











**STATE OF DELAWARE**



**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION**  
**of the**  
**124TH GENERAL ASSEMBLY**

**Convened**  
**Tuesday, January 3, 1967**  
**Dover, Delaware**

State Doc

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**MEMBERS OF THE HOUSE OF REPRESENTATIVES  
NEW CASTLE COUNTY**

**Wilmington**

Dist.

- 1 FRED BROWN, 109 West 34th Street, Wilmington
- 2 RAYMOND T. EVANS, 2107 N. Locust Street, Wilmington
- 3 OLIVER S. FONVILLE, 932 Poplar Street, Wilmington
- 4 REESE HAMMOND, 1024 Christina Avenue, Wilmington
- 5 PAUL E. SHOCKLEY, 731 W. 4th Street, Wilmington
- 6 MICHAEL N. CASTLE, 1600 N. Broom Street, Wilmington
- 7 JOHN J. McMAHON, 1714 Maple Street, Wilmington
- 8 GEORGE C. HERING, III, 1905 Field Road, Wilmington

**Rural New Castle County**

- 9 T. LEES BARTLESON, 105 North Road, Lindamere, Wilmington
- 10 HERBERT A. LESHER, 1120 Harvey Road, Claymont
- 11 MRS. CLARICE U. HECKERT, 16 Ravine Road, Highland Woods, Wilmington
- 12 DAVID S. BENSON, 1019 Graylyn Road, Graylyn Crest, Wilmington
- 13 W. LAIRD STABLER, Montchanin
- 14 EVERETTE HALE, 109 Meriden Road, Fairfield, Newark
- 15 MARIO A. PAGANO, 5 Duff Circle, Del Park Manor, Wilmington
- 16 WILLIAM F. HART, 16 Marlyn Road, Chestnut Hill Estates, Newark
- 17 ANTHONY J. CICIONE, 301 Southern Boulevard, Elsmere, Wilmington
- 18 WILLIAM L. FREDERICK, 3315 Capitol Trail, Cranston Heights, Wilmington
- 19 MRS. MARY ETTA GOODING, 400 Becker Avenue, Woodcrest, Wilmington
- 20 MELVIN A. SLAWIK, 3 Forrest Circle, Stratford, New Castle
- 21 JOHN P. FERGUSON, 33 Garden Lane, Swanwyck Gardens, New Castle
- 22 JOSEPH T. CASHMAN, 8 Stabler Court, New Castle
- 23 CARLTON BLENDT, JR., Townsend
- 24 JOSEPH R. MURPHY, 171 Brookside Boulevard, Brookside Park, Newark

**KENT COUNTY**

- 25 ROBERT W. RIDDAGH, 23 Lake Drive, Smyrna
- 26 JACOB W. ZIMMERMAN, RD 3, Dover
- 27 DR. LORIN B. SEBRELL, 229 N. State Street, Dover
- 28 ROBERT LEON PLEASANTON, RD No. 1, Magnolia
- 29 GEORGE R. QUILLEN, Commerce Street, Harrington

**SUSSEX COUNTY**

- 30 LEWIS B. HARRINGTON, Haven Lake, Milford
- 31 NORMAN A. ESKRIDGE, Seaford
- 32 W. HARRISON PHILLIPS, Laurel
- 33 GEORGE E. GRAY, Long Farm, Selbyville
- 34 ROBERT M. DODGE, Canal Zone, Rehoboth
- 35 LOUIS W. BURTON, 827 East Market Street, George-  
town

## COMMITTEES OF THE HOUSE OF REPRESENTATIVES

**Agriculture & Forestry**—George E. Gray, Chairman; Joseph T. Cashman, Robert Leon Pleasanton, George R. Quillen, Carlton Blendt, Jr., Jacob W. Zimmerman.

**Appropriations**—Herbert A. Leshner, Chairman, 2nd Session; T. Lees Bartleson, Chairman, 1st Session; David S. Benson, Fred Brown, George E. Gray, Joseph R. Murphy, Mary Etta Gooding, Lewis B. Harrington, W. Harrison Phillips.

**Banking & Insurance**—Louis W. Burton, Chairman; Fred Brown, Robert M. Dodge, Robert T. Evans, John P. Ferguson, Paul E. Shockley.

**Commerce & Corporations**—Mario A. Pagano, Chairman; Louis W. Burton, Michael N. Castle, William L. Frederick, Oliver S. Fonville, W. Harrison Phillips.

**Education**—Mrs. Clarice U. Heckert, Chairman; Raymond T. Evans, William F. Hart, Dr. Lorin B. Sebrell, Carlton Blendt, Jr., Mrs. Mary Etta Gooding.

**Elections**—Michael N. Castle, Chairman; Mrs. Clarice U. Heckert, Mario A. Pagano, Robert W. Riddagh, John J. McMahon, Jacob W. Zimmerman.

**Fish, Oyster & Game**—Robert Leon Pleasanton, Chairman; Robert M. Dodge, William L. Frederick, Dr. Lorin B. Sebrell, Reese Hammond, Lewis B. Harrington.

**State, Urban & Municipal Affairs**—Robert W. Riddagh, Chairman; Michael N. Castle, Fred Brown, Joseph R. Murphy, Paul E. Shockley, Melvin A. Slawik.

**Health & Welfare**—Raymond T. Evans, Chairman; Joseph T. Cashman, Mrs. Clarice U. Heckert, George R. Quillen, Oliver S. Fonville, Mrs. Mary Etta Gooding.

**Highways & Public Safety**—Joseph R. Murphy, Chairman, 2nd Session; Anthony J. Cicione, George E. Gray, Mario A. Pagano, Carlton Blendt, Jr., John P. Ferguson.

**House Administration & Passed Bills**—Dr. Lorin B. Sebrell, Chairman; T. Lees Bartleson, Everette Hale, George C. Hering, III, W. Harrison Phillips, Melvin A. Slawik.

**Judiciary**—W. Laird Stabler, Chairman; Louis W. Burton, Michael N. Castle, Joseph R. Murphy, Paul E. Shockley, Jacob W. Zimmerman.

**Labor**—Joseph T. Cashman, Chairman; David S. Benson, Anthony J. Cicione, W. Laird Stabler, Norman A. Eskridge, John J. McMahon.

**Miscellaneous**—Anthony J. Cicione, Chairman; T. Lees Bartleson, Fred Brown, Robert Leon Pleasanton, Oliver S. Fonville, Melvin A. Slawik.

**Public Buildings & Lands**—William L. Frederick, Chairman; William F. Hart, Herbert A. Leshner, Robert W. Riddagh, John P. Ferguson, Lewis B. Harrington.

**Revenue & Taxation**—William F. Hart, Chairman; David S. Benson, W. Laird Stabler, George R. Quillen, Reese Hammond, Norman A. Eskridge.

**Revised Statutes**—David S. Benson, Chairman; Fred Brown, George R. Quillen, W. Laird Stabler, John J. McMahon, Norman Eskridge.

## OFFICERS OF THE HOUSE

Speaker—George C. Hering, III  
 Multilith Operator—Virgle E. Banks  
 Bill Clerk—Robert J. Barkley  
 Page—James B. Dickerson \*  
 Secretary to Minority Leader—Emogene P. Ellis  
 Page—Benjamin Thomas Elliott \*  
 Page & Telephone Messenger—Irwin D. Evans  
 Page—Lee Daniels \*  
 Secretary—Norma Foster \*  
 Assistant Bill Clerk—William Harrington \*  
 Sergeant-at-Arms—David Hollett  
 Sergeant-at-Arms—John R. Hudson \*  
 File Clerk—Gwendolyn J. Jenkins \*  
 Assistant Bill Clerk—McCoy Joines \*  
 Supply Clerk—Jesse Jones  
 Sergeant-at-Arms—Charles Kauffman \*  
 Attorney—Roger Kelsey  
 Page—Katherine A. Klingel \*  
 Secretary—Evelyn Kneisley  
 Secretary to Majority Leader—Barbara Ann Konopik  
 Page—Francis A. Lawson \*  
 Secretary to Chief Clerk—Helen M. Looney  
 Secretary—Annette Jane McCready  
 Assistant Chief Clerk—John F. McDonald  
 Account for Joint Finance Committee—Horace D. McMasters\*  
 Personnel Manager—Granville Messick  
 Tape Recorder—Richard Millman  
 Multilith Operator—Ralph Morris \*  
 Page—Joan S. Painter  
 Secretary—Ruth E. Potter  
 Page—Ruth N. Ross  
 Secretary—Hanna Short \*  
 Messenger—Norman Shorts  
 Chief Clerk—Louise deR. Smith  
 Attorney—Peter F. L. Stone  
 Sergeant-at-Arms—Nathaniel W. Taylor, Jr.  
 Page—William C. Truitt \*  
 Reading Clerk—Douglas A. VanSant  
 Secretary to Speaker—Elise C. Vitale \*  
 Attorney—Peter J. Walsh

Proof Reader—Dorothy E. Williams \*  
 Receptionist—Margaret T. Zacheis  
 Multilith Operator—Roland M. Butler  
 Assistant to Speaker—Charles A. Hurley \*  
 Page—James Kenton  
 Sergeant-at-Arms—John Messick, Jr.  
 Secretary to Speaker—Ruth M. Parker  
 Page—Anna E. Redding  
 Secretary—Rebecca L. Oliphant \*  
 Secretary—James P. Truitt, Jr.  
 File Clerk—Jaqueline J. Wright \*  
 Assistant Bill Clerk—John Antoninich  
 Secretary—Dorothy Motley  
 Secretary—Sara Bunting  
 Page—Pearl E. Brown

\* Resigned before end of session. Total daily staff — 35.



## 1ST LEGISLATIVE DAY

Pursuant to Article 2, Section 4, the Constitution, the 124th General Assembly, State of Delaware, convened on the first Tuesday of January, 1967, it being the third day of January, 1967, at 1:25 P.M.

The House was called to order by Rep. David Benson, Representative-elect of the 12th Representative District.

The salute of the Flag was led by Rep. David Benson.

There was a prayer by the Chaplain Reverend Percy F. Rex, Rector of Trinity Episcopal Parish of Wilmington, Delaware, as follows:

God of our fathers, we pause in silence to remember that you are our Father and our God: we are grateful to thee for our inheritance: for the good soil, and the tools of agriculture and industry; for churches, synagogues, schools, and public and private agencies; and all of the blessings we enjoy in the State of Delaware.

Now, our Father, we are met here to preserve to all of our people the liberty and justice of this great land so richly endowed by thee.

We are mindful that we represent all of the people of our state - let all that we say and do in this 124th General Assembly be for the welfare of all of our people, and thy glory.

O God, there are wonders in our land unimagined by our fathers which have so increased the speed of our living that our human minds and bodies falter as we try to keep up:

The glitter of new automobiles blinds our eyes to the demands they make upon us to learn how to operate safely the power we have purchased;

While we prepare to blast off to the moon, help us to learn how to resolve our differences without blasting each other into eternity.

We are mindful that many of our people through the lack of incentive and/or skill are unable to enjoy the rewards of steady work:

Our fathers worked and we work, help us to do nothing here that will destroy the necessity and dignity of honest work;

Show us how to really help the poor, how to relieve the oppressed, and how to restore those convicted of crime to useful lives.

O God, the problems arising from the needs of the people of this State are a burden upon all who serve in this legislature:

Give us wisdom in the place of hasty opinion;

Give us goodwill in the place of prejudice;

Give us thy peace in the place of our violence;

And, in the heat of our discussions and debates, let the cooling winds of thy spirit of justice, mercy, and truth sweep through these halls.

We praise thee, O God,  
Let all the people praise thee.      Amen

Mrs. Clarice Heckert, Representative-elect of the 11th Representative District, at the request of Mr. David Benson, called the names of the members-elect of the House of Representatives of the 124th General Assembly.

#### WILMINGTON—NEW CASTLE COUNTY

Representative District No. 1—Fred Brown  
Representative District No. 2—Raymond Evans  
Representative District No. 3—Oliver S. Fonville  
Representative District No. 4—Reese L. Hammond  
Representative District No. 5—Paul E. Shockley  
Representative District No. 6—Michael N. Castle  
Representative District No. 7—John J. McMahon  
Representative District No. 8—George G. Hering III  
Representative District No. 9—T. Lees Bartleson  
Representative District No. 10—Herbert A. Leshner  
Representative District No. 11—Clarice U. Heckert  
Representative District No. 12—David S. Benson  
Representative District No. 13—W. Laird Stabler  
Representative District No. 14—Everette Hale  
Representative District No. 15—Mario A. Pagano  
Representative District No. 16—William F. Hart  
Representative District No. 17—Anthony J. Cicione  
Representative District No. 18—William L. Frederick  
Representative District No. 19—Mrs. Mary Etta Gooding  
Representative District No. 20—Melvin A. Slawik  
Representative District No. 21—John P. Ferguson  
Representative District No. 22—Joseph T. Cashman  
Representative District No. 23—Carlton Blendt, Jr.  
Representative District No. 24—Joseph R. Murphy

#### KENT COUNTY

Representative District No. 25—Robert W. Riddagh  
Representative District No. 26—Jacob A. Zimmerman  
Representative District No. 27—Lorin B. Sebrell  
Representative District No. 28—R. Leon Pleasanton  
Representative District No. 29—George Robert Quillen

#### SUSSEX COUNTY

Representative District No. 30—Lewis B. Harrington  
Representative District No. 31—Norman A. Eskridge  
Representative District No. 32—W. Harrison Phillips  
Representative District No. 33—George E. Gray  
Representative District No. 34—Robert M. Dodge

Representative District No. 35—Louis W. Burton

All members-elect were present.

Mr. Everette Hale, Representative-elect of the 14th Representative District, moved that Mr. Benson be elected temporary Speaker of the House of Representative to serve until the election of the permanent speaker. The motion was adopted by a unanimous voice vote.

Mr. Everette Hale, moved that Mrs. Clarice Heckert, Representative-elect of the 11th Representative District, be elected temporary Clerk of the House of Representatives. The motion was adopted by a unanimous voice vote.

Mr. Everette Hale moved that the Certificates of Election be received and that a committee of two members be appointed to receive and examine the certificates. The motion was adopted by a unanimous voice vote.

Mr. Benson appointed Messrs. Hale and Zimmerman, Representatives-elect of the 14th and 26th Representative Districts, to receive and examine the Certificates of Election of the members. Mr. Benson declared a short recess to enable the Committee to examine the Certificates of Election.

The members reconvened at the call of Mr. Benson. Messrs. Hale and Zimmerman reported that they had examined the Certificates of Election and found that they were in order.

The Certificate of Election for Mr. David S. Benson was then read, as follows:

THE STATE OF DELAWARE, NEW CASTLE COUNTY, ss. BE IT REMEMBERED, That at the General Election held on Tuesday, after the first Monday in November in the year of our Lord nineteen hundred and sixty-six, for New Castle County, according to the Constitution and Laws of the State of Delaware, David S. Benson was duly elected Representative of Representative District Number Twelve in said County in the General Assembly, which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds of election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 8th day of November, A.D. 1966.

Albert J. Stiftel

Andrew D. Christie

Superior Court of Delaware, New Castle County.

Mr. Hale moved that the reading of one Certificate of Election constitute the reading of all. The motion was adopted by a unanimous voice vote.

Mr. Hale moved that Mr. Harry C. McSherry of Dover, a Notary Public of the State of Delaware, give the oath of office as Representative to Mr. Benson and to Mrs. Heckert, and also give them the oath of office as Temporary Speaker and Temporary Clerk, respectively. The motion was adopted by a unanimous voice vote. Mr. McSherry then administered the following oath to Mr. Benson.

Oath of Representative  
Kent County  
State of Delaware, ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative of the General Assembly of the State of Delaware from Representative District No. 12 in New Castle County (to which office I was elected at the General Election held in said State in the year A. D. 1966), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

David S. Benson

Sworn to this 3rd day of January, A.D. 1967 before me.

Harry C. McSherry,  
Notary Public

Mr. McSherry then administered the oath of office to Mrs. Heckert.

The form which was previously administered to Mr. Benson. Mr. McSherry then administered the following oath to Mr. Benson as Temporary Speaker.

Employees Oath  
The State of Delaware  
County of Kent, ss.

I, David S. Benson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Temporary Speaker for the House of Representatives in the General Assembly of the State of Delaware, according to the best of my ability.

David S. Benson

Sworn to and subscribed to this 3rd day of January, A.D. 1967.

Harry C. McSherry,  
Notary Public

Mr. McSherry then administered the employee oath to Mrs. Heckert as Temporary Clerk, the form of which was as previously administered to Mr. Benson.

Mr. Hale moved that Mr. Benson administer the oath of office as Representative to the Representatives-elect. The oath of office was then administered by Mr. Benson, the Temporary Speaker, to all members-elect.

Mr. Hale moved that Mrs. Heckert, Temporary Clerk, be instructed to call the permanent roll. The motion was unanimously adopted by a voice vote. Mrs. Heckert called the permanent roll as follows:

1. Mr. Brown
2. Mr. Burton
3. Mr. Bartleson
4. Mr. Benson
5. Mr. Blendt
6. Mr. Cashman
7. Mr. Castle
8. Mr. Cicione
9. Mr. Dodge
10. Mr. Eskridge
11. Mr. Evans
12. Mr. Ferguson
13. Mr. Frederick
14. Mr. Fonville
15. Mrs. Gooding
16. Mr. Gray
17. Mr. Hale
18. Mr. Hammond
19. Mr. Hart
20. Mr. Harrington
21. Mrs. Heckert
22. Mr. Leshner
23. Mr. McMahon
24. Mr. Murphy
25. Mr. Pagano
26. Mr. Phillips
27. Mr. Pleasanton
28. Mr. Quillen
29. Mr. Riddagh
30. Mr. Sebrell
31. Mr. Shockley
32. Mr. Stabler
33. Mr. Slawik
34. Mr. Zimmerman
35. Mr. Hering

All of the members were present.

Mr. Shockley moved that the roll as read by Mrs. Heckert be the permanent roll of the House of Representatives of the 124th General Assembly.

Mr. Cicione introduced the following resolutions:

**HR 1** — In Reference to the Election of the Speaker of the House.

**BE IT RESOLVED** by the House of the 124th General Assembly of the State of Delaware that George C. Hering, III be and he is hereby elected to the Office of Speaker of the House for the duration of the 124th General Assembly of the State of Delaware.

Mr. Hale moved the adoption of **HR 1**.

**HR 1** was then unanimously adopted by a voice vote.

Mr. Hale moved that Mr. Benson, the Temporary Speaker, appoint two members to escort the Speaker-elect, Mr. Hering, to the rostrum. Mr. Benson, the Temporary Speaker, appointed Mr. Hale and Mr. Zimmerman to escort Mr. Hering to the rostrum.

Mr. Benson proceeded to administer the oath as Speaker of the House of Representatives of the 124th General Assembly to Mr. Hering. The oath was taken by Mr. Hering as follows:

The State of Delaware  
County of Kent, ss.

I, George C. Hering, III, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Speaker of the House of Representatives in the General Assembly of the State of Delaware, according to the best of my ability.

George C. Hering III

Sworn and subscribed to this 3rd day of January, A.D., 1967.

David S. Benson

Temporary Speaker

Mr. Hering then made some remarks on his election as Speaker.

Mr. Hale moved that Maurice A. Hartnett III, Esquire, of Dover, be elected temporary bill clerk and temporary reading clerk of the House of Representatives to serve until the elections of the permanent bill clerk and permanent reading clerk. The motion was unanimously adopted by a voice vote.

Mrs. Heckert then proceeded to administer the employees' oath to Mr. Hartnett, the form of which was as previously administered to Mr. Benson as Temporary Speaker.

Mr. Hale requested the privilege of the floor and placed in the record a copy of his remarks before a group of Educators in New Castle County.

Mr. Joseph T. Cashman introduced the following resolution which was co-sponsored by all the members of the House:

**HR 2** — Expressing the Regrets of the Members of the House Of Representatives Of The 124th General Assembly On the Death of Former Representative James Quigley.

WHEREAS, Jim Quigley, found in peaceful death Monday, November 7, 1966, was placed to his well-earned rest on Thursday, November 10,

WHEREAS, by nature a combatant of fearsome degree in the role of procuring for his constituents their just rights and earnest dues, it would take far more than this reverent resolution to extol the qualities he brought to this arena. Suffice it to say: Woe betide any ill-equipped fellow representative who had the temerity, audacity and misfortune to attempt to cross sabres in words and reasoning on the floor of this House with this redoubtable warrior,

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives, that the membership of the newly constituted 124th General Assembly in session assembled, go on record as to expressing its extreme sorrow at the loss of this outstanding legislator, a quondam speaker and member of the House for 22 years, an outstanding citizen of the State, a devoted husband and father, a comrade and friend to those on either side of the aisle in good or bad times.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the House, distributed to the Press and that an embossed copy, signed by the proper authorities, be presented to the bereaved family.

Mr. Hale moved for the adoption of **HR 2**. **HR 2** was then unanimously adopted by voice vote.

Mr. Hale introduced the following resolution:

**HR 3** — In Reference to Temporary Rules of the House of Representatives.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly that the Rules of the House of Representatives in effect at the end of the second regular session of the 123rd General Assembly be and they are hereby adopted as the temporary rules for the governing of the present Session.

Mr. Hale moved for the adoption of **HR 3** and it was seconded by Mr. Dodge. **HR 3** was unanimously adopted by a voice vote.

Mr. Hale introduced the following resolutions:

**HR 4** — Appointing A Committee to Notify the Governor that the House of Representatives Is Organized.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the Speaker of the House appoint a committee of 2 members on the part of the House to notify the Governor of the State of Delaware, of the convening of the first regular session of the House of Representatives of the 124th General Assembly, and to inform him that the House is ready to receive any communication that he may desire to present, or to receive any message that he may choose to deliver at such time as he may designate.

**HR 5** — Notifying the Senate that the House of Representatives is Organized and Ready for Business.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the Clerk of said House notify the Senate that the House is organized and ready to receive business.

**HR 6** — Authorizing the Legislative Reference Bureau to Furnish Stationery and Other Supplies.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the Legislative Reference Bureau is hereby authorized and directed to furnish, during the 124th General Assembly, to the Members of the House of Representatives, stationery and other supplies, the cost of which shall not exceed the sum of \$25.00 for each for use during the 124th General Assembly.

**HR 7** — Authorizing the Chief Clerk to Obtain Supplies.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly that the Chief Clerk of the House of Representatives be and hereby is authorized and directed to procure from the Legislative Reference Bureau all necessary books, forms, seals, blanks, stamps and stationery as may be required for the proper conducting of the business of the House.

Mr. Hale moved **HR 4**, **HR 5**, **HR 6** and **HR 7** be adopted and Mr. Dodge seconded the motion. All the above resolutions were adopted by a unanimous vote.

The House adjourned until 1:30 P.M., January 4, 1967.

## 2ND LEGISLATIVE DAY

The House met pursuant to adjournment at 1:35 P.M., on January 4, 1967.

There was a prayer by the Chaplain Reverend Oliver Spence.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harring-



ton, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

Absent: Hammond, McMahon, Riddagh, Shockley — 4.

The Clerk proceeded to read the Journal of the previous session when Mr. Hale moved that so much be considered the reading of the Journal. Approved. Motion prevailed.

The following resolution was introduced by Mr. Hale.

**HR 8**—"In Reference To Election Of Officers."

**BE IT RESOLVED**, by the 124th General Assembly of the State of Delaware that the following named persons be and they hereby are elected to the respective offices appearing opposite their names, to serve on the legislative staff during the pleasure of the House.

Chief Clerk — Mrs. A. J. (Louise) Smith

Attorney — Roger D. Kelsey, Esquire

Attorney — F. L. Peter Stone, Esquire

Assistant in Charge of Personnel — Granville Messick

Assistant Chief Clerk — John McDonald

Reading Clerk — Glenwood Harrington

Bill Clerk — Robert J. Barkley

Assistant Bill Clerk — Douglas VanSant

On motion of Mr. Hale, **HR 8** was adopted by voice vote.

The following resolution was introduced by Mr. Hale:

**HR 9** — Appropriation for Postage Stamps for the House of Representatives of the 124th General Assembly.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the sum of \$500 be and the same is hereby appropriated out of the General Fund of the State of Delaware for the purchase of postage stamps to be used for the official business of the House of Representatives of the 124th General Assembly.

**BE IT FURTHER RESOLVED**, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps out of said appropriation upon warrants approved by the Executive Director of the Legislative Reference Bureau.

On motion of Mr. Hale, **HR 9** was adopted by voice vote.

The following resolution was introduced by Mr. Hale:

**HR 10** — In Reference to Supply of Delaware Code to Members Of The House Of Representatives And Certain Officers Thereof.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly of the State of Delaware that the Legislative Reference Bureau is hereby authorized and directed to furnish to each member of the House, to the Chief Clerk of the House, to each Attorney of the House, to the

Executive Director of the Legislative Reference Bureau, and to the office of the Speaker of the House, Majority and Minority Leaders, respectively, one copy of the 1953 Delaware Code Annotated, including the most recent Pocket Parts.

On motion of Mr. Hale, **HR 10** was adopted by voice vote.

On motion of Mr. Hale the House recessed at the Call of the Chair at 3:15 P.M.

The House met at the expiration of the recess at 4:45 P.M.

Messrs. Hammond, Shockley and McMahon asked to be marked present.

The following resolution was introduced by Mr. Hale:

**HCR 1** — That the two Houses Meet in Joint Session to Hear The Message of The Governor.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that the two Houses of the General Assembly meet in Joint Session in the House Chambers at 2 o'clock P.M. on the 12th day of January, A.D. 1967, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

On motion of Mr. Hale, rules were suspended and **HCR 1** was adopted by voice vote.

The following resolution was introduced by Mr. Hale:

**HR 11** — In Reference to Election of Officers.

**BE IT RESOLVED** by the 124th General Assembly of the State of Delaware that the following named persons be and they hereby are elected to the respective offices appearing opposite their names to serve on the legislative staff of the House.

Multilith Operator — Ralph Morris

Multilith Operator — Edward Banks

Secretary — Elise C. Vitale

Secretary — Bobbie Konopik

Secretary — Imogene Ellis

Secretary — Jane McCready

Secretary — Evelyn Kneisley

Secretary — Helen Looney

Receptionist — Margaret Zachies

Proof Reader — Gwendolyn Jenkins

File Clerk — Dorothy Taylor

File Clerk — Joan Painter

Messenger — Norman Shorts

Page — William Truitt

Page — Lee Daniels

Page — James Dickerson

Page — Ruth Ross

Recording Machine Operator — Richard Millman  
 Chief Sergeant-at-arms — Nathaniel Taylor  
 Sergeant-at-arms — David Hollett  
 Sergeant-at-arms — Charles Kaufman  
 Telephone Messenger — Irvin D. Evans  
 Supply Clerk — Jesse Jones

On motion of Mr. Hale **HR 11** was adopted by voice vote.

The Speaker invited Mr. Benson to take the Chair.

The following resolution was introduced by Mr. Hering:

**HR 12** — In Reference to Temporary Rules of the House of Representatives.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly that the temporary Rules of the House of Representatives adopted January 3, 1967, be amended by deleting Rule 17 in its entirety and substituting in lieu thereof the following new temporary Rule 17:

Rule 17 — Standing Committees

The standing committees of the House shall be constituted in accordance with the proportionate number of members of the two major political parties.

The Speaker shall appoint the membership of the following standing committees which shall continue during the session.

1. Agriculture and Forestry
2. Appropriations
3. Banking and Insurance
4. Commerce and Corporations
5. Education
6. Elections
7. Fish, Oyster and Game
8. Government Operations
9. Health and Welfare
10. Highways and Public Safety
11. House Administration
12. Judiciary
13. Labor
14. Miscellaneous
15. Public Buildings and Lands
16. Revenue and Taxation
17. Revised Statutes

On motion of Mr. Hering, **HR 12** was adopted by voice vote.

The following resolution was introduced by Mr. Castle:

**HR 13** — In Reference to the Continuing Bus Strike in the Greater Wilmington Area.

WHEREAS, the general public of the Greater Wilmington Area is now being seriously affected by the continuation of the prolonged strike of the Delaware Coach Company;

AND WHEREAS, the Governor of the State and Mayor of the City of Wilmington have been unable to effectively get both sides to enter into meaningful collective bargaining talks;

AND WHEREAS, it is the duty of this General Assembly to protect the public welfare;

NOW THEREFORE, BE IT RESOLVED by this General Assembly that the intent of this body, urging both sides to immediately enter into effective and continuous bargaining talks to reach an agreement which protects the public welfare as well as their own private needs, be transmitted to the parties involved.

On motion of Mr. Castle **HR 13** was adopted by voice vote.

The following bill was introduced, given first reading, by title only, and assigned to committee as follows:

**HB 1** — An Act Agreeing To A Proposed Amendment To Article X Of The Constitution Of The State Of Delaware By Providing That The General Assembly May Provide For The Transportation Of Students Of Non-Public, Non-Profit Elementary and High Schools.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 123rd General Assembly as follows:

“An Act Proposing An Amendment To Article X Of The Constitution Of The State Of Delaware By Providing That The General Assembly May Provide For The Transportation Of Students Of Non-Public, Non-Profit Elementary And High Schools.

Be It Enacted By The General Assembly Of The State Of Delaware (Two-Thirds Of All Members Elected To Each Branch Thereof Concurring Therein):

Section 1. Article X of the Constitution of the State of Delaware is amended by adding thereto a new section to read:

**§5. Transportation of non-public school students**

Section 5. The General Assembly, notwithstanding any other provision of this Constitution, may provide by an Act of the General Assembly, passed with the concurrence of a majority of all the members elected to each House, for the transportation of students of non-public, non-profit Elementary and High Schools.”, AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 123rd General Assembly, NOW, THEREFORE

Be It Enacted By The General Assembly Of The State Of Delaware (Two-Thirds Of All The Members Elected To Each Branch Thereof Concurring Therein):

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Introduced by Messrs. Slawik, Ferguson, Zimmerman, McMahon and Phillips. Referred to the committee on Revised Statutes.

On motion of Mr. Hale the House recessed at call of the chair at 5:23 P.M.

The House reconvened at 1:39 P.M., and adjourned at 1:40 P.M., ending the 2nd Legislative Day.

### 3RD LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M., on January 12, 1967.

There was a prayer by the Chaplain Reverend David B. Mulford.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Castle, Cicione, Dodge, Eskridge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

Absent: Cashman, Evans, Heckert, Shockley — 4.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

The House recessed at 1:49 P.M.

At 2:10 P.M. the Sergeant-at-Arms announced the President and Members of the Senate. They were admitted and seated. The Speaker invited the President of the Senate to a seat on the rostrum.

### JOINT SESSION

Mr. Hale moved that the House and Senate convene in Joint Session. Motion prevailed.

Mr. Hale moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

Mr. Hale moved that the Chief Clerk of the House and the Secretary of the Senate act as Secretaries for the Joint Session. Motion prevailed.

The Chair appointed the following committee to escort the Governor to the House: Mrs. Gooding, Mrs. Heckert, Senators Steele and Robbins.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber.

The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

Mr. Speaker

Mr. President

Mr. President Pro Tem

Members of the 124th General Assembly

Fellow Citizens:

Ours is a vital task for we are meeting at a time of our state's greatest growth, at a time of its most significant contribution in this union of states in which we played a founding role and in the aftermath of one of the most productive General Assemblies that Delaware has ever known.

We come together at a time of division in the political make up of our state government. All Delaware is aware of that fact and is watching us to see if out of that division we can fashion harmony, if out of that split we can build creatively, if out of our differences we can construct a spirit of Bipartisan cooperation founded on the hand of friendship and a mutual desire to bring to this state a progressive, dynamic government that will serve the needs and demands of our citizens in a constructive and enduring way.

This administration will continue to pursue that end.

I know personally or by reputation all of the new members of this General Assembly and I know each of you to be honorable and substantial citizens dedicated not to political advantage but to positive achievement through meaningful and productive decisions. Accordingly, we can proceed with confidence in each other from this very moment.

As in the past one of our overriding concerns will be the finances of the state.

You are aware that I have stressed and this administration has practiced financial responsibility during its first two years in office. My firm intent is that this same philosophy shall prevail for the next two years. In order that there be no later misunderstanding, I should like to set forth here some important guidelines.

1. We must continue to progress. Many areas of service for our citizens need substantial improvement and require increased funds. At this time the highest priorities are in the prevention of air and water pollution, the expansion of higher education, the improvement of certain phases of our mental health programs, the development of certain recreational areas and increased emphasis on highway safety.

2. We must continue to improve the structure of state government. The present priorities in this area are the implementation of the merit system, the expansion of our voluntary bulk purchasing program into a modified central purchasing office, the creation of a state architect's office, and the functional reorganization of state agencies.

3. In each priority area, we must continue to advance in positive but planned and controlled steps. We do not foresee any "crash" programs. The agencies can take advantage of an effective program and utilize moderate budgetary increases each year for several years. Crash programs in these areas can only lead to waste and inefficiency.

4. The Governor, as Chief Executive, is the chief fiscal officer in the state. It will be expected during the next two years, as during the past two, that all executive agencies will direct their requests for change in the recommended executive budget or for supplementary appropriations to the governor and to the budget director for consideration prior to placing such requests before the General Assembly.

5. Except for bona fide emergencies beyond the control of the agency, it is expected that all executive agencies will live within their budget appropriation. This is especially true in the area of employees' salary increases. It has been, and will continue to be, the policy of this administration to oppose supplementary appropriations for the purpose of increasing salaries midway through a fiscal year.

6. We must continue to adopt fiscal programs that assure the state of an adequate annual cash balance in the General Fund. We must not revert to fiscal policies which permit a General Fund deficit. Our budget proposals should carefully weigh our needs and resources with this guideline in mind in this regard, it is my determination, for the duration of this administration, to meet our increased automatic requirements and advance all priority programs without any tax increases. No tax increases will be recommended or anticipated by me.

