





**STATE OF DELAWARE**



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

**REGULAR SESSION**  
**of the**  
**125TH GENERAL ASSEMBLY**

**Convened**  
**Tuesday, January 7, 1969**  
**Dover, Delaware**

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

District

- 1 ABE GOLDFEDER, 600 W. 30th St., Wilmington  
(1-1-70)  
SIDNEY BALICK, 1001 E. Matson Run, Parkway,  
Wilmington (1-20-70)
- 2 CLIFFORD B. HEARN, JR., 917 W. 22nd St., Wilmington
- 3 OLIVER S. FONVILLE, 932 Poplar St., Wilmington
- 4 CHARLES BUTCHER, 833 N. Van Buren St., Wilmington
- 5 JOHN J. McMAHON, 1714 Maple St., Wilmington
- 6 GEORGE C. HERING, III, 1905 Field Rd., Wilmington
- 7 ROBERT J. BERNDT, 312 Beverly Place, Hillcrest,  
Wilmington
- 8 HERBERT A. LESHER, 1120 Harvey Rd., Claymont
- 9 CLARICE U. HECKERT, 16 Ravine Rd., Highlands  
Woods
- 10 DAVID S. BENSON, 1019 Graylyn Rd., Graylyn Crest
- 11 THOMAS L. LITTLE, 16 York Rd., Deerhurst
- 12 PIERRE S. duPONT, IV, Rockland
- 13 W. LAIRD STABLER, JR., Montchanin
- 14 MARIO A. PAGANO, 5 Duff Circle, Delpark Manor  
(3-16-69)  
JOAN WRIGHT, 5612 Old Capital Trail, Eastburn Acres  
(4-15-69)
- 15 WILLIAM L. FREDERICK, 2400 W. Parris Dr., Cedar  
Crest, Wilmington
- 16 WARREN B. BURT, 6 Aldrich Way, Westhaven
- 17 PHILIP W. ORTH, Middleboro Crest Apartments, Rich-  
ardson Park
- 18 JOHN A. DILLMAN, JR., 409 First Ave., Lyndalia
- 19 ERNEST S. SPENCE, JR., 156 Frenchtown Rd., New  
Castle
- 20 KENNETH W. BOULDEN, 114 Somers Ave., Swanwyck  
Estates
- 21 EDWARD S. STANSKY, 420 Delaware St., New Castle
- 22 JOHN F. KIRK, JR., St. Georges Rd., Delaware City
- 23 GEORGE JARVIS, 211 Ellsworth Dr., Harmony Hills
- 24 JOSEPH R. MURPHY, 171 Brookside Blvd., Brookside  
Park, Newark
- 25 JOHN G. S. BILLINGSLEY, 110 Briar Lane, Newark
- 26 MARION I. SEIBEL, 20 Knickerbocker Dr., Brookside  
Park, Newark
- 27 JEROME N. UNRUH, Odessa Heights, Odessa

**KENT COUNTY**

- 28 ROBERT W. RIDDAGH, 24 Lake Dr., Smyrna
- 29 LORIN B. SEBRELL, 229 N. State St., Dover
- 30 JACOB ZIMMERMAN, S. Little Creek Rd., Dover
- 31 W. NEAL MOERSCHEL, 584 Westwood Dr., Woodbrook,  
Dover
- 32 JOSEPH L. RAWLINS, RD No. 1, Box 80, Frederica
- 33 GEORGE R. QUILLEN, Commerce St., Harrington

**SUSSEX COUNTY**

- 34 LEWIS B. HARRINGTON, Haven Lake, Milford
- 35 LOUIS W. BURTON, 306 N. Bedford St., Georgetown
- 36 R. GLEN MEARS, SR., 124 Hall St., Seaford
- 37 W. HARRISON PHILLIPS, Sharptown Rd., Laurel
- 38 GEORGE EDWARD GRAY, Selbyville
- 39 ROBERT M. DODGE, Canal Zone, Rehoboth Beach

## COMMITTEES OF THE HOUSE OF REPRESENTATIVES

**Appropriations**—Herbert A. Leshner, Chairman; John G. S. Billingsley, George Edward Gray, Robert J. Berndt, Lewis B. Harrington, Philip W. Orth.

**Commerce & Labor**—Pierre S. duPont, IV, Chairman; Thomas L. Little, W. Neal Moerschel, Louis W. Burton, Kenneth W. Boulden, John J. McMahon.

**Education**—Clarice U. Heckert, Chairman; John A. Dillman, Jr., John F. Kirk, Jr., Lorin B. Sebrell, Clifford B. Hearn, Jr., W. Harrison Phillips.

**Elections**—Thomas L. Little, Chairman; Clarice U. Heckert, George Jarvis, W. Neal Moerschel, Charles Butcher, R. Glen Mears, Sr.

**Financial Institutions**—Louis W. Burton, Chairman; Robert J. Berndt, Robert M. Dodge, Jerome N. Unruh, Joseph L. Rawlins, Edward S. Stansky.

**Government Operations**—Robert W. Riddagh, Chairman; Joseph R. Murphy, Marion I. Seibel, Ernest S. Spence, Jr., Abe Goldfeder (replaced by Sidney Balick), Joseph L. Rawlins.

**Health & Welfare**—William L. Frederick, Chairman; Warren B. Burt, Robert W. Riddagh, Jerome N. Unruh, Oliver S. Fonville, John J. McMahon.

**Highways & Public Safety**—Joseph R. Murphy, Chairman; Robert J. Berndt, George R. Quillen, Ernest S. Spence, Jr., R. Glen Mears, Sr., Philip W. Orth.

**House Administration**—George C. Hering, III, Chairman; Robert M. Dodge, W. Neal Moerschel, W. Laird Stabler, Jr., Edward S. Stansky, Jacob Zimmerman.

**Judiciary**—Warren B. Burt, Chairman; David S. Benson, Louis W. Burton, Marion I. Seibel, Abe Goldfeder (replaced by Sidney Balick), Clifford B. Hearn, Jr.

**Natural Resources**—George R. Quillen, Chairman; George Edward Gray, Lorin B. Sebrell, Ernest S. Spence, Jr., W. Harrison Phillips, Edward S. Stansky.

**Public Building & Lands**—John F. Kirk, Jr., Chairman; John A. Dillman, Jr., William L. Frederick, Herbert A. Leshner, Kenneth W. Boulden, Joan Wright.

**Revenue & Taxation**—George Jarvis, Chairman; David S. Benson, John G. S. Billingsley, Pierre S. duPont, IV, Oliver S. Fonville, Joan Wright.

**Revised Statutes**—David S. Benson, Chairman; William L. Frederick, Marion I. Seibel, Jerome N. Unruh, Charles Butcher, Lewis B. Harrington.

**LEGISLATIVE STAFF**

Typist—Velo Anthony  
Page—John Antoninich  
Multilith Operator—Virgle Banks  
Bill Clerk—Robert Barkley  
Page—Eunice Collison  
Secretary—Lorraine Coyle  
Sergeant-at-Arms—Irvin Evans  
Page—Ellen Greene  
Secretary—Neva Hickman  
Attorney—Henry R. Horsey  
Sergeant-at-Arms—William C. Kent  
Attorney—Glenn C. Kenton  
Secretary—Helen Looney  
Sergeant-at-Arms—Walter MacCaughern  
Secretary—Jane McCready  
Page—Lewis McNelly  
Tape Recorder—Richard Millman  
Page—Ruth Minner  
Secretary—Dorothy Motley  
Assistant Chief Clerk—Nancy Olsen  
Head Page—Joan Painter  
Secretary—Ruth Parker  
Secretary—Ruth Potter  
Typist—Irma Prettyman  
Attorney—John Rich  
Reading Clerk—John Rogers  
Chief Clerk—Louise Smith  
Reading Clerk—Douglas VanSant  
Secretary—Marcia Wheeler  
Page—Margaret Zacheis



**1ST LEGISLATIVE DAY**  
**FIRST REGULAR SESSION**  
**125TH GENERAL ASSEMBLY**  
**JANUARY 7, 1969**

Pursuant to Article 2, Section 4, Constitution of the State of Delaware, the 125th General Assembly of the State of Delaware convened on the first Tuesday of January, 1969, it being the seventh day of January, 1969.

The House was called to order at 1:30 P.M. by Mr. George C. Hering III, Representative-elect of the 6th Representative District.

The salute of the flag was led by Mr. Hering.

The following prayer was rendered by the Reverend Robert MacLeod Smith of Trinity Episcopal Church, Wilmington.

O Thou who art the God of all democratic process and all legislative accomplishment;

O Thou who art the God of all human dignity and decency;

O Thou who dost ask us to place justice above peace and ambition;

O Thou who art the God of career and family - of our economy and our history, and of our beloved Delaware, and these beloved United States;

We thank thee that our forefathers in this nation and in this State committed their lives, their treasure and their sacred honor to our freedom.

Grant that our experiment in liberty may continue to thine honor and respect, and to our honorable and meaningful life together.

Grant thy wisdom and strength to this House, and grant that this House of Representatives, especially the new members, may be so dedicated to thy noble causes and purposes that this State may ennoble all men. Amen.

At the request of Mr. Hering, Mrs. Louise deR. Smith, Chief Clerk-designate, called the roll of the members-elect of the House of Representatives of the 125th General Assembly.

**WILMINGTON — NEW CASTLE COUNTY**

Representative District No.	1	—	Abe Goldfeder
Representative District No.	2	—	Clifford B. Hearn
Representative District No.	3	—	Oliver S. Fonville
Representative District No.	4	—	Charles Butcher
Representative District No.	5	—	John J. McMahon, Sr.
Representative District No.	6	—	George C. Hering, III

## RURAL NEW CASTLE COUNTY

Representative	District No. 7	— Robert J. Berndt
Representative	District No. 8	— Herbert A. Leshner
Representative	District No. 9	— Clarice U. Heckert
Representative	District No. 10	— David S. Benson
Representative	District No. 11	— Thomas L. Little
Representative	District No. 12	— Pierre S. duPont, IV
Representative	District No. 13	— W. Laird Stabler, Jr.
Representative	District No. 14	— Mario A. Pagano
Representative	District No. 15	— William L. Frederick
Representative	District No. 16	— Warren B. Burt
Representative	District No. 17	— Phillip W. Orth
Representative	District No. 18	— John A. Dillman, Jr.
Representative	District No. 19	— Ernest S. Spence, Jr.
Representative	District No. 20	— Kenneth W. Boulden
Representative	District No. 21	— Edward S. Stansky
Representative	District No. 22	— John F. Kirk, Jr.
Representative	District No. 23	— George Jarvis
Representative	District No. 24	— Joseph R. Murphy
Representative	District No. 25	— John G. S. Billingsley
Representative	District No. 26	— Marion L. Seibel
Representative	District No. 27	— Jerome N. Unruh

## KENT COUNTY

Representative	District No. 28	— Robert W. Riddagh
Representative	District No. 29	— Lorin B. Sebrell
Representative	District No. 30	— Jacob W. Zimmerman
Representative	District No. 31	— W. Neal Moerschel
Representative	District No. 32	— Joe L. Rawlins
Representative	District No. 33	— George R. Quillen

## SUSSEX COUNTY

Representative	District No. 34	— Lewis B. Harrington
Representative	District No. 35	— Louis W. Burton
Representative	District No. 36	— R. Glen Mears, Sr.
Representative	District No. 37	— W. Harrison Phillips
Representative	District No. 38	— George Edward Gray
Representative	District No. 39	— Robert M. Dodge

All members were present except Mr. Pagano.

Mr. W. Laird Stabler, Jr., Representative-elect of the 13th Representative District, moved that Mr. Harry McSherry, Notary Public of Dover, Delaware, administer the oath of Temporary Speaker of the House to Mr. Hering. Motion adopted by voice vote. Mr. McSherry administered the oath.

Mr. Stabler moved that Mr. McSherry administer the oath of Temporary Chief Clerk to Mrs. Louise deR. Smith, and Mr. McSherry did so.



Mr. Hering appointed Representatives-elect Stabler and Zimmerman to be a committee to examine and certify the Certificates of Election of the Representatives. A short recess was declared for this purpose.

The House reconvened at 2:10 P.M. Mr. Stabler reported that he and Mr. Zimmerman had examined the Certificates of Election and found them to be correct.

Mr. Stabler moved that Mr. McSherry administer the Oath of Representative to Mr. Hering, and Mr. McSherry did so.

Mrs. Smith, Temporary Chief Clerk, read the Certificate of Election of Mr. Hering as follows:

The State of Delaware  
New Castle County, ss

BE IT REMEMBERED, That at the General Election held on the Tuesday, next after the first Monday in November in the year of our Lord Nineteen Hundred and Sixty-eight, for New Castle County, according to the Constitution and Laws of the State of Delaware, George C. Hering, III, was duly elected Representative for the Sixth Representative District for 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 from all the election districts of the County within the said Representative District, 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. 1968.

ALBERT J. STIFTEL  
Associate Judge

ANDREW D. CHRISTIE  
Resident Associate Judge

Mr. Stabler moved that the reading of one Certificate of Election constitute the reading of all. Motion carried.

Mr. Stabler moved that Mr. Hering, as Representative, administer oaths to the 38 Representatives-elect. Mr. Hering called the Representatives-elect forward in groups of six or seven and administered the following oath:

#### OATH OF REPRESENTATIVE

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State

of Delaware from Representative District No. .... in .....  
 ..... County (to which office I was elected at the General  
 Election held in said State in the year A. D. 196.....), 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.

Sworn to this Seventh day of January A. D. 1969 be-  
 fore me.

The following Resolutions were introduced:

**HR 1** — Establishing a Permanent Roll of the Members  
 of the House of Representatives.

BE IT RESOLVED, by the House of Representatives of  
 the 125th General Assembly of the State of Delaware that  
 the following names comprise the permanent roll of the said  
 House:

David S. Benson  
 Robert J. Berndt  
 John G. S. Billingsley  
 Kenneth W. Boulden  
 Warren B. Burt  
 Louis W. Burton  
 Charles Butcher  
 John A. Dillman, Jr.  
 Robert M. Dodge  
 Pierre S. du Pont, IV  
 Oliver S. Fonville  
 William L. Frederick  
 Abe Goldfeder  
 George Edward Gray  
 Lewis B. Harrington  
 Clifford B. Hearn, Jr.  
 George C. Hering, III  
 Clarice U. Heckert  
 George Jarvis  
 John F. Kirk, Jr.  
 Herbert A. Leshner  
 Thomas L. Little  
 John J. McMahon  
 R. Glen Mears, Sr.  
 W. Neal Moerschel  
 Joseph R. Murphy  
 Phillip W. Orth  
 Mario A. Pagano  
 W. Harrison Phillips  
 George R. Quillen

Joe L. Rawlins  
Robert W. Riddagh  
Lorin B. Sebrell  
Marion I. Seibel  
Ernest S. Spence, Jr.  
W. Laird Stabler, Jr.  
Edward S. Stansky  
Jerome N. Unruh  
Jacob W. Zimmerman

Introduced by Mr. Stabler. Adopted by voice vote.

**HR 2** — In reference to the Election of the Speaker of the House of Representatives.

**BE IT RESOLVED** by the House of Representatives of the 125th 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 of Representatives for the duration of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Stabler. Adopted by voice vote.

Pursuant to **HR 2**, Mr. Stabler moved that Mr. McSherry administer the oath of Speaker to Mr. Hering. Motion carried.

**HR 3** — In reference to Election of Officers.

**BE IT RESOLVED**, by the House of Representatives of the 125th 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  
Assistant Chief Clerk — Evelyn Kneisley  
Reading Clerk — John Rogers  
Bill Clerk — Robert J. Barkley  
Assistant Reading and Bill Clerk — Nancy Olsen  
Attorney — Roger Kelsey  
Attorney — Glenn C. Kenton  
Attorney — John A. Rich  
Recorder — Richard Millman  
Multilith Operator — Virgle Banks  
Secretary — Annette Jane McCready  
Secretary — Helen Looney  
Secretary — Ruth Parker  
Secretary — Dorothy Motley  
Secretary — Ruth Potter  
Secretary — Neva Lee Hickman  
Secretary to Minority Leader — Lorraine Coyle  
Pages — Head Page — Joan Painter  
Page — Margaret Zacheis  
Page — Harry C. Hudson  
Page — Lewis P. McNally  
Page — Ellen Greene  
Page — Jessie Lawson

Page — Ruth Ingram

Page — Eunice Collison

Sergeant-at-Arms — Irvin Evans

Sergeant-at-Arms — William C. Kent

Sergeant-at-Arms — Harry Smith

Introduced by Rep. Stabler. Adopted by voice vote.

Pursuant to **HR 3**, Mr. Hering administered the following oath to members of the Legislative Staff.

#### OATH OF EMPLOYEES

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

(Employees Signature)

Sworn and subscribed to this 7th day of January, A.D. 1969.

\_\_\_\_\_  
Speaker of the House of Representatives

**HR 4** — In reference to Temporary Rules of the House of Representatives.

**BE IT RESOLVED**, by the House of Representatives of the 125th General Assembly that the Rules of the House of Representatives in effect at the end of the second regular session of the 124th General Assembly be and they are hereby adopted as the temporary rules for the governing of the present session.

Introduced by Rep. Stabler. Adopted by voice vote.

**HR 5** — Appointing a Committee to notify the Governor that the House of Representatives is organized.

Introduced by Rep. Stabler. Adopted by voice vote.

Mr. Hering appointed Mr. Dodge and Mr. Stansky for the purpose of notifying the Governor that the House was organized.

**HR 6** — Notifying the Senate that the House of Representatives is organized and ready for business.

Introduced by Rep. Stabler. Adopted by voice vote.

Mr. Hering asked the Bill Clerk to notify the Senate that the House was organized.

**HR 7** — Authorizing the 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 Reference Bureau.

Introduced by Rep. Stabler. Adopted by voice vote.

