to Provide That the Salaries of Certain County Officials in Kent and Sussex Counties Be Determined By the Levy Court Commissioners of Said Counties. Introduced by Rep. Moerschel. Referred to the Committee on Government Operations.

**HB 474** — An Act Making A Supplementary Appropriation to the Delaware State Development Department for Promotion of the State of Delaware at the 50th Annual National Convention of United States Jaycees in St. Louis, Missouri. Introduced by Rep. Zimmerman and Others. Referred to the Committee on Appropriations.

**HB 475** — An Act Proposing An Amendment to Article I of the Constitution of the State of Delaware By Adding Thereto A New Section Relating to the People's Right to Clean Air, Pure Water, and the Preservation of Other Natural

Resources. Introduced by Rep. Zimmerman. Referred to the Committee on Joint Legislative Constitutional Revision.

**HB 476** — An Act Making A Supplemental Appropriation to the State Department of Justice for the Preparation of Replacement Volume for Volume 13 of the Delaware Code. Introduced by Rep. Hering. Referred to the Committee on Judiciary.

**HB 477** — An Act to Amend 57 Delaware Laws, Chapter 135, Also Known As House Bill No. 187 of the 125th General Assembly, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970," By Providing for Salary Increases for Employees in the Classified Service, and Making A Supplemental Appropriation in the Amount of \$1,134,000.00 for the Proposed Amendment. Introduced by Rep. Kirk and Others. Referred to the Committee on Appropriations.

**HB 478** — An Act to Amend Chapter 51, Title 29, Delaware Code, By Providing for the Cost of the Premium or Subscription Charges for a Health Care Insurance Plan for Regular State Employees and Eligible Pensioners. Introduced by Rep. Dillman and Others. Referred to the Committee on Appropriations.

**HB 479** — An Act to Amend Section 403 (d), Subchapter 1, Chapter 4, Title 28, Delaware Code, Relating to Horse Racing in Kent County By Adding Certain Language to Permit Racing in February. Introduced by Reps. Dodge and Stansky. Referred to the Committee on Natural Resources.

**HB 480** — An Act Making A Supplementary Appropriation to the Delaware Water and Air Resources Commission for Rental of Office Space for the Purpose of Consolidating the Division. Introduced by Rep. Berndt. Referred to the Joint Task Force Committee.

**HB 481** — An Act to Amend Title 17, Section 518, Delaware Code So As To Increase Litter Penalties. Introduced by Reps. Unruh and Moerschel. Referred to the Committee on Government Operations.

**HB 482** — An Act to Amend Section 2804, Title 10, Delaware Code, Relating to Salaries of the Justice of the Peace Constables. Introduced by Rep. Benson. Referred to the Committee on Revised Statutes.

**HB 483** — An Act Proposing An Amendment to Article I, Section 4 of the Constitution of the State of Delaware Providing for the Limitation of the Right to Jury Trials in Civil Cases. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 484** — An Act to Repeal Chapter 41, § 4103, § 4105, and § 4106, Title 11, Delaware Code, Relating to the Imposition and Collection of Fines and Costs, Providing for Remittance of Fines to Victims of Crimes, Prohibiting Imprison-

ment in Default of Fines, and Providing for Work Assignments for the Discharge of Fines. Introduced by Rep. Boulden and Others. Referred to the Committee on Judiciary.

**HB 485** — An Act to Amend Chapter 70, Title 29, Delaware Code, By Adding Thereto A New Section, Section 7003, to Prohibit the Sale of Mailing Lists By Any State Agency. Introduced by Rep. Sebrell. Referred to the Committee on Government Operations.

**HB 486** — An Act to Amend Section 101, Title 26, Delaware Code, Relating to Public Utilities. Introduced by Reps. Jarvis and Kirk. Referred to the Committee on Commerce and Labor.

**HB 487** — An Act to Amend Title 6, Delaware Code, With Respect to Confessions of Judgment. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HB 488** — An Act Proposing An Amendment to Article IV, Section 11 of the Constitution of the State of Delaware Requiring That Petitions for Writs of Prohibition Directed to Statutory and Justice of the Peace Courts Be Presented Initially to the Superior Court. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 489** — An Act to Amend §108 (e) of Title 7, Delaware Code Providing for An Increase in Fines Applicable to Violations of Rules or Regulations of the Board of Game and Fish Commissioners. Introduced by Rep. Quillen. Referred to the Committee on Natural Resources.

**HB 490** — An Act to Amend Title 16, Delaware Code By Adding A New Chapter 42 to be Entitled "Frozen Foods". Introduced by Rep. Sebrell. Referred to the Committee on Health and Welfare.

**HB 491** — An Act to Amend Title 25, Chapter 27, Delaware Code, Relating to Mechanics' Liens Against An Owner Who Pays the Contractor for Alterations or Repairs. Introduced by Rep. Riddagh and Others. Referred to the Committee on Commerce and Labor.

**HB 492** — An Act to Amend Section 5004, Title 15, Delaware Code, Relating to the Use of Voting Machines. Introduced by Rep. Unruh and Others. Referred to the Committee on Elections.

**HR 71** — Authorizing Payment to Ruth Potter for Indexing the House Journal of the 123rd General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 72** — Relating to An Appropriation to Dover Litho Printing Co. in Payment for Supplies for the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 73** — Relating to the Posting of Campaign Material and Stickers on Telephone and Utility Poles. Introduced by Rep. Stansky. Deferred on motion of Rep. Stansky.

**HR 74** — Relative to the Death of Representative Abe Goldfeder.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with regret the passing of Abe Goldfeder, a distinguished and eminent member of the House; and

WHEREAS, State Representative Abe Goldfeder served his State faithfully and well during his term in the General Assembly of the State of Delaware; and

WHEREAS, State Representative Abe Goldfeder was also active in civic and community work, and gave his utmost effort and time in furtherance of the needs and welfare of his fellow man; and

WHEREAS, the members of the House desire to express in this public manner their own feelings and sense of loss, which is felt throughout the State of Delaware;

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 125th General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Abe Goldfeder, a prominent figure in his community and a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 125th General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Hearn and All Members of the House.  
Adopted by voice vote.

**HR 75** — Relative to the Death of Former Representative Norman A. Eskridge.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware notes with regret the passing of Norman A. Eskridge of Seaford, Delaware during the recent holiday period; and

WHEREAS, former State Representative Eskridge served the State he loved with loyal devotion during his seven terms in the General Assembly of the State of Delaware; and

WHEREAS, former Representative Eskridge acted in a distinguished manner as the Majority Leader of the House of Representatives; and

WHEREAS, former Representative Eskridge took great delight in extolling the virtues of his beloved County of Sussex; and



WHEREAS, former Representative Eskridge not only devoted his efforts to promoting the cause of Sussex, but to the State as a whole; and

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 125th General Assembly of the State of Delaware, that the members on this date of January 13, 1970, wish to give expression of the sorrow they experienced at the passing of this outstanding legislator and citizen, Norman A. Eskridge; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 125th General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Mears and All Members of the House.  
Adopted by voice vote.

Committee Report: Highways & Public Safety: **HB 454** with **HA 1**, 6 favorable.

House recessed at 2:26 P.M., reconvened at 3:11 P.M.

The Senate informed the House it had passed **HCR 17** and returned same to the House.

Committee Report: Appropriations: **HB 478**, 4 on merits, 2 favorable.

The Senate sent to the House the following:

**SCR 20** — That the Two Houses Meet In Joint Session to Hear the Message of the Governor. Introduced by Senator duPont.

On motion of Rep. Stabler **SCR 20** was adopted by voice vote.

House recessed to the Call of the Chair at 3:14 P.M.

The Speaker called the House to order at 12:48 P.M., Mr. Stabler moved to adjourn thereby ending the 1st Legislative Day of the Second Session.

## 2ND LEGISLATIVE DAY — 2nd Session

The House convened at 12:49 P.M., on Wednesday, January 14, 1970.

Prayer by the Chaplain Reverend Charles E. Covington, Rehoboth.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 34 members present, 4 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

Absent: Butcher, Fonville, Frederick, Harrington — 4.

Minutes of the previous legislative day were approved as posted.

### JOINT SESSION

Majority Leader Stabler moved that the House and Senate convene in Joint Session. Motion prevailed.

Majority Leader Stabler moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

Majority Leader Stabler moved that the Chief Clerk of the House and the Secretary of the Senate act as Secretaries of the Joint Session. Motion prevailed.

Majority Leader Stabler moved a committee be appointed by the Chair to escort the Governor to the House Chamber.

The Chair appointed the following committee to escort the Governor to the House Chamber: Representatives Dillman and Mears, Senators Elliott and Robbins.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber.

The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

Mr. Speaker

Mr. President

Mr. President Pro Tem

Ladies and Gentlemen of the 125th General Assembly

Fellow Delawareans:

Today, I will discuss the "Future of the State" and set goals that will in some cases go beyond my administration. These goals have evolved from discussions with all state agencies and with thousands of Delawareans over a period of years.

State goals that are deeply rooted in the solid commitment of a state's leaders and its people will not be blown away by the winds of political change.

I am convinced that Delaware has the potential to become a model state. The state that started a nation can also lead a nation.

The response of the people of Delaware indicates that many agree we CAN become a model state.

And the achievements of the General Assembly last year have convinced me that you not only believe in that goal—you have by your actions launched Delaware on that course.

I commend you for the great job you have done and look forward to continuing to work with you. There is no doubt in my mind that the 125th General Assembly will emerge as among the most outstanding in Delaware's history.

Today, I offer for your consideration state goals—some specific and some general. I will discuss what progress was made towards them last year, and what programs are proposed for the coming fiscal year. Next week, I will discuss the fiscal impact of those programs.

The goals are:

To reduce crime

To provide more meaningful education

To win the war against pollution

To build a model state government

To provide more and better job opportunities

To protect, develop and enjoy our natural resources

To promote the health and welfare of all citizens

To provide safe, efficient movement of people and goods

### REDUCING CRIME

I propose that we in Delaware establish a goal of cutting in half the rate of violent crime by 1980.

As an intermediate goal, I suggest that by 1976 we stop the growth in the rate of violent crime and cut it 25 per cent. I will announce soon the yardstick we will use to measure our progress.

I am well aware that this is a gigantic task. Knowledgeable people whose judgment I respect have warned me that it cannot be done, that the causes of crime are too many and too complex, and that more effective law enforcement will uncover crime that exists undetected today and therefore increase, rather than decrease, the recorded crime rate.

But I am also aware that if we do not attack this problem with all of our will and resources, we cannot hope to solve it. As governor, I am responsible for the safety of the people of this state. I cannot and will not sit back and say, "It can't be done," that the people of Delaware must accept as a way of life the rising tide of violent crime, and the fear, suffering and misery of its evermounting list of victims.

The people of this state deserve better than that. The political danger of failing to reach this goal is far outweighed by our obligation to the people.

If we fear to fail, we most certainly will fail to succeed.

To succeed in reaching this goal, we must marshal our resources into a comprehensive attack on all facets of the problem—law enforcement, courts, correctional agencies and the root causes of crime, such as unemployment, poverty, poor housing, inadequate education, drug abuse and racial unrest.

Crime is symptomatic of the other ills; in reducing crime, we reduce them all.

Last year, we forged some of the tools needed for this massive task.

The law enforcement planning agency was reorganized, revitalized and renamed—the agency to reduce crime—to reflect its new mission. The agency has prepared, in partnership with the federal and local governments, a state-wide plan to reduce crime.

During this year it will receive \$528,000 in federal funds under the Safe Streets Act, and this amount will be nearly doubled during fiscal 1971.

I am giving this agency prime responsibility for keeping all of us pressing toward the goal of reducing crime.

The one million dollars you appropriated last year has been distributed by the agency to 33 communities who are spending the money to strengthen their police forces by hiring more men, training them better, paying better salaries and buying modern equipment. I recommend that we continue funding this program, which is attracting national attention and praise.

Last year, the state police training commission was formed to make sure that every new policeman is properly trained. I urge that we fully fund this program in fiscal 1971.

We have an excellent state police force. I propose that state police salaries be raised 7½ per cent effective January 1, 1970. I further suggest that state police—the only major police force in the state that is not paid overtime—receive a 5 per cent adjustment to be known as the overtime supplement. This would not apply to men on pension.

Forty-two new troopers are proposed to bring state police up to authorized strength of 400 by December, 1970.

One year ago, Delaware had a total of 746 policemen, state and local. By July 1, 1971, we will have an estimated 1,020 policemen. That averages nine policemen a month for 30 months.

The single most effective way to reduce crime is to keep offenders from repeating crimes. Facts show that effective programs of treatment and rehabilitation can reduce the number of repeat offenses.

Events have dramatically shown us that despite years of talk, and despite enactment of model laws, we are a long way from having a model correctional system.

Delaware this year has added the leadership, personnel and funds to start strengthening the rehabilitation process. The work-release program was inaugurated and is proving highly successful. An alcoholic detoxification center was opened, and ultimately there will be one in each county. This will drastically cut prison population.