7. We must continue to evaluate our annual capital improvement act primarily in terms of priority needs and our six-year capital improvement program. We must give close attention to the effect this act will have on our total bonded debt. We must also take into consideration the impact that increased debt service costs will have on our annual operating budget. During the next two years it is important that we limit our capital improvement acts to a maximum of \$40 million annually.

8. We must continue to safeguard the divestiture revenue principal in the Capital Investment Fund. This money is a legitimate receipt from the personal income tax, but it constitutes a fiscal oddity since a large sum of non-recurring revenue came to the state in a short period of time. If we permit substantial parts of the principal of this fund to be used for routine operations, the state may be less prudent in evaluating needs and will certainly face a financial crisis when the fund is exhausted. For this reason, I propose that

the uncommitted balance of these divestiture monies, plus additional principal collected as tax receipts under the law, be constitutionally protected so that the principal may only be expended on approval of two-thirds of the members of the General Assembly. During the current year, an excess of \$1.7 million earnings from the Capital Investment Fund are being applied toward the interest on our bonded debt. I propose that next year, and for each year in the future, the earnings from the fund be wholly applied toward the interest on our bonded debt.

9. On several occasions in the past, I have publicly expressed my views on the level of passenger motor vehicle registration fees and I should like to repeat them now so that there will be no misconception. If these fees are returned to their 1965 level and a flat \$5.00 increase applied, the state will lose about \$750,000 in revenue next year. The administration can live with such a decrease and I would approve such a measure, if enacted. At the same time, I feel compelled to warn that any additional appropriations beyond those recommended here will require even more careful scrutiny.

10. While this picture is one of restraint and tight budgetary control, I want to emphasize that I am not shutting the door on any new programs that the General Assembly might advocate. I think it necessary to state, however, that any new program requiring a substantial expenditure will have to come to my desk accompanied by a revenue measure designed to raise the funds needed for putting the program into effect. That is a responsible and businesslike procedure.

I turn now to the current fiscal year, fiscal 1967. At the time I became Governor two years ago, it was the projection of the budget director that there would be a deficit of almost \$9 million in the General Fund on June 30, 1967, and the Governor's Revenue Study Committee foresaw a deficit of \$10 million on June 30, 1967, and of \$28.4 million on June 30, 1968. I am happy to report to you that we now estimate a cash balance of \$22 million on June 30, 1967. It is to the lasting credit of the 123rd General Assembly that it performed its duty in the most difficult area in state government and legislation.

The cash balance of \$22 million will be approximately the same as the balance that existed on June 30, 1966. Thus, our current estimate is that we will complete the current fiscal year with a balanced budget.

This achievement has been made possible by a combination of several factors including the use of \$1.7 million of Capital Investment Fund earnings, a calculated delay in the sale of authorized bonds, increased interest on our deposits in the Farmers Bank, and the continued economic growth of



our community. While our inheritance and state tax revenue has been above average and is now estimated at \$3.7 million during the current fiscal year, it should be noted that this estimated figure is the lowest since fiscal 1962 and thus our achievement has not been marked by unusual reliance on this revenue source.

In pursuing the successful completion of this fiscal year, we should be alert to legitimate emergency needs. There are several small but vitally important supplementary appropriations needed during the current year. These include \$15,000.00 for the new Personnel Commission which was established with no appropriation, \$50,000.00 for the new Water and Air Resources Commission which was established with no funds for its additional responsibilities, \$25,000.00 for the Delaware Arts Council, \$62,650.00 for the State Park Commission for current operations on the Indian River Park prior to the beginning of the summer season. These supplementary appropriations have been taken into account in recommending the budget act for fiscal 1968 and do not measurably affect the \$22 million estimate of our cash balance on June 30, 1967.

For fiscal year 1968, automatic appropriations and the request of the various agencies totaled \$169.1 million. This represents nearly \$27 million over what we expect to disburse this year.

My estimates of General Fund revenue for fiscal 1968, including \$3 million for Estate and Inheritance Taxes, total \$147 million. Thus, once again, it is the obvious and inescapable fact that all agency requests cannot be recommended by me.

After a careful review of our present agency programs and proposed new programs, I am recommending for fiscal 1968 a General Fund Budget Act of \$149 million. When automatic appropriations of \$7 million and routine Grants-In-Aid of \$1.4 million are added and \$3 million in estimated reversions is deleted, the anticipated General Fund cash disbursement will be \$154.4 million. This is about \$7.4 million more than our \$147 million estimate of revenue for fiscal 1968 and will reduce our estimated cash balance to \$14.6 million on June 30, 1968.

This recommended cash disbursement of \$154.4 million for fiscal 1968 is a \$12.4 million increase over the \$142 million expected to be disbursed during the current year. A substantial part of this increase, \$7.6 million, falls within areas over which we have little control as follows:

**MILLIONS**

\$ 2.2	Debt Service Increase
\$ .6	State Employees' Pension Increase
\$ 1.0	Tax Refund Increase

\$ .7	Decrease In Earnings Available From Capital Investment Fund
\$ .9	Statutory Salary Schedule Increases To School Teacher And Employees
\$ .7	Statutory Salary Increments To School Teachers And Employees
\$ 1.5	Increase In Number Of Public School Pupil Units

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\$ 7.6

In addition, I have recommended an increase of \$1.2 million for higher education; \$712,000 for the public schools including increased transportation costs, additional clerical personnel, additional teacher substitutes and additional specialists, and an increase in the unit allotment to \$900.00. If we count money made available to the school districts during the current fiscal year and recommended to them in the budget for the next fiscal year for routine maintenance and repairs, the unit allotment would average about \$1,000 in our school districts.

Additional increases include \$883,000 for improving the mental health program, especially at Stockley; and \$845,000 for our other health and welfare agencies. The balance of my recommended increase is spread out over all the remaining agencies, and, except for the Park Commission, the new Water And Air Resources Commission, the new Personnel Commission, the new Arts Council and the new Uniform Commercial Code Division, is intended primarily to improve employees' salaries and cover inflationary increases in the purchase of materials and service.

In concluding this outline of our present financial condition and the executive budget recommendation for fiscal 1968, I must impart a few words of caution.

It has been assumed that the economic growth of the past five years will continue throughout fiscal 1968; even a minor recession could drastically reduce the estimates of revenue from personal and corporate income taxes.

Although our budgets are annual, it is important that we look beyond the next fiscal year. The members of this body will have the responsibility for enactment of the budget act for fiscal 1969, and there is one unusual matter which dims the prospects for that year. On July 1, 1968, the first day of fiscal 1969, we will have to pay the full principal on a \$2.5 million highway improvement bond issue, the only bond issue in modern Delaware history that was not amortized.

Notwithstanding the difficulties that lie ahead, my administration is determined to keep the following commitments over the "Biennium:"

1. Meet all priority needs in areas of public service within the limits of efficient expansion.
2. Enact no tax increases.
3. Leave the next administration and General Assembly with a substantial cash balance on June 30, 1969.

On balance, we can face the immediate future with cautious optimism. While the prospects are not as favorable as we ideally desire, they are considerably better than they were and they insure our continued progress. As I see it, this is the fiscal picture as we begin what I hope will prove to be another historic session of the Delaware General Assembly.

Let us constantly remember that we are following upon the heels of a truly great legislature which enacted landmark reforms and programs that have been advocated for decades but which, for one reason or another, had previously failed of adoption.

It is not my intent to rest on the laurels of that General Assembly and become a passive Chief of State.

Accordingly, I strongly urge you to follow through with the dynamic activity that the 123rd General Assembly so auspiciously generated.

That includes implementation of the Merit System, strengthening of the Water And Air Resources Commission so that it can act vigorously to deliver us from present pollution and preserve us from the health threat that has scared our neighboring states, and the establishment in fact of Technical-Community Schools in Sussex and New Castle counties.

The technical school Board of Trustees has been working diligently and their comprehensive report, together with recommended legislation, will be ready for submittal in the near future.

In the past few weeks we have read much about the Wolcott Committee Report which has been released after more than a year of preparation. Public hearings on that report, under a team of concerned citizens, are about to begin.

Unquestionably, some school consolidation is imperative as an adjunct to the good education of our children in the secondary grades. I am calling upon the people, the General Assembly and the school districts to work together toward the establishment of districts which will be meaningful in terms of the best modern educational knowledge of finance and curriculum. What we seek is the best possible educational foundation for our young people.

Constructive consolidation of inefficient small districts would not only make improved educational programs possible but would also effect savings by:

1. Allowing greater flexibility in the use of school buildings.

2. Permit greater flexibility in scheduling pupil transportation.

3. Help to equalize the property tax base by bringing the extremes closer together.

4. Increase bulk purchasing of many supplies and materials.

Before I depart from the realm of education, I want to say during the current fiscal year we will finance our schools by \$1,228,000 over and above normal growth and will spend at least \$1,168,000 over normal growth during the fiscal year beginning next July 1.

It is a pleasure to report here that the Governor's Goals Committee, which has been steadfastly at work for most of my two years in office, has its report regarding consolidation of state agencies nearly ready to submit.

I am familiar, in general terms, with its recommendations which I believe will be of great value and importance to the progress of our government. Legislation to accompany the report is also being prepared.

When it is ready, I intend to come before the General Assembly, with the concurrence of the two Houses, and present the proposals to you in their entirety.

Along those lines, I want to say here that with your kind indulgence it will be my policy, as it was throughout the life of the 123rd General Assembly, to speak in this forum whenever a major program is to be introduced in the form of legislation or at any other such time when I might have information or suggestions that, in my opinion, will be useful to each of you as you go about your important deliberations.

As in past years, there will be several governor's conferences to be held during 1967 to which all of you, as members of the General Assembly, will be invited. A conference on travel and recreation is already scheduled for March under the sponsorship of the State Development Department. Tourism is a multi-million dollar industry in Delaware, particularly when related to recreation, and it is essential for us to encourage its promotion and development. Our theme of "Wonderful Delaware" is beginning to show beneficial results in economic terms and I hope that we can continue the effort even more dynamically in the future.

Industrial development is also at a high level and I think it significant that since 1965, Delaware has added 35 new or vastly expanded industrial operations to its vibrant economy.

Shortly after the first of the year, I added to my staff a management analyst. His major responsibility will be in the area of state-federal relationships, especially in so far as obtaining federal funds for Delaware is concerned. Already his employment has produced beneficial results and I fully

expect our state to realize a greater share of revenue from federal programs. Delaware taxpayers remit more than \$1 billion annually to the federal government in taxes and receive less than \$50 million in return for state supported programs.

A capital budget act is being prepared and will be submitted to this Assembly much earlier than has been the case in the past. At the time of its submission, I expect to come before the General Assembly and explain its major provisions and the motivation used in making our selections of which programs to pursue and which to postpone. However, I want to explain to you at this time the clear and present need for immediate authorization by the General Assembly of three projects.

These projects are a part of my recommended capital budget. They have been carefully evaluated and I believe the failure to authorize them immediately will result in serious curtailment of our progress and service to the people of Delaware.

The projects include patient treatment facilities for the Department of Mental Health, a conversion of William Jason High School into facilities for the Delaware Technical and Community College and improvement and development of recreational facilities in the Indian River Inlet area of our Beachlands. Appropriate legislation will be submitted within two weeks.

The recent fire in the New Castle building of the State Hospital has created a severe patient housing and treatment problem for the Department of Mental Health. Funds in the amount of \$2,750,000 have been requested to construct a Sussex Treatment Unit of 150 beds and provide for the construction of space for an additional 50 beds in the presently authorized Kent Treatment Unit. I recommend that these funds be authorized immediately through the use of general obligation bonds since patients at the State Hospital are currently in very crowded quarters which precludes giving them the care and treatment that their situation warrants.

The last General Assembly created the Delaware Institute of Technology for post high school students. While I plan to speak to you in the near future on the total recommendations of the board of trustees of that organization, it is appropriate to point out here that its plans include conversion of the William Jason High School at Georgetown into a technical and community college. By making available immediately funds in the amount of \$1,540,000, it is anticipated that this college may be open for student enrollment in September of this year. Since such a program will immeasurably assist industries already operating in Delaware and

serve as an inducement to other business and industry to locate within our borders, it is imperative that you give immediate consideration to this recommendation.

During the past summer, the public beachlands were transferred from the State Highway Department to the jurisdiction of the State Park Commission. There is a great demand for improvement of the beachlands for recreational purposes since thousands of our own citizens, plus hundreds from out-of-state, take advantage of the availability of the state-owned facilities. In order to make the use of the area accessible to the public this summer with the necessary parking, sanitary and related facilities, construction must begin very soon. An entire recreation season will be lost if this authorization were to become effective on July 1, 1967, instead of now. I am recommending, therefore, that funds in the amount of \$600,000 be authorized at this time and that the funds be taken from the Capital Investment Fund.

A Legislative Building Committee was appointed by Joint Resolution of the last General Assembly. The committee has been hard at work with the services of an architect and has made a report calling for the expansion of Legislative Hall. It is important that this work continue unimpeded and to that end it is necessary to authorize funds for the project. The entire state is served by Legislative Hall and members of the General Assembly should be provided with adequate office space. The state has constructed numerous new buildings for various state agencies but has neglected the provision of necessary facilities for the Legislature. For these reasons, I recommend the passage of legislation which will provide funds in the amount of \$1,320,000 for the expansion of Legislative Hall from the Capital Investment Fund at an early date. As I said earlier, I will come before this session at a later date with recommendations regarding other provisions of the capital budget.

A later message will also be forthcoming from me containing recommendations for election reform including the establishment of a bipartisan statewide election system. Legislation to achieve that effect is being prepared.

Ladies and gentlemen, I have endeavored here to set the tone for some of the things which we must achieve during 1967-68 if Delaware is to continue to be, as she has consistently been in the past, a leader among the states of the union. We are one of the fastest growing, one of the richest, one of the most attractive and one of the leaders among the states in providing employment for our people. That situation has not just come about, for in natural resources we are not abundant. But it is in human resources that our greatness is preeminent and triumphant. The task of government is to

utilize those human resources in the most effective manner possible and to provide an atmosphere in which productivity, imagination and creativeness may flourish.

The new year opens to the last third of the 20th century, a period of almost unbelievable accomplishment, yet a time of stress and turmoil that has deeply involved and significantly influenced our entire civilization. Today, we in Delaware, as do people throughout the nation, look across the miles to south east Asia where young citizens from our beloved state are standing firm with heroic bravery and sacrifice against a tide of aggression, which if left unchecked would eventually and surely sweep to our own shores. All that we can do in their behalf is scarcely enough. We may debate and discuss the nation's policies in this time of trial and challenge but even the towering strength of our democracy cannot permit national division. Let us steadfastly hope and earnestly pray that violence of conflict will soon abate and the conference table will replace the savagery and bitterness of the battlefield. To this end we continue to pledge our enduring efforts.

There are other projects and proposals which I would have liked to discuss here today but my speech, because of the necessity to brief you fully on the financial prospectus, has already been long and I must close.

Let me finish as I began with a reminder that we are all Delawareans, all involved deeply and irrevocably with one another and that it is in our common interest to work together, irrespective of party, to retain for our state that coveted position of "First" which was bequeathed to us by our far-seeing ancestors of an earlier generation.

The previously named Committee escorted the Governor from the Chamber.

On motion the House recessed to the call of the chair at 3:05 P.M.

The House met at the expiration of the recess at 4:48 P.M., Mr. Speaker presiding. Mrs. Heckert asked to be marked present.

Mr. Slawik moved Mr. Cashman's name be added to **HB 1**. Mr. Hale said Mr. Cashman's name could be added only by letter of authorization by Mr. Cashman, due to his absence.

The following bills were introduced and assigned to committees as follows:

**HB 2** — An Act to amend Chapters 9 and 11, Title 10, and Chapter 3, Title 31, Delaware Code, relating to the definition of Dependent Children. Introduced by Mr. Stabler. Referred to the Committee on Health and Welfare.

**HB 3** — An Act to amend Chapter 3, Title 31, Delaware Code, relating to Child Welfare. Introduced by Mr. Stabler. Referred to the Committee on Health and Welfare.

**HB 4** — An Act to amend Chapter 11, Title 13, Delaware Code, relating to termination of parental rights so as to provide for an Interlocutory Decree in certain cases. Introduced by Mr. Stabler. Referred to the Committee on Health and Welfare.

**HB 5** — An Act to amend Chapter 11, Title 13, Delaware Code, relating to termination and transfer of parental rights in connection with proceedings for adoption or placement for adoption. Introduced by Mr. Stabler. Referred to the Committee on Health and Welfare.

**HB 6** — An Act relating to the Insurance Study and Revision Committee established by Chapter 306, Volume 55, Laws of Delaware. Introduced by Reps. Dodge and Burton. Referred to the Committee on Banking and Insurance.

**HB 7** — An Act to amend Title 6, Delaware Code by adding a Chapter 44 thereto providing the prohibition of certain kinds of commercial activity on Sunday. Introduced by Mr. Cicione. Referred to the Committee on Commerce and Corporations.

**HB 8** — An Act agreeing to a proposed amendment to Article III, Section 18, of the Constitution of the State of Delaware. Introduced by Mr. Benson. Referred to the Committee on Revised Statutes.

**HB 9** — An Act proposing an amendment to Article V, Section 2 of the Constitution of the State of Delaware, relating to the qualifications for voting. Introduced by Rep. Castle. Referred to the Committee on Elections.

**HB 10** — An Act to amend Section 4166 (b), Title 21, Delaware Code, relating to independent signalling devices on all school busses. Introduced by Rep. Sebrell. Referred to the Committee on Highways and Public Safety.

**HB 11** — An Act to amend Sections 356 and 357, Title 30, Delaware Code, relating to the printing and distribution of tax return forms by the tax Commissioner. Introduced by Rep. Sebrell. Referred to the Committee on Revenue and Taxation.

**HB 12** — An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1968. Introduced by Reps. Zimmerman, Hale, Fonville, Ferguson, Blendt, Eskridge, Leshner, Phillips, Bartleson, Slawik, McMahon, Harrington, Heckert, Gooding and Sebrell. Referred to the Committee on Appropriations.

**HB 13** — An Act to amend §2151 (2), Title 21, Delaware Code, relating to Motor Vehicle Registration Fees. Introduced by Reps. Ferguson, Gooding and Slawik. There being an in-



adequate number of copies, Mr. Stabler made a motion to table until more copies were obtained. After more copies were obtained Mr. Ferguson made a motion to suspend rules and act on the bill. Motion defeated. Mr. Hale moved to lift **HB 13** from the table and refer to committee. Roll call on the motion revealed:

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

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

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

**PRESENT** — Eskridge, Phillips — 2.

Thereby lifting **HB 13** from the table. **HB 13** assigned to the Committee on Revenue and Taxation.

**HR 14** — "Relative to the Illness of State Representative Joseph T. Cashman."

**WHEREAS**, the House of Representatives of the 124th General Assembly of the State of Delaware has learned with deep regret of the illness of State Representative Joseph T. Cashman of New Castle, and

**WHEREAS**, the members of the House desire to express in this public manner their best wishes for his speedy recovery,

**NOW THEREFORE**,

**BE IT RESOLVED** by the House of Representatives of the 124th General Assembly of the State of Delaware that the members thereof extend their sincere best wishes for a speedy recovery to State Representative Joseph T. Cashman from his illness,

**BE IT FURTHER RESOLVED** that this expression be conveyed to State Representative Joseph T. Cashman a copy of this Resolution be forwarded to him at his home in Wilmington, and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be spread upon the Journal of the House of Representatives of the 124th General Assembly of the State of Delaware.

Introduced by Reps. Murphy, Stabler and Slawik. Adopted by voice vote. Motion made by Mr. Murphy to send a copy to Mr. Cashman. Motion prevailed.

**HR 15** — "Authorizing the Legislative Reference Bureau to Purchase Name Cards for Use of Members of the House of Representatives and Identification Cards for Use of Members of the House of Representatives, the Legislative Staff of the House of Representatives, and the Staff of the Legislative Reference Bureau."

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware that the Legislative Reference Bureau is hereby authorized and directed to purchase name cards for the use of members of the House of Representatives and identification cards for the use of the members of the House of Representatives, the legislative staff of the House of Representatives, and the staff of the Legislative Reference Bureau.

Introduced by Rep. Sebrell. Mr. Zimmerman made a motion that the attorneys check the title. Motion carried.

**HR 16** — "In Reference to an Act Relating to the Insurance Study and Revision Committee Established by Chapter 306, Volume 55, Laws of Delaware."

BE IT RESOLVED, that the submission of a preliminary written report by the Chairman of the Insurance Study and Revision Committee to the Secretaries of both Houses of the Legislature on or before January 16, 1967, shall be considered as compliance with Chapter 306, Volume 55, Laws of Delaware, approved by the Governor February 24, 1966, as amended by Chapter 356, Volume 55, Laws of Delaware, approved by the Governor June 2, 1966.

Introduced by Rep. Dodge. On further motion by Mr. Dodge, **HR 16** was stricken.

**HR 17** — "In Reference to Urging the Retention and Enforcement of Delaware Valley Milk Marketing Order No. 4."

WHEREAS, the United States Department of Agriculture has served notice of its intention to amend Delaware Valley Milk Marketing Order No. 4; and

WHEREAS, this Order as a handler pool has served as the basis for the orderly marketing of milk by many Delaware farmers for a period of almost 25 years; and

WHEREAS, 90% of the farmers and handlers operating under this Order indicated at hearings in October - November 1965 their desire that this Order be retained as a handler pool; and

WHEREAS, the Congress of the United States has established as firm national policy that such orders must be responsive to the wishes of the farmers supplying the marketing area; and

WHEREAS, the Department of Agriculture has advanced as its only reason for desiring a change in said Order its self-asserted inability to insure said Order against minimum price violations; and

WHEREAS, recently Federal courts have demonstrated a total willingness to cooperate with the Department of Agriculture to enforce compliance when the Department seeks such enforcement; and

WHEREAS, Amendment of the said order other than to strengthen its handler pool by enforcement features would result in irreparable damage to Order No. 4 farmers and thus to the economy of this area; and

WHEREAS, such loss to the economy of the Delaware Valley is patently unnecessary and indefensible in view of the aforesaid evidences of the full enforcement cooperation of the courts.

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives that the Chief Clerk of the House be instructed to mail copies of this Resolution to members of the Delaware delegation in Congress and to the United States Secretary of Agriculture to the end that they be advised that it is the sense of this House that the handler pool of Milk Marketing Order No. 4 should be retained and diligently enforced.

Introduced by Rep. Blendt. Adopted by voice vote.

**HR 18** — "Relative to the Death of Zena Evans, Mother of Representative Raymond T. Evans."

WHEREAS, the House of Representatives of the 124th General Assembly of the State of Delaware has learned with regret of the passing of Zena Evans of Wilmington, Delaware, mother of Representative Raymond T. Evans.

WHEREAS, the members of the House desire to express to the family of the deceased, in this public manner their sympathy at the occasion of this loss.

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the members give expression of the regret they experienced at the passing of Zena Evans, mother of Representative Raymond T. Evans.

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 124th General Assembly of the State of Delaware which is extended by sending a copy of this Resolution to the members of their immediate family; and,

BE IT FURTHER RESOLVED, that the text of this Resolution be made a part of the Journal of the proceedings of the House of Representatives of the 124th General Assembly of the State of Delaware.

Introduced by Rep. Castle. Adopted by voice vote. Mr. Castle moved to send a copy to Mr. Evans. Motion prevailed.

**HB 1** — Referred to the Committee on Revised Statutes.

**HCR 1** — Delivered to the Temporary Secretary of the Senate.

**HCR 2** — "Establishing a Joint Committee of the House of Representatives and Senate of the 124th General Assembly to Recommend to the General Assembly Legislation to Require the Operation of Services Essential to the Public Welfare."

WHEREAS, the bus strike in the City of Wilmington, already in its 57th day, constitutes a grave hardship to many of the citizens of Wilmington, particularly those least able to endure such inconvenience and expense; and

WHEREAS, the extra cost of alternative means of transportation and the loss of employment for lack of bus transportation is actually improvishing some of the citizens of Wilmington otherwise highly motivated to work and support themselves; and

WHEREAS, an undue share of the financial burden falls on woman least able to bring pressure on the disputants; and

WHEREAS, no elected officials other than this General Assembly have the power to bring about a solution to this problem;

**NOW THEREFORE**

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that a Joint Committee of the House of Representatives and the Senate of the 124th General Assembly be and is hereby established. Said committee to be composed of three members of the House of Representatives appointed by the Speaker of the House, consisting of two members of the majority party and one member of the minority party, and three members of the Senate appointed by the PRESIDENT PROTEMPORE of the Senate, consisting of two members of the majority party and one member of the minority party; and

BE IT FURTHER RESOLVED, that said committee shall study and recommend to the Speaker of the House and the PRESIDENT PROTEMPORE of the Senate, legislation for the consideration of the General Assembly which will have as its objective the devising of a legal and equitable means to require the operation of essential public services at all times; and

BE IT FURTHER RESOLVED, that if the buses in the City of Wilmington are not yet operating by Thursday, January 19, 1967, this joint committee be given a mandate of urgency to finalize its recommendations for presentation to the General Assembly during the following week; and

BE IT FURTHER RESOLVED, that should the buses in the City of Wilmington not be operating by Thursday, January 19, 1967, The Speaker of the House and the PRESIDENT PROTEMPORE of the Senate be directed to call the two houses of the General Assembly into session on a day

they mutually agree upon during the week of January 23rd to 27th, 1967, to consider the recommendations of the Joint Committee created by this resolution; and

BE IT FURTHER RESOLVED, that should the buses in the City of Wilmington be operating by Thursday, January 19, 1967, or an agreement having been reached to operate said buses before the General Assembly convenes in the week of January 23rd to 27th, 1967, the report of this Joint Committee be made at a later date in 1967, during a regular session of the 124th General Assembly.

Introduced by Rep. Heckert. Mrs. Heckert moved the following communications be made a permanent part of the Journal.

Mrs. Clarice U. Heckert  
Legislative Hall, Dover, Del.

We Capitol Hill Association representing a large body of people in the west side area in the city of Wilmington greatly appreciate your efforts toward immediate legislative action in restoring bus service throughout the city of Wilmington which is causing tremendous hardships to many thousands of citizens. Any right and proper action taken by you to remedy this acute situation will be greatly appreciated by our Capitol Hill Association.

Miss Ann Helena Dougherty, President, Capitol Hill Association and Executive Body.

Mrs. Clarice Heckert  
Legislative Hall, Dover, Del.

We demand that bus service be restored in Wilmington and we support your efforts toward legislative action in this matter.

Elizabeth Bowman, Mabel Montgomery, Dorothy Whitaker, Howard Eknuce, Skattert Duanne, Due White, Louise Regeleski and Joan White.

Mrs. Heckert  
Legislative Hall, Dover, Del.

We the residents of west center city demand a meaningful resolution of the impasse between Delaware Coach and the transit union. This is your obligation as a public utility and as a servant of the public.

L. E. Goldsby, pres. representing west center city neighborhood assoc.

Mrs. Clarice Heckert  
Legislative Hall, Dover, Del.

We demand that bus service be restored in Wilmington and we support your efforts toward legislative actions in this unprecedented controversy.

Mrs. Irene McConnell, Mrs. Margaret McGrath, Mrs. Ruth Rex, Mrs. Vincenzia Simeone.

Rep. Clarice U. Heckert  
Dover, Del.

We the undersigned do endorse your legislative action concerning the bus strike and future strikes.

Caroline S. Applegate, Jane R. Stabler, Natalie R. Weymouth, Lucia F. Adams, Jane T. Evans.  
3209 Swarthmore Rd., Wilmington, Del.

Rep. Clarice U. Heckert  
Legislative Hall, Dover, Del.

290 members of Hilltop Neighborhood Association request bus service be restored. We support your efforts.

President, Ralph Morris

Hon. Melvin Slawik  
Dover, Del.

I understand a resolution is to be entered into state House of Representatives setting up 1. A joint committee to study bus strike and 2. To set a deadline with threat of legislation. The United Telephone Workers of Delaware are completely opposed to this resolution.

Earle R. Lindel, Jr., President, The United Telephone Workers of Delaware.

Rep. Clarice U. Heckert,  
General Assembly, Dover, Del.

Please use every effort to get passed some legislation to put government back in the hands of the elected representatives of the people and to take it out of the hands of unions.

A suffering resident of  
declining Wilmington.

605 North Rodney St.  
Wilmington, Delaware  
January 10, 1967

Rep. Claire Heckert  
Legislative Hall  
Dover, Delaware

Dear Mrs. Heckert:

Your efforts in regard to Bus Strike are appreciated. I plead with you to continue to have laws enacted to provide the public this utility. I have walked to and from my position in clear weather and bad weather, and resent being deprived of public transportation. I could give you 25 names of others more handicapped than I by this situation. Thank you very much.

Sincerely,  
(Miss) Marie E. Haley

On Motion of Mrs. Heckert, **HCR 2** was tabled by voice vote.

The House recessed to the call of the chair at 5:53 P.M.

Reconvened at 6:35 P.M.

On motion of Mrs. Heckert, **HCR 2** was lifted from the table. On motion of Mr. Slawik, **HCR 2** was tabled by voice vote.

The House recessed until 1:30 P.M., Monday, January 16, 1967 at 6:38 P.M.

The House reconvened at 1:45 P.M., and adjourned at 1:46 P.M., ending the 3rd Legislative Day.

#### 4TH LEGISLATIVE DAY

The Speaker called the House to order at 1:46 P.M., on January 16, 1967.

There was a prayer by the Chaplain Rabbi Eliahu R. Kandel.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Castle, Cicione, Dodge, Eskridge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebbell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 29.

Absent: Cashman, Ferguson, Harrington, Hart, Heckert, Zimmerman — 6.

On motion of Mr. Hale, the House recessed at 1:50 P.M.

The House reconvened at 4:21 P.M.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Report to the General Assembly of the State of Delaware by the Insurance Study and Revision Committee.

#### A REPORT TO THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE

by

#### THE INSURANCE STUDY AND REVISION COMMITTEE

To the Members of the General Assembly:

The Insurance Study and Revision Committee was created by Chapter 306, Volume 55, Laws of Delaware, as amended, and was therein authorized to cause to be prepared a revision and recodification of the laws of the State of Delaware relating to the business of insurance, and to report back to the General Assembly upon the convening of its Session for 1967.

Pursuant to the foregoing, your Committee hereby reports as follows:

(1) **Organization of Committee.** Your Committee is comprised of the following individuals:

Mr. Harry S. Smith, Chairman  
Route 1, Box 50  
Georgetown, Delaware

Mr. Harry S. Wilson, Secretary  
2627 N. Market Street  
Wilmington, Delaware

Mr. Robert G. Hackett  
c/o J. A. Montgomery, Inc.  
DuPont Building  
Wilmington, Delaware

Mr. Ralph M. Lord  
c/o Chas. W. Hardesty Insurance Agency  
202 Loockerman Street  
Dover, Delaware

Mr. Calvin R. McCullough  
605 Central Avenue  
Holloway Terrace  
New Castle, Delaware

Mr. Wm. F. Lynch, II  
c/o Morris, James, Hitchens & Williams  
701 Bank of Delaware Building  
Wilmington, Delaware 19801

Mr. Robert A. Short  
Commissioner of Insurance  
State of Delaware  
State House  
Dover, Delaware 19901

Shortly after its appointment, your Committee met and selected Mr. Harry S. Smith as Chairman and Mr. Harry S. Wilson as Secretary. Your Committee has held meetings from time to time as required for the discharge of its responsibilities.

(2) **Special Counsel.** After extended search for and consideration of persons possessing requisite experience and abilities, coupled with interviews conducted by the Committee with various of such persons, your Committee, under date of September 9, 1966, entered into a contract with Mr. Robert D. Williams for the performance of the detailed work involved in the revision and recodification. Mr. Williams is an Attorney at Law with extensive experience in the insurance law and legislative field, and in the revision and recodification of state insurance codes, having prepared the insurance codes which are now in force in the States of Washington, Kentucky, Arizona, Florida, Arkansas, Montana, and Idaho, and in the Commonwealth of Puerto Rico. Mr. Williams also recodified its insurance laws for the State of Michigan, and has just completed a revision and recodification of its insurance laws for the State of Wyoming. Under the contract



Mr. Williams, as Special Counsel to your Committee, has assumed responsibility for the research to accompany the revision and recodification project, the drafting of the proposed chapters, the review of such drafts with your Committee, and the further review of the proposed draft by all who may be concerned therewith in the insurance business and among the general public of the State of Delaware through a series of public hearings to be conducted by your Committee before presentation of the proposed revised and recodified insurance laws to the General Assembly as a Bill for its consideration. By the contract, Mr. Williams is required to have a preliminary draft of the proposed revised and recodified Delaware Insurance Code completed not later than June 1st, 1967. By the contract, Mr. Williams is required to consult with your Committee with respect to the general plan and the details of the revision and recodification, and to comply with the decisions of your Committee in the disposition of issues which may arise as to form and contents.

(3) **General Scope and Contents of Proposed Revised Insurance Code.** The project undertaken by your Committee contemplates the presentation to the General Assembly for its consideration of a comprehensive and fully modern body of insurance laws for the State of Delaware. The proposed revised Delaware Insurance Code will be made up of approximately thirty chapters, in which the law will be presented in an orderly and readily accessible manner. The thirty chapters will cover the general powers and duties of the Insurance Commissioner, basic requirements of insurers of all types for authority to transact business in the State of Delaware, the financial affairs of such insurers, qualification and licensing of insurance representatives, operations in the State as to insurers not authorized to transact business here, insurance rates and rating, insurance transactions of all kinds, the internal affairs of Delaware insurance corporations, fraternal organizations and the handling of the affairs of insurance companies and organizations in financial distress.

