

Roll Call revealed:

**YEAS** — Benson, Brown, Burton, Castle, Dodge, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 24.

**NAYS** — Bartleson, Cashman — 2.

**ABSENT** — Blendt, Cicione, Eskridge, Evans, Ferguson, Fonville, Hammond, McMahon, Shockley — 9.

**SB 280** having received a constitutional majority was declared passed by the House.

On motion of Mr. Murphy **HA 1** to **SB 353** was deferred, and on further motion of Mr. Murphy **HA 1** to **SB 353** was stricken.

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

**HB 600** with **HA 1** — An Act to amend Section 503, Title 31, Delaware Code, relating to eligibility for welfare assistance. On motion of Mr. Cashman **HA 1** was adopted by voice vote.

Roll Call on **HB 600** as amended revealed:

**YEAS** — Bartleson, Brown, Cashman, Castle, Frederick, Gooding, Hale, Harrington, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 21.

**NAYS** — Benson, Burton, Dodge, Gray, Pleasanton — 5.

**ABSENT** — Blendt, Cicione, Eskridge, Evans, Ferguson, Fonville, Hammond, McMahon, Shockley — 9.

**HB 600** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 616** — An Act to amend Section 2107, Title 21, Delaware Code, relating to information to be contained upon automobile registration cards, by adding the odometer reading at the time of inspection.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Frederick, Gooding, Hale, Harrington, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 25.

**NAYS** — Gray — 1.

**ABSENT** — Blendt, Cicione, Eskridge, Evans, Ferguson, Fonville, Hammond, McMahon, Shockley — 9.

**HB 616** having received a constitutional majority was declared passed by the House.

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

**HB 605** — An Act making a supplementary appropriation to the Delaware State Police for food supplied during a state of an emergency.

Mr. Brown moved to defer the bill until after passage of the Budget Bill.

There followed discussion as to passage of the Budget Bill being passed by both Houses, when signed by the Governor or on July 1st. Mr. Peter Walsh, House Attorney, was asked for an opinion on which date was passage. Mr. Walsh ruled "when passed by both Houses".

Mrs. Gooding introduced the following Resolution:

**HR 122** — Relative to the Death of Mrs. Matilda Binder Dineen, Mother of Senator Russell D. F. Dineen.

WHEREAS, the House of Representatives of the 124th General Assembly of the State of Delaware has learned with regret of the passing of Mrs. Matilda Binder Dineen, mother of Senator Russell D. F. Dineen; and

WHEREAS, the members of the House 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 124th General Assembly of the State of Delaware, that the members give expression of the regret they experienced at the passing of Mrs. Matilda Binder Dineen, mother of Senator Russell D. F. Dineen; 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 124th General Assembly of the State of Delaware which is extended by sending a copy of this Resolution to the members of their 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 124th General Assembly of the State of Delaware.

Introduced by Mrs. Gooding and All Members of the House. Adopted by voice vote.

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

**SB 12 with HA 1** — An Act proposing an amendment to Section 2, Article V, of the Constitution of the State of Delaware, relating to qualifications for voting.

Introduced by Senators Manning, Dineen and Holloway.

Privilege of the floor was granted Senator Manning who spoke for the bill.

On motion of Mr. Riddagh **HA 1** was introduced. **HA 1** to **SB 12** adopted by voice vote.

Roll Call on **SB 12** as amended revealed:

**YEAS** — Brown, Cashman, Dodge, Frederick, Gray, Hart, Heckert, Leshner, Pagano, Pleasanton, Quillen, Riddagh, Stabler, Zimmerman — 14.

**NAYS** — Bartleson, Benson, Burton, Castle, Gooding, Hale, Harrington, Murphy, Phillips, Sebrell, Slawik, Mr. Speaker Hering — 12.

**ABSENT** — Blendt, Cicione, Eskridge, Evans, Ferguson, Fonville, Hammond, McMahon, Shockley — 9.

**SB 12** as amended not having received a constitution majority was declared lost in the House.

Mr. Benson moved for adoption of **HR 120**.

**HR 120** — Relating to Rule 29 of the Permanent Rules of the House of Representatives of the 124th General Assembly concerning required vote on motions before the House of Representatives.

**HR 120** adopted by voice vote.

Mr. Pleasanton moved to reconsider **HB 533** as amended and passed by the House. Motion carried. Mr. Pleasanton introduced **HA 2** to **HB 533** and moved for its adoption by voice vote. Motion carried.

Roll Call on **HB 533** with **HA 1, 2** and **SA 1, 2** revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Frederick, Gray, Hale, Hart, Heckert, Murphy, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 19.

**NAYS** — Gooding, Harrington, Phillips, Slawik, Zimmerman — 5.

**NOT VOTING** — Leshner, Pagano — 2.

**ABSENT** — Blendt, Cicione, Eskridge, Evans, Ferguson, Fonville, Hammond, McMahon, Shockley — 9.

**HB 533** as amended having received a constitutional majority was declared passed by the House.

On motion of Mr. Benson **HB 599** was reconsidered. On motion of Mr. Benson **HA 1** to **HB 599** was stricken. On further motion of Mr. Benson **HB 599** was tabled.

The House adjourned at 9:30 P.M.

### 19TH LEGISLATIVE DAY (2nd Session)

The Speaker called the House to order at 2:25 P.M. on Tuesday, June 18, 1968.

There was a prayer by the Chaplain Reverend J. William Werner.

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

The Roll Call revealed 32 members present, 3 absent.

Members Present: Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

Members Absent: Burton, Eskridge, Ferguson — 3.

The Speaker introduced and welcomed the family of Representative Joseph Cashman.

A Senate message informed the House that the Senate had passed and was returning **HB 298**, **HB 560**, **HB 83**, **HB 540**, **HCR 35** and **HB 379** with **HA 1** and added **SA 1**, **HB 227** and added **SA 1**; and delivered **SB 364**, **SB 412** having passed the Senate and requested the concurrence of the House.

The following bills were introduced and assigned to committee:

**HB 637** — An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1969. Introduced by Rep. Leshner. Referred to the Committee on Appropriations.

**HB 638** — An Act to provide summer employment for certain impoverished elderly of this State and to make a supplementary appropriation therefor. Introduced by Reps. Hart, Pagano, Slawik and Gooding. Referred to the Committee on Appropriations.

**HB 639** — An Act to amend Chapter 29 of Title 24 of the Delaware Code entitled, "Real Estate Brokers and Salesmen" by repealing Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, and 2924 thereof and substituting in lieu thereof new Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, 2924, 2925, and 2927. Introduced by Rep. Castle. Referred to the Committee on Revised Statutes.

**HB 640** — An Act to repeal Section 306, Title 15, Delaware Code, relating to audit for duplication of names within ten days following last registration day. Introduced by Rep. Castle. Referred to the Committee on Elections.

**HB 641** — An Act to amend § 555, Title 28, Delaware Code, relating to Harness Racing. Introduced by Reps. Harrington, Hart and Murphy. Referred to the Committee on Revenue and Taxation.

**HB 642** — An Act to repeal Section 9595, Title 10, Delaware Code, relating to appearance fee of garnishee in Justice of the Peace Court. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HB 643** — An Act to amend Section 1108, Title 17, Delaware Code, relating to outdoor advertising signs. Introduced by Reps. Murphy, Sebrell, Brown, Cashman, Slawik, Dodge and Gray. Referred to the Committee on Highways and Public Safety.

**HB 644** — An Act to amend Section 2, Chapter 290, Volume 56, Laws of Delaware, relating to reversion date of any unexpended funds appropriated to the respective Departments of Elections of New Castle, Kent and Sussex Counties and to the State Election Commissioner.

**HB 645** — An Act making a supplementary appropriation to the Department of Mental Health - Governor Bacon Health



Center. Introduced by Reps. Hale and Zimmerman. Referred to the Committee on Appropriations.

**HB 646** — An Act to amend Section 8303, Chapter 83, Part V, Title 11, Delaware Code relating to the salaries of State Police and providing for a supplemental appropriation to carry out the provisions of this act. Introduced by Reps. Frederick, Hart, Cashman, Zimmerman, Blendt, Cicione, Riddagh, Pagano, Benson and Murphy. Referred to the Committee on Highways and Public Safety.

**HA 1 to SB 266** — Introduced by Rep. Heckert. Placed with bill.

**HA 2 to HB 578** — Introduced by Rep. Stabler. Placed with bill.

**HA 1 to HB 601** — Introduced by Rep. Sebrell. Placed with bill.

**HA 2 to SB 353** — Introduced by Rep. Murphy. Placed with bill.

**SB 364** — An Act to amend Chapter 13, Section 1301, Title 15, Delaware Code, relating to transfer of names when Election District is divided. Introduced by Senator Steele. Referred to the Committee on Elections.

**SB 412** — An Act to amend Chapter 83, Title 9, Delaware Code, relating to the assessment and taxation of land actively devoted to agricultural, horticultural, and forest uses and the creation of a State Farmland Evaluation Advisory Committee. Introduced by Senator Isaacs. Referred to the Committee on Agriculture and Natural Resources.

Mr. Slawik requested to be removed as sponsor of **HB 630**.

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

**HB 227 with SA 1** — An Act to amend Section 902, Chapter 9, Title 19, Delaware Code, relating to minimum wage by adding certain provisions dealing with employees who customarily receive gratuities.

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Burton, Eskridge, Ferguson, Quillen, Shockley — 5.

**HB 227 with SA 1** having received a constitutional majority was declared passed by the House.

The following bills were reported out of committee: Revised Statutes: **HB 630**, 5 favorable; **HB 635**, 1 favorable, 3 on merits; Miscellaneous: **HB 568**, 4 on merits; **HB 574**, 5 on merits; **HB 567**, 5 on merits; **HB 569**, 4 on merits; **HB 570**, 5 on merits; **HB 632**, 4 favorable, 1 on merits; Highways and Public Safety: **HB 633**, 5 on merits.

On motion of Mr. Benson the following was lifted from the table and placed before the House for consideration:

**HB 316** with **SA 1** — An Act to amend Title 11, Subchapter XVI, Delaware Code, relating to deadly weapons and firearms by adding a new section making it a crime for certain persons to purchase or possess firearms.

Roll Call revealed:

**YEAS** — Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Hale, Hammond, Harrington, Hart, McMahon, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Bartleson, Gooding, Sebrell, Slawik, Zimmerman — 5.

**NOT VOTING** — Gray, Heckert, Leshner, Phillips — 4.

**ABSENT** — Eskridge, Ferguson, Shockley — 3.

**HB 316** with **SA 1** having received the constitutional majority was declared passed by the House.

On motion of Mr. Benson **HB 599** was tabled.

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

**SB 353** with **HA 2** — An Act making a supplementary appropriation to the Governor for use in a Safety Campaign. Introduced by Senators Manning and Cook.

On motion of Mr. Murphy **HA 2** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Phillips, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**NOT VOTING** — Pleasanton — 1.

**ABSENT** — Burton, Eskridge, Ferguson, Pagano — 4.

**SB 353** with **HA 2** having received the constitutional majority was declared passed by the House.

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

**HB 458** — An Act to amend Chapter 70, Title 16, Delaware Code, relating to explosives, by providing a new section concerning blasting precautions.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Burton, Eskridge, Ferguson, Murphy, Quillen, Shockley — 6.

**HB 548** having received the constitutional majority was declared passed by the House.

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

**SS 1 for SB 176** — An Act to amend Chapter 11, Title 30, Delaware Code, to provide that certain expenses of higher education shall be deductible. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Benson, Blendt, Cashman, Cicione, Dodge, Evans, Fonville, Frederick, Gray, Hale, Hammond, Harrington, Hart, Heckert, McMahon, Murphy, Pagano, Sebrell, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Leshner, Pleasanton, Quillen, Riddagh — 4.

**NOT VOTING** — Brown, Castle, Gooding, Shockley, Slawik, Zimmerman — 6.

**ABSENT** — Burton, Eskridge, Ferguson, Phillips — 4.

**SS 1 for SB 176** having received the constitutional majority was declared passed by the House.

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

**SB 173** — An Act to amend Chapter 11, Title 30, Delaware Code, in respect to personal exemptions and credits for dependents for State Taxes if totally and permanently disabled and providing for a definition of totally and permanently disabled. Introduced by Senator Steen.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**NOT VOTING** — Shockley — 1.

**ABSENT** — Burton, Eskridge, Ferguson, Hammond — 4.

**SB 173** having received the constitutional majority was declared passed by the House.

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

**SS 1 for SB 317** — An Act to amend Chapter 11, Title 30, Delaware Code, so as to allow a deduction of expenses for the care of certain dependents for the purpose of enabling the taxable to be gainfully employed. Introduced by Senator Steele.

Roll Call revealed:

**YEAS** — Bartleson, Blendt, Brown, Cashman, Castle, Cicione, Evans, Fonville, Frederick, Gooding, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 24.

**NAYS** — Pleasanton, Quillen, Zimmerman — 3.

**NOT VOTING** — Dodge, Gray — 2.

**ABSENT** — Benson, Burton, Eskridge, Ferguson, Hammond, Murphy — 6.

**SS 1 for SB 317** having received the constitutional majority was declared passed by the House.

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

**HB 601** with **HA 1** — An Act to amend Title 16, Delaware Code to provide for the regulation and licensure of clinical laboratories.

On motion of Mr. Sebrell **HA 1** was adopted by voice vote.

Roll Call on **HB 601** as amended revealed:

**YEAS** — Blendt, Brown, Cashman, Castle, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Phillips, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 24.

**NAYS** — Benson — 1.

**NOT VOTING** — Heckert, Murphy, Pagano, Pleasanton — 4.

**ABSENT** — Bartleson, Burton, Cicione, Eskridge, Ferguson, Hammond — 6.

**HB 601** with **HA 1** having received the constitutional majority was declared passed by the House.

The House recessed at 4:47 P.M., and reconvened at 7:47 P.M. Mr. Hale took the Speaker's Chair as Acting Speaker.

The following bills were reported out of committee: Appropriations: **HB 637**, 7 favorable; **HB 631**, 2 favorable, 5 on merits; **HB 645**, 5 favorable, 3 on merits; **HB 472**, 7 favorable; **SB 385**, 2 favorable, 5 on merits; Public Buildings and Lands: **SB 387**, 5 on merits; **HB 603**, 1 favorable, 4 on merits; **HB 634**, 2 favorable, 3 on merits; **SJR 5**, 5 on merits; Labor: **HB 565**, 3 favorable, 1 on merits; Education: **HB 636**, 4 favorable, 1 on merits; **SB 406**, 4 favorable; Elections: **HB 640**, 5 on merits; **HB 644**, 5 favorable; **SB 364**, 5 on merits; Judiciary: **SB 360**, 5 on merits; **HB 642**, 5 on merits; **HB 468**, 2 favorable, 3 on merits; **SB 394**, 4 on merits, 1 unfavorable; **SB 368**, 1 favorable, 4 on merits; **SB 369**, 4 on merits, 1 unfavorable; **SB 285**, 5 on merits; **SB 217**, 1 favorable, 4 on merits; **SB 252**, 5 on merits; **HS 1** for **HB 590**, 5 on merits; **HB 444**, 5 on merits; **HB 555**, 5 on merits; **HB 591**, 4 on merits; Commerce and Corporations: **SB 370**, 1 favorable, 5 on merits; **HB 598**, 6 on merits; **HB 518**, 5 on merits, 1 unfavorable; **HB 611**, 2 favorable, 4 on merits; **HB 606**, 2 favorable, 4 on merits; State, Urban and Municipal Affairs: **HB 617**, 2 favorable, 3 on merits; **HB 625**, 5 on merits; Highways and Public Safety: **HB 643**, 3 favorable, 2 on merits; **HB 553**, 5 on merits; Miscellaneous: **HB 604**, 4 favorable, 1 unfavorable; House Administration: **HB 551**, 4 favorable, 1 unfavorable; Labor: **HB 613**, 3 on merits, 1 unfavorable.

A messenger from the Senate delivered **House Bills 220, 284, 455, 564** all having passed the Senate; and **Senate Bills 413, 379, 380 and 377** with debt statement, requesting the concurrence of the House.

The following bills were introduced and assigned to committee:

**HB 647** — An Act proposing the repeal of Article XII of the Constitution of the State of Delaware, relating to Public Health. Introduced by Rep. Hering. Referred to the Committee on Revised Statutes.

**HB 648** — An Act proposing the repeal of Article XI of the Constitution of the State of Delaware, relating to Agriculture. Introduced by Rep. Hering. Referred to the Committee on Revised Statutes.

Mr. Hering was granted the privilege of the floor and read the following statement.

In March of 1967 Governor Terry addressed the Senate on two proposals for Cabinet Government in Delaware. One was to merge the State Board of Health and the State Department of Mental Health into one cabinet-type agency.

It was soon pointed out to the Governor that creation of such an agency would require an amendment to the State Constitution, since the State Board of Health is referred to in that document. Six months later, such an amendment was introduced into the Senate, but the Governor apparently has not pushed the idea and nothing has happened.

With this background in mind, I am today introducing two Constitutional Amendments which would repeal Article XI and Article XII, those sections relating to the State Board of Health and the State Board of Agriculture.

I can see no good reason why these two agencies should be specifically singled out in the Constitution and hope that taking this step now might help to speed up efforts toward needed agency consolidation and Cabinet Government.

Along with the 10 measures from the Goals Committee Report that I introduced recently, this is one more effort to act rather than merely talk about government reorganization.

Mr. Hering resumed the Speaker's Chair.

**HB 649** — An Act to amend Subchapter IV, Chapter 19, Title 10, Delaware Code, relating to Judicial Reports. Introduced by Reps. Stabler and Castle. Referred to the Committee on Judiciary.

**HB 650** — An Act authorizing the Delaware Code Revision Commission to have prepared, a replacement volume for Volume 13 of the Delaware Code, and making a supplementary appropriation therefor. Introduced by Reps. Stabler and Castle. Referred to the Committee on Judiciary.

**HB 651** — An Act to amend Section 5504, Title 25, Delaware Code, relating to property subject to distraint. Introduced by Rep. Castle. Referred to the Committee on Judiciary.

**HB 652** — An Act to amend Subchapter I, Chapter 23, Title 11, Delaware Code, to broaden, clarify and modernize the State search and seizure law. Introduced by Rep. Castle. Referred to the Committee on Judiciary.

**HA 2 to SB 12** — Introduced by Rep. Cashman. Placed with bill.

**HA 1 to HB 231** — Introduced by Rep. Benson. Placed with bill.

**HA 1 to HB 638** — Introduced by Rep. Hart. Placed with bill.

**SB 377** — An Act authorizing the State of Delaware to borrow money to be used for the Mill Creek Flood Control Project and to issue Bonds and Notes therefor and appropriating the money borrowed to the Governor. Introduced by Senator Cook. Referred to the Committee on Miscellaneous.

**SB 413** — An Act relating to Pension Benefits for Ardena Robinson, widow of Fred H. Robinson, a former employee of the Wilmington Public School System. Referred to the Committee on Education. Introduced by Senators Isaacs and Dineen.

**SB 379** — An Act to amend Section 4703 (a), Chapter 47, Title 7, Delaware Code, by adding thereto a new sub-paragraph extending the powers and duties of the State Park Commission to include the leasing of lands for Park purposes. Introduced by Senators Cook and Manning. Referred to the Committee on Public Buildings and Lands.

**SB 380** — An Act to amend Title 7, Chapter 47, Subchapter 1, Subsection 4703 (d), Delaware Code, relating to State Parks by designating areas for such purpose. Introduced by Senators Cook and Manning. Referred to the Committee on Public Buildings and Lands.

Mr. Leshner moved to suspend rules in order to consider passage of **HB 637**. Motion carried. Mr. Zimmerman moved to table the bill. Motion lost.

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

**HB 637** — An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1969.

Mr. Speaker —

The Chairman of the Joint Finance Committee would like to make a report to the House concerning the appropriation bill which has just been introduced.

A. Requirements

1. Code
2. Letters to the agencies
3. Visitations
4. Hearings
5. Communications
6. Committee deliberations

B. Acknowledgements

1. To staff

Mrs. Evelyn Kneisley and Mr. Frank Lawson,  
and later, Mrs. Ruth Parker.

2. The several telephone operators in Legislative Hall and at the Wilmington exchange who have routed hundreds of telephone calls to agency personnel and committee members.
3. To the personnel of the many agencies who have been cooperative in providing the Committee information when desired and who have come before the Committee to present their point of view in regard to the needs of people served or services rendered.
4. To the Committee members who have devoted many hours of study and deliberation in preparing this appropriation bill. None has complained about the irregular hours and inconvenience that affected each and every member.

#### SUMMARY COMMENTS —

Mr. Speaker, I would like now to comment on the bill itself.

#### SUMMARY OF COMMITTEE ACTION ON THE 1969 BUDGET: —

House Bill No. 464, which was the suggested appropriation bill presented by Governor Terry, outlined an expenditure of \$173,013,279. The appropriation bill presented as House Bill No. 637 by the Joint Finance Committee sets forth the detail for expenditure of \$174,572,537. This represents an increase of \$1,559,258. This increase is 0.9% more than the Governor's original recommendation.

The final recommendation of House Bill No. 637 represents approximately a 19% increase in State expenditures from the General Fund of the State Treasury over the corresponding appropriation of a year ago.

Initially it was the desire of members of the committee to reduce the budget below that recommended by Governor Terry in House Bill No. 464. In this regard some progress was made in a downward direction totaling \$144,652. However, there were other factors which worked in the other direction, resulting in a net increase of slightly more than a million and a half dollars. Some of the influences which moved the appropriation upward were:

(1) Governor Terry sent three letters to the committee asking it "to raise my recommended budget by \$492,340". A substantial portion of his recommendations merited inclusion in the budget by the committee. As a result of the changes suggested by the Governor, he said, "This . . . results in a final recommended budget of \$173,597,640".

#### (2) Salaries:

The appropriation for salaries in this budget totals about \$86,000,000, or slightly over 49%. This does not include funds spent for salaries by the University of Delaware nor a \$500,000

Contingency Fund to be used by the Personnel Commission to implement the Merit System. Since salaries represented such a large proportion of the funds appropriated, the committee considered this subject at length. At least six discussions were held with Mr. William D. Gordon, chairman of the Personnel Commission and/or Mr. James Rosbrow, Executive Director of the Personnel Commission, concerning the proposed Merit System and alternate proposals regarding salaries.

The committee concluded it was in the best overall interest of the State and its employees to appropriate the requested funds to implement the Merit System as proposed. This involved funds in excess of \$1,125,000 for normal salary increases, and an estimated \$760,000 to adjust salaries of the 6,000 employees under the Merit System to a wage in line with similar jobs in this area.

### (3) Education:

#### (a) Increased Capital Outlay for Schools.

Education personnel throughout the State apprised the committee of the very strenuous efforts school districts were making to try to maintain school books, furniture, office equipment, and other needed educational supplies on \$100 per educational unit, a formula which has remained unchanged for 12 years. Due to the simple fact that the same type items cost more each year, the committee appropriated an additional \$50 for each educational unit in the school system of the State. This required adding \$270,450 to provide more of the needed supplies required to educate the children of Delaware.

#### (b) Private and Parochial School Bussing

House Bill No. 436, signed as recently as May 2, 1968, directing the State Board of Education to provide for bussing private and parochial school children imposed a requirement on the resources of the State to fund the program. To meet the needs of this legislative directive, the committee added \$240,000 to the budget.

#### (c) School Bus Contracts

The Superintendent of Public Instruction felt new contracts could not be made unless additional funds were provided to overcome rising costs of bus operation, particularly when bus contracts of recent origin are now in effect at higher rates than those expiring. In order to keep the school buses rolling this September the committee appropriated \$260,000 to carry out this need.

#### (d) Delaware Technical and Community College

The appropriation for education in this field remains the same as originally requested in House Bill No. 464. However, savings of \$40,000 originally requested for presidential salaries of both the Northern and Southern Branches were diverted to provide instructional data processing equipment and capital items. Combining the budgets of the Northern and



Southern Branches into one budget, as requested by the Board, should provide better education, flexibility of operation, and economy.

(3) Veterans Bonus

House Bill No. 275 as amended by the Senate made provisions for payment of a bonus to all service men who served in the Armed Forces of the United States during the Viet Nam conflict. In order to fulfill this obligation, it was estimated \$100,000 will be needed to operate the Delaware Military Pay Commission. This appropriation was added to the budget.

(4) Law Enforcement

A well-staffed police force is essential for adequate law enforcement. The number of State Police is limited by law to 250 men including staff supervision. Because of this stipulation, new men cannot be trained until vacancies are created by the retirement of older men. This leaves the effective staff short for a period of 16 weeks while new recruits undergo their training. A correction of this situation was suggested by Col. Lamb when he appeared before the committee. Subsequently, the Governor recommended changes in this area. In order to "lock the barn before the horse is stolen", the committee appropriated an additional amount of over \$300,000 to provide for a total of 308 uniformed State Police. This increase in the number of State Police and the additional funds will permit training two classes of recruits during the next year and provide them, at graduation, with the necessary equipment to become effective members of the force.

(5) Appropriations due to omission

(a) Certain personnel of the Legislative Reference Bureau were not included in House Bill No. 464. This required adding \$15,000 to the appropriation.

(b) No appropriation was included in House Bill No. 464 to permit the Legislative Council to continue its function. The committee added \$40,500 for this purpose.

(c) An error in the State Police Retirement Fund for last year went unnoticed until recently. This oversight required adding \$23,800 to this budget.

There were other types of appropriations with which the committee became involved:

(1) Appropriation by involvement

This type of appropriation may be illustrated by the following example.

In 1966 the Governor established an Interagency Commission on Mental Retardation. Initially and throughout 1967, this Commission was financed largely with Federal funds. House Bill 464 expected cooperative participation for this year. Later information from the agency indicated Federal funds would not be available for operating expenses. Because of this situation, the Governor changed his original recommendation

from \$12,800 to \$27,500, for an increase in the budget of \$14,700. It is common rather than the exception that Federal funds decrease after the initiation of programs. The Federal funds, though alluring at first, involve the State in appropriating more money as Federal funds decrease or are withdrawn altogether.

(2) Expenditure by entrapment

On May 10, 1968, the committee received a letter from the Department of Mental Health concerning "a serious problem" whereby "several buildings at Governor Bacon Health Center were declared unsafe due to fire hazard regulations. Approximately 70 patients were transferred temporarily to the Emily P. Bissell Hospital, where a vacant building was 'activated' to accommodate them."

As a result of this change, a request was presented to the committee to provide around \$100,000 to care for the same patients at the new facility. The committee did not include this item in the budget so this problem remains to be funded. Regardless of the merit, this example serves to illustrate the jolt to fiscal planning by a "sudden discovery" of a situation that certainly did not develop overnight.

Another example is cited for precautionary reasons. In reviewing the salary expenditures of the Department of Mental Health for the first two weeks of May, it appeared the rate of expenditure for that period projected to the end of Fiscal 1969 would result in a deficit of substantial magnitude. The subject was discussed with personnel of the Department who restudied the problem. On June 11, 1968, Dr. Ingram reported by letter:

"The budget projection prepared by Mr. Zeller based on the May 1968 payroll and a 2½% increment (pay raise) for present employees would indicate that we would have a deficit of approximately \$129,000 based on the amount recommended by the Governor for all present and new positions. Salary savings during the year could possibly exceed our estimate and reduce this deficit or eliminate it."

This possibility was brought to the attention of the Governor and the Budget Director. The Budget Director reported the payroll selected at random for checking was not typical. He refigured the situation and felt turnover in personnel throughout the year would enable the Department to live within the recommended budget. The committee hopes this will be the case.

There were several other alterations to House Bill No. 464 which, it is believed, are worthy of comment.

- (1) Better snow removal and ice control promised at the same cost

HB 464 had two line items in the budget of the Engineering Department of the Highway Department for snow re-

removal: one for \$150,000 for salary-overtime and one for \$150,000 for contracts. At the instigation of the committee and in consultation with the Highway Department, one item appears in this budget as follows:

"Contingency Fund - Overtime and Contractual snow removal and ice control — \$300,000".

The Highway Department indicates this will give them much more latitude to provide effectively for snow removal and abnormal icy roads.

- (2) A boot-strap lift that improves efficiency at less cost

The original request of the Department of Agriculture indicated for the second year the need for an involved type of analytical equipment which would free a laboratory technician for other work equivalent to three-quarters of his time. An agreement was reached with the head of the Department to forego, for this year, two new employees and a car in favor of the analytical equipment. This suggestion will improve a vital section of the Department at an appropriation \$4,600 less than that originally requested.

- (3) Reorganization of duties

A question was asked of the Superintendent of the State Board of Education if he could get along with fewer new people than originally requested. His first reply was no. In three days he returned and asked the committee for a few minutes in which he outlined a change in his staff which would save \$32,000 at no sacrifice in service.

#### Automobiles

In studying the budget the committee became aware of many requests by the agencies for the purchase of new automobiles and replacement of older vehicles. Study revealed the State has a high capacity for mobility of its employees. Tabulation of vehicles in use revealed these figures:

	In use	To be traded	New
Passenger vehicles	960	105	62
Trucks and busses	739		
Other vehicles	567		

If the proposed purchases were added to the passenger cars now in use, a rough approximation indicates the State owns about one car for every eight employees.

The committee felt it is time to show restraint in this area and cut 44 of the additional new cars out of the budget, saving approximately \$80,000. For the agencies which find they are unable to adjust their practices to carry on their functions with their present vehicles the committee provided money in the Contingency Fund for allotment of 10 passenger cars by the Budget Commission.

The committee felt the practices employed in the utilization of State cars need a thorough study leading toward a motor pool in one or more sections of the State. To support this thought, three observations are listed:

(1) One agency of 27 employees has 25 vehicles and requested a new one.