The new budget will provide the funds needed to properly staff the probation and parole force and to operate the new institution at Smyrna, which already is being hailed as the world's most modern prison. Abandonment of that ugly bastille at Greenbank is symbolic of our entry into a new era of corrections.

The 1971 Capital Budget includes funds for design of a diagnostic and detention center, with construction to begin in fiscal 1972. This is the heart of a rehabilitation program. This is where the offenders are studied and screened, where the dangerous criminals are identified and separated from the less dangerous, where the most effective treatment program for the individual is determined.

Without such a facility, our new institution would be flying blind!

What about our juvenile offender? Here our system gets a critical test, because one mistake with a juvenile can trigger a career of crime.

This year we've infused new blood into the leadership of our Youth Services Commission.

On Sunday, we dedicated a diagnostic and treatment center at Woods Haven-Kruse School for Girls. Next year, we will fund a badly-needed special treatment program at Ferris School and open two half-way houses, one for boys and one for girls.

With only one member, the preventive services division played a key role in Brookside's success in reducing juvenile crime. We plan to expand this division's staff so that it can help communities throughout the state develop programs to help keep youngsters out of trouble.

Our courts have a vital role in this drive to reduce crime. I strongly urge the General Assembly to enact legislation to reorganize our Family Courts into a state-wide and more effective system.

Family Court is most potent in crime PREVENTION. Much of the court's success is unnoticed by the community because parents and children are encouraged to iron out their own problems. Most do.

Family Court has come in for much criticism, and some of it is justified. But for years the court has been hamstrung by insufficient staff and money to do the job. The new budget will provide money for more staff and services.

This court also is about to assume a major role in the new program to make absent fathers of welfare recipients shoulder more responsibility for the support of their children.

Our magistrate court system—the one with which most people come into contact—is being upgraded, and I recently named a bipartisan screening committee to help me in this effort.

Last year we enacted a "Debtor's Prison" law, and so minor offenders no longer vegetate in jail—at state expense—when their only "Crime" is inability to pay a fine. It's working! And legislation to make it work even better has been prepared at my request by the author of the original bill.

But let me make this point crystal clear. All of these programs alone cannot do the job. We must at the same time attack the deep and festering social problems that spawn crime—unemployment, poverty, poor housing, inadequate education, drug abuse and racial unrest. I will discuss programs for these areas later in this talk.

Success will require a state-wide effort. But it can be done. We can cut the rate of violent crime in half.

#### EDUCATION

I propose that another goal be to provide a more meaningful education for every citizen of Delaware.

I offer these specific goals:

- Complete the kindergarten program by 1972.
- Establish community schools in all school districts by 1972.
- Complete establishment of occupational-vocational programs in all high schools by 1973.
- Open technical and community college campus in downtown Wilmington in 1972.
- Open suburban technical and community college campus in 1974.
- Complete pre-kindergarten program for 4-year-olds by 1976.
- Expand the marine science program at the University of Delaware and have the university designated as a sea-grant school, and establish a major marine science campus at Lewes.
- Continue to improve the educational program at Delaware State College.

If we are to become a model state, we should seek to make education a way of life from pre-school through adulthood.

Upon the quality of our educational program depends our success as individuals and as a society. Every human being has great potential. The job of education is to find and develop that potential by inspiring and by teaching.

A child's character and ability to learn are determined to a large degree before he is six years old. We have to reach him in those early years. That's when education can make its greatest impact. That's why day-care centers are of such vital importance. And that's why we must complete our kindergarten program and then get on with public education for even younger children.

We need much more emphasis on occupational-vocational courses so that each student can be guided into his most meaningful and rewarding career. Virtually all of our state educational leaders zero in on this as a top-priority goal.

We will this year propose legislation that will place occupational-vocational programs in every high school in the state by 1973. Since the program will require a year for planning and preparation, it will not be funded until fiscal 1972.

And we need to expand the community school philosophy. In other words, let's get more lights on in those schools at night. Delaware has \$450 million invested in educational facilities, and we're using most of them only eight hours a day. That's foolish. And wasteful. Let's put those facilities to work, for example, for our thousands of under-educated adults.

We must have an educational system that is oriented to specific needs, that provides more individualized instruction, that gets more results for the dollar.

Last year, Delaware moved towards those goals. For the first time, \$400 per unit was provided for education. The 1971 budget will increase it \$200, a 50 per cent rise. We should continue increasing this until we reach a total of \$1,500 per unit, as soon as this is financially feasible.

Teachers last year received the duty-free lunch, sick-leave credits and the right to negotiate with school boards. The New Castle County Vocational Technical High School was funded.

Next year's budget proposes a 7.5 per cent pay raise for all public school employees and funds to hire 360 new teachers—56 of them for kindergartens.

This year, 56 per cent of our budget is being spent for education, and education would receive the same share of the budget increase we will propose for next year.

Our 1970 capital budget authorized \$23 million for construction of new educational buildings, and the capital improvement program calls for approximately \$200 million more in the next six years.

More dollars are needed to meet the pressure of rising school enrollment, especially at the college level. Last year, Delaware State College received catch-up funds and next year will receive, along with the University of Delaware and Delaware Technical and Community College, sufficient funds to markedly improve their service to the community.

I wholeheartedly support the University of Delaware's objective to become a major center for marine science, including establishment of a marine science campus near Lewes.

Next year's budget proposes funds for the new Medical Institute of Technology that was formed last year to help meet the need for more doctors and medical services, a need particularly acute in Kent and Sussex Counties.

Yes, we are well on the way to providing a more meaningful education for all Delawareans.

### REDUCING POLLUTION

The quality of our life is threatened by the growing pollution of our environment. To combat this threat, I propose:

—To launch in 1970 a major war on pollution.

—To have air polluters submit within one year a plan for corrective action.

—To survey all state-owned facilities to determine by the end of 1970 what equipment and expenditure is necessary to comply with air pollution standards.

—To enact this year legislation for controlling exhaust from all motor vehicles.

—To clean up virtually every major stream in Delaware by 1978 by enforcing water quality standards and by providing Funds for modern and improved sewage disposal facilities.

In our war on pollution, we will attack not only the pollution of water and air. We will also attack pollution of the mind and body by drugs and by alcohol.

Never was it more important that a war be won.

Do you remember when a simple country stream was a constant reminder of nature's beauty? The water was clear—so clear that you could see the pebbles on the bottom and the minnows nosing around them. And when you dropped your line in the stream, a fish would dart to it. There'd be kids yelling, swimming and having fun. Wild Flowers. Birds singing. Beautiful!

Times have changed. And so has that stream. It's a dirty yellow. And it stinks. Maybe chemicals. Or sewage. Or dead fish. There are beer cans instead of flowers. And a sign says, "No Swimming. Polluted Water."

Do you remember when there was nothing like getting outdoors and enjoying a long deep breath of fresh air? In the spring you'd smell the new flowers and sweet fresh-cut grass, and in the fall it was the clean, brisk air. It was good. It was healthy.

Times have changed. And so has the air in many places. A deep breath? You're liable to gag from the stench of burning garbage and old tires, the exhaust from cars and the fumes from tractor-trailers and the rotten-egg smell in that black smoke boiling out of tall stacks.



Yes, pollution threatens our streams and our air. But it also threatens our bodies and minds. We must declare war on this pollution also.

And the enemy in this war, like the enemy in all wars, kills and cripples, especially our youth.

The weapons are different. There are bottles instead of bombs. Needles instead of bayonets. And glue instead of gas.

But, the results are the same.

Is there anyone more dead than some big, handsome high school kid who gets polluted with alcohol and slams head-on into a truck?

Or an intelligent, vivacious girl who takes an LSD "trip" from a tenth floor window?

Is there anyone more crippled than a man whose crutch is a bottle of liquor?

Or a young and beautiful girl who's "hooked" so badly on Heroin that she sells her body for just one more "fix"?

This is a total and ugly war, but we in Delaware are going to win it.

Last year we enacted two laws aimed at curbing drunken drivers. They undoubtedly were a factor in our reduced toll of highway deaths last year. Evidence shows the alcoholic is the biggest killer on the highways. We must get him out from behind the wheel.

We have just created the first alcoholic detoxification center in the state's history, and the 1971 budget includes the funds for expanding this program state-wide.

We also enacted laws setting different penalties for using different kinds of dangerous drugs and providing stiffer penalties for "pushers."

Last spring we formed a Governor's Committee on Drug Abuse which initiated a number of drug education programs in our schools. We now plan to tie this effort in with our total war on pollution.

Our state is plagued by an avalanche of litter and other solid waste. At the request of the legislature, I have appointed a committee to study this problem.

We have already established standards for air and water pollution control. They will be enforced, by legal action if necessary. Prime responsibility for enforcing our standards will be vested in the new Department of Natural Resources and Environmental Control. Austin N. Heller, one of the top anti-pollution experts in the country, has been nominated to head that department.

This fight against pollution of our air, water, bodies and minds will require the commitment of all of us. I will launch a DELAWARE CRUSADE AGAINST POLLUTION, enlisting thousands of Delawareans, and especially young people in our schools and colleges. We must succeed.

### IMPROVING GOVERNMENT

Building a model state government is a goal within our immediate reach.

We worked together in the last session to make some important advances. The job can be completed within the next two years.

I suggest that we continue working together to improve the effectiveness of our government by:

—Completing reorganization of the executive branch by end of 1970.

—Revising the State Constitution by 1971. I urge you to consider this proposal, modify it if necessary, and give initial approval in this session.

—Implementing 25 per cent of the Governor's Economy Committee recommendations by the end of 1970. We already have implemented 46 recommendations for \$3.2 million in savings for the taxpayers.

—Increasing the effectiveness of each state employee by continuing to insist that he give a full day's work, but rewarding him with a full day's pay.

—Markedly strengthening our working relationships with federal, regional and local governments.

The key to getting results is cooperation.

There is no reason why the three branches of government—legislative, judicial and executive—cannot enjoy the benefits of cooperation while still maintaining the traditional and necessary separation of powers.

Reorganization of the executive branch has been a goal talked about for decades in Delaware. Last year, the General Assembly enacted legislation creating two new departments—Health and Social Services, and Natural Resources and Environmental Control. Highly-qualified men have been nominated to head those departments.

Bills to create two more new departments—Public Safety and Agriculture—have been prepared, and more will follow. By the end of this session, all legislation for the other departments hopefully will be enacted.

I urge your continued support of this effort. With reorganization, Delaware will have the governmental vehicle needed to become a model state.

Every organization, including state government, has a moral obligation to adequately compensate its employees. I fully support a bill providing pay increases effective January 1 for approximately 6,300 employees in the classified service.

These and other salary increases I mentioned earlier will give virtually of the state's 22,000 employees raises.

I also urge your favorable consideration of pending legislation under which the state will pay hospital insurance for eligible employees. Our employees deserve this security and peace of mind.

Also, I fully support an improved pension plan that will eliminate inequities, increase maximum payments, and provide to all state employees the military service credits now available only to teachers.

These steps are crucial if Delaware is to maintain and attract competent, dedicated employees.

A Code of Ethics now being prepared is another element in building a healthy state government.

Cooperation with other levels of government is important to achieving our goals.

Our contacts with the Nixon Administration are frequent and satisfying. We have a national leadership that is determined to return to the states appropriate authority and leadership.

We are initiating the Mid-Atlantic Governor's Conference and are strengthening our association with the Committee on Regional Development and the Delaware River Basin Commission.

We have daily contact with local governments. Last year the state lifted from the backs of the three counties \$5 million in welfare, court and hospital costs, providing substantial savings over the years in county property taxes.

I am convinced that we can succeed in building a model state government in Delaware, making efficiency and economy a way of life. We do not need big government, but we do need better government to restore and strengthen faith in government.

#### **MORE AND BETTER JOBS**

Providing more and better job opportunities is basic to improving the quality of life. I propose that:

—We complete the comprehensive manpower plan for the state by July 1, 1970. Based on that plan, we will select specific goals later in the year.

In my first message to the General Assembly I said—and I say again—that jobs are the cornerstone of self-respect, human dignity and hope for a meaningful future.

The Nixon Administration also has a high priority on jobs, especially for the disadvantaged. The Manpower and Training Act of 1969, now before the Congress, gives the individual states and their governors greater control over federal programs for the disadvantaged. We are preparing to take advantage of it.

Wilmington is one of the few cities selected as the location of a job bank that will enable us to match the person

who needs a job with the employer who has a job available. The bank will be ready by July 1, and ultimately will be expanded state-wide.

We created the job development division to help coordinate the many job-training and development programs. The director of the division now heads the comprehensive area manpower plan (camp), thus helping to promote the increasingly effective partnership with the private sector.

The summer job program—Youth Opportunities Unlimited—was an unqualified success and realized 93 per cent attendance. Hundreds of youths were given the opportunity to work. Schools report that significant changes in attitudes have resulted. The Y.O.U. program is included in the 1971 budget proposal.

We propose to renew funding of the Opportunities Industrialization Center, which placed 469 persons into jobs during 1969. Many of them might otherwise be on welfare.

