

Rodenticides, Defoliants, Desiccants, Plant Regulators, Nematocides, Miticides, and other Pesticides and Regulating Traffic Therein; Providing for Registration and Examination of Such Materials, Imposing Penalties, for Other Purposes, and Imposing Duties Upon and Giving Certain Powers to the State Department of Agriculture. Introduced by Rep. Knox. Assigned to Agriculture Committee.

**HJR 13** - Providing for In-Service Training for Classroom Teachers in Delaware in Courses Pertaining to Drugs, Alcohol, Nicotine and other Dangerous Substances. Introduced by Rep. Little. Assigned to Education Committee.

**HA 2** to **HS 1** for **HB 30**, introduced by Rep. Wright. Placed with bill.

**HA 1** to **HB 217**, introduced by Rep. Little. Placed with bill.

**HA 3** to **HB 222**, introduced by Rep. Hering. Placed with bill.

**HA 1** to **HB 253**, introduced by Rep. Leshner. Placed with bill.

**SA 1** to **HB 192**, introduced by Sen. Manning. Placed with bill.

On motion of Rep. Dobberstein **HB 192** as amended was placed on the table.

**SB 80** - An Act To Amend Chapter 19, Title 11, of the Delaware Code by Creating a New Section 1913 Relating to Placing a Law Enforcement Officer in Peril. Introduced by Sen. Manning. Assigned to Judiciary Committee.

**SB 171** - An Act To Amend Chapter 5, Title 31 of the Delaware Code Pertaining to Old Age Assistance Under the State Public Assistance Code. Introduced by Sen. Slawik. Assigned to Health & Social Services Committee.

**SB 179** - An Act To Amend Title 18, Chapters 13 and 29 of the Delaware Code Relating to the Establishment of Separate Accounts by Domestic Life Insurers for Amounts Paid to Such Insurers to Provide Life Insurance or Annuity Benefits Payable in Fixed or Variable Dollar Amounts, or Both. Introduced by Sen. Foltz. Assigned to Highways & Transportation Committee.

**SB 278** - An Act To Amend Chapter 70, Title 9 of the Delaware Code Relating to the Salary to be Paid Each Councilman of the County Council of Sussex County. Introduced by Sen. Grier. Assigned to Com-

munity Affairs Committee.

**SB 289** - An Act To Amend Title 14, Chapter 36, Delaware Code, to Provide for Educational Aid to Children of Deceased State Police Officers and to Provide an Initial Appropriation Therefor. Introduced by Sen. Cicione. Assigned to Appropriations Committee.

**SB 290** - An Act Authorizing the Incumbent State Treasurer to Transfer Certain Balances in Accounts of the State of Delaware to the Credit of the General Fund of the State of Delaware. Introduced by Sen. Steele. Assigned to Appropriations Committee.

**SB 292** - An Act To Amend Chapter 51, Title 16, Delaware Code, Relating to the Qualifications of the Heads of Certain Institutions. Introduced by Sen. Isaacs. Assigned to Health & Social Services Committee.

**SJR 15** - Relating to Proclaiming the Month of May 1971 as Older Americans Month. Introduced by Sen. Hale. Assigned to Community Affairs Committee.

**SCR 24** - Requesting the Senate and House Education Committees to Meet Jointly to Develop a New Formula for the Distribution of the Educational Advancement Fund. Introduced by Sen. McCullough. Assigned to Education Committee.

The House recessed to the call of the Chair at 2:10 P.M., reconvened at 3:05 P.M.

The following prefiled legislation was introduced:

**HA 1 to HB 270**, introduced by Rep. Hering. Placed with bill.

**HA 2 to HB 224**, introduced by Rep. Kirk. Placed with bill.

Reps. Derrickson, Moerschel & Matushefske asked to be marked present.

On motion of Rep. Dillman **HB 270** had its final reading and was placed before the House for consideration.

**HB 270** - An Act To Amend Titles 18 and 21, Delaware Code, Relating to the Requirement of Insurance on Motor Vehicles; Requiring Insurance Companies to Offer Certain Policy Coverage; Requiring Arbitration of Certain Claims and Providing a Penalty for Violation Thereof.

Rep. Dillman deferred to Rep. Hering, sponsor of **HA 1**. Rep. Dillman requested privilege of the floor for Mr. Ryan McGrew, Pres. of Independent Insurance

Agents. After some discussion Rep. Dillman requested joint privilege of the floor for Mr. Robert Short, State Insurance Commissioner. Both gentlemen spoke in favor of **HB 270**. On motion of Rep. Hering, roll call was taken on **HA 1** to **HB 270**. Roll call revealed:

**YEAS:** Hearn, Hering, Justice, Leshner, Moerschel, Quillen, Wright - 7.

**NAYS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Harrington, Heckert, Jarvis, Johnson, Jonkiert, Kirk, Knox, Matushefske, Mears, Miller, Murphy, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 27.

**ABSENT:** Gordy, Gruwell, Harkins, Little, Orth - 5.

**HA 1** to **HB 270** was defeated in the House.

On motion of Rep. Dillman **HA 2** to **HB 270** was adopted by voice vote.

Privilege of the floor was granted to Mr. Thomas Hughes, Representative of the National Association of Independent Insurers.

On motion of Rep. Dillman roll call was taken on **HB 270** with **HA 2**. Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Harkins - 1.

**HB 270** with **HA 2** having received a constitutional majority was declared passed the House.

Privilege of the floor was granted to Mr. Robert Short to make a statement of appreciation for support and passage of **HB 270**.

The House recessed to the call of the Chair at 4:48 P.M., reconvened at 5:06 P.M.

#### Committee Reports:

Education: **HB 298-4M**. Community Affairs: **SB 252-1F, 4M; SB 249-1F, 4M; SB 278-1F, 4M; SJR 12** with **HA 1-3F, 2M; SJR 15-3F, 2M**. Labor & Commerce: **HB 260-4M; HB 287-5M; HB 288-5M; HB 291-3M, 2F**.

The House recessed to the call of the Chair at 5:10 P.M.

May 18, 1971

### 35th LEGISLATIVE DAY

The Speaker called the House to order at 1:47 P.M. The Majority Leader moved to adjourn at 1:47 P.M., thereby ending the previous legislative day. The House reconvened at 1:48 P.M.

There was a prayer by the Chaplain Rev. Paul J. Fallers, Holy Spirit Catholic Church, New Castle, Delaware.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

Late: Moerschel. Marked present later.

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

Letter from Rep. Tribbitt to Atty. Gen. W. Laird Stabler, Jr. was read in.

### HOUSE OF REPRESENTATIVES STATE OF DELAWARE Dover, Delaware 19901

May 17, 1971

The Honorable W. Laird Stabler, Jr.  
The Attorney-General of the State of Delaware  
Public Building  
Wilmington, Delaware

Dear Laird,

Recently, the Senate passed **Senate Bill 240**. It is my understanding the purpose of this bill is to reimburse Vincent A. Theisen, Esq. for certain legal expenses resulting from a tax payers suit instituted by a small group of civic minded individuals.

While I can endorse the civic mindedness of the citizens who instituted the action, I can see no reason why those same civic minded citizens should expect the State of Delaware to underwrite the legal costs of their action.

Since the State of Delaware was in no way re-



sponsible for the initiation of the suit, I find it questionable that the state should step into the financial gap left by these civic minded citizens when they decided not to pay the fees incurred by their attorney. And certain specific questions come to mind:

1. Is it not possible to interpret the drafting of this piece of legislation in the form of a majority bill as an attempt to evade the Delaware Statute requiring a 3/4 enactment to reimburse an individual?

2. Would this bill, if passed, establish an undesirable precedent?

3. According to the old newspaper accounts, the initiators of the suit formed a committee to retain an attorney and finance his efforts. Does it not then follow that the introduction of this bill is an attempt to pass the financial obligations of this small group of civic minded individuals off onto the state purse?

4. Will the passage of this majority bill by a simple majority express the overwhelming consent of our citizenry to assume this obligation?

I fully agree with Senator duPont that the attorney should be reimbursed. However, I believe the reimbursement should be made by the small group of civic minded individuals who retained him.

Your prompt response to my enquiry will be appreciated.

Best regards.

Very Truly Yours,  
Sherman W. Tribbitt  
House Minority Leader

SWT:w

The following prefiled legislation was introduced:

**HB 310** - An Act Authorizing and Making a Supplemental Appropriation to Vincent A. Theisen, Attorney-At-Law, for the Purpose of Paying the Legal Costs and Expenses of Effecting Reapportionment. Introduced by Rep. Little, by request. Assigned to Appropriations Committee.

**HB 311** - An Act To Amend Chapter 13, Title 15 of the Delaware Code Designating Justice of the Peace Courts as Official Registration Places. Introduced by Rep. Hearn, co-sponsored by Rep. Matushefske. Assigned to Judiciary Committee.

**HB 312** - An Act To Amend Title 24 of the Delaware Code Relating to Professions and Occupations, and Providing for the Regulation and Licensing of Automotive Mechanics and Automotive Repair Deal-

ers, and Providing an Appropriation for its Implementation. Introduced by Rep. Justice. Assigned to Community Affairs Committee.

**HB 313** - An Act To Amend Chapter 3, Title 25 of the Delaware Code Relating to Conveyances of Real Estate; to Create Either Joint Tenancy or Tenancy in Common Ownership of Real Estate. Introduced by Rep. Hearn, co-sponsored by Rep. Hering. Assigned to Judiciary Committee.

**HB 314** - An Act To Amend Title 4, Delaware Code, Relating to Alcoholic Liquors by Providing Annual Compensation to the Members of the Delaware Alcoholic Beverage Control Commission. Introduced by Rep. Billingsley. Assigned to Appropriations Committee.

**HJR 14** - Urging the State Board of Education to Establish a Program for High School Students Concerning the Election Laws and Use of Voting Machines. Introduced by Rep. Derrickson. Assigned to Education Committee.

**HS 1 for HB 167** - An Act To Amend Chapter 51, Title 6, Delaware Code Relating to Weights, Measures, and Standards. Introduced by Rep. Quillen. Assigned to Agriculture Committee.

**HA 6 to HB 54**, introduced by Rep. Smith. Placed with bill.

**HA 2 to HB 217**, stricken.

**HA 1 to HB 230**, introduced by Rep. Knox. Placed with bill.

**SB 232** - An Act To Amend Title 13 of the Delaware Code Relating to Interracial Marriages. Introduced by Sen. Holloway. Assigned to Judiciary Committee.

**SB 243** - An Act To Amend Title 14, Delaware Code Relating to the Definition of Professional Employees. Introduced by Sen. Hart. Assigned to Education Committee.

**SB 265** - An Act Making a Supplementary Appropriation to the Department of Natural Resources and Environmental Control for the Purpose of Moving Oysters to Public Grounds. Introduced by Sen. Isaacs. Assigned to Environmental Control Committee.

**SB 279** - An Act To Amend Subchapter XVI, Chapter 3, Title 11, of the Delaware Code Relating to Deadly Weapons and Firearms. Introduced by Sen. duPont. Assigned to Judiciary Committee.

**SB 268** - An Act To Amend Chapters 19 and

21 of Title 7, Delaware Code Relating to the Tonging of Oysters in the Delaware Bay and Providing for Penalty Thereof. Introduced by Sen. Isaacs. Assigned to Environmental Control Committee.

**SB 282** - An Act To Amend Chapter 9, Title 4 of the Delaware Code Relating to the Confiscation of Vehicles Used in the Transportation of Untaxed Alcoholic Liquors. Introduced by Sen. Schlör. Assigned to Revenue & Finance Committee.

**SB 288** - An Act To Permit Woodbridge School District to Transfer Certain Funds from its Local Debt Service Account to its 1969 and 1970 Minor Capital Improvement Accounts. Introduced by Sen. Elliott. Assigned to Appropriations Committee.

The House recessed to the call of the Chair at 2:08 P.M., reconvened at 3:18 P.M.

**HA 2** to **HB 253**, introduced by Rep. Leshner. Placed with bill.

**HA 1** to **HB 266**, introduced by Rep. Dillman. Placed with bill.

Rep. Moerschel asked to be marked present.

On motion of Rep. Dobberstein **HB 192** with **SA 1** was lifted from the Speaker's table.

**HB 192** - An Act To Amend Chapter 73, Title 16, Delaware Code, by Creating a New Subchapter to Cover the Ownership, Use and Filling of Liquefied Petroleum Gas Containers.

Roll call on **HB 192** with **SA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Quillen, Ridgagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Derrickson - 1.

NOT VOTING: Hearn, Heckert, Leshner, Orth - 4.

ABSENT: Poulterer, Seibel - 2.

**HB 192** with **SA 1** having received a 2/3 vote was declared passed the House.

On motion of Rep. Kirk **SB 294** had its final reading and was placed before the House for consideration.

**SB 294** - An Act To Amend § 302 and § 303, Title 29, Delaware Code, by Transferring the Responsibility for the State's Boundaries from the Director of Operations of the Highway Department to the Secretary of Natural Resources and Environmental Con-

trol in Conjunction with the Director of the Division of Archives and Cultural Affairs.

Roll call on **SB 294** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 36.

**ABSENT:** Poulterer, Seibel, Weiss - 3.

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

On motion of Rep. Quillen **HJR 11** had its final reading and was placed before the House for consideration.

**HJR 11** - Relating to the Dredging of the Channel Leading from Delaware Bay into Murderkill River at Bowers Beach, Delaware.

Roll call on **HJR 11** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

**NOT VOTING:** Leshner - 1.

**ABSENT:** Poulterer - 1.

**HJR 11** having received a constitutional majority was declared passed the House.

On motion of Rep. Murphy **HB 224** with **HA 1** had its final reading and was placed before the House for consideration.

**HB 224** - An Act Making an Appropriation to the Department of Highways and Transportation for the Greater Wilmington Transportation Authority During the Fiscal Year Ending June 30, 1972.

On motion of Rep. Poulterer **HA 1** to **HB 224** was adopted by voice vote. On motion of Rep. Kirk **HA 2** to **HB 224** was stricken. Roll call on **HB 224** with **HA 1** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moersch-

chel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

**HB 224** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Justice **HB 222** had its final reading and was placed before the House for consideration.

**HB 222** - An Act To Amend Chapter 16, Title 2 of the Delaware Code Relating to the Powers of Local Transportation Authorities of the Department of Transportation.

On motion of Rep. Justice **HA 1** to **HB 222** was stricken. On motion of Rep. Boulden roll call was taken on **HA 2** to **HB 222**. Roll call revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 16.

NAYS: Berndt, Billingsley, Derrickson, Dobberstein, Harkins, Heckert, Hering, Justice, Knox, Lesh, Moerschel, Poulterer, Riddagh, Mr. Speaker Frederick - 14.

NOT VOTING: Connor, Dillman, Jarvis, Kirk, Little, Murphy, Quillen, Seibel, Weiss - 9.

**HA 2** was defeated in the House.

On motion of Rep. Hering roll call was taken on **HA 3** to **HB 222**. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Heckert, Hering, Jarvis, Justice, Knox, Lesh, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 21.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Kirk, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 17.

NOT VOTING: Harkins - 1.

**HA 3** to **HB 222** was adopted in the House.

On motion of Rep. Justice roll call was taken on **HB 222** with **HA 3**. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker

Frederick - 39.

**HB 222** with **HA 3** having received a constitutional majority was declared passed the House.

On motion of Rep. Little **HB 217** had its final reading and was placed before the House for consideration.

**HB 217** - An Act Placing a 10% Surtax on All Fines Levied for Violations of Certain Sections of Title 4 and Title 21 of the Delaware Code to be Deposited to the Account of the Alcoholic Detoxification Center.

Privilege of the floor was granted to House Attny. John Rich to explain **HA 1** to **HB 217**. After much discussion Rep. Little moved to defer **HB 217** indefinitely.

On motion of Rep. Dillman **HB 253** had its final reading and was placed before the House for consideration.

**HB 253** - An Act To Amend Title 16, Delaware Code, by Creating a New Chapter to be Designated as Chapter 68 to Provide for the Regulation of and Standards for Ambulance Service by the State Fire Prevention Commission, and to Provide an Appropriation Therefor, and to Grant Immunity from Suit under Certain Circumstances.

On motion of Rep. Leshner **HA 1** to **HB 253** was stricken and **HA 2** to **HB 253** was adopted by voice vote. Privilege of the floor was granted to Mr. Lou Amabili, Director of the State Fire School. After much discussion Rep. Hering moved to postpone **HB 253** for 48 hours. Roll call was taken on the motion to postpone. Roll call revealed:

YEAS: Berndt, Billingsley, Derrickson, Dobberstein, Hearn, Heckert, Hering, Justice, Leshner, Poulterer, Quillen, Riddagh - 12.

NAYS: Boulden, Clendaniel, Connor, Cordrey, Dillman, Gordy, Gruwell, Harkins, Harrington, Jarvis, Johnson, Jonkiert, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Orth, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 26.

NOT VOTING: Murphy - 1.

Motion to postpone was defeated.

On motion of Rep. Dillman roll call was taken on **HB 253** with **HA 2**. Roll call revealed:

YEAS: Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth,

Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

NAYS: Berndt, Hering - 2.

NOT VOTING: Hearn - 1.

**HB 253** with **HA 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Justice **HB 248** had its final reading and was placed before the House for consideration.

**HB 248** - An Act To Amend Section 918, Title 5, Delaware Code, Relating to Hypothecation of Assets to Certain Governmental Bodies.

On motion of Rep. Justice **HA 1** to **HB 248** was adopted by voice vote. Privilege of the floor was granted to Mr. John W. Green, State Bank Commissioner. Roll call on **HB 248** with **HA 1** revealed:

YEAS: Berndt, Cordrey, Dillman, Gruwell, Harkins, Hering, Jarvis, Justice, Knox, Little, Mears, Murphy, Orth, Weiss - 14.

NAYS: Billingsley, Clendaniel, Connor, Derrickson, Gordy, Harrington, Jonkiert, Kirk, Matushefske, Quillen, Riddagh, Smith, Tribbitt, Mr. Speaker Frederick - 14.

NOT VOTING: Dobberstein, Hearn, Heckert, Johnson, Leshar, Miller, Moerschel, Poulterer, Seibel, Wright - 10.

**HA 248** with **HA 1** not having received a constitutional majority was defeated in the House.

The House recessed to the call of the Chair at 5:35 P.M.

May 19, 1971

### 36th LEGISLATIVE DAY

The Speaker called the House to order at 1:41 P.M. The Majority Leader moved to adjourn at 1:41 P.M., thereby ending the previous legislative day. The House reconvened at 1:42 P.M.

There was a prayer by the Chaplain Rev. Paul J. Fallers, Holy Spirit Catholic Church, New Castle, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh,

Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

Absent: Gruwell - 1.

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

The Senate informed the House it passed **HB 174** with **HA 1, 2, HB 36** with **HA 1, HCR 18, HJR 8** with **SA 1**.

Legislative Advisory No. 5 was read.

# OFFICE OF THE GOVERNOR

May 14, 1971

Legislative Advisory No. 5

TO:

Rep. Daniel E. Weiss  
Rep. Andrew G. Knox  
Rep. John G. S. Billingsley  
Rep. John A. Dillman  
Rep. Harry E. Derrickson  
Rep. Henrietta Johnson  
Rep. George R. Quillen  
Rep. Marion I. Seibel  
Sen. David H. Elliott  
Sen. Melvin A. Slawik  
Sen. Dean C. Steele  
Sen. Anthony J. Cicione  
Sen. Reynolds duPont  
Sen. Louise T. Conner  
Delaware State Housing Authority  
Div. of Fish & Wildlife  
Cabinet Secretaries  
Governor's Staff

Morton R. Kimmel, Esq.  
Dr. Kenneth C. Madden  
Hon. W. Laird Stabler, Jr.  
Lewis Darlin  
Bruce Ralston  
James R. Zeller  
George Cripps  
Emily Womach  
James Kennedy  
W. Brooke Stabler  
Richard Caldwell  
Legislative Council  
Clerk of the House  
Secretary of the Senate



Col. George Bundeck  
John E. Hiland, Jr.  
Ali Z. Hameli, M.D.  
William J. Warren, Jr.

FROM: Fletcher E. Campbell, Jr., Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

**H.B. 144 As Amended by H.A. 1 - 5-1-71 - relating to pedestrian walking on highways or soliciting rides.**

**H.B. 215 - 5-5-71 - appropriation to the Division of Social Services for public assistance grants.**

**H.B. 116 As Amended by H.A. 2 & 3 - 5-6-71 - requiring employers to make monthly deposits of State Personal Income Taxes withheld from employees.**

**H.B. 191 - 5-6-71 - providing for uniform facsimile signatures of public officials.**

**S.B. 141 As Amended by S.A. 1 - 5-6-71 - providing for release of post-mortem and autopsy reports.**

**H.B. 159 - 5-7-71 - relating to departmental records of registered vehicles.**

**H.B. 162 As Amended by H.A. 1 - 5-7-71 - relating to replacement fees for number and registration plates.**

**H.B. 189 - 5-7-71 - amending the Town Charter of the Town of Ocean View.**

**S.B. 128 - 5-7-71 - extending the time limit for appeals from Alderman's Courts.**

**S.B. 168 - 5-7-71 - supplementary appropriation to the Department of Finance.**

**SJR 3 - 5-7-71 - designating the American Rifles Association as the official military ceremonial unit of the State of Delaware.**

**SJR 11 - 5-7-71 - expressing sympathy at the death of Alexander R. Abrahams.**

**HCR 23 - 5-7-71 - praising the Wilmington High School Basketball Team and its coach, Tim Autry.**

**S.B. 191 - 5-8-71 - permitting the Division of Social Services to continue payments for dependent or neglected children after they have been legally adopted.**

**H.B. 7 As Amended by H.A. 1 - 5-8-71 - relating to the illegal slaughtering of animal species on the verge of extinction.**

**H.B. 109 - 5-8-71 - relating to the Housing**

Development Fund of the Delaware State Housing Authority by increasing the amount of said Fund.

On the indicated dates the Governor vetoed the following legislation:

**H.B. 29** - 5-6-71 - relating to projections from the periphery of tires.

**S.B. 206** - 5-6-71 - transferring the responsibility for the State's boundaries.

#### CONSTITUTIONAL AMENDMENT

**S.B. 262 As Amended by H.A. 1-5-11-71** - amending Article VIII, Section 1 of the Constitution relating to the exemption from taxation of real property.

The above Constitutional Amendment has passed the second leg necessary for final adoption as part of the Constitution.

FECJr:mm

The following prefiled legislation was introduced:

**HB 315** - An Act To Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Re-incorporate the Town of Laurel" by Increasing the Amount of Money That May Be Raised Annually by Taxation for General Municipal Purposes. Introduced by Rep. Gordy. Assigned to Community Affairs Committee.

**HB 316** - An Act To Amend Title 4, Delaware Code, Relating to Alcoholic Liquors by Providing Compensation to the Members of the Delaware Alcoholic Beverage Control Commission. Introduced by Rep. Billingsley. Assigned to Appropriations Committee.

**HB 317** - An Act To Amend Title 4, Chapter 11, Delaware Code, Relating to Seizure and Confiscation of Alcoholic Liquor and Property Used in Offenses Against the Liquor Control Act and the Rules of the Alcoholic Beverage Control Commission and Providing for the Disposition Therefor. Introduced by Rep. Billingsley. Assigned to Judiciary Committee.

**HB 318** - An Act To Amend Chapter 6, Title 11, Delaware Code, Relating to the Arrest and Disposition of Persons Intoxicated in Public Places. Introduced by Rep. Weiss. Assigned to Health & Social Services Committee.

**HB 319** - An Act Proposing An Amendment to Article III, Section 9 Relating to the Appointing Power of the Governor. Introduced by Rep. Murphy. Assigned to House Administration Committee.

**HB 320** - An Act Proposing An Amendment to

Article II, Section 15 of the 1897 Constitution of the State of Delaware, Relating to the Compensation, Expenses and Allowances of Members of the General Assembly. Introduced by Rep. Murphy. Assigned to House Administration Committee.

**HB 321** - An Act To Amend Subchapter V, Chapter 6, Title 9, Delaware Code, to Provide for Fences Between Developed County Parks and Railroad Tracks. Introduced by Rep. Murphy. Assigned to Community Affairs Committee.

**HB 322** - An Act To Amend Title 6 of the Delaware Code, Prohibiting the Sale of Certain Beverages in Non-Returnable or "Disposable" Beverage Containers Within the State of Delaware. Introduced by Rep. Billingsley. Assigned to Environmental Control Committee.

**HB 323** - An Act To Amend Chapter 29, Title 14, Delaware Code, to Provide for the Free Transportation To and From School for School Children who Reside in Excess of One Mile from the School Which They Attend. Introduced by Rep. Billingsley. Assigned to Education Committee.

**HB 324** - An Act To Amend Chapter 5 and Chapter 23, Title 31 of the Delaware Code Relating to State Public Assistance by Providing that General Increases in Federal Social Security Payments be Disregarded in Determining the Amount of State Assistance. Introduced by Rep. Billingsley. Assigned to Health & Social Services Committee.

**HB 325** - An Act To Amend Subchapter II, Chapter 14, Title 14, Delaware Code, Relating to Procedures for the Termination of Services of Professional Employees. Introduced by Rep. Heckert. Assigned to Education Committee.

**HB 326** - An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Construction of an Overhead Walkway in Wilmington at 29th Street and Governor Printz Boulevard. Introduced by Rep. Hearn. Assigned to Appropriations Committee.

**HB 327** - An Act To Amend Chapter 14, Title 14, Delaware Code, Relating to Procedures for the Termination of Services for Certain Professional Employees. Introduced by Rep. Kirk. Assigned to Education Committee.

**HB 328** - An Act To Amend Title 11, Delaware Code, by Adding a New Chapter, Chapter 40, Entitled

“Defective Delinquents”. Introduced by Rep. Heckert. Assigned to Judiciary Committee.

**HB 329** - An Act To Amend Title 11, Subchapter XVII, Section 471, Delaware Code, Relating to Deleting the Limits of any Incorporated City or Town. Introduced by Rep. Little. Assigned to Judiciary Committee.

**HB 330** - An Act To Amend Title 11, Subchapter XVII, Section 471, Delaware Code, Relating to Disorderly Conduct While Under the Influence of Dangerous Drugs. Introduced by Rep. Little. Assigned to Judiciary Committee.

**HB 331** - An Act To Amend Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates, and Proposing Vehicle Fee Schedules. Introduced by Rep. Billingsley. Assigned to Public Safety Committee.

**HB 332** - An Act To Transfer Title to Real Estate from the State of Delaware to the Kent County Society for the Prevention of Cruelty to Animals. Introduced by Rep. Dobberstein. Assigned to Natural Resources Committee.

**HB 333** - An Act To Amend Title 11, Subchapter XXXI of the Delaware Code Relating to Intoxication and Being Under the Influence of Dangerous Drugs in Public Places. Introduced by Rep. Little. Assigned to Judiciary Committee.

**HB 334** - An Act To Amend Chapter 13, Title 14, Delaware Code, Relating to Salary Schedules for School Employees by Providing a Five Per Cent Salary Increase After July 1, 1972. Introduced by Rep. Heckert. Assigned to Education Committee.

**HB 335** - An Act To Amend Chapter 29, Title 14, Delaware Code, Providing for the Free Transportation of Elementary School Children who live Beyond One Mile from the School they Attend and of Secondary School Children who Live Beyond Two Miles from the School they Attend and for Rules and Regulations Relating Thereto, and Further Providing for Free Transportation Where Unique Hazards Exist. Introduced by Rep. Heckert. Assigned to Education Committee.

**HB 336** - An Act To Amend Chapter 57, Title 15, of the Delaware Code Relating to Canvass of the Vote, Proclamation of Election Results, and Assumption of Office by Members of General Assembly. Introduced by Rep. Frederick. Assigned to House Administration Committee.

**HA 1 to HB 287**, introduced by Rep. Derrickson.

Placed with bill.

**HA 1** to **HB 295**, introduced by Rep. Connor. Placed with bill.

**HA 3** to **HS 1** for **HB 30**, introduced by Rep. Seibel. Placed with bill.

**HR 42** - Authorizing the Chief Clerk to Purchase Postage Stamps for the First Session of the 126th General Assembly. Introduced by Rep. Jarvis. On motion of Rep. Jarvis **HR 42** was adopted by voice vote.

**HR 43** - Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the General Assembly. Introduced by Rep. Jarvis. On motion of Rep. Jarvis **HR 43** was adopted by voice vote.

**HR 44** - Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 126th General Assembly. Introduced by Rep. Jarvis. On motion of Rep. Jarvis **HR 44** was adopted by voice vote.

**SA 1** to **HJR 8**, introduced by Sen. Steele. Placed with the bill.

On motion of Rep. Jarvis **HJR 8** with **SA 1** was tabled.