Without attempting to list more than a few, the proposed revised Delaware Insurance Code will contain the necessary provisions for accomplishment of definite objectives, some of which are as follows:

(a) **Insurance Commissioner.** Adequate powers for the Insurance Commissioner, for better protection of the public interest in the business of insurance.

(b) **Administrative Procedures.** Comprehensive provisions governing the administrative procedures of the Insurance Commissioner, to insure full consideration and due process in matters handled by the Insurance Commissioner, and with full right of appeal to the Courts by aggrieved parties.

(c) **Financial Requirements.** Strengthened financial and other requirements for insurance companies transacting or desiring to transact business in Delaware.

(d) **Investments.** More comprehensive and effective provisions governing the investments of domestic insurance companies.

(e) **Insurance Representatives.** Modernization of qualification and licensing laws for insurance representatives, incorporating, among others, an efficient and economical permanent licensing system which will increase the net revenues for the State from this source.

(f) **Insurance contracts.** Provisions dealing with insurance contracts in general, designed to facilitate the making of insurance contracts and the payment of proceeds and claims thereunder.

(g) **Cancellations.** Reasonable protection of the public against unwarranted cancellation of automobile insurance policies.

(h) **Insurance Corporations.** A strengthening of laws governing internal affairs of domestic insurance corporations in respects in which the general corporation laws are found either inappropriate or inadequate as applied to the insurance business.

(i) **Mergers and Amalgamations.** Comprehensive and modern provisions governing the merger, bulk reinsurance, and other transformations and amalgamations of insurance companies, in order to provide these desirable facilities for Delaware insurance corporations.

(j) **Rehabilitation and Conservation.** Comprehensive provisions governing rehabilitation and conservation of insurance companies, designed to require efficient and economic handling of the affairs of financially distressed insurance companies to the end that policyholders, wherever located, shall receive maximum protection.

(k) **Unauthorized Insurers.** Effective new provisions extending jurisdiction within constitutional limits, as to the operations, by mail or otherwise, of unauthorized insurers in the State, providing for jurisdiction of Delaware courts in disputes arising under policies issued by such insurers to residents of Delaware, providing means for discouraging use of false and misleading advertising by such insurers in this State, and providing for taxation of certain coverages written in such unauthorized insurers on Delaware risks.

(4) **Progress to date.** Mr. Williams has delivered to your Committee preliminary drafts of several chapters of the proposed revised insurance code and shortly will have ready for delivery several additional chapters. Both the Committee and Mr. Williams have every reason to believe that the en-

tire proposed revised insurance code in preliminary draft form will be in the hands of the Committee by June 1, 1967. Your Committee is meeting with Mr. Williams from time to time for review of the details of proposed chapters and for the making of such changes therein or additions thereto as your Committee deems advisable. Your Committee expects to hold public hearings on the entire proposed revised code in late summer or early fall of 1967, and to have the revised code in the form of a legislative Bill ready for consideration and enactment by the General Assembly within the year 1967.

Your Committee is conscious of its responsibilities to the General Assembly and to the people of the State of Delaware. It is proceeding in the manner determined by it, after much consideration, as necessary for the production of a revised insurance code for Delaware which will represent thorough and expert work, and will, when enacted, be a body of insurance laws adapted to the needs of our State, which in general character and in the quality of protection extended to the public, will be unexcelled by those of any other State.

Your Committee requests the acceptance of this, its report, and the granting of such authority, if any, as may be requisite to the completion of its undertaking in accordance with the plans above set forth.

Made at Dover, Delaware, this 16th day of January, 1967.

Respectfully submitted,  
The Insurance Study and  
Revision Committee

By: /s/ Harry S. Smith  
Chairman

/s/ Harry S. Wilson, Sec.

/s/ Robert G. Hackett

/s/ Ralph M. Lord

/s/ Calvin R. McCullough

/s/ William F. Lynch, II

/s/ Robert A. Short

The following asked to be marked present: Heckert, Ferguson, Zimmerman.

The following bills were introduced and assigned to committees as follows:

**HB 14** — An Act agreeing to a proposed amendment to Article V, Section 2, of the Constitution of the State of Delaware relating to Elections by amending the residence requirements to allow certain voters recently moving into or within the State or Election Districts to vote. Introduced by Rep. Benson. Referred to the Committee on Elections.

**HB 15** — An Act making a supplementary appropriation to the Department of Mental Health. Introduced by Reps. Hale, Evans and Quillen. Referred to the Appropriations Committee.

**HB 16** — An Act making a supplementary appropriation to the Department of Mental Health. Introduced by Reps. Hale, Evans and Quillen. Referred to the Committee on Appropriations.

**HB 17** — An Act to amend Chapter 13, Title 14, Delaware Code, entitled "Education", by providing for a duty free period near the lunch time. Introduced by Reps. Gooding, Blendt and Slawik. Referred to the Committee on Education.

**HB 18** — An Act to amend Chapter 313, Volume 53, Laws of Delaware, by authorizing the Delaware Soil and Water Conservation Commission to purchase equipment and relating facilities, or provide funds for the purchase of such equipment by Soil and Water Conservation Districts, within and without PL 566 watersheds for soil and water conservation construction, management and maintenance operations. Introduced by Reps. Blendt, Quillen and Gray. Referred to the Committee on Agriculture and Forestry.

**HB 19** — An Act to amend Section 4101, Title 15, Delaware Code, relating to the definition of Political Parties. Introduced by Reps. Heckert and Castle. Referred to the Committee on Elections.

**HB 20** — An Act to amend Chapter 33, Title 15, Delaware Code, relating to nominations of candidates by parties. Introduced by Reps. Heckert and Castle. Referred to the Committee on Elections.

**HR 19** — Relative to the Death of James H. Campbell, Representative of the 117th General Assembly.

WHEREAS, the House of Representatives of the 124th General Assembly of the State of Delaware has learned with regret of the passing of James A. Campbell, a member of the 117th General Assembly,

WHEREAS, the members of the House desire to express to the family of the deceased, in this public manner, their sympathy at occasion of this loss,

NOW, THEREFORE,

BE IT RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 124th General Assembly of the State of Delaware which is extended by sending a copy of this Resolution to Mrs. James A. Campbell,

BE IT FURTHER RESOLVED, that the text of this Resolution be made a part of the Journal of the proceedings of the House of Representatives of the 124th General Assembly of the State of Delaware.

Introduced by Mr. Dodge. On motion of Mr. Dodge, **HR 19** was adopted by voice vote.

**HR 20** — Authorizing the Legislative Reference Bureau to Purchase Name Cards for Use of Members of the House of Representatives and Identification Cards for Use of Mem-

bers of the House of Representatives, the Legislative Staff of the House of Representatives, and the Staff of the Legislative Reference Bureau.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly of the State of Delaware that the Legislative Reference Bureau is hereby authorized and directed to purchase name cards for the use of members of the House of Representatives and identification cards for the use of the members of the House of Representatives, the legislative staff of the House of Representatives, and the staff of the Legislative Reference Bureau.

Introduced by Rep. Sebrell. On motion of Dr. Sebrell, **HR 20** was read in its entirety. (Re-wording of **HR 15**.) On further motion of Dr. Sebrell, **HR 20** was adopted by voice vote.

**HCR 3** — In Reference to An Act Relating to the Insurance Study and Revision Committee Established By Chapter 306, Volume 55, Laws of Delaware.

**BE IT RESOLVED**, that the submission of a preliminary written report by the Chairman of the Insurance Study and Revision Committee to the Secretaries of both Houses of the Legislature on or before January 16, 1967, shall be considered as compliance with Chapter 306, Volume 55, Laws of Delaware, approved by the Governor February 24, 1966, as amended by Chapter 356, Volume 55, Laws of Delaware, approved by the Governor June 2, 1966.

Introduced by Rep. Dodge. On motion of Mr. Dodge, **HCR 3** was read in its entirety. On further motion of Mr. Dodge, **HCR 3** was adopted by voice vote.

Mrs. Heckert moved to lift **HCR 2** from the table by voice vote. Mr. Zimmerman moved for a roll call vote. Roll call on motion to lift **HCR 2** from tabled revealed:

**YEAS** — Bartleson, Benson, Brown, Castle, Evans, Frederick, Gray, Hale, Heckert, Leshner, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 17.

**NAYS** — Burton, Eskridge, Gooding, Hammond, McMahon, Phillips, Shockley, Slawik, Zimmerman — 9.

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

**ABSENT** — Cashman, Harrington, Hart — 3.

**PRESENT** — Blendt, Dodge, Fonville, Murphy — 4.

Motion to lift **HCR 2** from table lost.

**HCR 4** — Relative to the Federal Court Decision of January 10, 1967 Ruling Unconstitutional the Apportionment of the Delaware General Assembly Under Senate Bill 332 and Senate Bill 336.

**WHEREAS**, the Supreme Court of the United States ordered the State of Delaware to reapportion, which was accomplished by the 122nd General Assembly and was incor-

porated in Senate Bill 332 and Senate Bill 336 of the 122nd General Assembly, and

WHEREAS, the Federal panel of judges ruled the results of this action unconstitutional and upheld the appeal of the plaintiffs in their decision of January 10, 1967 by holding that the redistricting of the General Assembly failed to meet the mandate of the Supreme Court of the United States that apportionment be on the basis of one man, one vote, and

WHEREAS, the decision of the panel of Federal judges holds the redistricting of the State of Delaware to be the responsibility of this General Assembly, and

WHEREAS, a time limit was set by the panel of Federal judges of no later than January 10, 1968, for this General Assembly to accomplish this redistricting,

NOW THEREFORE, BE IT RESOLVED that the House of Representatives, the Senate concurring therewith, that the Legislative Council take immediate action toward compliance with the mandate issued by the Federal panel of judges to reapportion the General Assembly of the State of Delaware on a fair and equitable basis.

BE IT FURTHER RESOLVED that this committee shall submit a final report to the General Assembly not later than September 30, 1967.

Introduced by Reps. Benson, Burton, Gray, Slawik and Ferguson. On motion of Mr. Benson **HCR 4** was read in its entirety. Motion to table **HCR 4** revealed:

YEAS — Blendt, Ferguson, Fonville, Frederick, Gray, Hammond, McMahon, Slawik, Zimmerman — 9.

NAYS — Benson, Brown, Burton, Castle, Cicione, Dodge, Eskridge, Evans, Gooding, Hale, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Stabler, Mr. Speaker Hering — 22.

ABSENT — Cashman, Harrington, Hart — 3.

PRESENT — Bartleson — 1.

Motion to table **HCR 4** was lost.

On motion of Mr. Benson **HCR 4** was adopted by roll call as follows:

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

NAYS — None.

ABSENT — Cashman, Harrington, Hart — 3.

**HR 21** — In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 124th General Assembly of the State of Delaware that

the Minority Leader of the House of Representatives is hereby authorized to appoint a Minority Attorney to serve the members of the House of Representatives. The salary shall be at the established rate for the attorneys of the House of Representatives.

Introduced by Reps. Zimmerman, Slawik, Phillips and Gooding. Mr. Zimmerman motioned for adoption by roll call vote. Roll call revealed:

YEAS — Blendt, Ferguson, Fonville, Gooding, Hammond, Lesh, McMahon, Phillips, Shockley, Slawik, Zimmerman — 11.

NAYS — Bartleson, Benson, Brown, Burton, Cicone, Dodge, Eskridge, Evans, Frederick, Gray, Hale, Heckert, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Mr. Speaker Hering — 19.

ABSENT — Cashman, Harrington, Hart — 3.

**HR 21** lost.

Mr. Hale moved to recess for Finance Committee deliberation. Motion prevailed. Mr. Speaker announced recess until call of the chair. House recessed at 5:27 P.M.

The House reconvened at 2:05 P.M., and adjourned at 2:06 P.M., ending the 4th Legislative Day.

### 5TH LEGISLATIVE DAY

The Speaker called the House to order at 2:07 P.M., on February 14, 1967.

There was a prayer by the Chaplain Reverend Oliver Spence.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicone, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Lesh, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Zimmerman, Mr. Speaker Hering — 33.

Absent: Slawik, Stabler — 2.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Communications: Mr. Speaker announced that the House Members on the Legislative Council were: Mr. Hale, Mr. Dodge, Mr. Zimmerman and Mr. Speaker Hering.

Mr. Zimmerman to appoint one member. He appointed Mr. Phillips.

The following were reported out of committee as follows: Appropriations: **HB 15**, 6 on merits; **HB 16**, 6 on merits; Banking and Insurance; **HB 6**, 6 favorable.

Mr. Hale made a motion that the House dispense with business in order to discuss, as a committee, the public transportation problem of the Wilmington Area. Motion prevailed.

The Speaker announced that he had invited Mr. Abbott, President of Local 842, Amalgamated Transit Union; Mr. Harold Springer, President, Delaware Coach Co.; Mr. Conner, County Executive of New Castle County Council and Mayor John Bariarz to present their views on the current bus strike by the Delaware Coach Co., in the Wilmington area.

Mr. Abbott spoke first stating the four demands of the Union. He stated that the Union had started negotiations approximately seven days before termination of their contract. They continued for 45 days after the contract expired. Mr. Abbott said that the Delaware Coach Co. refused to arbitrate. The four issues are: 1) Inadequate living wage, (2) Escalator clause comparison, (3) Trusteeship and founding of pension plan, and (4) Trusteeship of all health and welfare benefits. Mr. Abbott stated there was some question on the part of the pension recipients as to whether or not they will receive their pensions this month or not.

Several Representatives asked questions of Mr. Abbott including: Reps. Castle, Hale, Cicione, Evans, Leshner, Brown, Ferguson, Murphy, Pagano, Fonville and Heckert.

Mr. Springer spoke on behalf of the Delaware Coach Co. — The Delaware Coach Co. grosses \$1,600,000 per annum and the Delaware Bus Co. (interstate charter) \$1,900,000 per annum. Mr. Springer said the company was a small one and that they would not arbitrate because they had offered their ultimate and there was no way to improve their productivity. Questions were asked by Reps. Castle, Heckert, Cashman, Gooding, Ferguson, Leshner, Riddagh, Blendt, Cicione, Evans and Shockley.

STATEMENT OF WILLIAM J. CONNER  
COUNTY EXECUTIVE FOR NEW CASTLE COUNTY  
BEFORE THE HOUSE OF REPRESENTATIVES  
DOVER, DELAWARE — FEBRUARY 14, 1967

On behalf of the citizens of New Castle County I would like to thank the House of Representatives for this opportunity to bring to the public's attention our view of the impasse which has been reached between the Delaware Coach Company and the Union at this 90th day of the bus strike. Let me say at the beginning that I cannot offer any easy solution to this difficult problem. I do not think that either party is all right or the other all wrong. I only know that the people in Wilmington least able to protect themselves are the ones most grievously affected by the total lack of bus service. For this reason we must all bend every effort to find a prompt solution.



Mayor Babiarz and I have joined in bringing action before the Public Service Commission asking that the Certificate of Convenience and Necessity held by the Bus Company be revoked. This action was not taken lightly; it was taken only after many weeks of patient mediation on the part of the Mayor and the federal mediator. It was taken after the Governor intervened repeatedly to attempt a settlement. It was taken after I had talked several times with each party, and had been unable even to bring them to the table together. It was taken only after the combined effort of state, county, and city to assure the parties that we would be glad to consider public subsidies, tax relief, federal assistance, and even public ownership was brushed aside.

The fact is that collective bargaining has ceased in this dispute. The Union has made severe economic demands upon the Company, and in addition has insisted on the principle of cost of living adjustments and funded benefit plans which are controversial issues having national significance far beyond the borders of New Castle County. The Coach Company on its part has insisted that it can only offer a specified number of dollars, which according to its calculations will afford it a minimum return from its local operations. No account has been taken in these figures of the various possible forms of assistance which the public authorities are willing to consider.

The most compelling evidence that true collective bargaining has ended is that the Coach Company has offered to sell out to the public authorities, but resists surrendering its franchise and resists selling to any other private operator. It is quite clear what these facts imply. This means that the Coach Company wants to use its Certificate, which is a privilege and not a right, to foreclose other private companies from entering the field and at the same time to force the public authorities to buy the assets of the Coach Company at a price favorable to them by continuing to deny service to the people of New Castle County. This is a tactic which we cannot permit. If the Coach Company cannot provide service, it should surrender the privilege of providing service and should deal on equal terms in disposing of its assets with any public or private group which is prepared to provide service. We will continue to pursue this remedy in the Public Service Commission with all the power at our command.

I said earlier that I had no panacea to offer for this difficult problem. It is not entirely clear how the Legislature can help us. Compulsory arbitration is a tempting possibility, yet experience elsewhere has indicated that it is often unfair to one party and tends to discourage honest collective bargaining. There are two areas where the Legislature might be able to help. If the Public Service Commission could be given

the necessary staff and could be encouraged to take a more active role in following the current operations of the Transit Company, they might be able to shed more light on the real ability of the Company to meet the demands of its employees. The information presently available from the Commission's files is wholly inadequate for this purpose. I might say that in order to fill this gap, the Mayor and I suggested to the Coach Company that the independent firm of Day and Zimmerman, of Philadelphia, be permitted to look at the Coach Company's records to establish whether their estimates as to future income and ability to pay were accurate and based on proper assumptions. This request has been refused, which leads us to a natural suspicion that some of the assumptions may not be well founded, and we have therefore asked the Commission to direct the Coach Company to make these figures available.

My other suggestions relates to Title 19, Sections 801 through 804, of the Delaware Code. This 1964 statute requires that before any public body may acquire and operate any property of a privately owned mass transportation system, it must agree to take over any existing union contract intact, and must assure employment and seniority to all employees of the system.

This statute was passed at a time when no transit strike was in progress and with little public discussion. I would suggest that the Legislature re-examine it to see whether they feel that a statute so restrictive is in the public interest. We have a more recent statute which requires all public bodies to bargain collectively with their employees, as we will begin doing tomorrow in New Castle County, and it would seem to me that this more general statute provides the protection to which the employees are entitled without the very stringent restrictions of the 1964 statute.

It goes without saying that all of these difficult problems could be avoided if the parties would honestly resume collective bargaining and would realize that the Union's monopoly of jobs and the Company's monopoly on service carry with them a corresponding responsibility to provide transportation to the public of New Castle County. If they would bargain on the purely local issues and bear in mind these obligations, the buses could be rolling this week.

I appreciate this opportunity to state our views to the House. I would be happy to try to answer any questions which the Representatives may have.

Mayor Barbarz spoke on what steps he had taken in efforts to end the strike.

Mr. Walter J. Bierwagen, Vice President of International Amalgamated Union spoke for the Union.

Mr. Hale moved to recess to the call of the chair. Motion prevailed. The House recessed at 5:57 P.M.

The House reconvened at 1:34 P.M., and adjourned at 1:35 P.M., ending the 5th Legislative Day.

## 6TH LEGISLATIVE DAY

The Speaker called the House to order at 1:36 P.M., on February 15, 1967.

There was a prayer by the Chaplain Reverend Oliver Spence.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Stabler, Zimmerman, Mr. Speaker Hering — 34.

Absent: Slawik — 1.

Mr. Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Mr. Hering submitted a communication from Mr. Zimmerman.

## STATE OF DELAWARE HOUSE OF REPRESENTATIVES DOVER, DEL.

February 14, 1967

Mr. George C. Hering, III, Speaker of the House  
Legislative Hall  
Dover, Delaware  
Dear Mr. Speaker:

Acting pursuant to legislation enacted by the 123rd General Assembly and recognizing the important role that the Legislative Council can partake in moderizing our legislative process, I submit to you today and ask that it be made part of the record of the House the name of Representative Harrison Phillips to serve as the Minority Leader's appointment to the aforesaid Legislative Council.

I am today, also, urging President Pro Tem McCullough to call a meeting of the Legislative Council as soon as possible so that they may begin the function as the 123rd General Assembly intended.

Sincerely,  
Jacob W. Zimmerman  
Minority Leader

Mr. Hering announced that Mr. Dodge had been appointed to the Legislative Council.

The following bills were reported out of committee as follows: Appropriations: **HB 15**, 6 on merits; **HB 16**, 6 on merits; Banking & Insurance: **HB 6**, 6 favorable.

Mrs. Heckert requested the following be made a permanent part of the Journal:

Wilmington, Delaware  
January 11, 1967

Mrs. Clarice Heckert,  
Legislative Hall,  
Dover, Delaware

WE, the undersigned, having been greatly inconvenienced and put to unwarranted expense by the long drawn out transportation strike in the City of Wilmington, do most wholeheartedly support your efforts towards legislation to correct, or in the future prevent, this impossible situation.

Paul Culver  
Dorothy H. Cauffman  
Evelyn E. Culver  
Hyman Swartz  
Alice Sherrill  
Margaret File  
Geraldine Elliott  
James L. Hill  
Sarah K. Uram  
Marie E. Funk  
Virginia Jones  
S. Adalyne Edwards  
Elizabeth Mitchell  
Dorothy A. Nickel  
Viola P. Thomas  
Gertrude W. Cameron  
Sue Pratt  
Nina Waite  
Patricia Sharpless  
Clifford M. Fell  
Anne Opalach  
Kathleen M. Phipps  
Vivian Keene  
Erla Talbot  
Anne Poole  
Geraldine Magee  
WESTERN UNION  
TELEGRAM

Rep. Clarice Heckert  
Legislative Hall, Dover, Delaware

We support your intent to obtain proper legislation to return bus service in Wilmington.

Mr. and Mrs. Thomas J. Kealy

SOUTHWEST COMMUNITY COUNCIL  
of  
WILMINGTON, DELAWARE

Jan. 12, 1967

Rep. Clarice Heckert  
State House  
Dover, Del.

Dear Mrs. Heckert:

The South West Community Council Association will back up any effort in directing an Investigation that would hasten the settlement of the Bus Strike.

Sincerely,  
Vincentia M. Simeone  
Pres. South West Council

January 10, 1967

Representative Clarice U. Heckert  
16 Raven Road  
Highland Woods  
Wilmington, Delaware  
Dear Mrs. Heckert:

I note in the Morning News of January 9 that you state you will use your best efforts to get the General Assembly to adopt legislation that will send the bus-strikers in Wilmington back to work.

As citizens of Wilmington we are between two forces which are not interested in our welfare. The Bus Company is owned outside of the state of Delaware and the striking union is controlled from headquarters in Washington, so we are suffering in consequence.

I am enclosing copy of a telegram which I sent Governor Terry recently, which speaks for itself. I have had no acknowledgment of this telegram from the Governor and have seen no signs of his taking any steps in the direction requested.

I hope you will see what can be done to relieve this unbearable situation which has existed in Wilmington all too long.

My congratulations on your efforts in our behalf!

Very sincerely,  
M. duPont Lee

The following bills were introduced and assigned to committee as follows:

**HB 21** — An Act to amend Chapter 51, Title 29, Delaware Code, by authorizing the State Treasurer to make certain pay roll deductions. Introduced by Rep. Gooding. Referred to the Committee on Government Operations.

**HB 22** — An Act to amend Sections 2151 and 2155, Title 21, Delaware Code, relating to Motor Vehicle Registration Fees. Introduced by Reps. Cashman, Dodge, Hart, Riddagh,

Pagano, Gray, Cicione, Quillen, Burton, Sebrell, Pleasanton, Murphy, Evans and Castle. Referred to the Committee on Revenue & Taxation.

**HB 23** — An Act to amend Section 1703, Chapter 17, Title 14, Delaware Code, relating to State Appropriations by providing a unit for Kindergartens. Introduced by Reps. Gooding, Phillips, Blendt, Murphy and Zimmerman. Referred to the Committee on Education.

**HB 24** — An Act amending Section 108, Title 1, Delaware Code, to provide for the annual distribution of copies of the Delaware Code Annotated to School Libraries. Introduced by Reps. Phillips and Gooding. Referred to the Committee on Education.

**HB 25** — An Act making a Supplementary Appropriation to the Department of Public Welfare. Introduced by Reps. Shockley and Hale. Referred to the Committee on Appropriations.

**HB 26** — An Act making a Supplementary Appropriation to the Secretary of State. Introduced by Reps. Zimmerman, Hering, Bartleson and Phillips. Referred to the Committee on Appropriations.

**HB 27** — An Act to amend Chapter 51, Title 29, Delaware Code, by providing Hospitalization, Medical and Surgical Benefits for State Employees. Introduced by Reps. Blendt, Ferguson and Gooding. Referred to the Committee on Appropriations.

**HB 28** — An Act to amend Section 8311, Title 9, Delaware Code, relating to public inspection of completed county assessment. Introduced by Reps. Quillen, Pleasanton, Riddagh and Sebrell. Referred to the Committee on Government Operations.

**HB 29** — An Act transferring money from the Capital Investment Fund to be used for the expansion of Legislative Hall. Introduced by Reps. Phillips and Bartleson. Referred to the Committee on Appropriations.

**HR 22** — Relating to an Appropriation to the Sussex Countian in Payment of Invoice for Imprinting the House Calendar for the 123rd General Assembly.

**BE IT RESOLVED** by the House of Representatives of the 124th General Assembly of the State of Delaware that the sum of \$888.30 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay The Sussex Countian, 115 North Race Street, Georgetown, Delaware, to cover the imprinting of 500 copies of the House Calendar, representing 126 pages at \$7.05 per page, for the 123rd General Assembly.

Introduced by Reps. Sebrell and Gooding. Read in its entirety. On motion of Dr. Sebrell, **HR 22** was adopted by voice vote.

**HCR 5** — Establishing a Joint Committee of the House of Representatives and Senate of the 124th General Assembly to Recommend to the General Assembly Legislation to Require the Operation of Services Essential to the Public Welfare.

WHEREAS, the bus strike in the City of Wilmington constitutes a grave hardship to many of the citizens of Wilmington, particularly those least able to endure such inconvenience and expense; and

WHEREAS, the extra cost of alternative means of transportation and the loss of employment for lack of bus transportation is actually improvising some of the citizens of Wilmington otherwise highly motivated to work and support themselves; and

WHEREAS, an undue share of the financial burden falls on women least able to bring pressure on the disputants; and

WHEREAS, no elected officials other than this General Assembly have the power to bring about a solution to this problem;

**NOW THEREFORE**

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that a Joint Committee of the House of Representatives and the Senate of the 124th General Assembly be and is hereby established. Said committee is to be composed of three members of the House of Representatives appointed by the Speaker of the House, consisting of two members of the majority party and one member of the minority party, and three members of the Senate appointed by the **PRESIDENT PRO TEMPORE** of the Senate, consisting of two members of the majority party and one member of the minority party; and

**BE IT FURTHER RESOLVED**, that said committee shall study and recommend to the Speaker of the House and the **PRESIDENT PRO TEMPORE** of the Senate, legislation for the consideration of the General Assembly which will have as its objective the devising of a legal and equitable means to require the operation of essential public services at all times and report back at the earliest possible date.

Introduced by Rep. Heckert. Mr. Zimmerman made a motion to table. Roll Call vote to table **HCR 5** revealed:

**YEAS** — Cashman, Eskridge, Gooding, Hammond, Harrington, McMahon, Phillips, Shockley, Zimmerman — 9.

**NAYS** — Bartleson, Benson, Blendt, Brown, Burton, Castle, Cicone, Dodge, Evans, Ferguson, Fonville, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 25.

**ABSENT** — Mr. Slawik — 1.

Motion to table **HCR 5** lost.

Mr. Zimmerman moved for a caucus. Motion prevailed. The House recessed at 2:33 P.M. The House reconvened at 3:32 P.M.

**HA 1 to HCR 5** — AMEND House Concurrent Resolution No. 5 by inserting after line 22 and before line 23 the following:

“BE IT FURTHER RESOLVED that the first meeting of the aforementioned committee shall be called by the Governor who shall serve as chairman until such time as this committee selects a chairman from among its own members; and”

Introduced by Mr. Zimmerman. Read in its entirety. **HA 1 to HCR 5** adopted by voice vote.

**HCR 5 with HA 1** adopted by roll call vote as follows:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Stabler, Zimmerman, Mr. Speaker Hering — 34.

**NAYS** — None.

**ABSENT** — Slawik — 1.

The following bill was introduced and referred to committee as follows:

**HB 30** — An Act to amend Section 3309 (a), Chapter 33, Title 21, Delaware Code, relating to misbranding of food. Introduced by Reps. Cicione, Pagano, Cashman. Referred to the Committee on Health and Welfare.

**HR 23** — To Commemorate the Establishment of the First Daily Newspaper in the Capitol City of the First State in the Union and to Investigate the Feasibility of Creating A Historical Shrine of Its Original Site.

WHEREAS, the Delaware State News was the first daily newspaper in the Capitol City of the first State; and

WHEREAS, the publisher of this newspaper has consistently championed good government and those programs and causes which the citizens of this State desire; and

WHEREAS, the Delaware State News through its outstanding service to Delaware has recently outgrown its original facilities at 10 North Street, Dover, Delaware; and

WHEREAS, the House of Representatives wishes to commemorate the original site as a historical shrine for the benefit of future generations of Delawareans.

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 124th General Assembly that the members of the House of Representatives, acting as a Committee of the Whole, investigate the feasibility of the State of Delaware creating a historic shrine of this embattled bastion of press freedom, picket lines and big cats.



BE IT FURTHER RESOLVED that this committee file its report no later than the first Tuesday following the first Monday in November, 1968.

Introduced by Rep. Zimmerman. Read in its entirety. Mr. Eskridge made a motion to defer. Motion to defer carried by voice vote.

Mr. Hale moved to recess to call of the chair at 3:46 P.M. Motion prevailed.

The House reconvened at 1:34 P.M., and adjourned at 1:35 P.M., ending the 6th Legislative Day.

### 7TH LEGISLATIVE DAY

The Speaker called the House to order at 1:36 P.M., on February 16, 1967.

There was a prayer by the Chaplain Reverend Oliver Spence.

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

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

Absent: McMahon, Shockley, Slawik — 3.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

The following bills were introduced and assigned to committees as follows:

**HB 31** — An Act to amend Chapter 17, Title 16, Delaware Code, relating to refuse and garbage. Introduced by Reps. Pagano, Hale, Bartleson, Cicione and Leshner. Referred to the Committee on Health and Welfare.

**HB 32** — An Act to amend Title 14, Section 1912, Delaware Code, by providing for exemptions to the School Capitation Tax. Introduced by Reps. Blendt, Hart, Sebrell, Heckert and Gooding. Referred to the Committee on Revenue and Taxation.

**HB 33** — An Act to amend Section 2005, Title 9, Delaware Code, relating to appropriations for maintenance of rescue squads. Introduced by Reps. Brown, Hart, Frederick, Murphy and Pagano. Referred to the Committee on Revised Statutes.

**HB 34** — An Act to amend Chapter 5, Section 511, Title 31, Delaware Code, relating to welfare payments to non-residents. Introduced by Rep. Benson. Referred to the Committee on Revised Statutes.

**HB 35** — An Act agreeing to a proposed amendment to Article 4, of the Constitution of the State of Delaware relating to the Orphans' Court. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 36** — An Act agreeing to a proposed amendment to Article 3 of the Constitution of the State of Delaware relating to the Clerk of the Orphans' Court. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 37** — An Act to amend Title 30, Delaware Code, relating to State Taxes by repealing Section 1195 thereof. Introduced by Reps. Gooding, Phillips, Harrington, Leshner, Murphy, Blendt and Benson. Referred to the Committee on Revenue and Taxation.

**HB 38** — An Act to amend Chapter 25, Title 14, Delaware Code, entitled "High Schools", by adding a new section relating to Driver Education. Introduced by Reps. Heckert, Cashman, Hart, Leshner, Murphy, Cicione, Pagano, Slawik and Zimmerman. Referred to the Committee on Education.

**HB 39** — An Act to amend Title 29, Chapter 25, and Title 11, Chapter 87 of the Delaware Code, relating to the Attorney General and State Detectives, by repealing said Chapters and by substituting in lieu thereof a new Chapter 25, Title 29, creating a State Department of Justice under the direction and control of the Attorney General and prescribing the duties, authority and organization thereof. Introduced by Reps. Castle, Ferguson, Benson and Stabler. Referred to the Committee on Judiciary.

On motion of Mr. Dodge, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 6** — An Act relating to the Insurance Study and Revision Committee established by Chapter 306, Volume 55, Laws of Delaware.

Roll Call on **HB 6** revealed:

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

ABSENT: Fonville, McMahon, Shockley, Slawik — 4.

**HB 6** having received the constitutional majority was declared passed the House.

On motion of Mr. Hale, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 15** — An Act making a Supplementary Appropriation to the Department of Mental Health.

Roll Call on **HB 15** revealed:

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

**NAYS** — None.

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

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

On motion of Mr. Hale, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 16** — An Act making a Supplementary Appropriation to the Department of Mental Health.

Mr. Murphy introduced **HA 1** to **HB 16**. Mr. Eskridge suggested a recess to write additional amendment with starting time for funds to avoid retroactive status. Mr. Zimmerman made a motion to recess. Mr. Hale seconded. Motion prevailed.

The House recessed at 2:45 P.M.

Mr. Speaker called the House to order at 4:32 P.M.

Mr. Murphy made a motion to adopt **HA 1** to **HB 16** by voice vote. Motion prevailed. Mr. Eskridge introduced **HA 2** to **HB 16** and moved for adoption by voice vote. Motion prevailed. Mr. G. Tyler Coulson, President of the Board of Trustees of Mental Health spoke for **HB 16**.

On motion of Mr. Hale, roll call vote on **HB 16** with **HA 1** and **HA 2** revealed:

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

**NAYS** — None.

**NOT VOTING** — Ferguson, Gooding, Zimmerman — 3.

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

**PRESENT** — Hammond — 1.

**HB 16** with **HA 1** and **HA 2** having received the constitutional majority was declared passed the House.

Mrs. Heckert introduced **House Substitute 1** for **HB 19**. Mr. Speaker referred it to the Committee on Elections.