(2) It is not uncommon to find many State vehicles sitting unused in the many parking lots around the State Capitol a substantial part of the day.

(3) One agency head indicated he found it inconvenient to park his two private autos and the State car in his driveway due to the necessity of frequent moving. As a result he sold one of the private cars.

In conclusion, I have touched on highlights resulting from the preparation of this budget bill. There are many interesting details which cannot be included at this time.

It is believed House Bill No. 637 goes farther to serve the needs of the State than the original appropriations bill.

Herbert A. Leshner, Chairman  
Joint Finance Committee

June 18, 1968

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Quillen, Slawik, Zimmerman — 3.

**NOT VOTING** — Pleasanton — 1.

**ABSENT** — Blendt, Burton, Eskridge, Ferguson, Hammond, Harrington, McMahon, Shockley — 8.

**HB 637** having received the constitutional majority was declared passed by the House.

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

**HB 614** — An Act to amend Chapter 81, Part V, Title 14, Delaware Code, relating to higher education Advisory Commission membership, quorum and public hearings.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Quillen, Riddagh, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 23.

**NOT VOTING** — Pleasanton, Sebrell — 2.

**ABSENT** — Blendt, Burton, Cashman, Eskridge, Ferguson, Gray, Hammond, Harrington, McMahon, Shockley — 10.

**HB 614** having received the constitutional majority was declared passed by the House.

Mr. Hale took the Chair as Acting Speaker.

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

**HB 620** — An Act to amend Chapter 3, Title 11, Delaware Code relating to the interference with the activities of an educational institution, and providing penalties for violation thereof.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Castle, Cicione, Dodge, Fonville, Frederick, Gooding, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman, Mr. Speaker Hering — 23.

NOT VOTING — Evans — 1.

ABSENT — Blendt, Burton, Cashman, Eskridge, Ferguson, Gray, Hammond, Harrington, McMahon, Shockley, Stabler — 11.

**HB 620** having received the constitutional majority was declared passed by the House.

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

**HB 446** — An Act to amend Chapters 63 and 65, Title 29, Delaware Code, relating to the authority of the Budget Director with respect to local school district revenue affairs.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 20.

NAYS — Fonville, Gooding, Slawik, Zimmerman — 4.

NOT VOTING — Phillips — 1.

ABSENT — Blendt, Burton, Cashman, Eskridge, Ferguson, Hammond, Harrington, McMahon, Pleasanton, Shockley — 10.

**HB 446** having received the constitutional majority was declared passed by the House.

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

**HB 623** — An Act to amend Section 1056 (b), Title 14, Delaware Code, relating to school property; use, control and management.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 25.

NOT VOTING — Gooding 1.

ABSENT — Blendt, Burton, Cashman, Eskridge, Ferguson, Hammond, Harrington, McMahon, Shockley — 9.

**HB 623** having received the constitutional majority was declared passed by the House.

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

**SB 38** — An Act to amend Chapter 3, Title 11, Delaware Code pertaining to crimes regulating the offenses of wearing masks in public or private places and burning crosses on property of another without written permission. Introduced by Senator Holloway and others.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hart, Leshner, Murphy, Pagano, Phillips, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 23.

**NAYS** — Quillen — 1.

**NOT VOTING** — Pleasanton — 1.

**ABSENT** — Blendt, Burton, Cashman, Eskridge, Ferguson, Hammond, Harrington, Heckert, McMahon, Shockley — 10.

**SB 38** having received the constitutional majority was declared passed by the House.

Mr. Zimmerman gave the Chief Clerk a check for the State Treasurer's Office for his expenses relating to **HR 84**.

The following bills were reported out of committee: Labor: **HB 613**, 1 favorable, 4 on merits; Miscellaneous: **SB 377**, 1 favorable, 3 on merits; Agriculture and Natural Resources: 3 favorable, 2 on merits.

The House adjourned at 9:03 P.M. until Wednesday, June 19, 1968, at 1:30 P.M.

## 20TH LEGISLATIVE DAY (2nd Session)

The Speaker called the House to order at 2:10 P.M., on Wednesday, June 19, 1968.

There was a prayer by the Chaplain Reverend J. William Werner of Frankford.

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

The Roll Call revealed 32 members present, 3 absent.

Members present: Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

Absent: Blendt, Eskridge, Evans — 3.

Communications: Memorandum No. 50 from the Governor's Office was read.

June 18, 1968

Memorandum No. 50

To: Senator Anthony C. Moore, Mr. G. Francis Downs, Mr. Daniel Ross, Mr. George Cripps, Dr. Lorin P. Sebrell, Mr. F. Earl McGinnes, Mr. Ned Davis, Mrs. Mary J. Daily, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

From: Robert Thurston Barrett, Administrative Assistant.  
The Governor signed the following legislation on June 11, 1968:

**HB 360** — (Technical modification to Estate Law).

**HB 361** — (Technical modification to Estate Law).

**HB 396** — (Amendments to Divorce Law).

**SS 1 for SB 289** — (Pension benefits expanded for former Justices of the Peace and former constables).

**SB 322 with HA 1** — (Conveyance of certain state lands to Bethany Beach Commissioners).

**SB 341** — (Power to delegate authority to order disbursements to local Boards of Education given to State Board of Education).

The Governor signed the following legislation on June 14, 1968:

**HB 4** — (Interlicutory decree allowed as to determination of Parental Rights).

**HB 5** — (Procedure for initiating termination of Parental Rights modified).

**HB 87** — (Pre May 5, 1964, Highway Department resolutions setting speed limits given full effect).

**HB 415** — (\$300.00 supplementary appropriation - Welfare Department for burial of Indigents).

**HB 471** — (Eligibility of State Police retirees for pension while employed as State Detective in A - G office established).

**HB 497 with HA 1** — (Careless Driving Statute).

**HB 514 with HA 1 and SA 2** — (\$350,000 supplementary appropriation for summer jobs).

**HB 541** — (Laws of Delaware, Chapter 365 amended).

**HB 552** — (Reversion date of \$600,000 for Park development extended).

The Governor signed the following legislation on June 14, 1968:

**SB 327** — (56 Laws of Delaware, Chapter 131 amended to include certain additional units under School Staffing Law).

**SB 342** — (Date calculating school district Units changed).

**SB 350** — (Ships Chandlers Alcoholic Beverage License Law).

**House Concurrent Resolution No. 30** as approved by the Governor on June 11, 1968.

A messenger from the Senate informed the House that it has passed **SB 395**, **SB 415**, **SB 418**, **SB 426 with SA 1**, **SB 427**, **SB 428** and requests the concurrence of the House; and passed and returned **HB 111 with HA 1**, **SA 1, 2**, **HB 557**, **HB 397**, **HB 609**, **HB 305**, **HB 624**, **HB 520 with SA 1**, and **HB 521 with SA 1**.

The following bill was reported out of committee: Highways and Public Safety: **HB 646**, 5 favorable, 1 on merits.

The following bills were introduced and assigned:

**HB 654** — An Act relating to education of the Citizens of Delaware by making an appropriation to certain organizations engaged in educating the people of this State. Introduced by Reps. Leshner, Benson and Gooding. Referred to the Committee on Appropriations.

**HB 655** — An Act to aid organizations maintaining residential facilities by making appropriations thereto. Introduced by Reps. Leshner and Brown. Referred to the Committee on Appropriations.

**HB 656** — An Act making an appropriation to Big Brothers Association of Northern Delaware, Inc. Introduced by Reps. Leshner and Gooding. Referred to the Committee on Appropriations.

**HB 657** — An Act to aid Veterans' Organizations by making an appropriation therefor. Introduced by Reps. Leshner and Gooding. Referred to the Committee on Appropriations.

**HB 658** — 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. Introduced by Reps. Leshner, Murphy and Gooding. Referred to the Committee on Appropriations.

**HB 659** — An Act to amend Section 2901, Title 14, Delaware Code, relating to transportation of school pupils by requiring the State Board of Education to establish design, operation and capacity regulation for school buses and to enforce such regulations and the maintenance of general discipline on school buses. Introduced by Reps. Hart, Cicione and Pagano. Referred to the Committee on Education.

**HB 660** — An Act to amend Section 3904, Title 7, Delaware Code, relating to the composition of the Delaware Soil and Water Conservation Commission by expanding the Commission to twelve members and providing the basis for selection of such additional members. Referred to the Committee on Agriculture and Natural Resources.

**HB 661** — An Act to amend Sections 2324, 2325, 2326 (h), 2330 (b), Title 19, Delaware Code, relating to benefits received in compensation for injuries. Introduced by Reps. Cashman and Cicione. Referred to the Committee on Labor.

**HB 662** — An Act proposing an amendment to Section 15, Article 2, of the Constitution of the State of Delaware relating to cost of stationery and other supplies for Members of the General Assembly. Introduced by Reps. Hale and Zimmerman. Referred to the Committee on House Administration.

**HB 663** — An Act to amend Chapters 43, 45, and 57, Title 15, Delaware Code, relating to Election of the Governor and Lieutenant Governor, by providing that the Lieutenant Governor be of the same Political Party as the Governor and



elected jointly with the Governor in such manner that but one vote shall be cast for both offices. Introduced by Rep. Hering. Referred to the Committee on Elections.

**HB 664** — An Act proposing an amendment to Section 19, Article 3, of the Delaware Constitution providing that the Lieutenant Governor be of the same political party as the Governor and elected jointly with the Governor on the same ballot. Introduced by Rep. Hering. Referred to the Committee on Elections.

**HB 665** — An Act to amend Section 2502, Chapter 25, Title 29 of the Delaware Code of 1953 to increase the number of Assistant Deputy Attorneys General serving at large from three to six and providing a supplementary appropriation therefor. Introduced by Reps. Stabler and Castle. Referred to the Committee on Judiciary.

**HB 666** — An Act to amend Section 8701, Chapter 87, Title 11 of the Delaware Code of 1953 by increasing the salary of the present State Detectives, authorizing the appointment of a State Detective at large and providing a supplementary appropriation therefor. Introduced by Reps. Stabler and Castle. Referred to the Committee on Judiciary.

**HB 667** — An Act to amend Chapter 1, Title 22, Delaware Code, relating to the extension of City or Town Limits. Introduced by Rep. Zimmerman. Referred to the Committee on State, Urban and Municipal Affairs.

**HB 668** — An Act making a supplementary appropriation to the Department of Transportation. Introduced by Rep. Hale. Referred to the Committee on Public Buildings and Lands.

**HB 669** — An Act authorizing the incumbent State Treasurer to transfer certain balances in the accounts of the Former State Treasurer to the credit of the General Fund and Employment Security Commission Administration Account respectively. Introduced by Reps. Hale and Zimmerman. Referred to the Committee on Revenue and Taxation.

**HB 670** — An Act to authorize the State of Delaware to loan moneys to Nursing Homes for the improvement of nursing home facilities and authorizing the State of Delaware to borrow money to be used therefor and to issue bonds and notes therefor and appropriating the money borrowed to the Nursing Home Improvement Fund to be administered by the State Board of Health. Introduced by Reps. Hart, Murphy, Slawik, Hale, Cashman, Zimmerman and Gooding. Referred to the Committee on Health and Welfare.

**HB 671** — An Act to appropriate moneys to certain hospitals and the Department of Public Welfare for certain health services. Introduced by Reps. Shockley and Bartleson. Referred to the Committee on Appropriations.

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

**HB 521 with SA 1** — An Act to amend Section 512, Title 4, Delaware Code, relating to the sale of alcoholic beverages to guests of club members.

Roll Call revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Gray, Hammond, Harrington, Leshner, McMahon, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 25.

**NOT VOTING** — Bartleson, Frederick, Gooding, Phillips — 4.

**ABSENT** — Blendt, Eskridge, Evans, Hale, Hart, Heckert — 6.

**HB 521 with SA 1** having received a constitutional majority was declared passed by the House.

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

**HB 111 with SA 2** — An Act to amend Title 11, Delaware Code, relating to crimes, by providing penalties for fraudulent practices under the Uniform Commercial Code,

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Blendt, Eskridge, Evans, Heckert — 4.

**HB 111 with SA 2** having received a constitutional majority was declared passed by the House.

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

**HB 578** — An Act to amend Title 3, Delaware Code, by adding a new Part VIII therein, relating to establishment of a commission for the preservation of agricultural land, and making a supplementary appropriation therefor.

On motion of Mr. Gray **HA 1** to **HB 578** was adopted by voice vote.

On motion of Mr. Stabler **HA 2** was adopted by voice vote.

Mr. Murphy moved to adoption of **HA 3**. Roll call on **HA 3** was as follows:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Frederick, Gray, Hale, Hart, Heckert, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Bartleson, Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 8.

**NOT VOTING** — Ferguson, Fonville, Leshner — 3.

**ABSENT** — Blendt, Eskridge, Evans, Shockley — 4.

**HA 3 to HB 578** adopted.

On motion of Mr. Zimmerman **HA 4 to HB 578** adopted by voice vote.

Privilege of the floor was granted Mr. Wallace Caulk, President of the Delaware Council on Farm Organizations.

Privilege of the floor was granted Mr. J. S. Robinson, Chief Engineer of the Delaware State Highway Department.

Mr. Benson motioned that **HB 578** as amended be deferred to give the Highway Department time to study the bill. Motion carried.

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

**HB 612** — An Act making a supplementary appropriation to the State Archivist for the administration of the Veterans' Military Pay Act No. III (**House Bill No. 275**, as amended).

Privilege of the floor was granted Mr. Leon deValinger.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Castle, Cicone, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Ridgagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Blendt, Cashman, Eskridge, Evans — 4.

**HB 612** having received a constitutional majority was declared passed by the House.

A messenger from the Senate informed the House that it had passed **SB 331** and requested the concurrence of the House; and returned **HB 529** and **HB 480** having passed the Senate.

The following was introduced and assigned to committee:

**SB 331** — An Act to amend Title 18 of the Delaware Code, entitled "Insurance" by adding a comprehensive revision and supplementation of that title to be effected by repealing the present Chapters 1 through 31, inclusive, in their entirety, and substituting therefor new Chapters 1 through 65, inclusive. Introduced by Senator McCullough. Referred to the Committee on Insurance and Banking.

**SB 67** was deferred.

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

**HB 379** with **HA 1, 2** and **SA 1** — An Act to amend Section 5501, Title 29, Delaware Code, relating to qualifications of blind operators of concession stands under the control of the Delaware Commission for the Blind, within the State Employee's Pension Plan. On motion of Mr. Dodge **HA 2** was adopted by voice vote.

Roll Call on bill as amended revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Blendt, Eskridge, Evans, Ferguson, Fonville, Hammond — 6.

**HB 379** with **HA 1, 2** and **SA 1** having received a constitutional majority was declared passed by the House.

Mr. Hale took the Speaker's Chair.

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

**HB 460** — An Act to revise the Income Tax Law relating to individuals, trusts, estates and certain corporations; to incorporate by reference the Federal Income Tax statutes, rules and regulations; and to provide for improved administration and enforcement.

Privilege of the floor was granted Mr. Johannes R. Krahmer, a Wilmington Attorney. On motion of Mr. Hering **HA 1** to **HB 460** was introduced and adopted by voice vote.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Cicione, Dodge, Frederick, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Quillen, Riddagh, Sebrell, Shockley, Stabler, Mr. Speaker Hering — 24.

**NAYS** — Gooding, Phillips, Slawik, Zimmerman — 4.

**NOT VOTING** — Burton, Fonville, Pleasanton — 3.

**ABSENT** — Blendt, Eskridge, Evans, Ferguson — 4.

**HB 460** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**SB 231** with **SA 1, 2, 3, HA 1** — An Act to amend Chapter 7, Title 17, Delaware Code, by prohibiting every Railroad Company in this State from erecting, planting, and/or maintaining certain hedges, shrubs, trees, solid fences and other large solid objects from its property or right of way and providing procedures where Railroad Company fails to comply.

On motion of Mr. Benson **HA 1** was adopted by voice vote.

Roll Call on **231** as amended revealed:

**YEAS** — Bartleson, Burton, Cashman, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 21.

**NAYS** — Benson, Hammond, Harrington, Phillips, Shockley — 5.

**NOT VOTING** — Brown, Gray, Heckert, McMahon — 4.

**ABSENT** — Blendt, Castle, Eskridge, Evans, Quillen — 5.

**SB 231** with **SA 1, 2, 3** and **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 608** — An Act making a supplementary appropriation to the Public Archives Commission.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagah, Sebrell, Shockley, Slawik, Stabler, Zimmerman — 31.

**ABSENT** — Blendt, Eskridge, Evans, Mr. Speaker Hering — 4.

**HB 608** having received a constitutional majority was declared passed by the House.

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

**HB 644** — An Act to amend Section 2, Chapter 290, Volume 56, Laws of Delaware, relating to reversion date of any unexpended funds appropriated to the respective Departments of Elections for New Castle, Kent and Sussex Counties and to the State Election Commissioner.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagah, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Blendt, Eskridge, Evans, Hammond — 4.

**HB 644** having received a constitutional majority was declared passed by the House.

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

**SB 370** — An Act to amend Chapter 27, Title 24 of the Delaware Code by changing the definition of Land Surveyor to mean professional land surveyor.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagah, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Blendt, Burton, Eskridge, Evans, Hammond — 5.

**SB 370** having received a constitutional majority was declared passed by the House.

The following was read and made a part of the Journal on motion of Mr. Zimmerman.

Dear Mr. Zimmerman:

Please convey our thanks to the Members of the House of Representatives of the 124th General Assembly for the Resolution they passed honoring the memory of my husband; Morris Simon. We shall always keep it as a remembrance.

Sincerely,  
Mae Simon

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

**HB 635** — An Act to amend Section 1916, Title 24, Delaware Code, relating to the qualifications and licensing of nurses.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebbrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Blendt, Eskridge, Evans, Hammond — 4.

**HB 635** having received a constitutional majority was declared passed by the House.

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

**HB 632** — An Act making a supplementary appropriation to the Delaware State Development Department for Program Development and Delaware participation in the Bicentennial Celebrations Attendant to the Independence of the United States as proposed for the Philadelphia Region in 1976.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Phillips, Quillen, Riddagh, Sebbrell, Shockley, Slawik, Zimmerman, Mr. Speaker Hering — 27.

**NOT VOTING** — Pleasanton — 1.

**ABSENT** — Blendt, Eskridge, Evans, Gray, Hammond, Pagano, Stabler — 7.

**HB 632** having received a constitutional majority was declared passed by the House.

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

**SB 365** — An Act to amend Title 21, Delaware Code, clarifying and improving the Law regarding drivers of motor vehicles meeting, overtaking or passing school buses to further insure the safety of children.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman,

Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Sebrell, Shockley, Slawik, Zimmerman, Mr. Speaker Hering — 29.

ABSENT — Blendt, Eskridge, Evans, Hammond, Sebrell, Stabler — 6.

SB 365 having received a constitutional majority was declared passed by the House.

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

HB 643 — An Act to amend Section 1108, Title 17, Delaware Code, relating to outdoor advertising signs.

Privilege of the floor was granted Mr. Peter Walsh, House Attorney.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

NOT VOTING — Heckert — 1.

ABSENT — Blendt, Eskridge, Evans, Ferguson, Hammond — 5.

HB 643 having received a constitutional majority was declared passed by the House.

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

HB 553 — An Act making an appropriation to the State Highway Department for reconstructing Kent County Road 384 between U.S. Route 13 and Road 386.

On further motion of Mr. Quillen HA 1 was adopted by voice vote. Mr. Quillen moved to table the roll call on the bill as amended. Motion carried.

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

HB 604 — An Act to amend Part VIII, Title 8, of the Delaware Code entitled "Meat and Poultry Products Inspection Act" to provide for the conformity of Delaware Law with the Federal Meat Inspection Act to be effected by amending and repealing existing laws pertaining thereto.

On motion of Mr. Cicione the roll call on the bill was tabled.

On motion of Mr. Cicione the following, including debt statement, was given a final reading and placed before the House for consideration:

SB 377 — An Act authorizing the State of Delaware to borrow money to be used for the Mill Creek Flood Control Project and to issue bonds and notes therefor and appropriating the money borrowed to the Governor. Introduced by Senator Cook.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Cicione, Dodge, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**NOT VOTING** — Burton, Ferguson — 2.

**ABSENT** — Blendt, Eskridge, Evans — 3.

**SB 377** having received a three-fourths majority was declared passed by the House.

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

**HB 611** — An Act to amend Chapter 3, Title 24, Delaware Code, relating to the authorizing of the Board of Examiners in Registration of Architects to adopt regulations establishing qualifications for eligibility to take examinations, and eliminating the authority to grant certificates of registration based on practical experience without examination.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

**ABSENT** — Blendt, Eskridge, Evans — 3.

**HB 611** having received a constitutional majority was declared passed by the House.

The following bills were reported out of committee: Public Buildings and Lands: **SB 379**, 3 favorable, 3 on merits; **SB 380**, 3 favorable, 3 on merits.

On motion of Mr. Quillen the roll call on **HB 553** with **HA 1** was lifted and revealed as follows:

**YEAS** — Benson, Brown, Burton, Cashman, Cicione, Dodge, Fonville, Gooding, Gray, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman, Mr. Speaker Hering — 25.

**NAYS** — Shockley — 1.

**NOT VOTING** — Bartleson, Blendt, Eskridge, Evans, Frederick, Hale, Stabler — 7.

**HB 553** with **HA 1** having received a constitutional majority was declared passed by the House.

The House recessed at 5:55 P.M. and reconvened at 8:25 P.M.

The following bills were reported out of committee: Education: **HB 659**, 2 favorable, 3 on merits; Revised Statutes: **HB 639**, 4 on merits; **HB 648**, 4 on merits; **HB 647**, 4 on



merits; **SB 428**, 4 on merits; **SB 395**, 4 on merits; Revenue and Taxation: **HB 669**, 1 favorable, 4 on merits; Public Buildings and Lands: **SB 427**, 4 on merits, 1 unfavorable; **SB 426**, 5 on merits.

The following bills were introduced and assigned to committee:

**HB 672** — An Act to amend Section 306, Title 15, Delaware Code, relating to audit of the State Voter Registration System. Introduced by Rep. Castle. Referred to the committee on Elections.

**HB 673** — 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.

**HA 1** to **HB 628** — Introduced by Rep. Castle, Placed with bill.

**HA 1** to **HB 655** — Introduced by Rep. Hale. Placed with bill.

**HCR 36** — Appropriating money out of the General Fund of the State Treasury to pay certain expenses of the Joint Finance Committee of the Second Session of the 124th General Assembly. Introduced by Rep. Leshner. Referred to the Committee on Appropriations.

Mr. Leshner moved for a suspension of rules to consider **HCR 36**. Motion carried. Mr. Leshner moved to adopt **HCR 36** by voice vote. Motion carried.

On motion of Mr. Cicione the roll call on **HB 604** was lifted and revealed as follows:

**YEAS** — Bartleson, Benson, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Riddagh, Slawik, Stabler, Mr. Speaker Hering — 19.

**NAYS** — Brown, Burton, Hammond, Harrington, McMahon, Phillips, Pleasanton, Sebrell, Shockley, Zimmerman — 10.

**ABSENT** — Blendt, Eskridge, Evans, Gooding, Gray, Quillen — 6.

**HB 604** having received a constitutional majority was declared passed by the House.

On motion of Mr. Castle the roll call on **SB 12** with **HA 1** was lifted. On motion of Mr. Cashman roll call on **SB 12** was rescinded. A roll call on the adoption of **HA 2** to **SB 12** was as follows:

**YEAS** — Benson, Cashman, Cicione, Ferguson, Fonville, Frederick, Gooding, Hart, Murphy, Pagano, Phillips, Riddagh, Slawik — 13.

**NAYS** — Brown, Burton, Dodge, Gray, Hammond, Harrington, Heckert, Leshner, McMahon, Pleasanton, Quillen, Sebrell, Shockley, Stabler, Zimmerman, Mr. Speaker Hering — 16.

**NOT VOTING** — Castle — 1.

**ABSENT** — Bartleson, Blendt, Eskridge, Evans, Hammond — 5.

**HA 2 to SB 12** not having received a constitutional majority was declared lost.

A Roll Call on **SB 12** with **HA 1** was as follows:

**YEAS** — Cashman, Cicione, Fonville, Frederick, Gooding, Hale, Hart, Murphy, Pagano, Riddagh, Slawik, Zimmerman — 12.

**NAYS** — Benson, Brown, Burton, Dodge, Ferguson, Gray, Hammond, Harrington, Heckert, Leshner, McMahon, Phillips, Pleasanton, Quillen, Sebrell, Shockley, Stabler, Mr. Speaker Hering — 18.

**NOT VOTING** — Bartleson, Castle — 2.

**ABSENT** — Blendt, Eskridge, Evans — 3.

**SB 12** with **HA 1** not having received a constitutional majority was declared lost in the House.

A messenger from the Senate informed the House that it has passed **SB 409**, **SB 339** with **SA 1** and **SB 363** with **SA 1**, 3 over-riding the Governor's veto and requested the concurrence of the House; and returned **HB 637**, **HB 455** with **HA 1**, **HB 522**, **HB 530**, **HB 533** with **HA 1**, **SA 1**, 2, having passed the Senate.

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

**HB 642** — An Act to repeal Section 9595, Title 10, Delaware Code, relating to appearance fee of garnishee in Justice of the Peace Court.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Blendt, Eskridge, Evans, Ferguson, Quillen — 5.

**HB 642** having received a constitutional majority was declared passed by the House.

On motion of Mr. Benson, rules were suspended in order to consider **SB 359**.

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

**SB 359** — 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.

On motion of Mr. Benson **HA 1** was adopted by voice vote.

Roll Call on the bill as amended revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Blendt, Eskridge, Evans, Ferguson — 4.

**SB 359** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HS 1** for **HB 590** — An Act to amend Section 9207, Subchapter 1, Chapter 92, Delaware Code relating to bonds for Justice of the Peace.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Shockley, Stabler, Mr. Speaker Hering — 26.

**NAYS** — Harrington, Quillen, Sebrell, Slawik, Zimmerman — 5.

**ABSENT** — Blendt, Eskridge, Evans, Ferguson — 4.

**HS 1** for **HB 590** having received a constitutional majority was declared passed by the House.

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

**HB 591** — An Act to amend Section 9222, Subchapter II, Chapter 92, Title 10, Delaware Code, relating to bonds for Clerks in Justice of Peace Courts.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Cicione, Dodge, Ferguson, Fonville, Frederick, Gray, Hammond, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Shockley, Slawik, Stabler, Mr. Speaker Hering — 25.

**NAYS** — Harrington, Quillen, Sebrell, Zimmerman — 4.

**ABSENT** — Brown, Castle, Eskridge, Evans, Gooding, Hale — 6.

**HB 591** having received a constitutional majority was declared passed by the House.

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

**SB 369** — An Act to amend Title 6, Delaware Code, by adding a Chapter 38 thereto providing for broadcasting certain public notices.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Fonville, Frederick, Gray, Hale, Harrington, Hart, Heckert, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Stabler, Mr. Speaker Hering — 25.

**NAYS** — Ferguson, Gooding, McMahon, Slawik, Zimmerman — 5.

**NOT VOTING** — Hammond, Leshner — 2.

**ABSENT** — Blendt, Eskridge, Evans — 3.

**SB 369** having received a constitutional majority was declared passed by the House.

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

**HB 629** — An Act to amend Section 2707, Title 21, Delaware Code, to substitute a new Section requiring a special license for school bus drivers, designating qualifications therefor and providing a supplementary appropriation to the State Board of Education to implement such new procedures.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Shockley, Slawik, Stabler, Mr. Speaker Hering — 29.

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

**ABSENT** — Blendt, Eskridge, Evans, Zimmerman — 4.

**HB 629** having received a constitutional majority was declared passed by the House.

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

**HB 627** — An Act to amend Section 1321, Title 14, Delaware Code, relating to School Employees by providing under certain circumstances for Supervisors of Transportation and making a supplementary appropriation to the State Board of Education to effectuate the purposes of this act.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

**ABSENT** — Blendt, Eskridge, Evans — 3.

**HB 627** having received a constitutional majority was declared passed by the House.

On motion of Mr. Hart rules were suspended in order to consider **HB 81**.

**HB 81** — An Act agreeing to a proposed amendment to Section 29, Article IV, of the Constitution of the State of Delaware, relating to Justices of the Peace.

On motion of Mr. Hart the roll call was tabled.

On motion of Mr. Cashman the following letter was read.

June 19, 1968

The Hon. Joseph T. Cashman

Legislative Hall

Dover, Delaware

Dear Mr. Cashman:

I will be unavoidably detained in arriving in Dover for the session on June 19, 1968 and I hereby authorize you to handle for me HB 613.

Thank you very much for your cooperation in this matter.

Sincerely yours,

Raymond T. Evans

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

**HB 613** — An Act to amend Title 31, Delaware Code, relating to Child Welfare by empowering the Department of Public Welfare to establish and aid private, nonprofit facilities for Child Care Centers and making a supplementary appropriation therefor.

On motion of Mr. Cashman, **HA 1** to **HB 613** was adopted by voice vote. Mr. Sebrell moved to defer the bill. Motion carried.

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

**SB 360** — An Act to amend Section 704, Title 21, Delaware Code, relating to jurisdiction of Motor Vehicle Offenses. Introduced by Senator Cook.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Burton, Cashman, Castle, Cicone, Dodge, Ferguson, Frederick, Gooding, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Riddagh, Slawik, Stabler, Mr. Speaker Hering — 21.

**NAYS** — Quillen, Sebrell, Shockley, Zimmerman — 4.

**NOT VOTING** — Brown, Fonville, Gray, McMahon, Pleasanton — 5.

**ABSENT** — Blendt, Eskridge, Evans, Hammond, Harrington — 5.

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

On motion of Mr. Castle **HB 640** was stricken.