**SB 287** - An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Installation of a Traffic Light at the Intersection of Faulkland Road and Oak Hill Drive. Introduced by Sen. Cicione. Assigned to Appropriations Committee.

**SB 303** - An Act To Amend Chapters 45 and 46, Title 6, Delaware Code, Relating to Prohibiting the Denial of Equal Rights to Housing and Equal Accommodations Because of Sex. Introduced by Sen. Slawik. Assigned to Labor and Commerce Committee.

**SS 1** for **SB 312** - An Act To Amend §3314, Title 19, Delaware Code, Relating to the Eligibility of Unemployed Individuals to Receive Unemployment Compensation Benefits. Introduced by Sen. Hale. Assigned to Labor & Commerce Committee.

**SCR 26** - Relating to the Dissemination of Factual and Authentic Information Relating to Day to Day Activities of State Government. Introduced by Sen. Holloway. Assigned to House Administration Committee.

**HR 45** - Extending Birthday Wishes to Representative Bob Berndt. Introduced by Rep. Dillman. On motion of Rep. Dillman **HR 45** was adopted by voice vote.

On motion of Rep. Billingsley **HB 314** was stricken.

The House recessed to the call of the Chair at 2:15 P.M. Reconvened at 3:30 P.M.

On motion of Rep. Leshner roll call on **SS 1** for **SB 169** was lifted from the table. Rep. Leshner moved to rescind the roll call on **SS 1** for **SB 169**. Motion carried.

Rep. Leshner moved to adopt **HA 1** for **SB 169**. Motion carried.

**SS 1** for **SB 169** - An Act To Provide a Supplementary Appropriation to the Department of Public Safety.

On motion of Rep. Leshner roll call was taken on **SS 1** for **SB 169**. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Seibel, Weiss, Mr. Speaker Frederick - 22.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Riddagh, Smith, Tribbitt, Wright - 16.

ABSENT: Gruwell - 1.

**SS 1** for **SB 169** with **HA 1** having received a constitutional majority was declared passed by the House.

**HA 4** to **HS 1** for **HB 30**, introduced by Rep. Seibel. Placed with the bill.

On motion of Rep. Kirk **SJR 14** had its final reading and was placed before the House for consideration.

**SJR 14** - Relating to the Boundaries of Delaware.

Roll call on **SJR 14** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Gruwell - 1.

**SJR 14** having received a constitutional majority was declared passed the House.

On motion of Rep. Knox, **HB 230** with **HA 1** was given its final reading and was again before the House for consideration.

**HB 230** with **HA 1** - An Act To Amend Subchapter I of Chapter 7, Title 7, Delaware Code, Creating a Hunting Season During Which Primitive Weapons May be Used.

Privilege of the floor was granted to Mr. George Long, representing a new group of sportsmen in Delaware.

Roll call on **HB 230** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Matushefske, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 22.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Johnson, Leshar, Orth, Smith, Tribbitt, Wright - 12.

NOT VOTING: Jonkiert, Little, Mears, Miller - 4.

ABSENT: Gruwell - 1.

**HB 230** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Berndt **HB 202** was given its final reading and was again before the House for consideration.

**HB 202** - An Act To Amend Chapter 44, Title 21, Delaware Code, Relating to Abandoned Vehicles.

Privilege of the floor was granted to Mr. Donald Hickman, Dept. of Highways & Transportation. After much discussion Rep. Berndt moved to defer **HB 202**.

On motion of Rep. Seibel, **HS 1** for **HB 30** was given its final reading and was again before the House for consideration.

**HS 1** for **HB 30** - An Act To Amend Title 16, Delaware Code, Chapter 10, Relating to Reporting of Cases of Abuse to Children.

On motion of Rep. Wright, roll call was taken on **HA 2** to **HS 1** for **HB 30**. Roll call revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 15.

NAYS: Billingsley, Connor, Derrickson, Dobberstein, Heckert, Hering, Justice, Kirk, Knox, Leshar, Moerschel, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 16.

NOT VOTING: Berndt, Dillman, Harkins, Jarvis, Little - 5.

ABSENT: Gruwell, Murphy, Poulterer - 3.

**HA 2** to **HS 1** for **HB 30** was defeated.

Telegram from the Delaware Association of Chiefs of Police was read into the record.

1971 May 4  
Newark, Del.

Rep. Joan Wright  
House of Rep.  
Legislative Hall  
Dover, Del.

The officers and membership of the Delaware Association Chiefs of Police unanimously support your Amendment to **HB 30** at the May meeting held May 3rd, 1971, Dover, Delaware.

For the Officers and Membership,  
Norman L. Lawrence, President

The Minority Leader requested a 10 minute recess.

The House recessed to the call of the Chair at 4:40 P.M. Reconvened at 4:54 P.M.

On motion of Rep. Seibel **HA 5** to **HS 1** for **HB 30** was adopted by voice vote.

Roll call on **HS 1** for **HB 30** with **HA 4, 5** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Gruwell - 1.

**HS 1** for **HB 30** with **HA 4, 5** having received 2/3 vote was declared passed by the House.

On motion of Rep. Quillen **HB 168** was given its final reading and was again before the House for consideration.

**HB 168** - An Act To Amend Title 3, Chapter 21, Delaware Code Regulating the Sale and Distribution of Commercial Fertilizers.

Roll call on **HB 168** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Gruwell, Weiss - 2.

The House recessed to the call of the Chair at 5:01 P.M. Reconvened at 5:43 P.M.

Committee Reports:



House Administration: **HB 319**, 1F, 4M; **HB 320**, 4M, 1U; **HB 336**, 4F; **HJR 10**, 1F, 4M. Education: **HB 334**, 5F; **HJR 14**, 5F. Natural Resources: **HB 73**, 1F, 3M, 1U; **HB 296**, 1F, 4M; **HB 277**, 4M; **SB 189**, 6M. Public Safety: **HB 244**, 4M; **HB 272**, 4M; **HB 273**, 4M; **HB 275**, 4M; **HB 276**, 4M; **HB 304**, 4M. Highways & Transportation: **HB 279**, 1F, 3M; **HB 231**, 1F, 3M; **SB 179**, 1F, 3M. Appropriations: **SB 288**, 5F; **SB 240**, 5U. Environmental Control: **SB 268**, 4M; **SB 265**, 5M. Judiciary: **SB 100**, 5M, 1U; **SB 101**, 5M; **SB 102**, 6M.

The House recessed to the call of the Chair at 5:50 P.M.

May 20, 1971

### 37th LEGISLATIVE DAY

The Speaker called the House to order at 1:10 P.M. The Majority Leader moved to adjourn at 1:10 P.M., thereby ending the previous legislative day. The House reconvened at 1:11 P.M.

There was a prayer by the Chaplain Rev. Gray G. Walker, Macedonia AME Church, Seaford, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

Absent: Miller - 1.

Late: Harkins, Matushefske, Little, Poulterer. (Marked present later)

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

The following prefiled legislation was introduced:

**HB 337** - An Act To Amend Subchapter II, Chapter 81, Title 9, Delaware Code, Relating to Exemption from Taxation on Real Property of Persons 65 Years of Age or Over. Introduced by Rep. Justice. Assigned to Revenue & Finance Committee.

**HB 338** - An Act To Amend Chapter 55, Title 29, Delaware Code, Relating to the State Employees' Pension Plan. Introduced by Rep. Derrickson. As-

signed to Revenue & Finance Committee.

**HB 339** - An Act To Amend Chapter 9 of Title 28, Delaware Code, Relating to Prohibition of Horse Racing on Certain Religious Holidays. Introduced by Rep. Gruwell. Assigned to Revenue & Finance Committee.

**HA 1 to HB 319**, introduced by Rep. Murphy. Placed with the bill.

**HA 1 to HB 332**, introduced by Rep. Dobberstein. Placed with the bill.

**HA 1 to SB 36**, introduced by Rep. Heckert. Placed with the bill.

**HA 1 to SB 249**, introduced by Rep. Seibel. Placed with the bill.

**HA 1 to SB 278**, introduced by Rep. Derrickson. Placed with the bill.

**SB 306** - An Act To Amend Chapter 69, Title 29, Delaware Code, Relating to Protection of the Physically Handicapped by Providing for More Effective Enforcement Thereof. Introduced by Sen. Cicione. Assigned to Labor & Commerce Committee.

**SCR 27** - Providing a Lexicon for Delaware General Assembly. Introduced by Sen. Steele. Assigned to House Administration Committee.

On motion of Rep. Seibel, **SJR 15** was given its final reading and was again before the House for consideration.

**SJR 15** - Relating to Proclaiming the Month of May 1971 as Older Americans Month.

Roll call on **SJR 15** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

ABSENT: Harkins, Little, Matushefske, Miller, Poulterer - 5.

**SJR 15** having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman **HB 266** was given its final reading and was again before the House for consideration.

**HB 266** - An Act To Amend Chapter 7, Title 21, Delaware Code, Relating to Arrest Without Warrant for Motor Vehicle Violations.

On motion of Rep. Dillman, **HA 1** to **HB 266** was stricken. Roll call on **HB 266** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Cordrey, Gordy, Harrington, Smith - 5.

NOT VOTING: Hearn, Johnson, Jonkiert - 3.

ABSENT: Harkins, Little, Matushefske, Miller, Poulterer - 5.

**HB 266** having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 264** was given its final reading and brought before the House for consideration.

**HB 264** - An Act To Amend Chapter 9, Title 28, Delaware Code, Relating to Harness Horse Racing on Sunday in Kent County and Sussex County. On motion of Rep. Dillman, roll call on **HB 264** was tabled.

Reps. Harkins, Little, Poulterer asked to be marked present.

On motion of Rep. Connor **HB 298** was given its final reading and was before the House for consideration.

**HB 298** - An Act To Amend Title 14, Delaware Code, Requiring a Daily Period of Silent Meditation.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hering, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Riddagh, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 31.

NOT VOTING: Hearn, Heckert, Jarvis, Quillen, Seibel, Weiss - 6.

ABSENT: Matushefske, Miller - 2.

**HB 298** having received 2/3 vote was declared passed by the House.

On motion of Rep. Little, **HB 287** was given its final reading and brought before the House for consideration.

**HB 287** - An Act To Amend Chapter 21, Title 5, Delaware Code, Relating to Regulation of Small Loans.

On motion of Rep. Derrickson, **HA 1** to **HB 287** was stricken. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Matushefske, Miller - 2.

**HB 287** having received a constitutional majority was declared passed the House.

On motion of Rep. Little **HB 288** was given its final reading and was again before the House for consideration.

**HB 288** - An Act To Amend Chapter 21, Title 5, Delaware Code, Relating to Small Loan Provisions Application to Banks and Trust Companies.

Roll call on **HB 288** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Matushefske, Miller - 2.

**HB 288** having received a constitutional majority was declared passed the House.

On motion of Rep. Leshar **SB 240** was given its final reading and was again before the House for consideration.

**SB 240** - An Act Authorizing and Making a Supplemental Appropriation to the Department of Justice for the Purpose of Paying the Legal Costs and Expenses of Effecting Reapportionment.

Law Offices  
THEISEN, LANK & KELLEHER  
1118 Wilmington Trust Bldg.  
Wilmington, Delaware 19801  
May 20, 1971

The Honorable William Frederick  
Speaker of the House of Representatives  
State of Delaware  
Dover, Delaware

Dear Bill:

I think it appropriate to put in writing some of my

thoughts which relate to **Senate Bill 240**, which passed the Senate by a simple majority, and **House Bill 310**, both of which are now pending in the House. Both bills relate to the payment of attorney fees and out-of-pocket expenses which I incurred in the trial of the action brought by a number of citizens and residents of the State of Delaware to bring about a reapportionment of the General Assembly of the State of Delaware.

The case which generated the application for the payment of attorney fees has a long and involved history which is documented in six opinions of a special Three Judge Federal Court and a landmark decision of the Supreme Court of the United States. It began in June of 1962 and the final opinion of the Court was rendered 6-1/2 years later. It was an exceptional case and had remarkable results. By the application of the principles for which I fought "One Man-One Vote" became the basis of representation in the General Assembly of the State of Delaware.

The unusual aspect of the case and its results and the importance to the people of the State of Delaware is illustrated, I think, by the repeated observations of Chief Judge John Biggs, Jr., who, in the course of the trial, stated on three occasions that it was the most important case that he had encountered in his more than 25 years on the Federal Bench. The press, in its round-up of the most important events of the decade, which ended upon December 31, 1969, rated the Reapportionment suit among the ten most important matters that had occurred in the period 1960 to 1970.

The Order terminating the litigation provided in part as follows:

"It is Further Ordered that the jurisdiction rendered by this Court by its Decree of January 24, 1967 be and the same hereby is relinquished and jurisdiction will be retained for the sole purpose of fixing counsel fees, if any, and costs herein and in entering a judgment in respect thereto."

The Court conducted a hearing on this question on July 24, 1970, notice of which had been given to all counsel of record. At that hearing, all persons conceded that the facts which I had set forth in my affidavit in support of my application were correct. Those facts detailed the more than 4,784 hours which I and my associates had expended in bringing about the reapportionment of the General Assembly of the State. No person objected to the allowance of such a fee. The Deputy Attorney Gen-

eral, who represented the State, announced that the Department of Justice of Delaware did not oppose my application. On that occasion, the Deputy stated, "We assume that the petitioner will seek an appropriation through the Legislature....the Department of Justice does not oppose this application." In the opinion the Court said:

"We are of the opinion that the requested amount of compensation and out-of-pocket expenses are reasonable. We take judicial notice that the amount sought as compensation is in accord with fees of the members of the Bar of Delaware of a standing like unto that of Mr. Theisen....We point out that the result obtained by the petitioner and his associates was indeed excellent. The State of Delaware has been properly and lawfully reapportioned by the General Assembly in accordance with the law laid down by the Supreme Court of the United States."

The Court also pointed out that the General Assembly had appropriated the total sum of \$295,000 to pay the legal fees and expenses of defendants and that the unexpended balance of such funds, if any, had reverted to the General Fund. The Court thereupon observed:

"This means that if Mr. Theisen is to be paid a fee, the necessary additional funds will have to be created by a new legislative appropriation. We conclude that Mr. Theisen's petition must be dismissed for want of jurisdiction. We reiterate, however, that he has done a fine and splendid work for the State of Delaware and its citizens. In the context of this case, however, thanks and praise cannot be deemed to be too valuable considerations. We hope that Mr. Theisen will be rewarded his just compensation by the grace of the General Assembly."

With this background, I cannot help but comment that I am astonished at the adverse publicity which has been generated because of the apparent political connotations attributed to its introduction because, by coincidence, I happen to be at this time Republican Chairman for New Castle County. When this case was started in 1962, it had one purpose only. Namely, to benefit the people of the State of Delaware. I did not ask that reapportionment be limited to benefits to any one party. I have never had such thought in mind, but recently events have made it crystal clear that perhaps I have been naive in my assumption that political

capital would not be made out of the application. It might be noted, however, that any award of a fee by the General Assembly would be shared by my partners, Aubrey B. Lank and Daniel F. Kelleher, both of whom are prominent in the Democratic party. I have discussed this matter with them and we have collectively reached the conclusion that the contributions which we all made, for they joined with me in many hours of labor in this case, and the honor and privileges we have had in bringing about this valuable contribution to the betterment of the State government, is ample reward. I personally consider it to have been a great honor and privilege to have been selected as the attorney who, in the opinion of my clients, was capable to bring about the fine and splendid result noted by the Court. The result has been that the nature and quality of representation in the General Assembly has been considerably upgraded, and that as a further result, the citizens of the State will continue to benefit from our collective labors. I have enjoyed the association with the Court. I appreciate the support which I have received both in and out of the General Assembly, but under the circumstances, I ask that if and when this legislation is considered by the House, that appropriate steps be taken to withdraw the application.

Respectfully yours,  
Vincent A. Theisen

VAT:ms

Rep. Matushefske asked to be marked present.  
Roll call on **SB 240** revealed:

NAYS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

NOT VOTING: Dillman, Johnson - 2.

ABSENT: Miller - 1.

**SB 240** not having received a majority was declared defeated in the House.

On motion of Rep. Little, **HB 310** was stricken.

On motion of Rep. Heckert, **SB 36** was given its final reading and was again before the House for consideration.

**SB 36** - An Act To Amend Section 1318, Title 14, Delaware Code, Relating to Sick Leave Provisions for School Employees by Providing Terminal Pay for Unused Sick Leave Time.

Rep. Heckert moved to adopt **HB 1** to **SB 36** by voice vote. Motion carried. Privilege of the floor was granted to Mr. Neil Postlewaite, State Deputy Supt. of Public Instruction to explain **SB 36**. After much discussion, Rep. Heckert moved to defer **SB 36** until the next legislative day.

On motion of Rep. Dillman, roll call on **HB 264** was lifted from the Speaker's table.

**HB 264** - An Act To Amend Chapter 9, Title 28, Delaware Code, Relating to Harness Horse Racing on Sunday in Kent County and Sussex County.

Roll call on **HB 264** revealed:

YEAS: Boulden, Dillman, Dobberstein, Harkins, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Knox, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Riddagh, Weiss, Wright - 20.

NAYS: Berndt, Clendaniel, Connor, Cordrey, Derrickson, Gordy, Gruwell, Harrington, Kirk, Leshar, Mears, Quillen, Seibel, Smith, Tribbitt, Mr. Speaker Frederick - 16.

NOT VOTING: Billingsley, Heckert - 2.

ABSENT: Miller - 1.

**HB 264** having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel, **SB 252** was given its final reading and was again before the House for consideration.

**SB 252** - An Act To Amend An Act Entitled "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to Assessments and Collection of Taxes.

Roll call on **SB 252** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Jonkiert, Miller, Poulterer - 3.

**SB 252** having received 2/3 vote was declared passed the House.

On motion of Rep. Seibel, **SB 278** was given its final



reading and was again before the House for consideration.

**SB 278** - An Act To Amend Chapter 70, Title 9 of the Delaware Code Relating to the Salary to be Paid Each Councilman of the County Council of Sussex County.

On motion of Rep. Derrickson **HA 1** to **SB 278** was adopted by voice vote. On motion of Rep. Seibel roll call on **SB 278** with **HA 1** was tabled.

On motion of Rep. Berndt, **HB 202** was given its final reading and was again before the House for consideration. Rep. Berndt moved to adopt **HA 1** and **HA 2** to **HB 202** by voice vote. Motion carried.

**HB 202** - An Act To Amend Chapter 44, Title 21, Delaware Code, Relating to Abandoned Vehicles.

Roll call on **HB 202** with **HA 1, 2** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NAYS: Matushefske - 1.

NOT VOTING: Leshner - 1.

ABSENT: Jonkiert, Miller - 2.

**HB 202** with **HA 1, 2** having received 2/3 vote was declared passed the House.

On motion of Rep. Poulterer, **SB 268** was given its final reading and was again before the House for consideration.

**SB 268** - An Act To Amend Chapters 19 and 21 of Title 7, Delaware Code Relating to the Tonging of Oysters in the Delaware Bay and Providing for Penalty Thereof.

Rep. Poulterer moved to adopt **HA 1** to **SB 268** by voice vote. Motion carried. Privilege of the floor was granted to Mr. Charles Lesser, Mgr. of Dept. of Fish & Wildlife & Natural Resources. Privilege of the floor was granted to Sen. Isaacs, sponsor of **SB 268**. After much discussion, Rep. Poulterer moved to defer **SB 268** until later in the day.

The House recessed to the call of the Chair at 3:40 P.M. Reconvened at 4:52 P.M.

On motion of Rep. Poulterer roll call was taken on **SB 268** with **SA 1 & HA 1**.

Roll call revealed:

YEAS: Berndt, Clendaniel, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Kirk, Knox, Leshar, Mears, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 29.

NAYS: Justice - 1.

NOT VOTING: Quillen - 1.

ABSENT: Billingsley, Boulden, Connor, Dillman, Heckert, Little, Matushefske, Miller - 8.

**SB 268** with **SA 1 & HA 1**, having received a constitutional majority was declared passed by the House.

Committee Reports:

Health & Social Services: **HB 257**, 2F, 2M; **HB 285**, 4M; **HB 318**, 1F, 3M; **HB 324**, 1F, 3M; **SB 171**, 1F, 3M; **SB 255**, 4M; **SB 292**, 1F, 3M.

The House recessed to the call of the Chair at 4:59 P.M.

May 25, 1971

### 38th LEGISLATIVE DAY

The Speaker called the House to order at 1:08 P.M. The Majority Leader moved to adjourn at 1:08 P.M., thereby ending the previous legislative day. The House reconvened at 1:09 P.M.

There was a prayer by the Chaplain Rev. George Godfrey, St. Johns Church, Seaford, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

Late: Boulden, Kirk, Jonkiert, Matushefske, Moerschel, Wright, Orth.

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

Communications:

Rep. Hering announced that the Jt. Const. Rev. Comm. completed final work on proposed document of the State Constitution. The Committee approved document as submitted.

## OFFICE OF THE GOVERNOR

May 21, 1971

## LEGISLATIVE ADVISORY NO. 7

TO:

Rep. Robert J. Berndt  
Rep. Joan C. Wright  
Rep. Clarice U. Heckert  
Rep. John A. Dillman  
Rep. George C. Hering, III  
Sen. Dean C. Steele  
Sen. David H. Elliott  
Sen. Michael N. Castle  
Sen. Thomas E. Hickman, Jr.  
Sen. J. Donald Isaacs  
Hon. Daniel F. Wolcott  
Hon. William Duffy, Jr.  
Hon. W. Laird Stabler, Jr.  
H. Andrew Talley  
H. James Conaway, Jr., Esq.  
E. Norman Veasey, Esq.

Morton R. Kimmel, Esq.  
Emmet T. Calahan  
Lewis Darlin  
Bruce Ralston  
James R. Zeller  
George Cripps  
Emily Womach  
James Kennedy  
W. Brooke Stabler  
Richard Caldwell  
Cabinet Secretaries  
Governor's Staff  
Clerk of the House  
Secretary of the Senate  
Legislative Council  
Col. George J. Bundeck  
William J. Warren

FROM: Fletcher E. Campbell, Jr.,  
Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

**HB 194** - 5-20-71 - amending Chapter 647, Volume 57, Laws of Delaware, allowing unexpended funds appropriated therein to be used to build a hangar for the State Police helicopter.

**HB 243** - 5-20-71 - amending Title 14, Delaware Code, by eliminating the posting of assessment lists and hearing objections thereto.

**HB 160** - 5-20-71 - amending Chapter 27, Title 21, Delaware Code, relating to permanent license.

**HB 163** As Amended by **HA 1** - 5-20-71 - amending § 3507, Title 11, Delaware Code, and § 4176, Title 21, Delaware Code, relating to evidence of weight of alcohol in the blood while under the influence of liquor or drugs.

**SB 110** - 5-20-71 - providing an alternative to alterations of certain facilities at the Woods Haven-Kruse School.

**SB 98** - 5-20-71 - providing an alternative to alterations of certain facilities at the Woods Haven-Kruse School.

**SS 1** for **SB 190** As Amended by **HA 1** - 5-20-71 - amending Title 7, Delaware Code, relating to public lands.

**SS 1** for **SB 172** As Amended by **HA 1** - 5-20-71 - appropriating \$236,000 to the courts of the State of Delaware.

**SB 260** - 5-20-71 - amending the Charter of the Town of Selbyville.

**SB 231** - 5-20-71 - directing the Director of the Division of Archives and Cultural Affairs to publish the boundaries of Delaware.

**SB 99** - 5-20-71 - revising the General Corporation Law relating to corporations classified as private foundations for Federal Income Tax purposes.

**SB 103** - 5-20-71 - revising the Trust Law relating to trusts classified as private foundations for Federal Income Tax purposes.

**SB 42** - 5-20-71 - appropriating \$50,000 to the Department of Highways and Transportation for the purpose of correcting the drainage problem on State Route No. 14.

**SB 230** - 5-20-71 - amending Part VII, Title 16, Delaware Code, requiring the use of safety glazing materials in hazardous locations.

FEC,Jr:mm

The following prefiled legislation was introduced:

**HB 340** - An Act To Amend Subchapter II, Chapter 23, Title 19, Delaware Code, Relating to Compensation Payable to Workmen's Compensation Claimants for

Serious and Permanent Disfigurement to any Part of the Human Body. Introduced by Rep. Gordy. Co-sponsored by Rep. Little. Assigned to Labor & Commerce Committee.

**HB 341** - An Act To Amend Chapter 175, Volume 52, Laws of Delaware, Being an Act Entitled, "An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for their Payment", Relative to the Issuance of and Guarantee of Obligations and Debt Limitations. Introduced by Rep. Justice. Assigned to Revenue & Finance Committee.

**HB 342** - An Act Making a Supplementary Appropriation to the University of Delaware as Contractual Agent for the Implementation of a Program for the Preparation of Teachers in Occupational Education. Introduced by Rep. Heckert. Assigned to Appropriations Committee.

**HB 343** - An Act To Amend Title 11 and Title 17, Delaware Code, Relating to Littering of Public Roads and Highways, Waters, Beaches, Recreation Areas and Certain Other Public and Private Properties, and Providing a Penalty Therefor. Introduced jointly by Reps. Little & Kirk. Assigned to Highways & Transportation Committee.

**HB 344** - An Act To Amend Chapter 66, Title 16, of the Delaware Code, Relating to the State Fire Prevention Commission. Introduced jointly by Reps. Hering and Dillman. Assigned to Health & Social Services Committee.

**HB 345** - An Act To Provide a Supplementary Appropriation to the Various Departments, Institutions, and School Districts of the State. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

**HB 346** - An Act Proposing An Amendment to Article II, Section 15 of the 1897 Constitution of the State of Delaware, as Amended, Relating to the Compensation, Expenses and Allowances of Members of the General Assembly. Introduced by Rep. Murphy. Assigned to House Administration Committee.

**HB 347** - An Act To Amend Chapter 5, Title 31, Delaware Code, Relating to Eligibility for Welfare Assistance. Introduced by Rep. Harkins. Assigned to Health & Social Services Committee.

**HB 348** - An Act To Amend Chapter 6, Title 7 of the Delaware Code Prohibiting the Traffic in Hides and Skins of Certain Species of Newborn Seals. Introduced

by Rep. Heckert. Assigned to Natural Resources Committee.

**HB 349** - An Act To Amend Chapter 11, Title 30, Delaware Code, Allowing Widows Who Maintain a Home and Whose Annual Income is Less Than \$5,000 to Declare Themselves "Head of Household" for Income Tax Purposes. Introduced by Rep. Riddagh. Assigned to Revenue & Finance Committee.

**HB 350** - An Act To Amend Title 3, Delaware Code, Part II, By Adding a Chapter 12 Thereto Relating to the Distribution, Sale, Transportation and Application of Insecticides, Fungicides, Rodenticides, Defoliants, Desiccants, Plant Regulators, Nematocides, Miticides, and other Pesticides and Regulating Traffic Therein: Providing for Registration and Examination of Such Materials, Imposing Penalties, for other Purposes, and Imposing Duties Upon and Giving Certain Powers to the State Department of Agriculture, and Making an Appropriation Therefor. Introduced by Rep. Knox. Assigned to Agriculture Committee.

**HB 351** - An Act To Amend An Act Entitled: "An Act to Re-incorporate the Town of Smyrna," Authorizing the Smyrna Town Council to Borrow Funds Equal to a Maximum of One and One-half Per Cent of Total Taxable Assessments, and to Issue Bonds and Notes Therefor. Introduced by Rep. Riddagh. Assigned to Community Affairs Committee.

**HA 2 to HB 216**, introduced by Rep. Little. Placed with the bill.

**HA 1 to HB 275**, introduced by Rep. Dillman. Placed with the bill.

**HA 1 to HB 285**, introduced by Rep. Little. Placed with the bill.

**HS 1 for HB 246** - An Act To Provide a Supplementary Appropriation to the Department of Health and Social Services for the Enforcement of Drug Distribution Laws. Introduced by Rep. Little. Assigned to Appropriations Committee.

**HS 1 for HB 319** - An Act Proposing an Amendment to Article III, Section 19 of the 1897 Constitution of the State of Delaware, as Amended, Relating to the Power of the Governor to Appoint a Lieutenant Governor in the Event of a Vacancy Thereof. Introduced by Rep. Murphy. Assigned to House Administration Committee.

**SB 197** - An Act To Amend Chapters 31 and 33, Title 19, Delaware Code, Relating to Unemployment

Compensation. Introduced by Sen. Connor. Assigned to Labor & Commerce Committee.

**SB 226** with **SA 1, 2** - An Act To Amend Title 16, Delaware Code, Relating to the Control of Dangerous Substances and Prescribing for Such Violations; and to Amend Miscellaneous Provisions of Chapter 23, Title 11, Delaware Code, Relating to Seizure and Forfeiture of Certain Vehicles. Introduced by Sen. Elliott. Assigned to Health & Social Services Committee.