**HR 8** — Appropriation for Postage Stamps for the House of Representatives of the 125th General Assembly.

**BE IT RESOLVED**, by the House of Representatives of the 125th General Assembly of the State of Delaware, that the sum of \$600.00 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 125th General Assembly.

**BE IT FURTHER RESOLVED**, that the Chief Clerk of the House of Representatives is hereby authorized and directed to purchase such postage stamps out of said appropriation.

Introduced by Rep. Stabler. Adopted by voice vote.

**HR 9** — 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 125th 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 of Representatives, to the Chief Clerk of the House, to each Attorney of the House, 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.

Introduced by Rep. Stabler. Adopted by voice vote.

**HR 10** — Authorizing the Legislative Reference Bureau to furnish stationery and other supplies.

**BE IT RESOLVED**, by the House of Representatives of the 125th General Assembly of the State of Delaware, that the Legislative Reference Bureau is hereby authorized and directed to furnish, during the 125th General Assembly, to the Members of the House of Representatives such stationery, books, forms, seals, blanks as may be required for the proper conducting of the business of the House during the 125th General Assembly.

Introduced by Rep. Stabler. Adopted by voice vote.

**HR 11** — That the two Houses meet in Joint Session to hear the State of the State Message of the Governor.

**BE IT RESOLVED**, by the House of Representatives of the 125th General Assembly, the Senate concurring therein, that the two Houses of the General Assembly meet in Joint Session in the Senate Chamber at 2 o'clock P.M. on the 14th day of January, A. D. 1969, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, the annual State of the State address.

Introduced by Rep. Stabler. Adopted by voice vote.

Mr. Hering announced House Committees, Chairmen and Committee Members as follows:

**COMMITTEES OF HOUSE OF REPRESENTATIVES**

Appropriations — Leshner, Chairman; Billingsley, Gray, Harrington, Orth.

Commerce & Labor — duPont, Chairman; Little, Moerschel, Pagano, Boulden, McMahon.

Education — Heckert, Chairman; Dillman, Kirk, Sebrell, Hearn, Phillips.

Elections — Little, Chairman; Heckert, Jarvis, Moerschel, Butcher, Mears.

Financial Institutions — Burton, Chairman; Berndt, Dodge, Unruh, Rawlins, Stansky.

Government Operations — Riddagh, Chairman; Murphy, Seibel, Goldfeder, Rawlins.

Health & Welfare — Frederick, Chairman; Burt, Riddagh, Unruh, Fonville, McMahon.

Highways and Public Safety — Murphy, Chairman; Berndt, Quillen, Spence, Mears, Orth.

House Administration — Hering, Chairman; Dodge, Moerschel, Stabler, Stansky, Zimmerman.

Judiciary — Burt, Chairman; Benson, Burton, Seibel, Goldfeder, Hearn.

Natural Resources — Quillen, Chairman; Gray, Sebrell, Spence, Phillips, Stansky.

Public Buildings & Lands — Kirk, Chairman; Dillman, Frederick, Leshner, Boulden, Zimmerman.

Revenue & Taxation — Jarvis, Chairman; Benson, Billingsley, duPont, Fonville, Zimmerman.

Revised Statutes — Benson, Chairman; Frederick, Seibel, Butcher, Harrington, Unruh.

Mr. Zimmerman requested the following be read and made a part of the Journal:

**HOUSE OF REPRESENTATIVES**

State of Delaware

January 7, 1969

Speaker of the House

George C. Hering, III

Legislative Hall

Dover, Delaware

Dear Speaker Hering:

Pursuant to Chapter 322, Volume 55, Laws of Delaware, I hereby appoint Representative W. Harrison Phillips to the Legislative Council.

Very truly yours,  
Jacob W. Zimmerman  
House Minority Leader

Mr. Hering announced the appointment of Mr. Dodge to the Legislative Council.

Mr. Hering read the following communication from The Honorable Elbert N. Carvel:

**STATE OF DELAWARE**

**Constitution Revision Commission**

January 6, 1969

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

Dear Mr. Speaker:

The Constitutional Revision Commission has been diligently at work for the past nine months framing a revision of our present Constitution which they will recommend to the General Assembly of Delaware.

Because of the thorough consideration we have given to the problem of revision it has taken us longer than we had originally planned. We will be unable to present our recommendations to the General Assembly on January 10, 1969 as projected in the original Resolution authorizing our commission.

We believe that our work will be completed by May 10, 1969. We have authorized Senator Manning to introduce a Resolution to extend the time of reporting our recommendations to the General Assembly by that date.

Cordially,  
Elbert N. Carvel, Chairman  
Constitutional Revision  
Commission

Mr. Hering announced that a meeting of the Legislative Council will be held Wednesday, January 8, 1969, at 11:00 A.M.

Mr. Stabler moved for adjournment until Wednesday, January 8, at 1:30 P.M. House adjourned at 2:40 P.M.

**2ND LEGISLATIVE DAY**

The Speaker called the House to order at 1:40 P.M. on January 8, 1969.

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

There was a prayer by the Chaplain, Reverend Charles Covington, Epworth Methodist Church, Rehoboth, Delaware.

The Roll Call revealed 36 present, 2 absent. Mr. Pagano not having been sworn in, due to illness, there are only 38 House members.

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

Absent: Rawlins, Stabler — 2.

Senators Manning and Cook were recognized and welcomed by the Speaker. They informed the House that the Senate was organized and ready for business.

A messenger from the Senate informed the House that it had passed **SB 1** and requested the concurrence of the House.

Mr. Dodge requested that **SB 1** be introduced and rules be suspended.

**SB 1** — An Act making a supplementary appropriation to the Delaware State Development Department. Introduced by Senators duPont and Cook.

Mr. Dodge motioned to suspend rules in order to consider **SB 1**. Motion carried by roll call vote. Mr. Zimmerman requested a breakdown of the funds to be appropriated in **SB 1**. Senator duPont was granted privilege of the floor and itemized said funds.

On motion of Mr. Dodge, and rules having been suspended, the roll was called on passage of **SB 1** revealing as follows:

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

ABSENT — Rawlins, Stabler — 2.

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

The following Resolution was introduced:

**HR 12** — Relative to the Death of W. Marion Stevenson.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with regret of the passing of W. Marion Stevenson; and

WHEREAS, W. Marion Stevenson has served the people of this State in public service for 40 years as Secretary-Treasurer of the Town of Frederica, Representative in the General Assembly, Prothonotary of Kent County, Clerk of the Supreme Court and as Judge of the Family Court of Kent and Sussex counties; and

WHEREAS, W. Marion Stevenson served as Judge of the Family Court of Kent and Sussex counties from its inception in 1951 until his untimely death on January 5, 1969; and

WHEREAS, Judge Stevenson was universally respected and admired by the people of Kent County and the State of Delaware; and

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 125th General Assembly of the State of Delaware which is extended by sending a copy of this Resolution to the family of the deceased.

**BE IT FURTHER RESOLVED** that the text of this Resolution be made a part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rawlins and all House Members. On motion of Mr. Zimmerman, who handled the resolution for Mr. Rawlins, **HR 12** was adopted by voice vote.

**HCR 1** — That the two Houses meet in Joint Session to Hear the message of the Governor.

Introduced by Mr. Hering. Mr. Dodge explained that this Resolution was **HR 11** re-introduced as a concurrent resolution due to its pertaining to both Houses. On motion of Mr. Dodge, **HCR 1** was adopted by voice vote.

**HB 1** — An Act making a Supplementary Appropriation to the Secretary of State. Introduced by Rep. Stabler. Referred to the Committee on Commerce and Labor.

Mr. Dodge moved to suspend rules to consider **HB 1**. Mr. Speaker called a recess not to exceed 5 minutes. House recessed at 2:20 P.M., and reconvened at 2:25 P.M.

The following was reported out of Committee: Commerce and Labor: **HB 1**, 5 favorable.

Mr. Dodge moved to suspend all rules in order to consider **HB 1**. Mr. Elisha Dukes, Secretary of State, was granted privilege of the floor to explain the bill and the necessity for passing it as soon as possible. On motion of Mr. Dodge a roll call was taken for passage of **HB 1** and revealed as follows:

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

**ABSENT** — Rawlins, Stabler — 2.

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

A messenger from the Senate informed the House that the Senate had passed **HCR 1** and returned same to the House.

The following bill was introduced:

**HB 2** — An Act to Amend Title 14 of the Delaware Code to provide for the Establishment of Interim Boards of Education for Proposed School Districts. Introduced by Mrs. Heckert. Referred to the Committee on Education.

The House recessed at 2:40 P.M. to the call of the chair, on January 14th at 1:30 P.M.

### 3RD LEGISLATIVE DAY

The Speaker called the House to order at 1:41 P.M., on January 14, 1969.

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

There was a prayer by Representative Frederick.

The Roll Call revealed 38 present, 1 absent.

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

Absent: Little — 1.

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

Mr. Pagano was sworn in as Representative by Speaker Hering.

A messenger from the Senate delivered the following: **SB 9** having passed the Senate and requesting concurrence of the House.

The Speaker made announcements regarding the following: Delaware Air National Guard cordially invites members of the General Assembly for Saturday, February 8, 1969, at 10:00 A.M.; Congressman Roth invites members of the General Assembly to stop by his office during Inauguration Day, January 20th.

Mr. Leshner reported that the Joint Finance Committee has been organized, with himself as Chairman, and Senator Dean C. Steele as Vice-chairman.

The following was reported out of committee: Education: **HB 2**, 1 favorable, 3 on merits.

The following were introduced and assigned to committee:

**HB 3** — 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 & Taxation.

**HB 4** — An Act to Amend Section 9605, Title 9, Delaware Code, relating to the Recordation of Instruments in Kent County by Providing for Recordation by Microfilming methods. Introduced by Rep. Sebrell. Referred to the Committee on Government Operations.

**HB 5** — An Act to Change the Name of the "Delaware Institute of Technology" to "Delaware Technical and Community College". Introduced by Rep. Heckert. Referred to the Committee on Education.

**HB 6** — An Act to Amend Section 1056 (b); Title 14, Delaware Code, relating to School Property; Use, Control and Management. Introduced by Reps. Murphy, Kirk and Riddagh. Referred to the Committee on Education.

**HB 7** — An Act to Permit the Board of Trustees of the John Dickinson School District No. 133 to Transfer Certain Funds from its Local Debt Service Account to its School Construction Account. Introduced by Rep. Pagano. Referred to the Committee on Education.

**HB 8** — An Act to Amend §1155 (d), Title 9, Delaware Code, relating to an Exemption from Real Property Tax for Residents of an Unincorporated Community in New Castle County which Perform Local Service Functions. Introduced by Rep. Murphy. Referred to the Committee on Revised Statutes.

**HB 9** — An Act to Amend Chapter 13, Title 29, Delaware Code, relating to Reorganization of the Legislative Reference Bureau. Introduced by Rep. Hering. Referred to the Committee on House Administration.

**HB 10** — An Act Making a Supplementary Appropriation to the Governor of the State of Delaware for the Purpose of Employing a Legal Advisor and the Necessary Secretarial Help. Introduced by Rep. Hering. Referred to the Committee on House Administration.

A messenger from the Senate, Senator Holloway, stated that the Senate was ready for the Joint Session authorized by **HCR 1**.

House recessed at 1:58 P.M. for the purpose of hearing the Governor deliver his "State of the State" message.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant Governor Tribbitt invited the Speaker of the House to a seat on the rostrum.

## JOINT SESSION

2:03 P.M.

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

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

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

Senator Grier moved a committee be appointed by the Chair to escort the Governor to the Senate Chamber.

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Senators Robbins and Isaacs and Representatives Unruh and Stansky.

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

The President invited the Governor to the Rostrum and introduced him to the Joint Session.

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

**BUDGET AND STATE OF THE STATE MESSAGE**

**BY**

**THE HONORABLE CHARLES L. TERRY, JR.  
GOVERNOR OF DELAWARE**

**To The**

**FIRST REGULAR SESSION OF THE  
ONE HUNDRED TWENTY-FIFTH GENERAL ASSEMBLY  
Of The  
STATE OF DELAWARE  
DOVER**

**January 14**

**Nineteen Hundred and Sixty-Nine**

Mr. President

Mr. President Pro Tem

Mr. Speaker

Members of the 125th General Assembly

Fellow Citizens:

By reason of your invitation I am here to speak in depth about a proposed budget which in a very real sense is also a picture of the State of the State, for it is in our Budget — the collection and expenditure of money — that we reflect the wisdom and prudence of Government.

Upon this, my final speech of this nature, it is, of course, tempting to review once more the accomplishments brought about through four years of intense effort not only on my part, but through the dedicated contribution of many others working in a spirit of compromise and discussion to achieve noble and beneficial ends. I shall resist the temptation, trusting confidently to history to judge the record of the Terry Administration. I have been the Governor and have done my best and will abide by the verdict of the future.

A primary duty of a state's chief executive is to assure the exercise of fiscal responsibility in all areas, from taxation to appropriations. Certainly fiscal responsibility has constantly had priority attention in all the considerations and recommendations made by me. This fiscal responsibility means supplying needed and desirable services with a maximum of efficiency, the establishment of clear procedures to make the agencies responsible to the Governor and the implementation of programs within the available revenue.

Let me say that in my view a balanced budget means financing the operation of Government within the limits of all available revenue, including uncommitted cash balances

and money collected through fees and taxation. The proposed budget I am presenting today for the fiscal year to begin in July is a balanced one.

It will make use of the uncommitted \$16 million surplus with which we will end the current fiscal year, provide for orderly growth during the next year and permit the State Government to operate effectively through June, 1970, without borrowing funds or raising the state's income by means of additional Taxation.

With this budget and those enacted before during my term of office we have vastly improved programs that existed before, initiated far-reaching new programs of proven merit and have established the Chief executive as the responsible fiscal officer of the state.

I stand here today having made no promises to any pressure group or special interest for preferred consideration of any nature. My only specific obligation is that of continuing and general concern for the people of this state, and this budget, accordingly, is in the tradition of progressive, realistic budgets that my party has proposed for eight consecutive years. It provides for new and expanded services without inefficient crash programs; it proposes to live within available revenue without new taxes. It is the very budget I would have presented to you if I were to be your Chief Executive for the next four years.

The total recommendations are for appropriations of \$195.2 million, leaving a cash balance 18 months from now of over half a million dollars. Since there is little executive control that can be exercised over automatic appropriations—mostly revenue refunds, routine grants-in-aid and reversions which will amount to about \$4.5 million of the total budget, I shall limit my discussion to portions of the balance of \$190.7 million herein recommended to be spent.

The budget as proposed contains increases of one half million dollars for Debt Service and one half million dollars for State Employees' Pensions. As you know, a Pension Study Committee authorized by the Legislature and named by me has completed its study. Its report will be in your hands in the near future.

Education, as it has in the past four years, continues to receive a top priority in this budget proposal. Appropriations for higher education were doubled during the years 1965-69, placing Delaware among the top states in the nation for increased aid to higher education for that period. Next year's budget proposes another increase of \$1.8 million or nearly 14 per cent.

One of the most dramatic advances in higher education in Delaware has been the creation of the Technical and Community College with two branches already initiated. The pro-

posed budget will provide for expansion to full, two-year programs at each branch.

During the years 1965-69 state appropriations for education below the college level were increased by 50 per cent while the pupil increase was only 22 per cent. Annual teacher salaries were increased by a minimum of \$1,200; additional administrators and clerks were provided in excess of those required for increases numbers of pupils; educational television for a statewide program was funded in its entirety; non-salary appropriations to the districts were increased on the average by \$275 per pupil unit or 31 per cent; pupil transportation requirements were liberalized for public school pupils and funds were provided for private school transportation; driver education programs were expanded and more than 100 public kindergarten units were initiated.

By far the single largest increase in next year's budget recommendation — \$6.5 million — is for improvements in the educational program below the college level. The main elements in this improved program, other than provision for increased numbers of pupils in the elementary and secondary grades, are significant:

(1) Complete implementation of the kindergarten program started on only a piecemeal basis by the General Assembly during the current school year;

(2) A \$400 salary increase for teachers and all other professional personnel employed for ten months and a \$480 increase for those administrators employed on a twelve month basis. Incidentally, I should like to comment on a recent irresponsible statement by an educational association leader to the effect that while teachers had been reasonably treated over the years that administrators had sometimes been forgotten. The truth of the matter is that there has not been a single state salary increase since at least 1948 for teachers that did not include an equal or larger increase for administrators. During these same years there have been additional increases for administrators that did not include teachers;

(3) The removal of all elementary school principals from the pupil unit formula, which means that local school districts will be able to employ, on state funds, extra teachers equal to the number of elementary principals in the districts.

During the past year much deserved attention was given to our state police. The strength of the uniformed division is being increased from 250 to 310 men during the current year and salary schedules have been raised substantially. For next year I have recommended funding to further increase this strength by 50 to a total of 360 in the uniformed division. I have also recommended funds for the continuation of the new Delaware Law Enforcement Planning Agency and the programming for the State Police Criminal File.

Years ago, when few people understood the nature of mental illness our state was a leader among the states in programs of enlightened rehabilitation. I have always believed that there is no higher priority among our government functions than that of helping to transform confused, ill citizens—children and adults alike — into self-sustaining, productive members of our society. Since 1965 the state appropriated operating budget of the Department of Mental Health has been increased by nearly \$3.5 million or 53 per cent. This increase has been aimed primarily at providing additional nurses, aides and attendants in all programs and in providing an adequate salary for these employees.

Included in this recommendation is the initial staffing for the new Children's Hospital that is now nearly complete. On the surface it would appear that the budgetary increase for this department was one and one-quarter million dollars or about 12½ per cent. Unfortunately, some part of this sum, perhaps as much as \$250,000 will be required just to implement the new merit system salary schedule started July 1, 1968, and to be paid this year from a special contingency fund. On the brighter side, however, is that this recommended appropriation will provide for 58 new positions and allow a number of additional positions which were authorized for the current year but unfilled for part of the year to be filled in their entirety next year. My point, again, is that purely monetary budget comparisons for such programs are difficult.