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

**SB 364** — An Act to amend Chapter 13, Section 1303, Title 15, Delaware Code, relating to transfer of names when Election District is divided.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicone, Dodge, Ferguson, Frederick, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano,

Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

ABSENT — Blendt, Eskridge, Evans, Fonville, Gooding, Hammond — 6.

**SB 364** having received a constitutional majority was declared passed by the House.

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

**HB 617** — An Act to amend Chapter 55, Title 29, Delaware Code, relating to state employees pensions by changing certain refund provisions.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

ABSENT — Blendt, Eskridge, Evans, Fonville, Hammond — 5.

**HB 617** having received a constitutional majority was declared passed by the House.

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

**HB 584** with **HA 1** — An Act to amend Subchapter V, Title 20, of the Delaware Code relating to the protection of individuals from civil or criminal liability while on State Duty pursuant to 20 Del. C. § 171.

On motion of Mr. Cicione **HA 1** was adopted by voice vote.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

ABSENT — Blendt, Eskridge, Evans, Fonville, Hammond — 5.

**HB 584** with **HA 1** having received a constitutional majority was declared passed by the House.

Mr. Hart moved to reconsider **HB 81**. Motion carried. On further motion of Mr. Hart the roll call was tabled.

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

**HB 636** — An Act to amend Chapter 3, Title 11, Delaware Code, by adding a new section making it a misdemeanor to loiter on state supported school or university property.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Heckert, Leshner, Murphy, Pagano, Phillips, Plea-

santon, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

ABSENT — Blendt, Cicione, Eskridge, Evans, Fonville, Hammond, McMahon — 7.

**HB 636** having received a constitutional majority was declared passed by the House.

The following were reported out of committee: Insurance and Banking: **SB 331**, 5 on merits; Elections: **HB 663**, 1 favorable, 5 on merits; **SS 1** for **SB 338**, 5 on merits, 1 unfavorable; **HB 672**, 5 on merits; **HB 664**, 1 favorable, 5 on merits; Appropriations: **HB 671**, 2 favorable, 4 on merits; **HB 655**, 2 favorable, 4 on merits; **HB 656**, 2 favorable, 5 on merits; **HB 658**, 2 favorable, 5 on merits; **HB 559**, 1 favorable, 6 on merits; **HB 558**, 2 favorable, 5 on merits; **HB 628**, 2 favorable, 6 on merits; **HB 654**, 5 on merits; Miscellaneous: **HB 559**, 1 favorable, 3 on merits; **HB 558**, 1 favorable, 3 on merits; Public Buildings and Lands: **HB 628**, 2 favorable, 4 on merits; State, Urban and Municipal Affairs: **HB 667**, 1 favorable, 4 on merits; **SB 418**, 2 favorable, 3 on merits; Revised Statutes: **HB 673**, 3 favorable, 2 on merits; Judiciary: **HB 651**, 4 on merits; **HB 652**, 2 favorable, 2 on merits; **HB 665**, 1 favorable, 3 on merits; **HB 666**, 1 favorable, 3 on merits; **HB 649**, 2 favorable, 2 on merits; **HB 650**, 1 favorable, 3 on merits; **HB 653**, 4 on merits.

The following bills were introduced and assigned to committee:

**HA 1** to **HB 571** — Introduced by Rep. Slawik. Placed with bill.

**HA 2** to **HB 656** — Introduced by Rep. Cashman. Placed with bill.

**SB 339** with **SA 1** — An Act relating to the compensation of certain key executives of the State Government. Introduced by Senator Cook. Referred to the Committee on Revised Statutes.

**SB 409** — An Act to amend Chapters 21 and 27, Title 21, Delaware Code, providing an exemption to servicemen, while serving without the State of Delaware for payment of registration fees for Motor Vehicles and for Operator's or Chauffeur's License Fees. Introduced by Senator Steen. Referred to the Committee on Highways and Public Safety.

The House adjourned at 10:49 P.M. until 11:00 A.M. Thursday, June 20, 1968.

## 21ST LEGISLATIVE DAY (2nd Session)

The Speaker called the House to order at 12:24 P.M., on Thursday, June 20, 1968.

There was a prayer by the Chaplain J. William Werner.

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

The Roll Call revealed 32 members present, 3 absent.

Present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

Absent: Eskridge, Evans, Shockley — 3.

The minutes of the 19th Legislative Day were approved as posted.

Mr. Castle moved to suspend the rules in order to consider over-ride of **SB 363** as amended. Motion carried. **SB 363** as amended was read in and a roll call ordered.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 21.

**NAYS** — Blendt, Ferguson, Fonville, Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 10.

**NOT VOTING** — Heckert — 1.

**ABSENT** — Eskridge, Evans, Shockley — 3.

Mr. Castle moved to table the roll call. Motion lost. **SB 363** as amended having received the three-fifths required votes (21) was declared law.

Mr. Hale moved to suspend the agenda in order to consider the grant-in-aid bills first on the agenda. Motion carried.

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

**HB 472** with **HA 1** & **HA 2** — An Act to aid certain Fire Companies which are organized to extinguish fires or maintain ambulances or rescue trucks, by making appropriations for them.

On motion of Mr. Brown **HA 1** was adopted by voice vote. On motion of Mr. Brown **HA 2** was adopted by voice vote. On motion of Mr. Burton **HA 3** was stricken.

Roll Call on **HB 472** as amended revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Eskridge, Evans, Hammond, Shockley — 4.

**HB 472** with **HA 1** and **HA 2** having received a constitutional majority was declared passed by the House.

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

**HB 655** with **HA 1** — An Act to aid organizations maintaining residential facilities by making appropriations thereto.

On motion of Mr. Hale **HA 1** was adopted by voice vote.



Roll Call on **HB 655** as amended revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Rid-dagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Her-ing — 30.

**ABSENT** — Eskridge, Evans, Gray, Hammond, Shock-ley — 5.

**HB 655** with **HA 1** having received a constitutional ma-jority was declared passed by the House.

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

**HB 656** — An Act making an appropriation to Big Broth-ers Association of Northern Delaware, Inc.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Freder-ick, Gooding, Hale, Harrington, Hart, Heckert, Leshner, Mc-Mahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Rid-dagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Her-ing — 30.

**ABSENT** — Eskridge, Evans, Gray, Hammond, Shock-ley — 5.

**HB 656** having received a three-fourths majority was declared passed by the House.

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

**HB 657** — An Act to aid Veterans' Organizations by making an appropriation therefor.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Freder-ick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Rid-dagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Her-ing — 31.

**ABSENT** — Eskridge, Evans, Hammond, Shockley — 4.

**HB 657** having received a constitutional majority was declared passed by the House.

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

**HB 658** — 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.

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Freder-ick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner,

McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

ABSENT — Eskridge, Evans, Hammond, Shockley — 4.

**HB 658** having received the constitutional majority was declared passed by the House.

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

**HB 654** — An Act relating to education of citizens of Delaware by making an appropriation to certain organizations engaged in educating the people of this State.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicone, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

ABSENT — Eskridge, Evans, Hammond, Shockley — 4.

**HB 654** having received a constitutional majority was declared passed by the House.

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

**HB 631** — An Act to appropriate moneys to certain hospitals and the Department of Public Welfare for certain health services.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicone, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

ABSENT — Eskridge, Evans, Hammond, Shockley — 4.

**HB 631** having received a constitutional majority was declared passed by the House.

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

**HB 671** — An Act to appropriate moneys to certain hospitals and the Department of Public Welfare for certain health services.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicone, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

ABSENT — Eskridge, Evans, Hammond, Shockley — 4.

**HB 671** having received a constitutional majority was declared passed by the House.

Mr. Hale moved to recess until 2:15 P.M. House recessed at 12:57 P.M.

The House reconvened at 2:30 P.M.

A messenger from the Senate informed the House that the Senate had passed **SB 436** and requested the concurrence of the House, and returned to the House having passed the Senate **HB 557, HB 580, HB 440** with **HA 1, HB 548, HB 612, HB 608, HB 213** and **HB 379** with **HA 1, HA 2** and **SA 1**.

The following bills and resolutions were introduced and assigned to committee:

**HB 674** — Introduced by Rep. Riddagh. An Act making a supplementary appropriation to the Delaware Commission of Shell Fisheries. Referred to the Committee on Fish, Oyster and Game.

**HB 675** — Introduced by Rep. Cashman. An Act to amend Sections 2324, 2325, 2326 (h), 2330 (b), 2322, 2348, and 2350, Title 19, Delaware Code, relating to benefits received in compensation for injuries, by making medical reports available to both parties, by providing for specific findings on evidence to be included in the Board's award, by providing for Superior Court Review of the Board's findings and by providing for a discretionary order of the Board for a self-insurer to deposit, intrust, the amount of any award, and by raising benefits. Referred to the Committee on Labor.

**HR 123** — Introduced by Rep. Sebrell. Authorizing payment of amount due Western Union for Telegrams sent to Members of the 124th General Assembly. Adopted by voice vote.

Mr. Evans asked to be marked present.

**HR 124** — Relating to the establishment of a Committee to study the services to the aged and consider the feasibility of establishing an agency for services to the aged. Introduced by Reps. Ferguson, Slawik, Benson and Murphy.

Mr. Hale moved to table the Resolution. Mr. Hale's motion lost by a roll call vote as follows:

**YEAS** — Heckert, Leshner, Quillen, Riddagh — 4.

**NAYS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Hale, Hammond, Harrington, Hart, McMahon, Murphy, Pagano, Phillips, Pleasanton, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

A roll call on **HR 124** revealed:

**YEAS** — Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Hale, Hammond, Harrington, Hart, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

NOT VOTING — Bartleson, Heckert, Leshner — 3.

ABSENT — Eskridge, Gray, Shockley — 3.

**HR 124** having received a constitutional majority was declared adopted by the House.

**HR 125** — An Act making an appropriation to the Officers of the House of Representatives of the 124th General Assembly of the State of Delaware to attend the National Conference of State Legislative Leaders. Introduced by Rep. Sebrell.

On motion of Dr. Sebrell **HR 125** was adopted by roll call vote.

YEAS — Benson, Blendt, Brown, Burton, Cashman, Cicione, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman — 27.

NOT VOTING — Castle, Dodge, Fonville, Slawik, Mr. Speaker Hering — 5.

ABSENT — Eskridge, Shockley — 2.

**HR 125** having received a constitutional majority was declared adopted by the House.

**HA 1 to SB 368** — Introduced by Rep. Stabler. Placed with bill.

**HA 1 to HB 495** — Introduced by Rep. Castle. Placed with bill.

**HA 1 to HB 475** — Introduced by Rep. Benson. Placed with bill.

**SB 436** — An Act to amend § 396, 631, and 632, Title 11, Delaware Code relating to penalties for the offenses of unlawful entry, grand larceny and petit larceny. Introduced by Senator Isaacs. Referred to the Committee on Judiciary.

The following were reported out of Committee: House Operations: **HB 662**, 4 favorable; Revenue and Taxation: **HB 641**, 1 favorable, 4 on merits.

On motion of Mr. Burton rules were suspended in order to consider **HB 676**.

On motion of Mr. Burton **HB 676** was given a final reading and placed before the House for consideration.

**HB 676** — An Act to aid certain Civic Organizations which maintain emergency vehicles by making appropriations therefor.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

ABSENT — Eskridge, Evans, Shockley — 3.

**HB 676** having received a three-fourths majority was declared passed by the House.

**HR 126** — Authorizing payment for services rendered by the Legislative Staff of the House of Representatives of the 124th General Assembly. Introduced by Rep. Sebrell. Adopted by voice vote.

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

**HB 578** with **HA 1, HA 2, HA 3, HA 4** — An Act to amend Title 3, Delaware Code, by adding a new Part VII therein, relating to establishment of a commission for the preservation of agricultural land, and making a supplementary appropriation therefor.

Roll call was tabled.

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

**HB 585** — An Act to amend Subchapter V, Title 20, Delaware Code relating to the forbidding any employer to terminate an individual's employment for the reason of the individual's being called to State Duty pursuant to Section 171, of this Title providing civil liability for so doing.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Burton, Eskridge, Ferguson, Hammond, Murphy, Shockley — 6.

**HB 585** having received a constitutional majority was declared passed by the House.

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

**SB 368** with **HA 1** — An Act requiring all meetings of the governing bodies of municipalities, counties, school districts and all other Boards, Bureaus, Commissions or Organizations supported wholly or in part by public funds and open to any citizens of the State of Delaware; and all records of the governing bodies of municipalities, counties and school districts and all other Boards, Bureaus, Commissions or Organizations supported wholly or in part by public funds or expending public funds, shall be public and open to personal inspection by any citizen of the State of Delaware; and providing penalties for violation of this Act. Introduced by Senators Foltz and Holloway.

Privilege of the floor was granted Mr. Joe Smith, Delaware State News, to speak on the bill. Mr. Hale moved to recommit the bill. Motion carried.

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

**HB 495 with HA 1** — An Act to amend Title 15, Delaware Code, by providing for the conducting of presidential preferential primary elections in presidential election years, to amend said Title 15 insofar inconsistent herewith, and to repeal Title 15, Delaware Code, Section 3114.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman — 31.

**NOT VOTING** — Mr. Speaker Hering — 1.

**ABSENT** — Eskridge, Hart, Shockley — 3.

**HB 495 with HA 1** having received a constitutional majority was declared passed by the House.

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

**SB 252** — An Act to amend Title 11, Delaware Code, relating to a new criminal offense for the intentional or fraudulent taking and carrying away, secretion or conversion by a person of the leased or rented personal property of another, providing for evidence of intention to commit such an offense and providing penalties for violations.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Cicione, Dodge, Evans, Ferguson, Frederick, Gooding, Hale, Hammond, Harrington, Heckert, Leshner, McMahon, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 26.

**NOT VOTING** — Castle, Fonville — 2.

**ABSENT** — Eskridge, Gray, Hart, Murphy, Quillen, Shockley, Zimmerman — 7.

**SB 252** having received a constitutional majority was declared passed by the House.

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

**HB 596** — An Act to amend Title 14, Delaware Code, relating to education by providing for certification and salary for substitute teachers and appropriation therefor.

Mr. Quillen requested co-sponsorship of the bill.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Cicione, Eskridge, Gray, Murphy, Quillen, Shockley — 6.

**HB 596** having received a constitutional majority was declared passed by the House.

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

**HB 565** with **HA 1** and **2** — An Act to amend Chapter 11, Title 19, Delaware Code, by adding a new section relating to benefits and wage supplements.

On motion of Mr. Benson, **HA 1** was adopted by voice vote. On motion of Mr. Cashman **HA 2** was adopted by voice vote.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Evans, Ferguson, Fonville, Gooding, Hale, Hammond, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 25.

**NOT VOTING** — Burton, Dodge, Frederick, Gray, Harrington, Pleasanton, Quillen — 7.

**ABSENT** — Eskridge, Murphy, Shockley — 3.

**HB 565** with **HA 1** and **2** having received a constitutional majority was declared passed by the House.

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

**HB 613** with **HA 1** — An Act to amend Title 31, Delaware Code, relating to Child Welfare by empowering the Department of Public Welfare to establish and aid private, non-profit facilities for Child Day Care Centers and making a supplementary appropriation therefor.

Privilege of the floor was granted Mr. Ronald Miller, Executive Director of the Department of Public Welfare.

Roll Call revealed:

**YEAS** — Bartleson, Blendt, Brown, Cashman, Castle, Cicione, Evans, Fonville, Frederick, Hale, Hammond, Hart, Heckert, McMahon, Murphy, Phillips, Riddagh, Slawik, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Benson, Burton, Dodge, Leshner, Pleasanton, Quillen — 6.

**NOT VOTING** — Ferguson, Gooding, Gray, Pagano, Sebrell, Zimmerman — 6.

**ABSENT** — Eskridge, Harrington, Shockley — 3.

**HB 613** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 625** — An Act making an appropriation to Donald L. King to reimburse him for damages suffered due to acts of a state employee.

Privilege of the floor was granted Mr. Peter F. L. Stone, House Attorney. On motion of Mr. Zimmerman the bill was deferred.

Mr. Pleasanton moved to lift the roll call on **HB 578**. The roll call on this motion revealed:

**YEAS** — Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Phillips, Pleasanton, Quillen, Riddagh, Stabler, Zimmerman, Mr. Speaker Hering — 23.

**NAYS** — Bartleson, Benson, Heckert, Leshner, McMahon, Pagano, Slawik — 7.

**NOT VOTING** — Hart — 1.

**ABSENT** — Eskridge, Murphy, Sebrell, Shockley — 4.

The roll call on passage of **HB 578** with **HA 1, 2, 3, 4** revealed:

**YEAS** — Blendt, Brown, Burton, Cashman, Cicione, Dodge, Evans, Ferguson, Fonville, Gray, Hammond, Harrington, Hart, Murphy, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Zimmerman — 20.

**NAYS** — Bartleson, Benson, Castle, Frederick, Hale, Heckert, Leshner, McMahon, Pagano, Mr. Speaker Hering — 10.

**NOT VOTING** — Stabler — 1.

**ABSENT** — Eskridge, Gooding, Shockley, Slawik — 4.

**HB 578** with **HA 1, 2, 3, 4** having received a constitutional majority was declared passed by the House.

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

**SB 387** — An Act to withdraw from the State Board of Health jurisdiction over the approval of plans for the construction of new sewage systems or alterations thereto and to vest such authority solely in the Water and Air Resources Commission by adding a new Section known as Section 6307 to Title 7, Chapter 63, Delaware Code, and by amending Title 16, Section 1506, Delaware Code.

Privilege of the floor was granted Mr. John C. Bryson of Delaware Water and Air Resources Commission.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Sebrell, Slawik, Zimmerman, Mr. Speaker Hering — 29.

**NAYS** — Quillen, Riddagh — 2.

**ABSENT** — Brown, Eskridge, Shockley, Stabler — 4.

**SB 387** having received a constitutional majority was declared passed by the House.

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

**HB 628** with **HA 1** — An Act making a supplementary appropriation to the State Park Commission for the purpose of administering and implementing the recreation assistance fund established by Title 7, Section 4706, Delaware Code.



Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 27.

**NAYS** — Harrington, Quillen, Riddagh, Zimmerman — 4.

**NOT VOTING** — Pleasanton — 1.

**ABSENT** — Blendt, Eskridge, Shockley — 3.

**HB 628** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 645** — An Act making a supplementary appropriation to the Department of Mental Health - Governor Bacon Health Center.

Roll Call revealed:

**YEAS** — Benson, Brown, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Hart, Leshner, McMahon, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 27.

**ABSENT** — Bartleson, Blendt, Burton, Eskridge, Harrington, Heckert, Murphy, Shockley — 8.

**HB 645** having received a constitutional majority was declared passed by the House.

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

**HB 673** — 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.

On motion of Mr. Slawik the roll call on the bill was tabled.

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

**SB 331** — An Act to amend Title 18 of the Delaware Code, entitled "Insurance," by a comprehensive revision and supplementation of that title to be effected by repealing the present Chapters 1 through 31, inclusive, in their entirety, and substituting therefor new Chapters 1 through 65, inclusive.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Eskridge, Ferguson, Heckert, Shockley — 4.

**SB 331** having received a constitutional majority was declared passed by the House.

Mr. Hale took the Speaker's Chair as Acting Speaker and Mr. Hering went to the floor.

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

**HB 664** — An Act proposing an amendment to Sections 19, Article 3, of the Delaware Constitution providing that the Lieutenant Governor be of the same political party as the Governor and elected jointly with the Governor on the same ballot.

Roll Call revealed:

**YEAS** — Benson, Blendt, Brown, Cashman, Castle, Cicone, Dodge, Evans, Fonville, Frederick, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 27.

**NAYS** — Bartleson, Gooding — 2.

**NOT VOTING** — Burton, Pleasanton — 2.

**ABSENT** — Eskridge, Ferguson, Gray, Shockley — 4.

**HB 664** having received a two-thirds majority was declared passed by the House.

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

**HB 663** — An Act to amend Chapters 43, 45, and 57, Title 15, Delaware Code, relating to election of the Governor and Lieutenant Governor by providing that the Lieutenant Governor be of the same political party as the Governor and elected jointly with the Governor in such manner that but one vote be cast for both offices.

Roll Call revealed:

**YEAS** — Benson, Blendt, Brown, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Hale, Hammond, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 26.

**NAYS** — Bartleson — 1.

**NOT VOTING** — Burton, Gooding, Pleasanton — 3.

**ABSENT** — Cicone, Eskridge, Gray, Harrington, Shockley — 5.

**HB 663** having received a constitutional majority was declared passed by the House.

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

**HB 559** — An Act authorizing the State of Delaware to borrow a sum not to exceed \$1,000,000 and to issue bonds and notes for supplementation of the Governor's Disaster Recovery and Rehabilitation Fund.

On further motion of Mr. Hering **HB 559** was deferred for preparation of a debt statement.

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

**HB 667** — An Act to amend Chapter 1, Title 22, Delaware Code, relating to the extension of City or Town Limits.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

**ABSENT** — Eskridge, McMahon, Shockley — 3.

**HB 667** having received a constitutional majority was declared passed by the House.

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

**SB 412** — An Act to amend Chapter 83, Title 9, Delaware Code, relating to the assessment and taxation of land actively devoted to agricultural, horticultural, and forest uses and the creation of a State Farmland Evaluation Advisory Committee.

Privilege of the floor was granted Senator Isaacs who spoke for his bill.

Mrs. Heckert moved to defer the bill. Motion lost by roll call vote as follows:

**YEAS** — Bartleson, Benson, Cashman, Castle, Evans, Fonville, Frederick, Hale, Harrington, Heckert, Leshner, Murphy, Pagano, Mr. Speaker Hering — 14.

**NAYS** — Blendt, Brown, Burton, Dodge, Ferguson, Gooding, Gray, Hart, McMahon, Phillips, Pleasanton, Quillen, Sebrell, Slawik, Stabler, Zimmerman — 16.

**NOT VOTING** — Riddagh — 1.

**ABSENT** — Cicione, Eskridge, Hammond, Shockley — 4.

Roll Call on **SB 412** revealed:

**YEAS** — Blendt, Brown, Burton, Dodge, Ferguson, Gooding, Gray, Harrington, Hart, McMahon, Murphy, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman — 19.

**NAYS** — Cashman, Castle, Evans, Fonville, Frederick, Hale, Heckert, Pagano, Mr. Speaker Hering — 9.

**NOT VOTING** — Bartleson, Benson, Leshner — 3.

**ABSENT** — Cicione, Eskridge, Hammond, Shockley — 4.

**SB 412** having received a constitutional majority was declared passed by the House.

A messenger from the Senate delivered **Senate Bills 113, 114 and 115** having passed the Senate and requesting the concurrence of the House, and **House Bill 611** and **HCR 36** having passed the Senate, returning to the House.

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

**HB 605** — An Act making a supplementary appropriation to the Delaware State Police for food supplied during a state of emergency.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Cicione, Eskridge, Fonville, Hammond, Shockley — 5.

**HB 605** having received a constitutional majority was declared passed by the House.

The House recessed at 6:07 P.M., until 8:27 P.M.

The following bills were reported out of committee: Labor:

**HB 488**, 2 favorable, 3 on merits; Health and Welfare: **HB 670**, 2 favorable, 2 on merits.

The following bills were introduced and assigned to committee:

**HB 677** — An Act making a supplemental appropriation to the Delaware Soil and Water Conservation Commission for the purpose of making a study to determine the feasibility of changing the name of Soil and Water Conservation Districts to Conservation Districts and giving said districts broader responsibilities for conservation work in Delaware. Introduced by Reps. Leshner and Blendt. Referred to the committee on Appropriations.

**HB 678** — An Act to amend Chapter 29, Title 7, Delaware Code, relating to the State Forestry Department by providing for the power of arrest and providing for criminal penalties for violating the rules and regulations promulgated by the State Forester after approval by the State Forestry Commission. Introduced by Reps. Gray, Burton, Sebrell, Pleasanton, Blendt and Cashman. Referred to the Committee on Agriculture.

**HR 127** — Appropriating money out of the General Fund of the State Treasury to pay certain expenses of the present session of the 124th General Assembly. Introduced by Rep. Sebrell. Adopted by voice vote.

**HA 1 to HB 639** — Introduced by Rep. Hammond. Placed with bill.

**HA 2 to HB 639** — Introduced by Rep. Hammond. Placed with bill.

**HA 3 to HB 274** — Introduced by Rep. Stabler. Placed with bill.

**HA 1 to HB 646** — Introduced by Rep. Frederick. Placed with bill.

**SB 113** — An Act to amend Chapter 64, Title 7, Delaware Code, by adding thereto a new Subchapter designated Subchapter IV and by adding thereto a new section designated Section 6462 which section grants the Water and Air Resources Commission the power to seek an injunction in the name of the State to prevent continued violations of any final order of the Water and Air Resources Commission regarding the regulation of under water lands. Introduced by Senator Cook. Referred to the Committee on Public Buildings and Lands.

**SB 114** — An Act to amend Chapter 60, Title 7, Delaware Code, by adding thereto a new subchapter designated Subchapter III and by adding four new sections to be designated as Sections 6017, 6018, 6019, and 6020 which sections provide for the licensing of water well contractors by the Water and Air Resources Commission. Introduced by Senator Cook. Referred to the Committee on Public Buildings and Lands.

**SB 115** — An Act to amend Chapter 61, Title 7, Delaware Code, by granting the Water and Air Resources Commission the power to seek an injunction in the name of the State to prevent continued violations of any final order of the Water and Air Resources Commission regarding the regulation of Water Resources by adding a new section to be known as Section 6106. Introduced by Senator Cook. Referred to the Committee on Public Buildings and Lands.

**SB 434** — An Act to amend Chapter 13, Title 14, Delaware Code, relating to state supported salary schedules for school employees. Introduced by Senators Connor, Steele and Robbins. Referred to the Committee on Education.

Mr. Hart moved to suspend rules in order to consider **HB 670**. Motion carried.

Mr. Pagano and Mr. Cicione asked to be added as co-sponsors.

**HB 670** — An Act to authorize the State of Delaware to loan moneys to Nursing Homes for the improvement of Nursing Home facilities and authorizing the State of Delaware to borrow money to be used therefor and to issue bonds and notes therefor and appropriating the money borrowed to the Nursing Home Improvement Fund to be administered by the State Board of Health.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**NOT VOTING** — Leshner, Quillen — 2.

**ABSENT** — Eskridge, Shockley — 2.

**HB 670** having received a three-fourths vote was declared passed by the House.

On motion of Mr. Slawik the roll call was lifted on **HB 673** and revealed as follows:

**YEAS** — Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Hammond, Harrington, Hart, McMahon, Murphy, Phillips, Quillen, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 25.

**NAYS** — Bartleson, Hale, Leshner, Pagano, Pleasanton, Riddagh — 6.

**NOT VOTING** — Gray — 1.

**ABSENT** — Eskridge, Heckert, Shockley — 3.

**HB 673** having received a two-thirds vote was declared passed by the House.

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

**HB 646** — An Act to amend Section 8303, Chapter 83, Part V, Title II, Delaware Code relating to the salaries of State Police and providing for a supplemental appropriation to carry out the provisions of this act.

Mr. Frederick moved for adoption of **HA 1** to **HB 646**. Motion defeated. **HB 646** was placed on the Speaker's desk awaiting further amendments, on motion of Mr. Frederick.

Mr. Zimmerman moved for a short recess. The House recessed at 9:10 P.M. and reconvened at 9:35 P.M.

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

**HB 518** with **HA 1** — An Act to amend § 1931, Subchapter 11, Title 14, Delaware Code, relating to the requirements for the issuance of a placement permit to Mobile Home Park Operator and the requirements which must be met before such placement permit shall be issued: Penalties for violation thereof.

On motion of Mr. Dodge **HA 1** to **HB 518** was adopted by voice vote. A roll call on the bill as amended was ordered and on further motion of Mr. Dodge that roll call was tabled.

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

**HB 598** — An Act to amend Part II, Title 30, Delaware Code by adding thereto a new Chapter 16 relating to a tax credit for the installation of a proven anti-water pollution facility by an individual or corporation.

On motion of Mr. Leshner **HB 598** was deferred.

On motion of Mr. Dodge the roll call on **HB 518** with **HA 1** was lifted and revealed as follows:

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Dodge, Evans, Frederick, Hale, Harrington, Hart, Heckert,

Leshner, McMahon, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 19.

NAYS — Fonville, Gray, Slawik, Zimmerman — 4.

NOT VOTING — Blendt, Burton, Cicione, Ferguson, Gooding, Hammond, Pagano, Phillips, Pleasanton — 9.

ABSENT — Eskridge, Murphy, Shockley — 3.

**HB 518** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 603** — An Act to amend Section 2002, Title 14, Delaware Code, relating to State Board of Education establishment of school building construction manual and minimum specifications thereof, and making a supplementary appropriation therefor.

On motion of Mr. Sebrell the roll call on **HB 603** was tabled.

On motion of Mr. Stabler the roll call on **HB 274** was lifted. On further motion of Mr. Stabler the roll call on **HB 274** was rescinded by roll call vote as follows:

YEAS — Bartleson, Benson, Brown, Burton, Castle, Dodge, Evans, Frederick, Gray, Hale, Hart, Heckert, Leshner, Pagano, Pleasanton, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 19.

NAYS — Cashman, Ferguson, Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 9.

NOT VOTING — Blendt, Fonville — 2.

ABSENT — Cicione, Eskridge, Murphy, Quillen, Shockley — 5.