The House recessed to the call of the Chair at 1:28 P.M. Reconvened at 2:36 P.M.

Reps. Kirk, Wright, Jonkiert, Matushefske, Moerschel, Orth, Boulden asked to be marked present.

On motion of Rep. Poulterer, **SB 265** with **SA 1** was given its final reading and was again before the House for consideration.

**SB 265** with **SA 1** - An Act Making a Supplementary Appropriation to the Department of Natural Resources and Environmental Control for the Purpose of Moving Oysters to Public Grounds.

Privilege of the floor was granted to Mr. Charles Lesser, Mgr. of Dept. of the Div. of Fish & Wildlife.

Roll call on **SB 265** with **SA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

**SB 265** with **SA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Leshner **SB 288** was given its final reading and was again before the House for consideration.

**SB 288** - An Act To Permit Woodbridge School District to Transfer Certain Funds from its Local Debt Service Account to its 1969 and 1970 Minor Capital Improvement Accounts.

Roll call on **SB 288** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel,

Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

**SB 288** having received 3/4 vote was declared passed the House.

On motion of Rep. Murphy **HB 231** was given its final reading and was again before the House for consideration.

**HB 231** - An Act To Amend Subchapter IV, Chapter 51, Title 30, of the Delaware Code, Relating to State Aid to Municipalities for Streets.

On motion of Rep. Derrickson, roll call was taken on **HA 1** for **HB 231**. Roll call revealed:

YEAS: Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Jarvis, Knox, Little, Mears, Tribbitt - 10.

NAYS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Jonkiert, Justice, Kirk, Leshner, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 28.

ABSENT: Quillen - 1.

**HA 1** to **HB 231** not having received a majority vote was declared defeated in the House. Rep. Leshner moved to refer the bill to the Revenue & Finance Committee. Rep. Murphy moved to table that motion. The motion to refer to Revenue & Finance Committee was tabled by roll call vote as follows:

YEAS: Billingsley, Boulden, Connor, Cordrey, Dillman, Harkins, Harrington, Jarvis, Justice, Kirk, Knox, Little, Matushefske, Mears, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith - 20.

NAYS: Berndt, Clendaniel, Derrickson, Dobberstein, Gordy, Gruwell, Hearn, Heckert, Hering, Johnson, Jonkiert, Leshner, Miller, Moerschel, Orth, Tribbitt, Wright, Mr. Speaker Frederick - 18.

ABSENT: Weiss - 1.

Roll call on motion to refer **HB 231** to Revenue & Finance Committee was tabled.

**HB 231** was therefore still before the House. Rep. Moerschel moved to refer the bill to the Appropriations Committee. Rep. Murphy moved to table that motion. The motion to table the motion to refer **HB 231** to the Appropriations Committee carried by roll call vote as follows:

YEAS: Boulden, Connor, Cordrey, Dillman, Gordy, Harkins, Harrington, Jarvis, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Murphy,



Orth, Poulterer, Quillen, Riddagh, Seibel, Smith - 23.

NAYS: Berndt, Billingsley, Clendaniel, Derrickson, Dobberstein, Gruwell, Hearn, Heckert, Hering, Johnson, Leshar, Moerschel, Tribbitt, Wright, Mr. Speaker Frederick - 15.

ABSENT: Weiss - 1.

Motion to table the motion to refer **HB 231** to the Appropriations Committee carried. Rep. Berndt moved to refer **HB 231** to Judiciary. Rep. Harkins moved to table the motion. Roll call on the motion to table Rep. Berndt's motion was as follows:

YEAS: Boulden, Connor, Cordrey, Dillman, Gordy, Harkins, Harrington, Jarvis, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith - 21.

NAYS: Berndt, Billingsley, Clendaniel, Derrickson, Dobberstein, Gruwell, Hearn, Heckert, Hering, Johnson, Leshar, Moerschel, Tribbitt, Wright, Mr. Speaker Frederick - 15.

NOT VOTING: Jonkiert - 1.

ABSENT: Seibel, Weiss - 2.

Motion to table the motion to refer **HB 231** to Judiciary carried. Rep. Murphy moved to defer **HB 231**.

On motion of Rep. Murphy, **HB 277** was given its final reading and was again before the House for consideration.

**HB 277** - An Act To Amend Chapter 45, Title 7, Delaware Code, Relating to the Sale of Public Lands.

Privilege of the floor was granted to Mr. Herbert L. Keene, Sr., Right-of-way Consultant from the Highway Department.

Roll call on **HB 277** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Little - 1.

**HB 277** having received a constitutional majority was declared passed the House.

On motion of Rep. Murphy, **HB 279** was given its final reading and was again before the House for consideration.

**HB 279** - An Act To Amend Chapter 1, Title 17, Delaware Code, Relating to the Acquisition and Sale

of Real Property and the Power of Eminent Domain by the Department of Highways and Transportation.

Privilege of the floor was again granted to Mr. Herbert L. Keene, Sr. After much discussion, Rep. Murphy moved to defer **HB 279** until the next legislative day.

On motion of Rep. Kirk, **SB 189** was given its final reading and was again before the House for consideration.

**SB 189** - An Act To Amend Chapter 5, Title 7, of the Delaware Code, to Raise the Licensing Agents Bonds to \$5,000.

Roll call on **SB 189** revealed:

YEAS: Berndt, Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Matushefske, Moerschel, Murphy, Poulterer, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 24.

NAYS: Harrington, Hearn, Johnson, Jonkiert, Mears, Quillen, Tribbitt - 7.

NOT VOTING: Billingsley, Cordrey, Harkins, Heckert, Miller - 5.

ABSENT: Gordy, Little, Orth - 3.

**SB 189** having received a constitutional majority was declared passed the House.

Rep. Murphy moved to adopt **HA 2** to **HB 231** by voice vote. Motion carried. On motion of Rep. Murphy, roll call was taken on **HB 231** with **HA 2**.

Roll call revealed:

YEAS: Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Gordy, Gruwell, Harkins, Harrington, Hearn, Justice, Kirk, Matushefske, Mears, Murphy, Orth, Quillen, Seibel, Smith, Tribbitt - 22.

NAYS: Berndt, Dobberstein, Heckert, Hering, Jarvis, Johnson, Knox, Leshner, Miller, Moerschel, Poulterer, Riddagh, Weiss, Wright, Mr. Speaker Frederick - 15.

ABSENT: Jonkiert, Little - 2.

**HB 231** with **HA 2**, having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 272** was given its final reading and was again before the House for consideration.

**HB 272** - An Act To Amend Chapter 3, Title 21, Delaware Code, Relating to Registration and License Records.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Kirk, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 35.

**NOT VOTING:** Miller, Wright - 2.

**ABSENT:** Justice, Little - 2.

**HB 272** having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 275** was given its final reading and was before the House for consideration.

**HB 275** - An Act To Amend Subchapter II, of Chapter 21, Title 21, Delaware Code, Relating to Number and Registration Plates.

Rep. Dillman moved to adopt **HA 1** to **HB 275** by voice vote. Motion carried. Roll call on **HB 275** with **HA 1** revealed:

**YEAS:** Billingsley, Derrickson, Dillman, Gruwell, Quillen - 5.

**NAYS:** Boulden, Clendaniel, Connor, Cordrey, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Miller, Moerschel, Orth, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 30.

**NOT VOTING:** Berndt, Mears, Murphy - 3.

**ABSENT:** Little - 1.

**HB 275** with **HA 1** not having received a constitutional majority was declared defeated in the House.

The House recessed to the call of the Chair at 5:09 P.M. Reconvened at 5:36 P.M.

Committee Reports:

Revenue & Finance: **HB 178**, 1F, 3M, 1U; **HB 339**, 1F, 5M; **SB 282**, 6M. Agriculture: **HS 1** for **HB 167**, 5M; **HB 350**, 5M. Health & Social Services: **HB 344**, 1F, 3M; **HB 347**, 3F, 1M. Public Safety: **HS 1** for **HB 247**, 4M; **SB 130**, 4M. Appropriations: **HB 237**, 5M; **HB 342**, 5M; **HB 345**, 1F, 4M.

The House recessed to the call of the Chair at 5:40 P.M.

May 26, 1971

### 39th LEGISLATIVE DAY

The Speaker called the House to order at 1:16 P.M.

The Majority Leader moved to adjourn at 1:16 P.M., thereby ending the previous legislative day. The House reconvened at 1:17 P.M.

There was a prayer by the Chaplain Rev. Anthony G. Planes, Midway Assembly of God, Rehoboth, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

Absent:

Late: Derrickson, Kirk, Harkins (marked present later).

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

Committee Report:

Appropriations: **SB 287**, 2F, 2U.

The following prefiled legislation was introduced:

**HB 352** - An Act Making A Supplementary Appropriation to the Governor for the Delaware Agency to Reduce Crime to Provide \$500,000 to Match Federal, Industrial, Corporate, and Other Funds to Aid Local Units of Government and Local Public or Non-Profit Agencies and Organizations for the Administration of Delinquency Prevention Programs. Introduced by Rep. Weiss. Assigned to Health & Social Services Committee.

**HB 353** - An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Powers and Duties of the State Police. Introduced by Rep. Weiss. Assigned to Public Safety Committee.

**HB 354** - 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 Monies to Various Agencies of the State. Introduced by Rep. Tribbitt. Assigned to Appropriations Committee.

**HB 355** - An Act to Amend Chapter 83, Title 9, Delaware Code, Relating to Transferring the Functions of the State Farmland Evaluation Advisory Committee to the Department of Agriculture and the Governor's Council on Agriculture. Introduced by Rep. Moerschel -

by request. Assigned to Agriculture Committee.

**HB 356** - An Act to Amend Subchapter IV, Chapter 3, Title 11, Delaware Code, Concerning Cruelty to Animals. Introduced by Rep. Moerschel. Assigned to Judiciary Committee.

**HB 357** - An Act to Amend Part I, Chapter 29, Title 14 of the Delaware Code, Relating to Improvements Made by Local Districts as They Relate to the Transportation of Pupils to and from the Free Public Schools. Introduced by Rep. Heckert. Assigned to Education Committee.

**HB 358** - An Act to Amend Chapter 1, Title 14, Delaware Code, Relating to the Powers of the State Board of Education. Introduced by Rep. Heckert. Assigned to Education Committee.

**HB 359** - An Act to Amend Chapter 172, Volume 55, Laws of Delaware, Relating to Duties and Powers of the Wilmington Board of Public Education and to Amend Chapter 367, Volume 57, Laws of Delaware, Relating to the Powers and Duties of the Wilmington School Tax Commission. Introduced by Reps. Hering, Hearn and others. Assigned to Community Affairs Committee.

**HB 360** - An Act to Provide a Supplementary Appropriation to the Division of Consumer Affairs of the Department of Community Affairs and Economic Development to Defray Reasonable Expenses of the Division. Introduced by Rep. Seibel. Assigned to Appropriations Committee.

**HB 361** - An Act to Provide a Supplementary Appropriation to the Office of Economic Opportunity of the Department of Community Affairs and Economic Development to Defray Reasonable Expenses. Introduced by Rep. Seibel. Assigned to Appropriations Committee.

**HB 362** - An Act to Provide a Supplementary Appropriation to the Office of Human Relations of the Department of Community Affairs and Economic Development to Defray Reasonable Expenses. Introduced by Rep. Seibel. Assigned to Appropriations Committee.

**HB 363** - An Act to Amend Part III, Chapter 31, Title 19 of the Delaware Code Relating to the Licensing and Regulatiing of Employment Agencies. Introduced by Rep. Little. Assigned to Labor & Commerce Committee.

**HB 364** - An Act to Amend Chapter 43, Title 6, Delaware Code, Providing for the Operation of Credit Card System by Banks. Introduced by Rep. Little. Assigned to Labor & Commerce Committee.

**HB 365** - An Act to Repeal Chapter 17, Title 9, Delaware Code, Relating to Pensions for Employees of New Castle County and Providing for Establishment of a Pension Plan for Employees of New Castle County by New Castle County. Introduced by Rep. Harkins. Assigned to Community Affairs Committee.

**HB 366** - An Act to Amend Title 29 of the Delaware Code Relating to the Powers, Duties and Functions of the Secretary of the Department of Finance. Introduced by Rep. Leshner. Assigned to Revenue & Finance Committee.

**HB 367** - An Act to Amend Title 10 of the Delaware Code to Permit the Chief Justice of the Supreme Court of the State of Delaware to Abate all Worthless, Uncollectible, and all Otherwise Unjustified Accounts Owing to the State of Delaware Arising out of Matters Within the Jurisdiction of the Judicial Branch. Introduced by Rep. Leshner. Assigned to Revenue & Finance Committee.

**HB 368** - An Act to Amend Chapter 45, Title 21, Delaware Code, Requiring the Consent of the Department of Highways and Transportation for Enactment of Ordinances or Resolutions Affecting the Operations of Vehicular Traffic on a State-Maintained Street or Highway. Introduced by Rep. Murphy. Assigned to Highways & Transportation Committee.

**HB 369** - An Act to Amend Section 918, Title 5, Delaware Code, Relating to Hypothecation of Assets to Certain Governmental Bodies. Introduced by Rep. Justice. Assigned to Community Affairs Committee.

**HB 370** - An Act to Amend Chapter 5, Title 9 of the Delaware Code Relating to Suburban Improvements by Providing that House Trailers or Mobile Homes May be Included in the Definition of Suburban Community. Introduced by Rep. Smith. Assigned to Community Affairs Committee.

**HB 371** - An Act to Empower and Direct the Department of Administrative Services to Grant a Long-Term Lease to the Cranston Heights Fire Company, Allowing the Fire Company to Occupy a Portion of Certain Premises Owned by the State of Delaware. Introduced jointly by Reps. Dillman & Frederick. Assigned to Community Affairs Committee.

**HB 372** - An Act to Amend Subchapter 17, Title 24, Delaware Code, Providing for Immunity of Members of Medical Society Committees whose Function is the Review of Medical Records and of Physicians' Work with

a View to Quality of Care and Utilization of Hospital Facilities, Home Visits and Office Visits. Introduced by Rep. Quillen. Assigned to Health & Social Services Committee.

**HB 373** - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Authorized Emergency Vehicles. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 374** - An Act to Amend Title 18, Delaware Insurance Code, by Amending Chapter 5 to Create a Board of Arbitration Regarding the Cancellation of Certain Insurance Agency Contracts. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 375** - An Act to Amend Title 30, Chapter 51, Delaware Code, Pertaining to Motor Fuel Tax by Changing Record Retention and Inspection of Record Requirements. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 376** - An Act to Amend Title 29, Section 5604, Delaware Code, as to Amount of Pension for State Judiciary and Method of Computation. Introduced by Rep. Dobberstein. Assigned to Revenue & Finance Committee.

**HB 377** - An Act to Amend Title 13, Section 707, Delaware Code, Relating to Consents to Health Care of Minors. Introduced by Reps. Seibel & Wright. Assigned to Health & Social Services Committee.

**HB 378** - An Act to Amend Title 13 of the Delaware Code Relating to Minors' Consent to Medical Care. Introduced by Reps. Seibel & Wright. Assigned to Judiciary Committee.

**HB 379** - An Act to Amend Chapter 113, Volume 32, Laws of Delaware, as Amended, Entitled "An Act Providing for a Police Pension Fund: For Members of the Police Force of the City of Wilmington" by Making Retired Members of the Bureau of Police of the Department of Public Safety of the City of Wilmington Eligible to Serve as an Elected or Appointed Official and to be Employed by Agencies and Departments of the City of Wilmington Under Certain Conditions and to Receive Compensation Therefor. Introduced by Rep. Hearn. Assigned to Community Affairs Committee.

**HB 380** - An Act to Permit the Board of Education of the Marshallton-McKean School District to Transfer Certain Funds from its Local Debt Service Account to its Current Expense Account. Introduced by Rep. Knox.

Assigned to Education Committee.

**HA 1 to HB 324**, introduced by Rep. Billingsley. Placed with the bill.

**HA 1 to HB 326**, introduced by Rep. Hearn. Placed with the bill.

**HS 1 for HB 140** - An Act to Amend Chapter 15, Title 14, Delaware Code Relating to Fiscal Provisions for Free Public Schools, by Creating a Non-Public Elementary and Secondary Education Fund to Finance the Purchase of Secular Educational Services from Non-Public Schools Located Within the State of Delaware for the Benefit of Residents of the State; and Designating Capital Investment Fund as the Source of Funds. Introduced by Rep. Murphy. Assigned to Appropriations Committee.

**HCR 26** - A Resolution Calling for the Development of a Long-Range Plan for the Integration of the Delaware State Police. Introduced by Rep. Johnson. Assigned to Public Safety Committee.

**HA 1 to HB 38**, introduced by Rep. Billingsley. Placed with the bill.

**SA 1 to HB 38**, introduced by Sen. Hickman. Placed with the bill.

On motion of Rep. Billingsley **HB 38** as amended was placed on the Speaker's table.

**SB 259 with SA 1** - An Act to Amend Title 31, Chapter 43, Delaware Code, Known as the "Housing Authority Law", by Providing for the Appointment of one Additional Member of the Housing Authority of the City of Wilmington. Introduced by Sen. Holloway. Assigned to Community Affairs Committee.

**SB 273** - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale of Alcoholic Liquors on Thanksgiving Day. Introduced by Sen. Foltz. Assigned to Health & Social Services Committee.

**SB 297** - An Act to Amend Title 15, Delaware Code, Relating to a Portion of the Election Laws, by Making Certain Changes Therein. Introduced by Sen. Castle. Assigned to Judiciary Committee.

**SB 302** - An Act to Amend Sections 307 and 1704, Title 15, Delaware Code, Relating to the Audit for Names and the Removal of Names of Persons who Have Not Voted in the Preceding General Election. Introduced by Sen. Castle. Assigned to Judiciary Committee.

**SB 318** - An Act to Amend Subchapter II, Chapter 21, Title 23 of the Delaware Code Relating to Violations



of State Boating Laws. Introduced by Sen. Isaacs. Assigned to Public Safety Committee.

**SB 321** - An Act to Amend An Act Being Chapter 42, Volume 53, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Increase the Amount Authorized to be Raised as Taxes. Introduced by Sen. Elliott. Assigned to Community Affairs Committee.

**SB 339** - An Act to Amend Title 9, Subchapter II, Relating to Abatement of Property Tax for Certain Citizens. Introduced jointly by Sens. Manning & Holloway. Assigned to Community Affairs Committee.

**SJR 17** - Directing the State Highway Department to Plan for Pedestrian and Cycle Traffic on the State's Streets, Roads, and Major Thoroughfares. Introduced by Sen. Holloway. Assigned to Public Safety Committee.

On motion of Rep. Matushefske **HA 1** to **SB 200** was stricken.

The House recessed to the call of the Chair at 2:01 P.M. Reconvened at 3:01 P.M.

Reps. Harkins, Derrickson, Kirk asked to be marked present.

On motion of Rep. Billingsley **HB 38** with **SA 1** was lifted from the Speakers table and brought before the House for consideration.

**HB 38** - An Act to Require a Certificate of Origin to Accompany Applications for Titles to New Motor Vehicles.

On motion of Rep. Billingsley **HA 1** to **HB 38** was adopted by voice vote. Roll call on **HB 38** with **HA 1** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Jarvis, Johnson, Justice, Kirk, Knox, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 29.

**NAYS:** Clendaniel, Cordrey, Gordy, Hering - 4.

**NOT VOTING:** Jonkiert, Mears, Miller - 3.

**ABSENT:** Leshner, Matushefske, Orth - 3.

**HB 38** with **HA 1**, **SA 1** having received a constitutional majority was declared passed by the House.

Agenda:

On motion of Rep. Dillman **HB 276** was given its final reading and was again before the House for consideration.

**HB 276** - An Act to Amend Subchapter II of Chapter

21, Title 21, Delaware Code Relating to Number and Registration Plates.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Matushefske - 1.

**HB 276** having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert **HB 244** was given its final reading and was again before the House for consideration.

**HB 244** - An Act to Amend Section 2707, Chapter 27, Subchapter I, Title 21, Delaware Code, Relating to School Bus Drivers' Licenses.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Matushefske - 1.

**HB 244** having received a constitutional majority was declared passed by the House.

On motion of Rep. Derrickson **HJR 14** was given its final reading and was again before the House for consideration.

**HJR 14** - Urging the State Board of Education to Establish a Program for High School Students concerning the Election Laws and use of Voting Machines.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Matushefske - 1.

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

On motion of Rep. Riddagh **HB 291** was given its final reading and was again before the House for consideration.

**HB 291** - An Act to Amend Subchapter II, Chapter 55, Title 29 of the Delaware Code relating to the State Employees' Pension Plan.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

**HB 291** having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert **SB 36** with **HA 1** was given its final reading and was again before the House for consideration.

**SB 36** with **HA 1** - An Act to Amend Section 1318, Title 14, Delaware Code, Relating to Sick Leave Provisions for School Employees by Providing Terminal Pay for Unused Sick Leave Time.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NAYS: Harkins, Jonkiert - 2.

NOT VOTING: Connor, Murphy - 2.

**SB 36** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner **HB 304** was given its final reading and was again before the House for consideration.

**HB 304** - An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Projections from the Periphery of Tires.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox,

Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Quillen - 1.

**HB 304** having received 2/3 vote was declared passed by the House.

On motion of Rep. Billingsley **HB 324** was deferred indefinitely.

On motion of Rep. Billingsley **SB 282** was given its final reading and was again before the House for consideration.

**SB 282** - An Act to Amend Chapter 9, Title 4 of the Delaware Code relating to the Confiscation of Vehicles used in the Transportation of Untaxed Alcoholic Liquors.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NAYS: Clendaniel, Cordrey, Leshner - 3.

NOT VOTING: Dobberstein - 1.

**SB 282** having received a constitutional majority was declared passed by the House.

On motion of Rep. Weiss **HB 318** was deferred indefinitely.

On motion of Rep. Weiss **SB 255** was given its final reading and was again before the House for consideration.

**SB 255** - An Act to Amend Part VI, Title 16 of the Delaware Code, Exempting certain Firemen, Policemen, and Volunteer Ambulance and Rescue Squad Personnel from Civil Liability when rendering Emergency Care, First Aid and Rescue in the Performance of their Official Duties except in certain instances.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

NOT VOTING: Miller - 1.

**SB 255** having received a constitutional majority

was declared passed by the House.

On motion of Rep. Berndt **HB 296** was deferred indefinitely.

At the request of Rep. Tribbitt the House recessed to the call of the Chair at 4:35 P.M. Reconvened at 4:48 P.M.

On motion of Rep. Seibel **SJR 12** was given its final reading and was again before the House for consideration.

**SJR 12 - Giving Formal Approval of Mini-Skirts and Pants Suits by Female Employees working for Agencies of the State of Delaware.**

On motion of Rep. Gordy **HA 1** to **SJR 12** was stricken.

Roll call revealed:

YEAS: Harkins, Jonkiert, Miller, Weiss - 4.

NAYS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 34.

NOT VOTING: Dillman - 1.

**SJR 12** not having received a majority was declared defeated in the House.

On motion of Rep. Hearn **HJR 10** was given its final reading and was again before the House for consideration.

**HJR 10 - Defining "The Legislator's Right to Know" about and have information concerning new programs.**

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

**HJR 10** having received a constitutional majority was declared passed by the House.

On motion of Rep. Seibel **SB 249** with **HA 1** was given its final reading and was again before the House for consideration.

**SB 249 - An Act to amend an act being Chapter 166,**

Volume 37, Laws of Delaware entitled "An Act to Reincorporate the Town of Selbyville", as amended, by Repealing Chapter 165, Volume 41, Laws of Delaware and Adding a New Subsection to Section 4, Chapter 166, Volume 37, Laws of Delaware, Authorizing the Borrowing against Anticipated Revenue.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Dillman - 1.

SB 249 with HA 1 having received a constitutional majority was declared passed by the House.

Committee Reports:

Judiciary: SB 263, 5F. Appropriations: HB 143, 6M; HB 302, 6M.

The House recessed to the call of the Chair at 5:14 P.M.

May 27, 1971

#### 40th LEGISLATIVE DAY

The Speaker called the House to order at 1:08 P.M. The Majority Leader moved to adjourn at 1:08 P.M., thereby ending the previous legislative day. The House reconvened at 1:09 P.M.

There was a prayer by the Chaplain Rev. Anthony G. Planes, Midway Assembly of God, Rehoboth, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

Late: Leshner, Moerschel. Marked present later.

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

The following prefiled legislation was introduced:  
HB 381 - An Act to Amend Title 14, Delaware Code,

Providing for the Planning and Establishment of Community Schools and Providing for State Support for New and Innovative Community School Programs and Providing a Supplementary Appropriation. Introduced by Rep. Connor. Assigned to Education Community.

**HB 382** - An Act to Require the Department of Highways and Transportation to Install a Traffic Light Control for the Cheswold Volunteer Fire Company, Inc. at Cheswold, Kent County, Delaware, and Making an Appropriation therefor. Introduced by Rep. Dobberstein. Co-sponsored by Rep. Riddagh. Assigned to Highways and Transportation Committee.

**HB 383** - An Act to Amend Title 3, Delaware Code, by Adding thereto a New Chapter 68 to Prescribe the Functions, Powers, and Duties of the Secretary in Relation to the Control of Pullorum Disease and Fowl Typhoid in Poultry Flocks and Hatcheries and the Products thereof. Introduced by Rep. Quillen. Assigned to Agriculture Committee.

**HB 384** - An Act to Amend Section 8779, Title 9, Delaware Code, Relating to Payment of Excess Tax Sale Proceeds in Kent and Sussex Counties. Introduced by Rep. Gruwell. Co-sponsored by Rep. Dobberstein. Assigned to Community Affairs.

**HB 385** - An Act to Amend Chapter 23, Title 10, Delaware Code, Relating to Prothonotaries by Providing for Interest Bearing Accounts and the Payment of the Interest and Surplus Funds to the Counties. Introduced by Rep. Gruwell. Co-sponsored by Rep. Dobberstein. Assigned to Judiciary Committee.

**HB 386** - An Act to Amend Title 10, Section 506, Delaware Code, Relating to Investment of Monies held under Court Order and to Payment of the Income Derived therefrom. Introduced by Rep. Leshner. Assigned to Judiciary Committee.

**HB 387** - An Act to Amend Chapter 25, Title 18, of the Delaware Code Relating to Insurance Rates and Rating Organizations, Excluding certain types of Accidents from being Classified as Chargeable Accidents in the making of Rates. Introduced by Rep. Leshner. Assigned to Public Safety Committee.

**HB 388** - An Act to Amend Chapter 40, Title 14, Delaware Code, Relating to Negotiations and Relations between Boards of Education and Organizations of Public School Employees by Establishing the Right to Strike and Restricting the Courts' Power to Restrain or Enjoin any strike by Public School Employees under

certain Circumstances. Introduced by Rep. Moerschel. Assigned to Education Committee.

**HB 389** - An Act to Amend Chapter 29, Title 30 of the Delaware Code Relating to Tax Exemptions for Retail and Wholesale Merchants of Food and Drugs. Introduced by Rep. Gruwell. Assigned to Revenue & Finance Committee.

**HB 390** - An Act to Amend Chapter 23 of Title 21, Delaware Code, Relating to Recording Liens and Fees therefor. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 391** - An Act to Amend Title 18 of the Delaware Code, Providing for a Delaware Governmental Immunity Act. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 392** - An Act to Amend Title 10, Section 522 of the Delaware Code as to Superior Court Bailiffs, Criers, Pages and Peace Officers. Introduced jointly by Reps. Hering & Hearn. Assigned to Judiciary Committee.

**HB 393** - An Act to Amend Title 4, Delaware Code, Regulating Alcoholic Liquors by Providing for an Annual License Fee for Clubs obtaining Licenses for Sale of Alcoholic Liquors for Consumption Off the Premises. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 394** - An Act to Amend Part III, Title 30, Delaware Code, Relating to Notice of Date for Procuring Occupational and Business Licenses. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 395** - An Act Making a Supplementary Appropriation to the Department of Health and Social Services, Division of Juvenile Corrections for the Purpose of Operating the Delaware Youth Center. Introduced by Rep. Weiss. Assigned to Appropriations Committee.

**HB 396** - An Act to Amend Chapters 1 and 21, Title 21 of the Delaware Code Authorizing the Director of the Division of Motor Vehicles to Allow Franchised Automotive Dealers to Inspect Vehicles under Certain Circumstances. Introduced jointly by Reps. Billingsley & Dillman. Assigned to Public Safety Committee.

**HB 397** - An Act to Amend Chapter 25, Title 3 of the Delaware Code Relating to Requirements of Licenses and Bonds for Dealers in Agricultural Products. Introduced by Rep. Quillen. Assigned to Agriculture Committee.