Further, any superficial comparison of the funds appropriated to a particular agency can be misleading in some cases because of a special, one year project or a special item of capital outlay that may have been a part of the current budget and need not be repeated next year.

For example, four years ago the combined General Fund Budget of the Water and Air Pollution Agencies was \$79,000 and federal matching funds amounted to only \$57,000. I have given this vital area of pollution control a high priority during my administration and the current General Fund Appropriation is \$455,000 with at least \$350,000 more anticipated in federal matching funds. In the current year's General Fund Appropriation, however, is the sum of \$100,000 for air pollution monitoring stations. When combined with the stations purchased last year this particular program of capital outlay will be virtually complete. As a result, it will be possible to expand the state supported staff of this agency from the present 41 positions to 47 next year for an increase of 16 per cent with a slight decrease in the overall state appropriation. A comparable situation obtains in the State Distribution Agency and several others.

It is my recommendation, for the sake of efficiency that the Department of corrections not make a partial transfer to the incomplete facility at Smyrna. Such a move at this time would cause unnecessary duplication of personnel and other expense. During the present year appropriations have been made to implement 100 per cent of the probation and parole program requested by the department. It is my understanding that many of the authorized positions for this program are vacant, not because of a lack of funds, but because the qualifications are too stringent. For next year I have again recommended 100 per cent funding for the probation and parole program as requested by the department but I respectfully suggest to the General Assembly that it revise the statutory requirements for these positions to a more reasonable level in order that this program may become a reality.

The final significant budgetary increase recommended for next year is for the Department of Public Welfare. In 1965 this department expended \$2,972,000 of state appropriations. This year, just four years later, this department has a state appropriation of \$5,574,000. This is an increase of \$2.6 million or nearly 88 per cent in just four years, and does not include most of the cost of the new medical care program that has been funded by other means. Because of the prosperity of our state and the currently low unemployment rate this is an especially disturbing trend. My recommendation for next year will increase this appropriation by \$865,000 or more than 15 per cent. This is a serious problem area which cannot continue along present patterns without causing perpetual monetary problems.

Finally, I would call attention to three experimental programs that were initiated during the past year — the Summer Youth Employment Program, the Day Care Centers, and the Recreation Program. None of the agencies involved requested funds to continue these programs next year. I am reasonably sure that this was not because these programs were considered to be failures but because there has not been time to properly evaluate them, especially in terms of possible alternatives. For instance, the Day Care Centers have really just commenced. I am calling your attention to these programs because they have not been funded in the budget recommended for next year. By the time the Finance Committee of the Assembly acts on my recommendations it is entirely possible that it will be able to better evaluate these programs, the actual cost of each, and the cost of alternatives. You will note that with this budget recommendation I have estimated a cash balance of \$500,000 on June 30, 1970. This surplus which could be more if economic conditions improve further, can certainly be allocated in such amounts and to such of these programs as the Assembly determines to be most productive in terms of our state's goals.



During the past four years we have financed vital program improvements and new programs in every area of state government and especially in education with no major tax increases — no increases in corporation or personal income taxes and no sales tax. I have recommended a budget that can continue this improvement of important programs during the next eighteen months with no tax increase. I believe the citizens and taxpayers of Delaware are entitled to this consideration.

Before closing I want to speak briefly about the 1970 proposed capital budget of \$44,448,000, approximately \$11,000,000 less than the capital budget of 1969. On the other hand, the projected capital improvement program for 1970-1975 is \$337,832,000 versus \$272,408,000 for 1969-1974.

This year's capital budget incorporates several innovations from previous capital budgets. One of these innovations includes the funding of design in the first fiscal year, and the funding for construction in the following fiscal year. This method was utilized on large projects which require well over a 12 month design period. This principle, however, was not utilized for smaller projects which could be placed under construction within the first year of funding.

Another change in the capital budget includes two new accounts in the Department of Highways. The first being the preliminary engineering account which provides for \$750,000 to be appropriated to the Department of Highways for preliminary engineering of specific major corridor projects. In previous years, funds were line itemed by project, as a result, if a particular road was delayed in design the funds appropriated to that road were not expended. By providing flexibility to the Department of Highways in this program, it is my feeling that funds will be available for more expeditious road construction. It should be noted that I am requesting that the Department of Highways account for the expenditure of these funds on a line item basis.

This second account which I am proposing for the Department of Highways is the right-of-way acquisition account. This fund will be utilized to require rights-of-way for certain designated projects and will consist of \$1,000,000 initially. This fund will also be accounted for on a line item basis.

Last year the Legislature authorized a statewide kindergarten program. This year I am recommending \$2,870,000 to construct 170 classrooms at eleven school districts in the state. These districts require the classrooms in order to implement the program. I am also recommending this year the construction of a new state police troop station to be located on state owned lands in the vicinity of Lums Pond State Park. This station is intended to provide police protection to Southern New Castle County. I am recommending the design of a new medical-surgical building for the State of Delaware to

be constructed at Delaware State Hospital. This building was recommended by the Health Planning Council, Incorporated, the Department of Mental Health, and the Delaware State Planning Office, in an effort to provide medical-surgical needs to patients who are institutionalized in the various state hospitals and institutions of Delaware. \$500,000 is recommended to provide 50 per cent grants to counties and municipalities of the state for acquisition and development of park and recreation areas. These funds will be administered by the State Budget Commission with recommendations by the State Planning Office. The Wilmington State Office Building Commission has a signed agreement on sale for a tract of land in the Civic Center area of Downtown Wilmington. I am recommending \$500,000 for the design of the Wilmington State Office Building. The seven programs which I have outlined are basically new programs for our state, which have been initiated either through legislative action or executive policy. I believe these are good programs and should be funded.

I want to impress once more that we will have an uncommitted cash surplus from taxes paid of \$16 million as of July 1, 1969. Without question, that money should be used to balance expenditures. This is no time to create savings accounts at the cost of additional taxes to our citizens.

Taxes should not be raised to further burden the people of Delaware when a substantial cash surplus of \$16 million is in existence. To raise taxes under such circumstances would be an unwarranted and unjustified imposition upon the taxpayers.

I leave office on the 21st with the knowledge that my administration has made a substantial contribution to the welfare of our state, and in this respect, I want to express my appreciation for the cooperation I have received from the members of the 123rd and 124th General Assemblies. I have found during my term as Governor that when matters of real importance and substance were at stake, the cooperation of the Legislature has been forthcoming.

I am turning over to the Governor-elect the Governor's House which is a priceless token representing the dignity of our state and reflecting its heritage and history in the forefront of patriotism and liberty. I hope that he will find within its walls the contentment and happiness that has been mine.

I hope that each of you will find that depth of individual happiness that I have found which is most meaningful to a human being when he concludes some phase of his career with the absolute knowledge that he has done his very best in the service of his fellow man.

I wish for Governor-elect Peterson much success and happiness, and may God shower His blessings upon each of you.

Senator Grier moved that the previously named committee escort the Governor from the Chamber.

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

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

Senator Grier moved the two Houses new separate to reconvene in their respective chambers. Motion prevailed. Adjourned at 2:42.

House reconvened at 3:18 P.M.

The following were introduced and assigned to committee.

**HB 11** — An Act to Amend Section 9207, Subchapter I, Chapter 92, Title 10, Delaware Code, relating to Bonds for Justice of the Peace. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 12** — An Act to Amend §704 (f) Title 7, Delaware Code, relating to the use of dogs for hunting deer in Sussex County. Introduced by Rep. Gray. Referred to the Committee on Natural Resources.

**HR 13** — Relative to the Death of Zedoc F. Clark.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with regret of the passing of Zedoc F. Clark on November 19, 1968; and

WHEREAS, Zedoc F. Clark has served the people of the State as a Representative in the 114th General Assembly; and

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 125th General Assembly of the State of Delaware which is extended by sending a copy of this Resolution to the family of the deceased;

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Burton. Adopted by voice vote.

**HA 1 to HB 2** — Introduced by Rep. Murphy. Placed with bill in Education Committee.

The following were reported out of committee: House Administration: **HB 9**, 4 favorable, 1 on merits; **HB 10**, 4 favorable, 1 on merits.

The following were introduced and assigned to committee:

**HB 13** — An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1970. Introduced by Rep. Zimmerman. Referred to the Committee on Appropriations.

**SB 9** — An Act to Amend Chapter 189, Volume 56, Laws of Delaware, by extending the time when the Constitutional Revision Commission shall submit its report and providing for additional services of said Commission. Introduced by Senator Manning. Referred to the Committee on Judiciary.

House recessed at 3:32 P.M. until Wednesday, January 15th at 1:30 P.M.

The Speaker called the House to order at 1:44 P.M. Mr. Stabler moved to adjourn until 1:45 P.M., thereby ending the 3rd Legislative Day. Motion carried.

#### 4TH LEGISLATIVE DAY

The Speaker called the House to order at 1:45 P.M. on Wednesday, January 15, 1969.

There was a prayer by the Chaplain Reverend David Mulford, Georgetown.

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

The Roll Call revealed 39 members present.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 39.

Absent: None.

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

The Speaker called attention to the form entitled "Designation of Emergency Interim Successor" which must be filled out by each member of the General Assembly.

The Speaker announced that members of the Senate and House will meet in Joint Session on Tuesday, January 21st, and proceed in a body to the Inauguration of the Governor and Lieutenant Governor.

A messenger from the Senate delivered the following which had been passed by the Senate and requested the concurrence of the House: **SCR 1**.

The following bills were introduced and assigned to committee:

**HB 14** — An Act to Amend Section 9222, Subchapter II, Chapter 92, Title 10, Delaware Code, relating to bonds for Clerks in Justice of Peace Courts. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 15** — An Act to Authorize the State Highway Department to install illuminating lights at a certain intersection of roads in New Castle County and making a Supplemental Appropriation therefor. Introduced by Mr. Benson. Referred to the Committee on Highways and Public Safety.

**HB 16** — An Act to Amend Chapter 55, Title 29, Delaware Code, relating to State Employees' Pension Plan. Introduced by Rep. Sebrell. Referred to the Committee on Government Operations.

**HB 17** — An Act to Amend Section 1701 (a) and (c), Title 7, Delaware Code, relating to Dog License and Kennel License Fees. Introduced by Rep. Sebrell. Referred to the Committee on Natural Resources.

**HB 18** — An Act to Amend Section 2002, Title 14, Delaware Code, relating to State Board of Education establishment of School Building Construction Manual and Minimum Specifications thereof, and making a Supplementary Appropriation therefor. Introduced by Reps. Sebrell. Referred to the Committee on Education.

**HB 19** — An Act to Amend Part III, Title 21, Delaware Code, by adding a new Chapter 46 relating to the Advertisement and Sale of Master Keys and providing for Penalty for Violation thereof. Introduced by Rep. Sebrell and others. Referred to the Committee on Revised Statutes.

**HB 20** — An Act Agreeing to a Proposed Amendment to Article 4 of the Constitution of the State of Delaware relating to the Creation of a Court on the Judiciary. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 21** — An Act to Permit Houston School District No. 125 to Transfer Certain Funds from its Local Debt Service Account to its Local Fund No. 80. Introduced by Rep. Quillen. Referred to the Committee on Education.

**HB 22** — An Act to Amend Section 122, Title 16, Delaware Code, Relating to the Powers and Duties of the State Board of Health by Permitting Municipalities to Reject Flouridation by Special Election. Introduced by Rep. Riddagh. Referred to the Committee on Health & Welfare.

**HB 23** — An Act to Amend Section 1001 (a), Title 20, Delaware Code, relating to Pension Benefits for State Paraplegic Veterans. Introduced by Rep. Riddagh. Referred to the Committee on Government Operations.

**HB 24** — An Act Authorizing the State of Delaware to Borrow Money to be Used for Local Park Land Acquisition and Park Development Assistance and to issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the State Budget Commission. Introduced by Rep. Zimmerman. Referred to the Committee on Public Buildings & Lands.

**HA 1 to HB 9** — Introduced by Rep. Hering. Placed with bill.

**SCR 1** — Providing for the Establishment of a Committee of the General Assembly for the Purpose of Investigating Complaints relating to Administrative and Elective Agencies of this state. Introduced by Senator Isaacs. Referred to the Committee on Government Operations.

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

**HB 2 with HA 1** — An Act to Amend Title 14 of the Delaware Code to Provide for the Establishment of Interim Boards of Education for Proposed School Districts.

Mrs. Heckert moved for the adoption of **HA 1** by voice vote. Motion carried.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 39.

**NAYS** — None.

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

Mr. Benson read a statement as follows and moved that it be included in the Journal. Motion adopted by voice vote.

Address to the House of Representatives of the 125th General Assembly by Representative David S. Benson January 15, 1969.

Mr. Speaker and members of the House.

The citizens of this state, the people who pay the taxes, the people we serve and the people who expect and are entitled to have qualified people appointed to serve their interests have just been treated to a most flagrant and arrogant "TO HECK WITH YOU" attitude of the present administration by the appointment of Mr. Edwin W. Hutchinson as Assistant to the Deputy Administrator of the Justice of the Peace system at a salary of \$12,000.00.

There was no provision in the budget of the Supervisor of Justice of the Peace Courts for this position. Now Mr. Hutchinson was appointed to this position effective January 1, 1969. Where did the money come from to pay his salary from January 1 to June 30, 1969? It is interesting to note that while the out-going Governor makes great claims to fiscal responsibility, very conveniently found \$6,000.00 in his contingency fund to take care of this old party faithful, even though the position to which he was appointed was not needed and this Legislature was not asked to provide the money.

To add insult to injury, this person, with no experience and no knowledge of the Justice of the Peace system was installed at a much higher salary than the man who has been

Deputy Administrator since the reorganization of the Justice of the Peace Courts in 1965, a man with experience and ability, but who may not be as highly regarded by his party as is Mr. Hutchinson.

Mr. Stabler assumed the chair as Temporary Speaker.

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

**HB 9 with HA 1** — An Act to Amend Chapter 13, Title 29, Delaware Code, relating to Reorganization of the Legislative Reference Bureau.

Mr. Hering moved for adoption of **HA 1** by voice vote. Motion carried.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 39.

**HB 9 with HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 10** — An Act Making a Supplementary Appropriation to the Governor of the State of Delaware for the Purpose of Employing a Legal Advisor and the Necessary Secretarial Help.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 39.

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

Mr. Hering resumed the Speaker's Chair.

A messenger from the Senate delivered the following which had been passed by the Senate and asked concurrence of the House: **SB 15**.

Mr. Burt announced a meeting of the Judiciary Committee to be held on Tuesday, January 21st at 10:45 A.M. for the purpose of considering **HB 11, 14 and 20 and SB 9**.

House recessed at 2:33 P.M. Reconvened at 3:18 P.M.

Mr. Hering announced distribution of Delaware Code to new members and pocket parts to all members.

A messenger from the Senate delivered the following which had been passed by the Senate and requested concurrence of the House: **SCR 2**.

**SB 15** — An Act to Amend Chapter 11, Title 14, Delaware Code relating to Change in Boundaries of Special School Districts and School Districts. Introduced by Senator Steele. Assigned to the Committee on Education.

**SCR 2** — Providing for a Joint Session of the Senate and the House of Representatives for the Purpose of Publishing the Returns of the Election for Governor. Introduced by Senator duPont.

Mr. Stabler moved for adoption of **SCR 2** by voice vote. Motion carried.

Mr. Stabler moved that the House recess to the call of the chair. Motion carried. House recessed at 3:28 P.M.

### 5TH LEGISLATIVE DAY

The Speaker called the House to order at 11:21 A.M. on Tuesday, January 21, 1969.

There was a prayer by the Chaplain Reverend Charles E. Covington, Rehoboth.

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

The Roll Call revealed 36 members present, 3 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 36.

Absent: Burton, Fonville, Spence — 3.

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

The following bills were reported out of committee: Judiciary: **HB 11**, 5 favorable; **HB 14**, 5 favorable, **HB 20**, 5 favorable; **SB 9**, 5 favorable; Health and Welfare: **HB 22**, 2 favorable, 3 on merits.

The House recessed pursuant to **SCR 2**, to attend Joint Session in the Senate Chamber.

The Sergeant-at-Arms announced the Speaker and members of the House of Representatives. They were admitted and seated. Lieutenant Governor Sherman W. Tribbitt invited the Speaker, George Hering, and President Pro Tem, Reynolds duPont, to seats on the rostrum.

### JOINT SESSION

11:32 A.M.

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



Mr. Grier moved that the Lieutenant Governor preside over the Joint Session. Motion prevailed.

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

Lieutenant Governor Tribbitt asked the Reading Clerk to read the Certificates of Election by County for Governor and Lieutenant Governor as follows:

#### THE STATE OF DELAWARE

##### NEW CASTLE COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and Sixty-eight, for New Castle County, according to the Constitution and Laws of the State of Delaware, Seventy-Four Thousand Three Hundred Twenty-Three (74,323) votes were given for Charles L. Terry, Jr. for Governor; Seventy-Seven Thousand Two Hundred Nine (77,209) votes were given for Russell W. Peterson for Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by laws in this behalf.

IN TESTIMONY WHEREOF, We, Albert J. Stiftel and Andrew D. Christie, the 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. 1968.

Albert J. Stiftel, President Judge

Andrew D. Christie, Resident Associate Judge

#### THE STATE OF DELAWARE

##### KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and Sixty-eight, for Kent County, according to the Constitution and Laws of the State of Delaware, Thirteen Thousand Four Hundred Seventy-one (13,471) votes were given for Charles L. Terry, Jr. for Governor; Ten Thousand Three Hundred Forty-eight (10,348) votes were given for Russell W. Peterson for Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Wm. Duffy and William J. Storey constituting the Superior Court for Kent 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 7th day of November, A. D. 1968.