A messenger from the Senate delivered **SB 14** having passed the Senate and asking for concurrence of the House.

**SB 14** — An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments for mental health in the amount of \$2,750,000 and for Delaware Institute

of Technology in the amount of \$1,540,000 and to issue bonds and notes therefor. Introduced by Senator Cook. Referred to the Committee on Health and Welfare.

Mr. Hale moved to recess to call of the chair at 5:35 P.M. Motion prevailed.

The House reconvened at 1:42 P.M., and adjourned at 1:43 P.M., ending the 7th Legislative Day.

### 8TH LEGISLATIVE DAY

The Speaker called the House to order at 1:43 P.M. on February 27, 1967.

There was a prayer by the Chaplain Father Francis Burns.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

Absent: Hammond — 1.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Announcements: The Speaker appointed Reps. Burton, Ferguson and Stabler as House Members on the Interstate Cooperation.

The Speaker announced that members should read Delaware Code, Title 29, Chapter 1704 on Interim Emergency Succession. By April 1, 1967, members should submit three names of successors to majority and minority members.

The following bills were introduced and assigned to committees as follows:

**HB 41** — An Act to amend Section 4126, Title 21, Delaware Code, relating to restrictions on use of controlled-access roadway and penalties. Introduced by Reps. Hart, Hale, Murphy, Pagano, Benson and Cicione. Referred to the Committee on Revenue and Taxation.

**HB 42** — An Act to amend Title 11 of the Delaware Code of 1953, Section 8323 (c) by making retired members of the Delaware State Police eligible to be employed as State Detectives under the Attorney General while still receiving a State Pension. Introduced by Reps. Benson, Ferguson, Gooding, Cashman, Sebrell, Frederick, Pagano, Stabler and Murphy.

Mr. Cicione introduced **HA 1** to **HB 30**. Referred to Committee on Health and Welfare. On further motion of Mr. Cicione, **HA 1** to **HB 30** was withdrawn on rules — cannot amend Title. Motion prevailed.

A messenger from the Senate delivered the following, having passed the Senate and asking for concurrence of the House: **SB 21, SCR 2, SB 2, SB 3, SB 9, SB 10, SB 26, SB 27, and SCR 4.**

**SB 21** — An Act proposing an amendment to the Constitution of the State of Delaware by creating a Capital Investment Fund. Introduced by Senator Cook. Referred to the Committee on Judiciary.

**SCR 2** — Appointing Bill Clerks and Assistant Bill Clerks for the Senate and the House of Representatives to serve during the 124th General Assembly. Introduced by Senator Cook. Dr. Sebrell moved for adoption by voice vote. Motion prevailed. Ordered back to Senate.

**HCR 6** — An Act making an Appropriation to various Companies for Supplies and Materials rendered the 124th General Assembly of the State of Delaware.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, the Senate concurring therein, that the following named companies be paid for supplies and materials rendered the 124th General Assembly of the State of Delaware:

Addressograph Multigraph Corporation P.O. Box 1305, Church Street Station New York, New York (401, 81)	\$110.35
Butler's, Inc. 415 Market Street Wilmington, Delaware (inv. 332723)	\$132.24

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

**HCR 7** — An Act making an Appropriation to various Companies for Supplies and Materials rendered the 124th General Assembly of the State of Delaware.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, the Senate concurring therein, that the following named companies be paid for supplies and materials rendered the 124th General Assembly of the State of Delaware:

General Sound, Inc. General Sound Building 3500 N. Ninth Street Phila. 40, Penna. (Inv. 2820, 13624)	\$117.77
The Harrington Journal Harrington, Delaware (Inv. 645755, 645752)	\$1548.89

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

**HR 24** — Authorizing payment of amount due the Harrington Journal for House Bill Backers and Roll Call Books furnished to the 124th General Assembly.

BE IT RESOLVED by the House of Representatives of the 124th General Assembly of the State of Delaware that the sum of \$337.00 be paid to The Harrington Journal for the purchase of House bill backers and Roll Call books (Inv. No. 645754, No. 645749, No. 645750).

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

**HCR 8** — Making an Appropriation to IBM Corporation and Mid-Del Business Equipment for service to all typewriters.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, the Senate concurring therein, that the sum of \$177.45 be paid to the following named companies for typewriter service:

IBM Corporation

P.O. Box 746

Philadelphia, Pennsylvania 19105

(476-8115680, 8110530, 8115650,

8115660, 8115670, 8110520)

\$152.70

Mid-Del Business Equipment

1101 S. DuPont Highway

Dover, Delaware 19901 (942)

24.75

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

The following bill was introduced and assigned to committee as follows:

**HB 43** — An Act to provide for payments to persons who served in the Armed Forces of the United States during the period beginning July 1, 1954, and ending December 31, 1967, and to designated beneficiaries of such persons; to recreate and reestablish the Delaware Veterans' Military Pay Commission to carry out certain provisions of this Act; to authorize the selection of assistants to said Commission; to provide for a review of decisions affecting claims made under the Act; to make Appropriations and to authorize the issuance of Bonds and Bond Anticipation Notes of the State of Delaware to carry out the provisions of this Act; to accept Federal Supplementary Funds for said purpose; and to prescribe penalties for violations of the provisions of this Act.

Introduced by Reps. Slawik, Zimmerman, Harrington, Gooding, Ferguson, Hart, and Murphy. Referred to the Committee on Revised Statutes.

Mr. Hale moved that the privilege of the floor be given to Mr. Peter Geldof, Jr. Director of State Parks, to make his presentation on the development of the Rehoboth Beaches. Motion prevailed.

Mr. Speaker called a recess of one hour to allow Mr. Geldof to set up his demonstration. The House recessed at 2:24 P.M.

Mr. Speaker called the House to order at 3:30 P.M.

Mr. Geldof gave his presentation of plans for the Rehoboth Beaches.

The following were reported out of committee as follows: Health and Welfare: **HB 2**, 6 favorable; **HB 3**, 6 favorable; **HB 4**, 6 favorable; **HB 5**, 6 favorable; Public Buildings and Lands: 12 favorable.

**HB 15** was returned, having passed the Senate, and was ordered to the Governor for his signature.

**HCR 1** was returned, having passed the Senate.

The following bills were reported out of committee as follows: Appropriations: **HB 25**, 5 favorable, 4 on merits; **HB 26**, 8 favorable, 1 on merits.

The following bills were introduced and assigned to committees as follows:

**HB 44** — An Act to amend Section 102, Title 7, Delaware Code, relating to the composition and terms of the Board of Game and Fish Commissioners. Introduced by Rep. Pleasanton. Referred to the Committee on Fish, Oyster and Game.

**HB 45** — An Act to amend §902 (a), Title 19, Delaware Code, relating to Minimum Wage Rate. Introduced by Reps. Cicione, Slawik, Evans, Pagano, McMahon and Cashman. Temporarily withheld before referring to committee.

**HB 46** — An Act to amend Sections 2324, 2325, 2326 (h), 2330 (b), Title 19, of Delaware Code relating to benefits received in compensation for injuries. Introduced by Reps. Cicione, McMahon, Cashman, Pagano, Slawik and Fonville. Temporarily withheld before referring to committee.

**HB 47** — An Act to amend Chapter 3, Title 28, Delaware Code, relating to horse racing. Introduced by Reps. Stabler and Harrington. Temporarily withheld before referring to committee.

**HCR 9** — Making an Appropriation to pay the amount due to various Companies for Supplies and Services incurred by the 123rd General Assembly.

BE IT RESOLVED by the House of Representatives of the 124th General Assembly of the State of Delaware, the Senate concurring therein, that the following named companies be paid for supplies and services rendered the 123rd General Assembly of the State of Delaware:

Addressograph Multigraph Corporation	
P.O. Box 1305 Church Street Station	
New York, New York 10008 (02097)	\$28.60
Delmar Photo Service, Inc.	
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Introduced by Rep. Gooding. Adopted by voice vote.

Mr. Slawik introduced **HA 1** to **HB 43**. **HA 1** placed with bill in Revised Statutes Committee.

**SB 2** — An Act to amend Chapter 163, Volume 32, Laws of Delaware, as amended, being an act entitled "An Act to further amend Chapter 92, Volume 23, Laws of Delaware" being an act entitled "An Act to provide for the organization and control of the Public Schools of the City of Wilmington." Introduced by Senators Dineen, Schlör, Holloway and Keenan. Referred to the Committee on Education.

**SB 3** — An Act to amend Chapter 92, Volume 23, Laws of Delaware, as amended, being an act entitled "An Act to provide for the organization and control of the Public Schools of the City of Wilmington." Introduced by Senators Dineen, Schlör, Holloway and Keenan. Referred to the Committee on Education.

**SB 9** — An Act making an appropriation to the Board of Public Education in the City of Wilmington for the purpose of constructing side-walks-curbings in the Wilmington School District. Introduced by Senators Dineen and Holloway. Referred to the Committee on Appropriations.

**SB 10** — An Act making a supplementary appropriation to the State Personnel Commission for the fiscal year ending June 30, 1967. Introduced by Senator Dineen. Referred to the Committee on Appropriations.

**SB 26** — An Act to amend Sections 8131, 8132, 8133, 8134, 8135, 8136, Title 9, Delaware Code, relating to exemptions from taxation on real property of residents of this State of the age of sixty-five or more years having an income not in excess of \$3,000 per year. Introduced by Senators Manning and Holloway. Referred to the Committee on Revenue and Taxation.

**SB 27** — An Act making a supplementary appropriation to Kenton School No. 9. Introduced by Senator Cook. Referred to the Committee on Appropriations.

**HJR 1** — Empowering the Legislative Council of the 124th General Assembly to conduct a Census of the State of Delaware.

WHEREAS, the United States District Court in the case of Sincok et al., vs. Gately et al., has directed the 124th General Assembly to enact a statute providing for a new apportionment of the State in accordance with the principle of "one man, one vote"; and

WHEREAS, the basis of the court's ruling that the present apportionment of the General Assembly violates the 14th Amendment of the United States Constitution as interpreted by the U. S. Supreme Court, rests on the fact that population deviations from the norms laid down by the courts have resulted in underrepresentation in some areas; and



WHEREAS, tremendous growth patterns have occurred in all three counties, since the completion of the 1960 Census making that data unreliable as a basis for arriving at a fair apportionment under the principle, "one man, one vote"; and

WHEREAS, any apportionment based on this unreliable data might result in the further violation of this principle and thus cause possibly further court action; and

WHEREAS, the court specifically states in its opinion that:

"Our State is a forward-looking and prosperous one. It is our view that a survey should be made of Kent and Sussex Counties and that clearly defined boundaries of General Assembly districts should be established so that our individual citizens' right of franchise may be clearly established. Moreover, a census of the two Counties, allocated to the survey, would be of great assistance in making sure that the fundamental principle established by the Supreme Court of "one person, one vote" is not impaired or abrogated."

NOW THEREFORE, BE IT RESOLVED, that the House of the 124th General Assembly, and the Senate concurring therein, empower the Legislative Council of the General Assembly to take whatever action is necessary, including expenditure of the necessary funds, to begin and complete an immediate census of the State of Delaware in order to provide accurate data as a basis for the reapportionment of the General Assembly in accordance with the decision rendered by the courts and the principle of "one man, one vote".

Introduced by Mr. Benson. Referred to the Committee on Revised Statutes.

On motion of Mr. Hale, the House recessed at 4:57 P.M., until 1:30 P.M., Wednesday, March 1, 1967.

The House reconvened at 1:42 P.M., and adjourned at 1:43 P.M., ending the 8th Legislative Day.

### 9TH LEGISLATIVE DAY

The Speaker called the House to order at 1:43 P.M., on March 1, 1967.

There was a prayer by the Chaplain Father Peter Harney. The Speaker led those present in a Salute of the Flag.

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicone, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 33.

Absent: Shockley, Zimmerman — 2.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

The following bills were introduced and assigned to committees as follows:

**HS 1 for HB 30** — Introduced by Rep. Cicone. Referred to the Committee on Health and Welfare.

**HS 1 for HB 7** — Introduced by Rep. Quillen. Referred to the Committee on Commerce and Corporations.

**HB 45** — An Act to amend §902 (a), Title 19, Delaware Code, relating to Minimum Wage Rate. Introduced by Reps. Cicone, Slawik, Evans, Pagano, McMahon and Cashman. Referred to the Committee on Labor.

**HB 46** — An Act to amend Sections 2324, 2325, 2326 (h), 2330 (b), Title 19, of Delaware Code relating to benefits received in compensation for injuries. Introduced by Reps. Cicone, McMahon, Cashman, Pagano, Slawik and Fonville. Referred to the Committee on Labor.

**HB 47** — An Act to amend Chapter 3, Title 28, Delaware Code, relating to Horse Racing. Introduced by Reps. Stabler and Harrington. Referred to the Committee on Revenue and Taxation.

**HB 48** — An Act to amend Chapter 49, Title 29, Delaware Code, relating to State Planning, by providing for a State Coordinating Architect. Introduced by Rep. Gooding. Referred to the Committee on Public Buildings and Lands.

**HB 49** — An Act to amend Sections 1305 (a), 1308, 1309, 1310 (a), 1311 (a), 1314 (a) (b) (c) and 1322 (a), Chapter 13, Title 14, Delaware Code, relating to State Supported Salary Schedules for School Employees and making a supplementary appropriation to the State Board of Education. Introduced by Rep. Gooding. Referred to the Committee on Education.

**HB 50** — An Act making a supplementary appropriation to the State Highway Department for construction of sidewalks in Laurel. Introduced by Rep. Phillips. Referred to the Committee on Appropriations.

**SCR 4** — An Act making an appropriation to the Diamond State Telephone Company for services rendered through December 9, 1966. Introduced by Senator Dineen. Mr. Hale moved for adoption by voice vote. Motion prevailed.

**HJR 2** — In reference to Commemorating the Golden Anniversary of the Interstate Milk Producers' Cooperative and the Issuing of said Proclamation by the Governor.

**WHEREAS**, the Inter-State Milk Producers' Cooperative will celebrate their founding date of March 14, 1917, and have completed fifty years of excellent service to the State of Delaware to insure a constant supply of fresh, wholesome milk to its residents; and

WHEREAS, on this Golden Anniversary, to be celebrated November 21, 1967, with suitable ceremonies, the Inter-State Milk Producers' Cooperative may be justifiably proud of their assistance to their dairy farmer members through many activities, including scientific marketing, educational and informational services, and bargaining for fair prices; and

WHEREAS, not the least of the superior services performed for the Inter-State Milk Producers' Cooperative members is the legislative informational service of interpretation of pertinent statutes and rules and regulations and the Inter-State Milk Producers' Cooperative informational service and assistance rendered to the Delaware Legislature for its consideration of proposed legislation, experience has indicated, over the years, the integrity and reliability of the information supplied and of the Inter-State staff assistance.

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives that the Inter-State Milk Producers' Cooperative be congratulated on their Golden Anniversary celebrating fifty years of excellent service for the benefit of its members and for the benefit of the residents of Delaware, and commend the Inter-State Milk Producers' Cooperative's officers and staff for establishing and maintaining high professional standards in dairying, and the manner of their services to Delaware residents.

BE IT FURTHER RESOLVED that copies of this tribute be presented to the Inter-State Milk Producers' Cooperative and their several local units as a token of the appreciation of the Delaware Legislature.

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

**HB 25** — In Reference to Election of Officers.

BE IT RESOLVED by the 124th General Assembly of the State of Delaware that the following named persons be and they hereby are elected to the respective offices appearing opposite their names, to serve during the pleasure of the House of Representatives.

Secretary — Ruth E. Potter

Secretary — Hanna Short

Secretary to Attorney — Norma Foster

File Clerk — Dorothy Williams

Accountant for Joint Finance Committee — Horace McMasters

BE IT FURTHER RESOLVED that Johnnie Woody be removed from the office of file clerk.

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

**HR 26** — Relating to Classification, Titles and Compensation Rates for Officers of the House.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware that all persons elected as officers of the House of Representatives shall be subject to the following classifications and shall receive one of the following titles, and for their services shall receive compensation for each day that the House is in session in accordance with the following schedule:

Attorneys	\$75.00
Chief Clerk	35.00
Assistant Chief Clerk	30.00
Bill Clerk	27.50
Assistant Bill Clerk	25.00
Reading Clerk	25.00
Chaplain	20.00
Secretary	30.00
Secretary - Speaker	30.00
Secretary - Chief Clerk	30.00
Secretary - Majority Leader	30.00
Secretary - Minority Leader	30.00
Secretary - Attorneys	30.00
Secretary	30.00
Assistant Personnel	30.00
Supply Clerk	20.00
Multilith Operators	30.00
Recording Machine Operator	27.50
Receptionist	20.00
Proof Reader	20.00
File Clerks	20.00
Sergeant-at-Arms	20.00
Pages	20.00
Messenger - Telephone	20.00
Messenger	20.00
Auditor to Joint Finance Committee	33.00

Introduced by Rep. Slawik. Mr. Slawik moved for adoption by Roll Call vote. Roll call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 34.

NAYS — None.

ABSENT — Zimmerman — 1.

HR 26 adopted by roll call vote.

HR 27 — Authorizing payment for services rendered by the Legislative Staff of the House of Representatives of the 124th General Assembly.

BE IT RESOLVED by the House of Representatives of the 124th General Assembly that the State Treasury be and hereby is authorized and directed to pay the Legislative Staff of the House of Representatives whose names are listed below, the amounts set forth opposite their respective names and such are to be regarded as payments in full for services rendered by said Legislative Staff for the period commencing with the 3rd day of January, 1967, and ending with the and including the first day of March, 1967, for the current session:

F. L. Peter Stone	\$675.00
Roger Kelsey	675.00
Louise deR Smith	315.00
John F. McDonald	270.00
Robert Barkley	247.50
Douglas Van Sant	225.00
H. Glenwood Harrington	225.00
Annette Jane McCready	270.00
Elise Vitale	270.00
Helen Looney	270.00
Barbara Konopik	300.00
Emogene Ellis	330.00
Evelyn Kneisley	690.00
Norma Foster	210.00
Hanna Short	270.00
Granville Messick	270.00
Jesse Jones	180.00
Ralph Morris	270.00
Virgle Banks	270.00
Richard Millman	247.50
Margaret Zacheis	180.00
Gwendolyn Jenkins	180.00
Dorothy Williams	180.00
Joan Painter	180.00
Nathaniel Taylor	140.00
David Hollett	180.00
Charles Kauffman	180.00
James Dickerson	180.00
Lee Daniels	180.00
William Truitt	180.00
Ruth Ross	180.00
Irvin Evans	180.00
Norman Short	180.00
Horace D. McMaster	528.00

Introduced by Rep. Sebrell. Dr. Sebrell moved for adoption by voice vote. Motion prevailed.

**SB 14** — An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments for Mental

Health in the amount of \$2,750,000 and for Delaware Institute of Technology in the amount of \$1,540,000 and to issue bonds and notes therefor. Introduced by Senator Cook. Mr. Phillips asked for privilege of the floor for Mr. Elisha Dukes, Secretary of State, who answered questions and spoke for passage of **SB 14**. Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 34.

**NAYS** — None.

**ABSENT** — Zimmerman — 1.

**SB 14** having received the constitutional majority, was declared passed the House.

Mr. Eskridge moved to recess for ten minutes. Motion prevailed. House recessed at 3:25 P.M.

The Speaker called the House to order at 3:40 P.M.

Mr. Slawik made a motion to give the privilege of the floor to Mr. Dukes. Mr. Dukes discussed **HB 26** and answered questions from the floor.

On motion of Mr. Shockley, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 25** — An Act making a supplementary appropriation to the Department of Public Welfare. Mr. Benson moved to defer the bill. Motion to defer by roll call vote as follows:

**YEAS** — Benson, Brown, Burton, Frederick, Hart, Murphy, Pleasanton, Riddagh, Sebrell — 9.

**NAYS** — Bartleson, Blendt, Cashman, Eskridge, Evans, Ferguson, Fonville, Gooding, Hale, Hammond, Harrington, McMahon, Phillips, Quillen, Shockley, Slawik, Stabler, Mr. Speaker Hering — 18.

**ABSENT** — Zimmerman — 1.

**PRESENT** — Castle, Cicione, Dodge, Gray, Heckert, Leshner, Pagano — 7.

Roll Call to pass **HB 25** revealed:

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

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

**ABSENT** — Zimmerman — 1.

**HB 25** having received the constitutional majority was declared passed the House.

On motion of Mr. Slawik, by authorization letter from Mr. Zimmerman, **HB 26** was given a final reading and taken up for consideration in order to pass the House.

**HB 26** — An Act making a supplementary appropriation to Secretary of State.

Roll Call vote revealed.

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 34.

**NAYS** — None.

**ABSENT** — Zimmerman — 1.

**HB 26** having received the constitutional majority was declared passed the House.

On motion of Mr. Stabler the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 5** — An Act to amend Chapter 11, Title 13, Delaware Code, relating to termination and transfer of parental rights in connection with proceedings for adoption or placement for adoption. Roll Call on **HB 5** revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 34.

**NAYS** — None.

**ABSENT** — Zimmerman — 1.

**HB 5** having received the constitutional majority was declared passed the House.

On motion of Mr. Stabler the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 2** — An Act to amend Chapters 9 and 11, Title 10, and Chapter 3, Title 31, Delaware Code, relating to the definition of dependent children. Mr. Stabler made a motion to defer **HB 2**. Mr. Ferguson seconded. **HB 2** deferred by voice vote.

On motion of Mr. Stabler the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 3** — An Act to amend Chapter 3, Title 31, Delaware Code relating to Child Welfare. Roll Call on **HB 3** revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington,

ton, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 34.

NAYS — None.

ABSENT — Zimmerman — 1.

**HB 3** having received the constitutional majority was declared passed the House.

On motion of Mr. Stabler the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 4** — An Act to amend Chapter 11, Title 13, Delaware Code, relating to termination of parental rights so as to provide for an interlocutory decree in certain cases. Roll Call on **HB 4** revealed.

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Mr. Speaker Hering — 34.

NAYS — None.

ABSENT — Zimmerman — 1.

**HB 4** having received the constitutional majority was declared passed the House.

The following was reported out of committee as follows: Revised Statutes: **HJR 1**, 5 favorable.

The following bills were introduced and assigned to committees as follows:

**HB 51** — An Act authorizing the Legislative Reference Bureau to supply two sets of the Delaware Code to the Community Law Service of New Castle County. Introduced by Reps. Slawik, Evans, Shockley, Fonville, McMahon and Hammond. Referred to the Committee on Judiciary.

**HB 52** — An Act to amend Chapter 81, Title 9, Delaware Code by adding mobile homes to the definition of real property. Introduced by Reps. Pagano, Cashman, Cicione and Hart. Referred to the Committee on Revenue and Taxation.

Mr. Hale moved to recess to the call of the chair. Motion prevailed. The House recessed at 4:46 P.M.

The House reconvened at 1:19 P.M., and adjourned at 1:20 P.M., ending the 9th Legislative Day.

### 10TH LEGISLATIVE DAY

The Speaker called the House to order at 1:20 P.M., on April 5, 1967.

There was a prayer by the Chaplain Oliver Spence.

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



Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

Absent: Hammond — 1.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

The Speaker welcomed former Senator Thomas L. Johnson from Rehoboth.

The following were introduced and referred to committees as follows:

**HB 53** — An Act transferring \$425,000 from the Capital Investment Fund to be used for Park Development. Introduced by Rep. Dodge. Referred to the Committee on Public Buildings and Lands.

**HB 54** — An Act to amend Chapter 82, Title 14, Delaware Code, being the compact for education. Introduced by Rep. Gooding. Referred to the Committee on Education.

**HB 55** — An Act proposing an amendment to Article 3, Section 21 of the Delaware Constitution by changing the term of office of the Auditor of Accounts and State Treasurer from two to four years and providing for the time of the election of the Attorney General, Insurance Commissioner, State Treasurer and Auditor of Accounts. Introduced by Rep. Gooding. Referred to the Committee on Revised Statutes.

**HB 56** — An Act to amend Chapter 51, Title 30, Delaware Code, relating to Motor Fuel Tax. Introduced by Reps. Gooding, Phillips and Murphy. Referred to the Committee on Revenue and Taxation.

**HB 57** — An Act to amend Title 29, Delaware Code, by requiring the public disclosure of certain information by certain persons seeking to influence legislation in the General Assembly of the State of Delaware and by providing penalties for noncompliance. Introduced by Reps. Gooding and Phillips. Referred to the Committee on House Administration.

**HB 58** — An Act to amend Subchapter III, Chapter 21, Title 21, Delaware Code, relating to inspection of vehicles. Introduced by Reps. Leshner, Frederick, Ferguson, Harrington, Burton, Gray, Blendt, Pagano and Stabler. Referred to the Committee on Highways and Public Safety.

**HB 59** — An Act to amend Title 9, Chapter 81, Delaware Code, by providing for the taxation by the counties of certain mobile homes and to repeal Section 2, Chapter 275, Volume 55, Laws of Delaware. Introduced by Rep. Pagano. Referred to the Committee on Revenue and Taxation.

**HB 60** — An Act to amend Section 4703, Chapter 47, Title 7, Delaware Code, relating to powers and duties of the State Park Commission, by eliminating the prohibition against charging certain fees. Introduced by Reps. Hale, Benson, Heckert, Leshner, Hart and Pagano. Referred to the Committee on Public Buildings and Lands.

**HB 61** — An Act to amend Title 21, Section 4503 (h) of the Delaware Code. Introduced by Reps. Cashman and Hart. Referred to the Committee on Revenue and Taxation.

A messenger from the Senate delivered the following: **SB 15, SB 18, SB 22, SB 40, SB 41, SCR 6** and **SCR 7** having passed the Senate and asking concurrence of the House. **HB 25, HB 26** and **HCR 5** having passed the Senate.

The following were reported out of committee as follows: Appropriations: **SB 10**, 9 favorable; Revised Statutes: **HJR 1**, 5 favorable.

The following were assigned to committee:

**SB 15** — An Act making a supplementary appropriation to the State Park Commission for the purpose of making certain improvements at Indian River Park. Introduced by Senator Cook. Referred to the Committee on Appropriations.

**SB 18** — An Act making a supplementary appropriation to the Air and Water Resources Commission for the fiscal year ending June 30, 1967. Introduced by Senator Carney. Referred to the Committee on Appropriations.

**SB 22** — An Act transferring \$600,000 from the Capital Investment Fund to be used for park development. Introduced by Senator McCullough. Referred to the Committee on Public Buildings and Lands.

**SB 40** — An Act waiving certain provisions of Title 29, Delaware Code, for the purpose of allowing payment by Kent School for roof repairs. Introduced by Senator Cook. Referred to the Committee on Revised Statutes.

**SB 41** — An Act to amend Chapter 336, Volume 55, Laws of Delaware, entitled "An Act making appropriations to the amount of \$136,838,199.00 for the expenses of the State Government for the fiscal year ending June 30, 1967," and making no supplemental appropriation. Introduced by Senators Dineen, Grier, Robbins, Steen and Isaacs. Referred to the Committee on Appropriations.

**SCR 6** — Establish a Joint Committee of the Senate and of the House of Representatives of the 124th General Assembly to investigate the propriety of abolishing the Wilmington Board of Health. Introduced by Senators Conner, Manning and Hale. Referred to the Committee on Health and Welfare.

**SCR 7** — Recommending the Proclamation of March, 1967 as National Legislatures Month. Introduced by Senators

Steen and duPont. Mr. Hale moved for adoption by voice vote. Mr. Dodge seconded the motion. **SCR 7** adopted by voice vote.

Mr. Hale made a motion to recess at 2:16 P.M. for meetings of committees and a hearing on campsites at Rehoboth Beach (**SB 22**).

Mr. Speaker called the House to order at 6:00 P.M.

The following were reported out of committee as follows: Revised Statutes: **HB 1**, 5 favorable, 1 on merits; **HB 8**, 5 favorable, 1 on merits; **HB 42**, 5 favorable, 1 on merits; **HB 33**, 6 favorable; **HJR 1**, 5 favorable; Judiciary: **HB 51**, 5 favorable; Public Buildings and Lands: **HB 53**, 6 on merits; **SB 22** with **SA 2**, 4 on merits, 2 favorable; Education: **SB 2**, 4 on merits, 2 favorable; **SB 3**, 4 on merits, 2 favorable; Appropriations: **SB 10**, 9 favorable; **SB 15**, 7 favorable, 1 on merits; **SB 19**, 7 favorable, 1 on merits; **SB 41**, 8 favorable; Revenue & Taxation: **SB 26**, 5 favorable; **HB 47**, 5 favorable, **HB 61**, 4 favorable.

Mr. Hale moved to recess to the call of the chair at 6:03 P.M. Motion prevailed.

The House reconvened at 1:50 P.M., and adjourned at 1:51 P.M. ending the 10th Legislative Day.

### 11TH LEGISLATIVE DAY

The Speaker called the House to order at 1:51 P.M. on April 6, 1967.

There was a prayer by the Chaplain Oliver Spence.

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

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

Absent: Hammond, McMahon, Shockley — 3.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Communications:

Telegram from Mrs. Reginald T. Clare, Officers and Board of Directors of The Village Improvement Association of Rehoboth Beach was read by the Reading Clerk as requested by sender. The telegram reads as follows:

George C. Hering III  
Speaker of the House  
Dover, Delaware

The Village Improvement Association of Rehoboth Beach, Delaware, Sussex County, Delaware, representing a membership of two hundred sixty-five Delaware Federated Club Women interested in the preservation and beauty of our Beach Lands have gone on record at a regular meeting on April 5, 1967, protesting the passage of Senate Bill 22. Evaluation made by Civil Defense and Red Cross after the disastrous storm of March 1962, stressed the dangers to safety of campers and loss of lives. We recommend that a public hearing be held at which Sussex Countians who would be most affected could express their opinions and concern and urge postponment of the passage of this bill until further consideration. We request that this telegram be read on the floor of the House.

Mrs. Reginald T. Clare, President  
Officers & Board of Directors

Prefiled bills were read and assigned as follows:

**HCR 10** — Applying to the Congress to call a Convention for the purpose of proposing an Amendment to the Constitution of the United States.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that this General Assembly respectfully applies to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### ARTICLE

"Section 1. Nothing in this Constitution shall prohibit any state which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that state.

Section 2. Nothing in this Constitution shall restrict or limit a state in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

**BE IT FURTHER RESOLVED**, that if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to December 31, 1967, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED, that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Introduced by Rep. Zimmerman. Read until Mr. Zimmerman moved that so much be considered a reading. Seconded by Mr. Slawik. Mr. Zimmerman then moved that **HCR 10** be kept on Speaker's Desk. Mr. Speaker asked for an opinion from Mr. Zimmerman as to which committee he wished the Resolution to be placed. Mr. Zimmerman asked that **HCR 10** be stricken. Mr. Speaker ordered **HCR 10** stricken.

**HCR 11** — Relating to referring problem of conflict of interest to Legislative Council.

WHEREAS, Section 20 of Article II of the Delaware Constitution states: "any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon," and

WHEREAS, there is evidence that this constitutional provision has never been strictly adhered to by members of this or preceding General Assemblies, and

WHEREAS, the possibility of a conflict of interest contrary to the constitutional provision does exist in all fields or employment and activity, whether public or private, and

WHEREAS, members of the General Assembly should have a better definition of what constitutes a conflict so that they may determine when to declare their interest and when not to vote upon a measure, and

WHEREAS, all members of the 124th General Assembly are conscientiously concerned with good government so that they may render better service to their constituents and all citizens of the State of Delaware.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that the Legislative Council be, and it hereby is, empowered to establish guidelines to be used by members of the General Assembly in personally interpreting their responsibilities and course of action under Section 20 of Article II of the Constitution, and

BE IT FURTHER RESOLVED that the Council submit its report and recommendations to the Speaker of the House and the President of the Senate for dissemination to all members of the 124th General Assembly within sixty (60) days of the enactment of this Concurrent Resolution, and

**BE IT FURTHER RESOLVED** that the recommendations of the Council be debated by both Houses of the 124th General Assembly, and, upon a majority of votes of all members elected to each House, they be incorporated into the rules of each House.

Introduced by Rep. Zimmerman. Read until Mr. Zimmerman moved that so much be considered a reading. Mr. Speaker assigned **HCR 11** to House Administration Committee.

**HB 62** — An Act to amend Section 8705, Title 10, Delaware Code relating to fees and costs to be charged by the Prothonotary by providing that the Superior Court shall decide whether the fee for filing and Affidavit of Acknowledgement of Parentage with Certification shall be charged. Introduced by Reps. Slawik and Shockley. Referred to the Committee on Judiciary.

**HB 63** — An Act making a Supplementary Appropriation to the Board of Game and Fish Commission. Introduced by Reps. Phillips and Gooding. Referred to the Committee on Fish, Oyster and Game.

**HB 64** — An Act to amend Chapter 22, Volume 55, Laws of Delaware, relating to extension of the period in which the State Highway Department may utilize monies from the Capital Investment Fund for Mosquito Control and imposing certain limitations upon expenditures thereunder. Introduced by Rep. Sebrell. Referred to the Committee on Highways and Public Safety.

**HB 65** — An Act to amend Chapter 27, Title 21, Delaware Code, by providing for a mandatory minimum imprisonment for any person driving during the period of suspension of his operator's, chauffeur's or taxi cab driver's license and by providing for other changes in the penalty for such offenses. Introduced by Reps. Benson, Heckert, Sebrell, Brown, Cicione, Evans, and Burton. Referred to the Committee on Highways and Public Safety.