Other efforts to increase job opportunities include development of a major regional shopping center in downtown Wilmington and the Development Department's programs to attract new business and tourists to Delaware. It is important for our state government to recognize the need to promote a healthy free enterprise system.

In order to provide more and better jobs, all elements of our economy must prosper.

Agribusiness is one of the major elements. It provides many jobs, a healthful environment for thousands of Delawareans, and is the mainstay of many small communities. Our Department of Agriculture will continue to support this important sector of our economy.

Every working man's objective is to increase his true earning power to enjoy more fully the benefits of our society. Therefore, we must maintain a climate that will enable every individual to prosper. We must do all we can to combat inflation, promote consumer protection and get the most for our dollars.

A number of major labor-management contracts affecting thousands of Delawareans are up for consideration this year. I hope both sides of the bargaining table will keep the public interest uppermost in their minds.

#### TO PROTECT, DEVELOP AND ENJOY OUR NATURAL RESOURCES

Delaware is blessed with natural resources—with its relatively unspoiled ocean front, with its bays and wet-lands, and with its many federal, state and private game preserves, parklands, forests, ponds and streams. Tens of thousands of fishermen, hunters, bathers, boatmen, campers and tourists

use these resources annually. They bring great and healthful enjoyment to Delawareans and provide many tourist dollars to bolster our economy.

These valuable assets are being threatened by rapid residential and commercial construction in some areas and by pollution in others.

To safeguard these assets, I propose:

- To increase the state's holdings of open lands by providing \$3 million in fiscal 1971 and \$2 million for each of the next five years.

- To expand park services to include a wide variety of new activities in most parks by 1972.

- To develop Lums Pond Park and add over 1,000 acres by 1973.

- To prepare a master plan for developing six other existing parks by 1973.

- To clean up most of our streams, as I mentioned earlier.

- To establish a strong fishery management division staffed by competent scientists to administer and extend our marine resources.

- To develop a master plan for the coastal and Delaware Bay area, and set up controls to see that the plan is followed.

- To strongly support the University of Delaware's move to become a center of marine sciences with a campus near Lewes.

All of the state's natural resources and the means of controlling this environment will be under the new Department of Natural Resources and Environmental Control. It will have the prime responsibility for providing for the conservation, development, and enjoyment of these assets.

There is great potential in our estuaries and coastal zone for the raising of fin and shell fish and for furthering the activities of sportsmen and tourists.

At the same time, the area is becoming an even stronger magnet for commercialization that could make the mouth of Delaware Bay a major shipping port and the shores of the Bay a home for heavy industry.

The interests of conservation and commercialization may well conflict. Accordingly, we will develop a master plan for this whole area and then set up controls to see that the plan is followed.

With the proper master plan centered on the marine science campus and protected by appropriate environmental controls, Delaware can become the gem of America's coasts.

#### IMPROVING HUMAN SERVICES

We must provide adequate human services efficiently for all Delawareans.

I propose these goals:

—To expand the number of community service centers to four by 1971 and to 14 by 1975.

—To get 1,000 welfare recipients off the rolls and into jobs within the next two years.

—To shift emphasis of the Human Relations Commission in 1970 to preventing racial unrest.

In the past, Delaware's health services have been dispersed over clinics scattered throughout the state.

Concentration of all health services into community service centers in neighborhood locations will cut costs and at the same time be more convenient for the public. A child, for example, can receive several different treatments at one location instead of having to visit several.

Two of the new community centers have been opened in Middletown and northeast Wilmington with the help of private funds. Two more will be funded in the 1971 budget, and 10 more will be added by 1975.

The state last year enacted a number of laws designed to build incentives into the welfare system and help employable recipients find jobs. An important innovation seeks to get fathers who are not on welfare to support their children who are. This is just becoming operative.

Since the bulk of welfare costs are in the category of aid to families with dependent children, success in getting fathers involved in their children's support will lower welfare costs.

Another positive program enables welfare mothers to take their children to day-care centers during the day so the mothers can work. This provides a healthy educational environment for the child during the day, and at the same time enables the mother to build a better home environment.

With these and related efforts, Delaware should be able to move 1,000 recipients off the rolls and into jobs within two years.

The new Department of Health and Social Services should be able to markedly improve delivery of human services. I have nominated an outstanding man, Dr. Albert L. Ingram, Jr., to head the department.

Unfortunately, much remains to be done which we cannot afford to do. This is especially true in the welfare area. We must get the federal government to shoulder their responsibility. I will continue to work with the other governors and our congressional delegation to get this done. Since the federal government's income rises 1½ per cent for every 1 per cent increase in personal income, it can much better afford the expense than can the state.

The budget I will present next week includes funds for opening a new wing at the Charles L. Terry, Jr. Children's Psychiatric Center, for more homemaker services, and for nearly doubling the hospital contributions for care of indigent patients. The 1971 capital budget will permit design of new cottages at the Hospital for the Mentally Retarded.

We also propose funding the Delaware adolescent program to help young unwed mothers by allowing them to stay in school and helping them keep from having other illegitimate children.

Our urban problems are concentrated in the Wilmington area, and a number of these programs will have their greatest impact there.

In housing, the state last year helped start 650 dwelling units in Wilmington, Seaford and Middletown. We plan to do more this year and set specific goals for coming years.

However, the housing shortage remains a serious problem in Delaware and the nation. This state will need an estimated 100,000 dwelling units for all of our citizens in the next 10 years. Only 20,000—one-fifth—are needed to replace substandard dwellings.

Despite this need, housing starts in Delaware lagged last year, primarily because of the tight money market. The cost of Housing is going up faster than the buyer's ability to pay. We must make every effort to stimulate construction of new houses and to get the cost down within the reach of our citizens.

#### SAFER MOVEMENT OF PEOPLE AND GOODS

Delaware's location in the midst of the densely populated region between New York and Washington poses constant and serious problems in the safe and efficient movement of people and goods.

I suggest these goals:

—To have Delaware within five years lead the nation in highway safety by having the lowest number of deaths and injuries per passenger mile.

—To improve the motor vehicle inspection system in 1970.

—To reach a decision on the "Park and Ride" approach being used in Wilmington buses and expand it if trials prove successful.

—To complete several key highway projects, including the Newark Beltway, Wilmington Connector, Delaware 141 and Dover By-pass by 1976.

Highway deaths continue to be a major problem. Although we can take pride in last year's 17 per cent reduction in fatalities, it would be a serious mistake to think that Delaware has found some magic formula for highway safety.

What's required is hard and continuing work on the key factors involved in a traffic accident—the driver, the auto and the highway.

We have to work on the driver through law enforcement and education; on the vehicle, through our inspection system; and on the roads, through engineering and safety devices.

What are we doing with the driver on law enforcement? We stiffened our laws against drinking drivers last year. This year we will add 42 more state policemen, and local forces also will be growing. We also are planning to have state police beef up their patrol.

The state spends over \$500,000 a year on driver education alone. In addition, an estimated \$200,000 in federal funds is spent on such items as driver education, purchase of radar and safety devices, and training of police.

Next year, our motor vehicle inspection system will be improved to do a better job of spotting defects. A new inspection lane will be opened. The department also will make a determined effort to offer more convenient service to the public.

All of these factors will help, but the biggest impact on highway safety will come when more drivers accept the responsibility that goes with a driver's license. A car is a deadly weapon.

Drivers who do not accept that responsibility and break the law will be arrested. That means everyone.

Adult drivers also have a responsibility to set an example for our young people. Can you imagine a young driver being a better driver after hearing his dad brag about driving 90 miles per hour?

Delaware can be the safest state in the nation if our drivers make up their minds to it.

We have also been active in mass transit. State funds made possible improved bus service in northern New Castle County. New buses have been purchased. Service has been improved. The "Park-and-Ride" experiment is underway and will be expanded if usage warrants. Since one express bus lane can carry the equivalent of 15 lanes of auto traffic, success could have astounding results.

In highway construction, I am recommending the completion of major projects within the next six years—the Newark Beltway, Dover By-pass, Wilmington Connector, Delaware 141, Pike Creek Connector, Rehoboth By-pass, and improvements to U.S. Route 13.

Reducing crime, providing a more meaningful educational system, winning the war against pollution, building a model state government, providing more and better job opportuni-



ties, protecting and developing our natural resources, promoting health and welfare, providing safer and more efficient movement of people and goods.

Each of the goals I have suggested today contains a challenge for me, for you, and for all the people of Delaware. Other goals, equally challenging, undoubtedly will emerge.

We should accept these challenges, because with each comes an opportunity. The biggest challenge—to become a model state—carries the opportunity to build a quality life for all Delawareans.

You and I have been elected to provide leadership. By working together, seeking in good faith to resolve differences that may arise, we can set an example that will inspire and unite all Delawareans.

I am confident we can reach our objective.

I look forward to continuing to work with you.

Majority Leader Stabler moved that the previously named committee escort the Governor from the Chamber.

Majority Leader Stabler moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals.

The Chief Clerk of the House and the Secretary of the Senate compared their Journals and found them to agree and so notified the Speaker.

Majority Leader Stabler moved the two Houses now separate and reconvene in their respective chambers. Motion prevailed.

Joint Session adjourned at 1:50 P.M.

House recessed at 1:52 P.M., reconvened at 3:15 P.M.

The following prefiled bills were introduced:

**HB 493** — An Act Relating to a Pension for Mildred Hall, An Employee of the State of Delaware. Introduced by Rep. Quillen. Referred to the Committee on Government Operations.

**HB 494** — An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permits to Operate Vehicles of Excessive Size and Weight. Introduced by Reps. Stansky and Jarvis. Referred to the Committee on Highways and Public Safety.

**HB 495** — An Act to Amend Chapter 1, Title 10, Delaware Code, Regarding Consequences of Failure to Appeal Interlocutory Orders. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 496** — An Act to Amend Chapter 1, Title 10, Delaware Code, Providing for Time for Appeals to Supreme Court From Interlocutory Orders. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 497** — An Act Proposing An Amendment to Section 4 of Article 4 of the Constitution of the State of Delaware Relating to Members of the Judiciary. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 498** — An Act to Amend Chapter 1, Title 10, Delaware Code, Providing for Additional Time for Cross-Appeals in Civic Actions. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 499** — An Act Proposing An Amendment to Article 4, Section 11 of the Constitution of the State of Delaware Relating to the Jurisdiction of the Supreme Court. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 500** — An Act Proposing An Amendment to Article 4 of the Constitution of the State of Delaware Relating to the Number of Associate Justices of the Supreme Court. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 501** — An Act to Amend Title 31, Section 503, Delaware Code, Relating to Eligibility for Welfare Assistance. Introduced by Rep. Unruh and Others. Referred to the Committee on Health & Welfare.

**HB 502** — An Act Transferring Control Over State Lands Known As the Great Sand Dunes and Other Dune and Public Lands Near Cape Henlopen From the City Council of Lewes as Trustees to the State Park Commission of Delaware as Trustees Thereof and Amending Section 33 of House Bill No. 237 Enacted June 19, 1969. Introduced by Rep. Quillen and Others. Referred to the Committee on Natural Resources.

**HB 503** — An Act to Amend Section 2710, Title 21, Delaware Code, Relating to the Application By A Minor For A Drivers License and to Amend Section 6105, Title 21, Delaware Code, Relating to the Liability of Parent, Guardian or Employer for the Negligence of a Minor. Introduced by Rep. Jarvis. Referred to the Committee on Judiciary.

**SCR 21** — Providing for the Fish, Oyster and Game Committee of the Senate and the Natural Resources Committee of the House of Representatives to Hold Joint Hearings and Conduct A Full Inquiry Into the Game and Fish Commission. Introduced by Senators Hickman and Isaacs.

Rep. Quillen moved that **SCR 21** be adopted by voice vote. Motion carried.

Messrs. Frederick, Fonville and Butcher asked to be marked present.

Committee Reports: Revised Statutes: **HB 482**, 3 favorable, 3 on merits; **SB 52**, 4 favorable, 2 on merits; **SS 1** for **SB 93**, 6 on merits; **SB 356**, 3 favorable, 3 on merits; Education: **HB 465**, 2 favorable, 3 on merits; **SB 316**, 1 favorable, 4 on merits; Revenue & Taxation: **HB 450**, 4 on merits; Natural Resources: **HB 479**, 3 favorable, 3 on merits.

Mr. Speaker requested the following letter be made a part of the Journal:

December 31, 1969

The Honorable George C. Hering, III  
1905 Field Road  
Wilmington, Delaware 19806

Dear Representative Hering:

From time to time I receive through the grapevine, indirect complaints from the Legislators about the Magistrate system. It is, of course, impossible for me to either answer these complaints or take care of them when they are so vague and indefinite.