**HB 274** rescinded.

Privilege of the floor was granted Mr. Joshua Twilley, Attorney. On motion of Mr. Stabler **HA 1** was adopted by voice vote. On motion of Mr. Stabler **HA 3** was adopted by voice vote. On motion of Mr. Stabler **HA 4** was adopted by voice vote. Roll call on the bill as amended revealed:

YEAS — Bartleson, Benson, Dodge, Frederick, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 14.

NAYS — Blendt, Burton, Cashman, Cicione, Evans, Ferguson, Fonville, Gooding, Hammond, Harrington, McMahon, Phillips, Quillen, Slawik, Zimmerman — 15.

NOT VOTING — Brown, Gray, Pleasanton — 3.

ABSENT — Castle, Eskridge, Shockley — 3.

**HB 274** with **HA 1, 3** and **4** not having received a constitutional majority was declared lost in the House.

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

**HB 634** — An Act making an appropriation to the Historical Society of Delaware.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**NOT VOTING** — Ferguson — 1.

**ABSENT** — Castle, Cicione, Eskridge, Pagano, Shockley, Slawik — 6.

**HB 634** having received a three-fourths majority was declared passed by the House.

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

**SB 385** — An Act making an appropriation to Alfred I. duPont School District No. 7, for the purpose of constructing sidewalks and acquiring the necessary rights-of-way therefor within the school district at specified locations. Introduced by Senator Steele.

Privilege of the floor was granted Mr. Peter Walsh, House Attorney. Mr. Zimmerman moved that Mr. Walsh be given time to study the bill to give an opinion as to whether or not this bill was a proper one constitutionally to consider in this session. The bill was temporarily put aside for this consideration.

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

**SB 339** — An Act relating to the compensation of certain key executives of the State Government.

Mr. Slawik moved to adopt **HA 1**. Mr. Benson moved to table **HA 1**. **HA 1** tabled.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 27.

**NAYS** — Zimmerman — 1.

**NOT VOTING** — Blendt, Burton, Harrington, Pleasanton — 4.

**ABSENT** — Eskridge, Hammond, Shockley — 3.

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

A messenger from the Senate delivered **SB 434** with **SA 1**, **SA 2**, **SB 293**, **SB 431** having passed the Senate and requesting concurrence of the House and returned **HB 643**, **375**, **202** with **HA 1**, **HA 3**, **HA 4**, **HA 5**, **SA 1**, **HB 418** with **SA 1**, **HB 536** and **HCR 35** all having passed the Senate.

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



**HB 202 with HA 2, 3, 4, 5 and SA 1** — An Act to amend Title 15, Delaware Code, effecting a general revision of the Election Laws of the State of Delaware by amending Chapters 1, 3, 11, 13, 15, 17, 20, 45, 47, 49, 50 and 55, relating to the Departments of Elections, State Election Commissioner, Voter Registration, and the provisions dealing with General Elections.

Mr. Slawik moved to defer the bill. Motion defeated.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 22.

**NAYS** — Blendt, Ferguson, Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 9.

**ABSENT** — Eskridge, Fonville, Gray, Shockley — 4.

**HB 202 with HA 2, 3, 4, 5 and SA 1** having received a constitutional majority was declared passed by the House.

Mr. Peter Walsh was granted privilege of the floor and stated that in his opinion **SB 385** was a proper bill. Mr. Peter F. L. Stone, House Attorney, concurred. Mr. Zimmerman withdrew his objection. A roll call was ordered on the bill which revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Cicione, Eskridge, Fonville, Gray, Shockley — 5.

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

**HB 418 with SA 1** — An Act to amend Chapter 11, Title 30, Delaware Code, relating to income tax.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gray, Hale, Hammond, Harrington, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Cicione, Eskridge, Fonville, Gray, Hart, Shockley — 6.

**HB 418 with SA 1** having received a constitutional majority was declared passed by the House.

On motion of Mr. Frederick **HA 2** to **HB 646** was introduced. Mr. Frederick moved for adoption of **HA 2**.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 22.

**NAYS** — Blendt, Ferguson, Fonville, Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 10.

**ABSENT** — Eskridge, Pagano, Shockley — 3.

**HA 2 to HB 646** adopted by roll call vote.

Mr. Frederick moved for roll call of **HB 646** with **HA 2**.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

**NOT VOTING** — Ferguson — 1.

**ABSENT** — Eskridge, Shockley — 2.

**HB 646** with **HA 2** having received a constitutional majority was declared passed by the House.

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

**HB 606** — An Act to amend Section 2301 (a), Title 30, Delaware Code, relating to licensing and regulation of non-resident auctioneers.

On motion of Mr. Dodge the roll call was tabled.

The following bill was reported out of committee: Education: **SB 434**, 4 favorable, 2 on merits.

The House recessed at 11:07 P.M. until 11:26 P.M.

The following resolution and bills were introduced:

**HR 128** — Relating to a prohibition on the introduction of new bills or resolutions except under certain conditions. Introduced by Rep. Bartleson.

Mr. Bartleson moved for adoption by voice vote; a roll call was ordered which revealed:

**YEAS** — Bartleson, Burton, Cashman, Dodge, Gray, Hale, Heckert, Murphy, Quillen, Riddagh, Sebrell — 11.

**NAYS** — Benson, Blendt, Ferguson, Fonville, Frederick, Gooding, Hammond, Harrington, Leshner, McMahon, Pagano, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 15.

**NOT VOTING** — Brown, Castle, Evans, Hart, Phillips, Pleasanton — 6.

**ABSENT** — Cicione, Eskridge, Shockley — 3.

**HR 128** not having received a constitutional majority was declared lost in the House.

**SB 293** — An Act to amend Subchapter 11, Chapter 81, Title 9, Delaware Code, relating to exemptions from taxation on real property of certain residents of this State. Introduced by Senators Cook and Manning. Referred to the Committee on Revenue and Taxation.

**SB 431** — An Act to amend Title 18, Chapter 5, Delaware Code, relating to cancellation and non-renewal of insurance policies on basis of race, color, creed or national origin and providing a penalty therefor. Introduced by Senators Manning and Holloway. Referred to the Committee on Insurance and Banking.

A messenger from the Senate delivered **SB 438** with **SA 1**, having passed the Senate and requesting the concurrence of the House; and returned **HB 646** with **HA 2** and **SA 1**, and **HB 447** having passed the Senate.

**SCR 35** — Making an Appropriation to pay the Staff of the Joint Fish, Oyster and Game Committee of the 124th General Assembly. Introduced by Senator Isaacs.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

**ABSENT** — Cicione, Eskridge, Shockley — 3.

**SCR 35** having received a constitutional majority was declared adopted by the House.

On motion of Mr. Sebrell the roll call on **HB 603** was lifted and the results was as follows:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Fonville, Hale, Hart, Heckert, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman — 21.

**NAYS** — Cicione, Leshner, Phillips — 3.

**NOT VOTING** — Blendt, Ferguson, Frederick, Gooding, Gray, Hammond, Harrington, McMahon, Mr. Speaker Hering — 9.

**ABSENT** — Eskridge, Shockley — 2.

**HB 603** having received a constitutional majority was declared passed by the House.

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

**SB 382** with **SA 1** — An Act to amend Title 29, Chapter 7, Delaware Code, relating to the withholding of Federal Income Tax, State Income Tax, Social Security, and State Employee's Pension from the Compensation of the Members and Officers of the General Assembly and to make payment thereof in accordance with Federal and State Law. Introduced by Senators Manning and Moore.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart,

Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

ABSENT — Eskridge, Shockley — 2.

SB 382 with SA 1 having received a constitutional majority was declared passed by the House.

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

SB 379 — An Act to amend Section 4703 (a), Chapter 7, Delaware Code, by adding thereto a new sub-paragraph extending the powers and duties of the State Park Commission to include the leasing of lands for park purposes. Introduced by Senators Cook and Manning.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 29.

NAYS — Quillen, Zimmerman — 2.

NOT VOTING — Ferguson, Hammond — 2.

ABSENT — Eskridge, Shockley — 2.

SB 379 having received a constitutional majority was declared passed by the House.

The following veto message from the Governor was read:  
June 20, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 10, 1968, I received House Bill No. 281 as amended by House Amendment 1 and Senate Amendment 3, Entitled:

“An Act to Amend Section 2151, Title 21, Delaware Code, relating to Motor Vehicle Registration Fees”.

I respectfully return House Bill No. 281 to the House of Representatives without my approval, for the following reasons:

House Bill No. 281 would replace the uniform motor vehicle registration fee now in effect with a sliding scale under which motor vehicles having a gross load weight of 3000 pounds or less would pay twelve dollars (\$12) per year, motor vehicles having a gross load weight of 3001 pounds to 3800 pounds would pay sixteen dollars (\$16) per year, motor vehicles having a gross load weight of 3801 pounds to 4500 pounds would pay a fee of twenty dollars (\$20) per year, and motor vehicles having a gross load weight of more than 4500 pounds would pay twenty-four dollars (\$24). The effect of implementing this sliding scale would be an estimated net loss of nine hundred thousand dollars (\$900,000) in state revenues. When considered with the fact that the Joint Finance

Committee has increased my recommended budget by nearly one million dollars (\$1,000,000), a financial situation is created in which it would be fiscally irresponsible for me to approve House Bill No. 281. The State of Delaware's financial situation is such that it cannot afford this net change of nearly two million dollars (\$2,000,000).

This bill suffers from other defects as well. I have been advised by the Motor Vehicle Commissioner that it would be impossible to implement this change by July 1, 1968 as provided in the bill. A minimum of ninety (90) days would be necessary to make the changes in procedure which would be required. In addition, House Bill No. 281 would provide that the shipping weight of the vehicle is to be used in determining gross load weight, and this would require the compilation of complicated tables showing the shipping weight of each model car.

I have returned this bill with disapproval only because of its effect on the financial situation. I have no objection to the introduction of a bill which would provide for a sliding scale of registration fees provided the technical defects mentioned above are eliminated and provided further that it is accompanied by a revenue producing measure of sufficient size to offset any loss in revenues it would cause. It should be noted in this context that the Vanity Tag Bill which was designed to offset the cost to the State of the Home and Hospital for the Chronically Ill at Smyrna has come far short of expectations and will in no way relieve the financial burden imposed by that transfer. Therefore, any measure designed to produce offsetting revenues will be studied very closely in order to insure that there is no net loss of financial resources.

It should also be noted that this action became necessary because of the priorities that had to be and have to be attached to such measures as the kindergarten bill, the summer job bill, the recreation bills, the day care bill, and the bill to increase the size and salary of our State Police force. We must give priority to these costly measures designed to improve the education of our children, to cure the causes of civil unrest, and to ensure law and order for our State. It became necessary to choose and the choice was clear. We cannot allow our financial situation to deteriorate to the point where we are strapped in meeting our responsibilities in the areas of education, civil unrest and law and order. Placing my signature on this bill would have too greatly limited my ability to respond to these much-needed measures.

For all of these reasons, I return House Bill No. 281 without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

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

**HB 639** — An Act to amend Chapter 29 of Title 24 of the Delaware Code entitled, "Real Estate Brokers and Salesmen" by repealing Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, and 2924 thereof and substituting in lieu thereof new Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, 2924, 2925, 2926, and 2927.

Privilege of the floor was granted Mr. John Roman, President of the Delaware Association of Realtors. Mr. Evans moved to defer the bill. Motion defeated. Mr. Hammond moved to adopt **HA 1**. A roll call was ordered which revealed as follows:

**YEAS** — Blendt, Brown, Burton, Evans, Ferguson, Fonville, Gooding, Hale, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 14.

**NAYS** — Cashman, Castle, Dodge, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Stabler, Mr. Speaker Hering 13.

**NOT VOTING** — Bartleson, Benson, Frederick — 3.

**ABSENT** — Cicione, Eskridge, Gray, Sebrell, Shockley — 5.

**HA 1** to **HB 639** not having received a majority was declared lost.

On motion of Mr. Hammond **HA 2** to **HB 639** was withdrawn.

Roll call on **HB 639** revealed:

**YEAS** — Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**NAYS** — Evans, Hammond — 2.

**NOT VOTING** — Bartleson — 1.

**ABSENT** — Eskridge, Fonville, Shockley — 3.

**HB 639** having received a constitutional majority was declared passed by the House.

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

**SB 406** — An Act to amend Chapter II, Title 14, Delaware Code, relating to change in boundaries of special school districts and school districts. Introduced by Senator Robbins.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 27.

**NAYS** — Blendt, Hammond — 2.

**ABSENT** — Eskridge, Ferguson, Fonville, Murphy, Shockley, Slawik — 6.

**SB 406** having received a constitutional majority was declared passed by the House.

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

**HB 414** — An Act making a supplementary appropriation to the Public Archives Commission.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Cicione, Eskridge, Fonville, Hammond, Shockley, Slawik — 6.

**HB 414** having received a constitutional majority was declared passed by the House.

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

**HB 669** — An Act authorizing the incumbent State Treasurer to transfer certain balances in the accounts of the former State Treasurer to the credit of the General Fund and employment security commission administration account, respectively.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**NOT VOTING** — Hammond — 1.

**ABSENT** — Cicione, Eskridge, Fonville, Shockley, Slawik — 5.

**HB 669** having received a constitutional majority was declared passed by the House.

On motion of Mr. Benson consideration of **SB 428** was deferred.

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

**HB 475** — An Act to transfer the payment of certain expenses and the receipt of certain fees, fines and costs relating to the Administration of Justice from the several counties to the State.

On motion of Mr. Benson **HA 1** to **HB 475** was adopted by voice vote.

Roll Call on **HB 475** as amended by **HA 1** revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Fonville, Frederick, Gray, Hale, Mur-

phy, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 19.

**NAYS** — Blendt, Hammond, Heckert, Leshner, McMahon, Phillips, Slawik, Zimmerman — 8.

**ABSENT** — Cicione, Eskridge, Ferguson, Gooding, Harrington, Hart, Pagano, Shockley — 8.

**HB 475** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 668** — An Act making a supplementary appropriation to the Department of Transportation.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Castle, Evans, Fonville, Frederick, Gooding, Hale, Hammond, Harrington, Heckert, Leshner, McMahon, Murphy, Phillips, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 21.

**NAYS** — Burton, Cashman, Dodge, Quillen, Riddagh, Sebrell — 6.

**NOT VOTING** — Cicione, Gray, Pleasanton — 3.

**ABSENT** — Eskridge, Ferguson, Hart, Pagano, Shockley — 5.

**HB 668** having received a constitutional majority was declared passed by the House.

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

**HB 652** — An Act to amend Subchapter I, Chapter 23, Title 11, Delaware Code, to broaden, clarify and modernize the state search and seizure law.

Roll Call Revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Burton, Eskridge, Ferguson, Gooding, Hammond, Shockley — 6.

**HB 652** having received a constitutional majority was declared passed by the House.

Mr. Zimmerman introduced **HA 1** to **SJR 5** which was placed with the Resolution.

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

**SS 1** for **SB 338** — An Act proposing an amendment to Article II, Section 4 of the Constitution of the State of Delaware, relating to the time and frequency of sessions and providing termination dates. Introduced by Senators duPont and Manning.

On motion of Mr. Castle the roll call was tabled.



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

**SB 418** — An Act to assign to the Delaware State Development Department the responsibility for arranging for the Inauguration of Governors and to make a supplementary appropriation therefor. Introduced by Senators Manning and Cook.

Roll Call revealed:

**YEAS** — Bartleson, Brown, Cashman, Castle, Dodge, Evans, Gooding, Hale, Harrington, Hart, Heckert, Leshner, Murphy, Pagano, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 20.

**NAYS** — Blendt, Burton, Phillips, Pleasanton, Quillen — 5.

**NOT VOTING** — Ferguson — 1.

**ABSENT** — Benson, Cicione, Eskridge, Fonville, Frederick, Gray, Hammond, McMahon, Shockley — 9.

**SB 418** having received a constitutional majority was declared passed by the House.

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

**HB 488** — An Act to amend Chapter 9, Title 19, Delaware Code, relating to minimum wages.

Mr. Slawik moved to suspend the rules. Mr. Cashman moved to table Mr. Slawik's motion to suspend rules. Motion carried. Mr. Cashman moved to recommit **HB 488**.

Roll Call on this motion revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Dodge, Frederick, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 20.

**NAYS** — Ferguson, Gooding, McMahon, Slawik — 4.

**NOT VOTING** — Blendt, Evans, Fonville, Phillips — 4.

**ABSENT** — Bartleson, Cicione, Eskridge, Gray, Hammond, Harrington, Shockley — 7.

**HB 488** was recommitted.

On motion of Mr. Stabler rules were suspended in order to consider **SB 438**. On further motion of Mr. Stabler the following was given a final reading and placed before the House for consideration:

**SB 438** — An Act to amend Chapter 19, Title 10, Delaware Code, by providing for the appointment of Court Commissioners, for Courts created by the Legislature, and conferring upon them certain powers and duties relating to the issuance of warrants and the fixing of bail and providing for the payment of salaries. Introduced by Senators Bookhammer and Cook.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick,

Gooding, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebbrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

ABSENT — Cicione, Eskridge, Gray, Hammond, Shockley — 5.

**SB 438** having received a constitutional majority was declared passed by the House.

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

**HB 665** — An Act to amend Section 2502, Chapter 25, Title 29 of the Delaware Code of 1953 to increase the number of Assistant Deputy Attorneys General serving at large from three to six and providing a supplementary appropriation therefor.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebbrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

ABSENT — Eskridge, Gooding, Gray, Hale, Hammond, Heckert, Shockley — 7.

**HB 665** having received a constitutional majority was declared passed by the House.

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

**HB 666** — An Act to amend Section 8701, Chapter 87, Title 11, of the Delaware Code of 1953 by increasing the salary of the present State Detectives, authorizing the appointment of a State Detective at large and providing a supplementary appropriation therefor.

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Fonville, Frederick, Gooding, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebbrell, Stabler, Zimmerman, Mr. Speaker Hering — 27.

NAYS — Ferguson — 1.

ABSENT — Cicione, Eskridge, Gray, Hammond, Heckert, Shockley, Slawik — 7.

**HB 666** having received a constitutional majority was declared passed by the House.

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

**HB 659** — An Act to amend Section 2901, Title 14, Delaware Code, relating to transportation of school pupils by requiring the State Board of Education to establish design, operation and capacity regulation for school buses and to enforce such regulations and the maintenance of general discipline on school buses.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Frederick, Gooding, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Paagno, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Eskridge, Fonville, Gray, Hammond, Heckert, Shockley — 6.

**HB 659** having received a constitutional majority was declared passed by the House.

The following bills were reported out of committee: Public Buildings and Lands: **SB 113**, 6 favorable; **SB 114**, 6 on merits; **SB 115**, 6 on merits.

The following was introduced and given a first reading:

**HB 679** — An Act making an appropriation to the State Board of Agriculture for the alteration and installation of laboratory equipment. Introduced by Reps. Cicione and Zimmerman.

Mr. Cicione moved to suspend rules in order to consider **HB 679**. Motion carried by roll call as follows:

**YEAS** — Bartleson, Blendt, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Frederick, Gooding, Hart, Heckert, Murphy, Pagano, Phillips, Riddagh, Sebrell, Slawik, Stabler, Zimmerman — 20.

**NAYS** — Benson, Brown, Burton, McMahon, Pleasanton, Quillen, Mr. Speaker Hering — 7.

**NOT VOTING** — Gray, Hale, Harrington, Leshner — 4.

**ABSENT** — Eskridge, Fonville, Hammond, Shockley — 4.

The privilege of the floor was granted to Mr. Isaacs, Secretary of the State Board of Agriculture.

A roll call on the bill revealed:

**YEAS** — Bartleson, Benson, Blendt, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**NAYS** — Brown, Pleasanton — 2.

**ABSENT** — Eskridge, Hammond, Hart, Shockley — 4.

**HB 679** having received a constitutional majority was declared passed by the House.

On motion of Mr. Castle the roll call on passage of **SS 1** for **SB 338** was lifted, and revealed as follows:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 24.

**NAYS** — Blendt, Ferguson, Gooding, Harrington, McMahon, Phillips, Slawik, Zimmerman — 8.

**ABSENT** — Eskridge, Hammond, Shockley — 3.

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

On motion of Mr. Frederick the following was considered for passage with **SA 1**, having passed the House with **HA 2**:  
**HB 646** with **HA 2** and **SA 1**.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**NOT VOTING** — Ferguson — 1.

**ABSENT** — Eskridge, Hammond, Shockley — 3.

**HB 646** with **HA 2** and **SA 1** having received a constitutional majority was declared passed by the House.

The House recessed at 2:02 A.M.

The Speaker called the House to order at 5:39 P.M., Monday, July 22, 1968.

Mr. Hale moved to adjourn thereby ending the 21st Legislative Day.

## 22ND LEGISLATIVE DAY (2nd Session)

The Speaker called the House to order at 5:40 P.M., June 22, 1968.

There was a prayer by the Chaplain Reverend Charles Covington.

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

The Roll Call revealed 31 members present, 4 absent.

Members present: Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

Absent: Blendt, Eskridge, Heckert, Shockley — 4.

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

Due to some difficulty with the electrical system, the recording machine operated spasmodically at the start of the session.

There was a correction made on page 7 of the roll calls of June 20th — For **SB 438** and **HB 665**, Rep. Sebrell should be marked as having votes "yea" on each; and Rep. Shockley should be marked as being "absent" on both.

A list of bills signed by the Governor, vetoed by the Governor or not acted upon by the Governor between June 20, 1968, and July 7, 1968, appeared on each member's desk.

It was moved and seconded to dispense with the reading of Memorandums 51, 52, 53, 54 and addendum to 54 from the Governor's office.

June 24, 1968

**Memorandum 51**

To: Senator Margaret Manning, Mr. G. Francis Downs, Mr. Daniel Ross, Mr. George Cripps, Dr. Lorin F. Sebbrell, Mr. F. Earl McGinnes, Mr. Ned Davis, Mrs. Mary J. Daily, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

From: Robert Thurston Barrett, Administrative Assistant  
The Governor signed the following legislation on June 20, 1968:

**HB 234** (Technical Amendments to Drainage Organization Law).

**HB 498** (21 Delaware Code, Section 4124 amended).

**HB 499** with **HA 1** (21 Delaware Code, Section 4177A amended).

**HB 500** (Drag Racing Bill).

**SB 68** (Adjutant General to serve at the Pleasure of the Governor).

The Governor signed the following legislation on June 21, 1968:

**HB 2** with **HA 1** (Definition of dependent children expanded).

**HB 78** (Deed priority from time of recordation).

**HB 83** (Regulations as to fishermen with nets modified).

**HB 205** (Law governing expenditures of Income and Principal of a minor's estate amended).

**HB 225** (Modification of Guardian's Duties).

**HB 298** (Quarterly Audits of the State Treasurer's Office).

**HB 313** with **HA 1** (Modification to Adoption Law).

**HB 317** with **HA 1** and **SA 1** (Felony to possess Firearms during Commission of another Felony).

**HB 318** with **HA 1** & **2** (Salaries of Justices of the Peace Clerks raised).

**HB 325** with **HA 1**, **3**, **5**, **6** and **SA 6** & **7** (Department of Justice).

**HB 337** (11 Delaware Code, Section 3507 amended).

**HB 486** as amended by **HA 1** (Interest limit raised for Building and Loan Associations).

**HB 508** (Reversion date extended as to 56 Laws of Delaware, Chapter 167).

**HB 560** (Assistance checks to be sent by First Class Mail).

**SB 38** (Restrictions placed on wearing masks and burning of crosses).

**SB 128** with **SA 2 & 3** & **HA 2** (Medical Advisory Committee established in Department of Public Welfare).

**SB 280** (Motorcycle Safety Law).

**SB 374** (Liquor regulations related to standing treatment repealed).

**SB 384** (Multiple Activity Club Bill).

**SB 408** (\$150,000 authorized Sussex County Treatment Unit).

**HB 281** as amended by **HA 1** and **SA 3** was vetoed by the Governor on June 10, 1968.

**SB 363** was vetoed by the Governor on May 31, 1968.

**HB 566** as amended by **HA 1** and **2** was vetoed by the Governor on May 22, 1968.

#### Memorandum 52

To: Senator Margaret Manning, Mr. G. Francis Downs, Mr. Daniel Ross, Mr. George Cripps, Dr. Lorin F. Seibrell, Mr. F. Earl McGinnes, Mr. Ned Davis, Mrs. Mary J. Daily, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

From: Robert Thurston Barrett, Administrative Assistant  
The Governor signed the following legislation on June 28, 1968:

**HB 111** with **SA 1** & **HA 1** & **SA 2** (Penalties for Fraudulent Practices under the U. C. C.).

**HB 227** with **SA 1** (Minimum Wage established for employees receiving gratuities).

**HB 284** (Fire Marshal's salary to be set by Commission).

**HB 472** with **HA 1** & **2** (\$234,750 supplementary appropriation - Fire Company grants-in-aid).

**HB 536** (University of Delaware scholarship fund increased).

**HB 564** (Ritual Circumcision exempted).

**HB 586** (Supplementary appropriation of \$54,500 to the Department of Public Welfare).

**HB 605** (Supplementary appropriation of \$6,000 for Veterans' Military Pay Act No. 3).

**HB 613** with **HA 1** (Day Care Bill).

**HB 628** with **HA 1** (Supplementary appropriation of \$340,000 to Recreation Assistance Fund).

**HB 631** (\$1,225,000.00 grant-in-aid to hospitals).

**HB 632** (Supplementary appropriation of \$5,000 to the Development Department for Philadelphia Bicentennial Celebrations).

**HB 637** (Budget Bill).

**HB 643** (17 Delaware Code, Section 1108 amended).

**HB 644** (Reversion Date extended for County Departments of Elections).

**HB 646** with **HA 2** & **SA 1** (Police Pay Bill).

**HB 655** with **HA 1** (Grants-in-aid to certain organizations maintaining residential facilities).

**HB 656** (Supplementary appropriation of \$2,500 to Big Brothers Association of Northern Delaware, Inc.).

**HB 657** (Grants-in-aid to certain Veterans' Organizations).

**HB 658** (Supplementary appropriation of \$15,000 for education and training of children of Military Veterans who died as a result of service).

**HB 671** (Supplementary appropriation of \$131,300.00 to certain hospitals).

**HB 676** (\$3,000 grant-in-aid to certain organizations which maintain emergency vehicles).

**SB 157** with **HA 1** (Hospital Standards Licensing Bill).

**SB 252** (Conversion of rented property made unlawful).

**SS 1** for **SB 317** (Deduction allowed for cost of care for certain dependents).

**SB 334** with **HA 1** (Hospital Loan Bill).

**SB 339** with **SA 1** (Classification and compensation for Key Executives).

**SB 353** with **HA 2** (Supplementary appropriation of \$4,000 for Safe Driving Campaign).

**SB 364** (15 Delaware Code, Section 1303 amended).

**SB 365** (21 Delaware Code, Section 4166 (d) amended to clarify rules governing the passing of school buses).

**SB 370** (Land Surveyor defined to mean Professional Land Surveyor).

**SB 377** (\$500,000 bond issue authorized for Mill Creek Flood Control project).

**SB 382** with **SA 1** (Withholding authorized for General Assembly).

**SB 385** (Supplementary appropriation of \$117,426 to Alfred I. Du Pont School District No. 7).

**SB 387** (Jurisdiction over construction of Sewage Systems vested in Water & Air Resources Commission).

**SB 412** (Agriculture Land Assessment Bill).

**SB 418** (Responsibility for Inauguration arrangements delegated to the State Development Department).

**SB 438** with **SA 1** (Court Commissioners Bill).

The Governor signed the following legislation on July 1, 1968:

**HB 624** (Relationship of Merit System to public employees right to organize clarified).

**SB 363** as amended by **SA 1** and **3** previously vetoed by the Governor on June 10, 1968, said veto having been overridden by the General Assembly, was returned to his desk on June 24, 1968.

**HB 540** was delivered to the Governor on June 19, 1968 - and was returned to the House of Representatives without his approval on June 28, 1968.

On memorandum No. 51 make the following corrections:

**HB 281** as amended by **HA 1** and **SA 3** was vetoed by the Governor on June 20, 1968, instead of June 10, 1968.

**SB 363** was vetoed by the Governor on June 10, 1968, instead of May 31, 1968.

**HB 566** as amended by **HA 1** and **2** was vetoed by the Governor on May 31, 1968, instead of May 22, 1968.

July 3, 1968

Memorandum 53

To: Senator Margaret Manning, Mr. G. Francis Downs, Mr. Daniel Ross, Mr. George Cripps, Dr. Lorin F. Sebrell, Mr. F. Earl McGinnes, Mr. Ned Davis, Mrs. Mary J. Daily, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

From: Robert Thurston Barrett, Administrative Assistant

The Governor signed the following legislation on July 1, 1968:

**HB 679** (\$7,000.00 supplementary appropriation - State Board of Agriculture).

**SB 406** (Law altered as to changes in School District Boundaries).

The Governor signed the following legislation on July 3, 1968:

**SB 331** (Insurance Code)

On June 26, 1968, the Governor received **SS 1** for **SB 338**, the first leg of a constitutional amendment relating to the time and frequency of sessions of the General Assembly.

On July 1, 1968 the Governor returned **SS 1** to **SB 176** to the Senate without his approval.

On July 1, 1968, the Governor returned **SB 173** to the Senate without his approval.

On July 2, 1968, the Governor returned **SB 379** to the Senate without his approval.

On July 2, 1968, the Governor returned **SB 359** to the Senate without his approval.