**HB 66** — An Act to amend Title 30, Chapter 11, Section 1118, Delaware Code, relating to State Income Tax by allowing deduction of Federal Social Security Taxes. Introduced by Reps. Cashman, Ferguson, Gooding, Brown, Murphy, Quillen, Evans, Frederick, Gray, Pagano, Zimmerman, McMahon, Sebrell, Blendt, Slawik, Pleasanton, Benson, Fonville, Cicione and Riddagh. Referred to the Committee on Revenue and Taxation.

**HB 67** — An Act to amend Title 29, Chapter 21, Section 2101, Delaware Code, relating to salary of the Governor. Introduced by Reps. Cashman, Gooding, Fonville, Ferguson, Brown, Castle, Stabler, Evans, Pagano, Murphy, Bartleson, Cicione, Zimmerman, McMahon, Slawik, Sebrell, Benson, Plea-

santon and Phillips. Referred to the Committee on Revised Statutes.

**HB 68** — An Act to amend Chapter 62, Title 29, Delaware Code, relating to Capital Investment Fund, by providing that certain inheritance and estate tax receipts be deposited therein and that any expenditure therefrom be pursuant to two-thirds vote of the General Assembly. Referred to the Committee on Revenue and Taxation.

**HB 69** — An Act proposing an amendment to the Constitution of the State of Delaware by creating a Capital Investment Fund. Introduced by Reps. Hart, Stabler, Hering, Hale, Murphy, Riddagh, Quillen, Frederick, Benson and Bartleson. Referred to the Committee on Revenue and Taxation.

**HB 70** — An Act to amend Chapter 65, Title 11, Delaware Code, relating to the Department of Corrections by changing the qualifications of the Director of Field Services, District Directors, and Probation and Parole Counsellors and Field Counsellors of the Department of Correction. Introduced by Reps. Slawik, Hale, Gooding, Heckert and Frederick. Referred to the Committee on Judiciary.

**HB 71** — An Act to amend Section 4322, Title 11, Delaware Code, relating to the protection of records of the Department of Correction. Introduced by Reps. Hale, Slawik, Gooding, Stabler and Frederick. Referred to the Committee on Judiciary.

**HB 72** — An Act to amend Title 14, Delaware Code, relating to Education by providing for negotiations between Boards of Education and organizations of public school employees. Introduced by Reps. Hale, Heckert, Cicione and Murphy. Referred to the Committee on Education.

**HB 73** — An Act transferring \$175,000 from the Capital Investment Fund to be used for Park Development. Introduced by Reps. Benson, Riddagh, Cashman, Frederick, Cicione, Quillen and Hart. Referred to the Committee on Public Buildings and Lands.

**HCR 12** — Applying to the Congress to call a convention for the purpose of proposing an Amendment to the Constitution of the United States.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that this General Assembly respectfully applies to the Congress of the United States to call a Constitutional convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

## ARTICLE

"Section 1. Nothing in this Constitution shall prohibit any state which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population; provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that state.

Section 2. Nothing in this Constitution shall restrict or limit a state in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment of the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

BE IT FURTHER RESOLVED, that if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to June 30, 1967, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED, that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Introduced by Mr. Zimmerman. Mr. Zimmerman moved that so much be considered the reading of **HCR 12**. Mr. Zimmerman asked that **HCR 12** be left on the Speaker's Desk. Mr. Speaker granted Mr. Zimmerman's request.

On motion of Mr. Dodge, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 53** — An Act transferring \$425,000 from the Capital Investment Fund to be used for Park Development.

Mr. Benson introduced **HA 1** to **HB 53** and moved to adopt by voice vote. Motion carried. **HA 1** to **HB 53** adopted by voice vote.

Mr. Dodge asked for Roll Call vote for passage of bill as amended. Mr. Slawik moved bill be tabled. Mr. Zimmerman seconded. Roll Call to table defeated as follows:

**YEAS** — Benson, Brown, Burton, Cashman, Castle, Ciccione, Dodge, Evans, Gray, Hart, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 18.

**NAYS** — Bartleson, Blendt, Eskridge, Ferguson, Fonville, Frederick, Gooding, Hale, Harrington, Heckert, Leshner, Phillips, Slawik, Zimmerman — 14.



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

Speaking against bill were Messrs. Zimmerman, Slawik, Blendt, Leshner and Mrs. Heckert. Mr. Castle spoke in favor of the bill. Mr. Dodge asked for Roll Call vote on **HB 35** with **HA 1**:

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

**NAYS** — None.

**NOT VOTING** — Blendt, Ferguson, Fonville, Gooding, Hammond, Phillips, Slawik, Zimmerman — 8.

**ABSENT** — McMahon, Shockley — 2.

**HB 35** with **HA 1** having received the constitutional majority was declared passed the House.

On motion of Mr. Brown the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 33** — An Act to amend Section 2005, Title 9, Delaware Code, relating to appropriations for maintenance of Rescue Squads. Mr. Brown spoke in favor of the bill and asked for a Roll Call. Roll Call revealed:

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

**NAYS** — None.

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

The following bills were introduced and assigned to committee:

**HB 74** — An Act authorizing the Department of Mental Health to pay certain obligations incurred in a prior fiscal year and waiving the State Bidding Code and certain other financial requirements. Introduced by Rep. Eskridge. Referred to the Committee on Health and Welfare.

**HB 75** — An Act making a Supplementary Appropriation to the Department of Public Welfare for the fiscal year ending June 30, 1967. Introduced by Reps. Evans, Fonville, Cashman, Slawik and Gooding. Referred to the Committee on Appropriations.

Mrs. Heckert asked that the following bill be given a final reading and taken up for consideration in order to pass the House:

**SB 2** — An Act to amend Chapter 163, Volume 32, Laws of Delaware, as amended, being an act entitled "An Act to further amend Chapter 92, Volume 23, Laws of Delaware" being an act entitled "An Act to provide for the organization and control of the Public Schools of the City of Wilmington." Introduced by Senators Dineen, Schlör, Holloway and Keenan.

Mrs. Heckert asked that the bill be given its final reading and asked for a roll call vote. Roll Call revealed:

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

**NAYS** — Eskridge — 1.

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

**SB 2** having received a constitutional majority was declared passed the House.

Mrs. Heckert asked that the following bill be given a final reading and taken up for consideration in order to pass the House:

**SB 3** — An Act to amend Chapter 92, Volume 23, Laws of Delaware, as amended, being an act entitled "An Act to provide for the organization and control of the public schools of the City of Wilmington." Introduced by Senators Dineen, Schlör, Holloway and Keenan. Roll Call vote revealed:

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

**NAYS** — Eskridge — 1.

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

**SB 3** having received a constitutional majority was declared passed the House.

On motion of Mr. Bartleson the following bill was given a final reading and taken up for consideration in order to pass the House:

**SB 41** — An Act to amend Chapter 336, Volume 55, Laws of Delaware, entitled "An Act making appropriations to the amount of \$136,838,199.00 for the expenses of the state government for the fiscal year ending June 30, 1967," and making no supplementary appropriation. Introduced by Senator Dineen. Roll Call vote revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart,

Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 32.

NAYS — None.

ABSENT — Hammond, McMahon, Shockley — 3.

**SB 3** having received a constitutional majority was declared passed the House.

On motion of Mr. Bartleson the following bill was given a final reading and taken up for consideration in order to pass the House:

**SB 10** — An Act making a Supplementary Appropriation to the State Personnel Commission for the fiscal year ending June 30, 1967. Introduced by Senator Dineen.

Mr. Bartleson asked for and was granted privilege of the floor for Mr. Rosbrow to answer questions. There were no questions. Roll Call on **SB 10** revealed:

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

NAYS — None.

NOT VOTING — Ferguson — 1.

ABSENT — Brown, Hammond, McMahon, Shockley — 4.

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

On motion of Mr. Bartleson the following bill was given a final reading and taken up for consideration in order to pass the House:

**SB 15** — An Act making a supplementary appropriation to the State Park Commission for the purpose of making certain improvements at Indian River Park. Introduced by Senator Cook.

Roll Call on **SB 15** revealed:

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

NAYS — None.

ABSENT — Hammond, McMahon, Shockley — 3.

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

The following were reported out of committee: Health & Welfare: **HS 1** for **HB 30**, 6 favorable; Revenue and Taxation: **HB 22**, 3 favorable, 2 on merits.

On motion of Mr. Bartleson the following bill was given a final reading and taken up for consideration in order to pass the House:

**SB 18** — An Act making a Supplementary Appropriation to the Air and Water Resources Commission for the fiscal year ending June 30, 1967. Introduced by Senator Carney. Roll Call revealed:

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

**NAYS** — None.

**ABSENT** — Cashman, Hammond, McMahon, Shockley, Slawik — 5.

**SB 18** having received a constitutional majority was declared passed the House.

On motion of Mr. Hart the following bill was given a final reading and taken up for consideration in order to pass the House:

**SB 26** — An Act to amend Sections 8131, 8132, 8133, 8134, 8135, 8136, Title 9, Delaware Code, relating to exemptions from taxation on real property of residents of this state of the age of sixty-five or more years having an income not in excess of \$3,000 per year. Introduced by Senators Manning and Holloway. Roll Call revealed:

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

**NAYS** — None.

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

**SB 26** having received the constitutional majority was declared passed the House.

Mr. Hale moved for recess to the call of the chair. The House recessed at 3:35 P.M.

The House reconvened at 2:22 P.M., and adjourned at 2:23, ending the 11th Legislative Day.

## 12TH LEGISLATIVE DAY

The Speaker called the House to order at 2:23 P.M. on April 17, 1967.

There was a prayer by the Chaplain Reverend David Mulford.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

Absent: Fonville, Hammond — 2.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Communications: Memorandum No. 3 from the Governor.

April 10, 1967

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

FROM: Theodore F. Sandstrom

The Governor signed the following legislation on the date indicated:

April 10, 1967 —

**HB 25** — (\$219,500 Supplementary Appropriation to Dept. of Public Welfare).

**HB 26** — (\$25,000 Supplementary Appropriation to Secretary of State for U.C.C.).

Announcements: The Speaker announced that WHYY would be permitted to take pictures during session. No objection. Permission granted.

The Speaker announced that the attorneys may be called upon for research, or assistance at any time.

Prefiled bills were read and assigned as follows:

**HB 76** — An Act to amend Section 1562, Title 9, Delaware Code, relating to appropriations to the New Castle County Library, Wilmington Institute by the Council of New Castle County. Introduced by Rep. Stabler. Referred to the Committee on Revised Statutes.

**HB 77** — An Act to amend Chapter 1, Title 25, Delaware Code, relating to deeds. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HB 78** — An Act to amend Chapter 1, Title 25, Delaware Code, relating to deeds. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HB 79** — An Act to amend Chapter 182, Volume 45, Laws of Delaware, entitled "An Act to reincorporate the Town of Delmar" by increasing the salaries of the Mayor and Town Council. Introduced by Rep. Phillips. Referred to the Committee on Government Operations.

**HB 80** — An Act to amend Section 704, Paragraph (c), Title 7, Delaware Code, relating to prohibited hunting methods. Introduced by Rep. Pleasanton. Referred to the Committee on Fish, Oyster and Game.

**HB 81** — An Act agreeing to a proposed amendment to Section 29, Article IV, of the Constitution of the State of Delaware, relating to Justices of the Peace. Introduced by Reps. Hart, Slawik, Castle and Stabler. Referred to the Committee on Judiciary.

**HB 82** — An Act to amend Section 106, Title 7, Delaware Code, relating to the powers and duties of the Board of Game and Fish Commissioners. Introduced by Rep. Pleasanton. Referred to the Committee on Fish, Oyster and Game.

**HB 83** — An Act to amend Section 913, and repeal Section 1114, of Title 7, Delaware Code, relating to regulation of fishing with nets in Delaware Tidal Waters. Introduced by Reps. Pleasanton and Zimmerman. Referred to the Committee on Fish, Oyster and Game.

**HB 84** — An Act to amend Chapter 45, Title 21, as amended of the Delaware Code, relating to the maximum gross load for vehicles equipped with three axles. Introduced by Reps. Cashman, Burton and Hart. Referred to the Committee on Revenue and Taxation.

**HB 85** — An Act to amend Chapter 81, Title 9, Delaware Code, relating to the limitations upon taxing power, by exempting lands and improvements of the Civic Association and vicinity from assessment and taxation. Introduced by Rep. Frederick. Referred to the Committee on Government Operations.

**HB 86** — An Act amending Section 1318, Title 14, Delaware Code, entitled Sick Leave and Absence for the other reasons by adding a new Subsection thereto. Introduced by Reps. Hart, Gooding, Frederick and Cicione. Referred to the Committee on Education.

**HB 87** — An Act to amend Title 21, Section 4169, Delaware Code, relating to the effect of prior resolutions setting speed limits. Introduced by Reps. Hale, Ferguson, Heckert, Dodge and Castle. Referred to the Committee on Highways and Public Safety.

**HB 88** — An Act to amend Title 21, Section 701, Delaware Code, relating to arrest where radar, airplanes, or electrical devices are used. Introduced by Reps. Hale, Ferguson, Heckert, Dodge and Blendt. Referred to the Committee on Highways and Public Safety.

**HB 89** — An Act to amend Title 21, Section 4120, Delaware Code, relative to effect of no passing zone signs. Introduced by Reps. Hale, Ferguson, Heckert and Dodge. Referred to the Committee on Highways and Public Safety.

**HB 90** — An Act to amend Title 11, Chapter 23, Delaware Code, relating to the execution of search warrants. Introduced by Reps. Hale, Ferguson, Heckert, Dodge and Bartleson. Referred to the Committee on Judiciary.

**HB 91** — An Act to amend §8401, Title 16, Delaware Code, relating to rules and regulations for trenches and excavations. Introduced by Reps. Slawik, Ferguson, Cashman, Blendt, Gooding and Cicione. Referred to the Committee on Highways and Public Safety.

**HR 28** — An Act making an appropriation to various companies for supplies rendered the 124th General Assembly of the State of Delaware.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware that the following named companies be paid for supplies rendered the 124th General Assembly.

Capitol Office Equipment	
205 West Division Street	
Dover, Delaware	
(Invoice No. 42604) (Supplies, desk seal)	\$31.20
Harrington Journal	
P.O. Box 239	
Harrington, Delaware	
(Invoice No. 645765) (Calendar Stock)	35.00
Dannemann's	
Rodney Village Shopping Ctr.	
Dover, Delaware	
(Invoice No. 21367) (ribbon)	2.40

Introduced by Dr. Sebrell. Read until Dr. Sebrell moved that so much be considered a reading. Dr. Sebrell moved to adopt by voice vote. Motion carried, **HR 28** adopted by voice vote.

**HCR 13** — An Act making an appropriation to various companies for supplies rendered the 124th General Assembly of the State of Delaware.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, the Senate concurring therein, that the following named companies be paid for supplies rendered the 124th General Assembly of the State of Delaware:

Harrington Journal	
P.O. Box 239	
Harrington, Delaware 19952	
(645766)	\$1166.50
Addressograph-Multigraph Corp.	
P.O. Box 1305 Church St. Station	
New York, New York 10008	
(020-239, 020-388, 020-264, 020-265	
020-439)	506.34

Capitol Office Equipment  
205 West Division Street  
Dover, Delaware

(388583, 368059, 368060, 368061) 629.19

Introduced by Rep. Sebrell. Read until Dr. Sebrell moved that so much be considered a reading. Dr. Sebrell moved to adopt by voice vote. Motion carried. **HCR 13** adopted by voice vote.

**HCR 14** — Establishing a committee to advise and assist the State Park Commission in the development and managing of the park lands of Eastern Sussex County.

WHEREAS, the development and managing of the Park Lands of Eastern Sussex County is of prime interest to the tourist industry of Delaware, AND

WHEREAS, the tourist industry of Delaware affects all the people of Delaware and in particular the people of Eastern Sussex County,

NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that a committee of five members be appointed to advise and assist the State Park Commission in the development and managing of the Park Lands of Eastern Sussex County. Said committee is to be composed of five members appointed by the Senator from the 18th Senatorial District and the Representative from the 34th Representative District.

BE IT FURTHER RESOLVED that said committee shall serve for a period of one year from the date of their appointment at no compensation.

Introduced by Rep. Dodge. Motion to table defeated. Roll call to adopt **HCR 14** revealed:

YEAS — Brown, Burton, Castle, Evans, Frederick, Gray, Heckert — 7.

NAYS — Bartleson, Benson, Blendt, Cashman, Cicione, Dodge, Eskridge, Ferguson, Gooding, Hale, Harrington, Hart, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 25.

NOT VOTING — Pleasanton — 1.

ABSENT — Fonville, Hammond — 2.

**HCR 14** not having received the constitutional majority was declared lost.

**HCR 12** which had been placed on the Speaker's Desk was referred to the Judiciary Committee.

Mr. Hale announced committee meetings and made a motion to recess at 3:11 P.M.

Mr. Speaker called the House to order at 4:31 P.M.

The following bills were reported out of committee: Revenue and Taxation: **HB 11**, 5 favorable; **HB 32**, 3 on



merits, 2 favorable; **HB 68**, 4 favorable, 1 on merits; **HB 69**, 4 favorable, 1 on merits; Education: **HB 54**, 6 favorable; Public Buildings and Lands: **HB 60**, 6 favorable.

The following was introduced:

**HA 1 to HB 12** — Introduced by Reps. Zimmerman and Gooding. Placed with bill.

On motion of Mr. Frederick the following bill was given a final reading and taken up for consideration in order to pass the House:

**SB 22** with **SA 2** — An Act transferring \$600,000 from the Capital Investment Fund to be used for park development. Introduced by Senator McCullough. Roll call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Cicione, Eskridge, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

**NAYS** — Castle, Dodge, Evans, Pleasanton — 4.

**ABSENT** — Ferguson, Fonville, Hammond — 3.

**SB 22** having received the constitutional majority was declared passed the House.

On motion of Mr. Benson the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 8** — An Act agreeing to a proposed amendment to Article III, Section 18, of the Constitution of the State of Delaware. Roll Call revealed:

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

**ABSENT** — Ferguson, Fonville, Hammond — 3.

**HB 8** having received the constitutional majority was declared passed the House.

On motion of Mr. Benson the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 42** — An Act to amend Title 11, of the Delaware Code of 1953, Section 8323 (c) by making retired members of the Delaware State Police eligible to be employed as State Detectives under the Attorney General while still receiving a state pension. Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Se-

brell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 31.

NAYS — Eskridge — 1.

PRESENT — Blendt — 1.

ABSENT — Fonville, Hammond — 2.

**HB 42** having received the constitutional majority was declared passed the House.

### 13TH LEGISLATIVE DAY

The Speaker called the House to order at 2:11 P.M., on April 18, 1967.

There was a prayer by the Chaplain Reverend David Mulford.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Zimmerman, Mr. Speaker Hering — 33.

Absent: Hammond, Stabler — 2.

The Minutes of the 12th Legislative Day (April 17, 1967) were corrected to read — Mr. Hale moved to adjourn, rather than recess at 5:09 P.M.

Communications: None.

Prefiled bills were read and assigned as follows:

**HB 92** — An Act agreeing to a proposed amendment to Article 2, Section 15, of the Constitution of the State of Delaware relating to compensation, expenses and allowances of members of the General Assembly and the President of the Senate. Introduced by Reps. Bartleson, Ferguson, McMahon, Harrington, Zimmerman, Fonville, Stabler, Slawik, Murphy, Sebrell, Phillips, Cashman, Heckert, Shockley and Benson. Referred to the Committee on Revised Statutes.

**HB 93** — An Act making a Supplementary Appropriation to the Delaware State Development Department for the procuring of a float. Introduced by Rep. Sebrell. Referred to the Committee on Government Operations.

**HB 94** — An Act to amend Section 1561 and Section 1563 of Title 10, Delaware Code, relating to abolishment of the requirement of verification of claims for relief and answers to be filed in the Court of Common Pleas for Kent County. Introduced by Rep. Sebrell. Referred to the Committee on Judiciary.

**HB 95** — An Act to amend Section 1701 (a), Title 7, Delaware Code, relating to Dog License Fees. Introduced by Reps. Sebrell and Pleasanton. Referred to the Committee on Fish, Oyster and Game.

**HB 96** — An Act to amend Title 21, Section 4169 (b), Delaware Code, relative to speed limits and effect of signs on highways. Introduced by Reps. Hale, Ferguson, Heckert, Dodge, Murphy, Sebrell and Leshner. Referred to the Committee on Highways and Public Safety.

**HB 97** — An Act making a Supplementary Appropriation to the Governor for the Governor's Goals Committees. Introduced by Reps. Hale, Heckert, Bartleson, Murphy and Sebrell. Referred to the Committee on Appropriations.

**HB 98** — An Act to amend Title 31, Delaware Code, relating to "Welfare" by providing for increases in maximum benefits at county option. Introduced by Reps. Gooding and Slawik. Referred to the Committee on Health and Welfare.

**HB 99** — An Act making a supplementary appropriation to the Governor for the Governor's Committee for revision of Criminal Law. Introduced by Reps. Stabler and Benson. Referred to the Committee on Judiciary.

**HB 100** — An Act proposing an amendment to Section 11, Article 4, of the Constitution relating to jurisdiction of the Supreme Court in Criminal Cases. Introduced by Reps. Hale, Ferguson, Heckert, Dodge, Bartleson, Murphy and Sebrell. Referred to the Committee on Judiciary.

**HA 1 to HB 22** — Introduced by Reps. Cashman and Burton. Referred to the Committee on Revenue and Taxation.

**HA 2 to HB 22** — Introduced by Rep. Cashman. Referred to the Committee on Revenue and Taxation.

**HB 101** — An Act to amend Chapter 17, Title 16, Delaware Code, relating to refuse and garbage. Introduced by Rep. Pagano. Referred to the Committee on Health and Welfare.

**HR 29** — In reference to the election of officers.

**BE IT RESOLVED** by the 124th General Assembly of the State of Delaware that James B. Dickerson, Jr. be removed from the office of Page.

**BE IT FURTHER RESOLVED** that Lee Daniels be removed from the office of Page.

**BE IT FURTHER RESOLVED** that Norma Foster be removed from the office of Secretary.

Introduced by Rep. Sebrell. On motion of Dr. Sebrell

**HR 29** was adopted by voice vote.

**HR 30** — In reference to election of officers.

**BE IT RESOLVED** by the 124th General Assembly of the State of Delaware that the following named persons be and are hereby elected to the office appearing opposite their name to serve during the pleasure of the House.

Page — Francis A. Lawson

Page — Benjamin Thomas Elliott

Introduced by Rep. Sebrell. On motion of Dr. Sebrell,

**HR 30** was adopted by voice vote.

**HR 31** — In reference to election of officers.

**BE IT RESOLVED** by the House of Representatives of the 124th General Assembly of the State of Delaware that the Minority Leader of the House of Representatives is hereby authorized to appoint a Minority Attorney to serve the members of the House of Representatives. The salary shall be at the established rate for the attorneys of the House of Representatives.

Introduced by Rep. Slawik. Read until Mr. Slawik moved that so much be considered a reading. Messrs. Slawik, Ferguson and Zimmerman spoke for the resolution. Mr. Benson made a motion to table. Motion seconded. Tabled by voice vote.

Mr. Hale announced committee meetings and recessed to the call of the chair at 2:38 P.M.

The Speaker called the House to order at 3:55 P.M.

The following bills were reported out of committees:

Revenue and Taxation: **HB 84**, 4 favorable; Revised Statutes: **HB 43** with **HA 1**, 5 favorable; **HB 76**, 5 favorable; **HB 34**, 5 favorable, **HB 67**, 3 favorable, 2 on merits.

The following bills were introduced and assigned to committees:

**HB 102** — An Act to provide for the continuation of electric service to certain areas. Introduced by Reps. Gray, Blendt, Burton and Quillen. Referred to the Committee on Commerce and Corporations.

**HB 103** — An Act to amend Section 1118, Chapter 11, Title 30, Delaware Code, relating to State Income Tax, by allowing deduction of Federal Railroad Retirement Taxes. Introduced by Reps. Cashman, Ferguson, Zimmerman, Evans, Gooding, Slawik, Benson, Gray, Sebrell, Dodge, Brown, Blendt, Pleasanton, Cicone, Harrington, McMahon, Castle, Hart, Rid-dagh, Frederick, Shockley. Referred to the Committee on Revenue and Taxation.

**HB 104** — An Act to amend Chapter 35, Title 11, Delaware Code, relating to General Provisions concerning witnesses and evidence by providing for obtaining of testimony under court order and for witness immunity. Introduced by Rep. Castle. Referred to the Committee on Judiciary.

**HB 105** — An Act to amend Section 4166, Title 21, Delaware Code, relating to signalling devices on school busses. Introduced by Rep. Heckert. Referred to the Committee on Highways and Public Safety.

**HB 106** — An Act to amend Section 1318, Title 14, Delaware Code, pertaining to teacher absences and substitutes. Introduced by Reps. Quillen, Sebrell and Hart. Referred to the Committee on Education.

**HB 107** — An Act to provide for a Constitutional Revision Commission. Introduced by Reps. Slawik and Gooding. Referred to the Committee on Judiciary.

The following bills were reported out of committee:

Elections: **HB 20**, 6 favorable; **HB 19** with **HS 1**, 4 favorable, 2 unfavorable.

Mr. Hering asked Mr. Benson to take the Chair as Acting Speaker. Mr. Hering then introduced **HCR 15**.

**HCR 15** — Authorizing the General Assembly to contract for a census of the state.

WHEREAS, the U. S. District Court, in the case of Sincok, et al vs. Gately, et al, outlined the necessity for an updated census of the state to establish a sound basis for a reapportionment plan; and

WHEREAS, the General Assembly conveyed the responsibility for initial action in the matter of reapportionment to the Legislative Council of the General Assembly; and

WHEREAS, the Legislative Council has been and remains at an impasse as to how to proceed with hiring an agency to do such a census; and

WHEREAS, over three months have passed without effective action being taken to comply with the court order; and

WHEREAS, there seems to be honest disagreement regarding the use of the University of Delaware Division of Urban Affairs or the U. S. Bureau of the Census for the conducting of said census;

NOW THEREFORE BE IT RESOLVED, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that the General Assembly contract with the University of Delaware's Division of Urban Affairs to conduct a census of New Castle County; and

BE IT FURTHER RESOLVED, that the General Assembly contract with the U. S. Bureau of the Census to conduct a census of Kent and Sussex Counties; and

BE IT FURTHER RESOLVED, that the House of Representatives of the 124th General Assembly, the Senate concurring therein, appropriate the necessary funds to carry out this resolution.

Mr. Hering presented a chart showing comparable values of the University of Delaware and the U.S. Census Bureau for reapportionment census. Mr. Zimmerman asked that a letter dated April 11th, received April 17th, be read into the Minutes.

UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE

Office of President  
The Honorable Charles L. Terry, Jr.  
Governor of Delaware

April 11, 1967

Legislative Hall  
 Dover, Delaware 19901  
 The Honorable Calvin R. McCullough  
 Chairman of the Legislative Council  
 Dover, Delaware 19901  
 The Honorable George C. Hering, III  
 Vice Chairman of the Legislative Council  
 Dover, Delaware 19901  
 Gentlemen:

I have thought that the University's position was clear with respect to making a census on a sampling basis that would be of help in redistricting as ordered by the Court. However, since it apparently is not, I once again write you gentlemen who seem to be most concerned. Our Trustees have stated that the University, if it were to do a census, could undertake the work **only if it were strongly urged to do so by both political parties**. Quite obviously, this is not the circumstance and does not seem likely to be. For a university closely related to the State and indirectly, because of this, to the two political parties in the State Legislature, to do such work without the consent of all concerned would be to its general detriment.

Further, the University's charter directs that "The University shall never be managed or conducted in the interest of any party, sect, or denomination." To permit a service unit of the University to do this work unless the two major parties agree to the census undertaking, would, it seems clear, bring charges of favoritism or partiality, whether justified or not.

I think none of you, any more than our Trustees, would want to jeopardize the general respect and stature of this University by invading its freedom to either force it to do this census or not to do it. It is my hope that as responsible state officials you will respect the decision of the Trustees and others related to this matter and, for your part, you will be as concerned as we are about protecting the University's independence and will not involve it any further in this matter.

Sincerely,  
 John A. Perkins

There was much discussion — Mr. Zimmerman questioned the legality of the Resolution being Concurrent rather than Joint. Mr. Roger Kelsey was given privilege of the floor to give his opinion. Mr. Kelsey declared that in his judgment **HCR 15** was legally a proper Concurrent Resolution.

Mr. Hering asked for a Roll Call vote. Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart,

Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddag, Sebrell, Mr. Speaker Hering — 22.

NAYS — Blendt, Eskridge, Ferguson, Fonville, Gooding, Harrington, McMahon, Phillips, Shockley, Slawik, Zimmerman — 11.

ABSENT — Hammond, Stabler — 2.

**HCR 15** having received the constitutional majority was declared adopted by the House.

Mr. Hale moved for adjournment. Motion carried.

The House adjourned at 5:17 P.M.

### 14TH LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M., on April 20, 1967.

There was a prayer by the Chaplain Reverend David B. Mulford.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicone, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddag, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

Absent: Hammond, Shockley — 2.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Communications: Memorandum No. 4 from the Governor.

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

FROM: Theodore F. Sandstrom

The Governor signed the following legislation on the dates indicated:

April 19, 1967 —

**SB 10** — (\$53,500 Supplementary Appropriation to State Personnel Commission).

**SB 15** — (\$62,650 Supplementary Appropriation to State Park Commission for Indian River State Park).

**SB 18** — (\$50,000 Supplementary Appropriation to Water & Air Resources Commission).

April 20, 1967 —

**SB 2** — (Organization & control of Wilmington Public Schools-tax limit).

**SB 3** — (Organization & control of Wilmington Public Schools - taxation - City Council).

**SB 22** with **SA 2** — (\$600,000 Transfer from Capital Investment Fund to State Park Commission for Indian River).

The following bills were introduced and assigned to Committee:

**HB 108** with **HA 1** — An Act to amend Chapter 76, Title 29, Delaware Code, establishing a general regulation that the results of research projects, surveys and similar endeavors involving use of state funds or personnel be made public. Introduced by Reps. Heckert, Pagano, Cicone, Sebrell, Quillen, Blendt and Ferguson. Referred to the Committee on Miscellaneous.

**HB 109** — An Act to amend Chapter 51, Title 30, Delaware Code, relating to Motor Fuel Tax. Introduced by Reps. Benson, Burton, Hart and Pagano. Referred to the Committee on Revenue and Taxation.

**HB 110** — An Act to amend Title 21, Section 4103 (b), relating to obedience to Police Officers. Introduced by Reps. Cicone, Cashman, Brown, Evans, Burton, Hart, Benson, Pagano and Quillen.

**HB 111** — An Act to amend Title 11, Delaware Code, relating to crimes, by providing penalties for fraudulent practices under the Uniform Commercial Code. Introduced by Reps. Zimmerman and Hering. Referred to the Committee on Judiciary.

**HB 112** — An Act to amend Chapter 23, Title 21, Delaware Code, relating to title and liens of motor vehicles. Introduced by Reps. Zimmerman and Hering. Referred to the Committee on Judiciary.

**HA 3** to **HB 22** — Introduced by Rep. Cashman. Mr. Cashman moved that **HA 1** and **HA 2** be stricken and that **HA 3** be adopted and placed with the bill. The motion was seconded and carried.

Mr. Hale moved for recess to the call of the chair. Mr. Dodge seconded the motion and the motion prevailed. The House recessed at 1:51 P.M.

The Speaker called the House to order at 2:48 P.M.

The following bills were introduced and assigned to committee:

**HA 1** to **HS 1** to **HB 19** — Introduced by Mrs. Heckert. Mrs. Heckert moved that **HA 1** be adopted and placed with the bill. **HA 1** adopted by voice vote and placed with bill.

**HB 113** — An Act proposing an amendment to Article 3, Section 21, of the Delaware Constitution by changing the term of Office of the Auditor of Accounts and State Treasurer from two to four years and providing for the time of the election of the Attorney General, Insurance Commissioner,



State Treasurer and Auditor of Accounts. Introduced by Reps. Benson, Brown, Pleasanton, Castle, Leshner and Pagano. Referred to the Committee on Elections.

**HB 114** — An Act to direct the State Highway Department to maintain certain streets. Introduced by Reps. Quillen and Riddagh. Referred to the Committee on Highways and Public Safety.

The following bills were reported out of committee: Judiciary: **HB 78**, 5 favorable; **HB 94**, 4 favorable, 1 on merits; **HB 99**, 5 favorable; **HB 104**, 4 favorable, 1 on merits.

On motion of Mr. Hale, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 60** — An Act to amend Section 4703, Chapter 47, Title 7, Delaware Code, relating to powers and duties of the State Park Commission, by eliminating the prohibition against charging certain fees. Roll call revealed:

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

NAYS — Eskridge, Ferguson, Zimmerman — 3.

PRESENT — Blendt, Phillips, Slawik — 3.

ABSENT — Hammond, Shockley — 2.

**HB 60** having received the constitutional majority was declared passed the House.

On motion of Mrs. Gooding, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 54** — An Act to amend Chapter 82, Title 14, Delaware Code, being the compact for Education. Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

ABSENT — Hammond, Shockley — 2.