Wm. Duffy, Chancellor

William J. Storey, Resident Associate Judge

**THE STATE OF DELAWARE  
SUSSEX COUNTY, ss.**

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and Sixty-eight, for Sussex County, according to the Constitution and Laws of the State of Delaware, Sixteen Thousand Nine Hundred Seventeen (16,917) votes were given for Russell W. Peterson for Governor; Fourteen Thousand Five Hundred Sixty-six (14,566) votes were given for Charles L. Terry, Jr. for Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, John J. McNeilly and James B. Messick, the Judges constituting the Superior Court in Sussex 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 seventh day of November, A. D. 1968.

James B. Messick, Associate Judge

**THE STATE OF DELAWARE  
NEW CASTLE COUNTY, ss.**

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and Sixty-eight, for New Castle County, according to the Constitution and Laws of the State of Delaware, Seventy-Three Thousand Two Hundred Twenty-Eight (73,228) votes were given for Sherman W. Tribbitt for Lieutenant Governor; Seventy-Three Thousand Seven Hundred Twenty (73,720) votes were given for Eugene D. Bookhammer for Lieutenant Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Albert J. Stifel and Andrew D. Christie, the 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. 1968.

Albert J. Stiftel, President Judge  
Andrew D. Christie, Resident Associate Judge

THE STATE OF DELAWARE  
KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord nineteen hundred and Sixty-eight, for Kent County, according to the Constitution and Laws of the State of Delaware, Twelve Thousand Five Hundred Seventy-Three (12,573) votes were given for Sherman W. Tribbitt for Lieutenant Governor; Ten Thousand Six Hundred Forty-Seven (10,647) votes were given for Eugene D. Bookhammer for Lieutenant-Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Wm. Duffy and William J. Storey constituting the Superior Court for Kent 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 7th day of November, A. D. 1968.

Wm. Duffy, Chancellor  
William J. Storey, Resident Associate Judge

THE STATE OF DELAWARE  
SUSSEX COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and Sixty-eight, for Sussex County, according to the Constitution and Laws of the State of Delaware, Seventeen Thousand Four Hundred Seventy-Two (17,472) votes were given for Eugene D. Bookhammer for Lieutenant Governor; Thirteen Thousand Six Hundred Twenty (13,620) votes were given for Sherman W. Tribbitt for Lieutenant Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, John J. McNeilly and James B. Messick, the Judges constituting the Superior Court in Sussex 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 seventh day of November, A. D. 1968.

James B. Messick, Associate Judge

New Castle County — 77,209 for Russell W. Peterson for Governor; 74,323 for Charles L. Terry for Governor.

Kent County — 10,348 for Russell W. Peterson for Governor; 13,471 for Charles L. Terry for Governor.

Sussex County — 16,917 for Russell W. Peterson for Governor; 14,566 for Charles L. Terry for Governor.

Lieutenant Governor Tribbitt asked the Secretary of the Senate to announce the total votes. The Secretary of the Senate announced as follows: Russell W. Peterson for Governor, 104,474; Charles L. Terry for Governor, 102,360; Eugene Bookhammer for Lieutenant Governor, 101,839; Sherman W. Tribbitt for Lieutenant Governor, 99,420.

Lieutenant Governor Sherman W. Tribbitt pronounced Mr. Peterson and Mr. Bookhammer duly elected Governor and Lieutenant Governor for the ensuing four years.

House reconvened at 12:20 P.M. to go together to the Armory for the inauguration of Russell W. Peterson as Governor of the State of Delaware and Eugene Bookhammer for Lieutenant Governor of the State of Delaware.

House reconvened at 2:58 P.M.

Mr. Burton asked to be marked present.

The following bills were reported out of committee: Government Operations: **HB 23**, 5 favorable; **SCR 1**, 4 favorable, 1 on merits; Education: **HB 7**, 3 favorable, 3 on merits; **SB 15**, 4 favorable, 2 on merits.

The following bills were introduced and assigned as follows:

**HB 25** — An Act to amend Subchapter IX, Title 11, Delaware Code, relating to burglary and breaking and entering. Introduced by Rep. Benson. Referred to Judiciary Committee.

**HB 26** — An Act to amend Title 11, Subchapter XLVII, Delaware Code, relating to robbery and assault. Introduced by Rep. Benson. Referred to Judiciary Committee.

**HB 27** — An Act to amend Title 11, Subchapter XLVIII, Delaware Code, relating to sexual offenses against minors. Introduced by Rep. Benson. Referred to Judiciary Committee.

**HB 28** — An Act to amend Title 11, Delaware Code, Subchapter XLIV, relating to rape. Introduced by Rep. Benson. Referred to Judiciary Committee.

**HB 29** — An Act to amend Title 11, Subchapter V, Delaware Code, relating to arson and burning of property. Introduced by Rep. Benson. Referred to Judiciary Committee.

**HB 30** — An Act making a supplementary appropriation to the American Legion Post No. 8. Introduced by Rep. Burton. Referred to Government Operations Committee.

**HB 31** — An Act making a supplementary appropriation to the American Legion Smyrna Post No. 14. Introduced by Rep. Burton. Referred to Committee on Government Operations.

**HB 32** — An Act to permit Georgetown Special School District to transfer certain funds from its Local Debt Service to its 1969 Minor Capital Improvement Account. Introduced by Rep. Burton. Referred to Committee on Government Operations.

**HB 33** — An Act to amend Section 2310 (c), Title 11, Delaware Code, relating to night time search warrants. Introduced by Rep. Spence. Referred to Judiciary Committee.

**HB 34** — An Act to Amend 32 Delaware Laws, Chapter 71, Section 1, as Revised in Chapter 83, Title 9 of the Delaware Code Entitled "Public Inspection of Completed Assessment" in Respect to the Posting of Assessment Lists in Sussex County. Introduced by Rep. Dodge. Referred to the Committee on Government Operations.

**HB 35** — An Act to Provide Summer Employment for Certain Youths of this State and to Make a Supplementary Appropriation Therefor. Introduced by Rep. Orth. Referred to the Committee on Commerce and Labor.

House recessed at 3:12 P.M.

The Speaker called the House to order at 1:56 P.M. Mr. Stabler moved to adjourn, thereby ending the 5th Legislative Day.

## 6TH LEGISLATIVE DAY

The House convened at 1:57 P.M., on Wednesday, January 22, 1969.

There was a prayer by the Chaplain Reverend Charles Covington, Rehoboth.

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

The Roll Call revealed 39 members present.

Absent: None.

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

Mr. Pagano asked the Speaker if he would or would not be considered absent from the sessions and roll calls due to his illness having prevented him from being sworn in until January 14th, the Third Legislative Day. The Speaker ruled that he would not be considered absent because until he was sworn in on January 14th, the House only had thirty-eight members.

Mr. Stabler announced that a seminar on the matter of sentencing will be conducted by Judges on Friday, February 14, 1969, and Friday, February 21, 1969, for the members of

the General Assembly, in Court Room No. 3, Public Building, Wilmington, at 10:30 A.M. Sessions will be identical.

A messenger from the Senate delivered the following which had been passed by the Senate and requested the concurrence of the House: **SB 23**.

The following was reported out of committee: Government Operations: **HB 4**, 6 favorable.

The Chief Clerk announced that **HB 35** introduced on January 21, 1969, had incorrectly listed the sponsor as Mr. Murphy. The correct sponsor is Mr. Orth.

The following bills were introduced and assigned to committee:

**HB 36** — An Act to Permit the Board of Trustees of the Lincoln School District No. 3 to Transfer Certain Funds from its Local Debt Service Account to its Current Expense Account. Introduced by Rep Harrington. Referred to the Committee on Education.

**HB 37** — An Act Making a Supplemental Appropriation to the Delaware State Board of Corrections. Introduced by Rep. Murphy. Referred to the Committee on Appropriations.

**HB 38** — An Act to Amend Section 813, Title 11, Delaware Code, relating to Assault on Police Officers. Introduced by Reps. Benson and Spence. Referred to the Committee on Judiciary.

**HB 39** — An Act to Amend "An Act Changing the Corporate Name of 'The Commissioners of the Town of Camden' to 'the Town of Camden' and establishing a Charter Therefore" relating to increasing the Limit of the Amount to be Raised by Taxation to Twenty-Five Thousand (\$25,000.00) Dollars. Introduced by Rep. Moerschel. Referred to the Committee on Government Operations.

**HB 40** — An Act to Amend An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1969" Being Chapter 337, Volume 56, Laws of Delaware. Introduced by Rep. Zimmerman. Referred to the Committee on Highways and Public Safety.

**HB 41** — An Act to Amend Chapter 389, Volume 56, Laws of Delaware entitled "An Act to Amend Section 122, Title 16, Delaware Code, relating to State Board of Health by Granting the Power to Regulate Medical Examinations for Food Handlers." Introduced by Rep. Zimmerman. Referred to the Committee on Health and Welfare.

**HB 42** — An Act Making a Supplementary Appropriation to the State Highway Department for Reconstructing Kent County Road 384 Between U. S. Route 13 and Road 386. Introduced by Rep. Quillen. Referred to the Committee on Highways and Public Safety.

**HB 43** — An Act Relating to a Pension for Norman A. Eskridge, a Former Member of the General Assembly of the State of Delaware. Introduced by Rep. Mears.

Mr. Mears moved to suspend rules to act on **HB 43**. Roll Call on motion to suspend rules revealed:

**YEAS** — Benson, Boulden, Burton, Butcher, Dodge, Fonville, Goldfeder, Gray, Harrington, Hearn, Heckert, Kirk, McMahon, Mears, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Spence, Stabler, Stansky, Zimmerman, Mr. Speaker Hering — 25.

**NAYS** — Berndt, Billingsley, Burt, Dillman, duPont, Frederick, Jarvis, Leshner, Little, Moerschel, Riddagh, Seibrel, Seibel, Unruh — 14.

Motion carried.

Rules having been suspended, on motion of Mr. Mears, **HB 43** was before the House for consideration. Roll Call revealed:

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

**NOT VOTING** — Billingsley, duPont, Leshner — 3.

**HB 43** having received a constitutional majority was declared passed by the House.

On motion of Mr. Stabler the following was introduced:

**HR 14** — Making An Appropriation to Western Union for Service Rendered the 124th General Assembly of the State of Delaware.

Mr. Stabler moved for the adoption of **HR 14** by voice vote. Motion carried.

**HR 15** — Relative to the Inauguration of the Honorable Richard M. Nixon as the 37th President of the United States of America.

Introduced by Rep. Hering and others. Mr. Stabler moved for the adoption by voice vote. Motion carried.

**HR 16** — Relating to Classification, Titles and Compensation Rates for Officers of the House.

Introduced by Rep. Stabler. Mr. Stabler moved for adoption by voice vote. Motion carried.

The following were introduced:

**HCR 2** — Recommending that the Officers and Enlisted Men of the National Guard of the State of Delaware who were called upon by the Governor to assist authorities in the City of Wilmington in maintaining law and order during the April 1968 riots be awarded the Medal for Service in Aid of Civil Authority. Introduced by Rep. Stansky. Referred to the Committee on Government Operations.

**SB 23** — An Act Making a Supplementary Appropriation to Kenton School No. 9. Introduced by Senator Cook. Referred to the Committee on Education.

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

**HB 7** — An Act to Permit the Board of Trustees of the John Dickinson School District No. 133 to Transfer Certain Funds from its Local Debt Service Account to its School Construction Account.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 39.

**HB 7** having received the required three-fourths majority was declared passed by the House.

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

**SB 15** — An Act to Amend Chapter 11, Title 14, Delaware Code relating to Change in Boundaries of Special School Districts and School Districts.

Mr. Stabler moved to recess. Motion carried. House recessed at 2:57 P.M., and reconvened at 3:53 P.M.

A messenger from the Senate delivered **HB 2** with **HA 1**, **HB 9** with **HA 1**, **HB 10** and **HB 43** having passed the Senate.

Mr. Speaker recognized Mr. Joseph Cashman, Budget Director, and granted him privilege of the floor to explain the withholding of Social Security Legislator's pay, pursuant to **SB 382** of the 124th General Assembly. Mr. Cashman said Social Security would not and could not properly be withheld since this salary is not liable for Social Security. Mr. Speaker thanked Mr. Cashman for his explanation.

Mrs. Heckert asked for a roll call on **SB 15**.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 35.

**NAYS** — Quillen — 1.

**ABSENT** — Goldfeder, Gray, Hearn — 3.

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

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



**SCR 1** — Providing for the Establishment of a Committee of the General Assembly for the Purpose of Investigating Complaints Relating to Administrative and Elective Agencies of this State.

Roll Call revealed:

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

**ABSENT** — Gray — 1.

**SCR 1** not having received a constitutional majority was declared lost.

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

**SB 9** — An Act to Amend Chapter 189, Volume 56, Laws of Delaware, by Extending the Time When the Constitutional Revision Commission Shall Submit its Report and Providing for Additional Services of Said Commission.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 39.

**SB 9** having received a constitutional majority was declared passed by the House.

The following were reported out of committee: Revenue and Taxation: **HB 3**, 6 on merits; Natural Resources: **HB 17**, 6 favorable.

The following bills and resolutions were introduced:

**HB 44** — An Act to Amend § 4179 A, Chapter 41, Title 21, Delaware Code, relating to the Payment of Court Costs and a Requirement of a Receipt. Introduced by Rep. Leshner. Referred to the Committee on Revised Statutes.

**HB 45** — An Act Proposing an Amendment to Article 4, Section 30, of the Constitution of the State of Delaware, relating to Justices of the Peace and Judges of Legislative Courts; Appointment by Governor; Terms of Office by Providing for Appointment of Justices of the Peace by the Chief Justice of the Delaware Supreme Court. Introduced by Rep. Stansky. Referred to the Committee on Judiciary.

**HR 17** — Expressing the Best Wishes of the House of Representatives of the 12th General Assembly of the State of Delaware Concerning the Birthdays of Representatives

Pierre S. duPont, IV and William L. Frederick. Introduced by Rep. Pagano. On motion of Mr. Pagano, **HR 17** was adopted by voice vote.

**HR 18** — Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 125th General Assembly. Introduced by Rep. Stabler. On motion of Mr. Stabler **HR 18** was adopted by voice vote.

**HR 19** — Relative to the Establishment of an Annual Salary for the Office of the Chief Clerk of the Legislative Staff of the House of Representatives. Introduced by Rep. Hering.

The Chief Clerk retired from the Chamber.

On motion of Mr. Stabler **HR 19** was adopted by voice vote.

The Sergeant-at-Arms informed the Clerk to return to the Chamber.

A messenger from the Senate delivered **SB 20** having passed the Senate and requesting the concurrence of the House.

Senator Grier was granted privilege of the floor and spoke on **SB 20**.

Mr. Speaker had the bill read in as follows:

**SB 20** — An Act Relating to a Pension for Thomas N. Stayton, a Former Employee of the State of Delaware. Introduced by Senator Grier.

Mr. Stabler moved to suspend rules in order to consider **SB 20**. Motion carried by voice vote. Mr. Stabler asked for a roll call:

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

**NOT VOTING** — Leshar — 1.

**ABSENT** — McMahon — 1.

**SB 20** having received a constitutional majority was declared passed by the House.

The following Resolutions were introduced:

**HR 20** — Expressing the Best Wishes of the House of Representatives of the 125th General Assembly of the State of Delaware Concerning the Birthday of Representative Thomas L. Little. Introduced by Rep. Pagano. On motion of Mr. Pagano, **HR 20** was adopted by voice vote.

**HR 21** — Relating to an Appropriation to Cann Erikson Bindery, Inc. in Payment for Supplies for the 125th General Assembly. Introduced by Rep. Stabler. On motion of Mr. Stabler **HR 21** was adopted by voice vote.

Mr. Stabler moved to recess to the call of the chair. House recessed at 4:39 P.M.

Mr. Stabler in the chair due to the absence of Mr. Hering, called the House to order at 1:39 P.M. Mr. Dodge moved to adjourn until 1:40 P.M., thereby ending the 6th Legislative Day. Motion carried.

### 7TH LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M., on Tuesday, March 4, 1969.

There was a prayer by the Chaplain Reverend Charles Covington, Rehoboth.

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

The Roll Call revealed 38 members present, 1 absent.

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

Absent: Mr. Speaker Hering — 1.

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

Communications:

Letter from Young Democrats of Kent County.

March 4, 1969

Representative Jacob Zimmerman

Legislative Hall

Dover, Delaware 19901

Dear Mr. Zimmerman:

Please have the following resolution read into the House minutes:

WHEREAS: the young people of our state have assumed the highest responsibilities and obligations of citizenship including service in the armed forces, and

WHEREAS: they are well informed and should have the right to participate in the selection of our leaders, and

WHEREAS: the legal definition of 21 years as the beginning of adulthood is of medieval origin and completely false in the 20th century.

Now, therefore, be it resolved by the Young Democrats of Delaware that the legal age of adulthood, including all of the present legal rights and obligations incident thereto should commence at age 18. (And in particular, the right to vote should be reduced from 21 years to 18 years,) but also including the right to own property, sue and be sued, enter into binding contracts and incur liabilities without the present restrictions or protections now provided them by law because they are minors.

The above resolution was adopted by the Young Democrats of Delaware meeting in convention on February 1, 1969.

The section dealing with lowering the voting age to 18 is a re-affirmation of previously adopted resolutions. Local Young Democratic Clubs, Young Democrats of Delaware and Young Democrats of America have repeatedly in recent years called for a lowering of the voting age.

Therefore, we respectfully urge the Chairman of the Elections Committee to bring the bill dealing with lowering the voting age before the House. We further urge the members of the House to give this measure their support.