**HB 398** - An Act to Provide a Supplemental Appropriation to the Department of Agriculture. Introduced



by Rep. Leshner. Assigned to Appropriations Committee.

**HB 399** - An Act Relating to Delaware Code Revision by Amending Sections 201, 202, 210, 211, 213 and 220, Title 1, Delaware Code, and Repealing Section 2504 (h), Title 29, Delaware Code. Introduced by Rep. Hering. Assigned to House Administration Committee.

**HB 400** - An Act Proposing an Amendment to the Constitution of the State of Delaware. Introduced by Rep. Hering. Co-sponsored by Reps. Jarvis, Riddagh, Mears. Assigned to Joint Constitution Revision Committee.

**HB 401** - An Act to Make a Technical Amendment to the Revised Income Tax Law Relating to Individuals, Trusts, Estates and Certain Corporations. Introduced by Rep. Hering. Assigned to Revenue & Finance Committee.

**HB 402** - An Act to Amend Subchapter II, Chapter 20, Title 15 of the Delaware Code Relating to the Registration of Qualified Voters on Mobile Registration Days. Introduced by Rep. Tribbitt and all Democratic House Members. Assigned to Judiciary Committee.

**HB 403** - An Act Making a Supplementary Appropriation to the Blue Rock Drum and Bugle Corps for Travel Expenses. Introduced by Rep. Hearn. Assigned to Appropriations Committee.

**HB 404** - An Act to Repeal Section 6915, Title 29, Delaware Code Relating to State Law Conflicts with Federal Statutes or Regulations. Introduced jointly by Reps. Little & Connor. Assigned to Labor & Commerce Committee.

**HA 2 to HB 285**, introduced by Rep. Little. Placed with bill.

**HA 1 to SB 292**, introduced by Rep. Weiss. Placed with bill.

**HA 1 to HB 296**, stricken.

**HA 1 to HB 317**, introduced by Rep. Billingsley. Placed with bill.

**HS 1 for HB 95** - An Act to Amend Title 22, Delaware Code, Relating to Public Bidding for Purchases by Parking Authorities. Introduced by Rep. Hering. Assigned to Revenue & Finance Committee.

**HA 1 to HS 1 for HB 167**, introduced by Rep. Quillen. Placed with bill.

**HCR 27** - Paying Tribute at the time of Memorial Day, 1971, to the Memories of Americans who died while Fighting in the Armed Forces of this Country, and Particularly those Delawareans who Lost their Lives in the Southeast Asian Conflict. Introduced jointly

by Rep. Quillen & Sen. Elliott. Co-sponsored by Reps. Murphy and Dillman. Adopted by voice vote.

# HOUSE CONCURRENT RESOLUTION NO. 27

## DELAWAREANS KILLED IN THE VIETNAM CONFLICT DUE TO HOSTILE ACTION (10/3/63 to 5/25/71)

Paying Tribute at the time of Memorial Day, 1971, to the memories of Americans who died while fighting in the Armed Forces of this country, and particularly those Delawareans who lost their lives in the Southeast Asian Conflict.

WHEREAS, Americans of all races and faiths have given their lives in battle for their beloved country since it first declared its independence nearly two hundred years ago; and

WHEREAS, the American holiday known as Memorial Day honoring servicemen who died in battle was first so designated on May 30, 1868, "for the purpose of strewing with flowers or otherwise decorating, the graves of comrades who died in defense of their country. . . ."; and

WHEREAS, the present conflict in Southeast Asia has claimed the lives of thousands upon thousands of America's servicemen since this country first became involved in the early years of the decade of the 60's; and

WHEREAS, the State of Delaware has had 122 of its fine young citizens succumb to the perils of the Vietnam conflict during the period spanning the years between 1963 and the present; and

WHEREAS, on this Memorial Day in 1971, the members of the 126th General Assembly wish to pay tribute to the memories of the Delawareans who gave their lives for the cause of freedom in all wars, but most especially for the 122 men listed below who have died during the hostile actions in the continuing crisis in Southeast Asia; and

WHEREAS, the members of the 126th General Assembly are grimly aware that nearly every family the State of Delaware has been touched deeply and directly in some way by the Vietnam conflict whether it be by the loss of a loved one, a friend, or a friend of a friend.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 126th General Assembly, the Senate concurring, that all members stand for a moment of silent prayer

in remembrance of the Delawareans who have died in all wars, particularly those persons listed below, victims of the War in Southeast Asia.

BE IT FURTHER RESOLVED that the text of this resolution, including all names as listed, be included in the Journals of both the House of Representatives and the Senate of the 126th General Assembly of the State of Delaware.

1. James H. Johnson, Jr.	Milford	Oct. 3, 1963
2. James E. Holden	Millsboro	Nov. 17, 1965
3. George W. Cripps, Jr.	Dover	Jan. 13, 1966
4. Wilbert R. Butler	Wilmington	Feb. 7, 1966
5. Frederick E. Smith	Wilmington	Feb. 26, 1966
6. Douglas D. Alley	Newark	Feb. 26, 1966
7. Edmund L. Sudler	Wilmington	Mar. 23, 1966
8. James V. Donnelly	Wilmington	Mar. 25, 1966
9. Richard K. Hill	Seaford	Mar. 26, 1966
10. Arthur C. Morris, Jr.	Newark	Apr. 3, 1966
11. Charles E. Porter	Wilmington	Apr. 8, 1966
12. Robert N. Tams	Dover	May 10, 1966
13. Edwin H. Sornson	Dover	June 20, 1966
14. Robert M. Bowman	Wilmington	June 29, 1966
15. William L. Lowman	Smyrna	Feb. 4, 1967
16. Wolfram W. Bischof	Wilmington	Feb. 13, 1967
17. Lawrence L. LaSalle	Newark	Mar. 17, 1967
18. Louis A. Leatherbury	Wilmington	Mar. 24, 1967
19. Victor E. Press	Wilmington	Apr. 1, 1967
20. George F. Perry, III	New Castle	May 15, 1967
21. George H. Williams	Wilmington	May 16, 1967
22. Robert D. Alexander	Claymont	May 20, 1967
23. James Albert Glover	Wilmington	May 31, 1967
24. Howard Lee Webb	Rehoboth	June 8, 1967
25. Raymond D. Crowder	Dartmouth Woods	June 19, 1967
26. Graham N. Lowdon	Wilmington	June 30, 1967
27. Samuel Paoletti	Bear	July 17, 1967
28. William A. Pollard	New Castle	July 21, 1967
29. Robert E. Johnson	Greenville	July 21, 1967
30. Raymond J. Ludwig	Wilmington	July 27, 1967
31. George Edward Partin	Georgetown	Aug. 14, 1967
32. Jon J. Hayden	Newark	Aug. 16, 1967
33. Francis B. Amoroso	Newark	Sept. 3, 1967
34. Theodore J. Chason	Maplecrest	Oct. 8, 1967
35. James T. Morris, Jr.	Pennrock	Nov. 3, 1967
36. Edmund L. Palczewski	Wilmington	Nov. 3, 1967
37. Kevin G. Flaherty	Wilmington	Nov. 4, 1967
38. Lance N. Jenkins	Stanton	Dec. 6, 1967
39. Paul F. Branyan, Jr.	New Castle	Dec. 10, 1967
40. James L. Miller	Seaford	Dec. 14, 1967
41. Donald P. Hamilton	Ellendale	Dec. 19, 1967
42. Robert W. Doyle	Richardson Park	Jan. 5, 1968

43. Paul M. Fones	Bear	Jan. 10, 1968
44. Harry P. McFalls	Lewes	Jan. 10, 1968
45. Robert L. Tracy	Greenville	Jan. 18, 1968
46. Isaiah White	Ellendale	Jan. 27, 1968
47. Robert Mereider	Ellendale	Jan. 28, 1968
48. Ralph L. Thompson	Wilmington	Feb. 1, 1968
49. Robert C. Anderson	Middletown	Feb. 3, 1968
50. Donald E. Dawson	Bellemoor	Feb. 9, 1968
51. Wayman E. Paskins	Greenwood	Feb. 14, 1968
52. Richard J. Faulkner	Wilmington	Feb. 29, 1968
53. Linden W. Brittingham	Milton	Mar. 1, 1968
54. Douglas D. Crowe	Newark	Mar. 4, 1968
55. Thomas B. Adams	Selbyville	Mar. 4, 1968
56. Raymond P. Dobrzynski	Wilmington	Mar. 13, 1968
57. Frank Mastromatteo	Edgemoor Terrace	Apr. 8, 1968
58. Wayne C. Jester	Milford	Apr. 10, 1968
59. Nolan R. Ray	Dover	Apr. 12, 1968
60. Michael Momcilovich, Jr.	Brandywood	May 5, 1968
61. Charles A. Geronimo	Wilmington	May 12, 1968
62. George Coppage, III	Camden	May 15, 1968
63. Clifton Cubbage	Bowers Beach	May 16, 1968
64. Joseph M. Kaminski, Jr.	Wilmington	May 24, 1968
65. Gene T. Grant	Bridgeville	May 29, 1968
66. Jacob R. Weldin	Wilmington	June 6, 1968
67. Donald M. Cuff	Wilmington	June 7, 1968
68. Elmer L. Faulkner	Greenwood	June 18, 1968
69. Richard M. Chamberlain	Gwinhurt	June 21, 1968
70. Frank W. Jones	Claymont	June 30, 1968
71. Leonard A. Bird	Newark	July 13, 1968
72. David M. Arnold	Canterbury Hills	July 15, 1968
73. Donald L. Gibson	Milford	July 19, 1968
74. Luther J. Ross	Wilmington	July 22, 1968
75. William F. Baker	Middletown	July 25, 1968
76. Bruce E. Clough	Magnolia	Aug. 2, 1968
77. Morris A. Mallard	Wilmington	Aug. 8, 1968
78. Bruce E. Dolbow	Felton	Aug. 25, 1968
79. Robert E. Williams	Newark	Sept. 23, 1968
80. Aaron H. Glazar	Wilmington	Sept. 23, 1968
81. Philip D. Reeder	Hockessin	Sept. 27, 1968
82. Werner Curt Brown, II	Greenville	Sept. 29, 1968
83. Ronald T. Bleacher	Woodland Apartments	Sept. 29, 1968
84. Sylvester J. Howard	Dunleith	Oct. 15, 1968
85. Robert Dieffenbach	Newark	Oct. 18, 1968
86. John Joseph Gott, Jr.	Elsmere	Dec. 18, 1968
87. Daniel A. Tressler	New Castle	Feb. 2, 1969
88. Frank W. Nelson, Jr.	Wilmington	Feb. 23, 1969
89. Richard C. Stevenson	Georgetown	Feb. 23, 1969
90. Jeffrey T. Cassidy	Wilmington	Mar. 10, 1969
91. James L. Ripanti	Wilmington	Mar. 14, 1969
92. Alan Geissinger	Newark	July 11, 1969
93. Robert H. Donaway	Dover	Aug. 18, 1969
94. Reginald Burris	Ellendale	Aug. 19, 1969

95. Robert P. Acher, Jr.	Dover	Sept. 2, 1969
96. George L. Aikin	Middletown	Oct. 9, 1969
97. Abraham L. Moore	Dover	Oct. 11, 1969
98. Frank H. Briggs	Heritage Park	Oct. 19, 1969
99. Charles E. Boxler	Wilmington	Oct. 28, 1969
100. Robert A. Falkenau	Cragmere	Dec. 6, 1969
101. Gary L. Dempsey	Yorklyn	Jan. 1, 1970
102. Thomas John Protack	Rosemont	Feb. 1, 1970
103. James W. Stewart	Laurel	Feb. 2, 1970
104. Michael DiPasquantonio	Pleasant Hills Est.	Feb. 5, 1970
105. William J. Murphy	Bear	Feb. 16, 1970
106. Eric W. Taylor	Spring Valley	Feb. 18, 1970
107. Raymond C. Hetzler	Wilmington	Feb. 27, 1970
108. Glen Willard Miller	Gordy Estates	Apr. 7, 1970
109. Francis X. Gaworski	New Castle	Apr. 10, 1970
110. Rodney W. Wilson	St. Johns	May 25, 1970
111. William J. Bunting	Frankford	May 26, 1970
112. Earl Ray Webb, Jr.	Newark	June 3, 1970
113. Richard A. Bowman	Newark	June 19, 1970
114. Michael Raymond Dadisman	Newark	June 24, 1970
115. William Jones	Millsboro	July 14, 1970
116. Jesse L. Moses	Wilmington	Aug. 4, 1970
117. John William Rucker	Wilmington	Dec. 1970
118. Joseph S. Tidwell	New Castle	Jan. 17, 1971
119. John R. Selak	Dunlinden Acres	Feb. 21, 1971
120. Richard S. Dennison	Bethel	Mar. 5, 1971
121. Charles R. Anderson	Middleboro Manor	Mar. 3, 1971
122. Donald R. Bailey	Willow Grove	Mar. 31, 1971

**HJR 15** - Providing for a Liquor Study Commission. Introduced by Rep. Hering. Assigned to House Administration Committee.

**SB 305** - An Act to Amend Chapter 19, Title 6 of the Delaware Code Relating to Fair Trade Laws Establishing Minimum Prices on the Sale of Resale of Commodities, and Exempting the State of Delaware from such Restrictions. Introduced by Sen. Elliott. Assigned to Labor & Commerce Committee.

**SB 335** - An Act making a Supplementary Appropriation to the Department of Highways and Transportation for the Installation of a Traffic-Control Device and including the Installation of Traffic Lights near the Townsend Fire Company Firehouse. Introduced by Sen. Isaacs. Assigned to Highways & Transportation Committee.

**SB 336** - An Act Directing the Board of Pension Trustees to Conduct Reviews and Actuarial Evaluations of the State Police Pension Plan and the Pension Plan for the Judiciary, and to make Recommendations to

the Second Session of the 126th General Assembly for Appropriate Legislative Action to Improve and to Provide for the Solvency of such Plans. Introduced by Sen. Steele. Assigned to Appropriations Committee.

**SB 338** - An Act making a Supplementary Appropriation of \$30,000 to the Department of Natural Resources and Environmental Control to be used in Litigation Involving Public Lands. Introduced by Sen. Isaacs. Assigned to Appropriations Committee.

**SB 343** - An Act to Amend Chapter 80, Title 29 of the Delaware Code Relating to the Powers, Duties and Functions of the Secretary of the Department of Natural Resources and Environmental Control. Introduced by Sen. Isaacs. Assigned to Environmental Control Committee.

**SB 344** - An Act to Amend Chapter 68 of Title 29, Delaware Code Relating to the Duty of the State Treasurer to Maintain a Special Account for the Division of Purchasing of the Department of Administrative Services. Introduced by Sen. Steele. Assigned to Revenue & Finance Committee.

**SCR 28** - Requesting the President Pro Tempore of the Senate and the Speaker of the House of Representatives each to Appoint certain members to a Committee, which Committee would hold Hearings and conduct a Study into the Delaware Alcoholic Beverage Control Commission and its Functions, in order to Revise and Update the Methods by which the State Regulates the Selling and Consuming of Alcoholic Beverages. Introduced by Sen. Holloway. Assigned to House Administration.

Rep. Jarvis moved that the members of the House meet as a committee of the whole to consider **SB 100**, **SB 101** and **SB 102**.

Reps. Leshner and Moerschel asked to be marked present.

On motion of Rep. Hering **SB 100** with **SA 1, 2, 3, 10 & HA 1**; **SB 101** with **SA 1**; and **SB 102** with **SA 1**, were before the committee for discussion.

On motion of Rep. Hering **HA 2** to **SB 100** was stricken.

Privilege of the floor was granted to Judge Roger Kelsey, Family Court Judge.

**HA 3** to **SB 100** was introduced by Rep. Hering. Placed with bill.

The House recessed to the call of the Chair at 4:10 P.M., reconvened at 4:55 P.M.

Rep. Jarvis moved to dissolve as a committee of the whole and regroup as a legislative body.

Committee Reports:

Revenue & Finance: **HB 110-1F**, 3M. Community Affairs: **HB 278-2F**, 4M. Education: **HB 325-4M**.

On motion of Rep. Hering **HA 3** to **SB 100** was adopted by voice vote.

On motion of Rep. Hering **SB 100** as amended had its final reading and was placed before the House for consideration.

**SB 100** - An Act to Establish a Family Court for the State of Delaware by Merging into One Court the Family Court of the State of Delaware in and for New Castle County and the Family Court of Kent and Sussex Counties and to provide for its Organization, Duties, Powers, Jurisdiction and Procedures.

On motion of Rep. Hering roll call on **SB 100** as amended was tabled.

On motion of Rep. Hering **SB 102** had its final reading and was placed before the House for consideration.

**SB 102** - An Act to Amend Chapter 9, Title 10, Concerning the Jurisdiction of the Family Court and Transfer of Cases from Superior Court to Family Court.

Roll call on **SB 102** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matusheske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NAYS: Clendaniel - 1.

NOT VOTING: Smith - 1.

ABSENT: Cordrey, Jonkiert - 2.

**SB 102** as amended having received 2/3 vote was declared passed the House.

On motion of Rep. Hering roll call on **SB 100** as amended was lifted and revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matusheske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

NAYS: Clendaniel - 1.

ABSENT: Cordrey, Jonkiert - 2.

**SB 100** as amended having received 2/3 vote was declared passed the House.

On motion of Rep. Hering roll call on **SB 101** as amended was lifted and revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 33.

NAYS: Clendaniel, Hearn, Jonkiert, Matushefske - 4.

NOT VOTING: Miller - 1.

ABSENT: Cordrey - 1.

**SB 101** as amended having received 2/3 vote was declared passed the House.

The House recessed to the call of the Chair at 5:15 P.M.

June 1, 1971

#### 41st LEGISLATIVE DAY

The Speaker called the House to order at 1:22 P.M. The Majority Leader moved to adjourn at 1:22 P.M., thereby ending the previous legislative day. The House reconvened at 1:23 P.M.

There was a prayer by the Chaplain, Rev. Alvin Lee, First Baptist Church, Holloway Terrace, New Castle, Delaware.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 38.

Absent: Wright - 1.

Late: Moerschel. Marked present later.

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



The following prefiled legislation was introduced:

**HB 405** - An Act to Amend Section 6913, Title 29, Delaware Code, Regarding the Method of Determination of the Prevailing Wage Rates. Introduced by Reps. Little and Connor. Assigned to Labor and Commerce Committee.

**HB 406** - An Act Providing for the Appropriation of Money to Milton R. Olazagasti, a Veteran Eligible for the Bonus paid by the State pursuant to the Veteran's Military Pay Act No. 11, but who Did Not Receive his Bonus. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

**HB 407** - An Act Proposing an Amendment to Article 2, Section 2 of the Constitution of the State of Delaware, Relating to the Length of Service of Members of the General Assembly. Introduced by Rep. Dobberstein. Assigned to Judiciary Committee.

**HB 408** - An Act to Amend Chapter 29, Title 30 of the Delaware Code Relating to Retail and Wholesale Merchants' License Requirements and Taxes, and Excluding Funds Collected by Wholesalers for the Payment of State and Federal Gasoline Taxes. Introduced by Rep. Kirk. Assigned to Revenue & Finance Committee.

**HB 409** - An Act to Reincorporate the Town of Cheswold. Introduced by Rep. Riddagh. Assigned to Community Affairs Committee.

**HB 410** - An Act to Amend an Act Entitled: "An Act to Re-incorporate the Town of Leipsic" relating to the Adoption and Enforcement of Town Ordinances. Introduced by Reps. Riddagh and Gruwell. Assigned to Community Affairs Committee.

**HB 411** - An Act to Amend Title 14, Delaware Code, by Creating a New Chapter 42 relating to Education; Providing for the Drug Abuse Education Act of 1971 Establishing a Program of Drug, Narcotic, Alcohol, and Tobacco Education; Providing for the Superintendent of Public Instruction to Administer the Program; and Requiring a Course in Drug Abuse Education for Teacher Certification. Introduced by Reps. Little, Connor, Weiss, Matushefske. Assigned to Health & Social Services Committee.

**HB 412** - An Act to Provide a Supplementary Appropriation to the Department of Natural Resources and Environmental Control for the Enforcement of Solid Waste Control Laws. Introduced by Reps. Berndt, Mears. Assigned to Appropriations Committee.

**HB 413** - An Act Making a Supplementary Appropriation to the Division of Housing of the Department of Community Affairs and Economic Development for the Payment of Certain Reasonable Expenses. Introduced by Rep. Seibel. Assigned to Appropriations Committee.

**HB 414** - An Act to Provide a Supplemental Appropriation to the Department of Health and Social Services for the Delaware Correctional Center at Smyrna to be Administered by the Budget Commission. Introduced by Rep. Weiss. Assigned to Appropriations Committee.

**HB 415** - An Act to Amend an Act being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" by Deleting the Provision for any Tax Reduction and Changing the Date when the Penalty Begins to Accrue. Introduced by Rep. Derrickson. Assigned to Community Affairs Committee.

**HB 416** - An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to the Employment of Driver Education Teachers by Recognized School Districts. Introduced by Rep. Wright. Assigned to Education Committee.

**HB 417** - An Act Relating to Salaries for State Employees. Introduced by Reps. Hering, Berndt, Heckert. Assigned to Appropriations Committee.

**HB 418** - An Act to Amend Chapter 1, Title 13, Delaware Code, Relating to the Issuing of Marriage Licenses. Introduced by Rep. Hering. Assigned to Judiciary Committee.

**HB 419** - An Act Making Technical Amendments to the Revised Income Tax Law Relating to Individuals, Trusts, Estates and Certain Corporations. Introduced by Rep. Hering. Assigned to Revenue & Finance Committee.

**HB 420** - An Act to Amend Chapter 43, Title 11, Delaware Code, Entitled "Sentencing, Probation, Parole and Pardons" to Include Justices of the Peace Within the Definition of the word "Court" as Used in said Chapter. Introduced by Reps. Boulden, Matushefske, Orth. Assigned to Judiciary Committee.

**HB 421** - An Act to Amend Title 14 of the Delaware Code by Providing Authorization for Establishing and Financing Year-Round School Programs in Delaware

Public Schools. Introduced by Rep. Heckert. Assigned to Education Committee.

**HB 422** - An Act to Amend Title 29 of the Delaware Code Relating to the Reemployment Rights of Veterans of the Armed Forces of the United States. Introduced by Rep. Poulterer. Assigned to Labor & Commerce Committee.

**HB 423** - An Act to Amend Section 6913, Title 29, Delaware Code by Providing Provisions for the Failure to Pay Prevailing Wage Rates. Introduced by Reps. Little & Connor. Assigned to Labor and Commerce Committee.

**HB 424** - An Act to Amend Chapter 4 of Title 21, Delaware Code, Relating to the Change from a Reciprocity Board. Introduced by Reps. Dillman and Gruwell. Assigned to Public Safety Committee.

**HB 425** - An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors Requiring Non-Resident Producers and Suppliers and their Representatives to Obtain Licenses and Pay Fees therefor. Introduced by Rep. Billingsley. Assigned to Revenue and Finance Committee.

**HB 426** - An Act to Amend Chapter 27 of Title 21, Delaware Code, Relating to Application by Minor for an Operator's License. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 427** - An Act to Amend Chapter 65, Title 11, Delaware Code, Relating to Separate Custodial Care and Work for Youthful Offenders. Introduced by Rep. Dillman. Assigned to Judiciary Committee.

**HB 428** - An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year ending June 30, 1972", being House Bill No. 200 of the 126th General Assembly and also known as the 1972 Budget Appropriation Bill. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

**HB 429** - An Act to Amend Chapter 69, Title 16, Delaware Code, Relating to Fireworks. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 430** - An Act to Amend Chapters 65 and 83 of Title 29 of the Delaware Code, Relating to Advances to Departments. Introduced by Rep. Knox. Assigned to Revenue & Finance Committee.

**HB 431** - An Act to Amend Subchapter III, Chapter 43, Title 21, Delaware Code, by Adding a New Section thereto Relating to Seat Belts on School Buses. In-

troduced by Rep. Poulterer. Assigned to Public Safety Committee.

**HB 432** - An Act to Amend Part I, Title 21, Delaware Code, Relating to the Definition of School Buses. Introduced by Rep. Poulterer. Assigned to Public Safety Committee.

**HJR 16** - Directing the Legislative Council to Establish and Maintain a First Aid Station in Legislative Hall and Providing an Appropriation therefor. Introduced by Rep. Wright. Assigned to Health & Social Services Committee.

**SA 1 to HCR 27**, introduced by Sen. Elliott. Placed with bill.

On motion of Rep. Quillen, roll call was taken on **HCR 27** as amended by **SA 1**. (Paying tribute to Delawareans who lost their lives in the Southeast Asian Conflict). Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Knox, Leshar, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 34.

ABSENT: Connor, Kirk, Little, Moerschel, Wright - 5.

**HCR 27** as amended having received a constitutional majority was declared adopted by the House.

**HA 2 to HB 296**, introduced by Rep. Matushefske. Placed with bill.

**HA 1 to HB 335**, introduced by Rep. Connor. Placed with bill.

**HR 46** - Relating to the Fiscal Impact on Legislation. Introduced by Rep. Hering.

Rep. Moerschel asked to be marked present.

On motion of Rep. Hering, roll call was taken on **HR 46**. Roll call revealed:

YEAS: Berndt, Billingsley, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 35.

NAYS: Boulden - 1.

NOT VOTING: Connor - 1.

ABSENT: Kirk, Wright - 2.

**HR 46** having received a constitutional majority was declared adopted in the House.

**SB 79** - An Act to Amend Chapter 23, Title 24 of the Delaware Code, Concerning Pawnbrokers and Stolen Property. Introduced by Sen. Schlör. Assigned to Judiciary.

**SCR 29** - Directing the Offices of the Executive and Judicial Branches to Cease Contracting for and Purchasing Books, Large Quantities of which must be Stored by the Legislative Council, without Consulting the Director of the Council as to the Number Needed. Introduced by Sen. duPont. Assigned to House Administration.

**SCR 30** - Expressing the Concern of the General Assembly with Regard to the Failure of the Unique Hazards Committee of the State Board of Public Instruction to Adequately Delineate "Safety Hazards" as the Same Applies to the Transportation of Pupils, and Calling for a Moratorium within which time a Study and Report might be made. Introduced by Sen. Cicione. Assigned to Education Committee.

The House recessed to the call of the Chair at 1:58 P.M., reconvened at 2:14 P.M.

**GENERAL ASSEMBLY**  
State of Delaware  
Dover, Delaware 19901  
June 1, 1971

**TO:** The Honorable William L. Frederick  
Speaker of the House  
**FROM:** Representative Herbert A. Leshner  
Chairman, Joint Finance Committee  
**SUBJECT:** Budget Bill and Other Appropriations

I would like to call attention to the stipulation in the Code, Title 29, Section 6337, pertaining to this subject:

The General Assembly may increase, decrease or eliminate items in the Budget Appropriation Bill in any way that is not contrary to the Constitution of the State, except as hereinafter provided; but neither House shall consider further or special appropriations, except in case of emergency, which fact shall be clearly stated in the appropriation bill therefor, until the Budget Appropriation Bill shall have been finally acted upon by both Houses. No items providing

for appropriations for payment of interest or principal due on State debt shall be decreased or eliminated. The total budget appropriation items may not be increased in the aggregate to a point where they would exceed the State revenue from all sources as estimated in the budget.

It would seem that compliance with the Code would rearrange the priorities of bills that remain before this General Assembly.

We have not been operating in this manner and it seems appropriate for us to do so.

cc: The Honorable Russell W. Peterson

Governor

The Honorable Reynolds duPont

President Pro Tempore of the Senate

The Honorable George Jarvis

Majority Leader

Senator Dean C. Steele

Vice-Chairman, Joint Finance Committee

Rep. Kirk asked to be marked present.

Agenda:

On motion of Rep. Murphy, **HB 279** had its final reading and was placed before the House for consideration.

**HB 279** - An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Acquisition and Sale of Real Property and the Power of Eminent Domain by the Department of Highways and Transportation.

Rep. Billingsley moved to adopt **HA 1** to **HB 279** by voice vote. Motion carried.

Roll call on **HB 279** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 35.

NOT VOTING: Hearn, Jonkiert, Miller - 3.

ABSENT: Wright - 1.

**HB 279** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Murphy, **SB 179** with **SA 1** had its final reading and was placed before the House for consideration.

**SB 179** with **SA 1** - An Act to Amend Title 18,

Chapters 13 and 29 of the Delaware Code, Relating to the Establishment of Separate Accounts by Domestic Life Insurers for Amounts Paid to such Insurers to provide Life Insurance or Annuity Benefits Payable in Fixed or Variable Dollar Amounts, or Both.