July 9, 1968

Memorandum 54

To: Senator Margaret Manning, Mr. G. Francis Downs, Mr. Daniel Ross, Mr. George Cripps, Dr. Lorin F. Sebrell, Mr. F. Earl McGinnes, Mr. Ned Davis, Mrs. Mary J. Daily, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

From: Robert Thurston Barrett, Administrative Assistant

The Governor signed the following legislation on July 5, 1968:

**HB 220** (Board of Health given power re-Sanitary facilities of public eating places).



**HB 305** (Board of Health powers enlarged as to mid-wifery)

**HB 316** with **HA 1** & **HA 2** & **SA 1** (prohibition on purchase and possession of firearms by certain persons).

**HB 375** (Widow's rights to Workmen's Compensation expanded).

**HB 379** with **HA 1** & **SA 1** & **HA 2** (Blind operators included in State pension).

**HB 397** (Penalties stiffened for persons driving on a revoked or suspended license).

**HB 418** with **SA 1** (Head of Household exemption created).

**HB 447** (Food Handlers medical examination).

**HB 455** with **HA 1** (Driver Education required for under eighteens).

**HB 522** (Sale of blood plasma, etc., exempted from certain U.C.C. provisions).

**HB 529** (School bus fleet subject to inspection).

**HB 530** (School bus inspection twice yearly).

**HB 557** (J.P. refund system).

**HB 580** (Attorney General given power to initiate acts against communications service acting in furtherance of gambling).

**HB 604** (Technical amendments to Meat Inspection Act).

**HB 608** (Supplementary appropriation of \$12,000 - Octagonal School House at Cowgill's Corner).

**HB 609** (Voter registration for members of the military modified).

**HB 611** (Powers of the Board of Examiners of Architects enlarged).

**HB 629** (Special license for school bus drivers).

**HB 636** (Misdemeanor to loiter on State supported school, college or university property).

**SB 360** with **SA 1** & **2** (21 Delaware code, Section 704 amended).

**HB 440** as amended by **HA 1**, first leg of a Constitutional Amendment was delivered to the Governor on June 26, 1968.

On Friday, July 5, 1968, the Governor returned **HB 202** to the House without his approval.

On Friday, July 5, 1968, the Governor returned **HB 213** to the House without his approval.

On Friday, July 5, 1968, the Governor returned **HB 520** to the House without his approval.

On Friday, July 5, 1968, the Governor returned **HB 480** to the House without his approval.

On Friday, July 5, 1968, the Governor returned **HB 533** to the House without his approval.

On Friday, July 5, 1968, the Governor returned **HB 521** to the House without his approval.

On June 22, 1968, **HB 523** became law in the absence of action by the Governor.

July 12, 1968

Addendum to Memorandum 54

The following items should have been included in the last memorandum:

**HJR 3** with **SA 1** became law in the absence of action by the Governor on June 28, 1968.

**HB 548** was returned to the House of Representatives without approval by the Governor on July 1, 1968.

Letters of veto from the Governor's office as follows:

July 5, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 27, 1968, I received House Bill No. 202 entitled:

"An Act to Amend Title 15, Delaware Code, Effecting A General Revision of the Election Laws of the State of Delaware by Amending Chapters 1, 3, 11, 13, 15, 17, 20, 45, 47, 49, 50 and 55, Relating to the Departments of Elections, State Election Commissioner, Voter Registration, and the Provisions Dealing With General Elections."

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

First, this bill has nearly two dozen technical errors in drafting, and disapproval would be necessary for that certain reason alone.

Secondly, this bill would unduly restrict the prerogative of the Governor in the appointment of members to the County Departments of Election. Both 15 Del. Code § 103, and 15 Del. Code § 104, relating to appointments to the County Departments of Election, would be deleted and new sections inserted therefore. Sub-section (e) of the new section 103 would provide as to New Castle County as follows:

The members to be appointed by the Governor under sub-sections (c) and (d) of this Section shall be appointed from a list of not less than 3 nominees for each member to be appointed, which list shall be submitted by the respective State Chairman of the political party from which the appointment must be made.

Sub-section (f) of the new section 104 would provide similarly as to Kent and Sussex Counties. I feel that such a restriction on the Governor's prerogative in this sensitive area is unsound and unjustified and I cannot approve of it.

Third, certain sections of this bill are unconstitutional. Section 38 would provide as follows:

Section 38. Amend Title 15, Delaware Code, Section 4947 by deleting the second sentence thereof and inserting in lieu thereof the following:

"The same principles shall be applied to removals from one place to another within this State provided, however, that if a person shall have changed his residence from any place within this State to any other place within this State within 30 days immediately preceding the date of the general election, said person shall be considered resident of the election district from which he has moved for the purpose of voting in such general election."

By thus allowing persons who move during the last thirty days before election to another place in the State outside of the hundred or election district in which they are registered to vote, it would contravene Article 5, Section 2 of the Delaware Constitution which states:

"Every citizen . . . who shall have been . . . for the last thirty days a resident of the hundred or election district in which he may offer to vote . . . shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident . . ."

In addition, the title of this bill does not reflect the fact that Sections 12 and 39 impose criminal penalties upon any person violating the provisions of this subchapter. Article 2, Section 16, of the Delaware Constitution and the cases interpreting said Article indicate that the Title of any bill should be so drafted as to give to the people fair and reasonable notice of the bill's contents. Here no such notice is given insofar as the possible imposition of criminal penalties are concerned.

For these reasons, I hereby return House Bill No. 202 without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 19, 1968, I received House Bill No. 540 entitled:  
"An Act to Amend Section 6521, Title II, Delaware Code, Relating to the Department of Correction by Changing the Qualifications of the Director of Field Services, District Directors, Case Work Supervisors, and Probation and Parole Counselors and Field Counselors of the Department of Correction."

Following a careful study of House Bill 540, I have decided to return it to the House of Representatives without my approval, as it would have the effect of lowering professional qualifications for probation and parole personnel.

While I have been told that probation officers are most difficult to obtain because of restrictions now in effect, I nevertheless believe the Board of Corrections - which opposes this legislation - should have an additional year to fill the vacancies under the present strict definitions. Adequate money for the purpose is available in the fiscal 1969 Budget Act.

If after another year vacancies exist, the present law will have to be carefully reviewed and amended by both the Board of Correction and the General Assembly.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

July 5, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 26, 1968, I received House Bill No. 521 entitled:  
"An Act to Amend Section 512, Title 4, Delaware Code, Relating to the Sale of Alcoholic Beverages to Guests of Club Members."

Improper drafting makes it necessary to veto this bill. It provides for the insertion of certain language after the word "Club" at the end of the second sentence of Section 512, of Title 4. Unfortunately the word "Club" does not appear at the end of the second sentence of 9 Delaware Code, Section 512. It is imperative therefore that I veto this bill.

For this reason and this reason only, I return this bill without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

July 5, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 26, 1968, I received House Bill No. 520 entitled:  
"An Act to Amend Part II, Title 30, Delaware Code, By Adding A new Chapter 20 Granting A Corporation Income Tax Credit to Certain Business Firms Which Contribute to Neighborhood Organizations or Which Engage in Activities Tending To Upgrade Neighborhood Areas."

I respectfully return House Bill No. 520 to the House of Representatives without my approval because I have been unable to determine the extent of its effect on Delaware's revenues despite consulting many agency heads. The bill would allow a "tax credit" of up to five percent of the annual tax paid by business firms or fifty thousand dollars, whichever is less for contributions made to neighborhood organizations operating community service projects in impoverished areas. In essence, therefore, a business firm, as to five percent of its tax with an upper limit of \$50,000, would have the choice of paying said sum to the State of Delaware in taxes or of contributing said sum to a worthwhile neighborhood project without any net loss in income after taxes to the business firm. This would make such a contribution most attractive and could result in a very substantial loss of revenue to the State of Delaware at a time when we cannot afford it. Without a fur-

ther study indicating the amount of loss involved with some degree of certainty and indicating that the amount involved is reasonable in size, I cannot approve of this measure.

Let me emphasize, however, that I am strongly in favor of providing some form of tax incentive to encourage business firms to invest in worthwhile projects in our impoverished areas and am disapproving of this bill only because of uncertainty with regard to its effect and my opinion that the loss in revenues caused by it would be subsestntial. I feel considerable thought and study must be given to providing an equitable, sound and attractive basis for encouraging such business investment. Even in this instance, I would have given serious consideration to signing this bill had it provided a less costly tax deduction rather than a tax credit. As it is, I feel I must return House Bill No. 520 without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

July 2, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 26, 1968, I received House Bill 548 entitled:

"An Act to Repeal Sections 712 and 713, Title 4, Delaware Code, Relating to Regulatory Provisions Concerning the Sale of Alcoholic Liquor."

I respectfully return House Bill No. 548 to the House of Representatives without my approval.

On June 21, 1968, I signed Senate Bill No. 374 entitled:

"An Act to Repeal Sections 712 and 713, Title 4, Delaware Code, relating to Regulatory Provisions Concerning the Sale of Alcoholic Liquors,"

which in effect is identical to House Bill No. 548. Since the provisions of both bills are the same, I have decided to return House Bill No. 548 without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

July 5, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 26, 1968, I received House Bill No. 213 entitled:

"An Act to Amend Section 9203, Title 10, Delaware Code, Relating to Political Affiliation of Justices of the Peace."

House Bill 213 which would provide that no more than a majority of the Justices of the Peace shall belong to the same major political party while the remainder shall belong to the other major political party is clearly unconstitutional, as it contravenes Article 4, Section 29 of the Delaware Constitution.

In the case of *Buckingham v. State ex. rel. Killoran* 3, Terry 405, 42 Del. 405 35 A.2d 903 (1944) the court held that

the Legislature has no authority to add further qualifications in connection with a constitutional judicial office such as a Justice of the Peace, where the qualifications for that office are expressly provided for the by Constitution, as is true in this instance.

Therefore, I have no choice but to return this bill without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

July 5, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 26, 1968, I received House Bill No. 533, entitled: "An Act to Amend Title 7, Delaware Code, By Repealing Part II Relating to the Shell Fisheries Commission and Its Jurisdiction, and Revising Part I in Order That the Board of Game and Fish Commissioners Hereafter Assume Certain Functions Formerly the Responsibility of the Shell Fisheries Commission and Accomplishing Certain Other Additions To, Revisions and Codification of the Authority of the Board of Game and Fish Commissioners By Further Amendment of Title 7 and Title 23 Relating to Navigation and Waters, and Authorizing the Acquisition of a New Watch Boat for the Expanded Water Patrol Duties of the Board and Making an Appropriation Therefor."

This bill confers jurisdiction over the commercial water industries (including Shell Fisheries) to the sports fisheries oriented Game and Fish Commission.

There is, upon occasion, a strong conflict of interest between sports fishermen and commercial fishermen. Accordingly, it is important that both interests be represented by boards recognizing their special problems and needs so that any conflict can be fully negotiated by understanding men and women. It would, in my estimation, be most unfair for the shell fish industry, which has been a source of considerable revenue for many Delawareans in the past and is now on the way to a substantial comeback, to be controlled by the sports fishermen as would be the case if this bill became law.

This bill provides for the purchase of a much needed watchboat to police the shell fish harvest. While I am very much in favor of this investment, I will not bite boat bait. The General Assembly upon its return should promptly approve funds for purchase of a watchboat so that our able shell fish commission can proceed with the job that it has been assigned to do under existing law. Until such a step is taken, the commission must operate under less than ideal conditions, a situation for which the General Assembly must assume responsibility.

House Bill 533 is herewith returned without my approval.  
Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

July 5, 1968

To the House of Representatives of the 124th  
General Assembly of the State of Delaware:

On June 26, 1968, I received House Bill No. 480 entitled:  
"An Act to Amend Chapter 81, Title 10, Delaware Code,  
Relating to Limitations of Actions."

The restrictions imposed on private property interests by this bill cannot be countenanced or allowed. This bill would require that all suits questioning the legality of "any ordinance, code, regulation or map, relating to zoning or any amendment thereof, or any regulation or ordinance relating to subdivision and land development, or any amendment thereto . . ." enacted by a county or municipality must be commenced within thirty days of publication of the public notice thereof. This thirty day limitation is most unfair to the owners and future owners of the property affected by the change. In many cases, interested parties would not be aware of the ordinance, etc., until it affected their specific plot of ground and this could and often would be long after its adoption. I feel that such a restriction would be unreasonable and, therefore, return House Bill No. 480 without my approval.

Respectfully submitted,  
Charles L. Terry, Jr.  
Governor

A messenger from the Senate delivered **SB 372**, **SB 367**, **SCR 36** having passed the Senate and requesting the concurrence of the House.

The following bills were reported out of committee: Miscellaneous: **HB 545**, 4 favorable; **HB 863**, 4 on merits.

The following bills were introduced and assigned to committee:

**HB 680** — An Act to amend Chapter 81, Title 10, Delaware Code, relating to limitations of actions by imposing limitations relating to zoning or land subdivision ordinances. Introduced by Reps. Hering and Gooding. Referred to the Committee on Judiciary.

**HB 681** — An Act making a supplementary appropriation to the State Board of Education for the operating of Kindergartens. Introduced by Reps. Murphy, Dodge, Hart and Hale. Referred to the Committee on Appropriations.

**HB 682** — An Act making a supplementary appropriation to the Delaware State Development Department for Flags. Introduced by Reps. Cicione and Slawik. Referred to the Committee on Miscellaneous.

**HB 683** — An Act to amend Section 9121, Title 9, Delaware Code, relating to the authorized mileage rate for Officers

or Employees of all of the Counties of the State of Delaware. Introduced by Reps. Sebrell and Quillen. Referred to the Committee on State, Urban and Municipal Affairs.

**HB 684** — An Act making a supplementary appropriation to the Governor for the use of the Inter-agency Committee on Mental Retardation. Introduced by Rep. Zimmerman. Referred to the Committee on Appropriations.

**HB 685** — An Act to amend Title 11, Subchapter XLVII, Delaware Code, relating to robbery and assault. Introduced by Reps. Benson, Burton, Quillen, Sebrell, Cicione, Brown, Frederick, Riddagh, Pleasanton and Pagano. Referred to the Committee on Judiciary.

**HB 686** — An Act proposing an amendment to Article 2, Section 15, of the Constitution of the State of Delaware relating to compensation, expenses and allowances of members of the General Assembly and the President of the Senate. Introduced by Reps. Benson, Brown, Hale, Sebrell, Riddagh, Pleasanton and Pagano. Referred to the Committee on Revised Statutes.

**HB 687** — An Act to amend Subchapter IX, Title 11, Delaware Code, relating to burglary and breaking and entering. Introduced by Reps. Benson, Burton, Quillen, Sebrell, Cicione, Frederick, Brown, Riddagh, Pleasanton and Pagano. Referred to the Committee on Judiciary.

**HB 688** — An Act to amend Title 11, Subchapter V, Delaware Code, relating to arson and burning of property. Introduced by Reps. Benson, Burton, Quillen, Sebrell, Cicione, Brown, Frederick, Riddagh, Pleasanton and Pagano. Referred to the Committee on Judiciary.

**HB 689** — An Act to amend Title 11, Subchapter XLVIII, Delaware Code, relating to sexual offenses against minors. Introduced by Reps. Benson, Burton, Brown, Sebrell, Cicione, Frederick, Riddagh, Pleasanton and Pagano. Referred to the Committee on Judiciary.

**HB 690** — An Act to amend Title 11, Subchapter XLIV, Delaware Code, relating to rape. Introduced by Reps. Benson, Burton, Sebrell, Frederick, Cicione, Brown, Quillen, Riddagh, Pleasanton and Pagano. Referred to the Committee on Judiciary.

Mr. Benson requested and was granted privilege of the floor to speak on behalf of the six bills he had just introduced. Messrs. Riddagh, Pleasanton and Pagano asked to be added as sponsors.

**HB 691** — An Act making a supplemental appropriation to the Department of Public Welfare for the fiscal year ending June 30, 1968 for the purpose of providing medical services under Title XIX - Medicaid to patients in the facilities of the Department of Mental Health. Introduced by Reps. Hale and Zimmerman. Referred to the Committee on Appropriations.



**HB 692** — An Act to amend Section 9203, Title 10, Delaware Code, relating to political affiliation of Justices of the Peace. Introduced by Reps. Benson, Murphy, Stabler and Castle. Referred to the Committee on Judiciary.

**HA 1 to SB 434** — Introduced by Rep. Hale. Placed with bill.

**SB 372** — An Act to provide summer recreation for certain youths of this State and to make a supplementary appropriation therefor. Introduced by Senators Cook and Holloway. Referred to the Committee on Public Buildings and Lands.

**SB 367** — An Act to amend Sect. 2151 (2), Title 21, Delaware Code, relating to Motor Vehicle Registration Fees. Introduced by Senator Isaacs. Referred to the Committee on Highways and Public Safety.

**SCR 36** — Making Directors on the part of the Farmers Bank of the State of Delaware ineligible to borrow money from said Bank. Introduced by Senator Cook. Referred to the Committee on Banking and Insurance.

Mr. Dodge moved to lift the roll call on **HB 606**. Motion carried.

On further motion of Mr. Dodge the following was placed before the House for consideration: **HB 606**.

Roll Call revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Cicone, Dodge, Frederick, Gray, Hale, Harrington, Heckert, Murphy, Phillips, Pleasanton, Quillen, Riddagh, Sebrell — 18.

**NAYS** — Zimmerman — 1.

**NOT VOTING** — Bartleson, Blendt, Evans, Ferguson, Fonville, Hammond, Leshner, McMahon, Pagano, Slawik, Stabler, Mr. Speaker Hering — 12.

**ABSENT** — Eskridge, Gooding, Hart, Shockley — 4.

**HB 606** having received a constitutional majority was declared passed by the House.

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

**SB 380** — An Act to amend Title 7, Chapter 47, Subchapter 1, Subsection 4703 (d), Delaware Code, relating to hunting on State Parks by designating areas for such purpose. Introduced by Senators Cook and Manning.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Blendt, Cicone, Eskridge, Hammond, Heckert, Shockley — 6.

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

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

**HB 651** — An Act to amend Section 5504, Title 25, Delaware Code, relating to property subject to distraint.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Blendt, Cicione, Eskridge, Hammond, Heckert, Shockley — 6.

**HB 651** having received a constitutional majority was declared passed by the House.

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

**HB 672** — An Act to amend Section 306, Title 15, Delaware Code, relating to audit of the State Voter Registration System.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 27.

**NOT VOTING** — Fonville, Hammond, Harrington, Zimmerman — 4.

**ABSENT** — Blendt, Eskridge, Heckert, Shockley — 4.

**HB 672** having received a constitutional majority was declared passed by the House.

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

**SB 427** — An Act to amend Chapter 83, Title 16, Delaware Code, relating to County Building Codes, Plumbing Codes, Electrical Codes and similar codes, and providing for reasonable fees for the enforcement thereof. Introduced by Senator Foltz.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 26.

**NAYS** — Fonville — 1.

**NOT VOTING** — Ferguson, Hammond, Phillips, Zimmerman — 4.

**ABSENT** — Blendt, Eskridge, Heckert, Shockley — 4.

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

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

**HB 649** — An Act to amend Subchapter IV, Chapter 19, Title 10, Delaware Code, relating to judicial reports.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddag, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

**ABSENT** — Blendt, Eskridge, Heckert, Shockley — 4.

**HB 649** having received a constitutional majority was declared passed by the House.

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

**HB 653** — An Act to amend Section 4913, Title 10, Delaware Code, to revise provisions relating to the attachment of wages.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddag, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**NAYS** — Hammond — 1.

**ABSENT** — Blendt, Cicione, Eskridge, Heckert, Shockley — 5.

**HB 653** having received a constitutional majority was declared passed by the House.

Mr. Hale took the Speaker's Chair.

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

**HB 558** — An Act to amend Chapter 57, Title 7, Delaware Code, relating to inclusion of civil disorder, riot, and insurrection as major disasters within the scope of Chapter 57, Title 7, Delaware Code, disaster relief and assistance provisions, and providing an appropriation in the amount of \$500,000 to fund the Governor's Disaster Recovery and Rehabilitation Fund.

Mr. Hering referred to an amendment placed before the members but not yet introduced.

Mr. Bartleson called attention to the need for additional amendments. Mr. Hering concurred with Mr. Bartleson and postponed the bill.

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

**HB 559** — An Act authorizing the State of Delaware to borrow a sum not to exceed \$1,000,000 and to issue bonds and notes for supplementation of the Governor's Disaster Re-

covery and Rehabilitation Fund. (With accompanying debt statement).

Since **HB 559** contains several references to **HB 558**, Mr. Zimmerman requested the sponsor to defer the bill. Mr. Hering deferred **HB 558** and **HB 559** until the next legislative day to allow time for redrawing.

Mr. Hering resumed the Speaker's Chair.

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

**HB 633** — An Act to amend Chapters 43, 45, and 57, Title 15, Delaware Code, relating to Election of the Governor and Lieutenant Governor, by providing that the Lieutenant Governor be of the same political party as the Governor and elected jointly with the Governor in such manner that but one vote shall be cast for both offices.

Roll call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Fonville, Frederick, Gray, Hale, Hart, Leshner, McMahon, Murphy, Pagano, Pleasanton, Quillen, Rid-dagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 24.

NAYS — Gooding, Phillips — 2.

NOT VOTING — Cicione, Ferguson, Hammond, Harrington, Slawik — 5.

ABSENT — Blendt, Eskridge, Heckert, Shockley — 4.

**HB 633** having received a constitutional majority was declared passed by the House.

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

**HB 641** — An Act to amend § 555, Title 28, Delaware Code, relating to Harness Racing.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Rid-dagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

ABSENT — Blendt, Eskridge, Heckert, Shockley — 4.

**HB 641** having received a constitutional majority was declared passed by the House.

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

**SB 426** — An Act to amend Chapter 166, Volume 55, Laws of Delaware, entitled "An Act relating to capital improvements for the State by authorizing certain capital improvements and appropriating the moneys therefor to certain agencies of the State" by changing the allocation of appropriations therein to the Public Archives Commission. Introduced by Senator Isaacs.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Rid-dagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Her-ing — 31.

**ABSENT** — Blendt, Eskridge, Heckert, Shockley — 4.

**SB 426** having received a constitutional majority was declared passed by the House.

The House recessed at 7:19 P.M. and reconvened at 7:40 P.M.

A messenger from the Senate delivered **SB 388**, **SB 139**, **SJR 8** having passed the Senate and requesting the concurrence of the House; and returned **HS 1** to **HB 19** with **HA 1** having passed the Senate.

The following bills were reported out of committee: Judi-ciary: **HB 680**, 1 favorable, 4 on merits; **HB 692**, 4 favorable, 1 on merits; Revised Statutes: **HB 686**, 4 favorable, 1 on merits; Highways and Public Safety: **SB 275**, 5 on merits.

The following bills were introduced and assigned to com-mittee:

**HB 693** — An Act making a supplementary appropriation to the Budget Commission for the purpose of establishing a Contingency Fund for benefit payments by the Department of Public Welfare for the fiscal year ending June 30, 1969. In-troduced by Reps. Evans, Hammond and Fonville. Referred to the Committee on Appropriations.

**HB 694** — An Act to amend Section 503, Title 31, Dela-ware Code, relating to the method of payment of welfare assis-tance. Introduced by Reps. Hammond, Evans and Fonville. Referred to the Committee on Health and Welfare.

**HB 695** — An Act making a supplementary appropriation to the State Distribution Agency for the expansion of the Needy Families Commodity Program. Introduced by Reps. Evans and Fonville. Referred to the Committee on Appro-priations.

**HB 696** — An Act to amend § 1301 (b), Chapter 13, Title 19, Delaware Code, by extending the right of organize to public school teachers. Introduced by Reps. Cashman and McMahon. Referred to the Committee on Education.

**HB 697** — An Act making a supplementary appropriation to the Industrial Accident Board. Introduced by Reps. Cash-man and Slawik. Referred to the Committee on Labor.

**HB 698** — An Act to amend Chapter 25, Title 6, Delaware Code, relating to the establishment of a State Department of Consumer Affairs; and providing a supplementary appropria-tion therefore. Introduced by Reps. Cicione, Burton, Gray,

Benson, Dodge, Gooding Slawik, Hart, Frederick, Cashman, Zimmerman, Harrington, Evans, Pagano, Ferguson and Castle. Referred to the Committee on Miscellaneous.

**HB 699** — An Act appropriating funds to the State Commission for the Aging for salary and operation expenses. Introduced by Reps. Hart, Cashman, Slawik, Pagano and Ferguson. Referred to the Committee on Appropriations.

**HA 1 to HB 545** — Introduced by Rep. Cicione. Placed with bill.

**SB 139** — An Act repealing Title 7, Delaware Code, Section 1901 and Section 1904 (a) and providing for the creation of the Delaware Commission of Shell Fisheries and the appointment of an Executive Secretary. Introduced by Senator Isaacs. Referred to the Committee on Fish, Oyster and Game.

**SB 388** — An Act to amend Chapter 65, Title 29, Delaware Code, relating to budget and fiscal regulations for state agencies. Introduced by Senator Dineen. Referred to the Committee on Appropriations.

**SJR 8** — Relating to the Union African Methodist Episcopal Church. Introduced by Senators Holloway and Dineen. Referred to the Committee on Public Buildings and Lands.

Mr. Evans welcomed and thanked the members from A.M.E. Zion Church present in the chamber.

The House adjourned at 8:07 P.M. until Tuesday, July 23rd at 5:00 P.M.

### **23RD LEGISLATIVE DAY (2nd Session)**

The Speaker called the House to order at 5:47 P.M. on Tuesday, July 23, 1968.

There was a prayer by the Chaplain Reverend Oliver H. Spence.

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

The Roll Call revealed 29 members present, 6 absent.

Members present: Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebbrell, Stabler, Zimmerman, Mr. Speaker — 29.

Absent: Blendt, Eskridge, Ferguson, Fonville, Heckert, Shockley — 6.

Rep. Hale was granted privilege of the floor and delivered the following remarks:

#### **A DISCUSSION OF PROFESSIONAL NEGOTIATIONS "COLLECTIVE BARGAINING" FOR TEACHERS AS PROPOSED BY HOUSE BILL NO. 705**

Everette Hale

This is the fourth bill introduced in the General Assembly dealing with this subject since May, 1966. The previous bills were primarily sponsored by the Delaware State Education

Association with some acquiescence to the desires and opinions of local school boards and Chief School Officers. The concern or need for professional negotiations bill has been running lukewarm for quite a while and we have somewhere between fourteen and twenty-one local school districts who have entered into voluntary professional negotiations agreements over the past few years. This spring a question arose in the Wilmington school district where two organizations sought the right to bargain exclusively for the teachers in Wilmington. They have been assured a representative election this fall.

On June 12 of this year the Attorney General issued an opinion stating in part "... that since professional school employees are expressly excluded from the provisions of Chapter 13, Title 19, Delaware Code" (the law which gave all other state employees the right to bargain collectively and which was passed in 1965) the agreements between local districts and their teachers were invalid. This decision in my opinion makes it necessary that the State Government give its local school districts some guidelines in which to operate, I hope, harmoniously with their local teachers' organizations.

This particular proposal, House Bill No. 705, contains provisions which are contrary to the desires of both the AFT and the DSEA. It is the result of my study of the laws of over ten states and my consultation with experts and representatives of all the vested interests concerned with the bill.

The following is a discussion of the facts of the bill:

Section 4001. The provisions of Section 4001 are self-explanatory with the possible exception of (c). The definitions of public school employees is specified in this section in order to define the bargaining unit so as to not be necessary to repeat throughout the sections of this bill.

Section 4002. The purpose of this Act is the improvement of personnel management and it is my hope that this bill will promote harmonious relationships within the local school districts.

Section 4003. This section permits the employees to join any organization for their own benefit but prohibits specifically the closed or union or agency shop. It also requires that dues may be deducted from employees pay only with that employee's request.

Section 4004. This section sets out the procedure for determining an exclusive bargaining agent. Under paragraph (a) if a majority of the public school employees belong to an organization and they request the right to be the bargaining agent it shall be granted by the local school district. However, if one organization requests the right to be the exclusive bargaining agent, thirty percent of the public school employees have the right to challenge the local board and by petition request that an election be held to determine the exclusive bargaining agent.

Under paragraph (1) if an election has been granted additional organizations may request to be included on the ballot by showing that they have by petition at least ten percent of the employees.

Paragraph (2) merely states that election must be held within 45 days.

Paragraph (c) provides that the bargaining representative will be certified for a minimum period of two years and sets up procedures for additional elections for teachers organizations.

Paragraph (d) results because the AFT membership prefers to bargain exclusively for the classroom teacher and the DSEA prefers to include in its bargaining unit supervisors, assistant principals, etc. This section provides that although only teachers may vote in an election the local board and the bargaining unit may include other classes of employees by agreement.

Section 4005. It has been the experience in Government and the private sector that employees will endeavor to fight for the right to bargain on things they think important. This section merely recognizes that fact. It is my personal opinion that with the teachers organization concerned with all problems of the district that they will be less likely to take an unreasonable stand on any individual item. I think this is true since it takes the combined efforts of the local Board, the administration, the teachers and the parents organizations to secure additional funds by referendum in school districts.

Section 4006. It is not the intent of this law to restructure in any way the right of the employees in taking these grievances to anyone that they feel so inclined.

Section 4007. Both parties are simply obliged to set down and negotiate in good faith and make a written contract if requested by either party.

Section 4008. The local Board of Education is prohibited from getting involved in trying to discourage employees from exercising their right under this law.

Section 4009. This section deals with the method for treating problems which cannot be resolved by negotiation between the bargaining representative and the Board of Education. The first paragraph sets up a procedure whereby they submit their differences to mediation. Frequently in collective bargaining both teams are reluctant to make all of their concessions to the other side and through mediation it is more likely that compromises are effected which permit both sides to save face.