**HB 54** having received the constitutional majority was declared passed the House.

On motion of Dr. Sebrell, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 11** — An Act to amend Sections 356 and 357, Title 30, Delaware Code, relating to the printing and distribution of tax forms by the Tax Commissioner. Roll Call revealed:

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

**PRESENT** — Riddagh, Slawik, Zimmerman — 3.

**ABSENT** — Hammond, Shockley — 2.

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

On motion of Mr. Blendt, the following was given a final reading and taken up for consideration in order to pass the House:

**HB 32** — An Act to amend Section 2005, Title 9, Delaware Code, relating to appropriations for maintenance of rescue squads. On motion of Mr. Eskridge, privilege of the floor was granted for Mr. Charles Harris, Delaware State Education Association. Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

**ABSENT** — Hammond, Shockley — 2.

**HB 32** having received the constitutional majority was declared passed the House.

On motion of Mrs. Heckert, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 20** — An Act to amend Chapter 38, Title 15, Delaware Code, relating to nominations of candidates by parties. Roll Call revealed:

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

**NOT VOTING** — Ferguson — 1.

**ABSENT** — Hammond, Shockley — 2.

**HB 20** having received the constitutional majority was declared passed the House.

On motion of Mrs. Heckert, the following was given a final reading and taken up for consideration in order to pass the House:

**HS 1 for HB 19 with HA 1** — An Act to amend Section 4101, Title 15, Delaware Code, relating to the definition of political parties. Roll Call revealed:

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

**NAYS** — Blendt, Ferguson, Fonville, Gooding, Harrington, McMahon, Slawik, Zimmerman — 8.

**PRESENT** — Phillips — 1.

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

**HS 1** for **HB 19** with **HA 1** having received the constitutional majority was declared passed the House.

On motion of Mr. Stabler, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 76** — An Act to amend Section 1562, Title 9, Delaware Code, relating to appropriations to the New Castle County Library, Wilmington Institute by the Council of New Castle County. Roll Call revealed:

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

**NAYS** — Blendt — 1.

**ABSENT** — Hammond, Shockley — 2.

**HB 76** having received the constitutional majority was declared passed the House.

On motion of Mr. Cashman, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 84** — An Act to amend Chapter 45, Title 21, as amended, of the Delaware Code, relating to the maximum gross load for vehicles equipped with three axles. Roll Call revealed:

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

**NAYS** — Blendt — 1.

**PRESENT** — Fonville — 1.

**ABSENT** — Hammond, Shockley — 2.

**HB 84** having received the constitutional majority was declared passed the House.

On motion of Mr. Cashman, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 22** with **HA 3** — An Act to amend Sections 2151 and 2155, Title 21, Delaware Code, relating to Motor Vehicle Registration Fees. On further motion of Mr. Cashman, **HA 3** to **HB 22** was adopted by Roll Call as follows:

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

**NAYS** — Blendt, Eskridge, Harrington, Leshner, Slawik, Zimmerman — 6.

**NOT VOTING** — Gooding — 1.

**PRESENT** — Fonville, Phillips — 2.

**ABSENT** — Ferguson, Hammond, McMahon, Shockley — 4.

On motion of Mr. Zimmerman, Mr. Russell W. Whitby, Commissioner of Motor Vehicles was granted privilege of the floor. After some discussion, Mr. Ferguson said he had wished to prepare a further amendment to **HB 22** but had not been able to do so, and moved for a recess. Motion prevailed.

The House recessed at 4:54 P.M.

Mr. Speaker called the House to order at 5:08 P.M. Mr. Ferguson said his amendment was still not in the proper form to be introduced but he could not explain why. The Speaker informed the House that he had discovered that both multilith machines had broken down. Mr. Ferguson moved that **HB 22** with **HA 3** be deferred. Roll Call revealed:

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

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

**HB 22** with **HA 3** was thereby deferred.

On motion of Mr. Hale, the House adjourned at 5:14 P.M.

### 15TH LEGISLATIVE DAY

The Speaker called the House to order at 1:38 P.M., on April 24, 1967.

There was a prayer by the Chaplain Reverend David Mulford.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Castle, Cicione, Dodge, Eskridge, Ferguson, Fonville, Frederick, Gooding, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Stabler, Zimmerman, Mr. Speaker Hering — 33.

Absent: Gray, Slawik — 2.

Mr. Hale moved that the Journal be approved as posted with the following corrections: Date: April 20, 1967 — instead of April 24, 1967. Under bills introduced and assigned — should read **HA 1** to **HS 1** for **HB 19**. Motion carried.

Communications: Memorandum No. 4 from the Governor.

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

FROM: Theodore F. Sandstrom

The Governor signed the following legislation on the dates indicated:

April 19, 1967 —

**SB 10** — (\$53,500 Supplementary Appropriation to State Personnel Commission.)

**SB 15** — (\$62,650 Supplementary Appropriation to State Park Commission for Indian River State Park.)

**SB 18** — (\$50,000 Supplementary Appropriation to Water & Air Resources Commission.)

April 20, 1967 —

**SB 2** — (Organization & control of Wilmington Public Schools-tax limit.)

**SB 3** — (Organization & control of Wilmington Public Schools - taxation - City Council.

**SB 22** with **SA 2** — (\$600,000 Transfer from Capital Investment Fund to State Park Commission for Indian River.)

The following bills were introduced and assigned to committee:

**HB 115** — An Act to amend Section 3315, Chapter 33, Title 16, Delaware Code, providing authority to Bureau of Weights and Measures to assist in enforcing the Pure Food and Drug Laws. Introduced by Reps. Cicione, Gooding, Pagano, Evans, Hale, Brown, Quillen, Dodge, Benson, Hart, Murphy, Frederick and Cashman. Referred to the Committee on Miscellaneous.

**HB 116** — An Act to amend Subchapter XXXVIII, Chapter 3, Title 11, Delaware Code, with respect to hate literature. Introduced by Reps. Frederick, Evans, Cicione, Sebrell, Leshner, Dodge and Pagano. Referred to the Committee on Judiciary.

Mr. Hale announced committee meetings.

Mr. Zimmerman asked if agenda was all the legislation to be done today. Mr. Hale said agenda was all the legislation expected to be done today.

Mr. Hale made a motion to recess. Seconded by Mr. Dodge. House recessed at 1:44 P.M.

Mr. Speaker called the House to order at 4:40 P.M.

The following bills were introduced and assigned to committee:

**HB 117** — An Act to amend Section 5523, Title 29, Delaware Code, relating to state pensions by adding provisions for receipt of benefits for unused sick leave days. Introduced by Reps. Hart and Murphy. Referred to the Committee on Revised Statutes.

**HB 118** — An Act to amend Chapter 19, Title 14, Delaware Code, relating to Education by providing that local tax funds and other funds collected locally shall be controlled and administered by the School Board of the District. Introduced by Reps. Heckert, Murphy, Blendt, Bartleson, Sebrell and Hart. Referred to the Committee on Education.

**HB 119** — An Act to amend Section 503, Title 31, Delaware Code, relating to eligibility for welfare assistance. Introduced by Reps. Evans, Fonville and Brown. Referred to the Committee on Health and Welfare.

**HB 120** — An Act proposing amendment to Article II, Section 4, of the Constitution of the State of Delaware relating to time, length, and purpose of General Assembly Sessions. Introduced by Reps. Hale, Sebrell, Pagano, Burton, Dodge, Cicione. Referred to the Committee on House Administration.

**HB 121** — An Act proposing an amendment to Article II, Section 9, of the Constitution of the State of Delaware relating to temporary rules of the Legislature. Introduced by Reps. Hale, Sebrell, Bartleson, Pagano, Burton, Cicione, Dodge and Benson. Referred to the Committee on House Administration.

**HB 122** — An Act to repeal Chapter 5, Title 30, Delaware Code, relating to Collector of State Revenue. Introduced by Reps. Benson, Murphy, Bartleson, Leshner, Blendt, Heckert, Stabler, Eskridge and Benson. Referred to the Committee on Revenue and Taxation.

**HA 2 to HB 12** — Introduced by Reps. Zimmerman, Gooding, Harrington and Phillips. (Substitute for **HA 1**,) Placed with bill — Appropriations Committee.

**HB 123** — An Act to amend Section 543, Title 4, Delaware Code, relating to grounds for issuance or refusal of Alcoholic Liquor License. Introduced by Reps. Brown, Fonville, Pagano, Cicione, Shockley, and Benson. Referred to the Committee on Revised Statutes.

**HB 124** — An Act to amend Chapter 11, Title 9, Delaware Code, relating to the Government of New Castle County by imposing a limitation on the tax rate in New Castle County. Introduced by Reps. Ferguson and Blendt. Referred to the Committee on Revised Statutes.

The following were reported out of committee: Judiciary: **HB 100**, 4 favorable, 1 on merits; **HB 111**, 5 favorable; **HB 112**,

5 favorable; Revenue and Taxation: **HB 109**, 5 favorable; Health and Welfare: **HB 74**, 5 favorable, 1 on merits; Government Operations: **HB 93**, 5 favorable.

On motion of Mr. Cashman the following was given a final reading and taken up for consideration in order to pass the House:

**HB 22** — An Act to amend Section 2151 and 2155, Title 21, Delaware Code, relating to Motor Vehicle Registration Fees.

Mr. Eskridge introduced **HA 4** to **HB 22**. Motion for adopted of **HA 4** by voice vote. Seconded. **HA 4** to **HB 22** adopted by voice vote. Mr. Ferguson introduced **HA 5** to **HB 22**. Motion for adopted by roll call vote. Mr. Hart moved **HA 5** be tabled. **HA 5** to **HB 22** tabled by voice vote. Mr. Ferguson introduced **HA 6** to **HB 22** and asked for roll call vote. Mr. Hart asked that **HA 6** be tabled. Roll Call to table revealed:

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

NAYS — Blendt, Eskridge, Ferguson, Fonville, Gooding, Harrington, McMahon, Phillips, Shockley, Zimmerman — 10.

PRESENT — Leshner, Pagano — 2.

ABSENT — Hammond, Slawik — 2.

**HA 6** to **HB 22** tabled.

Mr. Cashman asked for Roll Call vote on **HB 22** with **HA 3** and **4**.

The following were read in record for Mr. Hart:

Honorable William Hart

16 Marlyn Road, Chestnut Hill Estate,  
Newark, Del.

In response to your telephone inquiry, shipping weights of most motor vehicles produced and sold in this country can be made available for at least the last 20 years.

Stephen S. Simmerman,  
General Counsel National Automobile  
Dealers Assn.

April 21, 1967

Rep. William Hart  
16 Marlyn Road  
Chestnut Hill Estates  
Newark, Delaware  
Dear Sir:

In accordance with our recent telephone conversation this is to advise you that the NASCAR Drag Race Division maintains a complete file of AMA shipping weights on all domestically produced automobiles and most foreign cars for purposes of competition classification.

Our interest, of course, is in safe and fair competition among auto enthusiasts and a ratio of horsepower to weight is the only way we can classify cars to insure close competition.

The weights we use are taken from the official AMA (Automobile Manufacturer's Association) bulletins issued for every model car produced each year. These bulletins are readily available from the manufacturers and are usually published prior to a model's release to the public.

The figures are also available from the National Association of Automobile Dealers (NADA) in Washington, D. C., in a handy booklet form. The NADA can also supply shipping weight figures on nearly all autos produced in the past.

There are several other groups besides NASCAR using shipping weights for classifying or categorizing automobiles and the gathering of such information poses no particular problem.

It should be pointed out, however, that the shipping weights published for automobiles do not necessarily correspond with actual weight when in street operation. These weights are compiled by weighing individually all component parts of a car during assembly on a number of sample vehicles. The cars in full street trim with certain optional features and lubricants, etc. will weigh more.

The difference in actual weight to advertised shipping weights will be proportional in most cars.

I hope this information will be of some assistance to you. If there is any other way that I can be of help please feel free to call.

Very truly yours,  
NASCAR DRAG RACE DIVISION  
Tod Machrowicz  
National Field Director

Mr. Ferguson spoke against the bill. Mr. Zimmerman made a motion to read Editorial from News-Journal dated April 24, 1967, into record. Motion prevailed.

#### **Let's quit playing tags**

One of the most durable amusements at this year's session of the General Assembly seems to be the game of tags.

Whenever there is a lull in all the other proceedings, some legislator comes up with a new variation on the theme of charging the flat \$20 fee for passenger car registration.

House Bill 22, introduced in February by a group of Republicans from all three counties, would undo the progress that was made two years ago in getting rid of "gross load weight" as a basis for setting fees. It would create four categories for passenger cars and two for station wagons, starting with \$12 for a car weighing less than 3,000 pounds and rising to \$24 for one weighing over 4,500 pounds.



Station wagons, for no apparent reason, would have paid only \$16 up to 4,500 pounds and \$24 above that figure. The result would have been that the owner of a 4,400-pound sedan would pay \$20 while a man with a station wagon of the same weight would pay only \$16.

Weight, as a basis for license fees, carries its own anomalies even if none are written into the bill. Should the car be weighed with a full gasoline tank or an empty one? Should it be weighed before or after the installation of extras such as radio, tape player, air conditioner, or optional trim features? Is it right for a medium-sized car with an aluminum engine to pay the same rate as a compact car with an iron engine block?

This week amendments to H.B. 22 were introduced to ease the anomalies without curing them. They would put a \$25 floor under the rates for trucks, which had been pegged at \$2 per 500 pounds in the original bill. Also, they would eliminate the separate category for station wagons, treating them as passenger cars—a belated bow in the direction of reality.

If the General Assembly is going to tinker with the auto registration fees at all, let it do a sensible job of it. Let the basis of sliding fees be the size of the vehicle, either wheelbase or bumper-to-bumper length. This can be measured easily in the inspection lanes and is not subject to change during the life of the vehicle. And let the new bill wipe out the PC category for station wagons along with the provision in H.B. 22 that says the application for a station wagon license "shall show the maximum load to be transported therein."

The state police have enough to do without trying to enforce a new law against driving an overloaded station wagon.

Mr. Stabler said **HA 3** removed most of the Journal Editorial points. Roll Call on **HB 22** with **HA 3** and **4** revealed:

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

**NAYS** — Blendt, Eskridge, Ferguson, Fonville, Gooding, Harrington, McMahon, Shockley, Zimmerman — 9.

**PRESENT** — Leshner, Phillips — 2.

**ABSENT** — Hammond, Slawik — 2.

**HB 22** with **HA 3** and **4** having received the constitutional majority was declared passed the House.

On motion of Mr. Stabler, the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 78** — An Act to amend Chapter 1, Title 25, Delaware Code, relating to deeds. Roll Call revealed:

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

**ABSENT** — Hammond, Phillips, Slawik — 3.

**HB 78** having received the constitutional majority was declared passed the House.

Mr. Hale moved to adjourn, seconded by Mr. Dodge. House adjourned at 5:30 P.M.

### 16TH LEGISLATIVE DAY

The Speaker called the House to order at 1:37 P.M., on April 27, 1967.

There was a prayer by the Chaplain Reverend David B. Mulford.

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

Members present: Bartleson, Benson, Brown, Burton, Castle, Cicione, Dodge, Eskridge, Evans, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Leshner, Murphy, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 28.

Absent: Cashman, Ferguson, Hammond, Heckert, McMahon, Pagano, Shockley — 7.

Reps. Heckert, Pagano and Ferguson asked to be marked present later during the session.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Mr. Speaker welcomed the visitors from the Wilmington Senior Center.

Mr. Speaker asked that the forms to be filled out by Legislators designating substitutes for them, in the event of an attack, have been returned. He urged the Legislators' prompt attention to them.

Communications: Memorandum No. 5 from the Governor's Office.

April 25, 1967

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

**FROM:** Theodore F. Sandstrom

The Governor vetoed the following legislation on the date indicated:

On April 25, 1967, the Governor returned Senate Bill 26 and Senate Bill 41 to the Senate without his approval.

The following bills were introduced and assigned to committee:

**HB 125** — An Act to amend Section 1902, Title 11, Delaware Code, by permitting the questioning and detaining of suspects found in public places. Introduced by Reps. Castle, Ferguson, Pagano and Stabler. Referred to the Committee on Judiciary.

**HB 126** — An Act making a supplementary appropriation to the Department of Public Instruction to purchase educational films on anti-littering. Introduced by Reps. Heckert and Gooding. Referred to the Committee on Education.

**HB 127** — An Act to permit the Levy Court of Kent County to adopt zoning and planning regulations. Introduced by Rep. Zimmerman. Referred to the Committee on Government Operations.

**HB 128** — An Act to amend Section 7906, Title 3, Delaware Code, and Section 1725 (a), Title 7, Delaware Code, relating to special authorization of a Kent County Dog Control Office or Dog Warden for enforcement of laws for protection of animals. Introduced by Rep. Sebrell. Referred to the Committee on Fish, Oyster and Game.

**HB 129** — An Act to amend Section 503 (d), Title 31, Delaware Code, relating to eligibility for welfare assistance. Introduced by Rep. Quillen. Referred to the Committee on Revised Statutes.

**HB 130** — An Act to amend Section 2304, Title 14, Delaware Code, relating to school building programs. Introduced by Rep. Quillen (by request). Referred to the Committee on Education.

**HS 1 for HB 29** — Introduced by Reps. Phillips and Bartleson. Referred to the Committee on Appropriations.

**HA 1 to HB 114** — Introduced by Rep. Quillen. Placed with Bill.

**HR 32** — Appropriation for Postage Stamps for the House of Representatives of the 124th General Assembly.

**BE IT RESOLVED**, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the sum of \$500 be and the same is hereby appropriated out of the General Fund of the State of Delaware for the purchase of postage stamps to be used for the official business of the House of Representatives of the 124th General Assembly.

**BE IT FURTHER RESOLVED**, that the State Treasurer of the State of Delaware is hereby authorized and directed

to pay for such postage stamps out of said appropriation upon warrants approved by the Executive Director of the Legislative Bureau.

Introduced by Rep. Sebrell. On motion of Dr. Sebrell, **HB 32** was adopted by voice vote.

The following bills were reported out of committee: Fish, Oyster and Game: **HB 63**, 5 favorable; **HB 80**, 5 favorable; **HB 83**, 5 favorable.

Mr. Hale moved to recess to the call of the chair. House recessed at 1:48 P.M.

House reconvened at 4:00 P.M.

The following bills were introduced and assigned to committee:

**HB 131** — An Act to amend Chapter 5, Title 8, Delaware Code, relating to the Corporation Franchise Tax. Introduced by Reps. Zimmerman, Castle and Stabler. Referred to the Committee on Commerce and Corporations.

**HB 132** — An Act to require the State Highway Department to replace a traffic signal at the intersection of Boxwood Road and Overland Avenue in New Castle County. Introduced by Rep. Gooding. Referred to the Committee on Highways and Public Safety.

**HB 133** — An Act to amend Chapter 13, Title 14, Delaware Code, relating to state supported salary schedules for school employees by deleting certain references. Introduced by Reps. Heckert and Gooding. Referred to the Committee on Education.

The following bills were reported out of Committee: Highway and Public Safety: **HB 87**, 6 favorable; **HB 96**, 6 favorable.

A messenger from the Senate delivered the following bills and resolutions. They were assigned as follows:

**SB 4** — Elections, **SB 5** — Revised Statutes, **SB 12** — Elections, **SB 55** — Highways and Public Safety, **SB 71** — Appropriations.

**SJR 2** — Directing the Legislative Council to contract for a Census of the State of Delaware. Introduced by Senator Cook.

Mr. Hale moved so much be considered the reading of **SJR 2**. Mr. Dodge seconded and motion carried. Mr. Hale moved **SJR 2** be tabled. Motion seconded and **SJR 2** was tabled by voice vote.

**SCR 8** — Declaring that the General Assembly not meet on 8 May 1967 and commending the efforts of those involved in Dover's 250th Anniversary Celebration. Introduced by Senators Foltz, Robbins and Cook.

Dr. Sebrell moved so much be considered the reading of **SCR 8** and adpot by voice vote.

**SCR 8** adopted by voice vote.

**HR 33** — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 124th General Assembly.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present session of the 124th General Assembly of the State of Delaware, for the period commencing with the 3rd day of January 1967 and ending with and including the 24th day of April, 1967, which said expenses are hereby declared to be proper and reasonable expenses of the Speaker and of the respective members of the House of Representatives for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and returning from Dover to their respective homes in the performance of their duties as members of the House of Representatives, on those days when the House of Representatives was in regular session and for committee hearings, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the respective members of the House of Representatives hereinafter named the respective amounts set opposite their respective name, viz:

T. Lees Bartleson	\$495.00
David S. Benson	\$503.20
Carlton Blendt, Jr.	\$ 68.00
Fred Brown	\$430.00
Louis W. Burton	\$150.00
Joseph T. Cashman	\$144.00
Michael N. Castle	\$189.00
Anthony J. Cicone	\$150.40
Robert M. Dodge	\$135.00
Norman A. Eskridge	\$112.00
Raymond T. Evans	\$170.00
John P. Ferguson	\$160.00
Oliver S. Fonville	\$160.00
William L. Frederick	\$182.20
Mary Etta Gooding	\$460.00
George E. Gray	\$543.20
Everette Hale	\$150.40
Reese Hammond	\$160.00
Lewis B. Harrington	\$ 85.00
William F. Hart	\$159.60
Clarice U. Heckert	\$191.60
George C. Hering, III	\$160.00

Herbert A. Leshner	\$198.00
John J. McMahon	\$160.00
Joseph R. Murphy	\$372.00
Mario A. Pagano	\$177.20
W. Harrison Phillips	\$465.50
Robert Leon Pleasanton	\$18.00
George R. Quillen	\$ 68.00
Robert W. Riddagh	\$ 46.60
Lorin B. Sebrell	\$ 1.70
Paul E. Shockley	\$150.00
Melvin A. Slawik	\$150.00
W. Laird Stabler	\$168.00
Jacob W. Zimmerman	\$ 19.20

Introduced by Dr. Sebrell. Dr. Sebrell moved so much be considered a reading and then asked that **HR 33** be adopted by voice vote. Mr. Ferguson asked if mileage would be paid to attend committee hearings. Mr. Hale said committee members' mileage would be paid to attend hearings of their committee. **HR 33** adopted by voice vote. Mrs. Heckert asked if sponsor of a bill, though not a committee member, could get mileage for attending hearings. Mr. Speaker said Legislative Council agreed that only committee members would get mileage for attending hearings.

Mr. Speaker recognized the presence of Mr. Gray, father of Representative Gray. Mr. Gray, senior, was a former Representative. Mr. Speaker welcomed him and thanked him for coming.

On motion of Dr. Sebrell the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 94** — An Act to amend Section 1561 and Section 1563 of Title 10, Delaware Code, relating to abolishment of the requirement of verification of claims for relief and answers to be filed in the Court of Common Pleas for Kent County.

Roll Call on **HB 94** revealed:

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

**NAYS** — None.

**ABSENT** — Cashman, Hammond, McMahon, Shockley, Stabler — 5.

**HB 94** having received the constitutional majority was declared passed the House.

Mr. Castle asked that a letter from Mr. Stabler be read. Letter follows:

April 27, 1967

Honorable George C. Hering, III  
Speaker, House of Representatives  
Dear Speaker Hering:

Due to circumstances beyond my control, I am unable to be present today for a vote on House Bill 99, which I sponsored. I have asked Representative Castle to speak on this matter.

Very truly yours,  
/s/ W. Laird Stabler, Jr.

On motion of Mr. Castle the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 99** — An Act making a supplementary appropriation to the Governor for the Governor's Committee for revision of criminal law. Roll Call on **HB 99** revealed:

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

**NAYS** — None.

**ABSENT** — Cashman, Hammond, McMahon, Shockley, Stabler — 5.

**HB 99** having received the constitutional majority was declared passed the House.

On motion of Mr. Castle the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 104** — An Act to amend Chapter 35, Title 11, Delaware Code, relating to General Provisions concerning witnesses and evidence by providing for obtaining of testimony under court order and for witness immunity.

**HB 104** having received the constitutional majority was declared passed the House.

On motion of Mr. Eskridge the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 74** — An Act authorizing the Department of Mental Health to pay certain obligations incurred in a prior fiscal year and waiving the State Bidding Code and certain other financial requirements. Roll call revealed:

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

NAYS — None.

ABSENT — Cashman, Hammond, McMahon, Shockley, Stabler — 5.

**HB 74** having received the constitutional majority was declared passed the House.

On motion of Dr. Sebrell the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 93** — An Act making a supplementary appropriation to the Delaware State Development Department for the procuring of a float.

Dr. Sebrell asked that a letter be read from Mr. Samuel L. Shipley, Director of the Delaware State Development Department to Representative Riddagh, Chairman of Committee on Government Operations.

Delaware State Development Department  
Dover, Delaware

April 26, 1967

The Honorable Robert Riddagh

Legislative Hall

Dover, Delaware

Dear Representative Riddagh:

Thank you so much for the help you are providing us in securing funds to purchase a state float.

Initially this float will be used in Dover's 250th Anniversary Parade, May 13. It will be constructed so that it can be used over and over again by the state. Other uses include the Miss America Pageant in Atlantic City, Delaware State Fair, and state parades.

Kindest regards.

Cordially yours,  
/s/ Samuel L. Shipley  
Director

Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Zimmerman, Mr. Speaker Her-  
ing — 30.

NAYS — None.

ABSENT — Cashman, Hammond, McMahon, Shockley, Stabler — 5.

**HB 93** having received the constitutional majority was declared passed the House.

Mr. Gray thanked the House for recognizing his Father and reminded the House Members that he himself was occupying the same seat that his father had.



Mr. Hale moved to adjourn. Mr. Dodge seconded the motion. House adjourned at 5:04 P.M.

### 17TH LEGISLATIVE DAY

The Speaker called the House to order at 1:48 P.M., on Monday, May 1, 1967.

There was a prayer by the Chaplain Reverend Oliver Spence.

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

Members present: Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

Absent: Blendt — 1.

The Speaker asked if there were any additions or corrections to the Minutes of the Previous session. There being none, the Minutes were approved as posted.

Communications: None.

The following bills were introduced and assigned to committee:

**HB 134** — An Act ratifying and authorizing the expenditures of certain school construction funds made by local school districts prior to June 30, 1964 and waiving certain provisions of Title 29, Delaware Code, for the purpose of allowing payment by Kent School for roof repairs. Introduced by Reps. Riddagh, Heckert, Benson and Quillen. Referred to the Committee on Appropriations.

**HB 135** — An Act to amend Title 9, Chapter 81, Delaware Code by providing for the taxation by New Castle County of certain mobile homes and by motifying Section 2, Chapter 275, Volume 55, Laws of Delaware, by the addition thereto of Section 1939, excluding New Castle County from its provision. Introduced by Rep. Pagano. Referred to the Committee on Revenue and Taxation.

**HB 136** — An Act to amend Section 543 (f), Title 4, Delaware Code, relating to the grounds for refusal of license for the sale of alcoholic beverages. Introduced by Reps. Sebrell and Zimmerman. Referred to the Committee on Miscellaneous.

**HB 137** — An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1968. Introduced by Reps. Bartleson, Benson, Leshner, Quillen, Murphy, Brown and Gray. Referred to the Committee on Appropriations.

**HB 138** — An Act relating to the control of radiation. Introduced by Rep. Zimmerman. Referred to the Committee on Commerce and Corporations.

**HR 34** — Relating to an Appropriation to Cobel, Inc. in Payment for Printing Services Rendered to the Joint Finance Committee.

BE IT RESOLVED, by the House of Representatives of the 124th General Assembly of the State of Delaware that the sum of \$50.00 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay Cobel, Inc., 717 W. Division Street, Dover, Delaware, for printing services rendered to the Joint Finance Committee as per Invoice No. 4328.

Introduced by Rep. Sebrell. On motion of Dr. Sebrell **HR 34** was adopted by voice vote.

The following bills were reported out of committee: Highways and Public Safety: **HB 64**, 4 favorable, 2 on merits; Revised Statutes: **SB 5**, 6 favorable.

Mr. Hale moved to recess to the call of the chair. Recessed at 1:59 P.M.

House reconvened at 4:12 P.M.

Mr. Bartleson asked that committee report and recommendations be read on **HB 137**.

#### REPORT BY THE MAJORITY MEMBERS OF THE JOINT LEGISLATIVE FINANCE COMMITTEE

In accordance with the law, the Joint Finance Committee studied **HB 12**, the Governor's recommended budget, and listened to many agencies, boards and commissions. All who sought hearings were heard. In addition, the Committee asked some agencies to appear.

Despite its controversial beginning, the Committee functioned normally, with all members participating in votes, suggestions, etc.

This report has three parts. The first examines the present general outlook on programs and funds. The second briefly capsules changes in the budget. The third concerns recommendations.

#### PROGRAMS AND FUNDS

The Governor's budget is deficient in two respects. First, it is out of balance by \$7 million. Second, despite this deficit, it fails to meet the urgent needs existing in Delaware at this time.

**HB 137**, the product of our work, does provide significantly more money for education through a \$125 increase in the unit allotment. It does not include new programs, however, because we believe such programs should be considered in separate legislation where the individual merits of the program can be well considered by all legislators.

We, as the majority members of this Committee, along with our Republican colleagues in the entire General Assembly, will devote priority attention in upcoming weeks and months to programs that will more adequately meet the urgent needs of our citizens, especially in the areas of education and human services. Such programs will be included in supplemental legislation.

We have noted that the Governor's budget is already \$7 million out of balance. This reveals a sad truth: this administration has shirked its fiscal responsibilities. It has passed the buck on thorny problems for political reasons.

Large windfalls from estate and inheritance taxes have kept this administration solvent despite the fact that it increased at least seven taxes in 1965.

The Governor says it is up to someone else — the General Assembly and, specifically for some reason, Republicans — to worry about State finance. He wants every program other than his own accompanied by a revenue-producing measure. He wants somebody else to do his work.

The Governor cannot duck his responsibilities. We realize we are not without such responsibilities, but we look to the chief executive for leadership, leadership he has not shown to date.

We thus recommend that for the balance of this legislative session intensive efforts be devoted to finding solutions to the State's fiscal problems.

#### FISCAL 1968 BUDGET

We recommend a budget of \$149,071,710 only \$22,084 more than the \$149,049,626 recommended in **HB 12** and in subsequent requests from the Governor. The difference is less than one-tenth of one per cent.

The most important change, in our opinion, is increased funding for education. The unit allotment is now \$775. The Board of Education sought a \$200 increase. The Governor proposed an extra \$25, about \$1 per pupil. We propose it go up \$125, to \$900, to help meet the sharply-rising costs of education.

In this connection we note that the State's share of financing education in Delaware has declined. By increasing the unit allotment, we cannot only help the schools but perhaps help keep the local real estate taxes down.

While the Governor was miserly with our school children, he was generous to several state agency heads who received large increases through legislation approved less than a year ago. He sought raises of \$1,000 and more for some persons who only a few months ago received salary increases in the same range. While we appreciate the necessity of paying top officials adequately, we note that many other needs exist.

The Committee, in an effort to be fiscally responsible, trimmed what fat it could in the budget. Trimming occurred mostly in non-salary categories such as contractual services, personal services and travel. One area was in legal services, where the Attorney General informed us his staff can do much of the work which agencies now pay outside attorneys to do.

And in the event that an agency finds it requires more money in one of these non-salary categories, it can readily seek a transfer from another non-salary category through the Office of the Budget.

We are satisfied these cuts do not endanger any needed state service.

Some other points on the budget follow:

1. On a bipartisan vote and in accordance with past policy, the Committee agreed to a general policy of limiting annual increases to top officials to \$500 where the type of work does not change. In contrast to past years, however, no ceiling was put on increases to employees much further down the line and much less well paid.

Major adjustments in top salaries, we submit, should be handled by separate bills, as was done last year.

2. Many new line items were eliminated. Agencies have long been vocal in their concern that increased line-iteming dangerously limits their flexibility. We feel the agencies should have authority commensurate with their responsibility.

3. Two sections in the narrative portion of the budget were deleted. One was Section 13, which removes needed local authority over teacher salaries. The other was Section 18, which required quarterly reversions.

### RECOMMENDATIONS

This Committee needs more and better information. It is obvious from our efforts thus far that Delaware can be run much more efficiently than is the case today. We saw many examples of where we feel money can be saved. We suspect the total would be large.

We therefore recommend to the General Assembly that it employ a management analyst to report to the Chairman of the Joint Finance Committee. This should be an experienced, well-trained person working full-time. We are convinced such a person could add greatly to efficiency in state government and that his salary, even if substantial, could be returned to the state many times.

We feel also that economies and efficiencies can be realized through consolidation of some state agencies. One example would be the Delaware Commission of Shell Fisheries and the Board of Game and Fish Commissioners. They could be merged or both included in a larger department.

Our final recommendation involves the mechanics of adopting this budget. We urge continuation of the recent practice of including any changes in one omnibus amendment. We discourage a flood of amendments to this bill, which could impede its prompt passage.

We shall welcome suggestions that will better enable the state agencies to do their job. We simply request that such changes be incorporated into a later bill.

Respectfully submitted:

T. Lee Bartleson, Chairman

David S. Benson

Fred Brown

Joseph R. Murphy

George Edward Gray

Herbert A. Leshner

Frank R. Grier

J. Donald Isaacs

Mr. Zimmerman moved that recommendation report be "put in trash can". Mr. Hale said that the Minority Leader's comments were petty and most disrespectful to the colleagues who had worked long and hard over the bill and the recommendations. Mr. Hale suggested copies of the letter be made for each Legislator. A voice vote defeated Mr. Zimmerman's motion.

The following bills were introduced and assigned to committee as follows:

**HB 139** — An Act to amend Chapter 27, Title 9, Delaware Code, relating to school crossing guards. Introduced by Reps. Cicione, Murphy, Cashman, Hart and Frederick. Referred to the Committee on Education.

**HB 140** — An Act ratifying and authorizing the expenditures of certain school construction funds made by local school districts prior to June 30, 1964, and waiving certain provisions of Title 29, Delaware Code, for the purpose of allowing payment by Kent School for roof repairs. Introduced by Rep. Riddagh. On further motion of Mr. Riddagh, **HB 140** was withdrawn. Motion prevailed.

Mr. Speaker announced that the Governor would address both Houses on Thursday, May 4, 1967.