Yours truly,  
Rebecca B. Twilley  
President of Young Democrats  
of Kent County

Legislative Advisory No. 1, 2 and 3 from the Governor's Office:

January 24, 1969

Legislative Advisory No. 1

TO: Representative George C. Hering, III - sponsor  
Representative W. Laird Stabler - sponsor  
Representative R. Glen Mears, Sr. - sponsor  
Eugene Bunting, Secretary of State  
G. Francis Downs, Asst. Secretary of State  
Daniel Ross, Treasurer  
George W. Cripps, Auditor  
Joseph T. Cashman, Budget Director  
Christopher L. Perry  
Gerald Sapienza  
Daniel Enterline  
Mrs. Arva Jackson  
Clerk of the House  
Secretary of the Senate  
Legislative Reference Bureau

From: F. L. Peter Stone, Counsel to the Governor

The Governor signed the following legislation on the indicated dates:

January 22, 1969 - **HB 1** — providing a supplemental appropriation to the Office of the Secretary of State.

January 23, 1969 - **HB 43** — providing an exception to the pension laws for the benefit of Norman A. Eskridge.

January 23, 1969 - **HB 10** — providing a supplemental appropriation in order that the Governor can appoint to his staff a legal advisor and secretary.

January 24, 1969

Legislative Advisory No. 2

TO: Representative George C. Hering, III - sponsor  
G. Francis Downs, Asst. Secretary of State  
Daniel Ross, Treasurer  
George W. Cripps, Auditor  
Joseph T. Cashman, Budget Director

Christopher L. Perry  
 Gerald Sapienza  
 Daniel Enterline  
 Mrs. Arva Jackson  
 Clerk of the House  
 Secretary of the Senate  
 Legislative Reference Bureau

FROM: F. L. Peter Stone, Counsel to the Governor

The Governor signed the following legislation on the indicated date:

January 24, 1969 - **HB 9** with **HA 1** — divorcing the Governor from the Legislative Reference Bureau, thereby making such agency responsible only to the General Assembly.  
 cc: Reynolds duPont, President pro tem. of the Senate

February 3, 1969

Legislative Advisory No. 3

TO: Representative Joseph R. Murphy - sponsor  
 Senator Frank R. Grier - sponsor  
 Senator Dean C. Steele - sponsor  
 Senator George A. Robbins - sponsor  
 Senator J. Donald Isaacs - sponsor  
 Senator Margaret R. Manning - sponsor  
 Dr. Kenneth Madden  
 Honorable Elbert N. Carvel  
 Richard H. Caldwell, Asst. Secretary of State  
 Daniel Ross, Treasurer  
 George W. Cripps, Auditor  
 Joseph T. Cashman, Budget Director  
 Christopher L. Perry  
 Gerald Sapienza  
 Daniel Enterline  
 Mrs. Arva Jackson  
 Clerk of the House  
 Legislative Reference Bureau

FROM: F. L. Peter Stone, Counsel to the Governor

The Governor signed the following legislation on the indicated dates:

**HB 2** with **HA 1** February 3, 1969 — Providing interim Boards of Education until the Educational Advancement Act becomes effective July 1, 1969.

**SB 9** - January 31, 1969 — Extending the life of the Constitutional Revision Commission to April 10, 1969, and providing for further assistance by the Commission for one year subsequent thereto.

**SB 15** - January 31, 1969 — Providing for changing irregular school district boundaries until procedure of the Educational Advancement Act comes into effect.

**SB 20** - January 31, 1969 — Providing pension for Thomas N. Stayton.

The following prefiled bills were introduced:

**HB 46** — An Act to Amend Section 2151, Subchapter IV, Title 21, Delaware Code, relating to the Registration Fee for Motor Vehicles Commonly Used for Pleasure or for the Purpose of Carrying Persons. Introduced by Rep. Dodge. Referred to the Committee on Revenue & Taxation.

**HB 47** — An Act to Amend Section 1931, Subchapter II, Title 14, Delaware Code, relating to the Requirements for the Issuance of a Placement Permit to Mobile Home Park Operator and the Requirements which Must Be Met Before Such Placement Permit Shall Be Issued; Penalties for Violation Thereof. Introduced by Rep. Dodge. Referred to the Committee on Public Buildings & Lands.

**HB 48** — An Act Authorizing the State Department of Justice to Have Prepared a Replacement Volume for Volume 13 of the Delaware Code, and Making a Supplementary Appropriation Therefor. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HB 49** — An Act Proposing An Amendment to Article 4, Section 2, of the Constitution of the State of Delaware relating to Active Judicial Duty by Retired Judges. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HB 50** — An Act to Amend Chapter 32, Volume 47, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frederica" by Increasing the Amount of Annual Tax to be Raised by the Council and by Increasing the Amount which Council is Permitted to Borrow Each Year. Introduced by Rep. Rawlins. Referred to the Committee on Government Operations.

**HB 51** — An Act to Amend Title 30, Delaware Code, relating to a Tax on Hotel, Motel and Tourist Home Accommodations. Introduced by Rep. Murphy. Referred to the Committee on Revenue & Taxation.

**HB 52** — An Act to Amend Section 504, Title 7, Delaware Code, relating to an Increase in License Fees to be Paid by Residents of This State for Hunting and Trapping Licenses and Fishing Licenses. Introduced by Rep. Sebrell. Referred to the Committee on Natural Resources.

**HB 53** — An Act to Amend Section 2942, Title 21, Delaware Code, relating to Proof of Future Financial Responsibility Under the Motor Vehicle Safety Responsibility Law. Introduced by Rep. Sebrell. Referred to the Committee on Highway and Public Safety.

**HB 54** — An Act to Amend Section 509 (2), Title 7, Delaware Code, relating to Non-Resident Fishing License Fees. Introduced by Rep. Sebrell. Referred to the Committee on Natural Resources.

**HB 55** — An Act to Amend Part II, Title 30, Delaware Code by Adding Thereto a New Chapter 16 relating to a Tax Credit for the Installation of a Proven Anti-Water Pollution

Facility by an Individual or Corporation. Introduced by Rep. Dodge. Referred to the Committee on Health & Welfare.

**HB 56** — An Act Agreeing to a Proposed Amendment to Section 20, Article 3, of the Delaware Constitution relating to Gubernatorial Disability. Introduced by Rep. Hering. Referred to the Committee on Elections.

**HB 57** — An Act Proposing an Amendment to Section 19, Article 3, of the Delaware Constitution Providing that the Lieutenant Governor be of the Same Political Party as the Governor and Elected Jointly with the Governor on the Same Ballot. Introduced by Rep. Hering. Referred to the Committee on Elections.

**HB 58** — An Act to Amend Chapters 43, 45, and 57, Title 15, Delaware Code, relating to Election of the Governor and Lieutenant Governor, by Providing that the Lieutenant Governor be of the Same Political Party as the Governor and Elected Jointly with the Governor in Such Manner that a Single Vote Shall Be Cast for Both Offices. Introduced by Rep. Hering. Referred to the Committee on Elections.

**HB 59** — An Act to Amend Article 5, Section 6, of the Constitution of the State of Delaware. Introduced by Rep. Burt. Referred to the Committee on Judiciary.

**HB 60** — An Act Proposing Certain Amendments to Article II of the Constitution of the State of Delaware Vesting Legislative Power in the General Assembly and Reserving Legislative Power in the People. Introduced by Rep. Benson. Referred to the Committee on Revised Statutes.

**HB 61** — An Act to Amend Title 11, Section 4346, Delaware Code, relating to Parole. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 62** — An Act to Amend Section 2702 (a) of Title 14, Delaware Code, by Requiring School Attendance Between the Ages of 6 and 16. Introduced by Rep. Billingsley. Referred to the Committee on Education.

**HB 63** — An Act to Amend Section 741, Title 7, Delaware Code, by Permitting the Killing of Certain Non-Game Birds. Introduced by Rep. Billingsley. Referred to the Committee on Natural Resources.

**HB 64** — An Act to Amend Subchapter XLVII, Title 11, Delaware Code, relating to the Penalty for Robbery and Assault with Intent to Commit Robbery. Introduced by Rep. Unruh. Referred to the Committee on Judiciary.

**HB 65** — An Act to Amend Section 6301, Chapter 63, Title 21, Delaware Code, relating to the Requirement of a Bond for Used Car Dealers. Introduced by Rep. Heckert. Stricken at the request of Rep. Heckert.

**HB 66** — An Act to Amend Title 11, Section 4332, relating to Parole of Prisoners. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 67** — An Act to Amend Title 11, Section 571, Delaware Code, relating to Murder. Introduced by Rep. Benson. Referred to the Committee on Judiciary.

**HB 68** — An Act to Amend Chapter 239, Volume 27, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Viola", by Establishing a New Charter Therefor. Introduced by Rep. Quillen. Referred to the Committee on Government Operations.

**HB 69** — An Act to Amend Chapter 3, Title 11, Delaware Code, relating to the Sale, Possession or Use of Dangerous Drugs; Penalties for Violation Thereof. Introduced by Rep. Dodge. Referred to the Committee on Judiciary.

**HB 70** — An Act to Amend Section 4913, Title 10, Delaware Code, relating to the Exemption and Attachment of Wages. Introduced by Rep. Dodge. Referred to the Committee on Labor.

**HB 71** — An Act to Repeal Chapter 292, Volume 56, Laws of Delaware, Entitled "Educational Advancement Act". Introduced by Rep. Quillen. Referred to the Committee on Education.

**HB 72** — An Act to Provide for Advancements to the Plan of Reorganization of the Educational Advancement Act. Introduced by Rep. Frederick and others. Referred to the Committee on Education.

**HB 73** — An Act to Amend Section 1004, Title 14, Delaware Code, by Providing an Additional Requirement for any Plan of Reorganization of the Educational Advancement Act. Introduced by Rep. Frederick and others. Referred to the Committee on Education.

**HB 74** — An Act to Amend Chapter 167, Volume 55, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to Various Agencies of the State" by Adding a Supplementary Appropriation to Provide for Escalating Costs of School Construction. Introduced by Reps. Heckert and Leshner. Referred to the committee on Appropriations.

**HB 75** — An Act to Amend § 122(b) (6), Title 14, Delaware Code, relating to the Criteria for the Selection of Textbooks and other Instructional Materials. Introduced by Rep. Heckert and others. Referred to the Committee on Education.

**HB 76** — An Act to Amend Section 8323, Title 11, Delaware Code, by Making Retired Members of the Delaware State Police Eligible to be Employed by Other State Agencies Under Certain Conditions. Introduced by Rep. Leshner. Referred to the Committee on Revised Statutes.



**HB 77** — An Act Making a Supplementary Appropriation to the City of New Castle for the Installation of Sidewalks. Introduced by Reps. Stansky and Spence. Referred to the Committee on Highways and Public Safety.

The following amendments were introduced:

**HA 1 to HB 26** — Introduced by Rep. Benson. Placed with bill.

**HA 2 to HB 26** — Introduced by Rep. Benson. Placed with bill.

The following resolutions and bills were introduced:

**HJR 1** — Providing for the Establishment of an Advisory Committee on the Efficiency and Organization of State Agencies. Introduced by Reps. Zimmerman and others. Referred to the Committee on Government Operations.

**HCR 3** — Providing for a Joint Session of the Senate and the House of Representatives. Introduced by Rep. Stabler. Adopted by voice vote.

**HB 78** — An Act to Amend Chapter 55, Title 29, Delaware Code, relating to State Pensions by Allowing a Covered Employee to Receive Contributions Paid In With Interest When Qualified to do so. Introduced by Rep. Billingsley and others. Referred to the Committee on Government Operations.

**HB 79** — An Act to Amend Chapter 29, Title 14, Delaware Code, to Provide for the Free Transportation To and From School for School Children Who Reside in Excess of One Mile From the School Which They Attend. Introduced by Reps. Billingsley and Murphy. Referred to the Committee on Education.

**HB 80** — An Act to Amend Title 4, Delaware Code, Permitting 19 Year Olds to Consume Alcoholic Beverages on Premises. Introduced by Rep. Quillen and others. Referred to the Committee on Revised Statutes.

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

**HB 14** — An Act to Amend Section 9222, Subchapter II, Chapter 92, Title 10, Delaware Code, relating to Bonds for Clerks in Justice of Peace Courts.

Roll Call revealed:

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

**NAYS** — Mears — 1.

**NOT VOTING** — Zimmerman — 1.

**ABSENT** — Mr. Speaker Hering — 1.

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

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

**HB 11** — An Act to Amend Section 9207, Subchapter I, Chapter 92, Title 10, Delaware Code, relating to Bonds for Justice of the Peace.

Roll Call revealed:

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

**ABSENT** — Mr. Speaker Hering — 1.

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

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

**HB 20** — An Act Agreeing to a Proposed Amendment to Article 4 of the Constitution of the State of Delaware relating to the Creation of a Court on the Judiciary.

Roll Call revealed:

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

**ABSENT** — Mr. Speaker Hering — 1.

**HB 20** having received a two-thirds majority was declared passed by the House.

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

**HB 3** — 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.

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

**ABSENT** — Mr. Speaker Hering — 1.

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

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

**HB 4** — An Act to Amend Section 9605, Title 9, Delaware Code, relating to the Recordation of Instruments in Kent County by Providing for Recordation by Microfilming Methods.

Roll Call revealed:

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

**ABSENT** — Mr. Speaker Hering — 1.

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

Mr. Dodge moved to recess to the call of the chair. Motion carried. House recessed at 3:47 P.M.

House reconvened at 4:20 P.M.

The following substitute bills were introduced:

**HS 1 for HB 36** — Introduced by Rep. Harrington. Referred to the Committee on Education. On motion of Mr. Harrington **HB 36** was stricken.

**HS 1 for HB 21** — Introduced by Rep. Quillen. Referred to the Committee on Education. On motion of Mr. Quillen **HB 21** was stricken.

The following resolutions were introduced:

**HJR 2** — Commending John T. Purnell for His Services in Assisting in the Organizing of the 1969 Inauguration of the Governor.

**WHEREAS**, the 1969 Inauguration of the Governor of the State of Delaware was an event which deserves the commendation of the members of the General Assembly and the Governor; and

**WHEREAS**, John T. Purnell gave to the Inaugural Committee his valuable time and services; and

**WHEREAS**, John T. Purnell was the only member of the Inaugural Committee who is not a member of the General Assembly; and

**WHEREAS**, John T. Purnell served as Chairman of the Inaugural Ball Committee; and

**WHEREAS**, the members of the General Assembly and the Governor of the State of Delaware wish to express their appreciation to John T. Purnell for his effort and services although not a member of the General Assembly;

**NOW THEREFORE**,

**BE IT RESOLVED**, by the members of the General Assembly of the State of Delaware, the Governor concurring therein, that John T. Purnell be congratulated and thanked for his excellent service to the State of Delaware as a member of the Inaugural Committee and as Chairman of the Inaugural Ball Committee; and

**BE IT FURTHER RESOLVED**, that the text of this resolution be made a part of the Journal of the proceedings

of the House of Representatives of the 125th General Assembly of the State of Delaware, and that a copy of this Resolution be forwarded to John T. Purnell.

Introduced by Rep. Little. Referred to the Committee on House Administration.

**HCR 4** — Providing for the Establishment of a Committee of the General Assembly and the Staff and Board of the Water and Air Resources Commission for the Purpose of Studying Current Problems and Recommending Corrective Legislation. Introduced by Reps. Gray and Burton. Adopted by voice vote.

**HR 22** — Relating to the Inclusion of School Equalization Funds in the Budget Bill. Introduced by Rep. Kirk. Adopted by voice vote.

The following bills were reported out of committee: Appropriations: **HB 37**, 5 favorable, 1 on merits; Revised Statutes: **HB 44**, 6 on merits; **HB 19**, 6 on merits; Education: **HB 5**, 5 favorable; **HB 32**, 4 favorable, 2 on merits; Elections: **HB 57**, 5 favorable; **HB 58**, 5 favorable.

House recessed at 4:42 P.M.

The Speaker called the House to order at 1:39 P.M. Mr. Stabler moved to adjourn, thereby ending the 7th Legislative Day.

### 8TH LEGISLATIVE DAY

The House convened at 1:40 P.M., on Wednesday, March 5, 1969.

There was a prayer by the Chaplain Reverend Charles E. Covington, Rehoboth.

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

The Roll Call revealed 35 members present, 4 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stan-sky, Unruh, Zimmerman, Mr. Speaker Hering — 35.

Absent: Goldfeder, Jarvis, Little, Orth — 4.

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

The following bills were introduced:

**HB 81** — An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of the Lutheran Senior Services, Inc., a Delaware Corporation, from Assessment and Taxation. Introduced by Rep. Hering. Referred to the Committee on Health & Welfare.

**HB 82** — An Act to Amend Section 1703, Title 14, Delaware Code, by Permitting Appropriations for Vocational Education in any School District. Introduced by Rep. Kirk and others. Referred to the Committee on Education.

**HB 83** — An Act to Amend Section 504, Title 22, Delaware Code, Relating to Parking Authorities. Introduced by Reps. Hering and Hearn. Referred to the Committee on Government Operations.

**HB 84** — An Act Amending Title 15, Delaware Code, Relating to the Reporting of Contributions to and the Expenditures of Candidates for Election, and Providing Penalties for the Violations thereof. Introduced by Rep. Zimmerman and others. Referred to the Committee on Elections.

House recessed at 1:51 P.M. to await Senate.

### JOINT SESSION

2:00 P.M.

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

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

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

Mr. Stabler moved a committee be appointed by the Chair to escort the Governor to the House Chamber.

The Chair appointed the following committee to escort the Governor to the House Chamber: Reps. Dodge and Zimmerman, Senators Grier and Cook.

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.

Governor, on behalf of the Lieutenant Governor, the President Pro Tem of the Senate and all members of the 125th General Assembly, I would like to welcome you to hear your thoughts on the needs of our State.

We look forward, Governor, to a healthy and fruitful partnership between the executive and legislative branches of our State government.

Such a partnership can only serve the best interests of our State and its people.