Privilege of the floor was granted to Mr. Robert Short, State Insurance Commissioner, to explain the bill.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 38.

ABSENT: Wright - 1.

**SB 179** with **SA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 273** had its final reading and was placed before the House for consideration.

**HB 273** - An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Alteration of Authorized Identification Number on Vehicle or Engine.

On motion of Rep. Leshner, **HA 1** to **HB 273** was adopted by voice vote. Privilege of the floor was granted to Trooper George Patterson to explain the bill. After much discussion, Rep. Dillman moved to place **HB 273** with **HA 1** on the Speaker's table.

On motion of Rep. Billingsley, **HB 96** had its final reading and was placed before the House for consideration.

**HB 96** with **HA 1, 2** - An Act to Amend Chapter 5, Title 31 of the Delaware Code, Pertaining to the State Public Assistance Code.

Roll call on **HB 96** with **HA 1, 2** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 37.

ABSENT: Dillman, Wright - 2.

**HB 96** with **HA 1, 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley, **HB 178** had its

final reading and was placed before the House for consideration.

**HB 178** - An Act to Amend Title 30, Delaware Code, Chapter 30, Relating to Automobile Dealer Handling Fee and License Fee.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 36.

NAYS: Derrickson, Justice - 2.

ABSENT: Wright - 1.

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

On motion of Rep. Little, **HB 257** had its final reading and was placed before the House for consideration.

**HB 257** - An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Criminal Offenses and Penalties in the Sale of Alcoholic Liquors.

On motion of Rep. Poulterer, roll call was taken on **HA 1** to **HB 257**. Roll call revealed:

YEAS: Connor, Dillman, Dobberstein, Harkins, Harrington, Hearn, Jarvis, Johnson, Knox, Little, Miller, Moerschel, Murphy, Orth, Poulterer, Riddagh, Tribbitt, Weiss - 18.

NAYS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Gordy, Gruwell, Heckert, Hering, Jonkiert, Justice, Kirk, Leshner, Matushefske, Mears, Quillen, Seibel, Smith, Mr. Speaker Frederick - 20.

ABSENT: Wright - 1.

**HA 1** to **HB 257** was defeated in the House.

On motion of Rep. Little, roll call was taken on **HB 257**. Roll call revealed:

YEAS: Billingsley, Boulden, Connor, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss - 29.

NAYS: Berndt, Clendaniel, Cordrey, Derrickson, Gordy, Hering, Leshner, Mears, Mr. Speaker Frederick - 9.

ABSENT: Wright - 1.



**HB 257** having received a constitutional majority was declared passed the House.

On motion of Rep. Little, **HB 285** had its final reading and was placed before the House for consideration.

**HB 285** - An Act to Amend Title 16 of the Delaware Code, Relating to the Public Health and Safety with Particular Reference to Persons Totally or Partially Blind.

On motion of Rep. Little, **HA 1** to **HB 285** was stricken. On motion of Rep. Little, **HA 2** to **HB 285** was adopted by voice vote. After much discussion, Rep. Little moved to defer **HB 285** until later in the day.

On motion of Rep. Little, **HB 219** was stricken.

On motion of Rep. Dillman, **HB 273** was lifted from the Speaker's table and was again before the House for consideration. On motion of Rep. Leshner, **HA 2** to **HB 273** was adopted by voice vote. Rep. Leshner moved to reconsider **HA 1** to **HB 273**. On motion of Rep. Leshner, **HA 1** to **HB 273** was stricken. On motion of Rep. Dillman, roll call was taken on **HB 273** with **HA 2**. Roll call revealed:

YEAS: Berndt, Billingsley, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 37.

ABSENT: Bounden, Wright - 2.

**HB 273** with **HA 2** having received 2/3 vote was declared passed the House.

On motion of Rep. Weiss, **SB 292** had its final reading and was placed before the House for consideration.

**SB 292** - An Act to Amend Chapter 51, Title 16, Delaware Code, Relating to the Qualifications of the Heads of Certain Institutions.

On motion of Rep. Weiss, **HA 1** to **SB 292** was adopted by voice vote. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 37.

**ABSENT:** Gordy, Wright - 2.

**SB 292** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SB 171** had its final reading and was placed before the House for consideration.

**SB 171** - An Act to Amend Chapter 5, Title 31 of the Delaware Code Pertaining to Old Age Assistance under the State Public Assistance Code.

Rep. Heckert introduced **HA 1** to **SB 171**. Rep. Weiss moved for a roll call on **HA 1** to **SB 171**. Roll call revealed:

**YEAS:** Berndt, Dobberstein, Heckert, Moerschel, Poulterer, Quillen, Riddagh - 7.

**NAYS:** Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Gordy, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Murphy, Orth, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 30.

**ABSENT:** Derrickson, Wright - 2.

**HA 1** to **SB 171** was defeated in the House.

Roll call on **SB 171** revealed:

**YEAS:** Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 32.

**NAYS:** Berndt, Heckert, Poulterer, Quillen, Riddagh - 5.

**ABSENT:** Derrickson, Wright - 2.

**SB 171** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley, **HB 254** had its final reading and was placed before the House for consideration.

**HB 254** - An Act to Amend Chapter 25, Title 16, Delaware Code, Relating to Contraceptives.

On motion of Rep. Billingsley, roll call on **HB 254** was tabled.

The House recessed to the call of the Chair at 5:45 P.M.

June 2, 1971

#### 42nd LEGISLATIVE DAY

The Speaker called the House to order at 1:11 P.M.

The Majority Leader moved to adjourn at 1:11 P.M., thereby ending the previous legislative day. The House reconvened at 1:12 P.M.

There was a prayer by the Chaplain Rev. Alvin Lee, First Baptist Church, Holloway Terrace, New Castle, Delaware.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

Absent: Johnson - 1.

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

Committee Report:

Highways & Transportation: **HB 343-4M**, 2U.

The following prefiled legislation was introduced:

**HB 433** - An Act to Amend Titles 10 and 25 of the Delaware Code Relating to Landlord-Tenant Relationships. Introduced by Rep. Berndt & Others. Assigned to Community Affairs Committee.

**HB 434** - An Act to Amend Title 15, Delaware Code, Relating to the Election Laws of Delaware by Amending Chapters 31 and 33, and Making Certain Changes in Provisions Relating to Primary Elections and Nominations of Candidates, and Nominations of Candidates by Parties. Introduced by Rep. Hering & Others. Assigned to Judiciary Committee.

**HB 435** - An Act to Amend Title 14, Delaware Code, Relating to Provisions for Salaries for Attendants and Aides and Making an Appropriation therefor. Introduced by Reps. Hearn & Justice. Assigned to Education Committee.

**HB 436** - An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation for Certain Permanent Injuries. Introduced by Reps. Gordy & Little. Assigned to Labor & Commerce Committee.

**HB 437** - An Act to Create the Position of Assistant Controller General and to make a Supplementary Appropriation therefor. Introduced by Rep. Tribbitt. Assigned to Appropriations Committee.

**HB 438** - An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Prohibiting the Denial of Equal Rights to Housing because of Receipt of Public Assistance. Introduced by Rep. Miller. Assigned to Health & Social Services Committee.

**HB 439** - An Act to Amend Chapter 45, Title 6, Delaware Code, Relating to Prohibiting the Denial of Equal Rights to Public Accommodations because of Receipt of Public Assistance. Introduced by Rep. Miller. Assigned to Health & Social Services Committee.

**HB 440** - An Act to Amend Title 25 of the Delaware Code, Relating to Landlord and Tenant by Providing that in Demises whereby the Landlord Supplies Heat, it Shall be Supplied from October 1 to June 1 in any Given Year. Introduced by Rep. Matushefske. Assigned to Community Affairs Committee.

**HB 441** - An Act to Amend Chapter 175, Volume 52, Laws of Delaware being an Act Entitled "An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for their Payment". Introduced by Rep. Jonkiert & Others. Assigned to Revenue & Finance Committee.

**HB 442** - An Act to Amend Title 30, Sections 5316 and 5318 Relating to Stamps and Commission for Stamp Affixing Agents. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 443** - An Act to Provide a Supplementary Appropriation to the Department of Community Affairs and Economic Development for the Division of Housing. Introduced by Rep. Harkins. Assigned to Appropriations Committee.

**HB 444** - An Act to Amend Title 7, Delaware Code, by Adding a New Chapter to be Designated Chapter 72, Relating to Pollution Incidents, and Making a Supplementary Appropriation. Introduced by Rep. Seibel. Assigned to Environmental Control Committee.

**HB 445** - An Act to Amend Chapter 611 of Title 21, Delaware Code by Providing for the Health and Safety of Persons Arrested for Intoxicated Driving and to Provide for a Medical Examination and Temporary Detention at a Facility of the Alcoholism Services Division of the State Division of Mental Health and Mental Retardation. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 446** - An Act to Amend Title 14, Delaware Code,

by Creating a New Chapter Entitled: Career Incentive Salary Increases for Police Officers Pursuing Higher Education. Introduced by Rep. Dillman. Assigned to Education Committee.

**HB 447** - An Act to Amend Subchapter XII, Chapter 41, Title 21, of the Delaware Code Relating to the Operation of Bicycles and other Types of Vehicles. Introduced by Rep. Poulterer. Assigned to Public Safety Committee.

**HB 448** - An Act to Amend Title 29 of the Delaware Code Relating to the Method of Payment of State Officials and Employees; to Provide Salary Increases for Certain State Employees and Providing a Supplemental Appropriation for the Implementation of the Provisions of the Proposed Act. Introduced by Rep. Kirk. Assigned to Appropriations Committee.

**HB 449** - An Act to Amend Chapter 13, Title 14, Delaware Code Relating to the Method of Salary Payments. Introduced by Rep. Kirk. Assigned to Revenue & Finance Committee.

**HB 450** - An Act to Amend Title 26, Delaware Code, by Adding a New Section thereto Relating to the Duties and Powers of the Public Service Commission with Respect to Public Water Suppliers. Introduced by Reps. Kirk & Jarvis. Assigned to Community Affairs Committee.

**HB 451** - An Act to Amend Chapter 469, Volume 56, Laws of Delaware, known as the "Annual Capital Improvements Act". Introduced by Rep. Leshner. Assigned to Appropriations Committee.

**HB 452** - An Act to Amend Chapter 255, Volume 57, Laws of Delaware, Granting an Extension in the Time Period Required for Funds to be Expended by the Public Archives Commission. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

**HB 453** - An Act to Provide a Supplementary Appropriation to the Department of Highways and Transportation for the Division of Transportation. Introduced by Rep. Harkins. Assigned to Appropriations Committee.

**HB 454** - An Act to Amend Part VI, Title 29, Delaware Code, by Adding a New Section thereto, Relating to Transfer of Appropriations within and between Departments. Introduced by Rep. Harkins. Assigned to Revenue & Finance Committee.

**HB 455** - An Act to Amend Title 21, Delaware Code, Chapter 7, Relating to the Jurisdiction of Certain Courts over Children Sixteen or Seventeen Years Old Charged

with Violations of the Motor Vehicle Laws. Introduced by Rep. Wright. Assigned to Public Safety Committee.

**HB 456** - An Act to Amend Chapter 25, Title 30, Delaware, Relating to License Requirements for Contractors. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 457** - An Act to Amend Chapter 9, Title 4, of the Delaware Code Relating to the Confiscation of Vehicles used in the Transportation of Untaxed Alcoholic Liquors. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 458** - An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens against an Owner of a Residence who Pays the Contractor for Construction, Erection or Building thereof or Alterations, Repairs, or Improvements thereof. Introduced by Rep. Billingsley. Assigned to Labor & Commerce Committee.

**HB 459** - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Procurement of Materials and Award of Contracts for Public Works by State Agencies. Introduced by Rep. Little. Assigned to Labor & Commerce Committee.

**HB 460** - An Act to Amend Chapter 17, Title 17 of the Delaware Code, Relating to an Interstate Compact to Provide for the Consolidation of the Delaware River Port Authority and the Delaware River and Bay Authority, Transferring Certain Municipal and County-Owned Air Transportation Facilities thereto and Providing for the Functions, Powers and Duties thereof. Introduced by Rep. Murphy. Assigned to Highway & Transportation Committee.

**HB 461** - An Act to Amend Chapter 92, Title 10, Delaware Code, Relating to Salaries of Clerks or Justices of the Peace, and Making an Appropriation therefor. Introduced by Rep. Jarvis. Assigned to Appropriations Committee.

**HB 462** - An Act to Amend Title 14, Delaware Code, Relating to Salary Schedules and Employment of Guidance Counselors and to Make an Appropriation therefor. Introduced by Rep. Little. Assigned to Education Committee.

**HB 463** - An Act to Make a Supplementary Appropriation to the Governor for Extraordinary Travel Expenses. Introduced by Rep. Berndt. Assigned to Appropriations Committee.

**HB 464** - An Act to Amend Title 30 of the Delaware

Code Relating to the Delaware Personal Income Tax. Introduced by Rep. Derrickson. Assigned to Revenue & Finance Committee.

**HB 465** - An Act to mend Title 29, Sections 5603 and 5610 of the Delaware Code as to Judges Included within the State Judiciary Retirement Fund and Relationship of Judicial Pensions to other Pensions. Introduced by Rep. Justice. Assigned to Appropriations Committee.

**HB 466** - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Exclusions from Income. Introduced by Rep. Hering. Assigned to Revenue & Finance Committee.

**HB 467** - An Act Providing Authority to the Department of Natural Resources and Environmental Control for Relocation Assistance to Persons Displaced in the Acquisition of Burton Island, for State Park Purposes, upon which they Live or Conduct a Business. Introduced by Rep. Quillen. Assigned to Natural Resources Committee.

**HCR 28** - Relating to the Government of New Castle County. Introduced by Rep. Leshner. Assigned to Public Safety Committee.

**HA 1 to HB 312**, introduced by Rep. Dobberstein. Placed with bill.

**HA 1 to HB 350**, introduced by Rep. Leshner. Placed with bill.

**HA 2 to HB 350**, introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 382**, introduced by Rep. Dobberstein. Placed with bill.

**SB 281** - An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Installation of a Traffic-Control Device, and Including the Installation of Four Red Lights. Introduced by Sen. Conner. Assigned to Highways & Transportation Committee.

**SB 314 with SA 1** - An Act to Amend § 4336, Title 11, Delaware Code, Increasing the Number of Pre-sentence Officers in Sussex County and Appropriating Money to the Superior Court for same. Introduced by Sen. Elliott. Assigned to Appropriations Committee.

**SB 322 with SA 1** - An Act to Amend Subchapter II, Chapter 21, Title 23 of the Delaware Code Relating to Safety Equipment Required for Boats Licensed by the State of Delaware. Introduced by Sen. Isaacs. Assigned to Public Safety Committee.

**SB 340** - An Act to Create a New Chapter 99, Title 29, Delaware Code Creating the Delaware American Revolution Bicentennial Commission and Providing a Supplementary Appropriation therefor. Introduced by Sen. Manning. Assigned to Community Affairs Committee.

**SB 349** - An Act to Amend §4104, Title 11, Delaware Code, Relating to a Refund of Fines. Introduced by Sen. Castle. Assigned to Judiciary Committee.

**SB 350** - An Act to Amend Section 9611, Title 10, Delaware Code Relating to Trespass Actions in the Justice of the Peace Courts. Introduced by Sen. Castle. Assigned to Judiciary Committee.

**SB 371** - An Act to Amend Subchapter I, Chapter 1, Title 14 of the Delaware Code Relating to Operation of Joint Educational Facilities with Bordering States. Introduced by Sen. Elliott. Assigned to Education Committee.

**SB 377** - An Act Making a Supplementary Appropriation to the Department of Natural Resources and Environmental Control for Solid Waste Collection on Public Lands. Introduced by Sen. Hickman. Assigned to Appropriations Committee.

**SJR 21** - Providing for the Establishment of a Committee to Study the Feasibility of Erecting a Memorial in Honor of Delaware Servicemen who have Fought for their Country in the Southeast Asia Conflict. Introduced by Sens. Holloway & Isaacs. Assigned to Community Affairs Committee.

**SCR 31** - Expressing the Sincere Concern of the General Assembly over the Recent Announcement by a Chemical Processor, Recently Closed Down in Maryland Because of Excessive Pollution, that the Corporation Intends to Move its Operations to Delaware; and Urgently Requesting that the Division of Environmental Control Refuse to Approve a Pending Application to Build a Similar Plant in Delaware. Introduced by Sen. Isaacs. Assigned to Environmental Control Committee.

**SCR 32** - Expressing the Concern of the General Assembly with Regard to the Failure of the Unique Hazards Committee of the State Department of Public Instruction to Adequately Delineate "Safety Hazards" as the same Applies to the Transportation of Pupils, and Calling for a Moratorium within which time a Study and Report might be made. Introduced by Sen. Cicione. Assigned to Education Committee.



**HA 1 to HB 123**, introduced by Rep. Hering. Placed with bill.

**HA 1 to HB 220**, introduced by Rep. Hearn. Placed with bill.

**HA 3 to HB 285**, introduced by Reps. Derrickson & Heckert. Placed with bill.

**HA 1 to HB 318**, introduced by Reps. Weiss & Hearn. Placed with bill.

**HA 2 to HB 428**, introduced by Rep. Little. Placed with bill.

**HA 1 to HB 428**, introduced by Rep. Harkins. Placed with bill.

**HA 1 to HB 467**, introduced by Rep. Quillen. Placed with bill.

On motion of Rep. Harkins, **HB 199** had its final reading and was placed before the House for consideration.

**HB 199** - An Act to Amend Chapter 33, Title 14, Delaware Code, by Providing for the Extending of Vocational Rehabilitation Services to Public Assistance Recipients, and Providing an Appropriation to Assist in Such Services.

Privilege of the floor was granted to Mr. James Rosbrow, Secretary of Labor, and Mr. Arthur Brill, Director of Vocational Rehabilitation, to explain the bill. On motion of Rep. Hering, **HA 1 to HB 199** was adopted by voice vote. On motion of Rep. Harkins, roll call on **HB 199** with **HA 1** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Doberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 37.

NOT VOTING: Tribbitt - 1.

ABSENT: Johnson - 1.

**HB 199** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Harkins **HB 237** was deferred indefinitely.

On motion of Rep. Leshner, **HB 345** had its final reading and was placed before the House for consideration.

**HB 345** - An Act to Provide a Supplementary Appropriation to the Various Departments, Institutions, and School Districts of the State.

On motion of Rep. Leshner, roll call on **HB 345** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 37.

ABSENT: Johnson, Weiss - 2.

**HB 345** having received a constitutional majority was declared passed the House.

On motion of Rep. Gruwell, **HB 339** had its final reading and was placed before the House for consideration.

**HB 339** - An Act to Amend Chapter 9 of Title 28, Delaware Code, Relating to Prohibition of Horse Racing on Certain Religious Holidays.

On motion of Rep. Gruwell, roll call on **HB 339** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Derrickson, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 37.

ABSENT: Johnson, Weiss - 2.

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

On motion of Rep. Quillen, **HB 73** was deferred indefinitely.

On motion of Rep. Hering, **SB 263** had its final reading and was placed before the House for consideration.

**SB 263** - An Act Agreeing to a Proposed Amendment to Articles III and XV of the Constitution of the State of Delaware to Abolish the Office of Coroner.

On motion of Rep. Hering, roll call on **SB 263** was taken and revealed.

YEAS: Berndt, Billingsley, Boulden, Connor, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Wright, Mr. Speaker Frederick - 36.

NAYS: Smith - 1.

ABSENT: Johnson, Weiss - 2.

**SB 263** having received 2/3 vote was declared passed the House.

On motion of Rep. Leshner, **SB 139** had its final reading and was placed before the House for consideration.

**SB 139** - An Act Making a Supplementary Appropriation to the Department of Community Affairs and Economic Development for Flags.

On motion of Rep. Leshner, roll call on **SB 139** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 35.

ABSENT: Gruwell, Johnson, Jonkiert, Weiss - 4.

**SB 139** having received a constitutional majority was declared passed the House.

On motion of Rep. Berndt, **HB 296** had its final reading and was placed before the House for consideration.

**HB 296** - An Act Amending Chapter 527, Laws of Delaware, Relating to a Declared Moratorium on Certain Activities Along the Delaware River and Bay.

On motion of Rep. Matushefske **HA 2** to **HB 296** was adopted by voice vote.

On motion of Rep. Berndt, roll call on **HB 296** with **HA 2** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Seibel, Wright, Mr. Speaker Frederick - 31.

NAYS: Cordrey, Gordy, Riddagh, Smith - 4.

ABSENT: Johnson, Jonkiert, Little, Weiss - 4.

**HB 296** with **HA 2** having received 2/3 vote was declared passed the House.

On motion of Rep. Heckert, **HB 226** had its final reading and was placed before the House for consideration.

**HB 226** - An Act Making a Supplementary Appropriation to the Educational Contingency Fund for

the Purpose of Tuition Payments on Account of Delmar School District.

On motion of Rep. Heckert, roll call on **HB 226** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Leshar, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddag, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 33.

ABSENT: Derrickson, Dobberstein, Johnson, Knox, Little, Weiss - 6.

**HB 226** having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert, **HB 342** was deferred indefinitely.

On motion of Rep. Billingsley, **HB 149** was deferred indefinitely.

**HR 47**, introduced by Rep. Little.

**HR 47** - Stating a Unique Form of Birthday Expression to House Majority Leader, George Jarvis.

On motion of Rep. Kirk, **HR 47** was adopted by voice vote.

Committee Reports:

Health & Social Services: **HB 216-5M**; **HB 372-5M**; **HB 411-3F**, 2M; **SB 226-1F**, 4M; **SB 273-4M**, 1U. Revenue & Finance: **HS 1** for **HB 95-6M**; **HB 123-1F**, 5M; **HB 375-1F**, 5M; **HB 393-1F**, 4M; **HB 394-1F**, 4M; **HB 425-1F**, 4M; **HB 457-1F**, 5M; **SB 344-6M**. Labor & Commerce: **HB 340-6M**; **HB 364-6M**; **SB 197-6M**; **SB 303-6M**; **SB 306-5M**; **SS 1** for **SB 312-6M**.

The House recessed to the call of the Chair at 3:54 P.M., reconvened at 4:43 P.M.

Committee Reports:

Education: **HB 358-5M**. Highways & Transportation: **HB 382** with **HA 1-4M**.

On motion of Rep. Heckert, **HB 325** had its final reading and was placed before the House for consideration.

**HB 325** - An Act to Amend Subchapter II, Chapter 14, Title 14, Delaware Code, Relating to Procedures for the Termination of Services of Professional Employees.

On motion of Rep. Heckert, roll call on **HB 325** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel,

Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Harkins, Johnson, Miller - 3.

HB 325 having received a constitutional majority was declared passed the House.

On motion of Rep. Berndt, HB 201 had its final reading and was placed before the House for consideration.

HB 201 - An Act to Amend Chapter 44, Title 21, Delaware Code, Relating to Abandoned Vehicles.

Privilege of the floor was granted to Mr. Donald Hickman, Department of Highways & Transportation. On motion of Rep. Berndt, roll call on HB 201 was taken and revealed:

YEAS: Billingsley, Gordy, Gruwell, Moerschel, Quillen - 5.

NAYS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Harkins, Harrington, Hearn, Heckert, Jarvis, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Murphy, Orth, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 27.

NOT VOTING: Dobberstein, Jonkiert, Seibel - 3.

ABSENT: Hering, Johnson, Miller, Poulterer - 4.

HB 201, not having received a constitutional majority was lost in the House.

On motion of Rep. Knox HB 350 was deferred indefinitely.

On motion of Rep. Little, HB 285 had its final reading and was placed before the House for consideration.

HB 285 with HA 2 - An Act to Amend Title 16 of the Delaware Code, Relating to the Public Health and Safety with Particular Reference to Persons Totally or Partially Blind.

On motion of Rep. Derrickson, HA 3 to HB 285 was adopted by voice vote. On motion of Rep. Little, roll call on HB 285 with HA 2, 3 was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poul-

terer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Gordy, Johnson, Miller - 3.

HB 285 with HA 2, 3 having received a constitutional majority was declared passed the House.

#### 42nd LEGISLATIVE DAY - Special Session

The House recessed to the call of the Chair at 5:04 P.M., reconvened at 5:38 P.M.

Committee Reports:

Public Safety: HB 426-1F, 3M; HB 429-1F, 3M; HB 390-1F, 3M; HB 374-1F, 3M. Environmental Control: HB 322-4M. Health & Social Services: HB 377-1F, 4M. Natural Resources: HB 332-6M; HB 348-1F, 5M. Community Affairs: HB 415-4F, 1M; HB 281-5M; HB 321-5M; HB 286-4F, 1M; HB 365-5M; HB 359-1F, 4M.

The House recessed to the call of the Chair at 5:45 P.M.

June 3, 1971

#### 43rd LEGISLATIVE DAY

The Speaker called the House to order at 1:09 P.M. The Majority Leader moved to adjourn at 1:09 P.M., thereby ending the previous legislative day. The House reconvened at 1:10 P.M.

There was a prayer by the Chaplain Rev. Ira Steckman, Asbury Methodist Church, Smyrna, Delaware.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 39.

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

OFFICE OF THE GOVERNOR

June 2, 1971

LEGISLATIVE ADVISORY NO. 8

TO:

Rep. John F. Kirk, Jr.

Rep. John A. Dillman

Rep. William J. Gordy  
 Rep. Robert W. Riddagh  
 Rep. William T. Poulterer, III  
 Rep. Arthur W. Dobberstein  
 Rep. Clarice U. Heckert  
 Rep. George C. Hering, III  
 Sen. Everette Hale  
 Sen. J. Donald Isaacs  
 Sen. Thomas E. Hickman, Jr.  
 Hon. W. Laird Stabler, Jr.  
 Robert A. Short  
 William J. Warren  
 Burton D. Willis  
 Frances West

William R. Favinger  
 Emmet T. Calahan  
 Morton R. Kimmel, Esq.  
 Lewis Darlin  
 Arnold R. Olsen  
 Bruce Ralston  
 James R. Zeller  
 George Cripps  
 Emily Womach  
 James Kennedy  
 W. Brooke Stabler  
 Richard Caldwell  
 Cabinet Secretaries  
 Clerk of the House  
 Secretary of the Senate  
 Legislative Council

FROM: Fletcher E. Campbell, Jr., Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

**HB 26** - 5-27-71 - amending the Town Charter of Arden lowering the voting age of a resident to eighteen years.

**HB 36** As Amended by **HA 1** - 5-27-51 - requiring the Department of Elections to post maps showing representative districts at each polling place.

**HB 165** As Amended by **HA 1** - 5-27-51 - amending Chapter 3, § 309, Title 21, Delaware Code relating to Saturday as a legal holiday.

**HB 186** - 5-27-71 - amending Title 19, Delaware Code, providing for the amount of wages upon which

death compensation shall be based.

**HB 192** As Amended by **HA 1** and **SA 1 - 5-27-71** - amending Chapter 73, Title 16, Delaware Code, relating to liquefied petroleum gas containers.

**HB 234** As Amended by **HA 1 - 5-27-71** - amending Chapter 23, Title 19, Delaware Code, relating to additional payments for injuries or death.

**HB 251 - 5-27-71** - amending Title 14, Delaware Code, relating to the public school system and the establishment of full-time programs.

**HB 270** As Amended by **HA 2 - 5-27-71** - amending Titles 18 and 21, Delaware Code, relating to the requirement of insurance on motor vehicles.

**HCR 18 - 5-27-71** - urging the adoption of President Nixon's Revenue-Sharing Plan.

**SS 1** for **SB 169** As Amended by **HA 1 - 5-27-71** - appropriating the sum of \$4,200 to the Department of Public Safety.

**SB 252 - 5-27-71** - amending the Charter of the Town of Fenwick Island relating to assessments and collection of taxes.

**SB 294 - 5-27-71** - amending § 302 and § 303, Chapter 3, Title 29, Delaware Code, by transferring the responsibility for the State's boundaries.

**SJR 14 - 5-27-71** - relating to the boundaries of Delaware.

**SJR 15 - 5-27-71** - proclaiming the month of May as Older Americans Month.

**HB 174** As Amended by **HA 1** and **2 - 5-28-71** - amending Chapter 25, Title 29, Delaware Code, concerning the Department of Justice.

FECJr:mm

The Senate informed the House that it passed **HB 304, HB 276, HB 287** and **HB 288**.

Committee Reports:

Community Affairs: **HB 315-5M; HB 369-2M, 2U; HB 370-3M, 1U; HB 371-4M; HB 409-4M; HB 410-4M; HB 450-5M; SB 321-4M; SB 259-4M**.

The following prefiled legislation was introduced:

**HB 468** - An Act to Amend Title 12, Chapter 11 Relating to Escheats by Expanding the Types of Property Covered and Defining the Duties and Powers of the State Escheator with Respect thereto. Introduced by Rep. Billingsley. Assigned to Judiciary Committee.