The second paragraph is the treatment of problems not resolved by mediation. It provides for the selection of a fact finding committee or fact finder who's job it will be to hold hearings, get all the facts, make them public, and provide



recommendations. This procedure which has been tried in the State of Wisconsin has been very successful since neither the local board nor the bargaining representative are inclined to have an impartial person or persons bring their entire case before the public. In Wisconsin, the experience has been that they both are reluctant to air their linen in public. This fact frequently encourages resolution of the problem prior to the issuance of the final report and recommendations. If it doesn't, it is hoped that public opinion will sway and force a resolution of the problem.

Section 4010. This is a typical no strike provision which is written broad enough to cover reporting off sick and other activities that have been recently tried in other states.

The second paragraph is a unique provision borrowed from the Maryland Statute which provides that if an organization calls a strike it shall be prohibited from being the exclusive representative for a period of two years. In other states normally the first item negotiated by the striking teachers has been amnesty from the no strike penalties of the state law. It has been found that monetary penalties very frequently get negotiated away. However, I believe that this provision which prohibits the striking organization from being the bargaining representative two years will seriously restrict the leadership of either teachers organization from calling a strike since it is possible or probable that they will be yielding their right to bargain to their competing organization.

Section 4011. This section merely continues the agreements in effect currently to the extent that they are not in conflict with this law.

Section 4012. This section specifically prohibits any agreements being made which are in conflict with the Delaware Code. It is a broad provision since many responsibilities are specifically delegated in the code as being the responsibility of the State Board of Education. In other words, an agreement cannot be made which violates either the State's statutes or adopted rules and regulations of the State Board of Education.

The following bills were reported out of committee: Miscellaneous: **HB 682**, 2 favorable, 2 on merits; **HB 698**, 1 favorable, 3 on merits; Highways and Public Safety: **HB 58**, 4 favorable; **HB 465**, 1 favorable, 3 on merits; State, Urban and Municipal Affairs: **HB 683**, 1 favorable, 4 on merits; Public Buildings and Lands: **SJR 8**, 3 favorable, 2 on merits.

The following bills were introduced and assigned to committee:

**HB 700** — An Act to amend Chapter 57, Title 7, Delaware Code, relating to inclusion of civil disorder, riot, and insurrection as major disasters within the scope of Chapter 57, Title 7, Delaware Code, disaster relief and assistance provisions, and providing an appropriation in the amount of \$200,000 to

fund the Governor's Disaster Recovery and Rehabilitation Fund. Introduced by Rep. Hering. Referred to the Committee on Miscellaneous.

**HB 701** — An Act to amend Chapter 337, Volume 56, Laws of Delaware, entitled "An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1969" in order to assure the reversion on January 1, 1969 of certain monies appropriated directly to various state agencies for legal services because thereafter such services will be provided under the supervision of the State Department of Justice. Introduced by Rep. Leshner. Referred to the Committee on Appropriations.

**HB 702** — An Act to transfer the payment of certain expenses and the receipt of certain fees, fines and costs relating to the administration of justice from the several counties to the state and to provide for compensation and pension benefits of court employees upon such transfer. Introduced by Rep. Benson. At Mr. Benson's request, this bill was laid on the Speaker's Desk.

**HB 703** — An Act to amend Section 6508, Title 29, Delaware Code, relating to annual reports of State Agencies. Introduced by Reps. Leshner and Bartleson. Referred to the Committee on Appropriations.

**HA 1 to HB 559** — Introduced by Rep. Hering. Placed with bill.

**HA 1 to HB 650** — Introduced by Rep. Stabler. Placed with bill.

**HA 1 to HB 698** — Introduced by Rep. Cicione. Placed with bill.

**HB 129** — In Tribute to Representative T. Lees Bartleson For His Years of Service to Delaware.

WHEREAS, T. Lees Bartleson was first elected to the House of Representatives in 1956 and has been reelected every two years since that time; and

WHEREAS, Mr. Bartleson won reelection in 1958 by over 8,500 votes, the largest majority ever given to a House candidate at the time and probably still a record today; and

WHEREAS, Mr. Bartleson has served his State and his party well over these years and in several sessions has been selected by his party to a leadership position; and

WHEREAS, Mr. Bartleson has been known as "a legislator's legislator" for his careful preparation and detailed homework, particularly in the area of the State budget; and

WHEREAS, Mr. Bartleson's service has included many interesting events, such as when he attended a legislative conference in Puerto Rico and a taxicab drove off with his luggage and without him; and

WHEREAS, Mr. Bartleson has indicated that he plans to retire from his legislative duties at the conclusion of the 124th General Assembly;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the 124th General Assembly that this body expresses its deepest gratitude to Mr. Bartleson for his many years of devoted service to the State of Delaware; and

BE IT FURTHER RESOLVED, that the members of this House wish to express to Mr. Bartleson their best wishes for a long and happy retirement, which he has so richly earned; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Mr. Bartleson.

Introduced by Rep. Leshner and entire House. Adopted by voice vote.

**HR 130** — Authorizing payment of amount due the Harrington Journal for supplies furnished the 124th General Assembly. Introduced by Rep. Sebrell. On motion of Dr. Sebrell **HR 130** was adopted by voice vote.

**HR 131** — Authorizing payment of amount due for services rendered by Mr. Joseph W. Pfaff on behalf of the Joint Finance Committee. Introduced by Rep. Sebrell. Adopted by voice vote.

A messenger from the Senate delivered **SB 443** and **SB 439** informing the House that they have passed the Senate and requesting the concurrence of the House.

Mr. Castle was granted privilege of the floor to request an override of the Governor's veto on **HB 202**. Mr. Castle asked for an explanation of the "technicalities" the Governor mentioned in his veto message, and requested privilege of the floor for Mr. Hartnett, Legislative Bureau Director. Mr. Hartnett repeatedly claimed that to the American Bar Association this would be divulging a "confidential memo to the Governor without the Governor's consent". Mr. Zimmerman requested that the bill be deferred until someone else could be found to explain the technicalities.

The House recessed at 6:30 P.M. and reconvened at 6:38 P.M.

Mr. Zimmerman stated that the "Gentleman who wrote the message" was not here, but was "on his way home from out of town". Mr. Castle moved to vote on the veto override. Motion carried.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicone, Dodge, Evans, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 22.

**NAYS** — Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 7.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Heckert, Shockley — 6.

**HB 202** received a three-fifths vote thereby overriding the Governor's veto.

Mr. Pleasanton moved to vote on overriding the veto of **HB 533**. Motion carried.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 22.

NAYS — Gooding, Hammond, Harrington, McMahon, Phillips, Slawik, Zimmerman — 7.

ABSENT — Blendt, Eskridge, Ferguson, Fonville, Hecker, Shockley — 6.

**HB 533** received a three-fifths majority thereby overriding the Governor's veto.

Mr. Hale took the Speaker's chair.

Mr. Hering read the following letter:

July 23, 1968

The Honorable Charles L. Terry, Jr.  
Governor of the State of Delaware  
Dover, Delaware

Re: The Neighborhood Assistance Act  
(House Bill No. 520)

Dear Governor Terry:

I sincerely regret that you found it necessary to veto the Neighborhood Assistance Act (House Bill No. 520). Your statement that "it is ridiculous on its face" perplexes me when you personally have backed bills this session which provide precisely what this bill proposes.

To my knowledge, this is the first bill introduced into our State Legislature that acknowledges that government - at the state or federal level - cannot as demonstrated by past performance solve all our urban problems. The bill endeavors to foster involvement of the private sector in the problems of the urban areas by giving to business firms a tax-credit for tackling recognized problems. Heretofore, the only financial recognition given to private enterprise was the right to take contributions as a deduction on corporate tax returns. Your Committee on Civil Unrest - more recently concurred in by the President's Advisory Commission on Civil Disorders - advocated tax credits to private industry in return for attempting to solve many of the ghettas problems which the state and national governments have either tried and failed or only scratched the surface. Private enterprise - not government - has been the harbinger of progress throughout our American heritage.

When reviewing the number of programs and amounts of money which the General Assembly has appropriated this current session, I am disappointed that you did not feel the private sector could lend a willing hand in this direction. The mechanics set forth in this bill provide, in my judgment, the

necessary controls by the Chief Executive to restrict the amounts of money that private enterprise can invest and receive a tax-credit for. I believe that you have made an unwarranted conclusion by claiming that this legislation "could result in a very substantial loss of revenues . . . at a time when we cannot afford it". The simple fact is that we are not losing revenue by encouraging such a program but rather asking the inventiveness of the private sector to do exactly what the state government is endeavoring to promote. Any program for which a tax-credit is approved must fall within the guidelines set forth in the legislation.

Let us briefly review what this General Assembly has approved through appropriations that deal with urban problems:

- (1) \$100,000 to the Opportunities Industrialization Center to promote the learning of a trade;
- (2) \$350,000 for a limited three-month summer job-training program for youths from impoverished areas;
- (3) \$340,000 for a statewide recreation program, part of which will certainly be earmarked for the city dwellers;
- (4) a \$5 million dollar appropriation for low-income housing.

Without exception, all of these areas could be undertaken, contributed to or operated by the private sector in one form or another. Why, therefore, can we not permit business to attempt a solution to these problems without the usual governmental bureaucratic controls?

I have already noted above that in my judgment such legislation should not be considered a loss of revenue but rather giving the opportunity to private enterprise which state and federal governments have failed to fulfill.

Figures obtained from the State Tax Commissioner indicate that only one corporation in our State would be entitled to the entire \$50,000 annual credit under the basic portion of the bill. There are only twelve corporations that paid Delaware corporate income taxes in 1967 in excess of \$75,000. You stated in one of your press conference that the State would lose between \$700,00 - \$800,000 in revenue. I find this completely unrealistic both as to sum and as to your term of the word "loss".

In conclusion, therefore, I must respectfully ask my colleagues to join me in overriding your veto. The new approach offered by House Bill No. 520 to a yet unresolved basic fundamental problem dictates, in my judgment, that an override is in the best interests of the people of our State.

Respectfully yours,  
George C. Hering, III  
Speaker of the House

Mr. Hering then requested a vote to override the veto on  
**HB 520.**

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 22.

**NAYS** — Gray, Harrington, McMahon, Phillips, Slawik, Zimmerman — 6.

**ABSENT** — Blendt, Esrkidge, Ferguson, Fonville, Hammond, Heckert, Shockley — 7.

**HB 520** received a three-fifths majority thereby overriding the Governor's veto.

The House recessed at 6:50 P.M., and reconvened at 9:42 P.M.

A messenger from the Senate delivered **SB 444**, having passed the Senate and requesting the concurrence of the House.

The following bills were introduced and assigned to committee:

**HB 704** — An Act to amend Title 3, Delaware Code, by adding thereto a new Chapter 25, relating to requirements of licenses and bonds for dealers in Agricultural Products; application requirements, records and information to be kept; reasons for revoking licenses; and, to provide penalties for violations. Introduced by Rep. Riddagh. Referred to the Committee on Agriculture.

**HB 705** — An Act to amend Title 14, Delaware Code, relating to education by providing for negotiations between Boards of Education and Organizations of public school employees. Introduced by Reps. Hale, Harrington and Brown. **HB 705** laid on Speaker's Desk.

**HB 706** — An Act to amend Sections 2322 (d), 2324, 2325, 2326 (a), (f), (g) and (h), and 2330 (b), Title 19, Delaware Code. Introduced by Rep. Cashman. Referred to the Committee on Labor.

**HB 707** — An Act to appropriate supplementary funds to the Office of the Governor for additional legal staffing. Introduced by Reps. Hering, Hale and Dodge. Referred to the Committee on House Operations.

**HB 708** — An Act to amend Chapters 11 and 13, Title 29, Delaware Code, relating to re-organization of the Legislative Reference Bureau and the Legislative Council. Introduced by Reps. Hering, Hale and Dodge. Referred to the Committee on House Operations.

**HB 709** — An Act to amend Chapter 83, Title 9, Delaware Code, to permit the respective Governments of New Castle, Kent and Sussex Counties to make supplemental assessments of real property located in their respective counties and to levy and collect real property taxes based on such supplemental assessments; to provide for a lien against property for unpaid taxes so levied, together with penalties, and to provide appeals from such supplemental assessments. Introduced by

Rep. Leshner. Referred to the Committee on Revenue and Taxation.

**HA 1 to HB 58** — Introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 465** — Introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 686** — Introduced by Rep. Hart. Placed with bill.

**HA 1 to SB 428** — Introduced by Rep. Quillen. Placed with bill.

**HA 2 to SB 434** — Introduced by Rep. Quillen. Placed

**HR 132** — Expressing the Best Wishes of the House of Representatives of the 124th General Assembly to the American Legion on its 50th Anniversary. Introduced by Rep. Cicone. On motion of Mr. Cicone **HR 132** was adopted by voice vote.

**SB 439** — An Act relating to Education of the Citizens of Delaware by making an appropriation to the "Delaware State Fair, Inc." Introduced by Senator Isaacs.

Mr. Quillen moved for a suspension of rules in order to vote on the bill. Motion carried.

Roll Call on **SB 439** revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicone, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley — 7.

**SB 439** having received a three-fourths majority was declared passed by the House.

**SB 443** — An Act to amend Title 6, Delaware Code, by adding a Chapter 38 thereto providing for broadcasting certain public notices. Introduced by Senator Foltz. Referred to the Committee on Revised Statutes.

**SB 444** — An Act making a Supplementary Appropriation to the Department of Corrections for the purpose of granting salary increases to certain employees. Introduced by Senator Isaacs. Referred to the Committee on Revised Statutes.

Mr. Stabler requested privilege of the floor for Judge Thomas Herlihy, Jr., Attorney in Wilmington for Greater Wilmington Development Council, Wilmington Housing Authority and the City of Wilmington. Mr. Herlihy spoke on **SB 285**. On motion of Mr. Stabler **SB 285** was placed before the House for consideration. On further motion of Mr. Stabler the roll call was tabled.

On motion of Mr. Stabler **HA 1 to HB 650** was adopted by voice vote. On further motion of Mr. Stabler the following was given a final reading and placed before the House for consideration:

**HB 650 with HA 1** — An Act authorizing the Delaware Code Revision Commission to have prepared, a replacement volume for Volume 13 of the Delaware Code, and making a supplementary appropriation therefor.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 27.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Gray, Heckert, McMahon, Shockley — 8.

**HB 650 with HA 1** having received a constitutional majority was declared passed by the House.

On motion of Mr. Stabler the Roll Call on **SB 285** was lifted and revealed as follows:

**YEAS** — Bartleson, Brown, Cashman, Castle, Cicione, Evans, Gooding, Hale, Hammond, Hart, Leshner, Pagano, Phillips, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 19.

**NAYS** — Burton, Dodge, Harrington, Quillen — 4.

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

**ABSENT** — Benson, Blendt, Eskridge, Ferguson, Fonville, Gray, Heckert, McMahon, Murphy, Shockley — 10.

**SB 285** having received a constitutional majority was declared passed by the House.

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

**SB 428** — An Act to amend Chapter 3, Title 9, Delaware Code, relating to County Personnel Administration. Introduced by Senator Foltz.

On motion of Mr. Quillen **HA 1** to **SB 428** was adopted by voice vote. Mr. Zimmerman moved to defer the bill. Mr. Benson moved to table the motion to defer. Mr. Benson's motion carried and a roll call was taken. On motion of Mr. Benson the Roll Call was tabled.

Mr. Hale read the following letter:

July 11, 1968

The Hon. William F. Hart  
Legislative Hall  
Dover, Del.

Dear Representative Hart:

This is to direct that, in my absence from Legislative Hall in July, 1968, you may place on the agenda and bring up for consideration **SB 434**, provided Rep. Hale's amendment omitting any reference to Sec. 1712 and Sec. 1304, plus correcting other technical errors, is placed with the bill. Without the amendment the title is in error.

Sincerely,  
Clarice U. Heckert



On motion of Mr. Hart the following bill was placed before the House for consideration:

**SB 434** with **SA 1 & 2** — An Act to amend Chapter 13, Title 14, Delaware Code, relating to State supported salary schedules for school employees. Introduced by Senators Connor, Steele and Robbins.

Mr. Hale moved to adopt **HA 1** to **SB 434** by voice vote. Motion carried.

Dr. Sebrell moved to adopt **HA 2** to **SB 434** by voice vote. Mr. Hale moved to table **HA 2** to **SB 434**. The roll call to table **HA 2** revealed:

**YEAS** — Brown, Cashman, Castle, Frederick, Hale, Hart, Murphy, Pagano, Stabler — 9.

**NAYS** — Bartleson, Burton, Evans, Gooding, Harrington, Leshar, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman — 13.

**NOT VOTING** — Dodge, Gray, Hammond, Mr. Speaker Hering — 4.

**ABSENT** — Benson, Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley — 9.

**HA 2** to **SB 434** not tabled.

On motion for a roll call on **HA 2** to **SB 434** by Dr. Sebrell the roll call revealed:

**YEAS** — Bartleson, Burton, Cicione, Evans, Gooding, Gray, Hammond, Harrington, Hart, Leshar, Phillips, Pleasanton, Quillen, Sebrell, Slawik, Zimmerman — 16.

**NAYS** — Benson, Frederick, Hale, Riddagh — 4.

**NOT VOTING** — Castle, Dodge, Pagano, Stabler, Mr. Speaker Hering — 5.

**ABSENT** — Blendt, Brown, Cashman, Eskridge, Ferguson, Fonville, Heckert, McMahon, Murphy, Shockley — 10.

**HA 2** to **SB 434** lost.

Roll Call on **SB 434** with **SA 1, 2 & HA 1** revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshar, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley — 7.

**SB 434** with **SA 1, 2** and **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 545** — An Act making a supplementary appropriation to the Governor's Committee on the employment of the handicapped.

On motion of Mr. Cicione **HA 1** was adopted by voice vote.

On further motion by Mr. Cicione consideration of **HB 545** was deferred to amend the date given in **HA 1**.

On motion of Mr. Benson the roll call on **SB 428** with **HA 1** was lifted and revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 19.

**NAYS** — Slawik, Zimmerman — 2.

**NOT VOTING** — Bartleson, Gooding, Hammond, Harrington, Leshner — 5.

**ABSENT** — Brown, Eskridge, Ferguson, Fonville, Hart, Heckert, McMahon, Phillips, Shockley — 9.

**SB 428** with **HA 1** having received a constitutional majority was declared passed by the House.

The Speaker deferred consideration and sponsoring of **HB 680** to Mrs. Gooding.

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

**HB 680** — An Act to amend Chapter 81, Title 10, Delaware Code, relating to limitations of actions by imposing limitations relating to zoning or land subdivision ordinances.

**YEAS** — Bartleson, Benson, Brown, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Hale, Harrington, Hart, Leshner, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 24.

**ABSENT** — Blendt, Burton, Eskridge, Ferguson, Fonville, Gray, Hammond, Heckert, McMahon, Quillen, Shockley — 11.

**HB 680** having received a constitutional majority was declared passed by the House.

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

**SB 275** — An Act to amend No. 2112, Chapter 21, Title 21, Delaware Code, relating to registration of motor vehicles by non-residents. Introduced by Senator Isaacs.

Privilege of the floor was granted Senator Isaacs who spoke for the bill. On motion of Mr. Murphy the roll call was tabled.

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

**HB 686** — An Act proposing an amendment to Article 2, Section 15, of the Constitution of the State of Delaware relating to compensation, expenses and allowances of Members of the General Assembly and the President of the Senate.

On motion of Mr. Hart **HA 1** was adopted by roll call vote as follows:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Hart, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler — 25.

**NAYS** — Zimmerman — 1.

**NOT VOTING** — Harrington, Mr. Speaker Hering — 2.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley — 7.

**HA 1 to HB 686** adopted by the House.

The Roll Call on **HB 686** with **HA 1** revealed:

**YEAS** — Bartleson, Benson, Brown, Dodge, Evans, Gooding, Hale, Hammond, Murphy, Phillips, Pleasanton, Sebrell, Stabler — 13.

**NAYS** — Burton, Cashman, Castle, Cicione, Frederick, Harrington, Hart, Leshner, Pagano, Quillen, Riddagh, Zimmerman — 12.

**NOT VOTING** — Gray, Slawik, Mr. Speaker Hering — 3.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley — 7.

**HB 686** with **HA 1** not having received a two-thirds majority was declared lost.

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

**HB 662** — An Act proposing an amendment to Section 15, Article 2, of the Constitution of the State of Delaware relating to cost of stationery and other supplies for Members of the General Assembly.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 26.

**NAYS** — Riddagh — 1.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley, Slawik — 8.

**HB 662** having received a two-thirds majority was declared passed by the House.

Mr. Hale took the Speaker's chair.

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

**HB 647** — An Act proposing the repeal of Article XII of the Constitution of the State of Delaware, relating to Public Health.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hammond, Harrington, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 24.

NOT VOTING — Phillips — 1.

ABSENT — Blendt, Eskridge, Ferguson, Fonville, Gooding, Heckert, McMahon, Shockley, Slawik, Zimmerman — 10.

**HB 647** having received a two-thirds majority was declared passed by the House.

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

**HB 648** — An Act proposing the repeal of Article XI of the Constitution of the State of Delaware, relating to Agriculture.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 26.

NOT VOTING — Phillips — 1.

ABSENT — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley, Slawik — 8.

**HB 648** having received a constitutional majority was declared passed by the House.

Mr. Hering resumed the Speaker's Chair.

Mr. Benson moved to suspend rules in order to vote on **HB 702**. Mr. Zimmerman requested a roll call.

Roll Call to suspend rules revealed:

YEAS — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Murphy, Phillips, Pleasanton Quillen, Riddagh, Stabler, Zimmerman, Mr. Speaker Hering — 23.

NOT VOTING — Bartleson, Leshner, Pagano, Sebrell — 4.

ABSENT — Blendt, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley, Slawik — 8.

Rules suspended.

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

**HB 702** — An Act to transfer the payment of certain expenses and the receipt of certain fees, fines and costs relating to the administration of justice from the several counties to the state and to provide for compensation and pension benefits of court employees upon such transfer.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Stabler, Zimmerman, Mr. Speaker Hering — 25.

NOT VOTING — Sebrell — 1.

ABSENT — Blendt, Eskridge, Ferguson, Fonville, Hammond, Heckert, McMahon, Shockley, Slawik — 9.

**HB 702** having received a constitutional majority was declared passed by the House.

Mr. Riddagh moved to suspend rules in order to consider **HB 704**. Motion carried.

Mr. Leshner moved to recommit **HB 704**. A roll call on this motion was as follows:

YEAS — Bartleson, Castle, Cicione, Evans, Leshner, Pagano, Sebrell, Stabler, Mr. Speaker Hering — 9.

NAYS — Benson, Brown, Cashman, Dodge, Gooding, Gray, Hale, Harrington, Hart, Murphy, Phillips, Pleasanton, Quillen, Riddagh, Zimmerman — 15.

NOT VOTING — Frederick — 1.

ABSENT — Blendt, Burton, Eskridge, Ferguson, Fonville, Hammond, Heckert, McMahon, Shockley, Slawik — 10.

**HB 704** not recommitted.

Mr. Stabler moved to defer the bill until the next legislative day. Mr. Cicione moved to table the bill. Mr. Stabler's motion carried.

A messenger from the Senate delivered **SB 440**, **SB 447**, **SB 94** having passed the Senate and requesting the concurrence of the House; and **HB 594**, **HB 578** with **HA 1**, **2**, **3** & **4** having passed the Senate.

The following bills were reported out of committee: Revenue & Taxation: **HB 709**, 2 favorable, 3 on merits; Highways and Public Safety: **SB 367**, 4 on merits; Revised Statutes: **SB 443**, 3 favorable, 1 on merits, **SB 444**, 4 favorable; Labor: **HB 697**, 1 favorable, 3 on merits; House Operations: **HB 708**, 5 favorable, **HB 707**, 4 favorable, 1 unfavorable.

The House adjourned at 12:14 A.M.

## 24TH LEGISLATIVE DAY (2nd Session)

The Speaker called the House to order at 4:33 P.M. on Wednesday, July 24, 1968.

There was a prayer by the chaplain, Rev. Jacob E. Brittingham.

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

The Roll Call revealed 30 members present, 5 absent.

Members present: Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stalber, Zimmerman, Mr. Speaker Hering — 30.

Absent: Blendt, Eskridge, Hammond, Heckert, Shockley — 5.

The Speaker asked if there were any additions or corrections to the Minutes of July 23, 1968. There being none, the Minutes were approved as posted.

A messenger from the Senate delivered **SB 451**, having passed the Senate, and requested the concurrence of the House.

Mr. Benson read the following letter:

Ralph G. Scott  
228 W. Roosevelt Ave.  
Wilmington, Manor  
New Castle, Del.  
19720  
23 July 1968

The Hon. David S. Benson  
House of Representatives  
Delaware State Legislature  
Dover, Delaware  
Sir:

I have just finished reading in today's Journal, the list of bills proposed by you to set mandatory sentences for crimes of violence.

This is the best legislation that anyone has introduced since they repealed the 18th amendment.

I hope that you will stick by your guns in the face of the certain objections on the part of "do gooders", uninformed clergy, and the criminal element.

And I will vote in the future elections for anyone from my district who supports this sort of legislation. I wish I could vote for you.

This kind of legislation makes much more sense than worrying about registration of weapons.

Practically every criminal who is at least 25 years old, has a history of arrests which show a long list of suspended sentences and parole violations.

Anyone in Graylynn Crest who fails to vote for you in future elections doesn't know what is going on.

You have my permission to show this letter to any other legislators in the Dover Assembly, if it will do any good.

Carry on!

Ralph G. Scott

The following bills were reported out of committee: Appropriations: **HB 681**, 1 favorable, 4 on merits, 3 unfavorable; **HB 691**, 4 favorable, 4 on merits; **SB 388**, 2 favorable, 6 on merits; Health and Welfare: **HB 694**, 2 favorable, 2 on merits; Miscellaneous: **HB 700**, 4 on merits.

The following bills and amendments were introduced and assigned:

**HB 710** — An Act to create the Office of Governor's Counsel. Introduced by Rep. Zimmerman. Referred to Committee on House Administration.

**HB 711** — An Act appropriating money to Boys Home of Delaware, Inc. Introduced by Rep. Slawik. Mr. Slawik

moved to suspend rules in order to consider **HB 711**. Motion lost by roll call. Mr. Slawik moved to have **HB 711** placed on Speaker's desk. Motion carried.

**HB 712** — An Act to amend Chapter 41, Title 18, Delaware Code, relating to property insurance. Introduced by Rep. Burton. Referred to the Committee on Banking and Insurance.

**HB 713** — An Act creating a new Chapter 14, Title 29, Delaware Code, providing the Governor a permanent legal counsel and legal secretary and further providing a supplementary appropriation to carry out the purposes of this act from its effective date to the conclusion of the current fiscal year. Introduced by Mr. Hering. Mr. Hale moved to have **HB 713** laid on the table. Motion carried.

**HA 2** to **HB 545** — Introduced by Rep. Cicione. Placed with bill.

**HA 1** to **HB 708** — Introduced by Rep. Zimmerman. Placed with bill.

**HA 2** to **HB 698** — Introduced by Rep. Cicione. Placed with bill.

**SB 94** — An Act to amend Chapter 68, Title 29, Delaware Code, by providing that certain supplies, materials and equipment shall be secured through the State Distribution Agency. Introduced by Sen. Carney. Referred to Committee on State, Urban and Municipal Affairs.

**SB 447** — An Act to amend Title 31, Delaware Code, relating to amount of liability and persons liable for inmates of the Delaware Home and Hospital for the Chronically Ill at Smyrna. Introduced by Sens. Cook and Isaacs. Referred to Committee on Revenue and Taxation.

**SB 440** — An Act to authorize the use of construction funds for payment of services rendered prior to change order authorization. Introduced by Sen. Dineen. Referred to Committee on Revised Statutes.

**SB 451** — An Act to amend Chapter 41, Title 16, Delaware Code, by providing uniform standards and regulations for the production, processing, packaging, distribution and sale of frozen desserts and appointing the State Board of Agriculture as the enforcement agency.

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

**HB 709** — An Act to amend Chapter 83, Title 9, Delaware Code, to permit the respective governments of New Castle, Kent and Sussex Counties to make supplemental assessments of real property located in their respective counties and to levy and collect real property taxes based on such supplemental assessments; to provide for a lien against property for unpaid taxes so levied, together with penalties, and to provide appeals from such supplemental assessments.

Mr. Leshner read the following letter:

July 23, 1963

To the Members of the General Assembly  
of the State of Delaware

I am writing each of you to ask your support of a Bill which New Castle County has prepared permitting quarterly supplemental assessments of real estate and the collection of taxes based upon the supplemental assessments. This Bill would eliminate present inequities and would substantially benefit the Counties and the various school districts.

At present each of the Counties can only assess real property annually. This means, in the case of New Castle County, that only property which appears on the assessment rolls on July 1 of each year can be taxed for the ensuing year. Any new building or improvements to property which occur after July 1 cannot be taxed until July 1 of the next year. Furthermore, the assessment roll must be certified to the County Council in April. Consequently, increases in assessment which occur between April 30 and July 1 may escape taxation unless it is possible to include them by estimate.

Under the Bill which we are supporting, the Counties can, at their option, make quarterly supplemental assessments. This means that in New Castle County any increase in the assessed value of property which occurs between April 30 and July 1 could be taxed on a supplemental assessment roll which would be certified on July 1. Any increase in valuation between July 1 and October 1 could be picked up on the October 1 and January 1 could be included on the January 1 assessment; and any increase between January 1 and April 1 could be placed on the April 1 assessment. The Bill provides that the tax collected under the supplemental assessment procedures would be prorated based on the time remaining in the tax year. For example, increases in assessment which were put on the October 1 supplemental assessment roll would pay only 75 percent of the usual annual taxes, because only three-quarters of the tax year would be remaining.