In an effort to alleviate this situation, I would appreciate it if you, as Speaker of the House, and the Honorable Reynolds duPont, as President Pro Tempore of the Senate, could arrange for me to appear before a joint caucus of the Legislature some time in January or at your earliest convenience. At such meeting, I would attempt to answer any inquiries or complaints of the Legislators, and in addition point out if requested, certain legislation which might be considered, which would greatly improve the over-all operation of the Magistrate system. At such a meeting I could also inform the Legislators of what action is being taken for the continued education of the Justices of the Peace.

I think my appearance at such a caucus would help clear the air on a lot of subjects about which there may presently be a misunderstanding.

If you agree with me, I would appreciate it if you could arrange such a meeting and let me know what day and time is convenient to the Legislators. I do not think it would take more than an hour at the most.

With season's greetings,

Sincerely,  
Geo. Gray Thouron

GGT:lca

cc:

The Honorable Frank R. Grier  
The Honorable Allen J. Cook  
The Honorable Jacob Zimmerman  
The Honorable Daniel F. Wolcott

On motion of Rep. Dillman the following was given a final reading and placed before the House for consideration:

**HB 478** — An Act to Amend Chapter 51, Title 29, Delaware Code, By Providing for the Cost of the Premium or Subscription Charges for a Health Care Insurance Plan for Regular State Employees and Eligible Pensioners.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick,

Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

ABSENT — Harrington — 1.

**HB 478** having received a constitutional majority was declared passed by the House.

On motion of Rep. Murphy the following was given a final reading and placed before the House for consideration:

**HB 454** with **HA 1** — An Act to Amend Title 17 § 705, Relating to Railroad Crossings of Public Highways.

On motion of Rep. Murphy, **HA 1** to **HB 454** was adopted by voice vote. After consideration discussion, Rep. Murphy moved that **HB 454** with **HA 1** be deferred. Motion carried.

On motion of Rep. Burt the following was given a final reading and placed before the House for consideration:

**HB 464** — An Act to Amend Title 24, Delaware Code, § 1766, Relating to the Termination of Human Pregnancy.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 35.

NOT VOTING: Phillips, Wright — 2.

ABSENT — Harrington — 1.

**HB 464** having received a constitutional majority was declared passed by the House.

On motion of Rep. Zimmerman the following was given a final reading and placed before the House for consideration:

**HB 273** — An Act to Amend Chapter 51, Title 29, Delaware Code, By Providing Hospitalization, Medical and Surgical Benefits for State Employees.

Rep. Zimmerman moved for adoption of **HA 1** to **HB 273** by voice vote. Motion lost.

Roll Call revealed:

YEAS — Boulden, Butcher, Fonville, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman — 12.

NAYS — Benson, Billingsley, Burt, Burton, Dodge, duPont, Frederick, Gray, Heckert — 9.

NOT VOTING — Berndt, Dillman, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 16.

ABSENT — Harrington — 1.

**HB 273** not having received a constitutional majority was declared lost.

House recessed at 4:45 P.M., reconvened at 5:04 P.M.

Committee Reports: Appropriations: **HB 474**, 2 favorable, 2 on merits; **SB 328**, 1 favorable, 3 on merits; Elections: **HB 492**, 4 favorable, 1 on merits; Health & Welfare: **HB 342**, 1 favorable, 4 on merits; **HB 343**, 4 on merits; **SB 379**, 4 favorable, 1 on merits.

House recessed at 5:07 P.M. to the call of the chair.

The Speaker called the House to order at 1:46 P.M., Mr. Stabler moved to adjourn thereby ending the 2nd Legislative Day of the 2nd Session.

### 3RD LEGISLATIVE DAY — 2nd Session

The House convened at 1:47 P.M., on Tuesday, January 20, 1970.

There was a prayer by the Chaplain Reverend John B. Shaw, Lewes Presbyterian Church, Lewes.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 36 members present, 2 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

Absent: Gray, Murphy — 2.

Minutes of the previous legislative day were approved as posted.

In accordance with the Special Election held on January 15, 1970, Mr. Speaker requested the following Certificate of Election read:

#### THE STATE OF DELAWARE NEW CASTLE COUNTY, SS

BE IT REMEMBERED, That at the Special Election held on Thursday, January 15 in the year of our Lord Nineteen Hundred and Seventy, for the City of Wilmington, New Castle County, according to the Constitution and Laws of the State of Delaware,

#### SIDNEY BALICK

was duly elected State Representative from the First Representative District for the City of Wilmington, New Castle County, which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the election districts of the said First Representative District, according to the provisions made by the law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges, constituting the Superior Court in New Castle County, have met and ascertained the state of the election throughout the said district, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County this seventeenth day of January, A.D. 1970.

Albert J. Stiftel

President Judge

Andrew D. Christie

Resident Associate Judge

The following Oath of Office was given Mr. Sidney Balick:

### OATH OF REPRESENTATIVE

Kent County,

The State of Delaware, ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the Office of Representative in the General Assembly of the State of Delaware from Representative District No. 1 in New Castle County (to which office I was elected at the Special Election held January 15, 1970,) according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

Sidney Balick

Sworn to this 20th day of January, A.D. 1970, before me.

Mr. Speaker appointed Mr. Balick to the committees formerly filled by Mr. Goldfeder as follows: Government Operations and Judiciary.

The following prefiled legislation was introduced:

**HB 504** — An Act to Amend Title 10, Section 8901 of the Delaware Code in Regard to Compensation of Jurors. Introduced by Reps. Hering, Benson and Others. Referred to the Committee on Revised Statutes.

**HB 505** — An Act to Amend Subchapter IV, Chapter 9, Title 10, Delaware Code, Relating to Family Court Procedure. Introduced by Rep. Frederick and Others. Referred to the Committee on Judiciary.

**HB 506** — An Act to Amend Section 4311, Title 6, Delaware Code, so as to Prohibit the Inclusion of Provisions Allowing Warrants of Attorney for the Confession of Judgments. Introduced by Rep. Stabler. Referred to the Committee on Commerce & Labor.

**HB 507** — An Act to Amend Section 2906, Title 5, Delaware Code so as to Provide That as to Retail Installment Contracts, Confessions of Judgements and Warrants of Attorney Therefore Shall Not Be Enforceable. Introduced by Rep. Stabler. Referred to the Committee on Commerce and Labor.

**HA 1 to HB 228** — Introduced by Rep. Heckert. Placed with bill.

**HA 1 to HB 328** — Introduced by Rep. Stabler. Placed with bill.

**HR 76** — Expressing the Best Wishes of the House of Representatives of the 125th General Assembly of the State of Delaware Concerning the Birthday of Representative John J. McMahon.

WHEREAS, the members of the House of Representatives have learned that January 11, 1970, was the birthday of Representative John J. McMahon; and

WHEREAS, the members of the House of Representatives wish to express their best wishes to Representative John J. McMahon;

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware, that the belated best birthday wishes of the members of the House be and hereby are extended to Representative John J. McMahon.

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered upon the Journal of the House and a copy delivered to Representative John J. McMahon.

Introduced by Rep. Stansky and Others. Adopted by voice vote.

Mr. Speaker recognized the birthday of Louise deR. Smith, Chief Clerk of the House.

Mr. Burt moved that **HB 488** and **HB 500** be stricken. Motion carried.

House recessed at 2:02 P.M., reconvened at 2:47 P.M.

The following prefiled legislation was introduced:

**HB 508** — An Act to Amend 57 Delaware Laws, Chapter 135, An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970", Being House Bill No. 187 of the 125th General Assembly and Also Known as the 1970 Budget Appropriation Bill. Introduced by Rep. Frederick. Referred to the Committee on Appropriations.

**HB 509** — An Act to Amend Section 1703 and 1706, Title 14, Delaware Code, Relating to Units of Pupils and Division II Appropriation. Introduced by Rep. Heckert and Others. Referred to the Committee on Education.

**HB 510** — An Act to Amend Title 3, Delaware Code, By Adding A New Chapter 72 Relating to the Possession of Foreign Animals. Introduced by Rep. Sebrell. Referred to the Committee on Natural Resources.

**HA 1 to HB 450** — Introduced by Rep. Boulden. Placed with bill.

**HA 1 to SS 1 for SB 324** — Introduced by Rep. Heckert. Placed with bill.

Committee Report: Health & Welfare, **HB 501**, 4 favorable.

On motion of Rep. Burton the following was given a final reading and placed before the House for consideration:

**HB 328 with HA 1** — An Act Relating to Residency of Race Track Employees.

Roll Call revealed:

**YEAS** — Balick, Benson, Boulden, Burton, Butcher, Dillman, Fonville, Harrington, Hearn, Heckert, Jarvis, Kirk, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Riddagh, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman — 25.

**NAYS** — Burt, Frederick, Little, Sebrell, Mr. Speaker Hering — 5.

**NOT VOTING** — Berndt, Billingsley, Dodge, duPont, Leshar, Stabler — 6.

**ABSENT** — Gray, Quillen, Rawlins — 3.

**HB 328 with HA 1** having received a constitutional majority was declared passed by the House.

Rep. Murphy asked to be marked present.

On motion of Rep. Dodge the following was given a final reading and placed before the House for consideration:

**HB 479** — An Act to Amend Section 403 (d), Subchapter 1, Chapter 4, Title 28, Delaware Code, Relating to Horse Racing in Kent County By Adding Certain Language to Permit Racing in February.

Roll Call revealed:

**YEAS** — Balick, Benson, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**NOT VOTING** — Berndt — 1.

**ABSENT** — Gray, Rawlins — 2.

**HB 479** having received a constitutional majority was declared passed by the House.

On motion of Rep. Boulden the following was given a final reading and placed before the House for consideration:

**HB 450 with HA 1** — An Act to Amend Title 30, Chapter 30, § 3002, Relating to Motor Vehicle Document Fee With



Respect to Motor Vehicles Owned, Operated and Used By the State of Delaware and Its Political Subdivisions, the American Legion, Veterans of Foreign Wars, and Volunteer Fire Companies.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

**ABSENT** — Gray, Rawlins — 2.

**HB 450** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Mears the following was given a final reading and placed before the House for consideration:

**HB 228** with **HA 1** — An Act Making A Supplemental Appropriation to the Delaware Commission for the Blind for Bus Transportation of Blind Children of Delaware to and from the Maryland School for the Blind.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT** — Gray — 1.

**HB 228** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Jarvis the following was given a final reading and placed before the House for consideration:

**HB 465** — An Act to Permit the Board of Education of Stanton School District to Transfer Certain Funds From Its Local Debt Service Account to Its Construction Account.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT** — Gray — 1.

**HB 465** having received a three-fourths majority was declared passed by the House.

The following bill was introduced:

**HB 511** — An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Salary Schedules and Staffing for School Employees. Introduced by Rep. Hearn. Referred to the Committee on Education.

House recessed at 3:11 P.M., reconvened at 3:57 P.M.

Mr. Gray asked to be marked present.

The following legislation was introduced:

**HB 512** — An Act to Amend Chapter 51, Title 25, Delaware Code Relating to the Terms and Conditions of Leases. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HA 1 to HB 492** — Introduced by Rep. Unruh. Placed with bill.

**HCR 18** — WHEREAS, members of the General Assembly have learned of the pending appointment of a permanent director of the New Castle County Police; and

WHEREAS, members of the General Assembly recognize the outstanding job accomplished by the acting director of the New Castle County Police; and

WHEREAS, the atmosphere of cooperation between the Delaware State Police and the New Castle County Police is increasing and has never been better.

NOW THEREFORE,

BE IT RESOLVED, by the members of the House of Representatives of the 125th General Assembly, the Senate concurring therein, that the members deeply appreciate and commend Captain Henry Snedeker of the New Castle County Police and Staff Captain Thomas Buckmaster of the Delaware State Police for their efforts in increased police protection for the people of New Castle County.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Captains Henry Snedeker and Thomas Buckmaster.

Introduced by Rep. Kirk and Others. On motion of Rep. Kirk, **HCR 18** was adopted by voice vote.

Committee Reports: Government Operations: **HB 470**, 5 on merits; **HB 473**, 1 favorable, 4 on merits; **HB 481**, 3 favorable, 2 on merits; **HB 485**, 5 on merits; Judiciary: **HB 445**, 5 favorable; **HB 457**, 3 favorable, 1 on merits; **HB 476**, 4 favorable, 1 on merits; Appropriations: **HB 477**, 5 favorable; **HB 508**, 1 favorable, 4 on merits.

House recessed at 4:04 P.M. to the call of the chair.

The Speaker called the House to order at 12:42 P.M. Mr. Stabler moved to adjourn thereby ending the 3rd Legislative Day.

**4TH LEGISLATIVE DAY — 2nd Session**

The House convened at 12:43 P.M., on Wednesday, January 21, 1970.

There was a prayer by the Chaplain John B. Shaw, Lewes Presbyterian Church, Lewes.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 37 members present, 2 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 37.

Absent: Burton, Murphy — 2.

Minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

**HB 513** — An Act to Abolish the Public Building Commission for the City of Wilmington and for New Castle County and to Provide for the Administration and Use of the Public Building Heretofore Under Its Jurisdiction and to Provide for Payment Therefor. Introduced by Reps. Leshner and Little. Referred to the Committee on Revised Statutes.