A messenger from the Senate delivered **SCR 10**, **SCR 11**, **SCR 12** **SB 80**, **SB 62**, **SB 29**, **SS 1** for **SB 28**, **SB 24**; also, **HCR 6**, **HCR 7**, **HCR 8**, **HCR 9** and **HCR 13** all having passed the Senate.

Mr. Benson took the Chair as Acting Speaker. Mr. Hering asked for a final reading and consideration on the following:

**SJR 2** — Directing the Legislative Council to contract for a Census of the State of Delaware. Introduced by Senator Cook.

Mr. Eskridge said that **SJR 2** had never gone into committee and was tabled.

Mr. Hale replied that **SJR 2** had been tabled only for the duration of the 16th Legislative Day. Mr. Hering also believed this to be true. Mr. Zimmerman asked to have the Minutes read pertaining to **SJR 2**. The Minutes read that the Resolution was tabled until the next legislative day. Mr. Acting Speaker asked for a Roll Call on Mr. Hering's motion to lift **SJR 2** from table. Roll Call revealed:

**YEAS** — Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

**NAYS** — None.

**ABSENT** — Bartleson, Hammond — 2.

Motion carried.

Mr. Blendt asked to be marked present.

Mr. Hering read a statement as follows:

Remarks delivered by George C. Hering, III  
before the House of Representatives, May 1, 1967

I think before we take action on Senate Joint Resolution No. 2, we should briefly review why we find ourselves in this present predicament. It will be recalled that court action was started in 1962. This brought about a reapportionment plan drawn by the Democrat controlled 122nd General Assembly. In June of 1964, the United States Supreme Court agreed with the District Court of Delaware that this new plan was invalid.

The Democrats then had another bite at the apple. The then Governor, also a Democrat, called a meeting of the leaders of both parties of the State Legislative for the purpose of setting in motion a new reapportionment plan. At that meeting, he stated, according to uncontradicted testimony, "... the majority party ... was going to do the reapportionment." Joining him in the steamroller was the President Pro Tem, also a Democrat, who today is the Senate Majority Leader. He, like the Governor, took the totally partisan position that the Democrats "were the majority party and they were going to take care of the Democratic party in the redistricting". That statement was made on the Senate floor in July 1964 in the course of the limited debate immediately preceeding the passage of the two bills.

The Court struck down the second plan on January 10th of this year. Not only did the Democrats strike out twice, but the court clearly recognized that they politically gerrymandered many districts.

How can the people of Delaware realistically expect better treatment, when realizing the Democrat leaders in the Senate today are the same ones who called the shots in 1964? Already these same leaders have publicly stated that "they would just as soon run at-large statewide". Such an admission vividly shows their total disregard for the representative form of government based on geographic, social, economic and political differences that exists within our state. Past experience has too often shown that local elections are greatly influenced by Presidential candidates who run on issues totally unrelated to local problems. Should an at-large election be ordered by the District Court, as has been suggested, the electorate of Delaware would be the real losers. Such an election would more than likely bring 100% one-party rule to both the General Assembly and the Executive Office. Total Republican or Democrat control of our governmental process would be bad in either case.

This General Assembly gave to the Legislative Council the responsibility of proposing apportionment legislation. Seven meetings of the Council proved beyond any doubt that the Democrat members of that council not only had a closed mind against the University of Delaware but at the same time took the position 'the U.S. Census Bureau or nothing'. Cost to them was never a factor.

We have now come to the crossroads. The University of Delaware has withdrawn from consideration for reasons it believes to be in its best interest. I regret that such action was taken 1) without accepting the Senate's invitation to appear with a representative of the U. S. Bureau of Census, and 2) before any vote was taken by the full Senate membership. We can only conclude that their withdrawal was predicated, as they have stated, upon the political contentions which arose in the meetings of the Legislative Council. Let it be once again stated that at no time did the Republican Members of that Council, or of this General Assembly, ever criticize or find fault with the Division of Urban Affairs. The contentions referred to by the University are a direct result of public comments made not only by the Governor, but by the leaders of the Democratic Party in both Houses. The Governor, even though he was neither a voting member of the Legislative Council nor a member of the General Assembly in whom the court vested total responsibility for reapportionment, made it abundantly clear that only the U. S. Bureau would conduct the census.

Recently, a ranking Democrat Senator stated on television that the University of Delaware would give us a "second-rate product" if it conducted the census. A ranking member of the minority party in this House not only questioned the ability of the Division of Urban Affairs but its integrity as well when

he said "we want it (the census) to be accurate and impartial". He then heaped insult upon injury by declaring "the citizens of Delaware deserve a better deal than the University of Delaware".

Why all this sudden criticism of our state university? It is doubly confusing when we realize that the gentleman at the University who would have conducted this census and who has already conducted twelve separate school censuses, was called by the Democratic Party as an expert witness in its defense. One whom they formerly relied upon, they now attempt to totally discredit.

If the University of Delaware, Division of Urban Affairs, can repeatedly be requested by commissions or study groups created by the 123rd General Assembly and this administration 1) to conduct the basic research on the reorganization of the New Castle County Government, 2) to guide the Governor's Revenue Study Committee in April, 1965, and 3) to provide the basic information on the report recently released by the Governor's Goals Committee — why then do they suddenly become inept at conducting a census. Twelve school districts throughout the State — including the entire City of Wilmington — have requested and received from the University of Delaware a census of their respective school districts and not one has registered a complaint.

The opposition party has left us with but one choice — a federal agency to which we have never objected but only questioned its ability to produce on time. This factor of time — above all else — was a foremost concern. If the Democrats without any opposition whatever could not produce a satisfactory plan in three weeks in July of 1964, how can we realistically expect legislation to be drafted and accepted by a divided legislature during the busiest time of year?

But, let us try. Let us move forward immediately. Let us get on with the job for all Delawareans. I urge my fellow Republicans to join with the opposition to employ the U. S. Bureau of Census to complete the first leg of our responsibility in the reapportionment process.

Mr. Ferguson read Rule 24 of the Rule Book interpreting it to mean that Joint Resolutions must go to committee, unless rules were suspended. Mr. Hering said that suspension of rules was justified in emergencies and made a motion to suspend the rules. Motion carried. Mr. Hering asked for a roll call vote to adopt **SJR 2**. Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.



NAYS — None.

ABSENT — Hammond — 1.

**SJR 2** having received the constitutional majority was declared adopted by the House.

On motion of Mr. Hale the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 87** — An Act to amend Title 21, Section 4169, Delaware Code, relating to the effect of prior resolutions setting speed limits.

Mr. Hale asked Mr. Castle to speak for the bill. Mr. Castle's name had been added as a sponsor. Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

NAYS — None.

ABSENT — Hammond — 1.

**HB 87** having received the required constitutional majority was declared passed the House.

On motion of Mr. Hale the following bill was given a final reading and taken up for consideration in order to pass the House: (Mr. Leshner's name was added as a sponsor.)

**HB 96** — An Act to amend Title 21, Section 4169 (b), Delaware Code, relative to speed limits and effect of signs on highways.

Mr. Leshner spoke for the bill. Roll Call revealed:

YEAS — Benson, Brown, Burton, Castle, Cicione, Dodge, Evans, Ferguson, Frederick, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Stabler, Mr. Speaker Hering — 24.

NAYS — Bartleson, Blendt, Cashman, Eskridge, Fonville, Gooding, Phillips, Shockley, Slawik, Zimmerman — 10.

ABSENT — Hammond — 1.

**HB 96** having received the constitutional majority was declared passed the House.

A messenger from the Senate delivered **SB 86**.

Mr. Hale moved to adjourn. Mr. Dodge seconded. House adjourned at 5:17 P.M.

## 18TH LEGISLATIVE DAY

The Speaker called the House to order at 1:41 P.M., on May 2, 1967.

There was a prayer by the Chaplain Gerald Henderson.

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

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

Absent: Blendt, Evans, Ferguson — 3.

Reps. Blendt, Evans and Ferguson asked to be marked present later in the session.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

The following bills were introduced and assigned to committee:

**HB 141** — An Act to amend "An Act to incorporate the Wilmington Savings Fund Society", passed at Dover, January 11, 1832, as amended by allowing the making of unsecured loans for educational and property improvement purposes. Introduced by Reps. Brown and Shockley. Referred to the Committee on Banking and Insurance.

**HB 142** — An Act to amend Title 29, Delaware Code, relating to State Government by adding a new subchapter to provide for the receipt of Federal Aid by the Agencies of the State. Introduced by Rep. Zimmerman. Referred to the Committee on Government Operations.

**HB 143** — An Act to amend Subchapter XXIII, Chapter 3, Title 11, Delaware Code, so as to prevent and punish the desecration, mutilation or improper use of the flag, of the United States of America, and of this State, and of any flag, standard, color, ensign or shield authorized by law. Introduced by Rep. Slawik. Referred to the Committee on Miscellaneous.

**HA 1 to HB 68** — Introduced by Rep. Hart. Placed with bill.

**HA 1 to HB 69** — Introduced by Rep. Hart. Placed with bill.

A messenger from the Senate delivered the following: **SB 13, SB 81, SB 87, SCR 14, and SCR 15**, having passed the Senate and requesting the concurrence of the House.

The following bill was assigned to committee: **SB 86** — Government Operations.

The Speaker had the following letter read which was written by him to Senator McCullough.

May 2, 1967

The Honorable Calvin R. McCullough  
Legislative Hall  
Dover, Delaware

Dear Senator McCullough:

Yesterday, May 1st, the House of Representatives added its concurrence to the passage of Senate Joint Resolution No. 2 wherein you will recall it provides that the two of us, as Chairman and Co-Chairman of the Legislative Council, respectively, are the individuals who must sign the contract with the U. S. Bureau of Census.

I realize the Governor must sign this Joint Resolution before it becomes legally binding, however, I believe that because of the time factor we should commence negotiations immediately. Perhaps we should start by sending a telegram today to Mr. Eckler, Director of the Bureau of Census, advising him of our action and a desire to meet with representatives of his office at the earliest opportunity.

Would you join me in sending today the following proposed telegram:

"The General Assembly of the State of Delaware has directed the undersigned to engage the U.S. Bureau of Census to conduct at the earliest possible time a special census for the entire State of Delaware. Since reapportionment legislation must be passed and signed by the Governor not later than January 10, 1968, we respectfully request an opportunity to meet with designated representatives of your office to negotiate the terms of the contract. We will await word from you. Sincerely, Calvin R. McCullough, Chairman; George C. Hering, III, Vice-Chairman; Legislative Council, 124th General Assembly."

Sincerely,

/s/ George C. Hering, III  
Speaker

cc: The Honorable Charles L. Terry, Jr.

Mr. Hale announced committee meetings and motioned to recess to the call of the chair. Motion carried. House recessed at 1:55 P.M.

House reconvened at 3:01 P.M.

**HR 35** — Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 124th General Assembly.

**BE IT RESOLVED** by the House of Representatives of the 124th General Assembly that the State Treasury be and hereby is authorized and directed to pay the Legislative Staff of the House of Representatives whose names are listed below, the amounts set forth opposite their respective names and such are to be regarded as payments in full for services

rendered by said Legislative Staff for the period commencing with the 5th day of April, 1967, and ending with the and including the second day of May, 1967, for the current session:

Banks, Virgle E.	\$360.00
Barkley, Robert J.	357.50
Dickerson, James	40.00
Ellis, Emogene P.	330.00
Elliott, B. Thomas	140.00
Evans, Irvin D.	160.00
Harrington, William Glenwood	200.00
Hollett, David	180.00
Jenkins, Gwendolyn J.	260.00
Jones, Jesse F.	180.00
Kauffman, Charles	180.00
Kelsey, Roger	975.00
Kneisley, Evelyn M.	930.00
Konopik, Barbara Ann	600.00
Lawson, Francis A.	140.00
Looney, Helen M.	450.00
McCready, Annette Jane	360.00
McDonald, John F.	300.00
McMasters, Horace	627.00
Messick, Granville T.	270.00
Millman, Richard	247.50
Morris, Ralph	390.00
Painter, Joan	260.00
Potter, Ruth E.	510.00
Ross, Ruth N.	180.00
Short, Hanna E.	360.00
Shorts, Norman	160.00
Smith, Louise deR.	455.00
Stone, F. L. Peter	995.00
Taylor, Nathaniel W., Jr.	240.00
Truitt, William C.	180.00
Van Sant, Douglas A.	225.00
Vitale, Elise C.	570.00
Williams, Dorothy E.	280.00
Zacheis, Margaret T.	180.00

Introduced by Rep. Sebrell. Dr. Sebrell moved to adopt **HR 35** by voice vote. Mr. Benson seconded. **HR 35** adopted by voice vote.

The following bills were introduced and assigned to committee:

**SB 24** — An Act to amend Chapter 11, Title 30, Delaware Code, to grant relief to members of the Armed Forces of the United States and their wives by excluding certain income and providing for extension of time in which to file

returns. Introduced by Senator Steele. Referred to the Committee on Revenue and Taxation.

**SS 1 for SB 28** — An Act to amend Section 1401, Title 14, Delaware Code, entitled "Procedures for termination of services of professional employees" by providing for inclusion of school nurses within the definition of the word teacher. Introduced by Senator Foltz. Referred to the Education.

**SB 29** — An Act to amend Section 131, Title 23, Delaware Code, relating to pilotage rates. Introduced by Senators Cook and Bookhammer. Referred to the Committee on Revised Statutes.

**SB 62** — An Act making a supplementary appropriation to the State Highway Department. Introduced by Senator Cook. Referred to the Committee on Appropriations.

**SB 80** — An Act to amend Section 8131, 8132, 8133, 8135, 8136, Title 9, Delaware Code, relating to exemptions from taxation on real property of residents of this State of the age of sixty-five or more years having an income not in excess of \$3,000.00 per year. Introduced by Senators Manning and Cook. Referred to the Committee on Revenue and Taxation.

**SB 13** — An Act relating to printing and distribution of session laws. Introduced by Senator Dineen. Referred to the Committee on House Administration.

**SB 81** — An Act to amend Chapter 336, Volume 55, Laws of Delaware, entitled "An Act making appropriations to the amount of \$136,838,199.00 for the expenses of the State Government for the fiscal year ending June 30, 1967," and making a supplemental appropriation therefore in the amount of \$20,500.00. Introduced by Senator Dineen. Referred to the Committee on House Administration.

**SB 87** — An Act making an appropriation in the amount of \$42,282.00 to the State Board of Education for certain improvements and repairs to school buildings in Middletown School District No. 60. Introduced by Senator Isaacs. Referred to the Committee on Appropriations.

**SCR 10** — Authorizing and directing Legislative Council of the General Assembly to contract for a Census of the State of Delaware. Introduced by Senator Foltz and others.

Dr. Sebrell moved for adoption by voice vote. **SCR 10** adopted by voice vote.

**SCR 11** — An Act making an appropriation to the Diamond State Telephone Company for services rendered through February 28, 1967 and to Western Union Telegraph Company for telegraph charges rendered during the month of January, 1967. Introduced by Senator Dineen.

Dr. Sebrell moved for adoption by voice vote. **SCR 11** adopted by voice vote.

**SCR 12** — Appointing a Bill Clerk for the Senate and the House of Representatives to serve during the 124th General Assembly. Introduced by Senator Dineen.

Dr. Sebrell moved for adoption by voice vote. **SCR 12** adopted by voice vote.

**SCR 14** — Providing for the Joint Fish, Oyster and Game Committee of the Senate and House of Representatives to hold hearings to conduct a full investigation of the Delaware Commission of Shell Fisheries. Introduced by Senator Isaacs.

Dr. Sebrell moved that so much be considered a reading of **SCR 14**. Mr. Zimmerman asked for a full reading. Mr. Zimmerman then motioned to defer the Resolution until the amendment he was preparing was ready. The motion to defer was defeated by voice vote. After considerable discussion on both sides, Mr. Speaker ruled to proceed with the agenda and give Mr. Zimmerman's amendment time to arrive.

**SCR 15** — Providing for a Joint Session of the Senate and the House of Representatives. Introduced by Senator Cook. Adopted by voice vote.

The following bills were reported out of committee: Education: **HB 126**, 5 favorable; **HB 86**, 6 favorable; **HB 133**, 5 favorable; Revised Statutes: **HB 129**, 1 favorable, 2 on merits, 3 unfavorable; **HB 123**, 4 favorable, 2 on merits; Government Operations: **HB 79**, 5 favorable, 1 on merits; **HB 28**, 5 favorable, 1 on merits; **HB 85**, 2 favorable, 4 on merits; **SB 86**, 5 favorable, 1 on merits; Miscellaneous: **HB 136**, 5 favorable, 1 on merits; Appropriations: **SB 71**, 5 favorable.

On motion of Mr. Benson the following bill was given a final reading and taken up for consideration in order to pass the House:

**HB 109** — An Act to amend Chapter 51, Title 30, Delaware Code, relating to Motor Fuel Tax. Roll Call revealed:

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

**NAYS** — Shockley — 1.

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

**ABSENT** — Evans — 1.

**HB 109** having received the constitutional majority was declared passed the House.

On motion of Mr. Zimmerman the following was given a final reading and taken up for consideration in order to pass the House:

**HB 111** — An Act to amend Title 11, Delaware Code, relating to crimes, by providing penalties for fraudulent practices under the Uniform Commercial Code. Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

NAYS — None.

ABSENT — Evans — 1.

**HB 111** having received the constitutional majority was declared passed the House.

On motion of Mr. Zimmerman the following was given a final reading and taken up for consideration in order to pass the House:

**HB 112** — An Act to amend Chapter 23, Title 21, Delaware Code, relating to title and liens of motor vehicles. Roll Call revealed:

YEAS — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

NAYS — None.

ABSENT — Evans — 1.

**HB 112** having received the constitutional majority was declared passed the House.

Mr. Speaker asked the Reading Clerk to read the response to his letter from Senator McCullough.

May 2, 1967

The Honorable George C. Hering, III  
Speaker of the House  
Legislative Hall  
Dover, Delaware  
Dear Speaker Hering:

Insomuch as Senate Joint Resolution No. 2 cannot become law without the signature of Governor Charles L. Terry, Jr., I respectfully suggest that we delay contacting the Census Bureau until Thursday, May 3, at which time the Governor will be back in Delaware and will have had an opportunity to act on the Joint Resolution.

At that time we can join with him in contacting the Census Bureau and arrange for the work to proceed under terms already agreed upon.

Sincerely,

/s/ Calvin R. McCullough

CRM: rah

On motion of Mr. Pleasanton the following was given a final reading and taken up for consideration in order to pass the House:

**HB 80** — An Act to amend Section 704, Paragraph (c), Title 7, Delaware Code, relating to prohibited hunting methods. Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

**NAYS** — Fonville — 1.

**HB 80** having received the constitutional majority was declared passed the House.

On motion of Mr. Pleasanton the following was given a final reading and taken up for consideration in order to pass the House:

**HB 83** — An Act to amend Section 913 and repeal Section 1114, of Title 7, Delaware Code, relating to regulation of fishing with nets in Delaware Tidal Waters.

Mr. Eskridge introduced **HA 1** to **HB 83**.

Roll Call on **HA 1** to **HB 83** revealed:

**NAYS** — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Fonville, Frederick, Gray, Hart, Heckert, Leshner, Murphy, Pleasanton, Quillen, Riddagh, Stabler, Mr. Speaker Hering — 20.

**YEAS** — Blendt, Eskridge, Ferguson, Gooding, Hammond, Harrington, McMahon, Phillips, Sebrell, Shockley, Slawik, Zimmerman — 12.

**ABSENT** — Bartleson, Hale, Pagano — 3.

**HA 1** to **HB 83** not having received the constitutional majority was declared lost.

Roll Call on **HB 83** revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

**NAYS** — None.

**ABSENT** — Evans — 1.

**HB 83** having received the constitutional majority was declared passed the House.

Mr. Speaker brought to the attention of the House a feature article on Mr. Pleasanton in a current fishing magazine.

On motion of Mr. Benson the following was given a final reading and taken up for consideration in order to pass the House:



**SB 5** — An Act agreeing to a proposed amendment to Article 2, Section 15, of the Constitution of the State of Delaware relating to compensation, expenses and allowances of members of the General Assembly and the President of the Senate. Introduced by Senators Dineen and Keenan. Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Cashman, Dodge, Evans, Ferguson, Fonville, Gooding, Hale, Hammond, Heckert, Leshner, McMahon, Murphy, Phillips, Quillen, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 24.

**NAYS** — Burton, Eskridge, Frederick, Gray, Hart, Pagano, Pleasanton, Riddagh — 8.

**PRESENT** — Harrington — 1.

**ABSENT** — Castle, Cicione — 2.

**SB 5** having received the constitutional majority was declared passed the House.

The following bill was introduced:

**HB 145** — An Act creating the New Castle County Transportation Authority. Introduced by Rep. Castle. Referred to the Committee on Judiciary.

House adjourned at 4:53 P.M.

### 19TH LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M., on May 4, 1967.

There was a prayer by the Chaplain Reverend Oliver Spence.

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

Members present: Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 33.

Absent: Hammond, Shockley — 2.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Communications. Memorandum No. 6 from the Governor's Office.

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

FROM: Theodore F. Sandstrom

The Governor signed the following legislation on the date indicated:

May 4, 1967 — **SJR 2.** (Federal Census)

**HR 36** — A Resolution Recognizing Soil and Water Stewardship Week and Commending the Work of the Three Delaware Soil and Water Conservation Districts.

WHEREAS, April 30, 1967 to May 7, 1967, is being observed throughout the nation as Soil and Water Stewardship Week; and

WHEREAS, the New Castle County, Kent County, and Sussex County Delaware Soil and Water Conservation Districts are joining with the more than 3,000 other such districts throughout the country in this observance; and

WHEREAS, the purpose of Soil and Water Stewardship Week is to emphasize the fact that the bounty of our land is shared by all people, city, suburban, and rural alike, and likewise we all share the responsibility for keeping it forever fruitful; and

WHEREAS, the Soil and Water Conservation Districts of Delaware have performed and are continuing to perform admirable service encouraging both landowners and non-landowners to support conservation measures in the State of Delaware;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the 124th General Assembly of the State of Delaware, that Soil and Water Stewardship Week be recognized throughout the State of Delaware, and that the three Delaware Soil and Water Conservation Districts be commended for their continuing beneficial service to Delawareans within the theme and spirit of this observance.

Introduced by Reps. Blendt and Gray. Read in its entirety. Mr. Blendt moved that **HR 36** be adopted by voice vote. Motion carried. Messrs. Blendt and Gray moved that copies be sent to Mr. Alden P. Short, Georgetown; Mr. Isaac Thomas, Maryland; and Mr. Rodman Smith, Middletown.

Mr. Hale motioned to recess at 1:47 P.M., motion prevailed.

### JOINT SESSION

The House and Senate met in the Senate Chamber. Joint Session called to order by the President of the Senate at 2:07 P.M. Senator Steen motioned that the Chief Clerk of the House and the Secretary of the Senate act as Secretaries for the Joint Session. Motion prevailed. Senator Steen moved that the President of the Senate preside over the Joint Session. Motion prevailed.

Senator Steen moved that the President of the Senate appoint a Committee of two to escort the Governor to the Chamber. Mr. President appointed Senator Robbins and Representative Gray to escort the Governor.

At 2:11 P.M., the Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber. Mr. President welcomed the Governor and announced, pursuant to SCR 15, the Joint Session to hear the Governor.

MESSAGE

BY

THE HONORABLE CHARLES L. TERRY, JR.  
GOVERNOR OF DELAWARE

To The

FIRST REGULAR SESSION OF THE  
ONE HUNDRED TWENTY-FOURTH  
GENERAL ASSEMBLY

Of The

STATE OF DELAWARE

Urging the Enactment  
of a Capital Bond Program  
and Related Legislation

DOVER

May 4

Nineteen Hundred and Sixty-Seven

Mr. President

Mr. President Pro Tem

Mr. Speaker

Members of the 124th General Assembly

Fellow Citizens of the State of Delaware:

Today it is again my pleasure to appear before this distinguished forum to speak on a major program of the state. Thank you for the opportunity. The major program that I refer to is my adopted annual capital budget for fiscal year 1968 and capital improvement program for fiscal years 1968 through 1973.

In my state of state address in January, I announced that I would appear before you to explain the major provisions of the capital budget and capital improvement program. At that time I asked for immediate authorization of four projects in my recommended capital budget for fiscal year 1968. These projects included patient treatment facilities for the Department of Mental Health, conversion of William Jason High School into facilities for the Delaware Technical and Community College, improvement and development of recreational facilities in the Indian River Inlet area of our beachlands and expansion of Legislative Hall. I am happy to note that three of these projects have been authorized as of this date. I again

urge the passage of the remaining bill which is for the expansion of Legislative Hall. The immediacy of the need for this project is certainly not diminishing with the lapse of time.

Now to address myself to the capital budget and capital program. This year 67 state agencies and school districts submitted 580 capital projects requests for the six year capital program. This amounted to a request for state funds of \$82,-313,000 for the capital budget year and an amount of \$331,-264,000 for the total six year program. Last year 52 state agencies submitted 350 capital projects amounting to \$274,-864,000 for the total program. This year's requests show an increase of 56 million dollars over last year's, and an increase of 114 million dollars over my adopted capital program submitted to you last year. The state cannot conscientiously consider the funding of a program of this magnitude at this time. Normal revenue for fiscal year 1967 is estimated to be \$144,700,000. This amount establishes the bonded debt limitation at approximately 463 million dollars for fiscal year 1968. This would allow for an authorization of up to 117 million dollars for bonds next year. But an authorization of this amount would severely limit the authorization of additional funds in the subsequent five years of the program.

After carefully reviewing the revenue forecast and the capital project requests, I have adopted a six year capital program in the amount of \$229,640,000 with a capital budget of \$46,598,400. In keeping with the policy of prudently scheduling long-term debt within the state's bond debt limitation, the capital budget general obligation bond funding is limited to \$38,738,400. The balance of \$7,860,000 is recommended to be funded from the capital investment fund for the most part.

An "Advance Summary Report" explaining the adopted capital budget for 1968 and the six year capital program has been prepared and will be presented to you at this time. A review of this report will show that in the capital budget:

- (a) Higher education requested \$13,296,000—  
I recommend \$6,890,000.
- (b) Local schools requested \$15,935,000 —  
I recommend \$9,157,000.
- (c) State Highways requested \$27,895,000 —  
I recommend \$17,100,000.
- (d) Other state agencies requested \$25,187,000 —  
I recommend \$13,452,000.

The recommendations presented above for the capital budget were developed within the framework of the limitations imposed on bonded debt by the General Assembly in 1965.

I have continued the policy of wherever feasible in the capital budget to fund certain capital projects, especially those amounting to twenty-five thousand dollars or less, from the state's General Fund. Projects in the capital budget falling in this category amount to \$294,000. Other policy considerations and innovations in the program are:

1. I have requested the immediate funding of certain projects which have priority because of the time element involved.
2. I have incorporated into the capital program for the first time a "Minor Capital Improvement Program" for schools. I recommend the funding of this program on the same basis as the major capital projects — 60% to be provided by the state and 40% by the local school districts. I also believe that the local school districts should be allowed to raise the local matching share with or without holding referenda for these minor projects as they might choose.
3. I recommend the funding of certain unique and exceptional capital projects from the capital investment fund.
4. I recommend the establishment of an advanced land acquisition program to provide for the timely acquisition of property for public use. This fund would be established as a revolving fund similar to that established for advanced planning last year.
5. I recommend that master planning and topographical survey services be made available to state agencies.

The minor capital improvements program for schools replaces the old "Delayed Repairs" or "Capital Replacement" procedure this program with the major capital program and the maintenance program will provide for all phases of school physical facility needs including construction, repair, renovation, and maintenance.

The advanced land acquisition fund is recommended to be established **within** the capital investment fund. This recommendation is compatible with the policy of providing safeguards to protect the body of the capital investment fund. Funds withdrawn from the advanced land acquisition fund must be repaid. Funds not being utilized will be available for investment as part of the capital investment fund.

In order to effectuate the capital budget, legislation has been prepared and is available for your deliberation. This legislation will be presented in a package of bills. The major bill is the omnibus bond bill in the amount of \$34,448,400. Two companion fund bills to the omnibus bond bill are the capital investment fund bill for the Wilmington Civic Center State Office Building, amounting to \$5,000,000, and the general

fund capital budget bill amounting to \$294,000. In addition, a bill is being submitted to establish an advanced land acquisition program by earmarking \$3,000,000 of the capital investment fund. Again, I emphasize that the money will be earmarked **within** the capital investment fund. Other legislation which needs your attention is as follows:

1. The last General Assembly passed the first leg of a Constitutional Amendment by imposing a constitutional limit on the borrowing power of the state. This General Assembly should give further consideration to this matter.
2. Legislation passed by the 123rd General Assembly as Senate Substitute No. 1 for Senate Bill No. 163 which will amend Article VIII of the Constitution of the State by imposing a limitation of the borrowing power of the state.
3. Legislation to amend various capital improvement acts of previous years for the purpose of making certain extensions and corrections. Some of these corrections and extensions are already included in bills now before the Senate.
4. Legislation to improve the preparation of the Debt Statement, which must accompany all bond bills, by allowing for the accounting of the full amount of the revolving fund of the Delaware Industrial Building Commission.
5. The Bonding Counsel of the state has recommended certain minor and technical changes in the law relating to the issuance and sale of local school district bonds. This amendment will make it easier for the local school districts to sell their bonds in the New York Bond Market.

The Capital improvement program that I am presenting here today considers the needs of all state agencies, both large and small, within the limits of the state's fiscal capability. It provides for:

- A. Public schools
- B. Higher education
- C. Highways
- D. Health
- E. Mental health
- F. Welfare
- G. Safety
- H. Rehabilitation and corrections
- I. Recreation
- J. Historical sites
- K. Conservation
- L. Housing needs of state agencies

Some individuals will say that the capital budget and capital improvement program amounts are too high. There will be others that will say not enough funds are being provided. There will be special interests that feel that a certain area is not receiving enough money while other areas are receiving too much. I maintain that within present knowledge and policy from an overall viewpoint I have presented to you today a sound and progressive program for the physical development of state government.

There are three additional points that I wish to make before concluding. The first is that of the tremendous authorized but unissued bonds that remain on our books. As of today we have \$78,456,704 authorized for capital facilities but unissued. These projects were justified as needed at the time of authorization. I recognize that there are certain contingencies that result in delay, but I fear that in some cases that the impetus for developing a project is reduced substantially once the funds have been authorized projects are provided at the earliest possible time.

The second point is that if through your deliberations you conclude amendments should be made to the legislative package presented here today, I ask that I have an opportunity to review these amendments before they are introduced into the General Assembly.

Lastly, I wish to again emphasize my desire that all capital projects be processed through the capital improvement program.

I ask in concluding that we all remember that there is no such thing as one portion of a school, highway, or mental hygiene clinic being democrat and the other portion being Republican. If there is any program that should be considered on a bi-partisan basis, it is this one.

After his Budget Message, the Governor spoke briefly about the deplorable transportation situation in Wilmington. He said that he had been accused of being negligent but he had, in fact, negotiated for 100 hours with both sides and the Mayor and Executive of County Council had done likewise. He said that he had reached the conclusion that the states were going to have to run their own transportation. He is working on a plan to create a Department of Transportation headed by a Secretary with the power to buy busses and to hire men. He would issue bonds to pay for the plan. He would also get some Federal Aid.

The Governor was escorted from the Chamber by the previously named Committee at 2:36 P.M.

Senator Steen moved that the Chief Clerk of the House and the Secretary of the Senate compare their Journals. The

Secretary of the Senate stated that they had done so and found them to be in agreement.

Mr. President welcomed the Speaker of the Senate. Mr. Steen moved that the two Houses adjourn. Motion carried. Joint Session adjourned at 2:30 P.M.

The House reconvened at 3:13 P.M. Messrs. Hammond, Stabler and Pagano asked to be marked present.

A messenger from the Senate delivered the following bills having passed the Senate and asking concurrence of the House: **SB 28**, **SB 57**, **SB 63**, **SB 64**, **SB 51** with **SA 1**, **SB 83** and **SB 95**.

The following bills were introduced and assigned to committee:

**HB 146** — An Act to amend Section 1701 (a) and (c), Title 7, Delaware Code, relating to Dog Licenses and Kennel License Fees. Introduced by Reps. Sebrell, Riddagh and Quillen. Referred to the Committee on Fish, Oyster and Game.

**HB 147** — An Act to amend Section 518, Title 17, Delaware Code, relating to trash on public highways and penalties. Introduced by Rep. Blendt. Referred to the Committee on Highways and Public Safety.

**HB 148** — An Act to amend Title 26, Chapter 9, Delaware Code of 1953, entitled Telegraph, Telephone and Electric Utility Corporations, by adding a new section thereto to be designated as Section 909 which section grants to electric utility corporations the power to acquire by condemnation, under the power of eminent domain, privately owned lands, easements, and franchises within the boundaries of Delaware, for the purpose of erecting, constructing, operating and maintaining transmission lines. Introduced by Reps. Bartleson, Phillips, Shockley and Gray. Referred to the Committee on Commerce and Corporations.

**HB 149** — An Act to amend Chapter 17, Title 3, Delaware Code relating to the commercial feeds. Introduced by Reps. Gray, Quillen, Burton, Pleasanton, Blendt, Eskridge and Phillips. Referred to the Committee on Agriculture.

**HB 150** — An Act to permit the Board of School Trustees of the Richardson Park School District No. 20 to transfer certain funds from its Local Debt Service Account to its Construction Account. Introduced by Reps. Gooding and Phillips. Referred to the Committee on Education.

**HA 1 to HB 21** — Introduced by Reps. Riddagh and Quillen. Placed with bill.

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



**SB 57** — Amending Title 15, Delaware Code, by adding Chapter 44 entitled "Regulations and voting for Presidential Electors only, by United States citizens who fail to fulfill certain residence requirements". Introduced by Senator Manning. Referred to the Committee on Elections.