The Bill also provides for notice to the property owner of any supplemental assessments and for appeals by the property owner in the event he believes that a supplemental assessment is inequitable.

This Bill would remedy the unfair situation now existing whereby a property owner can improve his property and have the use of it for a substantial period before he is required to pay a tax upon it. Each taxpayer would be required to pay his fair share of the County tax burden. The Bill would also benefit the school districts, since school taxes would also be collected under the supplemental assessment procedures.



We strongly urge the adoption of this Bill by the General Assembly.

Respectfully yours,  
William J. Conner  
County Executive

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Hale, Harrington, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**ABSENT** — Blendt, Eskridge, Gray, Hammond, Hart, Heckert, Shockley — 7.

**HB 709** having received a constitutional majority was declared passed by the House.

On motion of Mr. Riddagh the roll call on **HB 704** was lifted and revealed:

**YEAS** — Brown, Cashman, Dodge, Evans, Ferguson, Fonville, Gooding, Gray, Hale, Harrington, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman — 20.

**NAYS** — Bartleson, Leshner — 2.

**NOT VOTING** — Benson, Castle, Cicione, Frederick, Hart, Stabler, Mr. Speaker Hering — 7.

**ABSENT** — Blendt, Burton, Eskridge, Hammond, Heckert, Shockley — 6.

**HB 704** having received a constitutional majority was declared passed by the House.

Mr. Hale took the Speaker's Chair.

Mr. Hering made a motion to consider **HB 707** and **HB 708** in lieu of a motion to lift **HB 713** from the Speaker's desk. Motion carried. Mr. Hering moved to suspend rules and consider **HB 708**. Motion carried. Mr. Zimmerman moved to adopt **HA 1** to **HB 708** by roll call. Mr. Benson moved to table **HA 1**. Motion carried.

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

**HB 708** — An Act to amend Chapters 11 and 13, Title 29, Delaware Code, relating to reorganization of the Legislative Reference Bureau and the Legislative Council.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Ferguson, Harrington, Phillips, Slawik, Zimmerman — 5.

**NOT VOTING** — Gooding, McMahon — 2.

**ABSENT** — Blendt, Eskridge, Hammond, Heckert, Shockley — 5.

**HB 708** having received a constitutional majority was declared passed by the House.

Mr. Slawik moved suspension of rules to act on **HB 711**. Motion carried by roll call. Roll call on **HB 711** was tabled by motion of Mr. Slawik.

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

**HB 681** — An Act making a supplementary appropriation to the State Board of Education for the operating of Kindergartens.

Privilege of the floor was granted Dr. Kenneth C. Madden, State Superintendent of Schools. Mr. Sebrell moved for a 5 minute recess. Motion defeated. Mr. Slawik moved for a 10 minute recess. Motion carried. House recessed 5:55 P.M., reconvened 6:17 P.M. Mr. Cashman requested the ruling of a House attorney on the constitutionality of **HB 681**. Mr. Zimmerman moved to defer bill until after dinner. Mr. Cashman moved to defer action on bill until an answer was submitted by attorneys. Motion carried.

Mr. Hale took the Speaker's chair.

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

**HB 700** — An Act to amend Chapter 57, Title 7, Delaware Code, relating to inclusion of civil disorder, riot and insurrection as major disasters within the scope of Chapter 57, Title 7, Delaware Code, disaster relief and assistance provisions, and providing an appropriation in the amount of \$200,000 to fund the Governor's Disaster Recovery and Rehabilitation Fund.

Roll call revealed:

YEAS — Bartleson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 27.

NAYS — Benson — 1.

NOT VOTING — Pleasanton — 1.

ABSENT — Blendt, Eskridge, Evans, Heckert, Quillen, Shockley — 6.

**HB 700** having received a constitutional majority was declared passed by the House.

Mr. Hering resumed the Speaker's chair.

Mr. Cicione moved to defer **HB 698** indefinitely.

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

**HB 682** — An Act making a supplementary appropriation to the Delaware State Development Department for flags.

Roll call revealed:

YEAS — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding,

Gray, Hale, Hammond, Harrington, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

ABSENT — Bartleson, Blendt, Eskridge, Hart, Heckert, Shockley — 6.

**HB 682** having received a constitutional majority was declared passed by the House.

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

**SB 113** — An Act to amend Chapter 64, Title 7, Delaware Code, by adding thereto a new subchapter designated Subchapter IV and by adding thereto a new section designated Section 6462 which section grants the Water and Air Resources Commission the power to seek an injunction in the name of the State to prevent continued violations of any final order of the Water and Air Resources Commission regarding the regulation of underwater lands.

Roll call revealed:

YEAS — Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hammond, Harrington, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 26.

NOT VOTING — Pleasanton — 1.

ABSENT — Bartleson, Blendt, Cicione, Eskridge, Hale, Hart, Heckert, Shockley — 8.

**SB 113** having received a constitutional majority was declared passed by the House.

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

**SB 114** — An Act to amend Chapter 60, Title 7, Delaware Code, by adding thereto a new subchapter designed Subchapter III and by adding four new sections to be designated as Sections 6017, 6018, 6019 and 6020, which sections provide for the licensing of water well contractors by the Water and Air Resources Commission.

Mr. Frederick asked for the privilege of the floor for Mr. John Bryson, Director of Water and Air Resources Commission, who spoke on the bill. Mr. Stabler moved for time to prepare an amendment to clear up the intent of the bill. Motion carried by voice vote. Bill deferred.

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

**SB 115** — An Act to amend Chapter 61, Title 7, Delaware Code, by granting the Water and Air Resources Commission the power to seek an injunction in the name of the State to prevent continued violations of any final order of the Water and Air Resources Commission regarding the regulation of water resources by adding a new section to be known as Section 6106.

Roll call revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**NOT VOTING** — Pleasanton — 1.

**ABSENT** — Bartleson, Blendt, Cicione, Eskridge, Heckert, Shockley — 6.

**SB 115** having received a constitutional majority was declared passed by the House.

The following were reported out of committee as follows: Revised Statutes: **SB 440**, 5 on merits; Revenue and Taxation: **SB 447**, 1 favorable, 3 on merits; Banking and Insurance: **HB 712**, 4 on merits; Agriculture and Natural Resources: **SB 451**, 1 favorable, 3 on merits, 1 unfavorable.

Mr. Hale moved to recess at 7:02 P.M. House reconvened at 9:19 P.M.

A messenger from the Senate informed the House that it had passed **SB 435**, **SB 448**, **HB 201** with **SA 1**, **SB 386**, **SB 402** with **SA 1**, **SB 231** with **SA 1**, 2, 3 and 4 and **HA 1**, **SB 366**, **SB 449**, **SB 393** with **SA 1**, and requests the concurrence of the House; and returned to the House having passed the Senate **HB 669**, **HB 485**, **HB 639**, **HB 596**, **HB 665**, **HB 666**, **HB 668**, **HB 634** with **SA 1**.

The following amendments and bills were introduced and assigned to committees:

**HA 1** to **HB 691** — Introduced by Mr. Benson. Placed with bill.

**HA 3** to **HB 698** — Introduced by Mr. Benson. Placed with bill.

**SA 4** to **SB 231** with **SA 1**, 2 and 3 and **HA 1** — Introduced by Mr. Isaacs. Referred to Committee on Revised Statutes.

**HB 634** with **SA 1** (Isaacs). On motion of Mr. Stabler the following was given a final reading and placed before the House for consideration:

**HB 634** with **SA 1** — An Act making an appropriation to the Historical Society of Delaware.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 27.

**ABSENT** — Blendt, Cicione, Eskridge, Ferguson, Heckert, Shockley, Slawik, Zimmerman — 8.

**HB 634** with **SA 1** having received a constitutional majority was declared passed by the House.

**SB 386** — An Act to amend Title 29, Delaware Code, concerning historical buildings, sites and objects. Introduced by Sens. duPont and Cook. Referred to Committee on Public Buildings and Lands.

**SB 402** — An Act to amend Section 4910, Title 29, Delaware Code, relating to preparation of the capital budget by providing a specific time for submission of capital improvement program requests. Introduced by Sen. Cook. Referred to Committee on Appropriations.

**SB 366** — An Act to amend Title 18 of the Delaware Code entitled "Insurance" by adding thereto a new part entitled "Suretyship". Introduced by Sen. McCullough. Referred to Committee on Banking and Insurance.

**SB 449** — An Act relating to education of the citizens of Delaware by making an appropriation to Delaware Safety Council, Inc., engaged in educating the people of this State. Introduced by Sens. duPont and Cook. Referred to Committee on Appropriations.

**SB 393** — An Act to amend Title 15, Chapter 51, Delaware Code, providing a prohibition of and penalties for the publication or distribution of political statements without name and address of publisher or distributor. Introduced by Sen. Holloway. Referred to Committee on Elections.

**HB 714** — An Act to amend Section 1902, Title 14, Delaware Code, in respect to school districts situate in two counties. Introduced by Rep Quillen. Mr. Quillen moved to suspend rules in order to consider **HB 714**. Motion defeated by voice vote. **HB 714** referred to Committee on Revenue and Taxation.

The following was reported out of committee: Appropriations: **HB 695**, 6 on merits.

On motion of Mr. Murphy, the roll call on **SB 275** was lifted and revealed as follows:

**YEAS** — Brown, Burton, Cashman, Cicione, Dodge, Frederick, Gray, Hale, Harrington, Hart, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 20.

**NAYS** — Benson, Evans, Gooding, Phillips — 4.

**NOT VOTING** — Bartleson, Castle, Leshner — 3.

**ABSENT** — Blendt, Eskridge, Ferguson, Fonville, Hammond, Heckert, McMahon, Shockley — 8.

**SB 275** having received a constitutional majority was declared passed by the House.

Mr. Peter Walsh, House attorney, reported that in his opinion **HB 681** was constitutional.

Roll call on **HB 681** revealed as follows:

**YEAS** — Blendt, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Murphy, Pagano, Phillips,

Quillen, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 24.

NAYS — Riddagh — 1.

NOT VOTING — Bartleson, Leshner, Pleasanton — 3.

ABSENT — Benson, Blendt, Cicione, Eskridge, Heckert, McMahon, Shockley — 7.

**HB 681** having received a constitutional majority was declared passed by the House.

On motion of Mr. Frederick the following was placed before the House for consideration: **SB 114**. Mr. Zimmerman introduced **HA 1** to **SB 114**.

Roll call on **HA 1** to **SB 114** revealed:

YEAS — Burton, Fonville, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman — 8.

NAYS — Benson, Brown, Cashman, Castle, Dodge, Evans, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Stabler, Mr. Speaker Hering — 15.

NOT VOTING — Gooding, Hammond, Harrington, McMahon, Phillips — 5.

ABSENT — Bartleson, Blendt, Cicione, Eskridge, Ferguson, Heckert, Shockley — 7.

**HA 1** to **SB 114** not having received a constitutional majority was declared lost.

Roll call on **SB 114** was revealed as follows:

YEAS — Bartleson, Benson, Brown, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hart, Leshner, Murphy, Pagano, Phillips, Stabler, Mr. Speaker Hering — 18.

NAYS — Benson, Fonville, Harrington, McMahon, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman — 10.

NOT VOTING — Hammond — 1.

ABSENT — Blendt, Cicione, Eskridge, Ferguson, Heckert, Shockley — 6.

**SB 114** having received a constitutional majority was declared passed by the House.

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

**SJR 8** — Relating to the Union African Methodist Church.

Mr. Evans spoke for the resolution.

Roll call revealed:

YEAS — Bartleson, Benson, Brown, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Pagano, Phillips, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 27.

NAYS — Burton, Pleasanton — 2.

ABSENT — Blendt, Cicione, Eskridge, Heckert, Murphy, Shockley — 6.

**SJR 8** having received a constitutional majority was declared adopted by the House.

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

**HB 691 with HA 1** — An Act making a supplemental appropriation to the Department of Public Welfare for the fiscal year ending June 30, 1969 for the purpose of providing medical services under Title XIX, medicaid to patients in the facilities of the Department of Mental Health.

Mr. Benson moved for adoption of **HA 1** by voice vote. Motion carried. **HA 1** adopted.

Roll call on **HB 691 with HA 1** revealed as follows:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Evans, Ferguson, Fonville, Frederick, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 26.

**NOT VOTING** — Dodge — 1.

**ABSENT** — Blendt, Cicione, Eskridge, Gooding, Gray, Heckert, Quillen, Shockley — 8.

**HB 691 with HA 1** having received a constitutional majority was declared passed by the House.

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

**SB 443** — An Act to amend Title 6, Delaware Code, by adding a Chapter 38 thereto providing for broadcasting certain public notices.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Castle, Dodge, Evans, Frederick, Gray, Hale, Hart, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Cashman — 1.

**NOT VOTING** — Ferguson, Fonville, Gooding, Hammond, Harrington, McMahon, Slawik, Zimmerman — 8.

**ABSENT** — Blendt, Cicione, Eskridge, Heckert, Phillips, Shockley — 6.

**SB 443** having received a constitutional majority was declared passed by the House.

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

**SB 444** — An Act making a supplementary appropriation to the Department of Corrections for the purpose of granting salary increases to certain employees.

Roll call revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 26.

**NAYS** — Bartleson, Leshner, Sebrell — 3.

**NOT VOTING** — McMahon — 1.

ABSENT — Blendt, Cicione, Eskridge, Heckert, Shockley — 5.

**SB 444** having received a constitutional majority was declared passed by the House.

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

**HB 697** — An Act making a supplementary appropriation to the Industrial Accident Board.

Roll call revealed:

YEAS — Bartleson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

NAYS — Benson — 1.

ABSENT — Blendt, Cicione, Eskridge, Hart, Heckert, Shockley — 6.

**HB 697** having received a constitutional majority was declared passed by the House.

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

**HB 583** — An Act to amend Section 543, Title 4, Delaware Code, relating to grounds for issuance or refusal of alcoholic license upon application for relocation.

Roll call revealed:

YEAS — Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Gray, Hale, Hammond, Harrington, McMahon, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Mr. Speaker Hering — 22.

NAYS — Frederick, Zimmerman — 2.

NOT VOTING — Bartleson, Leshner — 2.

ABSENT — Blendt, Cicione, Eskridge, Gooding, Hart, Heckert, Phillips, Shockley, Stabler — 9.

**HB 583** having received a constitutional majority was declared passed by the House.

On motion of Mr. Castle the roll call on **HB 510** was lifted, and on further motion by Mr. Castle the roll call was tabled.

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

**HB 465** with **HA 1** — An Act to amend Chapter 21, Title 21, Delaware Code, relating to inspection of vehicles by adding a new subchapter to provide alternative privately operated motor vehicle inspection facilities. Mr. Leshner moved for adoption of **HA 1** by voice vote. Motion carried. Mr. Murphy spoke for the bill.

Roll call revealed:

YEAS — Bartleson, Cashman, Castle, Evans, Frederick, Leshner, Murphy, Riddagh, Stabler, Mr. Speaker Hering — 10.



**NAYS** — Benson, Dodge, Ferguson, Fonville, Gooding, Gray, Hale, Hart, McMahon, Pagano, Phillips, Pleasanton, Quillen, Sebrell, Slawik, Zimmerman — 16.

**NOT VOTING** — Burton — 1.

**ABSENT** — Blendt, Brown, Cicione, Eskridge, Hammond, Harrington, Heckert, Shockley — 8.

**HB 465** with **HA 1** not having received a constitutional majority was declared lost.

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

**HB 58** with **HA 1** — An Act to amend Subchapter III, Chapter 21, Title 21, Delaware Code, relating to inspection of vehicles.

Mr. Murphy spoke for the bill and read the following into the record:

Dear Rep. Murphy:

**House bill 58:** I have no objection to this bill, in fact I have recommended that it be passed and become law.

I would like for the effective date to be January 1, 1969 instead of July 1, 1968 because it would be impossible for us to procure stickers. Also, I feel there should be an appropriation of \$10,000 to purchase windshield stickers. Of course this is an estimate and the appropriation can be a line item covering the stickers.

**House bill 465:** I concur with this bill and would recommend its passage and becoming a law.

I would appreciate the effective date of this bill being January 1, 1969 so that it would coincide with house bill 58.

Very truly yours,

Russell W. Whitby

Motor Vehicle Commissioner

Mr. Leshar moved for adoption of **HA 1** to **HB 58** by voice vote. Motion carried.

Roll call on **HB 58** with **HA 1** revealed:

**YEAS** — Bartleson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshar, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 30.

**ABSENT** — Blendt, Cicione, Eskridge, Heckert, Shockley — 5.

**HB 58** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 545** with **HA 1** and **2** — An Act making a supplementary appropriation to the Governor's Committee on the Employment of the Handicapped.

Mrs. Gooding read a letter from Mr. Cicione as follows:

July 24, 1968

Hon. Mary Etta Gooding:

In my absence and since I have a conflict of interest in HB 545 with HA 1 & 2, and you are the co-sponsor I hereby give you permission to bring HB 545 before the House for a vote.

Thank you,  
Anthony Cicione

Mrs. Gooding moved for adoption by voice vote of **HA 1**. Motion carried. On further motion by Mrs. Gooding, **HA 2** was adopted by voice vote.

Roll call on **HB 545** with **HA 1** and **2** revealed as follows:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Blendt, Castle, Cicione, Eskridge, Heckert, Shockley — 6.

**HB 545** with **HA 1** and **2** having received a constitutional majority was declared passed by the House.

Mr. Slawik moved to suspend rules and consider **HB 711**. Motion carried.

Privilege of the floor was granted to Mr. Russell Fiske, Executive Director of Boys Home of Delaware, Inc.

#### BOYS HOME OF DELAWARE, INC.

July 1968 - June 1969

Funds Needed to Operate

The W. Henry du Pont Center

#### EXPENDITURES

Salaries	\$18,000
Other Household:	
Groceries, laundry, etc.	11,000
Telephone, gas, electricity, fuel oil	5,000
Boys' clothing and allowances	4,500
Repairs	1,500
Program	1,000
Insurance	1,000
Medical and dental	500
Equipment	500
Miscellaneous	200
Other Administrative:	
Solicitation and publicity	2,000
Professional service	12,500
F.I.C.A. taxes	1,500
Audit fee	300
Auto expense	1,000

Postage and box rent	200
Miscellaneous	1,200
	<hr/>
	\$61,400

On motion of Mr. Stabler, **HA 1** to **HB 711** was adopted by voice vote. On motion of Mr. Slawik the roll call on **HB 711** with **HA 1** was tabled.

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

**SB 447** — An Act to amend Title 31, Delaware Code, relating to amount of liability and persons liable for inmates of the Delaware Home and Hospital for the Chronically Ill at Smyrna.

Senators Cook and Isaacs were granted privilege of the floor and spoke for the bill.

Roll call revealed:

**YEAS** — Brown, Burton, Cashman, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman, Mr. Speaker Hering — 25.

**NOT VOTING** — Bartleson, Benson, Castle, Leshner, Stabler — 5.

**ABSENT** — Blendt, Cicione, Eskridge, Heckert, Shockley — 5.

**SB 447** having received a constitutional majority was declared passed by the House.

On motion of Mr. Slawik the roll call on **HB 711** with **HA 1** was lifted and revealed as follows:

**YEAS** — Bartleson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 27.

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

**ABSENT** — Blendt, Cicione, Eskridge, Heckert, Shockley — 5.

**HB 711** with **HA 1** having received a constitutional majority was declared passed by the House.

Mr. Peter Walsh, House attorney, was granted privilege of the floor and reported his opinion that **HB 625** was constitutional

A messenger from the Senate informed the House that it had passed **SB 242**, **SB 433**, **SB 450** and requested the concurrence of the House. **HB 546**, **HB 670**, **HB 349** with **HA 3**, **HB 490**, **HB 649**, **HB 627**, **HB 516**, **HB 409**, **HB 20**, **HB 614** and **HB 652** were returned to the House, having passed the Senate.

The House adjourned at 12:05 A.M.

**25TH LEGISLATIVE DAY (2nd Session)**

The Speaker called the House to order at 2:36 P.M. on Thursday, July 25, 1968.

There was a prayer by Rep. Everette Hale.

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

The Roll Call revealed 29 members present, 6 absent.

Members present: Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Ridgagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Her-ing — 29.

Absent: Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley — 6.

A messenger from the Senate delivered **SB 376**, **SB 378** with **SA 1** and **2**, and **SJR 9**, having passed the Senate and requesting the concurrence of the House.

The following bills were introduced and assigned:

**HB 715** — An Act to amend an act entitled "An Act making a supplementary appropriation to the Department of Corrections for the purpose of granting salary increases to certain employees" also known as **Senate Bill No. 444** of the 124th General Assembly. Introduced by Reps. Hale, Slawik, Benson.

**HB 715** placed on the table.

**SB 433** — An Act authorizing the State of Delaware to borrow money to be used by the University of Delaware for the renovation and remodeling of Brown Laboratory and to issue bonds and notes therefor and appropriating the moneys to the University of Delaware and providing for the reduction in appropriations authorized by the "Annual Capital Improvement Act of 1967". Introduced by Sens. Conner and duPont.

**SB 433** placed on the table.

**SB 450** — An Act relating to education of the citizens of Delaware by making an appropriation to WHYI, Inc., engaged in educating the people of this State. Introduced by Sens. duPont and Cook.

**SB 450** placed on table.

**SJR 9** — Concerning certain capital improvement projects authorized by Senate Bill No. 378 to be undertaken by the Delaware State Highway Department, Engineering Division. Introduced by Sens. duPont and Bookhammer.

**SJR 9** placed on the table.

**SB 378** with **SA 1** and **2** — 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. Introduced by Sen. Cook.

**SB 378** with **SA 1** and **2** placed on the table.

**SB 376** — An Act authorizing the State of Delaware to borrow money to be used for local park land acquisition and park development assistance and to issue bonds and notes therefor and appropriating the money borrowed to the State Budget Commission. Introduced by Sen. Cook.

**SB 376** placed on the table.

**HA 1** to **HB 705** — Introduced by Rep. Cashman. Placed with bill.

House recessed at 2:50 P.M. and reconvened at 3:20 P.M.

**HCR 37** was introduced by Mr. Hering and placed on the table.

Mr. Sebrell moved to lift **SB 433** from the table. Motion carried.

Mr. Sebrell moved to suspend rules in order to consider **SB 433**. Motion carried.

On motion of Mr. Sebrell, **SB 433** with debt statement attached was given a final reading and placed before the House for consideration.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley — 6.

**SB 433** having received a three-fifths majority was declared passed by the House.

On two motions duly made by Mr. Hart and carried, **SB 450** was lifted from the table, and rules were suspended in order to consider **SB 450**.

On motion of Mr. Hart the following was given a final reading with debt statement and placed before the House for consideration:

**SB 450** — An Act relating to education of the citizens of Delaware by making an appropriation to WHY, Inc., engaged in educating the people of this State

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley — 6.

**SB 450** having received a three-fifths majority was declared passed by the House.

On two motions by Mr. Frederick, **SB 376** was lifted from the table and rules were suspended in order to consider **SB 376**. On further motion by Mr. Frederick **SB 376**, with debt statement, was given a final reading.

**SB 376** — An Act authorizing the State of Delaware to borrow money to be used for local park land acquisition and park development assistance and to issue bonds and notes therefor and appropriating money borrowed to the State Budget Commission.

Mr. Frederick moved to table the roll call.

On two motions by Mr. Leshner, **SB 378** was lifted from the table and rules were suspended in order to consider the bill. On further motion by Mr. Leshner **SB 378**, with debt statement, was given a final reading:

**SB 378** — 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.

Mr. Zimmerman introduced **HA 1** to **SB 378**.

Mr. Leshner moved to table **HA 1**. Motion defeated.

Mr. Zimmerman asked for a roll call on the amendment. **HA 1** to **SB 378** lost. The roll call on **SB 378** with **SA 1** and **2** was tabled on motion of Mr. Leshner.

The House recessed at 4:46 P.M. and reconvened at 5:58 P.M.

Mr. Hale moved to suspend rules in order to consider **HB 705**. Motion carried. On motion of Mr. Cashman, **HA 1** to **HB 705** was adopted by voice vote. On motion of Mr. Hale the roll call was tabled.

On motion of Mr. Frederick the roll call on **SB 376** was lifted and then tabled.

The following bill was introduced:

**HB 716** — 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 bands and notes therefor and appropriating the moneys to the Delaware State Highway Department. Introduced by Reps. Zimmerman, Pleasanton, Gray, Harrington, Dodge, and Burton.

On motion by Mr. Zimmerman, rules were suspended in order to consider **HB 716**. On further motion by Mr. Zimmerman, the roll call on **HB 716** was tabled.

On motion of Mr. Leshner the roll call on **SB 378** with **SA 1**, **2** was lifted and revealed as follows:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 29.

ABSENT — Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley — 6.

**SB 378** with **SA 1 & 2** having received a three-fifths majority was declared passed by the House.

On motion of Mr. Hering, rules were suspended to consider **HCR 37**.

**HCR 37** — Concerning certain Capital Improvement Projects authorized by Senate Bill No. 378 to be undertaken by the Delaware State Highway Department, Engineering Division.

WHEREAS, Senate Bill No. 378 allocates the sum of \$23,700,000 under Section 11 thereof to be expended under the Capital Improvements Program; and

WHEREAS, there is considerable concern regarding the projects which might be undertaken under this program by the Engineering Division of the Delaware State Highway Department; and

WHEREAS, the Delaware State Highway Department has not advised the General Assembly by formal resolution of its intentions for expenditure of the funds allocated under Section 11 of Senate Bill No. 378; and

WHEREAS, in past years the Delaware State Highway Department has presented such a resolution to the members of the General Assembly,

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that the funds appropriated by Senate Bill No. 378 shall be allocated as follows:

#### ENGINEERING DIVISION

(a) General Highway Construction Program	\$ 5,577,000
(b) Construction of Buildings	113,000
(c) Non-Corridor Route Improvement Program	5,110,000
(d) Safety Improvement Program	500,000
(e) Intersection Improvement Program	200,000
(f) Traffic Signal Improvement Program	150,000
(g) Small Bridge Replacement Program	1,000,000
(h) Dirt Road Improvement Program	1,000,000
(i) Suburban Development Street Improvement Program	400,000
(j) Suburban Development Street Reconstruction Program	1,500,000
(k) General Minor Capital Improvement Program	100,000
(l) Advance Planning & Engineering Program	200,000
(m) Advance Right-of-Way Acquisition Program	100,000

(n) Accelerated Delaware Route 41 and Route 141 Highway Improvement Program	6,250,000
(o) Contingencies	1,500,000

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Total Engineering Division \$23,700,000

BE IT FURTHER RESOLVED, that should the Delaware State Highway Division find that it is necessary to deviate from these allocations the Members of the General Assembly shall be notified in writing immediately.

Roll call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 26.

ABSENT — Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, Quillen, Shockley, Slawik — 9.

**HCR 37** was declared adopted.

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

**HB 712** — An Act to amend Chapter 41, Title 18, Delaware Code, relating to property insurance.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 27.

ABSENT — Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, Shockley, Slawik — 8.

**HB 712** having received a constitutional majority was declared passed by the House.

On motion of Mr. Zimmerman the roll call on **HB 716** was lifted and revealed as follows:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

NAYS — Castle — 1.

ABSENT — Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley — 6.

**HB 716** having received a constitutional majority was declared passed by the House.

**HR 134** — Expressing Appreciation to Paul E. Shockley and Norman A. Eskridge for their Many Years of Service in the House of Representatives.

WHEREAS, Paul E. Shockley has been a member of the House of Representatives since 1953; and



WHEREAS, Norman A. Eskridge has been a member of the House of Representatives since 1955; and

WHEREAS, Paul E. Shockley and Norman A. Eskridge will both retire from the House of Representatives at the conclusion of the 124th General Assembly; and

WHEREAS, both Representative Shockley and Representative Eskridge have faithfully served the House of Representatives and the State of Delaware for many years.

NOW THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 124th General Assembly of the State of Delaware that the appreciation of each member of the House of Representatives be extended to Representative Paul E. Shockley and Representative Norman A. Eskridge for their many years of service in the House of Representatives; and

BE IT FURTHER RESOLVED that this expression be conveyed to State Representative Paul E. Shockley and Representative Norman A. Eskridge and a copy of this resolution be forwarded to them; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the House of Representatives of the 124th General Assembly of the State of Delaware.

Introduced by Mr. Zimmerman. On motion of Mr. Zimmerman **HR 134** was adopted by voice vote.

The following was reported out of committee: Appropriations: **HB 684**, 4 favorable, 4 on merits.

Mr. Zimmerman moved that rules be suspended in order to consider **HB 684**. Motion carried.

Privilege of the floor was granted Dr. Marlin Roll, Inter Agency Committee on Mental Retardation.

**HB 684** — An Act making a supplementary appropriation to the Governor for the use of the Inter-agency Committee on Mental Retardation. Introduced by Rep. Zimmerman.

Roll Call revealed:

YEAS — Bartleson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 26.

ABSENT — Benson, Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, Shockley, Slawik — 9.

**HB 684** having received a constitutional majority was declared passed by the House.

On motion of Mr. Hart the following bills were recommit-  
ted. **HB 444** and **HB 625**.

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

**SB 366** — An Act to amend Title 18 of the Delaware Code, entitled "Isurance" by adding thereto a new part entitled "Suretyship". Introduced by Senator McCullough.

Roll Call revealed:

**YEAS** — Bartleson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 26.

**ABSENT** — Blendt, Cicione, Eskridge, Ferguson, Fonville, Hale, Heckert, Shockley, Slawik — 9.

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

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

**SB 367** — An Act to amend Sect. 2151 (2), Title 21, Delaware Code, relating to motor vehicle registration fees. Introduced by Senator Isaacs.