**HA 1 to HB 477** — Introduced by Rep. Billingsley. Placed with bill.

**SB 403** — An Act Making A Supplementary Appropriation to the Department of Correction, State of Delaware. Introduced by Senators Cook and Others. Referred to the Committee on Appropriations.

**SB 419** — An Act Making A Supplementary Appropriation to the Constitutional Revision Commission. Introduced by Senator Manning. Referred to the Joint Legislative Committee on Constitutional Revision.

**SB 420** — An Act Making A Supplementary Appropriation to the Governor's Task Force on Government Reorganization. Introduced by Senator duPont and Others. Referred to the House Joint Task Force Committee.

**SB 422** — An Act to Amend An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970", Being House Bill No. 187 of the 125th General Assembly and Also Known as the 1970 Budget Appropriation Bill. Introduced by Senators Cook and Manning. Referred to the Committee on Government Operations.

**SCR 22** — Expressing the Congratulations of the 125th General Assembly to the 1969 University of Delaware Football Team and Its Coach Harold "Tubby" Raymond for An Outstanding Season.

WHEREAS, the Members of the Senate and House of the 125th General Assembly are cognizant of the truly outstanding performance of the 1969 University of Delaware Blue Hens football team and of its Coach Harold "Tubby" Raymond; and

WHEREAS, Coach Raymond and his University of Delaware Blue Hens captured the championship of the Middle Atlantic Conference for the third time in four (4) years; and

WHEREAS, Coach Raymond and his University of Delaware Blue Hens were selected co-recipients of the Lambert Cup emblematic of supremacy among eastern middle-sized colleges; and

WHEREAS, Coach Raymond and his University of Delaware Blue Hens for the second consecutive year accepted a bid to play in the Boardwalk Bowl, the championship event of NCAA football in the eastern segment of the United States of America; and

WHEREAS, Coach Raymond and his University of Delaware Blue Hens emerged victorious, 31-13, over powerful North Carolina Central University in said Boardwalk Bowl; and

WHEREAS, Coach Raymond and his University of Delaware Blue Hens, by displaying exceptional skill and sportsmanship, have brought honor to the State of Delaware; and

WHEREAS, the Members of the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives joining herein, wish to express their best wishes and appreciation to Coach Raymond and his 1969 University of Delaware Blue Hen football squad;

#### NOW THEREFORE:

BE IT RESOLVED, that the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring herein, extend sincere congratulations for a job "well-done" to Coach Harold "Tubby" Raymond, all of his assistants and to all the Members of the 1969 University of Delaware Blue Hen football squad.

BE IT FURTHER RESOLVED, that a copy of this Senate Concurrent Resolution be entered on the Journals of the Senate and House of Representatives; and

BE IT FURTHER RESOLVED, that copies be delivered to Coach Raymond, to all of his assistants, to all Members of the Team, to Dr. E. A. Trabant, President of the University of Delaware, to Dr. George M. Worrirow, Vice-President of the University of Delaware, to Dave Nelson, Athletic Director of the University of Delaware, and to all Members of the Board of Trustees of the University of Delaware.

Introduced by Senator Holloway. Adopted by voice vote.

House recessed at 12:53 P.M.

Senator Grier moved that the Senate and House convene in Joint Session. Motion prevailed.

Senator Grier moved that the President of the Senate preside over the Joint Session. Motion prevailed.

Senator Grier moved that the Secretary of the Senate and Chief Clerk of the House act as Secretaries of the Joint Session. Motion prevailed.

The President appointed the following committee to escort the Governor to the Senate Chamber: Senators Hickman, Cook and Representatives Murphy and Stansky.

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session. The Governor addressed the members of the General Assembly as follows:

Mr. President

Mr. President Pro Tem

Mr. Speaker

Ladies and Gentlemen of the 125th General Assembly

Fellow Delawareans:

One week ago today, I presented to you and the people of Delaware a report on the "Future of the State" and suggested both short-range and long-range goals.

Today, I offer the fiscal programs needed to reach many of those goals. These programs include my proposed operating budget for fiscal 1971, the Capital Budget for Fiscal 1971, and the Capital Improvements Program through 1976.

During fiscal 1971, I propose operating expenditures of \$242.8 million, which is a 15 per cent increase over the \$211.3 million estimated for the current fiscal year.

The Governor's Economic Advisory Council has estimated General Fund revenue of \$211 million in fiscal 1970, nearly identical to our estimated expenditures, and \$234 million in Fiscal 1971. (Chart I)

#### STATE OF DELAWARE

##### Estimated General Fund Revenues By Major Category (Expressed in Millions of Dollars)

	Fiscal 1970	Fiscal 1971
Personal Income Taxes .....	\$ 73	\$ 80
Franchise Taxes .....	27	33
Motor Fuel Taxes .....	18	19
Corporation Net Income Taxes .....	22	25
Motor Vehicle Registration Fees .....	9	10
Pari-Mutual Sales and Admissions .....	7	7
Alcoholic Beverage Taxes .....	4	4
Cigarette Taxes .....	11	11
Inheritance and Estate Taxes .....	6	6

Insurance Taxes .....	3	3
Manufacturers, Contractors and Mercantile Licenses .....	7	9
Real Estate Transfer Taxes .....	2	3
Other .....	22	24
<b>TOTAL .....</b>	<b>\$211</b>	<b>\$234</b>
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Governor's Economic Advisory Council  
January 6, 1970

### CHART I

We began the current fiscal year with a General Fund balance of \$10.1 million. We predicted that when the year ended this coming June 30 we would have a balance of \$1.8 million in the General Fund.

Because of the economy drive, new revenues and continued growth in the state's economy, we have done much better than anticipated. It is now estimated that we will end this year with \$9.8 million in the General Fund.

We were faced with the decision of maintaining a higher General Fund balance or funding such vital needs as education, adequate employee benefits and reducing crime.

We asked ourselves:

Would the children of Delaware better be served by increasing the pay of teachers and other school employees, or by putting that money in the bank?

Would the communities concerned with the rising crime rate better be served by beefing up our State Police, Family Court and juvenile treatment facilities, or by beefing up the cash balance?

Would the people of Delaware be better served by building the effectiveness of state employees through giving them better pay and fringe benefits, or by building the cash balance?

Would Delawareans be better served by increasing our support for the crusade against pollution, or by increasing our cash balance?

We decided that the people would best be served by funding these vital needs. We will be able to meet these needs and still end fiscal 1971 with a \$1 million balance in the General Fund.

In preparing a budget, one can be unrealistic and ignore almost certain expenditures that would have to be added later through supplemental appropriations. We have chosen not to do this and have fulfilled our responsibility to present a comprehensive budget. It is now your responsibility to review this proposal and make changes which you feel may be required.

One major new cost, totalling \$11 million over this two-year period, was the state's assumption of the three counties' former responsibilities in the areas of welfare, courts and hospital costs for the indigent. These costs were not in our original projections a year ago.

While obviously adding to our burden at the state level, this step has provided sorely-needed relief to property taxpayers all over the state.

A year ago, we inherited a serious financial problem in which the state was obligated to pay \$30 million more per year than it was taking in. Yet, over a two-year interval, during which we increased revenues and launched a major economy drive, we have taken on a massive new obligation from the counties, financed substantial new state programs, and will still end fiscal 1971 with a million dollar balance in the General Fund.

#### OPERATING BUDGET

What are the major elements of the budget I propose?

A total of \$133 million will go towards improving education, \$29 million for better highways, \$25 million for improving health services, \$20 million for reducing crime, \$16 million for helping people in need, and \$19.8 million for all other services. These are substantial increases over the current fiscal year. (See charts next page)

The proposed budget is \$31.5 million higher than the current year's. Of this increase, a total of \$17.5 million — 56 per cent — will be spent to meet additional educational costs, including \$3.5 million for higher education.

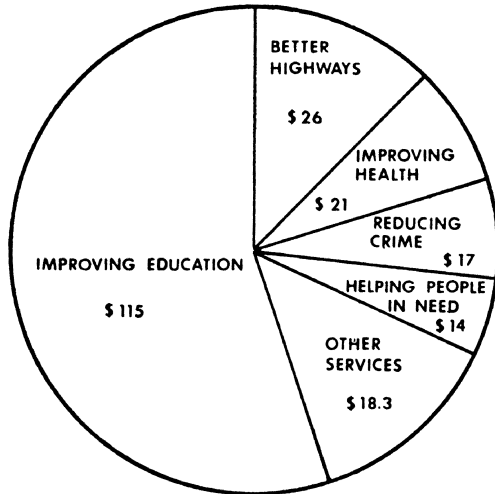
As I pointed out last week, we propose to increase equalization funds by 50 per cent, to raise the pay of all public school employees by 7.5 per cent, to hire 360 new teachers (including 56 for kindergartens) and to fund the new Medical Institute of Technology.

Another \$3 million will go towards reducing crime by adding more state police, raising state police salaries, beefing up the probation and parole system, providing the increased staff and equipment needed to open the new prison at Smyrna, funding treatment and diagnostic services at Ferris School, opening two half-way houses for juveniles, extending state-wide our programs to prevent delinquency, and strengthening the Family Court.

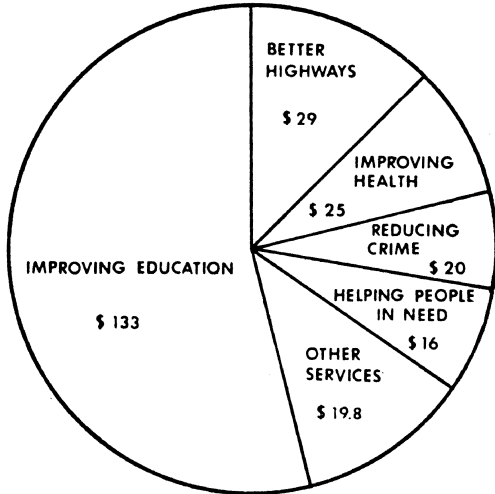
Four million dollars of the budget increase will go towards improving health services, including two additional community service centers; a new wing at the Charles L. Terry, Jr. Children's Psychiatric Center; and programs to combat pollution of the water, air, body and mind.

A total of \$3 million of the increased operating budget will be for the improvement of our highways.

FISCAL 1970  
211.3 M M



FISCAL 1971  
242.8 M M



Another \$2 million is earmarked to help people in need, through such programs as expanding our homemaker services, nearly doubling the state's contribution towards hospital care for indigent patients, and increasing our support of the Delaware Adolescent Program for Unwed Teenage Mothers.

The \$2 million balance of the increase will be to meet growing costs in such areas as utilities, supplies and materials, debt service and equipment purchases.



My "Future of the State" message discussed the need for providing adequate compensation for our state employees. I said that we would demand a full day's work, but that our employees would be rewarded with a full day's pay.

This budget proposes to give virtually all of the state's 22,000 employees pay increases and improved fringe benefits that are vitally needed to improve their morale and performance.

Of the \$31.5 million increase, two-thirds will go for salaries and fringe benefits, including hospitalization and improved pension benefits, and for more teachers, more state policemen and more court personnel.

A vital element of our fiscal performance in the coming year will be the economy drive. Our goal is to implement 25 per cent of the approximately 500 recommendations of the Governor's Economy Committee by the end of 1970.

This administration will seize every opportunity to initiate other economies. We cannot hope to achieve a model state government until every state employee is doing his best to save money and get maximum results for the taxpayer's dollars.

We are determined to provide the leadership and guidance required to reach that goal.

We look forward to working closely with the Governor's Economic Advisory Council to assure that the fiscal policies of the state are sound ones.

The council in the coming year will, I am sure, play a major role in the reorganization and revitalization of the State Tax Department. Any loopholes that may exist in our tax collection procedures will be closed, promptly and permanently. State government exists to serve all the people of Delaware; all the people are going to pay their fair share of that operation.

I will do my utmost to see that the federal government assumes the entire welfare costs. There are at least three good reasons why it should.

First, federal regulations play a key role in determining state welfare costs; second, only uniform welfare regulations that apply nation-wide will stop migration of indigents seeking higher welfare payments; and third, since the federal income grows much faster than the economy, the federal government is in a much better position than the states to assume welfare costs.

The National Governors' Conference strongly favors federal assumption of welfare costs. President Nixon has proposed moving in that direction. And until it happens, no state can meet adequately its obligations in the welfare area.

## CAPITAL BUDGET AND IMPROVEMENTS PROGRAM

Now I will discuss my capital budget proposals.

The fiscal 1971 capital budget amounts to \$66.8 million, and the six-year capital improvements program totals \$450.8 million.

Last year when Senate Bill 332 was signed into law, the state's maximum debt limit was set at 2.8 times the previous year's revenue.

With the adoption of this capital budget, we would be \$92.2 million under the debt ceiling.

This administration also took action this year to provide a more meaningful tool to make sure the state will keep its debt obligations within its ability to pay.

During my administration, the state's debt service will not exceed 20 per cent of the previous year's General Fund revenue. That means no more than 20 cents out of every dollar the state takes in will be spent on its debt.