Ladies and gentlemen, Russell W. Peterson, the Governor of the State of Delaware.

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

Mr. Speaker

Mr. President

Mr. President Pro Tem

Ladies and Gentlemen of the 125th General Assembly

Fellow Delawareans:

Six weeks ago, I became your governor. Today, I come before you for the first time to propose specific actions that we together can take to make Delaware a model state.

We face a new course, a difficult one, and I would not presume to chart it alone. The proposals I offer today did not all originate with the new administration. Some have come from you, our legislators, as reflections of the desires of your constituents, and others have sprung from the work of interested citizens' groups and both public and private agencies.

But all of these proposals have a common denominator. They are dictated by the accumulated needs of a state and a people whose growth for too long has been stunted.

I spoke in my inaugural of the basic philosophy and long-term goals of my administration. I spoke of Delaware as a microcosm of America—a state that can and should show the nation how to solve many of its critical problems.

Today I will discuss programs which I firmly believe are needed to help bring Delawareans the quality of government and the quality of life they want and deserve to truly make Delaware a model state.

I will not discuss details of revenue or budget at this time. That will come in a separate message I will deliver next month before this joint body.

But some conclusions already are obvious. We will need more revenue, especially for the vital areas of education and training. The time has come when Delaware must pull its fiscal head out of the sand. That is why I will refuse to sign a budget unless it is accompanied by a revenue measure telling the source of the funds.

It is also clear that the budget so callously thrust upon the state by the outgoing Terry administration was politically inspired and completely inadequate to meet Delaware's needs.

For instance, the first three years of the Terry administration recorded a sharply rising trend in general fund expenditures—an 11 million dollar increase the first year, 17 million dollars the second, more than 24 million dollars the third year. But the Terry administration proposes that in this coming year the new administration should slash the increase to less than half that of this year.

This was done by ignoring at least one mandated program—school equalization—and by suspending a number of on-going projects, such as summer recreation and work programs and day care centers.

Another measure of the Terry administration's budget proposal is a comparison of how agency funding requests were handled in preceding years. The first year, the administration cut agency appropriations by 6 per cent, the second

year by 6½ per cent, the third by only 2½ per cent. But in the budget offered for next year, agency requests are chopped nearly 10 per cent, the highest cut in any single year since 1962.

Now let me discuss my program proposals!

### CRIME AND UNREST

I said earlier that the programs I will propose are dictated by needs. And the trends of recent years and the concerns of citizens leave little doubt as to one of our greatest needs — to reduce crime and unrest and hate and fear.

We cannot tolerate a situation where in some areas people are literally afraid to go out in the daytime. We cannot tolerate a situation where suspicion and hate create tinderboxes of tension.

I have long espoused the need for a two-pronged attack, one aimed at maintaining law and order with justice, and the other directed at the causes of crime and unrest. This administration will initiate or support a number of bills tailored to that approach.

Bills involving law with justice are:

1. To provide state aid to local police. The state would provide one million dollars in matching funds as an incentive and means for communities to improve their police forces by adding more men, increasing pay, providing better training and equipment, or opening neighborhood police centers.

The Law Enforcement Planning Agency would be designated as the body to evaluate the requests for state aid and to disburse the funds. I plan to expand and strengthen the agency, which has membership from police, corrections, the courts and the community. It can be a potent weapon in the war against crime.

2. To make our probation and parole system work. This calls for broadening qualifications and improving pay scales so that the state can for the first time provide proper supervision and control over offenders who have been released from custody. This not only better protects the public but is the best way to help prevent offenders from becoming repeaters. At the same time, we have an obligation to protect the public from the dangerous habitual offenders by removing them from the community.

3. To tighten our drug law. This will make illegal a new category of "Dangerous Drugs," including the hallucinatory drugs. The bill also will provide stiffer penalties for the purveyor or "Pusher" than for the possessor or user. I have called a special one-day conference for March 15 at Wilmington High School to develop methods of educating teenagers on the dangers of drug use.

4. To compensate innocent victims of violent crime for injuries sustained.

5. To revise the Criminal Code to eliminate outdated provisions and make the code more effective.

This administration awaits with interest the results of the Law Enforcement Planning Agency's study of police, corrections and the courts. I will respond promptly to their recommendations. Let me specifically mention now my determination to work toward a state-wide and improved family court system and toward improving the quality of our magistrate Courts.

A basic cause of crime and unrest is the lack of self-respect stemming from an individual's inability — for whatever reason — to improve himself by his own efforts, through getting a better education, a better job, a better house, a better future.

The following actions and legislation will be directed at providing an opportunity to earn dignity and self-respect:

1. An Open Housing Law. This will implement the law of the land with appropriate state machinery.

2. Corrections. This administration will support the opening of a Half-Way House for Women, and the state's gradual assumption of responsibility for the existing Half-Way House for Men at 300 West Street, Wilmington.

3. Welfare system. This obviously is not working properly and must be revised with the goal of encouraging recipients to build self-respect by getting jobs and moving off the welfare rolls.

4. Jobs. All existing programs to provide jobs for the unemployed and underemployed will be coordinated as a new function within the Development Department.

5. Housing. We will mount a determined drive to provide moderate and low-cost housing.

Let us return to the welfare issue for a moment. The immediate need, which I support, is for a supplementary appropriation of approximately \$635,000 to provide normal services for the balance of this fiscal year.

This in itself dictates another need — to revamp a system that has been branded a failure by the welfare recipient, the welfare official and the taxpayer.

We have a dual obligation. One is to help the disabled, the aged, the blind, the women and children, who cannot support themselves. The other is to discourage cheating and abuse of a system that is designed to help only those who cannot help themselves.

But in going after the dishonest ones, we must be careful not to ignore or penalize the vast majority of recipients who are sincerely in need.

I am having prepared legislation designed to give those welfare recipients who are able to work the incentive to get a job and support themselves. This is the key to self-respect.



We also need broader enforcement of a policy that will make the fathers of welfare children responsible for the support of those children. If the father's job doesn't earn him enough to support the children, then he should be helped to get a better job so that he, instead of the taxpayers, supports his children.

The state also should be more concerned about whether it is meeting even the minimum subsistence needs of the recipients.

For example, the most that a mother and three children can receive in welfare grants from the state, county and federal governments is a total of \$149. That has been unchanged for years. Yet official calculations showed that in 1968 this same family needed a minimum of \$287 to subsist — Food, clothing and shelter. This figure by next year will be over \$300, more than twice what they are actually receiving.

I am convinced that a person who must struggle to subsist, a person who is hungry and undernourished, is not likely to develop the spirit of independence and the self-respect needed to move off the welfare rolls and become self-supporting and, in fact, is almost certain to become a more serious problem.

Accordingly, I urge the legislature to give utmost consideration to increasing state grants to welfare recipient in the coming fiscal year.

### EDUCATION

Education is truly the pivotal institution in our society — the most effective agent for change.

Delaware has a good educational system for our top academic students. But we have been behind most progressive states in pre-school training and post-high-school two-year educational opportunities.

Our commitment to higher education is lower than the nations average — we were 29th in 1968. Adult and occupational education have been underemphasized.

Delaware can have an excellent educational system. But we must begin now to make a greater commitment to education, the secret weapon of America's unparalleled economic growth.

Financially, this without doubt is where the state's major needs lie. For example, 52 per cent of this year's appropriation is being spent on education.

Projections I have seen indicate that enrollment in higher education — the most expensive area of education — will double in the next five to six years. A decline is likely in the kindergarten through sixth grade level, but this is the least expensive area. So the burdens will be heavy.

We are planning to build a Delaware Technical and Community College in Wilmington and another outside the city. I am convinced both are vitally needed.

I strongly support increased funds for Delaware State College. While the growth in the physical plant at this school has been impressive, we must now provide the monies to properly staff and maintain this investment.

Enrollment at the school is now 1,044 and is divided about 70 per cent black and 30 per cent white.

Under the budget recommended by the Terry Administration, the state would be providing \$1,507 per student at the heavily-endowed University of Delaware, which traditionally receives from the state every cent it requests, but only \$1,185 per student at Delaware State College. I believe the state should increase its support to Delaware State College so that it can "Catch Up" and realize its potential.

Although Delaware cannot justify its own medical school at this time, we must do something to provide medical training for Delawareans and increase our number of trained physicians. A proposal involving a tri-party arrangement between the University of Delaware, Delaware Hospitals and a nearby medical school looks promising to me and has my support.

In elementary and secondary education, we must provide a first rate program from kindergarten through 12th grade. We must move quickly and smoothly to achieve the promised benefits of consolidation and equalization.

We can no longer tolerate an educational system, particularly for the disadvantaged, that in large part ignores the world of work.

We need special programs for deprived children and children with special problems. We must recruit and retain experienced teachers by keeping the basic salary schedule high enough to be competitive. We must encourage community schools to make better use of our \$300 million investment in school buildings and at the same time increase educational opportunities for both children and adults.

I am asking professional educators and dedicated lay citizens to work with the General Assembly and with me to optimize our investment in education. Only by evaluating the best strategy of education in light of continuing cost can the state achieve the "Margin For Excellence" which the people want and deserve.

### JOBS

There is no substitute for the impact jobs can make, not only on the economy but on the social problems so prevalent today. We find that jobs raise the standard of living, jobs are the means for people to earn self-sufficiency and self-respect, jobs are important in human rehabilitation.

We will make an all-out effort to develop more jobs in Delaware. I have directed the establishment of a Jobs Development Division within the framework of the Development Department. This is being done to emphasize and facilitate

the creative approach to jobs and to training for jobs. The routine, conventional approaches to employment have not been working in the case of the disadvantaged.

But the primary goal of the division will be to provide more jobs and better jobs for everyone — for example, through selective development of new industry. The tremendous impact industry can have on the economy is another major benefit.

A major function of this new division will be to coordinate the myriad of job and job training programs that now exist. This will require the complete cooperation of all state, federal and private organizations, including labor groups. Job development efforts at present are too splintered and inefficient.

The Opportunities Industrialization Center, which has a branch in Wilmington, is one of the most effective programs in the nation for motivating and training the unemployed and the underemployed.

I intend to support the Wilmington Center — initially by endorsing a \$200,000 appropriation for the current fiscal year — and to work toward establishment of OIC units in Kent and Sussex Counties. I will recommend further support of OIC in the pending 1969-70 budget.

Jobs are the keystone of self-respect, human dignity and hope for a meaningful future. They have a high priority in our plans to build a better Delaware.

### HOUSING

Housing persists as one of the major problems facing Delaware and the nation. We must find ways to build new housing, especially in the moderate and low-cost categories, quickly and efficiently.

Building houses is a convincing and tangible way to deal with urban problems. It creates new jobs and pumps new economic blood into a community. Wilmington, for example, would have significantly fewer troubles today if new housing had sprouted in the wake of the urban renewal bulldozer that years ago razed hundreds of homes in the east side.

Delaware has some excellent housing tools and must learn how to use them most effectively. One is the non-profit Housing Corporation approach that has been developed by the Greater Wilmington Development Council after considerable trial-and-error effort.

Now with the merger of the GWDC Housing Unit and Block Blight, we have together in one private agency a tremendous amount of expertise not only in financing and building low cost housing but also in code enforcement, maintenance, rehabilitation and family training.

Another tool is the extremely promising State Department of Housing which provides five million dollars in seed money to spur housing construction.

The department to date has helped four non-profit housing corporations to get 194 new housing starts in Wilmington and has generated interest in other parts of the state, including Dover, Milford, Seaford and Laurel. The department now expects to assist in 1,000 housing starts by December 31.

I intend to see that the State Department of Housing and the GWDC Housing Corporation work closely to encourage the use of the non-profit approach throughout the state and to advise new corporations.

We in Delaware can meet our housing needs, especially with the full cooperation of the public and private sectors.

With the ever-increasing need for more money, it is absolutely necessary that our state launch a strong push to improve efficiency, eliminate waste and duplication, and get the most results for each dollar spent.

Three important keys to reaching those goals are economy, reorganization and constitutional revision.

### ECONOMY

We are going to economize in Delaware. One long stride in this direction will come on Friday of this week when I will meet with approximately 40 leaders of business and industry to discuss a proposal whereby they can help the state and save several millions of dollars.

Also, I intend to work closely with my department heads to establish a climate that makes economizing a way of life.

### REORGANIZATION

This administration soon will introduce a bill to create a task force to help plan for the reorganization and consolidation of the executive branch of Delaware's government.

If we are to have an efficient, quality government, we must reduce the approximately 135 agencies and commissions to a management number, such as 12.

The task force will be an action group to help achieve that goal. The bill provides funds to start immediately and sets a target date of January 15, 1971, for completion of its work.

Reorganization will result in great savings, improved efficiency and a marked increase in results per dollar.

### CONSTITUTIONAL REVISION

A Constitutional Revision Commission has been working diligently for many months and has invested thousands of hours on this important project.

The first draft is nearing completion. After public hearings and further review, the final package will be presented to the Legislature near the end of April. I respectfully suggest that sufficient time be allotted on the Legislative Calendar to allow thorough consideration and action this year.

As Governor, I look forward to a vigorous partnership with former Governor Carvel, Chairman of the Constitutional Revision Commission, and with the Commission Members to effect the changes required.

#### MERIT SYSTEM

This administration heartily endorses the recently established merit system for state personnel and supports its effective application. This has been for many decades an objective of persons interested in improved public service.

In striving for a true career service, we will at the same time be working to assure the taxpayer of an honest dollar of performance for each dollar of salary paid. We must recognize the need for maintaining a salary schedule that enables us to compete with other employers and to keep pace with our economy.

#### SERVICE

This administration will stress to all state employees that they are public employees whose duty is to serve their employers — the taxpayers of Delaware.

We are here to serve. Those who accept that philosophy will be happy working with this administration.

#### COMMUNICATIONS

We will make every effort to establish and maintain dialog with all the people of Delaware.

We will hold Governor's Town Hall Meetings periodically throughout the state, the first one next month. We hope through these meetings to make our administration more aware of and responsive to the needs of our citizens, and to make our citizens more aware of and responsive to their governments.

This administration will lend its weight to creation of an Urban Coalition in the Greater Wilmington Area and will also help establish and lead a State-Wide Coalition.

We also will form a Council on Education that will bring together the state's educational leaders to plan for the future of education, covering the whole spectrum from infancy to adulthood.

#### STATE PENSION LAW

The payment of adequate pensions to employees is now clearly recognized as an essential condition to career service. Equally important is the proper funding of a pension plan.

Accordingly, I endorse the proposals of the Special Pension Study Committee to improve the pension system by funding current and future obligations over a 40-year period. The present "Pay As You Go" system has built-in tendencies for fiscal disaster.

Under the committee proposals, state funding would start in fiscal 1971 and, by gradually increasing payments, would place the program on a properly funded basis by fiscal 1976.

I also accept the committee's recommendation to consider progressive management or reserves, which should result in substantial earnings and reduce long-range costs to the state.

#### HIGHWAY SAFETY

This administration is determined to lower the shocking toll of highway deaths in Delaware.

Since many of the deaths involve drivers who have been drinking, legislation will be introduced to tighten laws involving drinking drivers. Presently, a driver may be found guilty of driving under the influence if he has .15 per cent alcohol in his blood. The bill would lower this to .10 per cent.

The other bill, known as the Implied Consent Law, would give the state the authority to suspend or revoke the license of any driver who refuses to submit to a chemical test for alleged intoxication.

Other ways to promote highway safety include driver training schools and a strong effort to build safety into highway design and markings.

#### ELECTION REFORM

The right to vote is the heartbeat of our democracy. Delaware's Election Laws must be revised to eliminate inequities and to assure that everyone's vote will be counted equally. Our election system must be beyond reproach.

I have been working with Senator Castle and Representative Little on election reform legislation and wholeheartedly endorse their efforts. Major features of the bill include creation of completely bipartisan departments of elections, removal of the straight party lever and elimination of polls in homes and business places.

This administration also will support lowering the voting age.

#### TRANSPORTATION

An effective bus system is vital to the re-birth of Wilmington. Therefore, my administration will support a bill appropriating \$1,350,000 to permit the Greater Wilmington Transportation Authority to purchase Delaware Coach Company and improve bus service.

There is a need to think more broadly in weighing our transportation problems. For example, in the City of Wilmington we should consider the possibility of combining the management of mass transit and parking agencies.

What advantages might result? At present, both mass transit and parking are subsidized by tax funds; yet each is by its nature in competition with the other. The Parking Authority in effect encourages people to drive downtown, while the Transit Authority encourages people to leave their cars home and take the bus.

In another area, Delaware currently is considering with New Jersey and Pennsylvania the possibility of a Tri-state Airport Authority.

There are several major highway projects that are critically needed, such as a connecting link between I-95 and the downtown regional shopping center in Wilmington, Route 141, Newark Beltway and a Dover Bypass.

### HEALTH

The City of Wilmington is deficient in public health services. The state already has responsibility for such service in rural New Castle County, Kent and Sussex Counties. I believe the state should do the same for Wilmington.

This proposal, which will cost the state approximately \$130,000 annually has been endorsed not only by the city but by the State Board of Health, the New Castle County Medical Society, the Delaware Association of Hospitals, and the Health Facilities Planning Council.

The association also reports that the number of non-paying patients has been increasing faster than the ability of the hospitals to handle the increased costs through the normal channels of endowments and private contributions.

Certainly, we do not in Delaware want to move into the area of publicly-financed hospitals. Therefore, I think it is important that the state, the cities and counties help pay the costs incurred by the non-paying patients.

I favor and will request a \$1.1 million increase in the state's contribution to costs of hospital operations.

In the area of mental health, we must upgrade the services offered. For example, per patient cost at the State Hospital is approximately \$11 a day while the per patient cost in a ward at the Wilmington Medical Center is \$37 a day.

The obvious conclusion is that the state patient is not getting the quality of care that is offered at the private hospital.