Roll Call revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gray, Hale, Hart, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Stabler, Mr. Speaker Hering — 18.

**NAYS** — Gooding, Harrington, Leshner, Phillips — 4.

**NOT VOTING** — Bartleson, Hammond, Sebrell — 3.

**ABSENT** — Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, McMahon, Shockley, Slawik, Zimmerman — 10.

**SB 367** having received a constitutional majority was declared passed by the House.

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

**HB 694** — An Act to amend Section 503, Title 31, Delaware Code, relating to the method of payment of welfare assistance.

Roll Call revealed:

**YEAS** — Bartleson, Brown, Cashman, Castle, Evans, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Sebrell, Zimmerman, Mr. Speaker Hering — 19.

**NAYS** — Benson, Burton, Dodge, Gray, Pleasanton, Quillen, Riddagh — 7.

**ABSENT** — Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, Shockley, Slawik, Stabler — 9.

**HB 694** having received a constitutional majority was declared passed by the House.

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

**HB 695** — An Act making a supplemental appropriation to the State Distribution Agency for the expansion of the Needy Families Commodity Program.

Privilege of the floor was granted Mr. Marvin Pond, State Department of Agriculture.

Roll Call revealed:

**YEAS** — Bartleson, Brown, Cashman, Castle, Evans, Ferguson, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Stabler, Zimmerman, Mr. Speaker Hering — 20.

**NAYS** — Benson, Burton, Dodge, Pleasanton, Quillen, Riddagh, Sebrell — 7.

**NOT VOTING** — Gray — 1.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley, Slawik — 7.

**HB 695** having received a constitutional majority was declared passed by the House.

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

**HB 595** — 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** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gray, Harrington, Hart, McMahon, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 22.

**NOT VOTING** — Leshner — 1.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Gooding, Hale, Hammond, Heckert, Phillips, Shockley, Slawik, Zimmerman — 12.

**HB 595** having received a constitutional majority was declared passed by the House.

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

**HB 683** — An Act to amend Section 9121, Title 9, Delaware Code, relating to the authorized mileage rate for officers or employees of all of the Counties of the State of Delaware.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 26.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Murphy, Shockley, Slawik, Zimmerman — 9.

**HB 683** having received a constitutional majority was declared passed by the House.

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

**SB 388** — An Act to amend Chapter 65, Title 29, Delaware Code, relating to budget and fiscal regulations for State Agencies. Introduced by Senator Dineen.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshar, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 26.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, McMahon, Shockley, Slawik, Zimmerman — 9.

**SB 388** having received a constitutional majority was declared passed by the House.

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

**SB 440** — An Act to authorize the use of Construction Funds for payment of services rendered prior to change order authorization. Introduced by Senator Dineen.

Roll Call revealed:

**YEAS** — Barleson, Benson, Brown, Burton, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshar, McMahon, Murphy, Phillips, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Cashman — 1.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Pagano, Pleasanton, Quillen, Shockley, Slawik, Zimmerman — 11.

**SB 440** having received a constitutional majority was declared passed by the House.

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

**SB 386** — An Act to amend Title 29, Delaware Code, concerning historical buildings sites, and objects.

On further motion by Mr. Frederick, the roll call on the bill was tabled.

Mr. Leshar moved to suspend rules in order to consider **SB 449**. Motion carried.

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

**SB 449** — An Act relating to education of the citizens of Delaware by making an appropriation to Delaware Safety Council, Inc., engaged in educating the people of this State.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshar, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Shockley, Slawik — 7.

**SB 449** having received a three-quarters majority was declared passed by the House.

Mr. Gray moved to suspend rules in order to consider **SB 451**. Motion carried.

Privilege of the floor was granted Robert W. Shafer, Executive Vice President of the Association of Ice Cream Manufacturers of Pennsylvania, New Jersey and Delaware.

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

**SB 451** — An Act to amend Chapter 41, Title 16, Delaware Code, by providing uniform standards and regulations for the production, processing, packaging, distribution and sale of frozen desserts and appointing the State Board of Agriculture as the enforcement agency.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Stabler, Zimmerman, Mr. Speaker Hering — 26.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Hammond, Heckert, Sebrell, Shockley, Slawik — 9.

**SB 451** having received a constitutional majority was declared passed by the House.

House recessed at 7:07 P.M., reconvened at 9:35 P.M.

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

**HB 68** with **HA 1** and **SA 1** — An Act to amend Chapter 62, Title 29, Delaware Code, relating to Capital Investment Fund, by providing that certain inheritance and estate tax receipts be deposited therein and that any expenditure therefrom be pursuant to two-thirds vote of the General Assembly.

Roll call revealed:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 25.

**ABSENT** — Bartleson, Blendt, Cicione, Eskridge, Fonville, Hammond, Heckert, Pleasanton, Shockley, Slawik — 10.

**HB 68** with **HA 1** and **SA 1** having received a constitutional majority was declared passed by the House.

On motion of Mr. Hart rules were suspended in order to consider **HB 682** with **SA 1**, Mr. Hart handling the bill for Mr. Cicione.

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

**HB 682 with SA 1** — An Act making a supplementary appropriation to the Delaware State Development Department for flags.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 27.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Pleasanton, Shockley, Slawik — 8.

**HB 682 with SA 1** having received a constitutional majority was declared passed by the House.

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

**HB 201 with SA 1** — An Act to amend Section 8301, Title 11, Delaware Code, to increase the number of State Police.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 26.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Pleasanton, Shockley, Slawik, Zimmerman — 9.

**HB 201 with SA 1** having received a constitutional majority was declared passed by the House.

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

**HB 593 with SA 1** — An Act to amend Chapter 27, Title 6, of the Delaware Code, by adding a new section relating to indemnity and hold harmless provisions in, or collateral to, or in connection with, construction, alteration, maintenance and demolition contracts.

Roll call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 26.

**ABSENT** — Blendt, Cicione, Eskridge, Fonville, Heckert, Pleasanton, Shockley, Slawik, Zimmerman — 9.

**HB 593 with SA 1** having received a constitutional majority was declared passed by the House.

The following resolutions were introduced:

**HR 133**, introduced by Mr. Sebrell. Mr. Sebrell moved for adoption by voice vote. Motion carried.

**HR 135**, introduced by Mr. Sebrell. Mr. Sebrell moved for adoption by voice vote. Motion carried.

House recessed at 9:55 P.M. and reconvened at 10:40 P.M.

The following bills were reported out of committee: Appropriations: **HB 638**, 4 favorable, 3 on merits; **HB 677**, 3 favorable, 4 on merits; **HB 699**, 1 favorable, 5 on merits, 1 unfavorable; **HB 701**, 4 favorable, 4 on merits; **HB 703**, 4 favorable, 4 on merits.

Mr. Zimmerman moved to suspend rules to consider **HB 344** with **SA 1**. Motion carried.

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

**HB 344** with **SA 1** — An Act directing the State Highway Department to undertake a feasibility study of a north-south, east-west toll highway network through the state.

Roll Call revealed:

YEAS — Bartleson, Benson, Burton, Cashman, Castle, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 25.

NAYS — Leshner — 1.

ABSENT — Blendt, Brown, Cicione, Eskridge, Fonville, Heckert, McMahon, Shockley, Slawik — 9.

**HB 344** with **SA 1** having received a constitutional majority was declared passed by the House.

The following bills were introduced and assigned:

**SB 242** — An Act to amend section 2326 (f) Chapter 23, title 19, Delaware Code, relating to Compensation for Disfigurement Under Workmen's Compensation. Introduced by Sen. McCullough. Referred to Committee on Revised Statutes.

**SB 455** — An Act preserving the integrity of collective bargaining agreements entered into prior to July 1, 1968. Introduced by Senator Foltz and others. Referred to the Committee on Revised Statutes.

**SB 452** — An Act to Amend Chapter 39, Title 11, Delaware Code, by providing for the Expungement of a Misdemeanor from a Person's Criminal Record. Introduced by Sen. Holloway. Referred to the Committee on Judiciary.

**SB 448** — An Act amending title eleven, Delaware Code, providing for increased maximum terms and certain minimum mandatory terms for repeat felony offenders, defining habitual criminals and providing for a life sentence in certain cases. Introduced by Sen. DuPont.

Mr. Castle moved to suspend rules in order to consider **SB 448**. Motion defeated. **SB 448** assigned to the Committee on Judiciary.

Mr. Benson moved to suspend rules in order to consider **HB 685** and **HB 690**. Motion defeated by roll call.

**HJR 11** — Relating to the use and cost of State-owned vehicles within the various agencies of State government. Introduced by Reps. Quillen, Riddagh, Sebrell.

Mr. Quillen moved to suspend rules in order to consider

**HJR 11**. Motion carried. Roll call on **HJR 11** revealed:

**YEAS** — Benson, Burton, Cashman, Castle, Frederick, Gray, Hale, Hart, Murphy, Pagano, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 15.

**NAYS** — Evans, McMahon, Phillips — 3.

**NOT VOTING** — Bartleson, Ferguson, Gooding, Hammond, Harrington, Leshner, Zimmerman — 7.

**ABSENT** — Blendt, Brown, Cicione, Dodge, Eskridge, Fonville, Heckert, Pleasanton, Shockley, Slawik — 10.

**HJR 11** was declared lost.

**SS 1 to SB 176** — An Act to Amend Chapter 11, Title 30, Delaware Code, to provide that certain expenses of Higher Education shall be deductible. Introduced by Sen. Steele.

Veto over-ridden by Senate. Mr. Hart moved to have bill laid on Speaker's desk. Motion carried.

**SB 455** — An Act preserving the integrity of collective bargaining agreements entered into prior to July 1, 1968. Introduced by Senator Foltz.

Mr. Murphy moved to suspend rules in order to consider **SB 455**. Motion defeated.

**SB 396 with SA 1** — An Act to Amend Chapter 171, Volume 54, Laws of Delaware, Entitled "An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for said Purpose: Authorizing the Financing of such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts and the City of Wilmington for the Purpose of Raising Money to make such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions" by Reducing the Amounts of Moneys Appropriated and Authorized to be Borrowed. Introduced by Sen. Cook.

Mr. Leshner moved to suspend rules in order to consider **SB 396 with SA 1**. Motion carried.

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

**SB 396 with SA 1** — An Act to Amend Chapter 171, Volume 54, Laws of Delaware, Entitled "An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for said Purpose: Authorizing the Financing of such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain



School Districts, and the City of Wilmington, Defining School Districts and the City of Wilmington for the Purpose of Raising Money to make such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions" by Reducing the Amounts of Moneys Appropriated and Authorized to be Borrowed.

On further motion by Mr. Leshner the roll call was tabled.

Mr. Hart moved to suspend rules in order to consider **HB 638** with **HA 1**. Motion carried. Mr. Hart introduced **HA 2**. On motion of Mr. Hart **HA 1** to **HB 638** was stricken. On further motion by Mr. Hart **HA 2** to **HB 638** was adopted by voice vote.

**HB 638** with **HA 2** — An Act to provide summer employment for certain impoverished elderly of this state and to make a supplementary appropriation therefor.

Roll Call revealed:

YEAS — Bartleson, Brown, Burton, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Hart, Leshner, McMahon, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 21.

NAYS — Benson — 1.

ABSENT — Blendt, Cashman, Cicione, Eskridge, Ferguson, Fonville, Harrington, Heckert, Murphy, Pleasanton, Shockley, Slawik, Zimmerman — 13.

**HB 638** with **HA 2** having received a constitutional majority was declared passed by the House.

Mr. Hart moved to suspend rules in order to consider **HB 699**. Motion carried.

Mr. Hart introduced **HA 1** to **HB 699** and moved for its adoption by voice vote. Motion carried.

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

**HB 699** with **HA 1** — An Act appropriating funds to the state Commission for the Aging for salary and operation expenses.

Privilege of the floor was granted Dr. Hector LeMaire, Director of Commission on Aging.

Roll Call revealed:

YEAS — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 26.

ABSENT — Blendt, Cicione, Eskridge, Ferguson, Fonville, Heckert, Pleasanton, Shockley, Slawik — 9.

**HB 699** with **HA 1** having received a constitutional majority was declared passed by the House.

Mr. Hale moved to suspend rules in order to consider **SB 441**. Motion carried.

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

**SB 441** — An Act to provide for the education of Institutionalized children.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Dodge, Evans, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Stabler, Zimmerman, Mr. Speaker Hering — 25.

**ABSENT** — Blendt, Cicione, Eskridge, Ferguson, Fonville, Gray, Heckert, Pleasanton, Shockley, Slawik — 10.

**SB 441** having received a constitutional majority was declared passed by the House.

Mr. Cashman introduced the following:

**HR 136** — Relative to the Death of Edward S. Megginson, a former member of the House of Representatives from New Castle Hundred.

**WHEREAS**, the House of Representatives of the 124th General Assembly of the State of Delaware has learned with regret of the passing of Edward S. Megginson, a former member of the House of Representatives from New Castle Hundred; and

**WHEREAS**, the members of the House 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**, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 124th General Assembly of the State of Delaware, which is extended by sending a copy of this Resolution to Mrs. Agnes Hewlett Megginson.

**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 124th General Assembly of the State of Delaware.

**HR 136** was adopted by voice vote.

House recessed at 11:35 P.M. after the Speaker expressed his thanks and appreciation to the House members for giving him the opportunity and experience of his position for the 124th General Assembly. Various House members expressed their thanks to other House members, to the Speaker and to the staff for a valuable and pleasant session of the 124th General Assembly.

**RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF DELAWARE  
124TH GENERAL ASSEMBLY  
1967-1968**

**I. RULES OF ORDER**

**Rule 1—Convening of House**

The House of Representatives shall meet every day (Friday, Saturday, Sunday and holidays excepted) at 1:30 P.M., unless otherwise ordered.

Eighteen of the members elected to the House shall constitute a quorum to do business, but a less number may recess or adjourn from day to day.

**Rule 2—Order of Business**

1. Calling of House to order.
2. Prayer by Chaplain.
3. Salute to Flag.
4. Roll Call.
5. Approval of Minutes.
6. Presentation of petitions, memorials or communications.
7. Reports from Standing and Special Committees.
8. Reporting by the Clerk of prior filed bills and resolutions.
9. Introduction of all other bills and resolutions by members.
10. Calendar for the day.
11. Miscellaneous business.

**II. DUTIES OF THE SPEAKER**

**Rule 3—Call to Order**

The Speaker shall take the Presiding Officer's chair at the designated hour and shall call the House to order.

**Rule 4—Control over Debate**

The Speaker shall have general direction over the House chamber and shall preserve order and decorum. In debate he shall prevent personal reflection and confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker.

**Rule 5—Decide Questions of Order; Appeal**

The Speaker shall decide all questions of order. An appeal from his decision may be made by any member if

properly seconded. The appeal shall be upheld only upon the affirmative vote of a majority of the members present and voting. The Speaker shall not vote on appeals from his own decision.

#### **Rule 6—Temporary Presiding Officer**

The Speaker may name a member to perform the duties of Presiding Officer, but such substitution shall not extend beyond an adjournment or a recess except when the Speaker obtains leave of absence, in which case he may name a member as Speaker Pro Tempore during such leave which leave shall not exceed five legislative days.

When neither the elected nor appointed presiding officer shall be present, the House shall be called to order by the senior member in terms of service of the Majority Party who shall serve in the interim as the Presiding Officer.

#### **Rule 7—Signing of Bills and Resolutions**

The Speaker shall sign all bills and resolutions requiring his signature. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the Speaker Pro Tempore shall sign when and where necessary.

#### **Rule 8—Assignment of Bills and Resolutions to Committees**

The Speaker shall determine the principal objective of a bill or joint resolution and assign same to the committee to which such subject matter is appropriate. Concurrent resolutions may, in the discretion of the Speaker, also be assigned to committee.

#### **Rule 9—Appointment of Committees**

The Speaker shall appoint all committees unless otherwise ordered by the House.

Where illness or other sufficient cause shall compel the absence of any committee member for more than five consecutive legislative days, the Speaker, in his discretion, may fill such vacancy during said absence.

### **III. CONDUCT OF MEMBERS**

#### **Rule 10—Attendance of Members**

Every member shall be in his seat at the hour to which the House shall be called to order.

No member shall, unless from illness or other sufficient cause, absent himself from any session of the House without having first obtained leave of absence from the Speaker.

#### **Rule 11—Addressing the House**

Every member desirous of speaking shall rise from his desk and respectfully address the Speaker but shall not pro-

ceed to speak further until recognized by the chair. His remarks shall be confined to the subject before the House.

#### **Rule 12—Decorum of Members**

Every member shall conduct himself in an honorable manner at all times. Personal reflections shall be prohibited.

While the Speaker is putting the question or addressing the House or while a member is speaking, no member or other person shall engage in private conversation or be permitted to walk across or out of the House or pass between the Speaker and the member addressing the House.

A member shall not be interrupted when speaking, except to a call to order by the Speaker or by a member through the Speaker, or by a member to explain, or by a motion for the previous question, or to adjourn.

No member shall be referred to by name in debate, unless for transgression of the rules of the House and then by the Speaker only.

If any member of the House shall transgress the rules, the Speaker shall, or any member may, call him to order, in which case he shall immediately sit down and not proceed without leave of the House, which if granted, shall be upon motion that he be allowed to proceed, which motion shall not be debateable.

### **IV. COMMITTEES**

#### **Rule 13—Standing Committees**

The standing committees of the House shall be constituted, insofar as possible, in proportion to the number of members of the two political parties.

The Speaker shall appoint the membership of the following standing committees which shall continue during the session.

1. Agriculture and Natural Resources Committee
2. Appropriations Committee
3. Banking and Insurance Committee
4. Commerce and Corporations Committee
5. Education Committee
6. Elections Committee
7. Fish, Oyster and Game Committee
8. State, Urban and Municipal Affairs Committee
9. Health and Welfare Committee
10. Highways and Public Safety Committee
11. House Administration and Passed Bills Committee
12. Judiciary Committee
13. Labor Committee
14. Miscellaneous Committee
15. Public Buildings and Lands Committee
16. Revenue and Taxation Committee
17. Revised Statutes Committee

**Rule 14—Appointment of Special Committees**

The Speaker, on his own initiative or upon order of the House, may appoint Special Committees.

**Rule 15—Quorum on Committees**

A majority of members of any standing or special committee shall constitute a quorum.

**Rule 16—Committee Meetings**

No committee meetings shall be held while the House is in session without the consent of the Speaker. So far as may be applicable, the rules of the House shall be observed.

**Rule 17—Committee Reports**

Committee reports other than only signatures, including minority reports, shall be printed or typewritten.

Bills and resolutions reported out of committee shall be by a majority of the committee. The committee member shall designate whether he is voting (a) favorably, (b) unfavorably, (c) upon the merits.

**Rule 18—Committee of the Whole**

The Committee of the Whole shall mean and include a committee of the entire membership of the House. So far as may be applicable, the rules of the House shall be observed in the Committee of the Whole.

**V. BILLS AND RESOLUTIONS****Rule 19—Introduction of Bills and Resolutions; Filing with Clerk**

Every bill or resolution shall be introduced by a member or by report of a committee. Introduction may be by either of two methods:

(a) Filing of bills and resolutions with the Clerk of the House.

A bill or resolution may be introduced by being filed with the Clerk of the House not less than one-half hour prior to the opening of the session. A bill or resolution that is filed with the Clerk of the House while the House stands in recess, in adjournment, or is not otherwise meeting, shall be given a number and entered upon a docket kept for that purpose. At the beginning of the day's session following the filing of a bill or resolution with the Clerk, the Clerk shall introduce the bill or resolution. Such introduction of the bill or resolution by the Clerk shall constitute the first reading of such bill or resolution.

(b) A bill or resolution may be introduced from the floor while the House is in session if it is deemed necessary.

## **Rule 20—Preparation and Custody**

Every bill and resolution shall be introduced with an original and seven backed copies marked "duplicate".

While under consideration by the House, the original of the bill or resolution shall at all times remain in the custody of the Chief Clerk of the House or the chairman of the committee to which it was assigned. A "duplicate" copy shall go to the following: The Speaker, the Majority and Minority Leaders, the Majority and Minority Whips, the sponsor, and the Legislative Reference Bureau.

Upon introduction a copy of each bill or resolution shall be delivered to every member. There shall also be delivered to the Legislative Reference Bureau 160 copies of said bill or resolution and original stencil.

The original of all bills and resolutions shall be produced in such manner as approved by the State Archivist and Director of the Legislative Reference Bureau for permanency and legibility.

No bill or joint resolution shall be introduced into the House unless it be "prefaced" by a brief statement of its purpose which shall be known as the title and shall also contain the text of the bill or joint resolution in full.

## **Rule 22—First Reading and Assignment to Committee**

Every bill and joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper committee.

Every bill or joint resolution whether emanating from the House or the Senate carrying an appropriation or which may involve any financial obligation either present or future on the part of the State of more than \$50,000, which has been previously referred by the Speaker under the Rules to any Committee of the House other than the Committee on Appropriations shall, after the same has been reported back to the House, be re-referred for not more than five legislative days to the Committee on Appropriations for its advisory report, if any.

## **Rule 23—Final Reading and Consideration by House**

When brought before the House for passage, each bill and joint resolution shall be given its final reading by title and enacting clause only unless the Speaker directs a reading in full.

No bill, joint resolution, or concurrent resolution, if assigned to committee, shall be brought before the House for passage on the same day it is reported out of committee, nor in the absence of the sponsor without his written consent.

**Rule 24—Amendments**

Every bill and resolution may be amended at any time before final action is taken. No title of a bill or resolution, however, may be amended or changed except for typographical error.

**Rule 25—Substitute Bills**

A substitute bill may be introduced by the sponsor of the bill for which it is a substitute. Upon introduction the sponsor shall briefly explain either orally or within the substitute wherein it differs from the original. The substitute shall be assigned to committee and follow the same procedure as other bills.

Once assigned to committee the substitute bill shall render null and void the bill for which it is a substitute.

**Rule 26—Petition Bill or Resolution Out of Committee**

Every bill or resolution which shall have been in committee for a period of not less than ten legislative days shall, upon written request of eighteen or more members of the House, be reported to the House for a decision as to its further disposal.

**Rule 27—Voting**

Every bill or joint resolution which shall come before the House for final action shall be acted upon by a roll call vote.

The names of the members of the House shall be called alphabetically and each shall, without debate or comment, answer "yes", "no", or "not voting".

No member shall be permitted to change his vote after the decision shall have been announced by the Chief Clerk.

**VI. MOTIONS****Rule 28—Motions to be in Writing**

All motions shall be reduced to writing if desired by the Speaker. Any motion may be withdrawn or modified by the mover at any time before an amendment or ordering of the yeas and nays.

**Rule 29—Debate and Vote on Motions**

Every motion before the House shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members present shall prevail in the case of incidental motions, subsidiary motions, or other motions presenting questions of a general procedural nature. The vote of a majority of the elected members shall prevail in the case of privileged motions, main motions, or other motions presenting questions of a substantive nature. Such voting shall prevail



unless contrary to these Rules or unless it is in conflict with the statutes or provisions of the Constitution of the State of Delaware.

### **Rule 30—Motion to Adjourn**

A motion to adjourn shall always be in order, except during roll call, and shall be decided without debate.

### **Rule 31—Precedence of Motions**

When a question is under debate, no motion shall be received but

1. To adjourn.
2. To adjourn to a day certain.
3. To lay on the table.
4. For the previous question.  
(which four motions shall be decided without debate)
5. To commit.
6. To postpone to a day certain.
7. To postpone indefinitely.
8. To amend.

### **Rule 32—Motion for Previous Question**

A motion for the previous question shall not be entertained except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained, it shall not cut off any pending amendment. The vote shall be taken without debate, first on the amendments in their order and then on the main question.

### **Rule 33—Motion for Reconsideration**

(a) No motion for reconsideration shall be in order unless made on the same day or on one of the three next succeeding legislative days.

(b) When a bill, resolution, report, amendment, order or message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, the motion to reconsider shall be accompanied by a motion to request the Senate to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

## **VII. CALENDAR**

### **Rule 34—House Calendar**

The Clerk of the House shall keep a House Calendar on which shall be placed the number and subject of all bills and resolutions and the name of the introducer thereof; and, if reported from committee, the action of the committee there-

on. Said bills and resolutions shall be kept on the Calendar until final action is taken thereon, and such as lie over and other matters undisposed of, shall be placed in the order in which they are presented.

**Rule 35—Announcement of Calendar for the Day**

Immediately prior to adjournment or recess, the Clerk shall announce to the House by the number, sponsor and/or committee, the bills and/or resolutions that are being placed on the Calendar for the day for the next legislative session.

**Rule 36—Delivery of Bills and Resolutions to the Senate**

All bills and resolutions originating in the House, or Senate bills or resolutions to which the House has added amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the five next succeeding legislative days.

## **VIII. MISCELLANEOUS**

**Rule 37—Suspension of Rules**

The rules of the House shall not be changed or suspended except by a vote of three-fifths of the members elected to the House, unless these rules otherwise provide.

**Rule 38—Authorized Manual of Parliamentary Practice**

In all cases to which they are applicable and in which they are not inconsistent with these rules, the rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern the House.

**Rule 39—Supervision of Legislative Staff**

The Chief Clerk, or in his absence the Assistant Chief Clerk, shall at all times have complete jurisdiction over the members of the legislative staff. In this respect the Chief Clerk, or Assistant Chief Clerk, shall be directly responsible to the Speaker and House Administration and Passed Bills Committee.

**Rule 40—Registration of Lobbyists**

Any person who is employed for compensation paid by others than the Legislature and whose employment calls for or includes activity in or about the House of Representatives in regard to legislation must register with the Chief Clerk of the House of Representatives. Such person shall disclose in the detail deemed by the Chief Clerk necessary, the following information which will be recorded in a register kept by the Chief Clerk: (1) the name and address of the registrant; (2) the name and address of the registrant's employer including any association, organized group, state agency or office, or labor union, and in case of multiple employers a

sufficient number so identified as to indicate the class or classes registered with those interests the registrant is concerned; and (3) the subject or subjects of legislation to which his employment relates.

A person to whom this requirement or registration applies may not appear before a House committee in pursuance of his employment until he is registered except upon special invitation of the committee, nor shall he in such pursuit try to influence the legislative judgment or action of a member of the House.

A person who is registered under this rule, or who should be registered under it, when appearing before a committee shall disclose to the committee those in whose interest he speaks, the purpose of his appearance and when he or the person for whom he appears has a pecuniary or other special interest in a measure or proposal different than the public generally, which is not apparent from his testimony, the fact thereof. Further, in pursuance of the employment for which he is or should be registered he must not knowingly furnish false information or make a false statement which is material and relevant to any matter with an intention to, or which he should know will have a tendency to influence the judgment or action of the House or of a committee thereof.

#### **Rule 41—Certification of News Media**

Accredited representatives of the daily and weekly press, press associations, and of radio and television stations shall be accorded equal press privileges by the House Administration and Passed Bills Committee. Any person wishing to report proceedings of the House may apply to said committee for assignment to suitable available space.

On approval of the House Administration and Passed Bills Committee, radio and television stations shall be permitted to air and record sessions of the House.

#### **Rule 42—Privilege of Floor**

The privilege of the floor may be granted by the Speaker upon request of any member.

### **CONSTITUTIONAL VOTE REQUIREMENTS**

I. Three-fourths vote (27) of all the members elected to each House required.

A. To borrow money or create a debt by or on behalf of the State except the following which require only a majority vote of the elected members:

(1.) To supply casual deficiencies of revenue; (2.) Repeal invasion; (3.) Suppress insurrection; (4.) Defend the State in war; (5.) Pay existing debts. Article VIII, Section 3

B. To appropriate public money to any county, municipality or corporation. Article VIII, Section 4

C. To issue or loan bonds of this State to any county, municipality or corporation. Article VIII, Section 4

D. To pledge the credit of the State by guaranteeing or endorsing the bonds or other undertakings of any county, municipality or corporation. Article VIII, Section 4

II. Two-thirds vote (24) of all the members elected to each House required.

A. To expel a member for disorderly conduct. Article II, Section 9

B. To lay out, open, alter or maintain roads and highways which form continuous roads or highways through at least a portion of the three counties. Article II, Section 19

C. To create courts other than constitutional courts. Article IV, Section 1

D. To grant jurisdiction over additional misdemeanors to inferior courts. Article IV, Section 28

E. To initiate impeachment proceedings. Article VI, Section 1

F. To enact or amend the general corporation law. Article IX, Section 1

G. To enact any special act of incorporation. Article IX, Section 1

H. To amend the Constitution. Article XVI, Section 1

III. Three-fifths vote (21) of all members elected to each House required.

A. To override the Governor's veto of any bill or resolution requiring the concurrence of both Houses, except on a question of adjournment. Article III, Section 18

IV. In all other bills and resolutions a majority vote of all the members elected to each House required.

V. Rules:

"Each House may determine the rules of its proceedings". Article II, Section 9

### DEBT STATEMENT

Every bill authorizing the issuance of bonds or notes pledging the faith and credit of the State shall be accompanied by a debt statement upon introduction and shall be brought up to date at final consideration. Title 29, Delaware Code, Section 7424.

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## Abbreviations—

<b>HB</b> .....	House Bill
<b>HR</b> .....	House Resolution
<b>HCR</b> .....	House Concurrent Resolution
<b>HJR</b> .....	House Joint Resolution
<b>HA</b> .....	House Amendment
<b>HS</b> .....	House Substitute
<b>SB</b> .....	Senate Bill
<b>SR</b> .....	Senate Resolution
<b>SCR</b> .....	Senate Concurrent Resolution
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