The \$450.8 million capital improvements program I propose for the next six years is within that limit.

The capital budget for fiscal 1971 recommends that \$38.6 million — 58 per cent of the total — be appropriated for our public schools and institutions of higher learning.

If our state is to provide a more meaningful education, we must have the facilities to do the job. School population continues to grow, especially in the more costly areas — senior high schools and colleges.

As noted in my "Future of the State" message, one of our biggest needs is for more occupational and vocational training. The capital budget provides for \$400,000 to complete the New Castle County Vocational Technical High School and to rehabilitate the H. Fletcher Brown Technical School.

Last October, we authorized \$1.8 million to acquire the land and design the urban campus for the Delaware Technical and Community College in Downtown Wilmington. In the 1971 capital budget, an additional \$5.5 million is proposed to construct the first phase of the Wilmington campus.

Last year, the Budget Commission authorized expenditure of \$862,000 from the Advance Land Acquisition Fund to acquire a suburban site for the technical and community college. The fiscal 1971 capital budget recommends we reimburse that fund. The Capital Improvements Program calls for spending \$1 million in fiscal 1972 to design the suburban campus, and \$6.6 million in fiscal 1973 to construct it.

With these and related projects, we would be spending approximately \$21.4 million from fiscal 1970 through fiscal 1976 on facilities for the Delaware Technical and Community College.

For the University of Delaware, the fiscal 1971 capital budget provides \$4.1 million for a science building and \$1.6 million for remodeling Alison Hall. From fiscal 1970 through fiscal 1976, we propose to spend \$40.1 million on facilities for the University of Delaware.

Delaware State College has modest capital improvement needs since much has been done in recent years to improve its facilities. With completion of the Humanities-Teacher Education Building authorized last October, and the construction of a library which is part of the capital improvements program, Delaware State will have the major facilities it will need for the near future.

To help us win the war on pollution, preserve our natural resources and develop our recreational facilities, an expenditure of \$50 million is proposed during the next six years.

The 1971 capital budget provides \$9.4 million of that total, including \$2.1 million for park development, \$3 million for land acquisition, \$300,000 for fish and wild life, and \$4 million for improved sewage treatment facilities.

The capital improvements program provides for annual appropriations of \$4 million for sewage treatment facilities to help clean up our streams, \$2 million for park development, and \$2 million to buy and preserve valuable wetlands, uplands and beachlands. Funds mentioned earlier for the University of Delaware include \$5.2 million for a marine science laboratory at Lewes. All of this will be coordinated with the master plan for conserving and developing our ocean and bay areas.

For highways, we are providing \$13.6 million in the 1971 capital budget and a total of \$157 million for the six-year program. Since the highway department has a sizeable backlog of unused funds for corridor construction projects, no additional corridor funds are necessary for fiscal 1971.

It is important to stress that our corridor construction program will not be delayed by this one-year postponement of funding. It is fiscally irresponsible to tie up funds long before they can possibly be used.

An average of \$20 million a year for the next five years would be authorized to permit the completion of the Newark Beltway, Dover By-pass, Delaware 141, Downtown Wilmington Connector, the Augustine Cut-off, Pike Creek Connector, Rehoboth By-pass, and improvements to U.S. Route 13.

All other highway programs would be funded as requested. A total of \$7 million for non-corridor projects — A substantial increase over this year — is provided in the fiscal 1971 capital budget. This will expedite the completion of numerous smaller projects that will solve problems plaguing many communities throughout the state.

To promote the health and welfare of our citizens, I recommend that we expend \$26.5 million of capital funds over the next six years. This would include \$4 million in fiscal 1971 for the following — design of a diagnostic and detention center, design of new cottages at the Hospital for the Mentally Retarded, Improving facilities for Delaware State Hospital and Youth Services, and building a consolidated laundry to serve all state institutions in Northern Delaware, thus eliminating four smaller, less efficient laundries now in use.

The new diagnostic and detention center will permit the new Department of Health and Social Services to receive offenders, drug users and alcoholics, determine what treatment they require, and channel them to the appropriate facilities. This center also will free the Comegys Building for other use.

Another \$22.5 million during the next five years is earmarked for expansion and improvement of hospital facilities for the mentally ill and retarded, for geriatric patients at the Smyrna Home and Hospital, for a new school at Governor Bacon Health Center, and for improved juvenile detention facilities.

So that the state can help meet the critical need for low and moderate income housing, we propose to provide \$500,000 in fiscal 1971 and a million dollars annually for the next five years.

The capital improvements program also provides for meeting state requirements for additional office space in all three counties. The largest single project is a state office building in Downtown Wilmington, and this is scheduled for construction in fiscal 1972 at a cost of \$10 million.

I have presented for your consideration my proposed budget and financial report for fiscal 1971, the capital budget for 1971 and the six-year capital improvements program.

Let me stress again that I have touched only the highlights. Details are available in copies of those documents to be distributed upon conclusion of my remarks.

Each of these programs is related to the other. Each is a step towards an attainable goal — to become a model state that will provide a better life and a better future for all the people of Delaware.

In discussing the "Future of the State" last week, I listed a number of goals. In looking to the future, we must obviously concern ourselves with the availability of funds to finance the programs projected.

And in making such an appraisal, we must consider all aspects of the financial picture — the growth of the economy, the availability of Federal funds, the increasing trend in

Washington toward revenue — sharing with the states, and the continuing involvement and guidance of the Governor's Economic Advisory Council.

In looking at the broad picture, it appears that short of a major recession we will have available the resources needed to meet those goals.

I told you in my fiscal message last year that I would not be asking for increased revenue during the remainder of my term. That still holds.

In my inaugural address exactly one year ago, I suggested that we in Delaware seek a meld of idealism and reality.

The programs presented last week, and the fiscal tools of implementation offered today, in my opinion represent a true meld of idealism and reality.

I urge you to give these proposals serious and favorable consideration.

The previously named committee escorted the Governor from the Chamber.

Senator Grier moved that the Secretary of the Senate and Chief Clerk of the House compare their respective Journals.

The Secretary of the Senate and the Chief Clerk of the House compared their Journals, found them to agree, and so notified the President.

Senator Grier moved the two Houses separate and reconvene in their respective Chambers. Motion prevailed.

House reconvened at 3:26 P.M.

Messrs. Burton and Murphy asked to be marked present.

The following legislation was introduced:

**HB 514** — An Act Relating to the Sale of Public Lands. Introduced by Rep. Burt and Others. Referred to the Committee on Public Buildings and Lands.

**HB 515** — An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1971. Introduced by Rep. Leshner. Referred to the Committee on Appropriations.

**HB 516** — An Act to Amend Chapter 155, Volume 28, Laws of Delaware, As Amended, Entitled "An Act to Incorporate the Town of Blades" To Permit the Borrowing of Money in Anticipation of Revenues. Introduced by Rep. Mears. Referred to the Committee on Government Operations.

**HB 517** — An Act to Amend Chapter 155, Volume 28, Laws of Delaware, As Amended, Entitled "An Act to Incorporate the Town of Blades" By Changing the Qualifications for Voters at the Annual Municipal Election and Providing A Registration System for Voters. Introduced by Rep. Mears. Referred to the Committee on Government Operations.

**HA 1 to HB 22** — Introduced by Rep. Riddagh. Placed with bill.

**HA 1 to HB 470** — Introduced by Rep. Dodge. Placed with bill.

**HA 1 to HB 481** — Introduced by Rep. Balick. Placed with bill.

**HR 77** — Relating to House Bill No. 188, As Amended. Introduced by Rep. Burt.

On motion of Rep. Burt, **HR 77** was stricken.

On motion of Rep. Stabler the following was given a final reading and placed before the House for consideration:

**HB 357** — An Act to Amend Title 13 of the Delaware Code Relating to Adoption and Termination of Parental Rights to Define "Abandoned" in the Adoption Statute Consistently With the Definition in the Termination of Parental Rights Statute, to Define "Authorized Agency" to Include Out-Of-State Agencies, to Establish Jurisdiction Over Adoptions When the Authorized Agency is Located Within Delaware, to Permit Adoptions Based on Consent of Out-Of-State Agencies, and to Permit Transfer of Parental Rights From A Delaware Agency to An Out-Of-State Agency.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 36.

**ABSENT** — duPont, Little, Rawlins — 3.

**HB 357** having received a constitutional majority was declared passed by the House.

On motion of Rep. Frederick the following was given a final reading and placed before the House for consideration:

**HB 314 with HA 1** — An Act to Amend Section 4703 (a), Chapter 47, Title 7, Delaware Code, By Adding Thereto A New Subparagraph Extending the Powers and Duties of the State Park Commission to Include the Leasing of Lands for Park and Recreational Purposes.

**HA 1** — Introduced by Rep. Kirk. Adopted by voice vote.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

**NOT VOTING** — Gray, Mears — 2.

**ABSENT** — duPont, Little, Rawlins — 3.

**HB 314** with **HA 1** having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**SB 328** — An Act Relating to Pension Benefits for Edward J. Sullivan, A Former Employee of the Laurel Special School District. Introduced by Senator Elliott.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler — 36.

**ABSENT** — duPont, Little, Rawlins — 3.

**SB 328** having received a constitutional majority was declared passed by the House.

On motion of Rep. Hering the following was given a final reading and placed before the House for consideration:

**HB 445** — An Act Making A Supplementary Appropriation to the Department of Justice.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler — 37.

**ABSENT** — Little, Rawlins — 2.

**HB 445** having received a constitutional majority was declared passed by the House.

On motion of Rep. Hering the following was given a final reading and placed before the House for consideration:

**HB 476** — An Act Making A Supplemental Appropriation to the State Department of Justice for the Preparation of Replacement Volume for Volume 13 of the Delaware Code.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler — 37.

**ABSENT** — Little, Rawlins — 2.

**HB 476** having received a constitutional majority was declared passed by the House.

On motion of Rep. Moerschel the following was given a final reading and placed before the House for consideration:

**HB 473** — An Act to Amend Title 9, Delaware Code, Sections 309, 8205, 8405, 9306, 9402, 9602, and Title 10, Delaware Code, Sections, 2101, 2302, and 2502, and Title 12, Delaware Code, Section 2505, So As to Provide That the Salaries of Certain County Officials in Kent and Sussex Counties Be Determined By the Levy Court Commissioners of Said Counties.

After considerable discussion, Rep. Moerschel moved to defer **HB 473**. Motion carried.

On motion of Rep. Kirk the following was given a final reading and placed before the House for consideration:

**HB 477** with **HA 1** and **2** — An Act to Amend 57 Delaware Laws, Chapter 135, Also Known As House Bill No. 187 of the 125th General Assembly, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970," By Providing for Salary Increases for Employees in the Classified Service, and Making A Supplemental Appropriation in the Amount of \$1,134,000.00 for the Proposed Amendment.

**HA 1** — Introduced by Rep. Billingsley. Adopted by voice vote.

**HA 2** — Introduced by Rep. Hering. Adopted by voice vote.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler — 37.

**ABSENT** — Little, Rawlins — 2.

**HB 477** with **HA 1** & **2** having received a constitutional majority was declared passed by the House.

Mr. Speaker Hering resumed the Chair.

On motion of Rep. Unruh, the following was given a final reading and placed before the House for consideration:

**HB 492** with **HA 1** — An Act to Amend Section 5004, Title 15, Delaware Code, Relating to the Use of Voting Machines.

**HA 1** — Introduced by Rep. Unruh. Adopted by voice vote.

Commissioner of Elections, Mr. Burt Willis, was granted privilege of the floor to answer questions on the bill.

On motion of Rep. Unruh, **HB 492** with **HA 1** was deferred.



On motion of Rep. Unruh, the following was given a final reading and placed before the House for consideration:

**HB 481** with **HA 1** — An Act to Amend Title 17, Section 518, Delaware Code So As to Increase Litter Penalties.

**HA 1** — Introduced by Rep. Balick. Lost by voice vote.

On motion of Rep. Unruh, **HB 481** with **HA 1** was deferred.

Committee Report: Revised Statutes: **HB 504**, 6 favorable.

On motion of Rep. Riddagh, **HA 1** to **HB 22** was stricken.

House recessed at 5:15 P.M., to the call of the chair.

The Speaker called the House to order at 1:37 P.M. Mr. Stabler moved to adjourn thereby ending the 4th Legislative Day of the 2nd Session.

### 5TH LEGISLATIVE DAY — 2nd Session

The House convened at 1:38 P.M., on Thursday, January 22, 1970.

There was a prayer by the Chaplain Reverend John B. Shaw, Lewes Presbyterian Church, Lewes.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 30 members present, 9 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, duPont, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Mr. Speaker Hering — 30.

Absent: Burt, Dodge, Fonville, Gray, Phillips, Quillen, Rawlins, Unruh, Zimmerman — 9.