### CODE OF ETHICS

Currently in preparation is a proposed Code of Ethics for all state employees and elected officials. This code will deal with such subjects as conflict of interest and dual job-holding. In other words, it will set minimum standards of conduct for state employees. The code will have the administration's full support.

### NATURAL RESOURCES

Plans call for organization soon of a coordinating committee on natural resources. The purpose would be to put into one grouping such agencies as Parks and Recreation, Shell Fisheries, Game and Fish Commission. Conservation of open spaces is as important as the development of new industry. It shall be the policy of my administration to support programs of land acquisition and development for conservation and recreation.

### AGRICULTURE

Let's turn now to rural Delaware and the state's oldest industry, agriculture.

This is probably the biggest paradox in our economy. The farmer works for efficiency, automates and produces higher and higher yields per acre.

But the efficiency puts people out of work in rural areas and creates poverty. The high yield forces prices down. Yet the farmer must strive for efficiency if he is to compete in the marketplace. And he must still cope with old and new diseases.

It is a frustrating but challenging situation. We must seek to provide the farmer with the modern technology and business acumen he needs to prosper. At the same time we must strive to provide jobs and quality life in small communities and in our rural areas for those who are no longer needed in farming.

### CONCLUSION

These are steps I feel must be taken if Delaware is to progress, if our state government is going to fulfill its commitment to our people.

The commitment is inherent to our system of government. We, the government, exist to serve the people. Our task is to help build for all of our citizens a better life.

I intend that this administration also will create a new climate of strong but understanding leadership, of citizens concern and involvement in their government, of service to the people.

The people of Delaware can count on this administration to provide a non-nonsense leadership that will demand a day's work for a day's pay, the highest integrity, common-sense economy and more results for the dollar.

Whether this administration is successful will depend in great part upon you members of the General Assembly. I ask for your support and advice.

I ask that you and all the people of this state join with me in a coalition for quality — quality of life and quality of government — that can make Delaware a model state.

Thank you for giving me the opportunity to address this Joint Session. I look forward to working with you on the great task of building a better Delaware.

Mr. Speaker said "Again, Governor, I wish to thank you for your appearance before the General Assembly. On behalf of all its members, I am sure your proposals will receive the thoughtful consideration of this Legislature.

I know that from time to time you will wish to convey your thoughts to the General Assembly again. We would welcome the opportunity to hear from you, either in person or through other communications.

I would like to welcome you, Mrs. Peterson, to the House Chamber."



Mr. Hering moved that the previously named committee escort the Governor from the Chamber.

Mr. Stabler moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals.

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

Mr. Stabler moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed. Adjourned at 2:47 P.M.

House reconvened at 3:59 P.M.

A messenger from the Senate informed the House that the Senate has passed **SB 25** and **SCR 3** and requests the concurrence of the House; and returned **HB 7** and **HCR 3** having passed the Senate.

A second messenger from the Senate informed the House that it had passed **SB 10** and requests the concurrence of the House and returned **HCR 4** having passed the Senate.

The following amendments were introduced:

**HA 1 to HB 12** — Introduced by Rep. Mears. Placed with bill.

**HA 1 to HB 37** — Introduced by Rep. Murphy. Placed with bill.

**SB 25** — An Act to Amend Chapter 51, Title 14, Delaware Code, Pertaining to the Composition of the Board of Trustees of the University of Delaware. Introduced by Senator Hickman and others. Referred to the Committee on Education.

**SCR 3** — Expressing Consent of the Senate and the House of Representatives of the 125th General Assembly to Appointment of George L. Frick as Director of Research of the Legislative Council Pursuant to Section 1106 (a), Title 29, Delaware Code. Introduced by Senator duPont and others.

Mr. Stabler moved to place on Speaker's desk. Motion carried.

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

**HB 37 with HA 1** — An Act Making a Supplemental Appropriation to the Delaware State Board of Corrections.

Mr. Murphy asked for privilege of the floor for Mr. Warren J. Gehrt, Commissioner of the Department of Correction and Mr. Harry Tower, Director of Institutions.

Mr. Murphy requested that the following be made a part of the Journal.

January 21, 1969

The Honorable Joseph R. Murphy  
Representative  
State of Delaware

171 Brookside Boulevard  
 Brookside Park, Newark, Delaware  
 Dear Mr. Murphy:

I appreciate very much you jointly sponsoring a Bill appropriating to the Board of Corrections the sum of \$390,000.00 to be used to complete the new state prison.

On January 16, 1969 the Board unanimously approved the awarding of the contract for construction of Phase II of the new prison to Rupert Construction Company in the net amount of \$3,799,600.00. This amount of money represents the net bid after the following deductible alternates were reduced from the base bid of \$4,065,400.

Alternate No. 1,	
Planting & Landscaping .....	\$ 16,800.00
Alternate No. 2,	
Entrance & Driveway Lighting .....	7,700.00
Alternate No. 3, Fence Lighting .....	15,100.00
Alternate No. 4, Building "J" (Laundry)	226,200.00
	<hr/>
	\$265,800.00
	<hr/>

These four alternates totalling \$265,800.00 are recommended to be accepted by the Board of Correction. The Rupert Construction Company has given us a forty-five day extension through March 9, 1969 to accept these alternates if the money is made available.

The Board is sure that if these alternates were put out on a separate bid after March 9, 1969 the cost would be much higher.

In addition to the amount of money requested above for the alternates, there is needed \$97,627.00 for furniture plus the six percent architect's fee and the one percent Delaware School Auxiliary Association inspection fee. This brings the total net amount to \$388,866.00.

The Board of Correction noted that with the letting of the above bid 97.4% of the new prison will be under construction. The remaining 2.6% of the construction will be completed if we are authorized by the Legislature the \$390,000.00 asked for above.

Many thanks on behalf of the Board of Corrections and myself for your help in this matter. I will be pleased to appear on the floor of the House to discuss this Bill if you should request that I do so.

Sincerely,  
 Warren J. Gehrt  
 Commissioner

cc: The Honorable Jacob Zimmerman

Mr. Murphy moved for adoption of **HA 1** to **HB 37** by voice vote. Motion carried.

Roll Call on **HB 37** with **HA 1** revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, McMahon, Mears, Murphy, Pagano, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Zimmerman, Mr. Speaker Hering — 31.

**NAYS** — Benson, Moerschel, Sebrell, Unruh — 4.

**ABSENT** — Goldfeder, Jarvis, Little, Orth — 4.

**HB 37** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 23** — An Act to Amend Section 1001 (a), Title 20, Delaware Code, Relating to Pension Benefits for State Paraplegic veterans.

Roll Call revealed:

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

**ABSENT** — Goldfeder, Jarvis, Little, Orth — 4.

**HB 23** having received a constitutional majority was declared passed by the House.

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

**HB 5** — An Act to Change the Name of the "Delaware Institute of Technology to "Delaware Technical and Community College.

Roll Call revealed:

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

**ABSENT** — Goldfeder, Jarvis, Little, Murphy, Orth — 5.

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

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

**HB 32** — An Act to Permit Georgetown Special School District to Transfer Certain Funds From Its Local Debt Service To Its 1969 Minor Capital Improvement Account.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, McMahon, Mears, Moerschel, Pagano, Phillips, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 33.

ABSENT — Goldfeder, Jarvis, Little, Murphy, Orth, Quillen — 6.

**HB 32** having received a three-fourths majority was declared passed by the House.

House recessed at 4:36 until Tuesday, March 11th.

The Speaker called the House to order at 1:59 P.M. Mr. Stabler moved to adjourn thereby ending the 8th Legislative Day.

### 9TH LEGISLATIVE DAY

The House convened at 2:00 P.M., on Tuesday, March 11, 1969.

There was a prayer by the Chaplain, The Reverend Alvin R. Lee, First Baptist Church, Holloway Terrace.

The Roll Call revealed 37 members present, 2 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 37.

Absent: Burton, Orth — 2.

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

Communications:

March 5, 1969

Members of the Senate  
125th General Assembly  
Dover, Delaware  
Dear Senators:

By the authority granted me by Title 29, Chapter 39, Section 3901(a), 1954 Delaware Code, I hereby appoint as members of the Senate Committee on Interstate Cooperation, the following members, all with terms to expire February 1, 1970:

Margaret R. Manning, Marshallton, Chairman  
Allen J. Cook, Kenton  
Everette Hale, Newark

Respectfully submitted,  
Reynolds du Pont  
President Pro Tempore

Rd:bjl

CC: Governor Russell W. Peterson

Rep. George C. Hering

The following bill was reported out of committee: Elections: **HB 56**, 4 favorable.

**HB 85** — An Act to Amend Title 10, Delaware Code, Relating to Appeals by the State in Criminal Cases; When Appeals May Be Taken, The Procedure To Be Followed, And The Time For Taking Such Appeals. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**SB 10** — An Act to Amend Sections 396, 631, and 632, Title 11, Delaware Code, Relating To Penalties For The Offenses Of Unlawful Entry, Grand Larceny And Petit Larceny. Introduced by Senator Isaacs. Referred to the Committee on Judiciary.

The following amendments were introduced:

**HA 1** to **HB 19** — Introduced by Rep. Sebrell. Placed with bill.

**HA 1** to **HB 79** — Introduced by Rep. Billingsley. Placed with bill.

**HA 1** to **HB 44** — Introduced by Rep. Leshner. Placed with bill.

**HB 86** — An Act to Amend Title 21, Delaware Code, Relating to the Authority of the Motor Vehicle Department to Suspend and/or to Revoke Drivers License or Privilege to Drive for Failure to Submit to Chemical Test Where Alleged to Have Driven A Motor Vehicle While Under Influence of Intoxicating Liquor. Introduced by Rep. Frederick. Referred to the Committee on Highways and Public Safety.

**HB 87** — An Act Making A Supplementary Appropriation to Brandywine Hundred Fire Co., Five Points Fire Co., and Cranston Heights Fire Co. Introduced by Rep. Frederick. Referred to the Committee on Appropriations.

**HB 88** — An Act Making Supplementary Appropriations to the Department of Public Welfare for the Purpose of Providing Operational Welfare Grants, Staff Salaries and Administrative Expenses for the Balance of the Fiscal Year Ending June 30, 1969. Introduced by Rep. Frederick. Referred to the Committee on Health and Welfare.

**HB 89** — An Act to Amend Section 503, Chapter 5, Title 31, Delaware Code, Relating to Welfare, in Order to Permit State Participation in the Federal Work Incentive Program. Introduced by Rep. Frederick. Referred to the Committee on Health and Welfare.

**HB 90** — An Act to Provide Summer Employment for Certain Youths of This State and to Make A Supplementary Appropriation Therefor. Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

**HB 91** — An Act Declaring the Policy of This State Regarding Reorganization of the Executive Branch of the Government and Creating A Governor's Task Force on Government Reorganization to Plan and Implement the Reorganization of the Executive Branch of the State Government and Prescribing Certain Powers and Responsibilities for Such Task Force and Making A Supplementary Appropriation to the Governor's Office to Carry Out the Purposes of This Act. Introduced by Rep. Hering. Referred to the Committee on Government Operations.

On motion of Mr. Stabler **SCR 3** was removed from the Speaker's Desk.

**SCR 3** — Expressing Consent of the Senate and the House of Representatives of the 125th General Assembly to Appointment of George L. Frick as Director of Research of the Legislative Council Pursuant to Section 1106 (a), Title 29, Delaware Code.

Roll Call on **SCR 3** revealed:

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

**ABSENT** — Burton, Frederick, Orth — 3.

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

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

**HB 17** — An Act to Amend Section 1701 (a) and (c), Title 7, Delaware Code, Relating to Dog License and Kennel License Fees.

Privilege of the floor was granted Mr. Norman Wilder, Director of Game and Fish Commission.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Heckert, Jarvis, Leshner, Little, Mears, Moerschel, Murphy, Pagano, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 28.

**NAYS** — Boulden, Butcher, Fonville, McMahon, Stansky, Zimmerman — 6.

**NOT VOTING** — Hearn, Kirk, Phillips — 3.

**ABSENT** — Burton, Orth — 2.

**HB 17** having received a constitutional majority was declared passed by the House.

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

**HB 19** with **HA 1** — An Act to Amend Part III, Title 21, Delaware Code, By Adding A New Chapter 46 Relating to the Advertisement and Sale of Master Keys and Providing for Penalty for Violation Thereof.

On motion of Mr. Sebrell **HA 1** to **HB 19** was adopted by voice vote.

Roll Call revealed:

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

**ABSENT** — Burton, Orth — 2.

**HB 19** with **HA 1** having received a constitutional majority was declared passed by the House.

House recessed at 2:52 P.M. and reconvened at 3:56 P.M.

The following bills were reported out of Committee: Commerce and Labor: **HB 90**, 5 favorable, 3 on merits; Natural Resources: **HB 63**, 2 favorable, 4 on merits; Education: **HS 1** for **HB 36**, 2 favorable, 3 on merits; **HB 62**, 1 favorable, 3 on merits; Revised Statutes: **HB 60**, 1 favorable, 5 on merits; **HB 76**, 3 favorable, 3 on merits; Judiciary: **HB 48**, 4 favorable.

A messenger from the Senate delivered **SCR 4** and **SJR 2** having passed the Senate and requesting concurrence of the House; **HB 37** with **HA 1** having passed the Senate and returned to the House.

The following were introduced:

**SCR 4** — Provide for the Establishment of a Committee of the General Assembly for the Purpose of Inquiring Into Complaints Relating to State Expenditures to Private Day Care Centers. Introduced by Senators Isaacs and Hickman. Referred to the Committee on Health and Welfare.

**SJR 2** — To Commend Senators John J. Williams and J. Caleb Boggs, and Congressman William V. Roth, Jr. for Their Introduction of Joint Resolutions in the Congress of the United States With Respect to the Offering of Voluntary Prayer in Public Buildings. Introduced by Senator Elliott and others. Referred to the Committee on Revised Statutes.

**HB 92** — An Act to Amend Section 3507, Title 11, Delaware Code, Relating to Evidence of Weight of Alcohol in the Blood of A Person Alleged to Have Operated A Motor Vehicle While Under The Influence of Intoxicating Liquor. Introduced by Rep. Sebrell and Others. Referred to the Committee on Highways and Public Safety.

House recessed to call of the chair at 4:08 P.M.

The Speaker called the House to order at 2:52 P.M. Mr. Stabler moved to adjourn, thereby ending the 9th Legislative Day.

### 10TH LEGISLATIVE DAY

The House convened at 2:53 P.M., on Wednesday, March 12, 1969.

There was a prayer by the Chaplain, The Reverend Alvin R. Lee, First Baptist Church, Holloway Terrace.

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

The Roll Call revealed 38 members present, 1 absent.

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

Absent: Burton — 1.

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

The following bills were reported out of committee: Education: **HB 72**, 4 on merits; **HB 73**, 4 on merits; Government Operations: **HB 30**, 3 favorable, 1 on merits; **HB 31**, 3 favorable, 1 on merits; **HB 34**, 3 favorable, 1 on merits; **HB 39**, 2 favorable, 3 on merits; **HB 50**, 2 favorable, 2 on merits; **HB 68**, 2 favorable, 2 on merits; **HB 83**, 2 favorable, 2 on merits; Revised Statutes: **SJR 2**, 6 favorable.

A messenger from the Senate delivered the following **SB 26**, **SB 56**, **SJR 1**, having passed the Senate and asking concurrence of the House.

The following were introduced:

**HB 93** — An Act Relating to Blind Persons and "Seeing Eye Dogs" and Prescribing Penalties for Violations Thereof. Introduced by Rep. Dodge and others. Referred to the Committee on Revised Statutes.

**HB 94** — An Act to Amend Chapter 22, Volume 55, Laws of Delaware, As Amended, Relating to Extension of the Period in Which the State Highway Department May Utilize Monies From The Capital Investment Fund for Mosquito Control. Introduced by Rep. Murphy. Referred to the Committee on Highways and Public Safety.

**HB 95** — An Act to Amend Chapter 91, Title 9, Delaware Code, Relating to the Appointment of Chief Deputies By County Officers in New Castle County. Introduced by Rep. Murphy. Referred to the Committee on Revised Statutes.

**HB 96** — An Act to Amend Title 31, Chapter 3, Delaware Code, By Prohibiting the Establishment of Any Child Day Care Center By the Department of Public Welfare If



**Private Centers Are Available Within 3 Miles of the Proposed Site.** Introduced by Rep. Quillen and others. Referred to the Committee on Health and Welfare.

**HB 97** — An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to Criminal Offenses of Sale, Possession and Use of Narcotic Drugs and Dangerous Drugs and Prescribing Penalties for Such Violations. Introduced by Rep. Dodge and others. Referred to the Committee on Judiciary.

**HB 98** — An Act Giving Minors Over the Age of 19 Years the Power to Contract, the Ability to Marry Without Consent, and the Power to Own A Motor Vehicle. Introduced by Rep. Little and others. Referred to the Committee on Revised Statutes.

**HA 1 to HB 63** — Introduced by Rep. Billingsley. Placed with bill.

**HR 23** — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of Members of the Legislative Building Committee Established By Joint Resolution No. 7 of the 123rd General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**SB 26** — An Act to Amend Section 503, Title 31, Delaware Code, Relating to Eligibility for Welfare Assistance. Introduced by Senator Slawik and others. Referred to the Committee on Health and Welfare.

**SB 53** — An Act to Amend Chapter 171, Volume 54, Laws of Delaware, Entitled An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions From Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions. Introduced by Senator Manning. Referred to the Committee on Education.

**SB 56** — An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures and to Issue Bonds and Notes Therefore and Appropriating the Monies to the State Board of Education. Introduced by Senator Isaacs. Referred to the Committee on Education.

**SJR 1** — To Direct That A Copy of the Agenda for All Stated Meetings of the State Highway Department Be Sent to the Members of the General Assembly. Introduced by Senator Cicione. Referred to the Committee on Highways and Public Safety.