**HB 469** - An Act to Amend Section 322, Chapter 717, Title 22, Delaware Code, Relating to Municipal Zoning Regulations and Boards of Adjustment. In-



troduced by Rep. Billingsley. Assigned to Community Affairs Committee.

**HB 470** - An Act to Amend Chapter 5, Title 4 of the Delaware Code by Creating a License known as a Cabaret License for Restaurants and Hotels. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

**HB 471** - An Act Authorizing the Levy Court of Kent County to Issue Bonds on the Full Faith and Credit of the County Not Exceeding One Million Four Hundred Thousand Dollars (\$1,400,000.00) to Provide Funds for the Construction of a County Office Building or an Addition to or to Reconstruct the Existing Court House and the Construction of Office and Storage Space and Equipment to be used therein Providing for the Purchase of Real Estate and Providing for the Method of Repayment of said Bonds. Introduced by Reps. Dobberstein and Gruwell. Assigned to Community Affairs Committee.

**HB 472** - An Act to Amend Section 9115, Chapter 91, Title 9, Delaware Code, Relating to Bonds for the Registers in Chancery. Introduced by Rep. Hering. Assigned to Community Affairs Committee.

**HB 473** - An Act to Amend Chapter 83, Title 16, Delaware Code, Relating to the Building Code of Rural New Castle County. Introduced by Rep. Seibel. Assigned to Community Affairs Committee.

**HB 474** - An Act to Amend Chapter 83, Title 11, Delaware Code, Relating to Salaries for State Police and Providing for State Police Pensions to be Tied to the National Consumer Price Index and Making a Supplementary Appropriation. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HB 475** - An Act to Amend Title 26, Delaware Code, by Adding a New Chapter thereto to be Designated as Chapter 10 and Providing for the Regulation of Persons and Organizations Owning, Controlling, Operating and Managing Community Antenna Television Systems and Providing Rate Regulations therefor. Introduced by Rep. Derrickson. Assigned to Labor & Commerce Committee.

**HB 476** - An Act to Permit the Milford School District to Transfer Certain Funds from its Debt Service Account to Certain Construction Accounts. Introduced by Rep. Harrington. Assigned to Education Committee.

**HS 1 for HB 396** - An Act to Amend Chapters 1 and 21 of the Delaware Code Authorizing the Director of the Division of Motor Vehicles to Allow Franchised Automotive Dealers to Inspect Vehicles Under Certain

Circumstances. Introduced by Rep. Billingsley. Assigned to Public Safety Committee.

**HA 3 to HB 350**, introduced by Rep. Knox. Placed with bill.

**HA 3 to HB 428**, introduced by Rep. Connor. Placed with bill.

**HA 1 to HB 459**, introduced by Rep. Little. Placed with bill.

**HA 1 to HB 400**, introduced by Rep. Billingsley. Placed with bill.

**HA 2 to HB 400**, introduced by Rep. Billingsley. Placed with bill.

**SB 135** - An Act to Amend Title 11, Delaware Code Relating to Bribery of Public Servants and Political Party Officials. Introduced by Sen. Hale and others. Assigned to Judiciary Committee.

**SS 1 for SB 334** - An Act to Amend Part IV, Chapter 21, Title 5, of the Delaware Code Relating to Small Loans, and Providing for an Increase in the Maximum Rate of Interest Chargeable Upon such Loans. Introduced by Sens. duPont and Slawik. Assigned to Labor & Commerce Committee.

The House recessed to the call of the Chair at 1:24 P.M., reconvened at 2:15 P.M.

**HA 2 to HB 332**, introduced by Rep. Dobberstein. Placed with bill.

Committee Report:

Community Affairs: **HB 220-5M**.

On motion of Rep. Murphy, **HB 320** had its final reading and was placed before the House for consideration.

**HB 320** - An Act Proposing an Amendment to Article II, Section 15 of the 1897 Constitution of the State of Delaware, Relating to the Compensation, Expenses and Allowances of Members of the General Assembly.

On motion of Rep. Murphy roll call on **HB 320** was tabled.

On motion of Rep. Billingsley, **HB 110** had its final reading and was placed before the House for consideration.

**HB 110** - An Act to Amend Title 30, Chapter 27, Delaware Code Relating to Taxing Petroleum Refineries.

On motion of Rep. Billingsley, roll call on **HB 110** was taken and revealed.

YEAS: Billingsley, Justice - 2.

NAYS: Berndt, Boulden, Clendaniel, Connor, Cor-

drey, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Knox, Leshner, Little, Matushefske, Moerschel, Orth, Poulter, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 29.

NOT VOTING: Derrickson, Harkins, Jonkiert, Kirk, Mears, Miller, Murphy, Weiss - 8.

HB 110 not having received a majority was declared lost in the House.

On motion of Rep. Derrickson, HB 415 had its final reading and was placed before the House for consideration.

HB 415 - An Act to Amend an Act Being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" by Deleting the Provision for any Tax Reduction and Changing the Date when the Penalty begins to Accrue.

On motion of Rep. Derrickson, roll call on HB 415 was taken and revealed.

YEAS: Berndt, Billingsley, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Grody, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Poulter, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NOT VOTING: Boulden, Johnson - 2.

ABSENT: Jonkiert, Orth - 2.

HB 415 having received 2/3 vote was declared passed the House.

On motion of Rep. Weiss, HB 318 had its final reading and was placed before the House for consideration.

HB 318 - An Act to Amend Chapter 6, Title 11, Delaware Code, Relating to the Arrest and Disposition of Persons Intoxicated in Public Places.

On motion of Rep. Weiss, HA 1 to HB 318 was adopted by voice vote. On motion of Rep. Weiss, roll call on HB 318 with HA 1 was taken and revealed.

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulter-

er, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

NOT VOTING: Gordy, Johnson - 2.

ABSENT: Jonkiert - 1.

**HB 318** with **HA 1** having received 2/3 vote was declared passed the House.

On motion of Rep. Heckert, **HB 302** had its final reading and was placed before the House for consideration.

**HB 302** - An Act to Provide a Supplementary Appropriation to the New Castle County Vocational-Technical High School.

On motion of Rep. Heckert, roll call on **HB 302** was taken and revealed.

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwel, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

NAYS: Billingsley - 1.

ABSENT: Jonkiert, Murphy - 2.

**HB 302** having received a constitutional majority was declared passed the House.

On motion of Rep. Little, **SB 306** was deferred indefinitely.

On motion of Rep. Little, **SB 303** had its final reading and was placed before the House for consideration.

**SB 303** - An Act to Amend Chapters 45 and 46, Title 6, Delaware Code Relating to Prohibiting the Denial of Equal Rights to Housing and Equal Accommodations because of Sex.

On motion of Rep. Little, roll call on **SB 303** was taken and revealed.

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwel, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 36.

NAYS: Derrickson - 1.

NOT VOTING: Heckert, Wright - 2.

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

On motion of Rep. Harkins, **HB 347** had its final reading and was placed before the House for consideration.

**HB 347** - An Act to Amend Chapter 5, Title 31, Delaware Code Relating to Eligibility for Welfare Assistance.

Telegram from H.E.W. to Governor Peterson:  
Mailgram Wil

Via WU ISCS (MG 153MG512102) 06/02/71

From: HEW WSH B

ZCZC 007 Washington DC

Zip 19901

Honorable Russell Peterson  
Governor of Delaware  
Dover, Delaware 19901

With reference to the long standing compliance issue pending since July 1969, **House Bill 347** would bring Delaware into compliance with Section 402 (A) (23) of the Social Security Act.

Barring immediate passage, I have no choice under the law but to initiate proceedings to withhold all funds by July 1, 1971.

John D. Twiname, Administrator  
Social and Rehabilitation Service  
DHEW  
NNNN(0952A EDT)

Privilege of the floor was granted to Dr. Albert Ingram to explain **HB 347**.

On motion of Rep. Harkins, roll call on **HB 347** was taken and revealed.

YEAS: Berndt, Billingsley, Boulden, Connor, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Clendaniel, Heckert, Quillen, Riddagh - 4.

NOT VOTING: Cordrey, Derrickson - 2.

ABSENT: Gordy - 1.

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

On motion of Rep. Little, **HB 459** had its final reading and was placed before the House for consid-

eration.

**HB 459** - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Procurement of Materials and Award of Contracts for Public Works by State Agencies.

On motion of Rep. Little, **HA 1** and **HA 2** to **HB 459** were adopted by voice vote. On motion of Rep. Little, roll call on **HB 459** with **HA 1, 2** was taken and revealed.

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Billingsley - 1.

**HB 459** with **HA 1, 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Little, **HB 364** had its final reading and was placed before the House for consideration.

**HB 364** - An Act to Amend Chapter 54, Title 6, Delaware Code, Providing for the Operation of Credit Card System by Banks.

On motion of Rep. Little, roll call on **HB 363** was taken and revealed.

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Billingsley - 1.

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

On motion of Reps. Dobberstein and Gruwell, **HB 332** had its final reading and was placed before the House for consideration.

**HB 332** - An Act to Transfer Title to Real Estate from the State of Delaware to the Kent County Society for the Prevention of Cruelty to Animals.

On motion of Rep. Dobberstein **HA 1** and **HA 2** were adopted by voice vote. On motion of Rep. Dobberstein, roll call on **HB 332** with **HA 1, 2** was taken and revealed.

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 37.

ABSENT: Billingsley, Wright - 2.

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

On motion of Rep. Quillen, **HS 1** for **HB 167** had its final reading and was placed before the House for consideration.

**HS 1** for **HB 167** - An Act to Amend Chapter 51, Title 6, Delaware Code, Relating to Weights, Measures, and Standards.

On motion of Rep. Quillen, **HA 1** and **HA 2** were adopted by voice vote. Privilege of the floor was granted to Mr. Eugene Keely, Supervisor of Weights and Measures Department. On motion of Rep. Quillen, roll call on **HS 1** for **HB 167** with **HA 1, 2** was tabled.

On motion of Rep. Little, **SS 1** for **SB 312** had its final reading and was placed before the House for consideration.

**SS 1** for **SB 312** - An Act to Amend §3314, Title 19, Delaware Code, Relating to the Eligibility of Unemployed Individuals to Receive Unemployment Compensation Benefits.

Privilege of the floor was granted to Sen. Hale, sponsor of the bill. On motion of Rep. Little, roll call on the motion to table the roll call of **SS 1** to **SB 312** was taken.

YEAS: Berndt, Boulden, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Leshner, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Weiss - 24.

NAYS: Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Johnson, Mears, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 11.

NOT VOTING: Hearn, Miller - 2.

ABSENT: Billingsley, Knox - 2.

Roll call on **SS 1** to **SB 312** was tabled.

On motion of Rep. Murphy, roll call on **HB 320** was lifted from the Speaker's table and revealed.

YEAS: Berndt, Boulden, Connor, Derrickson, Dillman, Dobberstein, Harkins, Harrington, Hearn, Hering,

Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Quillen, Seibel, Weiss, Wright - 26.

NAYS: Billingsley, Clendaniel, Cordrey, Leshner, Moerschel, Poulterer, Riddagh, Tribbitt, Mr. Speaker Frederick - 9.

NOT VOTING: Gordy, Gruwell, Heckert, Smith - 4.

**HB 320** having received 2/3 vote was declared passed the House.

The House recessed to the call of the Chair at 5:35 P.M.

June 8, 1971

#### 44th LEGISLATIVE DAY

The Speaker called the House to order at 1:39 P.M. The Chief Clerk read two Committee Reports: Judiciary: **HB 434-4F**, 1M. Revenue & Finance: **HB 341-2F**, 2M. The Majority Leader moved to adjourn at 1:40 P.M., thereby ending the previous legislative day. The House reconvened at 1:41 P.M.

There was prayer given by Rev. Ira Steckman, Asbury Methodist Church, Smyrna, Delaware.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

Absent: Jonkiert, Matushefske - 2.

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

The following prefiled legislation was introduced:

**HB 477** - An Act Making a Supplementary Appropriation to the Department of Health and Social Services to Make the Delaware Adolescent Program a State-Wide Program. Introduced by Rep. Weiss. Assigned to Appropriations Committee.

**HB 478** - An Act to Amend Subchapter IV, Chapter 51, Title 30, Delaware Code, Relating to State Aid to Municipalities for Streets to Provide for Computation of Population by Municipalities which are Summer Resorts. Introduced by Rep. Derrickson. Assigned to Community Affairs Committee.



**HB 479** - An Act to Amend Chapter 49, Title 10, Delaware Code, by Exempting Wages from Attachment, Execution or other Process. Introduced by Rep. Little. Assigned to Labor & Commerce Committee.

**HB 480** - An Act to Amend Title 17 of the Delaware Code by Striking therefrom Chapter 19, Sections 1901 to 1913, and by Adding thereto a New Chapter 19, Sections 1901 to 1912, and Chapter 20, Sections 2001 to 2006, to Provide Relocation Assistance to Persons Displaced as a Result of the Acquisition for Highway Purposes of Real Property upon which they live, or Conduct a Business or Farm Operation and to Provide for a Uniform Policy for Real Property Acquisition and Providing for Expenses Incident to Transfer of Title and Litigation. Introduced by Rep. Murphy. Assigned to Highways & Transportation Committee.

**HA 1 to HS 1 for HB 247**, introduced by Rep. Gordy. Placed with bill.

**HA 2 to HB 317**, introduced by Rep. Billingsley. Placed with bill.

**HA 1 to HB 424**, introduced by Rep. Dillman. Placed with bill.

**HA 4 to HB 428**, introduced by Rep. Leshner. Placed with bill.

**HA 5 to HB 428**, introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 458**, introduced by Rep. Billingsley. Placed with bill.

**HA 2 to HB 458**, introduced by Rep. Billingsley. Placed with bill.

**HA 1 to SB 135**, introduced by Rep. Matushefske. Placed with bill.

**HA 1 to SB 297**, introduced by Rep. Hering. Placed with bill.

**SS 1 for SB 247** - An Act to Amend Title 15, Delaware Code, by Providing for the Conducting of Presidential Primary Elections in Presidential Election Years, and to Amend said Title 15 insofar as it is Inconsistent herewith. Introduced by Sen. Slawik. Assigned to House Administration Committee.

**SB 270** - An Act to Amend Chapter 3, Title 1 of the Delaware Code, Providing for Standard Definitions and Nomenclature in the Description of the Various Units of the Executive Branch of the State Government. Introduced by Sen. duPont. Assigned to House Administration Committee.

**SB 274** - An Act to Amend Part I, Title 18 of the Delaware Code Relating to the Establishment of a Group Life Insurance Plan for Employees of the State of Delaware. Introduced by Sen. Cicione. Assigned to Labor & Commerce Committee.

**SB 402** - An Act Authorizing the State of Delaware to Borrow Money for the Continued Payment to Persons who Served or Will Serve in the Armed Forces of the United States during the Vietnam Conflict; to Authorize the Issuance of Bonds and Bond Anticipation Notes therefor and Appropriating the Money Borrowed to the Department of Finance. Introduced by Sen. Cicione. Assigned to Appropriations Committee.

**SB 422** - An Act to Amend Chapter 51 of Title 30, Delaware Code, Relating to Expenditures of Funds by Municipalities; Records, Audits and Regulations of Municipalities. Introduced by Sen. Hickman. Assigned to Community Affairs Committee.

**SB 439** - An Act to Amend Section 5127, Title 16, Delaware Code, Relating to Delaware State Hospital, Liability for Maintenance of Patient, Collection Remedies. Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

**SB 442** - An Act to amend Section 5123, Title 16, Delaware Code, Relating to Voluntary Hospitalization and Discharge of Patients under the Age of 21 at Delaware State Hospital. Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

**SB 443** - An Act to Amend Section 5506, Title 16, Delaware Code, Relating to Hospital for the Mentally Retarded at Stockley, Delaware, Liability for Maintenance of Patient, Collection Remedies. Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

**SB 444** - An Act to Amend Section 5325, Title 16, Delaware Code, Relating to Governor Bacon Health Center, Liability for Maintenance of Patient, Collection Remedies. Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

**SJR 18** - Relating to the Poultry Industry Market in Delaware. Introduced by Sen. Elliott. Assigned to Agriculture Committee.

**SJR 19** - Memorializing the Army Corps of Engineers to Dredge the Whole of the Nanticoke River from Seaford, Delaware, out into the Chesapeake Bay. Introduced by Sen. Elliott. Assigned to Natural Resources Committee.

Communications:

Rep. Miller requested an invitation from the Young Lords be read.

YOUNG LORDS PARTY  
824 W. FOURTH STREET  
WILMINGTON, DELAWARE

We, the Young Lords, invite the Governor and Senators and all mayors, legislatures and representatives and all other officials other than the police department to meet with the Young Lords and all welfare rights organizations and the general public, Wednesday, June 9th, 11:00 A.M., at the Welfare Department on the Northeast Blvd.

All government officials who do not attend should be charged by the people for the lack of concern and interest of the people and not adhering and acting to the people's demands and also should be impeached and prosecuted.

Andre' L. Tiller  
Lt. of Information

Young Lords Party

Rep. Poulterer objected to the command-like qualities of the invitation. Rep. Moerschel objected to the lack of advanced notification.

OFFICE OF THE GOVERNOR

June 4, 1971

LEGISLATIVE ADVISORY NO. 9

TO:

Sen. J. Donald Isaacs  
Sen. David H. Elliott  
Sen. Anthony J. Cicione  
Sen. Dean C. Steele  
Sen. George F. Schlör  
Rep. John A. Dillman  
Rep. William T. Poulterer, III  
Rep. George R. Quillen  
Hon. W. Laird Stabler, Jr.  
Morton R. Kimmel, Esquire  
Thomas Herlihy, III, Esquire  
William R. Favinger  
Clerk of the House  
Secretary of the Senate  
Legislative Council  
Frances West  
John C. Geuther

Andy B. Clements  
 S. Elwood Veasey  
 Lewis Darlin  
 Bruce Ralston  
 James R. Zeller  
 George Cripps  
 Emily Womach  
 James Kennedy  
 W. Brooke Stabler  
 Richard Caldwell  
 Cabinet Secretaries  
 Governor's Staff

FROM: Fletcher E. Campbell, Jr., Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

**HB 264** - 6-2-71 - amending Chapter 9, Title 28, Delaware Code, relating to harness horse racing on Sunday in Kent and Sussex County.

**HJR 7** - 6-2-71 - encouraging the protection of the environment, stabilization of population and preservation of natural resources by the 126th General Assembly.

**HJR 11** - 6-2-71 - relating to the dredging of the channel at Bowers Beach, Delaware.

**SB 189** - 6-2-71 - amending Chapter 5, Title 7, Delaware Code, to raise the licensing agents bonds to \$5,000.

**SB 255** - 6-2-71 - amending Part VI, Title 16, Delaware Code, exempting certain firemen, policemen and volunteer rescue personnel from civil liability in rendering emergency care.

**SB 265** As Amended by **SA 1** - 6-2-71 - appropriating \$34,000 to the Department of Natural Resources & Environmental Control for the purpose of moving oysters to public grounds.

**SB 268** As Amended by **SA 1** and **HA 1** - 6-2-71 - amending Chapters 19 and 21, Title 7, Delaware Code, relating to the tonging of oysters in the Delaware Bay.

**SB 282** - 6-2-71 - amending Chapter 9, Title 4, Delaware Code, relating to confiscation of vehicles used in the transportation of untaxed alcoholic liquors.

**SB 288** - 6-2-71 - permitting Woodbridge School District to transfer certain funds.

#### CONSTITUTIONAL AMENDMENTS

**SB 263** - 6-2-71 - amending Articles III and XV of the Constitution of the State of Delaware to abolish the

Office of Coroner.

NOTE: The above Constitutional Amendment passed the required second leg.

FECJr:mm

Letter from Senator J. Caleb Boggs concerning  
HR 11:

June 4, 1971

Mrs. Louise Smith  
Chief Clerk  
Legislative Hall  
Dover, Delaware 19901

Dear Mrs. Smith:

Thank you very much for sending me a copy of House Joint Resolution No. 11 adopted by the Delaware Legislature late last month.

This is a serious matter and I believe that prompt action by the Army Corps of Engineers is needed to improve the channel.

As a result, Senator Roth and Congressman duPont and I have sent a joint letter to the Chief of Engineers seeking \$75,000 to have this work done shortly after the start of the new fiscal year. It is our hope that this money will be placed into the budget of the District Engineer of Philadelphia so that he can begin the work shortly.

Enclosed is a copy of our letter as well as a copy of the press release we issued.

My thanks again for bringing the resolution to my attention. With best wishes, I am

Sincerely,  
J. Caleb Boggs

JCB:bdp  
Encl.

From The Office Of  
Senator J. Caleb Boggs  
3311 New Senate Office Building  
Washington, D.C.

June 4, 1971

The Members of Delaware's Congressional Delegation today asked the Army Corps of Engineers to spend \$75,000 on dredging the mouth of the Murderkill River at Bowers Beach, Del.

"Numerous recreational boaters, as well as commercial fishermen, need a seven-foot passage linking the Murderkill with Delaware Bay," the Delegation said in a letter to Lt. General F.J. Clarke, Chief of Engineers. "Dredging, particularly at the mouth of the Murderkill to remove the existing hazard to navigation, will create a significant benefit to the persons who live and boat in that area of central Delaware," the letter added.

The letter was signed by Senators J. Caleb Boggs and William V. Roth, Jr., and Congressman Pierre S. duPont, all are Republicans.

The Corps is authorized to maintain a channel 7 feet deep from deep water in Delaware Bay to a point about eight miles up the Murderkill River at Frederica. The Corps last dredged the channel in 1968. According to a Corps survey of the mouth of the Murderkill, the controlling depth is now just 3 feet. The survey was made in late May at the request of Senator Boggs.

"We understand that the District Engineer had asked to spend \$75,000 for channel dredging in the Murderkill during fiscal year 1972," the letter to General Clarks said. "The request for this \$75,000, however, was eliminated from the District Engineer's proposed 1972 budget."

"We hope that you will agree with us that an immediate and definite need to begin this dredging work exists. We urge you to allocate \$75,000 to accomplish this needed work early in fiscal year 1972."

June 3, 1971

Lt. General F.J. Clarke  
Chief of Engineers  
Department of the Army  
Washington, D.C. 20315

Dear General Clarke:

Heavy potential demand exists for navigational use of a route into Delaware Bay from the Murderkill River in Delaware. Boat traffic, however, has been hampered by the accumulation of a large sand bar at the mouth of the river since dredging was last accomplished in 1968.

Although the authorized project calls for a channel depth of seven feet from deep water to a point about eight miles up the river at Frederica, the controlling depth is now approximately three feet.

We understand that the District Engineer had asked to spend \$75,000 for channel dredging in the Murderkill during fiscal year 1972. The request for this \$75,000, however, was eliminated from the District Engineer's proposed 1972 budget.

We urge you to reinstate this \$75,000 item. Numerous recreational boaters, as well as commercial fishermen, need a seven-foot passage linking the Murderkill with Delaware Bay. Dredging, particularly at the mouth of the Murderkill to remove the existing hazard to navigation, will create a significant benefit to the persons who live and boat in that area of central Delaware. Enclosed is a copy of a resolution adopted by the Delaware Legislature supporting the need for dredging.

We hope that you will agree with us that an immediate and definite need to begin this dredging work exists. We urge you to allocate \$75,000 to accomplish this needed work early in fiscal year 1972.

We appreciate your consideration of this matter. With highest regards and best wishes, we are

Sincerely,  
 /s/ J. Caleb Boggs  
 /s/ William V. Roth, Jr.  
 /s/ Pierre S. duPont

JCB:hbi  
 Enclosure

Sponsor Quillen  
 HOUSE OF REPRESENTATIVES  
 126th GENERAL ASSEMBLY  
 FIRST SESSION - 1971  
 House Joint Resolution No. 11

Relating to the dredging of the channel leading from Delaware Bay into Murderkill River at Bowers Beach, Delaware

WHEREAS, the present shallow depth of water in the channel leading from Delaware Bay into Murderkill River at Bowers Beach, Delaware, at low tide, is hazardous to navigation for boaters; and

WHEREAS, Bowers Beach, Delaware, is classified by the State as the largest public boating resort for fishermen, sportsmen and boaters in Delaware due to the number of boat ramps, the vast parking areas and being close to the large centers of population; and

WHEREAS, the ebb and flow of the tide refills the channel so rapidly that frequent and costly dredging is

required. A more permanent solution must be used; and  
 WHEREAS, one large boat running aground can cause a hazardous situation which will put several hundred fishermen at the mercy of wind and wave when a sudden storm strikes; and

WHEREAS, at the present time there is no protection for homes and property against beach erosion;  
 NOW THEREFORE,

BE IT RESOLVED that the members of the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate joining therein, request the Army Corps of Engineers to dredge the channel from the Delaware Bay into Murderkill River at Bowers Beach, Delaware, to a safe depth and to construct protective jetties in this locale.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Honorable J. Caleb Boggs, the Honorable William V. Roth, Jr., and the Honorable Pierre S. duPont, IV, and to the Army Corps of Engineers of the United States of America.

Mr. Speaker Frederick announced a briefing on foreign affairs to be presented by Admiral John Sidney McCain, Commander-in-Chief of the Pacific Forces, had been scheduled for June 9, 1971 at 11:00 A.M. in the House Chamber. All Reps. & Sens. are invited.

Rep. Little introduced Mr. Jim Tyler, recently discharged from the U. S. Army.

#### Committee Reports:

Judiciary: HB 35-1F, 3M; HB 145-1F, 3M; HB 151-1F, 3M; HB 294-4M; HB 313-4F; HB 317-4M; HB 330-4M; HB 356-4M; HB 378-4M; HB 418-4M; SB 79-4M; SB 279-4M; SB 232-4M; SB 302-4M. Appropriations: HB 305-6M; HB 406-4F; SB 93-4M; SB 377-6M.

HA 1 to HB 422, placed with bill.

HA 1 to HB 434, placed with bill.

HR 48, introduced by Rep. Little. Placed on the Speaker's table.

SA 2 to HB 200, introduced by Sen. Steele. Placed on the Speaker's table.

SA 7 to HB 200, introduced by Sen. Isaacs. Placed on the Speaker's table.

#### Agenda:

On motion of Rep. Billingsley SB 344 was given its final reading and was placed before the House for consideration.

SB 344 - An Act to Amend Chapter 68 of Title 29,



Delaware Code, Relating to the Duty of the State Treasurer to Maintain a Special Account for the Division of Purchasing of the Department of Administrative Services.

Roll call on **SB 344** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Jonkiert, Matushefske, Poulterer - 3.

**SB 344** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley **HB 457** was given its final reading and was placed before the House for consideration.

**HB 457** - An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to the Confiscation of Vehicles used in the Transportation of Untaxed Alcoholic Liquors.

Roll call on **HB 457** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 33.

NAYS: Clendaniel, Cordrey, Gordy, Heckert - 4.

ABSENT: Jonkiert, Matushefske - 2.

**HB 457** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley **HB 425** was given its final reading and was placed before the House for consideration.

**HB 425** - An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors Requiring Non-Resident Producers and Suppliers and their Representatives to Obtain Licenses and Pay Fees therefor.

On motion of Rep. Billingsley roll call on **HB 425** was tabled.

On motion of Rep. Billingsley **HB 394** was given its final reading and was before the House for consideration.

**HB 394** - An Act to Amend Part III, Title 30, Delaware Code, Relating to Notice of Date for Procuring Occupational and Business Licenses.

Roll call on **HB 394** revealed:

**YEAS:** Berndt, Billingsley, Connor, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Knox, Leshner, Mears, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 29.

**NAYS:** Boulden, Clendaniel, Cordrey, Derrickson, Kirk, Little - 6.

**NOT VOTING:** Miller - 1.

**ABSENT:** Jonkiert, Matushefske, Murphy - 3.

**HB 394** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley **HB 393** was given its final reading and was placed before the House for consideration.

**HB 393** - An Act to Amend Title 4, Delaware Code, Regulating Alcoholic Liquors by Providing for an Annual License Fee for Clubs Obtaining Licenses for Sale of Alcoholic Liquors for Consumption Off the Premises.

On motion of Rep. Billingsley roll call on **HB 393** was tabled.

On motion of Rep. Billingsley **HB 375** was given its final reading and was placed before the House for consideration.

**HB 375** - An Act to Amend Title 30, Chapter 51, Delaware Code Pertaining to Motor Fuel Tax by Changing Record Retention and Inspection of Record Requirements.

Roll call on **HB 375** revealed:

**YEAS:** Berndt, Billingsley, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 31.

**NAYS:** Clendaniel - 1.

**NOT VOTING:** Boulden, Hearn, Johnson, Miller, Wright - 5.

**ABSENT:** Jonkiert, Matushefske - 2.

**HB 375** having received a 2/3 majority was declared passed the House.

On motion of Rep. Billingsley **HB 458** was given its final reading and was placed before the House for consideration.