The following prefiled legislation was introduced:

**HB 518** — An Act to Amend Volume 55, Laws of Delaware, Chapter 122, Authorizing the State of Delaware to Borrow Money to be Used for Construction of Sanitary Sewage Disposal System and Empowering the State Board of Health to Administer, Regulate and Distribute Such Funds and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the Board of Health. Introduced by Rep. Riddagh. Referred to the Committee on Government Operations.

**HB 519** — An Act to Amend Chapter 13, Title 14, Delaware Code, Entitled State Supported Salary Schedules for School Employees. Introduced by Rep. Burton. Referred to the Committee on Education.

**HB 520** — An Act to Amend Chapter 19 of Title 17, Delaware Code, to Permit Additional Relocation Expenses to be Paid by the State Highway Department to Property Own-

ers Acquiring New or Replacement Property. Introduced by Rep. Heckert and Others. Referred to the Committee on Highways and Public Safety.

**HB 521** — An Act to Amend Title 4, Delaware Code Relating to the Importation of Alcoholic Liquors. Introduced by Rep. Billingsley and Others. Referred to the Committee on Revenue and Taxation.

**HCB 19** — Relating to the Introduction of Legislation in the Second Session of the 125th General Assembly. Introduced by Rep. Hering and Others. Adopted by voice vote.

**HA 2 to HB 22** — Introduced by Rep. Riddagh. Placed with bill.

**HA 1 to HB 473** — Introduced by Rep. Moerschel. Placed with bill.

**SB 92 with SA 1** — An Act Providing for Every Other Friday as the Method of Payment of State Officials and Employees. Introduced by Senator Slawik and Others. Referred to the Committee on Government Operations.

House recessed at 1:55 P.M., reconvened at 2:50 P.M.

The following prefiled legislation was introduced:

**HB 522** — An Act Relating to the Jurisdiction of the Superior Court and the Court of Common Pleas in Kent and Sussex Counties. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 523** — An Act to Amend Title 21, Delaware Code, Chapter 43, By Providing A New Section Relating to the Emission of Fumes and Smoke From Motor Vehicles. Introduced by Rep. Sebrell. Referred to the Committee on Highways and Public Safety.

**HA 1 to SB 356** — Introduced by Rep. Balick. Placed with bill.

**HR 78** — Expressing the Best Wishes of the House of the 125th General Assembly to Representatives William L. Frederick, Pierre S. duPont IV, and Thomas L. Little on Their Birthdays.

WHEREAS, the Members of the House of Representatives of the 125th General Assembly learned that:

On January 22, 1935, two of its Members came alive; and

WHEREAS, their names are FREDERICK and DUPONT,

The Members of the House do certainly want,

To wish them the very best of health and joy; and

WHEREAS, on January 23, a LITTLE boy,

In 1936 saw the light of day

And also came the Assembly way; and

WHEREAS, the House also wishes him the best

Of happiness and all the rest; and

WHEREAS, Representatives FREDERICK, DU PONT and LITTLE

Are characters (?), strong and certainly not brittle;  
and

WHEREAS, the House Members are pleased to say  
Congratulations, Men, and Happy Birthday!

NOW, THEREFORE:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 125TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

THAT the best wishes of its Members for the continued good health and happiness of WILLIAM L. FREDERICK, PIERRE S. DU PONT IV, and THOMAS L. LITTLE for many more years are hereby extended to the trio.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered on the Journal of the House and copies delivered to REPRESENTATIVES WILLIAM L. FREDERICK, PIERRE S. DU PONT IV, and THOMAS L. LITTLE. Introduced by Rep. Dillman. Adopted by voice vote.

Messrs. Unruh, Gray, Burt, Dodge and Murphy asked to be marked present.

On motion of Rep. Riddagh the following was given a final reading and placed before the House for consideration:

**HB 22** with **HA 2** — An Act to Amend Section 122, Title 16, Delaware Code, Relating to the Powers and Duties of the State Board of Health By Permitting Municipalities to Reject Flouridation By Special Election.

**HA 2** to **HB 22** — Introduced by Rep. Riddagh. Adopted by voice vote.

On motion of Rep. Riddagh, **HB 22** with **HA 2** was tabled.

On motion of Rep. Moerschel, **HB 473** with **HA 1** having had its final reading was again before the House for consideration.

**HA 1** — Introduced by Reps. Moerschel and Dodge, adopted by roll call vote as follows:

**YEAS** — Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 25.

**NAYS** — Mears, Phillips — 2.

**NOT VOTING** — Balick, Boulden, Butcher, Hearn, McMahon, Orth, Stansky, Wright — 8.

**ABSENT** — Fonville, Jarvis, Rawlins, Zimmerman — 4.

**HA 1** to **HB 473** having received a constitutional majority was declared adopted.

Roll Call on **HB 473** with **HA 1** revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 24.

NAYS — Harrington, Hearn, Mears, Orth, Phillips — 5.

NOT VOTING — Balick, Boulden, Butcher, McMahon, Stansky, Wright — 6.

ABSENT — Fonville, Jarvis, Quillen, Zimmerman — 4.

**HB 473** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Unruh the following was given a final reading and placed before the House for consideration:

**HB 492** with **HA 1** — An Act to Amend Section 5004, Title 15, Delaware Code, Relating to the Use of Voting Machines.

**HA 2** — Introduced by Rep. Unruh. Adopted by voice vote.

Roll Call revealed:

YEAS — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering — 33.

ABSENT — Dillman, Fonville, Jarvis, Rawlins, Riddagh, Zimmerman — 6.

**HB 492** with **HA 1** & **2** having received a two-thirds majority was declared passed by the House.

On motion of Rep. Unruh the following was given a final reading and placed before the House for consideration.

**HB 501** — An Act to Amend Title 31, Section 503, Delaware Code, Relating to Eligibility for Welfare Assistance.

Roll Call revealed:

YEAS — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, Frederick, Gray, Harrington, Heckert, Kirk, Little, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Mr. Speaker Hering — 28.

NAYS — duPont, Leshner, McMahon, Phillips, Wright — 5.

NOT VOTING — Butcher, Hearn — 2.

ABSENT — Fonville, Jarvis, Rawlins, Zimmerman — 4.

**HB 501** having received a constitutional majority was declared passed by the House.

Minutes of the previous legislative day were approved as posted.

Mr. Benson moved that the roll call on **HB 180** with **HA 1** be lifted from the table. Motion carried.

Roll call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Goldfeder, Gray, Harrington, Hearn, Heckert, Kirk, Little, McMahon, Mears, Moer-

schel, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 32.

NAYS — Burt, Jarvis — 2.

NOT VOTING — Fonville, Frederick, Murphy, Rawlins — 4.

ABSENT — Leshner — 1.

**HB 180** with **HA 1** having received a constitutional majority was declared passed by the House.

Mr. Benson moved that **HA 2** to **HB 180** be stricken.

On motion of Rep. Benson the following was given a final reading and placed before the House for consideration:

**HB 504** — An Act to Amend Title 10, Section 8901 of the Delaware Code in Regard to Compensation of Jurors.

Roll Call revealed:

YEAS — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering — 35.

ABSENT — Fonville, Jarvis, Rawlins, Zimmerman — 4.

**HB 504** having received a constitutional majority was declared passed by the House.

On motion of Rep. Billingsley, **HJR 10** was stricken.

On motion of Rep. Quillen, **HB 502** was stricken.

On motion of Rep. Heckert, **HB 224** was stricken.

On motion of Rep. Heckert, **HB 341** was stricken.

House recessed at 4:04 P.M., reconvened at 4:35 P.M.

Committee Reports: House Joint Legislative Task Force: **SB 420**, 5 favorable; Revised Statutes: **HB 513**, 4 favorable, 2 on merits; Government Operations: **HB 518**, 1 favorable, 4 on merits; Appropriations: **HB 518**, 5 favorable; Education: **HB 509**, 3 favorable, 2 on merits; House Joint Legislative Constitutional Revision: **SB 419**, 3 favorable, 1 on merits.

House recessed at 4:40 P.M. to the call of the chair.

The Speaker called the House to order at 2:10 P.M., on Tuesday, January 27, 1970. Mr. Stabler moved to adjourn thereby ending the 5th Legislative Day of the 2nd Session.

#### 6TH LEGISLATIVE DAY — 2nd Session

The House convened at 2:11 P.M., on Tuesday, January 27, 1970.

There was a prayer by the Chaplain Reverend John W. Dean, Westminster Presbyterian Church, Rehoboth.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 38 members present, 1 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

Absent: Gray — 1.

Minutes of the previous legislative day were approved as posted.

Committee Reports: Government Operations: **HB 516**, 4 on merits; **HB 517**, 4 on merits; **SB 422**, 4 on merits; Judiciary: **HB 395**, 4 favorable; **HB 411**, 1 favorable, 4 on merits; **HB 459**, 1 favorable, 3 on merits; **HB 495**, 5 favorable; **HB 496**, 5 favorable; **HB 497**, 2 favorable, 3 on merits; **HB 498**, 5 favorable; **HB 522**, 5 favorable.

The following prefiled legislation was introduced:

**HB 524** — An Act to Amend An Act Being Chapter 94, Volume 56, Laws of Delaware, Entitled "An Act Authorizing the Levy Court of Sussex County to Issue Bonds on the Full Faith and Credit of the County Not Exceeding \$2,500,000.00 to Provide Funds for the Construction of a New Court House and/or An Addition to the Existing Court House and Equipment to be Used Therein, Providing for the Power of Condemnation and Method of Repayment of Said Bonds" to Remove the Maximum Rate of Interest Which May Be Paid on Bonds, to Remove the Maximum Rate of Interest on Bond Anticipatory Notes, and to Permit Additional Bond Anticipatory Notes to be Issued. Introduced by Reps. Burton and Gray. Referred to the Committee on Financial Institutions.

**HB 525** — An Act to Amend Title 21, Delaware Code, Chapter 43, Section 4371, Relating to the Escape of Contents From Motor Vehicles. Introduced by Rep. Sebrell. Referred to the Committee on Highways and Public Safety.

**HB 526** — An Act to Provide for the Payment of Ten Thousand Dollars (\$10,000) to the Estate of Any Peace Officer Killed in the Line of Duty. Introduced by Rep. Sebrell. Referred to the Committee on Appropriations.

**HB 527** — An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to the Manufacture, Cultivation, and Growth of Narcotic Drugs and Dangerous Drugs and Prescribing Penalties for Violations; Lesser Included Offenses. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 528** — An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures and to Issue Bonds and Notes Therefor and

Appropriating the Moneys to the State Board of Education. Introduced by Rep. Hering and Others. Referred to the Committee on Education.

**HB 529** — An Act to Authorize the Levy Court of Kent County to Make Reimbursement for Certain Expenses. Introduced by Rep. Quillen. Referred to the Committee on Government Operations.

**HB 530** — An Act to Amend Title 30 of the Delaware Code Relating to State Taxes on the Capital Gains Realized From the Sale of a Taxpayer's Principal Residence. Introduced by Rep. Billingsley and Others. Referred to the Committee on Revenue and Taxation.

**HB 531** — An Act Providing for Criminal Penalties for Persons Engaged in Deceptive Trade Practices. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HB 532** — An Act to Amend Title 6, Delaware Code, Relating to Damages Awarded to Victims of Deceptive Trade Practices. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HB 533** — An Act to Amend Title 6, Delaware Code Relating to Deceptive Trade Practices. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HB 534** — An Act Providing Criminal Penalties for Persons Engaged in Consumer Fraud. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HB 535** — An Act Relating to a Pension for Edith E. Francis, A Former Employee of the Youth Services Commission of Delaware. Introduced by Rep. Orth. Referred to the Committee on Government Operations.

**HB 536** — An Act to Amend Section 2303, Chapter 23, Title 7, Delaware Code, Relating to the Sale or Possession of Hard Shell Crabs Taken From Certain Waters of This State. Introduced by Rep. Rawlins and Others. Referred to the Committee on Natural Resources.

**HS 1 for HB 454 with HA 1** — An Act to Amend Title 17, § 705, Delaware Code, Relating to Railroad Crossings of Public Highways. Introduced by Rep. Murphy. Referred to the Committee on Highways and Public Safety.

**HA 2 to HB 470** — Introduced by Rep. Zimmerman. Placed with bill.

**HA 3 to HB 470** — Introduced by Rep. Zimmerman. Placed with bill.

**HA 1 to HB 514** — Introduced by Rep. Burt. Placed with bill.

Rep. Gray asked to be marked present.

On motion of Rep. Benson the following was given a final reading and placed before the House for consideration:

**SB 356 with HA 1** — An Act Relating to Salaries of Certain Public Officials By Raising Certain Salaries. Introduced by Senator Hart.

On motion of Rep. Benson **SB 356 with HA 1** was deferred until later in the legislative day.

On motion of Rep. Quillen the following was given a final reading and placed before the House for consideration:

**HB 421** — An Act to Amend Subchapter IV, Chapter 17, Title 24, Delaware Code, Relating to Certificates and State Licenses Issued to Osteopathic Physicians.

Rep. Benson read an opinion made by the Attorney General regarding **HB 421**.