**SB 63** — An Act to amend Title 31, Delaware Code, entitled "Welfare", to provide for the furnishing of medical care to the indigent and medically indigent. Introduced by Senator Carney. Referred to the Committee on Health & Welfare.

**SB 64** — An Act to amend Chapter 7, Title 24, Delaware Code, relating to the eligibility of chiropractic physicians for compensation from Insurance Group Hospital Services and related plans. Introduced by Senator Carney. Referred to the Committee on Health and Welfare.

**SB 51 with SA 1** — An Act to amend Chapter 171, Volume 54, Laws of Delaware, entitled "An Act to provide for the enlargement and improvement of the systems of Free Public Schools of Delaware; appropriating money for said purpose; authorizing the financing for such enlargement and improvement by the issuance of Bonds and Bond Anticipation Notes of the State and by contributions from certain School Districts; and the City of Wilmington, defining school districts' authorizing the issuance of Bonds and certain School Districts and the City of Wilmington for the purpose of raising money to make certain contributions; and authorizing the acceptance of Federal Funds for building purposes and creating Local School Building Commissions. Introduced by Reps. Dineen and Steen. Referred to the Committee on Education.

**SB 83** — An Act to amend Chapter 365, Volume 55, Laws of Delaware, relating to an appropriation to the State Highway Department for the purpose of constructing a sidewalk from Millsboro School No. 23 to Millsboro School No. 204. Introduced by Senator Steen. Referred to the Committee on Appropriations.

**SB 94** — An Act to amend Chapter 68, Title 29, Delaware Code, by providing that certain supplies, materials and equipment shall be secured through the State Distribution Agency. Introduced by Rep. Carney. Referred to the Committee on Appropriations.

The following bills were reported out of Committee: Highways and Public Safety: **SB 55**, 6 favorable; Health and Welfare: **HB 101**, 5 favorable, 1 on merits; Appropriations: **HS 1** for **HB 29**, 7 favorable, 1 on merits.

Mr. Hale moved to lift **SCR 14** from the table. Motion carried. Mr. Zimmerman introduced **HA 1** to **SCR 14** and moved for its adoption by voice vote. Motion defeated. Mr. Benson moved to table **HA 1** to **SCR 14** by voice vote. Motion

carried. Mr. Hale moved for a Roll Call vote on **SCR 14** to adopt: Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddag, Sebrell, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Blendt, Eskridge, Ferguson, Fonville, Hammond, McMahon, Slawik, Zimmerman — 8.

**ABSENT** — Harrington, Shockley — 2.

**PRESENT** — Gooding, Phillips — 2.

**SCR 14** having received the constitutional majority was declared adopted by the House.

On motion of Mr. Hart, the following was given a final reading and taken up for consideration in order to pass the House:

**HB 69** with **HA 1** — An Act proposing an amendment to the Constitution of the State of Delaware by creating a Capital Investment Fund.

Mr. Hart moved that **HA 1** to **HB 69** be adopted by voice vote. Motion carried. Roll Call revealed:

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

**NAYS** — Brown, Eskridge, Ferguson, Fonville, Gooding, Hammond, McMahon, Slawik, Zimmerman — 9.

**ABSENT** — Harrington, Shockley — 2.

**PRESENT** — Blendt, Phillips — 2.

On motion of Mr. Hart Roll Call on **HB 69** with **HA 1** was tabled.

On motion of Mr. Hart the following was given a final reading and taken up for consideration in order to pass the House:

**HB 68** with **HA 1** — An Act to amend Chapter 62, Title 29, Delaware Code, relating to Capital Investment Fund, by providing that certain inheritance and estate tax receipts be deposited therein and that any expenditure therefrom be pursuant to two-thirds vote of the General Assembly.

Mr. Hart moved that **HA 1** to **HB 68** be adopted by voice vote. Motion carried. Roll Call revealed:

**YEAS** — Bartleson, Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Evans, Frederick, Gray, Hale, Hart, Heckert, Leshner, Murphy, Pagano, Pleasanton, Quillen, Riddag, Sebrell, Stabler, Mr. Speaker Hering — 23.

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

**ABSENT** — Harrington, Shockley — 2.

**HB 68** with **HA 1** having received the constitutional majority was declared passed the House.

Mr. Speaker announced that his presence was requested by Senator McCullough and asked Mr. Benson to take the Chair.

On motion of Dr. Sebrell, the following was given a final reading and taken up for consideration in order to pass the House:

**HB 64** — An Act to amend Chapter 22, Volume 55, Laws of Delaware, relating to extension of the period in which the State Highway Department may utilize monies from the Capital Investment Fund for Mosquito Control and imposing certain limitations upon expenditures thereunder.

A letter from Joe S. Robinson, Chief Engineer of the State Highway Department was read as follows:

May 1, 1967

Hon. Lorin B. Sebrell  
229 N. State Street  
Dover, Delaware  
Dear Mr. Sebrell:

House Bill No. 64 relating to extension of Senate Bill 75 and to extend the time of expiration has the approval of the State Highway Department.

Very truly yours,  
Joe S. Robinson  
Chief Engineer

Dr. Sebrell asked for a Roll Call for **HB 64** to pass. Roll Call revealed:

**YEAS** — Benson, Blendt, Brown, Dodge, Eskridge, Frederick, Gooding, Hale, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Zimmerman — 21.

**NAYS** — Bartleson, Burton, Cashman, Evans, Gray — 5.

**ABSENT** — Ferguson, Hammond, Harrington, Shockley, Mr. Speaker Hering — 5.

**PRESENT** — Castle, Cicione, Fonville, Hart — 4.

**HB 64** having received the constitutional majority was declared passed the House.

On motion of Mr. Bartleson, the following was given a final reading and taken up for consideration in order to pass the House:

**SB 71** — An Act to amend Chapter 336, Volume 55, Laws of Delaware, entitled "An Act making appropriations to the amount of \$136,838,199.00 for the expenses of the State Government for the fiscal year ending June 30, 1967", and making no Supplementary Appropriation. Introduced by Senator Dineen.

Roll Call revealed:

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

**NAYS** — None.

**ABSENT** — Ferguson, Hammond, Harrington, Murphy, Shockley, Mr. Speaker Hering — 6.

**SB 71** having received the constitutional majority was declared passed the House.

On motion of Dr. Sebrell, the following was given a final reading and taken up for consideration in order to pass the House:

**SB 86** — An Act making a supplementary appropriation to the Delaware State Development Department for the providing of a float. Introduced by Senators Foltz, Cook and Robbins.

Mr. Slawik introduced **HA 1** to **SB 86** and moved for a Roll Call for its adoption. Roll Call revealed:

**YEAS** — Blendt, Ferguson, Gooding, Leshner, Pagano, Quillen, Slawik, Zimmerman — 8.

**NAYS** — Benson, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Fonville, Frederick, Hale, Hart, Heckert, McMahon, Murphy, Pleasanton, Riddagh, Sebrell, Stabler — 20.

**ABSENT** — Bartleson, Gray, Hammond, Harrington, Shockley, Mr. Speaker Hering — 6.

**PRESENT** — Phillips — 1.

**HA 1** to **SB 86** adopted.

Dr. Sebrell moved for a Roll Call vote on **SB 86** with **HA 1**. Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Brown, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik — 29.

**NAYS** — None.

**ABSENT** — Hammond, Harrington, Shockley, Stabler, Zimmerman, Mr. Speaker Hering — 6.

**SB 86** with **HA 1** having received the constitutional majority was declared passed the House.

Mr. Hale moved to recess to the call of the chair. House recessed at 4:56 P.M.

The House reconvened at 1:44 P.M. Mr. Hale moved to adjourn until 1:45 P.M., ending the 19th Legislative Day.

## 20TH LEGISLATIVE DAY

The Speaker called the House to order at 1:45 P.M., on May 15, 1967.

There was a prayer by the Chaplain Reverend Addison Smith.

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

Members present: Bartleson, Benson, Blendt, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

Absent: Brown — 1.

The Speaker asked if there were any additions or corrections to the Minutes of the previous session. There being none, the Minutes were approved as posted.

Communications: Memorandum No. 7 from the Governor's Office.

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

FROM: Theodore F. Sandstrom

The Governor signed the following legislation on the date indicated:

May 11, 1967 — **SB 86** (\$2,500 Parade Float - Dover Days)

The following were introduced and assigned to committee:

**HA 1** to **HS 1** for **HB 7** — Introduced by Rep. Cicione. Placed with bill. (Commerce & Corporations).

**HA 2** to **HB 43** — Introduced by Rep. Slawik. Placed with bill. (Revised Statutes).

**HA 1** to **HB 136** — Introduced by Reps. Sebrell and Zimmerman. Placed with bill. (Revised Statutes).

**HB 151** — An Act to amend Title 21, Delaware Code, Section 4101, by providing that the traffic laws shall apply upon highways and elsewhere through the state. Introduced by Rep. Pagano. Referred to the Committee on Highways and Public Safety.

**HB 152** — An Act to amend Section 813, Title 11, Delaware Code, relating to assault on police officers. Introduced by Reps. Benson, Cicione and Riddagh. Referred to the Committee on Judiciary.

**HB 153** — An Act agreeing to a proposed amendment to Article VIII of the Constitution of the State of Delaware by imposing a limitation on the borrowing power of the State.

Introduced by Rep. Benson. Referred to the Committee on Revised Statutes.

The following were reported out of committee: Agriculture and Forestry: **HB 18**, 6 favorable; **HJR 2**, 6 favorable.

Mr. Hale announced committee meetings and moved to recess to the call of the chair. House recessed at 1:53 P.M.

House reconvened at 3:42 P.M.

A messenger from the Senate delivered the following: **HB 54** and **HB 112** having passed the Senate; and **SB 73**, **SB 74**, **SB 88** and **SB 102** having passed the Senate and asking concurrence of the House.

The following were reported out of committee: Revenue and Taxation: **HB 122**, 6 favorable; Appropriations: **HB 137**, 5 favorable; Elections: **SB 4**, 5 favorable; **SB 57**, 5 favorable.

The following were introduced and assigned to committee:

**HB 154** — An Act to amend Chapter 27, Title 29, Delaware Code, relating to the State Treasurer by providing for the refunding of improperly collected fees. Introduced by Reps. Hale, Zimmerman and Dodge. Referred to the Committee on Revenue and Taxation.

**HA 1** to **HB 27** — Introduced by Rep. Blendt. Placed with bill (Appropriations).

**HA 1** to **HB 137** — Introduced by Rep. Bartleson. Placed with bill (Appropriations).

Mr. Bartleson moved that the statement from the Joint Finance Committee be read into the Journal. Mr. Benson seconded the motion. Motion carried.

**HCR 16** — Calling upon the 90th Congress of the United States to Broaden and Strengthen the Social Security System.

WHEREAS, the federal Social Security system provides the major source of income for Americans of retirement age, and is the only source for the overwhelming majority;

AND WHEREAS, the Social Security system is also the chief or only resource of widows and the dependent children, of the totally disabled and of the aged victims of illness;

AND WHEREAS, the benefits available under the Social Security system are deplorably inadequate, falling far short of a bare subsistence income for many of those to whom these benefits are their only recourse;

AND WHEREAS, this shocking inadequacy in Social Security benefits is a primary cause of poverty among the aged and others dependent upon the system, forcing many among them to seek private charity or public relief, thus creating both a social injustice and an economic burden upon the community as a whole;

AND WHEREAS, there is now before the Congress a proposal by President Johnson to ameliorate these evils by

broadening and strengthening the Social Security system, in a way well within the means of a strong and affluent society;

NOW THEREFORE BE IT RESOLVED, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that we call upon the 90th Congress to give prompt and favorable consideration to the Social Security improvements proposed by the President, so that the invaluable safeguards established by the Social Security system can fulfill their true purpose.

AND BE IT FURTHER RESOLVED, by the House of Representatives of the 124th General Assembly, the Senate concurring therein, that copies of this resolution be sent to the United States Senators and congressmen representing the people of Delaware, urging them to respond to the views herein expressed and to spread them upon the records of the Congress.

Introduced by Rep. Cashman. Mr. Cashman asked for adoption by voice vote. Mrs. Heckert moved **HCR 16** be referred to Committee. Motion carried. **HCR 16** referred to Committee on Revenue and Taxation.

**HR 37** — Expressing the best wishes of the House of Representatives of the 124th General Assembly to Representative Jacob W. Zimmerman on his birthday.

WHEREAS, the members of the House of Representatives of the 124th General Assembly have learned that today, May 15, 1967 is the birthday of Representative Jacob W. Zimmerman and

WHEREAS, the members of the House wish to express their best wishes to Representative Zimmerman

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 124th General Assembly of the State of Delaware, that the best wishes of the members of the House are extended to Representative Jacob W. Zimmerman for many more years of continued good health and happiness.

BE IT FURTHER RESOLVED that a copy of this resolution be entered upon the Journal of the House and a copy delivered to Representative Zimmerman.

Introduced by Rep. Slawik. Roll Call revealed:

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

NAYS — None.

ABSENT — Brown, Gooding, Harrington — 3.

The House threw political differences aside and sang Happy Birthday to Mr. Zimmerman. Mr. Hart asked if the sponsor of the Resolution had a letter or document to ascertain that this was the proper date.

Mr. Cashman asked that **HB 61** be stricken due to the existence of **HB 84** for the same purpose. Motion carried.

On motion of Mrs. Heckert the following was given a final reading and taken up for consideration in order to pass the House:

**HB 126** — An Act making a supplementary appropriation to the Department of Public Instruction to purchase education films on anti-littering.

Roll Call revealed:

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

**NAYS** — None.

**ABSENT** — Brown, Gooding, Harrington, Zimmerman — 4.

**HB 126** having received the constitutional majority was declared passed the House.

On motion of Mr. Quillen, the following was given a final reading and taken up for consideration in order to pass the House:

**HB 28** — An Act to amend Section 8311, Title 9, Delaware Code, relating to public inspection of completed County Assessment.

Roll Call revealed:

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

**NAYS** — None.

**ABSENT** — Brown, Gooding, Harrington, Zimmerman — 4.

**HB 28** having received the constitutional majority was declared passed the House.

On motion of Mr. Phillips the following was given a final reading and taken up for consideration in order to pass the House:

**HB 79** — An Act to amend Chapter 182, Volume 45, Laws of Delaware, entitled "An Act to reincorporate the Town of Delmar" by increasing the salaries of the Mayor and Town Council.



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

**NAYS** — None.

**ABSENT** — Brown, Gooding, Harrington, Zimmerman — 4.

On motion of Mr. Frederick the following was given a final reading and taken up for consideration in order to pass the House:

**HB 85** — An Act to amend Chapter 81, Title 9, Delaware Code, relating to the limitations upon taxing power, by exempting lands and improvements of the Civic Association and vicinity from assessment and taxation.

Mrs. Heckert moved to return **HB 85** to Committee for further study. Roll Call on motion revealed:

**YEAS** — Bartleson, Benson, Blendt, Burton, Castle, Eskridge, Ferguson, Frederick, Gray, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Sebrell, Shockley, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Cashman, Cicione, Dodge, Evans, Fonville, Hale, Murphy, Quillen, Riddagh — 9.

**ABSENT** — Brown, Gooding, Hammond, Harrington, Zimmerman — 5.

**PRESENT** — Slawik — 1.

**HB 85** returned to Committee.

On motion of Mrs. Heckert, **HB 133** was given a final reading and taken up for consideration in order to pass the House:

**HB 133** — An Act to amend Chapter 13, Title 14, Delaware Code, relating to state supported salary schedules for school employees by deleting certain references.

Roll Call revealed:

**YEAS** — Bartleson, Benson, Blendt, Burton, Cashman, Castle, Cicione, Dodge, Eskridge, Ferguson, Fonville, Frederick, Gray, Hale, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Slawik, Stabler, Mr. Speaker Hering — 28.

**NAYS** — None.

**ABSENT** — Brown, Evans, Gooding, Hammond, Harrington, Shockley, Zimmerman — 7.

**HB 133** having received the constitutional majority was declared passed the House.

On motion of Mr. Hart the following was given a final reading and taken up for consideration in order to pass the House:

**HB 86** — An Act amending Section 1318, Title 14, Delaware Code, entitled Sick Leave and Absence for other reasons by adding a new Subsection thereto.

Roll Call revealed:

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

**ABSENT** — Brown, Evans, Gooding — 3.

**HB 86** having received the constitutional majority was declared passed the House.

On motion of Mr. Phillips the following was given a final reading and taken up for consideration in order to pass the House:

**HB 63** — An Act making a supplementary appropriation to the Board of Game and Fish Commission.

Mr. Norman G. Wilder, Executive Director of the Game and Fish Commission was granted permission of the floor. After much discussion, Roll Call was taken and revealed:

**YEAS** — Blendt, Cashman, Dodge, Eskridge, Gooding, Gray, Hammond, Harrington, McMahon, Phillips, Pleasanton, Riddagh, Sebrell, Shockley, Slawik, Zimmerman — 16.

**NAYS** — Bartleson, Benson, Burton, Castle, Evans, Frederick, Hart, Heckert, Leshner, Murphy, Pagano, Quillen, Stabler, Mr. Speaker Hering — 14.

**NOT VOTING** — Cicione, Hale — 2.

**ABSENT** — Brown, Ferguson — 2.

**PRESENT** — Fonville — 1.

On motion of Mr. Phillips Roll Call on **HB 63** was tabled.

Mr. Hale moved to adjourn. Motion carried. House adjourned at 4:54 P.M.

## 21ST LEGISLATIVE DAY

The Speaker called the House to order at 2:19 P.M. on May 16, 1967.

There was a prayer by the Chaplain Reverend Oliver H. Spence.

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

Members present: Bartleson, Benson, Blendt, Brown, Cashman, Castle, Cicione, Dodge, Eskridge, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Hale, Hammond, Harrington, Hart, Heckert, Leshner, McMahon, Murphy, Pagano, Phillips, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 34.

Absent: Burton — 1.

The Speaker asked if there were any additions or corrections to the Minutes of May 15, 1967. There being none, the Minutes were approved as posted.

The Speaker announced the Governor's request to address the House. Permission granted. Messrs. Evans and Harrington were appointed to escort the Governor to the Chamber. The Governor was welcomed by the Speaker.

Governor's Address:

Mr. Speaker

Ladies and Gentlemen of the House:

Thank you for the privilege of speaking to you today. My remarks will be brief. I have not come to spar for political advantage although I was amused by the ridiculous assertion made in this House yesterday that I was unfamiliar with the contents of House Bill 137. Certainly none of you are naive enough to believe that a governor doesn't have accurate sources of information regarding the preparation of a budget bill.

It is that budget bill I want to discuss with you.

The House Appropriation Committee chose to increase the unit allotment for education from the \$800 I proposed in House Bill 12 to \$900, despite the fact that both House Bill 12 and House Bill 137 contain a \$500,000 appropriation to the schools for routine maintenance work that is over and above the funding the schools received in any budget prior to the fiscal year we are now operating in. What it means is that the schools will receive about \$1,000 per unit, not \$900.00 which is substantially more than anyone has requested.

Good education is a vital concern of us all, and I shall not argue with the committee, although I believe the money they provided in increased unit allotments could have been better spent for higher teaching salaries.

But I must take exception with the committee regarding the cuts it made in several key agencies in order to raise the unit allotments. The simple truth is that these agencies cannot operate effectively unless the amounts recommended by me in House Bill 12 are substantially restored. An Amendment to effect that restoration has been prepared and will be introduced today for your consideration.

You know, it is important for the governor in an area where the opposite political party holds a majority, as it does in the House of Representatives, to have someone that he can work with in a spirit of confidence and harmony, knowing that such a person speaks for his colleagues with some degree of authority. I have had difficulty pinpointing that individual because the leadership of the Republican Party as represented by the national committeeman, the state chairman,

and the finance chairman, seem to speak a different language than the leadership of the House as represented by the House Appropriation Committee.

I am referring especially to the area of mental health and corrections. The cuts made in the budgets of those two agencies in House Bill 137 will impede their progress, and I urge you to appropriate the full amount recommended in House Bill 12.

You must also, increase the appropriations for several other important agencies. The custodian, for instance, is simply not going to be able to take care of the buildings assigned to him without more funds. Similarly, the Public Archives Commission, the State Park Commission, the State Distribution Agency, the Departments of Elections in Kent and New Castle Counties, the Department of Weights and Measures, the State Planning Office, the Budget Director's Office, the State Development Department, the Department of Public Welfare, the Mosquito Control Division, the Youth Services Commission, and the Delaware Commission of Shell Fisheries all need more money to do the job which you want to see done and which our fellow citizens expect to have done. In the case of the Shell Fisheries Commission, you have determined that legislative investigation should be held. Hold the investigation by all means, if you think it desirable, but in the meantime allow the agency sufficient funds to police and regulate the important industry within its jurisdiction.

The amendment which will be introduced today on behalf of the administration also restores some of the substantive provisions included in House Bill 12 but left out or changed in House Bill 137.

Ladies and gentlemen, these are important provisions which provide the machinery for effective safeguards over expenditures and personnel. Without them we are going to find ourselves spending at a higher and more accelerated rate than you anticipate, with the result that our budget for fiscal 1969 may by necessity be higher than you care to appropriate. Without the safeguards I propose, the Legislature could well find itself in the position of having to spend more than you deem either prudent or desirable. Please give these provisions your careful consideration and pass them in the interest of sound administration.

As for the monetary needs which I have mentioned, it seems to me that two alternatives are open to you. Let me repeat, however, that money to the agencies I have mentioned and a few others must be restored. We cannot bleed them to the extent where they are too weakened to perform their vital functions.

The alternatives are that you can take the \$500,000 provided in the budget for routine maintenance of the schools and use it to restore the urgent appropriations I have mentioned, or you can show the courage to add approximately \$650,000 to the grand total of your budget bill. Whatever you choose, the needs of the people must be met.

Finally, you members of the House are citizens of a high degree of education. Consequently, you are just as aware as I am that competence, ability and integrity are qualities which do not come cheaply. We induce good men and women into Delaware and attempt to persuade them to stay when our salaries and benefits are not competitive with those of other states.

We have a handful of key people who are woefully underpaid. Our recent experience in losing two of our top educators forcefully illustrates our problem. The state planner and the budget director are also not paid commensurate with either their ability or their awesome responsibilities. There are a few others. Our state archivist is one of the finest men in his field in the United States, and yet his remuneration is such that it is far from rewarding him for the magnitude of his contribution.

Perhaps, in the area of salaries I, too, have been remiss in not fighting for a general upgrading before this time. But we cannot delay longer.

Accordingly, I am preparing legislation to remedy the situation by authorizing a salary range for key employees, so that a top ranking position will have a maximum considerably higher than is now provided. The exact amount of the salary, under the bill, would be established by the board under which the executive functions with the approval of the governor.

Our state superintendent, for instance, has been paid a salary below that which is received by several district superintendents in Delaware. However, in spite of that, the House Appropriations Committee chose to trim \$500 from the \$1,000 increase I had recommended for him. That type of action on the part of Delawareans is horse-and-buggy thinking. I should have recommended a higher increase than I did, and the House should have granted it. Let us join together to right a wrong and enact legislation that will not narrowly limit what a brilliant and dedicated man can earn, but rather provide the means for giving him a salary that is worthy of someone with his experience, education, and other qualifications and that will also leave room for merit increases where they are clearly called for.

Members of the House, I thank you for your courtesy in listening to me. I hope earnestly that you will heed my mes-

sage and not pass your present budget bill without further review. The public is entitled to this consideration on your part.

Mr. Speaker thanked the Governor. The Governor was escorted from the Chamber by the same Representatives.

Mr. Hale asked if Mr. Zimmerman would like to distribute an amendment before caucus.

**HA 2 to HB 137** — Introduced by Rep. Zimmerman. Placed with bill.

Mr. Hale motioned to recess at 2:46 P.M. Motion prevailed.

The House reconvened at 4:40 P.M.

A messenger from the Senate delivered the following **SB 17, SB 43, SB 47, SB 52, SB 58** having passed the Senate and asking concurrence of the House.

The following were reported out of Committee: Appropriations: **HB 134**, 6 favorable, 2 on merits.

The following were introduced and assigned to committee:

**HA 1 to HB 108** — Introduced by Rep. Heckert. Placed with bill.

**HB 155** — An Act to amend Subchapter X, Chapter 41, Title 21, Delaware Code, regulating parking of commercial vehicles in exclusively residential districts. Introduced by Reps. Pagano, Bartleson, Leshner and Cicone. Referred to the Committee on Highways and Public Safety.

**HB 156** — An Act to permit the Levy Court of Sussex County to adopt zoning and planning regulations. Introduced by Reps. Dodge, Gray and Harrington. Referred to the Committee on Government Operations.

**HB 157** — An Act to amend Chapter 66, Title 16, Delaware Code, relating to the State Fire Marshal by requiring fire insurance companies to file certain reports. Introduced by Reps. Brown, Harrington, Murphy, Zimmerman, Quillen, Riddagh and McMahon. Referred to the Committee on Banking and Insurance.

**HB 158** — An Act to amend Chapter 158, Volume 36, Laws of Delaware, as amended, relating to City of Dover municipal improvements and procedures for levying special assessments therefor. Introduced by Reps. Zimmerman and Sebrrell. Referred to the Committee on Government Operations.

**HR 38** — In reference to Election of Officers.

**BE IT RESOLVED** by the House of Representatives of the 124th General Assembly of the State of Delaware that the Minority Leader of the House of Representatives is hereby authorized to appoint a Minority Attorney to serve the members of the House of Representatives. The salary shall be at the established rate for the attorneys of the House of Representatives.

Introduced by Reps. Slawik and Ferguson. Mr. Slawik moved that so much be considered the reading of the Resolution. Motion carried. Mr. Slawik moved for adoption by voice vote. After some discussion, a Roll Call vote was taken by motion of Mr. Slawik. Roll Call revealed:

**YEAS** — Benson, Blendt, Cashman, Castle, Cicione, Evans, Ferguson, Fonville, Frederick, Gooding, Gray, Harrington, Hart, Heckert, Leshner, McMahon, Pagano, Phillips, Sebrell, Slawik, Stabler, Zimmerman, Mr. Speaker Hering — 23.

**NAYS** — Bartleson, Brown, Dodge, Eskridge, Hale, Pleasanton, Quillen, Riddagh, Shockley — 9.

**ABSENT** — Burton, Hammond — 2.

**PRESENT** — Murphy — 1.

**HA 1 to HB 70** — Introduced by Rep. Slawik. Referred to the Committee on Judiciary.

**HR 39** — Authorizing payment for services rendered by the Chaplains of the House of Representatives of the 124th General Assembly.

**BE IT RESOLVED** by the House of Representatives of the 124th General Assembly that the State Treasury be and hereby is authorized and directed to pay the Chaplains of the House of Representatives whose names are listed below, the amounts set forth opposite their respective names and such are to be regarded as payments in full for services rendered by said Chaplains for the period commencing with the 3rd day of January, 1967, and ending with and including the 15th day of May, 1967, for the current session:

Burns, Francis	\$ 20.00
Harney, Peter	20.00
Henderson, George	20.00
Kandel, Edward R.	20.00
Mulford, David B.	120.00
Rex, Percy	20.00
Smith, Addison	20.00
Spence, Oliver	160.00

Introduced by Rep. Sebrell. Adopted by voice vote by motion of Dr. Sebrell.

**HB 40** — In reference to recognition of Law Enforcement Week, and commending the work of the Delaware law enforcement authorities.

**WHEREAS** May 15, 1967 to May 20, 1967 is being observed throughout the nation as Law Enforcement Week; and

**WHEREAS** appropriate commemorations have already occurred sponsored by the Wilmington City Police, and a memorial service was held yesterday by the State Police for those officers who have died in the line of duty; and

WHEREAS the need to recognize the dedicated efforts of our law enforcement authorities and to support those efforts is particularly clear and urgent in this State at this time;

NOW THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the 124th General Assembly of the State of Delaware that Law Enforcement Week be proclaimed and recognized throughout the State of Delaware, and that the work of Delaware law enforcement authorities be commended and that all Delawareans be urged to support our law enforcement authorities not only during Law Enforcement Week but during each and every week throughout the year.

Introduced by Reps. Ferguson and Benson. Mr. Ferguson asked that so much be considered a reading of **HR 40** and moved to adopt by voice vote. Adopted by voice vote.

**HB 159** — An Act to amend Section 101, Title 13, Delaware Code, by repealing the provision which prohibits marriage between a white person and a negro or mulatto. Introduced by Reps. Cashman and Evans. Referred to the Committee on Revised Statutes.

**SB 17** — An Act to amend Chapter 81, Title 9, Delaware Code, relating to the limitations upon taxing power, by exempting lands and improvements of the Harrington New Century Club from assessment and taxation. Introduced by Senator Cook. Referred to the Committee on Government Operations.

**SB 43** — An Act to amend Chapter 62, Title 9, Delaware Code, relating to indigent sick. Introduced by Senator Steen. Referred to the Committee on Health and Welfare.

**SB 47** — An Act to amend Chapter 277, Volume 49, Laws of Delaware, entitled "An Act to reincorporate the Town of Laurel", as amended, by increasing the salaries of the Mayor, the members of the Town Council of the Town of Laurel, and providing an effective date therefor. Introduced by Senators Steen and Grier. Referred to the Committee on Government Operations.

**SB 52** — An Act proposing an amendment to the Constitution of the State of Delaware, by providing for the popular approval of the proposals of a Constitutional Convention. Introduced by Senators Dineen and Manning. Referred to the Committee on Elections.

**SB 58** — An Act to repeal Section 5301, Chapter 53, Title 15, Delaware Code, relating to calling out the National Guard. Introduced by Senator Manning. Referred to the Committee on Elections.

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



**HB 123** — An Act to amend Section 543, Title 4, Delaware Code, relating to grounds for issuance or refusal of Alcoholic Liquor License.

Mr. Brown introduced **HA 1** to **HB 123** and moved for its adoption by voice vote. Motion carried. Mr. Brown asked for the privilege of the floor for Mr. Peter Stone, House Attorney. He answered questions pertaining to **HB 123** with **HA 1**; its wording and meaning. Roll Call revealed:

**YEAS** — Benson, Brown, Cicione, Dodge, Evans, Ferguson, Fonville, Frederick, Gray, Hart, Murphy, Pagano, Pleasanton, Quillen, Riddagh, Sebrell, Shockley, Zimmerman — 18.

**NAYS** — Bartleson, Cashman, Eskridge, Gooding, Hale, Harrington, Leshner, Slawik, Stabler, Mr. Speaker Hering — 10.

**NOT VOTING** — Castle, Heckert, McMahon — 3.

**ABSENT** — Burton, Hammond — 2.

**PRESENT** — Blendt, Phillips — 2.

**HB 123** with **HA 1** having received the constitutional majority was declared passed the House.

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

**HB 137** — An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1968.

Mr. Speaker asked Mr. Benson to take the Chair. Mr. Hering, as spokesman for himself and his party, spoke from the floor about the reasons for the differences between **HB 12** and **HB 137**.

The Governor's budget, House Bill 12, was introduced early in this session in January. The Joint Finance Committee, consisting of members of the Senate and House, Republicans and Democrats alike, considered this bill in depth for a period in excess of three months. The Appropriations Committee of the House of Representatives introduced House Bill 137 which, in its judgment, incorporated the vast majority of the Governor's recommendations, but at the same time made considered evaluations in certain areas which it deemed to be in the best interest of the citizens of the entire State. This Committee, in my judgment, demonstrated good faith in working long and arduously in preparation of the bill now before this chamber.

The bill was introduced the first of this month. Two days later, after returning from South Carolina, the Governor in a press conference delivered a lengthy statement severely criticizing the efforts of the Joint Finance Committee.

The Republican members of the House sincerely reviewed the Governor's observations and responded in great measure in certain areas by introducing House Amendment No. 1 to House Bill 137.

Yesterday it was announced on the floor that House Bill 137 would be brought before this chamber for a vote. The Governor requested that I go to his office following the session. At that time he requested the opportunity to speak before this chamber today prior to our consideration of the budget bill. His request was granted. We should always welcome the Chief Executive of our State when he speaks for all the people on a matter of statewide concern. There were, however, in my judgment, reflections upon individuals in his address that I do not believe were in the best interest of all the citizenry of the State.

The Governor speaks in his capacity as Chief Executive of the State. The members of the House of Representatives likewise speak on behalf of their individual constituents which comprise the total State. Our Constitution specifically provides for a division of powers between the Executive and Legislative branches. The voters on November 8 last indicated their confidence in the Republican party. We speak as representatives of the people and I submit are only exercising what we believe to be our true responsibility, just as the Governor feels he may have a like duty. Nevertheless, the system of checks and balances would not properly operate if we did not proceed in this manner.

The Governor's comments today are basically a rehash of his press conference of 13 days ago. He has in effect, through the introduction of House Amendment No. 2 to House Bill 137 merely attempted to reimpose upon this House, House Bill 12, which the majority members of this chamber have already rejected by submitting House Bill 137. I would like at this time to specifically comment as to why the Republican Party supports House Bill 137 with House Amendment No. 1 as it pertains to many of the agencies which the Governor claims have been "crippled".

In his May 3 press conference, Governor Terry referred to various state agencies which he said would be crippled if HB 137 were enacted.

Such is not the case by any stretch of the imagination, and the following is designed to prove the point. In fact, there are numerous examples of where the Joint Finance Committee helped State agencies.

#### DELAWARE COMMISSION ON SHELL FISHERIES

This agency received the most severe reduction in HB 137. There are several very valid reasons for this action.

In the first place, the executive secretary appeared before us without any information on his budget and saying "I'm a waterman, not a mathematician." What he should have said was that he was a close political associate of the Governor.