**HB 458** - An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens Against

an Owner of a Residence who pays the Contractor for Construction, Erection or Building thereof or Alterations, Repairs, or Improvements thereof.

Rep. Billingsley introduced **HA 1** and **HA 2** to **HB 458**. Both were adopted by voice vote. Privilege of the floor was granted to Brooks Stabler representing Delaware Contractors Association to speak on **HB 458**. Rep. Billingsley moved to defer **HB 458** with **HA 1, 2** until later.

On motion of Rep. Hering **HB 123** with **HA 1** was given its final reading and was placed before the House for consideration.

**HB 123** with **HA 1** - An Act to Amend Part III, Chapter 23, Title 30, of the Delaware Code Providing an Exemption from Payment of Fees Required to Obtain Occupational Licenses for Non-Profit Nursing, Rest or Convalescent Homes.

Roll call on **HB 123** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Jonkiert, Justice, Matushefske - 3.

**HB 123** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert **HB 358** was given its final reading and was placed before the House for consideration.

**HB 358** - An Act to Amend Chapter 1, Title 14, Delaware Code, Relating to the Powers of the State Board of Education.

Privilege of the floor was granted to Mr. Robert Snyder representing the Delaware Association of Elementary School Principals to discuss **HB 358**. Privilege of the floor was granted to Mr. Charles Harris, Executive Secretary of the Delaware State Education Association who also spoke on **HB 358**.

After much discussion Rep. Justice introduced **HA 1** to **HB 358**. **HA 1** was adopted by voice vote.

Rep. Murphy introduced **HA 2** to **HB 358**. Roll call on **HA 2** to **HB 358** revealed:

YEAS: Connor, Harkins, Justice, Kirk, Little, Murphy, Quillen, Wright - 8.

**NAYS:** Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harrington, Heckert, Hering, Jarvis, Knox, Lesh, Mears, Miller, Moerschel, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 25.

**NOT VOTING:** Gruwell, Hearn, Johnson - 3.

**ABSENT:** Jonkiert, Matushefske, Orth - 3.

**HA 2 to HB 358** not having received a constitutional majority was not adopted. Roll call on **HB 358** with **HA 1** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Lesh, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 28.

**NAYS:** Connor, Cordrey, Harkins, Harrington, Miller, Quillen, Smith, Tribbitt - 8.

**NOT VOTING:** Johnson - 1.

**ABSENT:** Jonkiert, Matushefske - 2.

**HB 358** with **HA 1** having received a constitutional majority was declared passed the House.

The House recessed to the call of the Chair at 5:19 p.m. Reconvened at 6:33 p.m.

On motion of Rep. Lesh **HB 200** with **SA 2, 7** was given its final reading and was placed before the House for consideration.

**HB 200** - Budget Bill.

Roll call on **HB 200** with **SA 2, 7** revealed:

**YEAS:** Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Lesh, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

**NAYS:** Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Johnson, Miller, Orth, Smith, Wright - 11.

**NOT VOTING:** Mears - 1.

**ABSENT:** Gruwell, Jonkiert, Matushefske, Tribbitt - 4.

**HB 200** with **SA 2, 7** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley **HB 458** was again before the House after being deferred earlier in the day.

Rep. Billingsley moved to adopt **HA 3** to **HB 458** by voice vote. Motion carried. Roll call on **HB 458** with **HA 1, 2, 3** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

**HB 458** with **HA 1, 2, 3** having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert **HB 348** was given its final reading and was placed before the House for consideration.

**HB 348** - An Act to Amend Chapter 6, Title 7 of the Delaware Code Prohibiting the Traffic in Hides and Skins of Certain Species of Newborn Seals.

On motion of Rep. Heckert **HA 1** to **HB 348** was adopted by voice vote. Roll call on **HB 348** with **HA 1** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 34.

**NOT VOTING:** Leshner - 1.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

**HB 348** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman **SB 130** was given its final reading and was placed before the House for consideration.

**SB 130** - An Act to Amend Chapter 7, Title 21, of the Delaware Code Relating to the Enforcement, Arrest, Bail and Appeal for Motor Vehicle Violations.

Roll call on **SB 130** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 32.

**NAYS:** Clendaniel, Cordrey - 2.

**NOT VOTING:** Miller - 1.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

**SB 130** having received a 2/3 majority was declared passed the House.

On motion of Rep. Dillman **HB 374** was given its final reading and was placed before the House for consideration.

**HB 374** - An Act to Amend Title 18, Delaware Insurance Code, By Amending Chapter 5 to Create a Board of Arbitration Regarding the Cancellation of Certain Insurance Agency Contracts.

Roll call on **HB 374** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

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

On motion of Rep. Dillman **HB 390** was given its final reading and was placed before the House for consideration.

**HB 390** - An Act to Amend Chapter 23 of Title 21, Delaware Code Relating to Recording Liens and Fees therefor.

Roll call on **HB 390** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

**HB 390** having received a constitutional majority was declared passed by the House.

On motion of Rep. Dillman **HB 429** was given its final reading and was placed before the House for consideration.

**HB 429** - An Act to Amend Chapter 69, Title 16, Delaware Code, Relating to Fireworks.

Roll call on **HB 429** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 34.

**ABSENT:** Hearn, Jonkiert, Matushefske, Poulterer, Tribbitt - 5.

**HB 429** having received a constitutional majority was declared passed the House.

On motion of Rep. Riddagh **HB 281** was given its final reading and was placed before the House for consideration.

**HB 281** - An Act to Amend Chapter 47, Title 9, Delaware Code, Relating to Garbage Collection in Unincorporated Areas of Kent County.

Roll call on **HB 281** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

**HB 281** having received a constitutional majority was declared passed the House.

On motion of Rep. Riddagh **HB 351** was given its final reading and was placed before the House for consideration.

**HB 351** - An Act to Amend an Act Entitled "An Act to Reincorporate the Town of Smyrna", Authorizing the Smyrna Town Council to Borrow Funds Equal to a Maximum of One and One-half Per Cent of Total Taxable Assessments, and to Issue Bonds and Notes Therefor.

Roll call on **HB 351** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Jonkiert, Matushefske, Poulterer, Tribbitt - 4.

**HB 351** having received a 2/3 vote majority was declared passed the House.

**Committee Reports:**

**Judiciary:** HB 292-1F, 3M, 1U; SB 297-2F, 3M.  
**Health & Social Services:** SB 439-4M; SB 442-4M; SB 443-4M; SB 444-4M; SB 468-4M. **Agriculture:** HB 355-4M; HB 397-6M. **Public Safety:** HS 1 for HB 396-3M, 1U; HB 331-4M. **Education:** SB 243-1F, 4M.

The Chief Clerk announced the agenda for the 45th Legislative Day.

The House recessed to the call of the Chair at 7:40 P.M.

June 9, 1971

#### 45th LEGISLATIVE DAY

The Speaker called the House to order at 1:39 P.M. The Majority Leader moved to adjourn at 1:39 P.M., thereby ending the previous legislative day. The House reconvened at 1:40 P.M.

There was a prayer by the Chaplain, Rev. Ira Steckman, Asbury Methodist Church, Smyrna, Del.

The Speaker led those present in a salute of the flag.

**Members present:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

**Absent:** Miller, Murphy - 2.

Rep. Murphy asked to be marked present later.

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

The following prefiled legislation was introduced:

**HCR 29** - Relating to a Supplemental Appropriation to the Legislative Council for Public Hearing Expenditures to be Incurred During Fiscal Year 1972. Introduced by Rep. Jarvis. Adopted by voice vote.

**HB 481** - An Act to Amend Title 15, Delaware Code, Relating to the Election Laws by Changing the Provisions for the Date of Political Party Conventions. In-



troduced by Rep. Harkins. Assigned to House Administration Committee.

**HB 482** - An Act to Amend Subchapter III, Chapter 10, Title 14 of the Delaware Code Relating to the Annual Report Furnished by School Boards of Reorganized School Districts. Introduced by Rep. Heckert. Assigned to Education Committee.

**HA 1 to HB 340**, introduced by Rep. Gordy. Placed with bill.

**HA 1 to HB 359**, introduced by Reps. Hearn and Justice. Placed with bill.

**HA 3 to HB 400**, introduced by Rep. Billingsley. Placed with bill.

**HA 6 to HB 428**, introduced by Rep. Leshner. Placed with bill.

**HA 2 to HB 434**, introduced by Rep. Harkins. Placed with bill.

**HA 1 to HB 436**, introduced by Rep. Gordy. Placed with bill.

**HA 1 to SB 150**, introduced by Rep. Hering. Placed with bill.

**SB 4** - An Act to Amend Title 16, Chapter 47 of the Delaware Code, Relating to Narcotic Drugs. Introduced by Sen. Elliott. Assigned to Health & Social Services Committee.

**SS 3 for SB 65** - An Act to Amend Chapter 14, Title 17, Delaware Code, Relating to State Appropriations for Units of Pupils. Introduced by Sen. Elliott. Assigned to Education Committee.

**SB 317** - An Act to Amend Title 18, Delaware Code, by Amending Chapter 25 on Insurance Regarding Mandatory Hearings. Introduced by Sen. Foltz. Assigned to Public Safety Committee.

**SB 319** - An Act to Amend Title 18, Delaware Code, by Amending Chapters 1, 5, 17, 21, 23, 25 & 61 on Insurance to Increase Administrative Fines; Amending Chapter 7 to Include Fees for the Newly Created Appraiser License. Introduced by Sen. Foltz. Assigned to Public Safety Committee.

**SB 325** - An Act to Amend Title 18, Delaware Code, by Amending Chapter 17 to Allow Adjusters to be Employed by Attorneys, Licensing of Motor Vehicle Physical Damage Appraisers to Require Insurance to be the Principle Business of All Agents and Brokers, Changing Organization and Residency Requirements of Agent and Broker Firms and Corporations and Refundability of

License Fees. Introduced by Sen. Foltz. Assigned to Public Safety Committee.

**SB 331** - An Act to Amend Section 1706, Title 14, Delaware Code, Relating to Determination of Amount of Division II Appropriation. Introduced by Sen. Robbins. Assigned to Education Committee.

**SB 346** - An Act to Amend Title 18, Delaware Insurance Code by Amending Chapter 7, Requiring a Receipt for Payments of Cash. Introduced by Sen. Foltz. Assigned to Public Safety Committee.

**SB 389** - An Act to Amend Chapter 651, Volume 57, Laws of Delaware, to Extend the Reversion Date of the Supplementary Appropriation Contained therein to June 30, 1972. Introduced by Sen. Grier. Assigned to Appropriations Committee.

**SB 458** - An Act to Amend Chapter 651, Volume 57, Laws of Delaware, Relating to the Use of an Airport to be Purchased and/or Constructed in Kent County. Introduced by Sen. Foltz. Assigned to Community Affairs Committee.

The House recessed to the call of the Chair at 1:47 P.M., reconvened at 3:16 P.M.

On motion of Rep. Seibel **HB 278** had its final reading and was placed before the House for consideration.

**HB 278** - An Act to Amend Title 31, Delaware Code, Relating to Housing Authorities.

#### RESOLUTION NO. 71 - 65

Resolution Urging Passage of **HB 278** Providing for Creation of a New Castle County Housing Authority

BE IT RESOLVED: That County Council of New Castle County urges the General Assembly to pass **HB 278** providing for the creation of a New Castle County Housing Authority.

Adopted by County Council  
of New Castle County on  
May 11, 1971.

/s/ C. Douglass Buck Jr.  
President of County Council  
of New Castle County

**HA 1** to **HB 278**, introduced by Rep. Poulterer. Placed with bill.

**HA 2** to **HB 278**, introduced by Rep. Orth. Placed with bill.

**HA 3** to **HB 278**, introduced by Rep. Heckert. Placed with bill.

Privilege of the floor was granted to Mr. Richard J. Both, Chairman Housing Committee of New Castle County to encourage passage of **HB 278**.

Privilege of the floor was granted to Mr. Robert Halbrook, Secretary of Community Affairs, to explain the bill.

Privilege of the floor was granted to Mr. Richard Sincok, New Castle County Councilman.

Rep. Murphy asked to be marked present.

On motion of Rep. Justice, roll call was taken on **HA 1 to HB 278**. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 35.

NAYS: Justice, Weiss - 2.

ABSENT: Hearn, Miller - 2.

**HA 1 to HB 278** was adopted.

On motion of Rep. Orth, roll call was taken on **HA 2 to HB 278**. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Kirk, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Riddagh, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 31.

NAYS: Harkins, Hering, Justice, Knox, Seibel, Weiss - 6.

ABSENT: Miller, Quillen - 2.

**HA 2 to HB 278** was adopted.

On motion of Rep. Heckert, roll call was taken on **HA 3 to HB 278**. Roll call revealed:

YEAS: Dobberstein, Heckert - 2.

NAYS: Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Gordy, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 30.

NOT VOTING: Berndt, Mears, Moerschel - 3.

ABSENT: Gruwell, Jonkiert, Matushefske, Miller -

4.

**HA 3 to HB 278** was defeated.

On motion of Rep. Tribbitt, **HA 4** to **HB 278** was adopted by voice vote.

June 8, 1971

The Honorable Phillip Orth  
35 E. Champlain Avenue  
Wilmington, Delaware 19804

Dear Sir:

This petition is to voice support of **HB 278** that is going before the Delaware House of Representatives on June 9, 1971. The following people of New Castle County are in support of this bill and expect you to vote in favor of this bill on June 9.

The following share the conviction that this housing bill is very important not only to the communities in which this housing is to be placed but to the entire county. In order to provide adequate housing for all in the community now and in the future, it is imperative to establish a Housing Authority. This Authority's function would be to oversee low income housing and regulate the requirements necessary to retain Federal aid vital to this project.

Sincerely,  
/s/ Robert C. Gilmour  
Youth Council,  
Richardson Park U.M. Church

We urge you to vote in favor of **HB 278** establishing a housing authority in New Castle County.

1. Robert C. Gilmour
2. Carol Cummings
3. Polly Frye
4. P. Thomas McKelvey
5. Rosalyn L. Daisey
6. Jean H. Neal
7. Janet Dickerson
8. Sherri L. Stout
9. Brenda Tucker
10. Ronald W. Deamer
11. Ralph A. Ellis
12. Margaret Heverin
13. Harry Heverin
14. Mary W. Hall
15. Emma Lou Davis
16. Helen S. George
17. Linda Richards
18. Lillian B. Simmons

19. Barbara H. Sayles
20. Sondra R. Swain
21. Carmele M. Buttles
22. Kathryn M. Jackson
23. Joyce M. Good
24. Karen McKelvey
25. Geo. F. Torchio, Jr.
26. Mrs. Herman Gravatt
27. Mrs. N. Scannell
28. Mrs. Margaret Hood
29. Mrs. C. S. Burris, Sr.
30. Lois Warner
31. Rev. Henry Jacobs
32. Mary Della Lozzia
33. George D. Mayer
34. Thomas A. Smith
35. Richardson Park  
Community Action Program
36. Wayne Jackson

Roll call on **HB 278** with **HA 1, 2, 4** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

NOT VOTING: Heckert - 1.

ABSENT: Miller - 1.

**HB 278** with **HA 1, 2, 4** having received a constitutional majority was declared passed the House.

On motion of Rep. Boulden **HB 128** had its final reading and was placed before the House for consideration.

**HB 128** - An Act to Amend Subchapter III, Chapter 41, Title 21, Delaware Code, Relating to Toll Evasion on the Delaware Turnpike; Penalty; Jurisdiction of the Justice of the Peace.

Rep. Boulden moved to defer **HB 128** until next legislative day.

On motion of Rep. Little, **HB 436** had its final reading and was placed before the House for consideration.

**HB 436** - An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation for Certain Permanent Injuries.

Rep. Little Deferred to co-sponsor Rep. Gordy to

explain the bill. On motion of Rep. Gordy **HA 1** to **HB 436** was adopted by voice vote. Roll call on **HB 436** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Miller - 1.

**HB 436** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Gordy **HB 340** had its final reading and was placed before the House for consideration.

**HB 340** - An Act to Amend Subchapter II, Chapter 23, Title 19, Delaware Code, Relating to Compensation Payable to Workmen's Compensation Claimants for Serious and Permanent Disfigurement to any part of the Human Body.

On motion of Rep. Gordy **HA 1** to **HB 340** was adopted by voice vote. On motion of Rep. Gordy **HB 340** with **HA 1** was deferred for an amendment.

On motion of Rep. Little **SB 197** had its final reading and was placed before the House for consideration.

**SB 197** with **SA 1, 2** - An Act to Amend Chapters 31 and 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

Roll call on **SB 197** with **SA 1, 2** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 34.

NOT VOTING: Hering - 1.

ABSENT: Derrickson, Miller, Seibel, Wright - 4.

**SB 197** with **SA 1, 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Harkins **HB 365** had its final reading and was placed before the House for consideration.

**HB 365** - An Act to Repeal Chapter 17, Title 9, Delaware Code, Relating to Pensions for Employees of New Castle County and Providing for Establishment of a Pension Plan for Employees of New Castle County by New Castle County.

Roll call on **HB 365** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Miller - 1.

**HB 365** having received a constitutional majority was declared passed the House.

On motion of Rep. Harkins **HB 237** had its final reading and was placed before the House for consideration.

**HB 237** - An Act to Provide a Supplementary Appropriation to the Dept. of Labor to Effect the Vocational Rehabilitation of Public Assistance Recipients.

Rep. Hering suggested that this bill fell into the category of **HR 46**. He requested deferment by the sponsor until such form be presented with the bill. Rep. Harkins therefore deferred **HB 237**.

On motion of Rep. Hearn **HB 359** had its final reading and was placed before the House for consideration.

**HB 359** with **HA 1** - An Act to Amend Chapter 172, Volume 55, Laws of Delaware, Relating to Duties and Powers of the Wilmington Board of Public Education and to Amend Chapter 367, Volume 57, Laws of Delaware, Relating to the Powers and Duties of the Wilmington School Tax Commission.

On motion of Rep. Hearn **HA 1** to **HB 359** was adopted by voice vote. Roll call on **HB 359** with **HA 1** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Derrickson, Knox, Little, Miller - 4.

**HB 359** with **HA 1** having received 2/3 vote was declared passed the House.

On motion of Rep. Gordy **HB 315** had its final reading and was placed before the House for consideration.

**HB 315** - An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Laurel" by Increasing the Amount of Money that may be Raised Annually by Taxation for General Municipal Purposes.

On motion of Rep. Gordy, roll call on **HB 315** was tabled.

On motion of Rep. Little **HB 143** had its final reading and was placed before the House for consideration.

**HB 143** - An Act Relating to a Pension for Joseph A. Bradshaw, Former Executive Director of the Employment Security Commission.

On motion of Rep. Little roll call on **HB 143** was tabled.

The House recessed to the call of the Chair at 5:50 P.M.

June 10, 1971

#### 46th LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M. The Majority Leader moved to adjourn at 1:40 P.M., thereby ending the previous legislative day. The House reconvened at 1:41 P.M.

There was a prayer by the Chaplain, Rev. Charles Covington, Epworth Methodist Church, Rehoboth, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

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

Late: Dillman, Wright. Both were marked present later.

#### Committee Reports:

Community Affairs: **HB 469-5M. HB 472- 5M. HB 478-1F, 3M, 1U. SB 422-1F, 3M, 1U.** House Administration: **HS 1 for HB 319-1F, 4M. HB 399-1F, 4M. HJR 15-1F, 4M. SCR 28-4M. SCR 29-5M.** Labor & Commerce: **SS 1 for SB 344-5M.**

The following prefiled legislation was introduced:

**HB 483** - An Act to amend Chapter 74, Title 29, Delaware Code, Relating to Bonds and Notes of the State by Eliminating the Requirement that Every Bill Introduced in the General Assembly Authorizing the Issuance of Bonds or Notes Pledging the Faith and Credit



of the State be Accompanied by a Debt Statement. Introduced by Rep. Billingsley. Assigned to Revenue and Finance Committee.

**HB 484** - An Act to amend Chapter 41, Title 21, Delaware Code, Relating to the Operation of Vehicles on Approach of Authorized Emergency Vehicles. Introduced by Rep. Wright. Assigned to Public Safety Committee.

**HB 485** - An Act to amend Title 16, Delaware Code, by Creating a New Chapter to be Designated as Chapter 76 to Provide for the Regulation of and Standards for Ambulance Service by the State Fire Prevention Commission, and to Provide an Appropriation therefor, and to Grant Immunity from Suit under Certain Circumstances. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HS 1 for HB 151** - An Act to amend Chapter 55, Title 29, Delaware Code, Entitled "Merit System of Personnel Administration," by changing certain of the Provisions relative to Prohibited Political Activity. Introduced by Rep. Riddagh. Assigned to Labor and Commerce Committee.

**HS 1 for HB 300** - An Act Creating a New Chapter 70, Title 7, Delaware Code to Provide Statewide Zoning of Coastal Areas of Delaware; to Prohibit or Limit certain Construction therein; to Create a State Zoning Board. Introduced by Rep. Knox. Assigned to Natural Resources Committee.

**HCR 30** - To Require the Department of Public Instruction to Furnish Annually a Summary Report of the Results of the Standard Achievement Tests to be Administered Yearly Beginning October 1971. Introduced by Rep. Wright. Assigned to Education Committee.

**HA 3 to HB 216**, introduced by Rep. Little. Placed with bill.

**HA 1 to HB 260**, introduced by Rep. Quillen. Placed with bill.

**HA 1 to HB 292**, introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 343**, introduced by Rep. Little. Placed with bill.

**HA 4 to HB 350**, introduced by Rep. Knox. Placed with bill.

**HA 1 to HB 410**, introduced by Rep. Gruwell. Placed with bill.

**HA 1 to HB 427**, introduced by Rep. Dillman. Placed with bill.

**HA 3 to HB 434**, introduced by Rep. Hering. Placed with bill.

**SB 359** - An Act to amend Chapter 55, Title 29, Delaware Code Entitled "State Employees' Pension Plan"; Chapter 39, Title 14, Delaware Code, Entitled "Teachers' Retirement and Disability Pensions"; and Volume 57, Laws of Delaware, Chapters 702 and 741. Introduced by Sen. Steele. Assigned to Appropriations Committee.

**SB 432** - An Act to amend Chapters 121 and 469, Volume 56, Delaware Laws, and Chapter 299, Volume 57, Delaware Laws, Relating to Capital Improvements and Expenditures, by Removing certain Restrictions on the Expenditure of Funds Allocated for the Construction of the West Dover By Pass including the Camden to Frederica Connection, and by Mandating the Construction thereof. Introduced by Sen. Hickman. Assigned to Appropriations Committee.

**SJR 22** - Proclaiming June 20 to June 26 as Nursing Home Week, and urging all Residents to show concern for the Ill and Elderly residing in such Homes. Introduced by Sen. Slawik. Assigned to Health & Social Services Committee.

**HS 1 for HB 57** - An Act to Aid Veterans by Making an Appropriation therefor. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

**HR 49** - Appropriating Money out of the General Fund of the State Treasury to pay certain Expenses of the present Session of the General Assembly. Introduced by Rep. Jarvis. Adopted by voice vote.

**SB 395** - An Act to amend Title 11, Delaware Code, Subchapter XLII, Section 757 Relating to Wiretapping by Authorizing Wiretapping and Electronic Surveillance in certain Specified Cases. Introduced by Sen. Elliott. Assigned to Judiciary Committee.

On motion of Rep. Boulden **HB 128** had its final reading and was placed before the House for consideration.

**HB 128** - An Act to amend Subchapter III, Chapter 41, Title 21, Delaware Code, Relating to Toll Evasion on the Delaware Turnpike Penalty; Jurisdiction of Justice of the Peace.

On motion of Rep. Boulden **HA 1 to HB 128** was adopted by voice vote. On motion of Rep. Billingsley **HA 2 to HB 128** was adopted by voice vote. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel,

Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Little, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 36.

ABSENT: Dillman, Murphy, Wright - 3.

**HB 128** with **HA 1 & 2** having received 2/3 vote was declared passed the House.

On motion of Rep. Harkins **HB 237** had its final reading and was placed before the House for consideration.

**HB 237** - An Act to Provide a Supplementary Appropriation to the Department of Labor to effect the Vocational Rehabilitation of Public Assistance Recipients.

HOUSE OF REPRESENTATIVES  
126th GENERAL ASSEMBLY  
FIRST SESSION - 1971

FISCAL STATEMENT  
for  
**HOUSE BILL NO. 237**

**HOUSE BILL** or **RESOLUTION** (without amendments), as prepared will spend (or lose)

\$ 0 for fiscal 1971

\$400,000 for fiscal 1972

\$400,000 for fiscal 1973

**HOUSE** (or **SENATE**) Amendment will spend (or lose) in fiscal 1971, \$\_\_\_\_\_

Fiscal 1972, \$\_\_\_\_\_

Fiscal 1973, \$\_\_\_\_\_

Sponsor: /s/ Michael Harkins

Secretary or Division Director: /s/ James M. Rosbrow

Dated: 6/10/71

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 37.

**ABSENT:** Dillman, Wright - 2.

**HB 237** having received a constitutional majority was declared passed the House.

On motion of Rep. Hering **HB 434** had its final reading and was placed before the House for consideration.

**HB 434** - An Act to amend Title 15, Delaware Code, Relating to the Election Laws of Delaware by Amending Chapters 31 and 33, and making certain changes in Provisions relating to Primary Elections and Nominations of Candidates, and Nominations of Candidates by Parties.

On motion of Rep. Hering **HA 1** to **HB 434** was stricken. On further motion of Rep. Hering **HA 3** was adopted by voice vote. After much discussion roll call on **HB 434** with **HA 3** was taken. Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Leshner, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright - 29.

**NAYS:** Connor, Derrickson, Dillman, Harkins, Justice, Kirk, Knox, Little, Poulterer, Mr. Speaker Frederick - 10.

**HB 434** with **HA 3** having received a constitutional majority was declared passed the House.

On motion of Rep. Hering **HS 1** for **HB 95** had its final reading and was placed before the House for consideration.

**HS 1** for **HB 95** - An Act to amend Title 22, Delaware Code, Relating to Public Bidding for Purchases by Parking Authorities.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Little - 1.

**HS 1** for **HB 95** having received a constitutional majority was declared passed the House.

On motion of Rep. Quillen **HB 260** with **HA 1** had its final reading and was placed before the House for consideration.

**HB 260** with **HA 1** - An Act to amend Part 1,

**Chapter 9, Title 19 of the Delaware Code Relating to the Minimum Wage Rate.**

Roll call revealed:

**YEAS:** Berndt, Billingsley, Derrickson, Dillman, Dobberstein, Gruwell, Heckert, Hering, Quillen, Riddagh, Wright - 11.

**NAYS:** Boulden, Clendaniel, Connor, Cordrey, Gordy, Harkins, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 28.

**HB 260** with **HA 1** not having received a constitutional majority was defeated in the House.

On motion of Rep. Hering **SB 150** had its final reading and was placed before the House for consideration.

**SB 150** - An Act to amend Subchapter LIII, Chapter 8, Title 11, of the Delaware Code, Providing for Persons Trespassing upon and/or Damaging or Defacing Buildings and Grounds on State Supported Schools, Colleges and Universities and Providing Penalties therefor.

On motion of Rep. Hering **HA 1** to **SB 150** was adopted by voice vote. Rep. Weiss moved to defer **SB 150** with **HA 1**. Roll call was taken on motion to defer and revealed:

**YEAS:** Billingsley, Connor, Dillman, Gordy, Gruwell, Harkins, Harrington, Hearn, Johnson, Jonkiert, Little, Matushefske, Mears, Miller, Orth, Quillen, Seibel, Smith, Weiss, Wright - 20.

**NAYS:** Berndt, Clendaniel, Cordrey, Derrickson, Dobberstein, Heckert, Hering, Jarvis, Kirk, Knox, Leshner, Moerschel, Murphy, Poulterer, Riddagh, Tribbitt, Mr. Speaker Frederick - 17.

**ABSENT:** Boulden, Justice - 2.

Motion to defer **SB 150** carried.

On motion of Rep. Knox **HB 350** had its final reading and was placed before the House for consideration.

**HB 350** - An Act to amend Title 3, Delaware Code, Part II, by adding a Chapter 12 thereto relating to the Distribution, Sale, Transportation and Application of Insecticides, Fungicides, Rodenticides, Defoliantes, Desiccants, Plant Regulators, Nematocides, Miticides, and other Pesticides and Regulating Traffic therein; Providing for Registration and Examination of such Materials, Imposing Duties upon and giving certain Powers to the State Department of Agriculture, and making an

Appropriation therefor.