The following letter from the Medical Society of Delaware was read as follows:

January 26, 1970

John C. Bradford, D.O.  
234 Philadelphia Pike  
Wilmington, Delaware 19809

Dear Doctor Bradford:

At the June 25, 1969 meeting, the Public Laws Committee of the Medical Society of Delaware went on record as supporting H.B. 421, relating to certificates and state licenses issued to osteopathic physicians.

At its July 31, 1969 meeting, the Council of the Medical Society of Delaware unanimously approved the report of the Public Laws Committee, including the recommendation of support for H.B. 421, relating to certificates and state licenses to osteopathic physicians.

At the January 21, 1970 meeting, the Public Laws Committee of the Medical Society of Delaware reaffirmed its support of H.B. 421.

Sincerely,  
(Mrs.) Anne Shane  
Executive Director

AES:jr

Privilege of the floor was granted Dr. John C. Bradford, President of the Delaware State Osteopathic Medical Society to answer questions regarding the bill.

Roll Call revealed:

**YEAS** — Balick, Berndt, Boulden, Burton, Dillman, Dodge, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stansky, Unruh, Wright, Zimmerman — 27.

**NOT VOTING** — Benson, Billingsley, Burt, Butcher, duPont, Fonville, Heckert, Leshner, Mears, Seibel, Stabler, Mr. Speaker Hering — 12.

**HB 421** having received a constitutional majority was declared passed by the House.



On motion of Rep. Leshner the following was given a final reading and placed before the House for consideration:

**HB 513** — An Act to Abolish the Public Building Commission for the City of Wilmington and for New Castle County and to Provide for the Administration and Use of the Public Building Heretofore Under its Jurisdiction and to Provide for Payment Therefor.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 24.

**NAYS** — Boulden, Fonville, McMahon, Stansky — 4.

**NOT VOTING** — Balick, Butcher, Harrington, Hearn, Mears, Orth, Phillips, Rawlins, Wright, Zimmerman — 10.

**ABSENT** — Burton — 1.

**HB 513** having received a constitutional majority was declared passed by the House.

On motion of Rep. Frederick the following was given a final reading and placed before the House for consideration:

**SB 379** — An Act Relating to a Pension for John McGinnes, An Employee of the Delaware Department of Mental Health. Introduced by Senator Hale.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT** — Burton — 1.

**SB 379** having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert the following was given a final reading and placed before the House for consideration:

**HB 509** — An Act to Amend Section 1703 and 1706, Title 14, Delaware Code, Relating to Units of Pupils and Division II Appropriation.

Roll Call revealed:

**YEAS** — Balick, Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 38.

**ABSENT — Burt — 1.**

**HB 509** having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

On motion of Rep. Hering the following was given a final reading and placed before the House for consideration:

**SB 419 — An Act Making A Supplementary Appropriation to the Constitutional Revision Commission.** Introduced by Senator Manning.

Roll Call revealed:

**YEAS —** Balick, Benson, Berndt, Billingsley, Bouden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler — 38.

**ABSENT — Burt — 1.**

**SB 419** having received a constitutional majority was declared passed by the House.

Mr. Hering returned to the Chair.

**SB 356** with **HA 1** having had a final reading, was again before the House for consideration:

**HA 2** to **SB 356 —** Introduced by Rep. Balick.

On motion of Rep. Balick, **HA 1** to **SB 356** was stricken.

On motion of Rep. Benson, **SB 356** with **HA 2** was deferred.

On motion of Rep. Riddagh the following was given a final reading and placed before the House for consideration:

**HB 518 — An Act to Amend Volume 55, Laws of Delaware, Chapter 122, Authorizing the State of Delaware to Borrow Money to be Used for Construction of Sanitary Sewage Disposal Systems and Empowering the State Board of Health to Administer, Regulate and Distribute Such Funds and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the Board of Health.**

**HB 518** accompanied by debt statement.

Roll Call revealed:

**YEAS —** Balick, Benson, Berndt, Billingsley, Bouden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 39.

**HB 518** having received a three-fourths majority was declared passed by the House.

Mr. Speaker recognized Rep. Jarvis' son and wife.

House recessed at 3:29 P.M., reconvened at 4:32 P.M.

The following prefiled legislation was introduced:

**HB 537** — An Act to Amend Title 29, Delaware Code, By Creating A New Chapter to be Designated as Chapter 81 Relating to the Establishment of a Department of Agriculture, Defining Its Organization, Powers, Duties and Functions and Providing A Supplementary Appropriation to the Governor to Implement the Provisions of This Act. Introduced by Rep. Quillen and Others. Referred to the Joint Legislative Task Force Committee.

**HB 538** — An Act Making A Supplemental Appropriation to the Industrial Accident Board of the State of Delaware. Introduced by Rep. Leshner. Referred to the Committee on Commerce and Labor.

**HB 539** — An Act to Amend Chapter 60, Title 29, Delaware Code, Relating to the Classification and Compensation of the State Tax Commissioner. Introduced by Reps. Billingsley and Jarvis. Referred to the Committee on Revenue and Taxation.

**HB 540** — An Act to Amend Title 11, Delaware Code, Chapter 83, Relating to Salaries of State Policemen By Providing for an Increase in Salaries for the State Police, Setting Minimum and Maximum Amounts and Providing for an Overtime Supplement. Introduced by Rep. Murphy and Others. Referred to the Committee on Highways and Public Safety.

**HCR 20** —

WHEREAS, there is a general public interest in the citizens of the State as to the activities of the General Assembly; and

WHEREAS, it is in the best interest and welfare of the State that our citizens, including our students, be informed as to pending legislation; and

WHEREAS, the General Assembly desires to make such information easily available to the citizens and students of the State

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly, the Senate concurring therein, that commencing on February 1, 1970, a copy of all bills introduced in the General Assembly shall be mailed by the staff of the Legislative Council to all public libraries and, upon request, to any college of this State.

Introduced by Rep. Little and Others. On motion of Rep. Little, **HCR 20** was deferred.

Committee Reports: Education: **HB 528**, 1 favorable, 2 on merits, 3 unfavorable; Appropriations: **HB 528**, 1 favorable, 3 on merits; Highways & Public Safety: **HB 449**, 6 favorable; **HS 1** for **HB 454**, 2 favorable, 4 on merits; Natural Resources: **HB 510**, 2 favorable, 4 on merits; Public Buildings

& Lands: **HB 514**, 4 favorable, 2 on merits; Revenue & Taxation: **HB 315**, 1 favorable, 3 on merits; **HB 460**, 4 on merits; **HB 521**, 2 favorable, 2 on merits; Financial Institutions: **HB 524**, 4 favorable; Government Operations: **HB 535**, 3 favorable, 2 on merits; **HB 469**, 1 favorable, 5 on merits.

House recessed at 4:50 P.M. to the call of the chair.

The Speaker called the House to order at 2:05 P.M. Mr. Stabler moved to adjourn thereby ending the 6th Legislative Day of the 2nd Session.

### 7TH LEGISLATIVE DAY — 2nd Session

The House convened at 2:06 P.M. on Wednesday, January 28, 1970.

There was a prayer by the Chaplain John W. Dean, Westminster Presbyterian Church, Rehoboth.

The Speaker led those present in a Salute of the Flag.

Roll Call revealed 34 members present, 5 absent.

Members present: Balick, Benson, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering — 34.

Absent: Berndt, Burton, Hearn, Heckert, Mears — 5.

Minutes of the previous legislative day were approved as posted.

Rep. duPont announced the following schedule of public hearings (open to the public):

Thursday, February 5th at 10:00 A.M., City Council Chamber, Public Bldg., Wilmington, on **HB 512**.

Tuesday, February 10th at 1:00 P.M., Legislative Hall, Dover, to consider all bills that deal with credit financing; namely, **HB 487**, **HB 491**, **HB 506**, **HB 507**, **HB 546** and **HB 547**.

Tuesday, February 17th at 1:00 P.M., Legislative Hall, Dover, to consider **HB 531**, **HB 532**, **HB 533**, **HB 534** and **HB 386**.

Committee Report: Highways & Public Safety: **HB 540**, 2 favorable, 3 on merits.

The Senate informed the House it had passed **HB 479**, **HB 285** with **SA 1** and **HA 1**, 2 & 3, and **HCR 18**, also **SB 426**, **SB 409**, **SB 410**, **SB 208** with **SA 1**, **SB 463**, **SB 464** and **SCR 23**.

The following prefiled legislation was introduced:

**HB 541** — An Act to Amend Title 11, Delaware Code Providing for Regulation of the Distribution of Obscene Matter to minors. Introduced by Rep. Moerschel and Others. Referred to the Committee on Commerce and Labor.

**HB 542** — An Act to Amend Title 7, Section 502, Delaware Code, Relating to Fishing Licenses for Minors. Introduced by Rep. Kirk. Referred to the Committee on Natural Resources.

**HB 543** — An Act to Amend Title 30, Chapter 19, Delaware Code, Relating to Deductions on Corporate Income. Introduced by Reps. Jarvis and Billingsley. Referred to the Committee on Revenue & Taxation.

**HB 544** — An Act to Allow Payment of Interest Upon Local School Funds on Deposit. Introduced by Rep. Heckert. Referred to the Committee on Education.

**HB 545** — An Act to Amend Chapter 65, Title 29, Delaware Code, Relating to Expenditures and Obligations. Introduced by Rep. Kirk. Referred to the Committee on Education.

**HB 546** — An Act to Amend Section 4311, Title 6, Delaware Code Relating to Restrictions on Retail Installment Contracts. Introduced by Rep. duPont. Referred to the Committee on Commerce & Labor.

**HB 547** — An Act to Amend Section 4312, Title 6, Delaware Code Relating to Restrictions on Retail Installment Contracts. Introduced by Rep. duPont. Referred to the Committee on Commerce & Labor.

**HB 548** — An Act to Amend Section 1307 (c), Chapter 13, Title 14, Delaware Code, Relating to Assistant Principals. Introduced by Rep. Dillman. Referred to the Committee on Education.

**HB 549** — An Act to Amend Chapter 7, Title 4, Delaware Code Relating to the Sale or Delivery of Alcoholic Liquor, Wines and Beer. Introduced by Reps. Stansky and Billingsley. Referred to the Committee on Elections.

**HA 1 to HB 449** — Introduced by Rep. Dodge. Placed with bill.

**HA 1 to HB 505** — Introduced by Rep. Frederick. Placed with bill.

**HS 1 for HB 490** — Introduced by Rep. Sebrell. Referred to the Committee on Health & Welfare.

**HA 1 to HB 522** — Introduced by Rep. Burt. Placed with bill.

**HA 3 to HB 356** — Introduced by Rep. Balick. Placed with bill.

**HCR 21** — Urging Senators Williams and Boggs and Representative Roth to Vote in Favor of the 19.7 Billion Appropriation for Health, Education, and Welfare Bill So As to Override the President's Veto. Introduced by Rep. Zimmerman and Others.

Mr. Stabler moved that **HCR 21** be committed. Motion carried. **HCR 21** was referred to the Committee on Education.

**HCR 22** — Authorizing Payments for Supplies Purchased By the Staff of the Legislative Council Or Its Predecessor, the Legislative Reference Bureau. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 79** — Concerning Motor Vehicle Traffic Problems Through the City of New Castle and Calling for a Meeting Between the State Highway Department, the Mayor and Council of the City of New Castle and Others.

WHEREAS, the residents of the City of New Castle are concerned over motor vehicle traffic problems through their city; and

WHEREAS, there is a definite communication gap or failure of communication between the residents, the Mayor and Council of New Castle and the State Highway Department concerning this problem; and

WHEREAS, the State Highway Department has communicated in writing to the Mayor and Council of the City of New Castle on their traffic problem;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware, that the Director of Operations, State Highway Department is requested to arrange a meeting with the Mayor and Council, the Planning Commission of the City of New Castle and the State Highway Department within 60 days to discuss the feasibility of an alternate Route 9 or a bypass around the City of New Castle.

BE IT FURTHER RESOLVED, that a copy of this resolution be entered upon the Journal of the House and copies be delivered to the Mayor and Council of the City of New Castle, Delaware State Highway Department, and the New Castle City Planning Commission.

Introduced by Rep. Kirk and Others. Adopted by voice vote.

**HB 285** with **HA 1, 2, 3** and **SA 1** — An Act to Amend Chapter 79, Title 3, Delaware Code, Affecting the Authority of the Delaware Society for the Prevention of Cruelty to Animals to Enforce Laws Related to Animals.

There being questionable procedure in Senate signatures on **SA 1** and **HB 285**, the bill was laid on the Speaker's desk.

Reps. Mears, Hearn, Berndt and Heckert asked to be marked present.

**SB 208** — An Act to Amend Section 902 (a), Title 19, Delaware Code, Relating to Minimum Wages, By Increasing the Minimum Wage. Introduced by Senators Schlor and Cicone. Referred to the Committee on Commerce & Labor.

**SB 409** — An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to the Licensing and Inspection of Dog Kennels and Providing Penalties for Violations. Introduced