On motion of Rep. Leshner roll call was taken on HA 1 to HB 350. Roll call revealed:

YEAS: Billingsley, Boulden, Clendaniel, Connor, Cordrey, Gordy, Harrington, Hearn, Johnson, Heckert, Leshner, Little, Mears, Miller, Orth, Smith, Tribbitt, Wright - 18.

NAYS: Berndt, Derrickson, Dillman, Dobberstein, Hering, Jarvis, Justice, Kirk, Knox, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 17.

NOT VOTING: Gruwell - 1.

ABSENT: Harkins, Jonkiert, Matushefske - 3.

HA 1 to HB 350 was defeated.

On motion of Rep. Leshner HA 2 to HB 350 was stricken. On motion of Rep. Knox HA 3 & 4 were adopted by voice vote. After much discussion roll call on HB 350 with HA 3, 4 was taken. Roll call revealed:

YEAS: Berndt, Billingsley, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Poulterer, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

NAYS: Boulden, Leshner - 2.

HB 350 with HA 3 & 4 having received a constitutional majority was declared passed the House.

On motion of Rep. Little roll call on HB 143 was lifted from the Speaker's table.

HB 143 - An Act relating to a Pension for Joseph A. Bradshaw, former Executive Director of the Employment Security Commission.

Roll call revealed:

YEAS: Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Gordy, Harkins, Harrington, Hearn, Johnson, Jonkiert, Justice, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Smith, Tribbitt, Wright - 22.

NAYS: Berndt, Billingsley, Dobberstein, Hering, Kirk, Leshner, Moerschel, Poulterer, Quillen, Riddagh, Mr. Speaker Frederick - 11.

NOT VOTING: Connor, Gruwell, Heckert, Jarvis, Seibel, Weiss - 6.

HB 143 having received a constitutional majority was declared passed the House.

Rep. Dillman moved to reconsider SB 150 with HA 1 since he and others had voted erroneously on

a mistaken motion earlier. Motion carried and **SB 150** with **HA 1** was again before the House for consideration. Rep. Hering moved to table the roll call. After a voice vote of equal volume Mr. Speaker requested a roll call on Rep. Hering's motion to table the roll call on **SB 150** with **HA 1**. Roll call revealed:

**YEAS:** Berndt, Boulden, Clendaniel, Dillman, Dobberstein, Harrington, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Lesh, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Wright - 21.

**NAYS:** Billingsley, Connor, Cordrey, Derrickson, Gordy, Harkins, Hearn, Jonkiert, Little, Matushefske, Mears, Miller, Seibel, Tribbitt, Mr. Speaker Frederick - 15.

**NOT VOTING:** Weiss - 1.

**ABSENT:** Gruwell, Smith - 2.

Motion carried and roll call was tabled on **SB 150** with **HA 1**.

On motion of Rep. Billingsley **HB 317** had its final reading and was placed before the House for consideration.

**HB 317** - An Act to amend Title 4, Chapter 11, Delaware Code, Relating to Seizure and Confiscation of Alcoholic Liquor and Property used in Offenses against the Liquor Control Act and the Rules of the Alcoholic Beverage Control Commission and Providing for the Disposition therefor.

On motion of Rep. Billingsley **HA 1 & 2** were adopted by voice vote. Roll call on **HB 317** with **HA 1 & 2** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

**NAYS:** Clendaniel, Cordrey, Gordy - 3.

**NOT VOTING:** Hearn - 1.

**ABSENT:** Quillen - 1.

**HB 317** with **HA 1 & 2** having received a constitutional majority was declared passed the House.

The House recessed to the call of the Chair at 5:04 P.M., reconvened at 6:23 P.M.

**Committee Reports:**

**Education:** **HB 357-5M. HB 476-5M. SCR 32-6M.**  
**Highway & Transportation:** **HB 204-5M. Health & Social**

Services: **SJR 22-1F**, 3M. Public Safety: **HB 485-1F**, 3M.

The Senate informed the House that it passed **HB 237**, **HB 199** and **HB 226**.

On motion of Rep. Jarvis **HR 50** was placed before the House for consideration and adopted by voice vote.

**HR 50** - Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives for the 126th General Assembly.

On motion of Rep. Billingsley roll call was lifted on **HB 254**.

**HB 254** - An Act to amend Chapter 25, Title 16, Delaware Code, Relating to Contraceptives.

Roll call to lift the roll call on **HB 254** revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Hearn, Heckert, Hering, Jarvis, Justice, Knox, Leshner, Mears, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 24.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Johnson, Jonkiert, Kirk, Little, Matushefske, Miller, Orth, Smith, Tribbitt, Wright - 15.

Motion to lift the roll call on **HB 254** carried. **HB 254** was again before the House for consideration. Roll call on **HB 254** revealed:

YEAS: Berndt, Billingsley, Dillman, Dobberstein, Gruwell, Harkins, Hearn, Heckert, Johnson, Justice, Knox, Mears, Miller, Moerschel, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Mr. Speaker Frederick - 21.

NAYS: Boulden, Clendaniel, Connor, Cordrey, Gordy, Harrington, Hering, Jarvis, Jonkiert, Kirk, Leshner, Little, Matushefske, Murphy, Orth, Smith - 16.

ABSENT: Derrickson - 1.

**HB 254** having received a constitutional majority was declared passed the House.

On motion of Rep. Gordy roll call was lifted on **HB 315** and **HB 315** was again before the House for consideration.

**HB 315** - An Act to amend Chapter 277, Volume 49, Laws of Delaware, as amended, Entitled "An Act to Re-incorporate the Town of Laurel" by Increasing the amount of money that may be raised annually by Taxation for General Municipal Purposes.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy,



Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

NAYS: Connor - 1.

NOT VOTING: Moerschel - 1.

**HB 315** having received 2/3 vote was declared passed the House.

On motion of Rep. Hering roll call was lifted on **SB 150** and was again before the House for consideration.

**SB 150** - An Act to amend Subchapter LIII, Chapter 8, Title 11, of the Delaware Code, Providing for Persons Trespassing upon and/or Damaging or Defacing Buildings and Grounds on State Supported Schools, Colleges and Universities and Providing Penalties therefor.

Roll call revealed:

YEAS: Berndt, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Justice, Kirk, Knox, Leshner, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 28.

NAYS: Billingsley, Connor, Hearn, Jarvis, Johnson, Little, Matushefske, Miller, Seibel, Weiss - 10.

NOT VOTING: Jonkiert - 1.

**SB 150** having received a constitutional majority was declared passed the House.

On motion of Rep. Leshner **HB 406** had its final reading and was placed before the House for consideration.

**HB 406** - An Act Providing for the Appropriation of Money to Milton R. Olazagasti, a Veteran Eligible for the Bonus paid by the State Pursuant to the Veteran's Military Pay Act No. 11, but who did not receive his Bonus.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Johnson, Jonkiert, Miller - 3.

**HB 406** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner **SB 93** had its final read-

ing and was placed before the House for consideration.

**SB 93** - An Act Authorizing the Payment of Compensation and Travel Allowance to the Former Commissioners for their Services to the Veteran's Military Pay Commission in Fiscal Year 1971.

Roll call revealed:

**YEAS:** Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

**NOT VOTING:** Berndt - 1.

**ABSENT:** Johnson, Jonkiert, Miller - 3.

**SB 93** having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel **SB 259** had its final reading and was placed before the House for consideration.

**SB 259** with **SA 1** - An Act to amend Title 31, Chapter 43, Delaware Code, known as the "Housing Authority Law", by Providing for the Appointment of one Additional Member of the Housing Authority of the City of Wilmington.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Leshner, Little, Mears, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

**NOT VOTING:** Gordy, Johnson, Jonkiert, Knox, Matushefske, Miller, Murphy - 7.

**SB 259** with **SA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley **HB 75** had its final reading and was placed before the House for consideration.

**HB 75** - An Act to amend Article 2, Section 2, of the Constitution of the State of Delaware by Increasing the Terms of Office of the Members of the House of Representatives.

On motion of Rep. Billingsley **HB 1** to **HB 75** was stricken. On further motion of Rep. Billingsley **HA 2** to **HB 75** was adopted by voice vote.

Roll call on **HB 75** with **HA 2** revealed:

**YEAS:** Billingsley, Dillman, Quillen - 3.

**NAYS:** Berndt, Boulden, Clendaniel, Connor, Cordred, Derrickson, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

**ABSENT:** Gordy, Johnson, Jonkiert, Miller - 4.

**HB 75** with **HA 2** not having received 2/3 vote was defeated in the House.

On motion of Rep. Hering, **SB 302** had its final reading and was placed before the House for consideration.

**SB 302** - An Act Relating to the Audit for Names and the Removal of Names of Persons who Have Not Voted in the Preceding General Election.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

**ABSENT:** Gordy, Johnson, Jonkiert, Miller - 4.

**SB 302** having received a constitutional majority was declared passed the House.

On motion of Rep. Riddagh **HB 409** had its final reading and was placed before the House for consideration.

**HB 409** - An Act to Reincorporate the Town of Cheswold.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

**ABSENT:** Gordy, Johnson, Jonkiert, Little, Miller - 5.

**HB 409** having received 2/3 vote was declared passed the House.

On motion of Rep. Riddagh **HB 410** had its final reading and was placed before the House for consideration.

**HB 410** - An Act to amend an Act Entitled "An Act to Reincorporate the Town of Leipsic" Relating to the Adoption and Enforcement of Town Ordinances.

On motion of Rep. Gruwell **HA 1** to **HB 410** was

adopted by voice vote. Roll call on **HB 410** with **HA 1** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

**ABSENT:** Gordy, Johnson, Jonkiert, Little, Miller - 5.

**HB 410** with **HA 1** having received 2/3 vote was declared passed the House.

On motion of Rep. Billingsley **HB 468** had its final reading and was placed before the House for consideration.

**HB 468** - An Act to amend Title 12, Chapter 11, Relating to Escheats by Expanding the Types of Property Covered and Defining the Duties and Powers of the State Escheator with Respect thereto.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 29.

**NOT VOTING:** Cordrey, Harrington, Hearn, Matushefske, Tribbitt - 5.

**ABSENT:** Gordy, Johnson, Jonkiert, Little, Miller - 5.

**HB 468** having received a constitutional majority was declared passed the House.

On motion of Reps. Kirk & Jarvis **HB 450** had its final reading and was placed before the House for consideration.

**HB 450** - An Act to amend Title 26, Delaware Code, by Adding a New Section thereto Relating to the Duties and Powers of the Public Service Commission with Respect to Public Water Suppliers.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr.

Speaker Frederick - 34.

ABSENT: Gordy, Johnson, Jonkiert, Little, Miller - 5.

HB 450 having received a constitutional majority was declared passed the House.

Committee Reports:

Appropriations: HS 1 for HB 57-1F, 3M. Agriculture: SJR 18-3F, 1M. Public Safety: HB 353-4M.

On motion of Rep. Quillen HB 284 and HB 383 were stricken.

The House recessed to the call of the Chair at 7:30 P.M.

June 15, 1971

#### 47th LEGISLATIVE DAY

The Speaker called the House to order at 1:43 P.M. The Majority Leader moved to adjourn at 1:43 P.M., thereby ending the previous legislative day. The House reconvened at 1:44 P.M.

There was a prayer by the Chaplain, Rev. Anthony Planes, Assembly of God Church, Rehoboth, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

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

Committee Reports:

Appropriations: SB 432-6M; HB 451-1F, 5M; HB 452-1F, 5M. Education: HB 482-4M; HCR 30-1F, 3M; SS 3 for SB 65-1F, 3M.

The following prefiled legislation was introduced:

SA 1 to HS 1 for HB 30, introduced by Sen. Manning. Placed with bill.

HB 486 - An Act Making a Supplementary Appropriation to the Department of Agriculture for the Division of Production and Promotion. Introduced by Rep. Quillen. Assigned to Agriculture Committee.

HB 487 - An Act to amend Chapter 9, Title 7, Delaware Code, Adding a New Subchapter Pertaining

to Protection of Sport Fishing Areas in the Delaware Bay and Regulating Commercial Menhaden Fishing. Introduced by Rep. Quillen. Assigned to Natural Resources Committee.

**HB 488** - An Act to amend Title 21, Delaware Code, Relating to Motor Vehicle Plates. Introduced by Rep. Billingsley. Assigned to Public Safety Committee.

**HA 1 to HB 10**, introduced by Rep. Matushefske. Placed with bill.

**HA 2 to HB 340**, introduced by Rep. Gordy. Placed with bill.

**HA 1 to HB 372**, introduced by Rep. Quillen. Placed with bill.

**HA 1 to HB 385**, introduced by Rep. Little. Placed with bill.

**HA 2 to HB 422**, introduced by Rep. Berndt. Placed with bill.

**HA 3 to HB 422**, introduced by Rep. Berndt. Placed with bill.

**HA 4 to HB 422**, introduced by Rep. Berndt. Placed with bill.

**HA 1 to SCR 32**, introduced by Rep. Heckert. Placed with bill.

**SB 126** - An Act to amend Chapter 13, Title 14, Delaware Code, Entitled State Supported Salary Schedules for School Employees. Introduced by Sen. Elliott. Assigned to Education Committee.

**SB 355** - An Act to amend Chapter 87, Title 3 of the Delaware Code to Provide for the Licensing of Official Establishments in Association with the Meat and Poultry Products Inspection Act. Introduced by Sen. Cicione. Assigned to Agriculture Committee.

**SB 383** - An Act to amend Title 29, Delaware Code, Chapter 68 Referring to the Powers and Duties Relating to the Department of Administrative Services, Division of Purchasing. Introduced by Sen. Steele. Assigned to Revenue and Finance Committee.

On motion of Rep. Billingsley, **HS 1 for HB 396** had its final reading and was placed before the House for consideration.

**HS 1 for HB 396** - An Act to amend Chapters 1 and 21, Title 21, of the Delaware Code Authorizing the Director of the Division of Motor Vehicles to Allow Franchised Automotive Dealers to Inspect Vehicles under Certain Circumstances.

Privilege of the floor was granted to Mr. Fred Shimmerhorn, Chairman of Leg. Council of Auto Dealers

Association of Delaware. Privilege of the floor was granted to Capt. John Downey, Motor Vehicle Division.

Roll call on **HS 1** for **HB 396** revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 30.

**NAYS:** Derrickson, Hearn, Johnson, Matushefske, Miller - 5.

**NOT VOTING:** Gruwell, Jonkiert, Wright - 3.

**ABSENT:** Harkins - 1.

**HS 1** for **HB 396** having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert, **SB 243** had its final reading and was placed before the House for consideration.

**SB 243** - An Act to amend Title 14, Delaware Code, Relating to the Definition of Professional Employees.

After much discussion, Rep. Heckert moved to defer **SB 243** indefinitely.

On motion of Rep. Gordy, **HB 340** was lifted from the Speaker's table and placed before the House for consideration.

**HB 340** - An Act to amend Subchapter II, Chapter 23, Title 19, Delaware Code, Relating to Compensation Payable to Workmen's Compensation Claimants for Serious and Permanent Disfigurement to any part of the Human Body.

On motion of Rep. Gordy, **HA 2** to **HB 340** was adopted by voice vote. After much discussion, **HB 340** was again placed on the Speaker's table.

On motion of Rep. Dillman, **HB 179** had its final reading and was placed before the House for consideration.

**HB 179** - An Act to amend Subchapter II of Chapter 21, Title 21, Delaware Code Relating to Deposit of Security.

Rep. Dillman moved to defer **HB 179** to amend.

On motion of Rep. Weiss, **SJR 22** had its final reading and was placed before the House for consideration.

**SJR 22** - Proclaiming June 20 to June 26 as Nursing Home Week, and Urging all Residents to Show Concern for the Ill and Elderly Residing in Such Homes.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel,

Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Leshner - 1.

**SJR 22** having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SB 439** had its final reading and was placed before the House for consideration.

**SB 439** - An Act to amend Section 5127, Title 16, Delaware Code, Relating to Delaware State Hospital, Liability for Maintenance of Patient, Collection Remedies.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Leshner - 1.

**SB 439** having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SB 443** had its final reading and was placed before the House for consideration.

**SB 443** - An Act to amend Section 5506, Title 16, Delaware Code, Relating to Hospital for the Mentally Retarded at Stockley, Delaware, Liability for Maintenance of Patient, Collection Remedies.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 35.

ABSENT: Leshner, Little, Matushefske, Tribbitt - 4.

**SB 443** having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SB 444** had its final reading and was placed before the House for consideration.

**SB 444** - An Act to amend Section 5325, Title 16,



Delaware Code, Relating to Governor Bacon Health Center, Liability for Maintenance of Patient, Collection Remedies.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 37.

**ABSENT:** Matushefske, Tribbitt - 2.

**SB 444** having received a constitutional majority was declared passed the House.

On motion of Rep. Hearn, **HB 220** had its final reading and was placed before the House for consideration.

**HB 220** - An Act to amend Chapter 51, Title 25, Delaware Code, Relating to Terms and Conditions of Residential Leases for Persons Over 60 Years of Age.

On motion of Rep. Hearn, **HA 1** to **HB 220** was adopted by voice vote. Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 36.

**NOT VOTING:** Hering - 1.

**ABSENT:** Murphy, Weiss - 2.

**HB 220** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Justice, **HB 369** had its final reading and was placed before the House for consideration.

**HB 369** - An Act to amend Section 918, Title 5, Delaware Code, Relating to Hypothecation of Assets to Certain Governmental Bodies.

On motion of Rep. Justice, roll call on **HB 369** was tabled.

On motion of Rep. Weiss, **SB 273** was placed on the Speaker's table.

On motion of Rep. Poulterer, **HB 422** had its final reading and was placed before the House for consideration.

**HB 422** - An Act to amend Title 29 of the Delaware Code Relating to the Reemployment Rights of Veterans of the Armed Forces of the United States.

On motion of Rep. Heckert, **HA 1** to **HB 422** was adopted by voice vote. On motion of Rep. Berndt, **HA 2** to **HB 422** was adopted by voice vote. On motion of Rep. Berndt, **HA 3** and **4** to **HB 422** were stricken. On motion of Poulterer, **HA 5** to **HB 422** was adopted by voice vote.

Roll call on **HB 422** with **HA 1, 2, 5** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

NOT VOTING: Hearn - 1.

**HB 422** with **HA 1, 2, 5** having received a constitutional majority was declared passed the House.

On motion of Rep. Justice, roll call on **HB 369** was lifted from the Speaker's table. Roll call revealed:

YEAS: Berndt, Connor, Dillman, Dobberstein, Harkins, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 23.

NAYS: Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Gordy, Gruwell, Harrington, Heckert, Jonkiert, Orth, Smith, Tribbitt - 13.

NOT VOTING: Hearn, Johnson, Miller - 3.

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

On motion of Rep. Hearn, **HB 313** had its final reading and was placed before the House for consideration.

**HB 313** - An Act to amend Chapter 3, Title 25 of the Delaware Code Relating to Conveyances of Real Estate; to Create Either Joint Tenancy or Tenancy in Common Ownership of Real Estate.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Mr. Speaker Frederick - 36.

ABSENT: Gruwell, Weiss, Wright - 3.

**HB 313** having received a constitutional majority was declared passed the House.

On motion of Rep. Derrickson and Rep. Dillman, **HR 51** was adopted by voice vote. Motion carried.

**HR 51** - Praising Majority Leader George Jarvis for scoring a Hole-in-One at the Rehoboth Country Club.

**HS 2** for **HB 300** - An Act creating a new Chapter 70, Title 7, Delaware Code to establish a Coastal Zone in Delaware; to prohibit or limit certain uses therein: to create a State Coastal Zone Industrial Control Board. Introduced by Rep. Knox. Assigned to Natural Resources Committee.

The House recessed to the call of the Chair at 4:34 P.M., reconvened at 6:47 P.M.

Committee Reports:

Labor & Commerce: **HB 475-4M**. Community Affairs: **SB 340-1F, 4M**. Judiciary: **HB 329-4M; HB 333-4M; HB 392-4M; HB 427-4M; SB 210-4M; SB 211-4M; SB 222-4M**. Highways & Transportation: **HB 10-6M**.

On motion of Rep. Gordy, **HB 340** had its final reading and was placed before the House for consideration.

**HB 340** - An Act to Amend Subchapter II, Chapter 23, Title 19, Delaware Code, relating to Compensation payable to Workmen's Compensation claimants for serious and permanent disfigurement to any part of the human body.

On motion of Rep. Gordy, **HA 3** to **HB 340** was adopted by voice vote. Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Hearn - 1.

**HB 340** with **HA 1, 2, 3** having received a constitutional majority was declared passed the House.

**HA 2** to **SB 297**, introduced by Rep. Tribbitt. Placed with bill.

On motion of Rep. Seibel, **HS 1** for **HB 30** had its final reading and was placed before the House for consideration.

**HS 1** for **HB 30** with **SA 1** - An Act to amend Title 16, Delaware Code, Chapter 10, relating to reporting of cases of abuse to children.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel,

Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Hearn, Orth - 2.

HS 1 for HB 30 with SA 1 having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel, HB 30 was placed on the Speaker's table.

On motion of Rep. Billingsley, HB 456 had its final reading and was placed before the House for consideration.

HB 456 - An Act to amend Chapter 25, Title 30, Delaware Code, relating to license requirements for contractors.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Hearn - 1.

HB 456 having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, HB 485 had its final reading and was placed before the House for consideration.

HB 485 - An Act to amend Title 16, Delaware Code, by creating a new chapter to be designated as Chapter 76 to provide for the regulation of and standards for ambulance service by the State Fire Prevention Commission, and to provide an appropriation therefor, and to grant immunity from suit under certain circumstances.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Hearn - 1.

**HB 485** having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SB 273** was lifted from the Speaker's table.

**SB 273** - An Act to amend Chapter 7, Title 4, of the Delaware Code relating to the sale of alcoholic liquors on Thanksgiving Day.

On motion of Rep. Weiss, **HA 1** to **SB 273** was adopted by voice vote. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright - 32.

NAYS: Clendaniel, Cordrey, Tribbitt, Mr. Speaker Frederick - 4.

NOT VOTING: Derrickson, Mears - 2.

ABSENT: Hearn - 1.

**SB 273** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley, **HB 470** with **HA 1** was placed on the Speaker's table to amend.

On motion of Rep. Hering **HB 419** was placed on the Speaker's table.

On motion of Rep. Quillen, **HB 372** had its final reading and was placed before the House for consideration.

**HB 372** - An Act to amend Subchapter V, Chapter 17, Title 24, Delaware Code, providing for immunity of members of medical society committees whose function is the review of medical records and of physicians' work with a view to quality of care and utilization of hospital facilities, home visits and office visits.

On motion of Rep. Quillen, **HA 1** to **HB 372** was adopted by voice vote. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

NAYS: Miller - 1.

NOT VOTING: Mears - 1.

ABSENT: Hearn - 1.

**HB 372** with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley, **HB 470** was lifted from the Speaker's table and placed before the House for consideration.

**HB 470** - An Act to amend Chapter 5, Title 4, of the Delaware Code by creating a license known as a Cabaret License for restaurants and hotels.

After much discussion, Rep. Billingsley moved to defer **HB 470** until the next legislative day.

On motion of Rep. Leshner, **HB 54** had its final reading and was placed before the House for consideration.

**HB 54** with **HA 1, 3, 4, 5, 6** - An Act to aid certain fire companies which are organized to extinguish fires or maintain ambulances or rescue trucks, by making appropriations for them.

After much discussion, **HB 54** was placed on the Speaker's table to amend further.

On motion of Rep. Leshner, **HB 55** had its final reading and was placed before the House for consideration.

**HB 55** - An Act relating to education of the citizens of Delaware by making an appropriation to **WHYY, Inc.**, engaged in educating the people of this state.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

**NAYS:** Clendaniel - 1.

**NOT VOTING:** Dobberstein, Mears - 2.

**ABSENT:** Hearn, Smith - 2.

**HB 55** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 56** had its final reading and was placed before the House for consideration.

**HB 56** - An Act making a supplementary appropriation to Boys Home of Delaware, Inc.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Hearn - 1.

**HB 56** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 58** had its final reading and was placed before the House for consideration.

**HB 58** - 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: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Hearn - 1.

**HB 58** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 59** had its final reading and was placed before the House for consideration.

**HB 59** - An Act relating to education of the citizens of Delaware by making an appropriation to the "Delaware State Fair, Inc."

Roll call revealed:

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Billingsley, Gordy, Hearn - 3.

**HB 59** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 61** had its final reading and was placed before the House for consideration.

**HB 61** - An Act to aid organizations maintaining residential facilities by making appropriations thereto.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Hearn - 1.

**HB 61** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 62** had its final reading and was placed before the House for consideration.

**HB 62** - An Act making an appropriation to Big Brothers Association of Northern Delaware, Inc.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Hearn - 1.

**HB 62** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 63** had its final reading and was placed before the House for consideration.

**HB 63** - An Act to aid certain civic organizations which maintain emergency vehicles by making appropriations therefor.

Roll call revealed:

**YEAS:** Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

**ABSENT:** Hearn - 1.

**HB 63** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **HB 54** was lifted from the Speaker's table and placed before the House for consideration. (Aid to Fire Companies)

**HB 7** to **HB 54**, introduced by Rep. Leshner. Placed with bill.

After much discussion, Rep. Tribbitt requested that **HB 54** be deferred.

Rep. Leshner moved to again place **HB 54** on the Speaker's table.

Committee Reports:

Community Affairs: **HB 242-3F**, **2M**; **HB 379-5M**.  
Highways & Transportation: **HB 368-6M**.



The House recessed to the call of the Chair at 7:59 P.M.

June 16, 1971

#### 48th LEGISLATIVE DAY

The Speaker called the House to order at 1:41 P.M. The Majority Leader moved to adjourn at 1:41 P.M. thereby ending the previous legislative day. The House reconvened at 1:42 P.M.

There was a prayer by the Chaplain, Rev. George W. Goodley, Atonement Methodist Church, Claymont, Del.

The Speaker led those present in a salute of the flag.

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

Late: Gordy, Leshner, Little - 3. (Marked present later)

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

#### Committee Reports:

Agriculture: **HB 486-4M**.

The following prefiled legislation was introduced:

**HB 489** - An Act to amend Part III, Title 31, Delaware Code, relating to public housing. Introduced by Rep. Seibel. Assigned to Community Affairs Committee.

**HA 1 to HB 321**, introduced by Rep. Murphy. Placed with bill.

**HA 7 to HB 428**, introduced by Reps. Harkins and Dobberstein. Placed with bill.

**HS 1 for HB 179** - An Act to amend Subchapter II of Chapter 29, Title 21, Delaware Code, relating to the deposit of securities. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

**HS 1 for HB 333** - An Act to amend Title 11, Subchapter XXXI of the Delaware Code relating to intoxication and being under the influence of drugs in public

places. Introduced by Rep. Little. Assigned to Judiciary Committee.

**SB 198** with **SA 1** - An Act to amend Chapter 45, Title 21 of the Delaware Code, relating to penalties imposed upon trucks having a size and weight in excess of that prescribed by law. Introduced by Sen. Elliott. Assigned to Public Safety Committee.

**SS 1** for **SB 199** - An Act to amend Chapter 45, Title 21, Delaware Code, relating to size and weight of vehicles and truck loads. Introduced by Sen. Elliott. Assigned to Public Safety Committee.

**SB 256** - An Act to amend Chapter 13, Title 14, Delaware Code, relating to employment formula and salary schedules for certain professional personnel employed by the school district. Introduced by Sen. Isaacs. Assigned to Education Committee.

**SB 332** - An Act to amend Chapters 45 and 46, Title 6, Delaware Code, relating to prohibiting the denial of equal rights to housing and equal accommodations because of age or marital status. Introduced by Sen. Conner. Assigned to Labor & Commerce Committee.

**SB 393** with **SA 1** - An Act to amend Chapters 1, 3, 11, 13, 15, 17, 20, 31, 45, 47, 49, 55, 57 and 73, Title 15, Delaware Code, relating to departments of elections; state election commissioner; registration of voters; registration records, supplies and places; registration officers; registration procedure; central and mobile registration; registration for certain sick and disabled persons; primary elections; ballots, election supplies and polling places; election officers; conduct of elections; absentee voting; canvass of vote and proclamation of results of election; and notice to the public for special election to fill vacancy in office of representative in congress. Introduced by Sen. Castle. Assigned to Judiciary Committee.

**SB 396** - An Act to amend Chapter 2, Title 14, of the Delaware Code, by providing authorization for the establishment of career education schools and facilities in New Castle County. Introduced by Sen. Hale. Assigned to Education Committee.

**SB 412** with **SA 1** - An Act to amend Title 8, Delaware Code, Sections 375 and 502, relating to failure to corporations to file annual reports. Introduced by Sen. Steele. Assigned to Revenue & Finance Committee.