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

**HS 1 for HB 36** — An Act to Permit the Board of Trustees of the Lincoln School District No. 3 to Transfer Certain Funds From Its Local Debt Service Account to Its Current Expense Account.

Roll Call revealed:

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

**ABSENT** — Burton — 1.

**HS 1 for HB 36** having received a three-fourths majority was declared passed by the House.

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

**HB 63** — An Act to Amend Section 741, Title 7, Delaware Code, By Permitting the Killing of Certain Non-Game Birds.

On motion of Rep. Billingsley **HA 1 to HB 63** was placed before the House for consideration.

Roll Call revealed:

**YEAS** — Billingsley, Fonville, Jarvis, Sebrell — 4.

**NAYS** — Benson, Berndt, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 33.

**NOT VOTING** — Butcher — 1.

**ABSENT** — Burton — 1.

**HA 1 for HB 63** not having received a majority was declared lost.

On motion of Rep. Billingsley **HA 2 to HB 63** was adopted by voice vote.

On further motion of Rep. Billingsley **HB 63** with **HA 2** was placed before the House for consideration.

Roll Call revealed:

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

**ABSENT** — Burton — 1.

**HB 63** with **HA 2** having received a constitutional majority was declared passed by the House.

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

Mr. Stabler took the Speaker's Chair.

**HB 57** — An Act Proposing an Amendment to Section 19, Article 3, of the Delaware Constitution Providing That The Lieutenant Governor Be of the Same Political Party As The Governor and Elected Jointly With The Governor On The Same Ballot.

On motion of Mr. Hering roll call on **HB 57** was tabled.

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

**HB 58** — An Act to Amend Chapters 43, 45, and 57, Title 15, Delaware Code, Relating to Election of the Governor and Lieutenant Governor, By Providing That The Lieutenant Governor Be of the Same Political Party As The Governor and Elected Jointly With The Governor In Such Manner That A Single Vote Shall Be Cast For Both Offices.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Pagano, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 25.

**NAYS** — Boulden, Butcher, Goldfeder, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Zimmerman — 12.

**NOT VOTING** — Fonville — 1.

**ABSENT** — Burton — 1.

**HB 58** having received a constitutional majority was declared passed by the House.

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

**HB 56** — An Act Agreeing to A Proposed Amendment to Section 20, Article 3, of the Delaware Constitution Relating to Gubernatorial Disability.

Roll Call revealed:

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

**ABSENT** — Burton — 1.

**HB 56** having received a two-thirds majority was declared passed by the House.

Mr. Hering returned to the Speaker's desk.

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

**HB 48** — An Act Authorizing the State Department of Justice to Have Prepared A Replacement Volume for Volume 13 of the Delaware Code, and Making A Supplementary Appropriation Therefor.

Roll Call revealed:

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

**ABSENT** — Burton — 1.

**HB 48** having received a constitutional majority was declared passed by the House.

**HR 24** — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly. Introduced by Rep. Stabler. On motion of Mr. Stabler **HR 24** was laid on the Speaker's desk.

A messenger from the Senate delivered the following: **SB 34** with **SA 1**, **SB 37**, **SB 40**, **SB 73**, **SB 90** having passed the Senate and asking concurrence of the House.

On motion of Rep. Dodge **HB 69** was stricken.

Rule 29 of Temporary Rules of the House of Representatives:

"Every motion before the House shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members present shall prevail in the case of incidental motions, subsidiary motions, or other motions presenting questions of a general procedural nature. The vote of a majority of the elected members shall prevail in the case of privileged motions, main motions, or other motions presenting questions of a substantive nature. Such voting shall prevail unless contrary to these Rules or unless it is in conflict with the statutes or provisions of the Constitution of the State of Delaware."

House recessed at 4:26 P.M.

The Speaker called the House to order at 1:36 P.M. Mr. Stabler moved to adjourn, thereby ending the 10th Legislative Day.

### 11TH LEGISLATIVE DAY

The House convened at 1:37 P.M., on Thursday, March 13, 1969.

There was a prayer by the Chaplain The Reverend Alvin R. Lee, First Baptist Church, Holloway Terrace.

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

Roll Call revealed 37 Members present, 2 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 37.

Absent: Burton, McMahon — 2.

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

The following bills were reported out of committee: Public Buildings and Lands: **HB 24**, 5 favorable; Education: **SB 56**, 3 favorable, 1 on merits.

The following bills and resolutions were introduced:

**HB 99** — An Act to Amend Title 11, Section 352 of the Delaware Code to Define Arson in Second Degree to Include the Unlawful Burning of Buildings as Well as Dwelling Houses. Introduced by Rep. Stabler. Referred to the Committee on Judiciary.

**HB 100** — An Act Making A Supplementary Appropriation to the State Highway Department for the Installation of Sidewalks. Introduced by Rep. Spence. Referred to the Committee on Highways and Public Safety.

**HB 101** — An Act to Amend Chapter 10, Title 14, Delaware Code Relating to Division of Reorganized School Districts. Introduced by Rep. Pagano. Referred to the Committee on Education.

**HB 102** — An Act to Authorize the State Highway Department to Extend Sidewalks on the Westerly Side of Limestone Road Between the Westbound Lane and the Eastbound Lane of Stanton Newport Road. Introduced by Rep. Pagano. Referred to the Committee on Highways and Public Safety.

**HB 103** — An Act to Amend Chapter 183, Volume 22, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Greenwood" to Provide Power and Authority for the Laying Out, Locating or Opening New Streets, the Widening or Altering of Existing Streets and the Vacating or Abandoning of Streets. Introduced by Reps. Harrington and Burton. Referred to the Committee on Government Operations.

**HR 25** — Authorizing Payment for Services Rendered By Reverend Robert McLeod Smith to the House of Representatives of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

**HR 26** — Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly. Introduced by Rep. Stabler. Adopted by voice vote.

On motion of Rep. Stabler **HR 24** was stricken.

**SB 34** — An Act to Amend Chapter 171, Volume 54, Laws of Delaware, Entitled "An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and By Contributions From Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions" By Reducing the Amounts of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook. Referred to the Committee on Education.

**SB 37** — An Act to Amend Chapter 384, Volume 54, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and for Improvements to the Public School System of the State and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to Various Agencies of the State" By Reducing the Amounts of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook. Referred to the Committee on Education.

**SB 40** with **SA 1** — An Act to Amend Section 4910, Title 29, Delaware Code, Relating to Preparation of the Capital Budget By Providing A Specific Time for Submission of Capital Improvement Program Requests. Introduced by Senator Cook. Referred to the Committee on Government Operations.

**SB 73** — An Act to Amend § 1004 (b), Title 14, Delaware Code, to Provide That The Decision of the State Board of Education With Respect to the Plan of Reorganization May Be Reviewed By The Superior Court of the State of Delaware. Introduced by Senators Cicione and Hart. Referred to the Committee on Education.

**SB 90** — An Act to Amend Volume 56, Chapter 292, Laws of Delaware, By Providing That the Boards of Education of Certain Reorganized School Districts May Levy and Collect Taxes After July 1, 1969 At A Rate Authorized By Referendum Prior to July 1, 1969. Introduced by Senators Hale and Isaacs. Referred to the Committee on Education.

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

**HB 68** — An Act to Amend Chapter 239, Volume 27, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Viola", By Establishing A New Charter Therefore.

Roll Call revealed:

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

**ABSENT** — Burton, McMahon — 2.

**HB 68** having received a two-third majority was declared passed by the House.

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

**HB 50** — An Act to Amend Chapter 32, Volume 47, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frederica" By Increasing the Amount of Annual Tax to be Raised By the Council and By Increasing the Amount Which Council is Permitted to Borrow Each Year.

Roll Call revealed:

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

**ABSENT** — Burton, McMahon — 2.

**HB 50** having received a constitutional majority was declared passed by the House.

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

**HB 73** — An Act to Amend Section 1004, Title 14, Delaware Code, By Providing An Additional Requirement For Any Plan of Reorganization of the Educational Advancement Act.

Roll Call revealed:

**YEAS** — Benson, Boulden, Burt, Dillman, Dodge, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 31.

**NAYS** — Berndt, Billingsley, Butcher, Fonville, Mears, — 5.

**NOT VOTING** — duPont — 1.

**ABSENT** — Burton, McMahon — 2.

**HB 73** having received a constitutional majority was declared passed by the House.

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

**HB 72** — An Act to Provide For Amendments to the Plan of Reorganization of the Educational Advancement Act.

Roll Call revealed:

**YEAS** — Benson, Berndt, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Orth, Pagano, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 33.

**NAYS** — Butcher, Fonville, Mears — 3.

**NOT VOTING** — Billingsley — 1.

**ABSENT** — Burton, McMahon — 2.

**HB 72** having received a constitutional majority was declared passed by the House.

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

**HB 34** — An Act to Amend 32 Delaware Laws, Chapter 71, Section 1, As Revised in Chapter 83, Title 9 of the Delaware Code Entitled "Public Inspection of Completed Assessment" in Respect to the Posting of Assessment Lists in Sussex County.

Roll Call revealed:

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

**ABSENT** — Burton, McMahon — 2.

**HB 34** having received a constitutional majority was declared passed by the House.

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

**HB 83** — An Act to Amend Section 504, Title 22, Delaware Code, Relating to Parking Authorities.

Roll Call revealed:

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

**ABSENT** — Burton, McMahon, Zimmerman — 3.

**HB 83** having received a constitutional majority was declared passed by the House.

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

**SJR 2** — To Commend Senators John J. Williams and J. Caleb Boggs, and Congressman William V. Roth, Jr. for Their Introduction of Joint Resolutions in the Congress of the United States With Respect to the Offering of Voluntary Prayer in Public Buildings.



Roll Call revealed:

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

**ABSENT** — Burton, McMahon — 2.

**SJR 2** having received constitutional majority was declared adopted by the House.

House recessed at 2:17 P.M. Reconvened at 3:00 P.M.

The following bills were reported out of committee: Judiciary: **HB 49**, 4 favorable; **HB 59**, 4 favorable; **HB 97**, 2 favorable, 2 on merits; Government Operations: **HB 91**, 2 favorable, 3 on merits; **HB 103**, 2 favorable, 3 on merits; Education: **SB 90**, 4 favorable, 2 on merits.

House recessed at 3:03 P.M. to call of the chair.

The Speaker called the House to order at 2:37 P.M. Mr. Stabler moved to adjourn, thereby ending the 11th Legislative Day.

## 12TH LEGISLATIVE DAY

The House convened at 2:38 P.M., on Monday, March 24, 1969.

There was a prayer by the Chaplain Reverend George W. Goodley of Lewes.

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

Roll Call revealed 37 members present, 1 absent.

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

**ABSENT**: Phillips — 1.

Mrs. Evelyn Kneisley acted as Chief Clerk of the House.

Minutes of the previous legislative day were approved as posted.

Communications: Legislative Advisory No. 4

## OFFICE OF THE GOVERNOR

February 20, 1969

**TO:** Representative Clarice Heckert - co-sponsor

Representative George Jarvis - co-sponsor

Representative Joseph Murphy - sponsor

Dr. Kenneth C. Madden

Warren J. Gehrt

Dr. William B. McCormack

Eugene Bunting, Secretary of State

Richard H. Caldwell, Asst. Sec. of State  
 Daniel Ross, Treasurer  
 George W. Cripps, Auditor  
 Joseph T. Cashman, Budget Director  
 Christopher L. Perry  
 Gerald Sapienza  
 Daniel Enterline  
 Mrs. Arva Jackson  
 Clerk of the House  
 Secretary of the Senate  
 Legislative Reference Bureau

FROM: F. L. Peter Stone, Counsel to the Governor

The Governor signed the following legislation on the indicated date:

HB No. 7 - March 19, 1969 - Permitting John Dickinson School District to transfer funds from its local debt service account to an account wherein it can be used as local matching funds for school construction.

HB No. 37 with HA 1 - March 19, 1969 - Making a supplemental appropriation to the Board of Correction to permit the completion of the new prison at Smyrna.

Letter from Rep. George C. Hering, III, regarding **HCR 4**:

March 24, 1969

MEMBERS OF THE HOUSE OF REPRESENTATIVES  
 125th GENERAL ASSEMBLY

RE: HOUSE CONCURRENT RESOLUTION NO. 4

Pursuant to the authority vested in the Speaker under **HCR No. 4**, I hereby appoint Representatives George Edward Gray and Clifford B. Hearn, Jr.

Respectfully,  
 GEORGE C. HERING, III

Copies to:

Rep. George Edward Gray  
 Rep. Clifford B. Hearn, Jr.  
 Senator Reynolds du Pont  
 Mrs. A. J. Smith, Jr., Chief Clerk

The following resolutions were introduced:

**HR 27** — Relative to the Death of Representative Mario A. Pagano

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with regret the passing of Mario A. Pagano, a distinguished and eminent member of the House; and

WHEREAS, State Representative Mario A. Pagano served his State faithfully and well during his terms in the General Assembly of the State of Delaware; and

WHEREAS, State Representative Mario A. Pagano was elected for two consecutive terms to the House of Representatives; and

WHEREAS, State Representative Mario A. Pagano was also active in civic and community work, and gave his utmost effort and time in furtherance of the needs and welfare of his fellow man; and

WHEREAS, the members of the House desire to express in this public manner their own feelings and sense of loss, which is felt throughout the State of Delaware;

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 125th General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Mario A. Pagano, a prominent figure in his community and a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 125th General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made part of the Journal of the proceedings of the House of Representatives of the 125th General Assembly of the State of Delaware.

Introduced by Rep. Dillman and all members of the House.

Roll Call revealed:

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

ABSENT — Phillips — 1.

HR 27 having received a constitutional majority was declared adopted by the House.

Mr. Jarvis was granted privilege of the floor and read his own personal tribute to Mr. Pagano.

Statement by Representative Jarvis:

This empty chair beside me is a stark reminder of the tragic death of Representative Mario Pagano.

If I may pay tribute to our recent loss in this body, I would quote a poem which goes:

Time, like an ever rolling stream  
Bears all it's sons away  
They fly forgotten, as a dream  
Dies at the opening day.

For those of us who were privileged to call him a friend, there was a certain inner grace of courtesy and consideration

which is gifted to few men. It was once appropriate to define this graciousness as courtliness, an attribute most of us do not seem to have time for today.

He was truly a representative of his people, he held their confidence, mirrored their dreams, gave them hope and in this tangled web of technocrats and beaucrats we call Government, he earnestly sought to solve their problems.

Mario and I both came from the same large city, ethnic oriented background, culturally and politically and, when I thought of what I could say which in some way might be a fitting tribute, I came upon some words entitled "An Irish Blessing" I will quote as follows:

May the road rise to meet you.  
May the wind be always at your back.  
May the sun shine warm upon your face,  
the rains fall soft upon your fields,  
and until we meet again  
may God hold you in  
the palm of His hand.

**HR 28** — Relative to the Illness of State Representative W. Harrison Phillips.

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware has learned with deep regret of the illness of State Representative W. Harrison Phillips of Laurel; 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 125th General Assembly of the State of Delaware that the members thereof extend their sincere best wishes for a speedy recovery to State Representative W. Harrison Phillips from his illness; and

BE IT FURTHER RESOLVED that this expression be conveyed to State Representative W. Harrison Phillips and a copy of this Resolution be forwarded to him at his home in Laurel; and

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

Introduced by Rep. Zimmerman. Adopted by voice vote.  
The following prefiled bills were introduced:

**HB 104** — An Act to Amend Chapter 10 of Part 1, Title 14 of the Delaware Code Relating to the Reorganization of School Districts. Introduced by Rep. Heckert and others. Referred to the Committee on Education.

**HB 105** — An Act to Amend Section 2301, Title 6, Delaware Code, By Providing For A Lawful Rate of Interest Not In Excess of 8 Per Cent Per Annum. Introduced by Rep. Little. Referred to the Committee on Financial Institutions.

**HB 106** — An Act to Amend Title 8, Delaware Code, Relating to Corporations By Adding A New Chapter to be Known As "Chapter 6" to Permit the Formation of Professional Service Corporations and to Set Forth the Law Relating Thereto. Introduced by Rep. Hering and others. Referred to the committee on Commerce & Labor.

**HB 107** — An Act to Establish An Advisory Board to the State Board of Education. Introduced by Reps. Kirk and Dillman. Referred to the Committee on Education.

**HB 108** — An Act to Permit Millsboro School District No. 23 to Transfer Certain Funds From Its Local Debt Service Account to Its 1969 Minor Capital Improvement Account. Introduced by Rep. Gray. Referred to the Committee on Education.

**HB 109** — An Act Making A Supplementary Appropriation to the City of Wilmington. Introduced by Rep. Billingsley and others. Referred to the Committee on Appropriations.

**HS 1 for HB 86** — Introduced by Rep. Frederick. Referred to the Committee on Highways and Public Safety.

**HS 1 for HB 75** — Introduced by Rep. Heckert. Referred to the Committee on Education.

**HS 1 for HB 18** — Introduced by Rep. Sebrell. Referred to the Committee on Education.

**SB 3** — An Act to Amend Title 1, Delaware Code, Pertaining to the Designation of Legal Holidays. Introduced by Senator Steele. Referred to the Committee on Revised Statutes.

**SB 35** — An Act to Amend Chapter 429, Volume 55, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating \$42,639,992.00 to Various Agencies of the State," By Reducing the Amount of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook. Referred to the Committee on Appropriations.

**SB 36** — An Act to Amend Chapter 121, Volume 56, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Moneys to Various Agencies of the State" By Reducing the Amount of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook. Referred to the Committee on Appropriations.

**SB 38** — An Act to Amend Chapter 167, Volume 55, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to Various Agencies of the State" By Reducing the Amount of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook. Referred to the Committee on Appropriations.

**SB 55** — An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power By Exempting Lands and Improvements of the Lamborn Library Association From Assessment and Taxation. Introduced by Senator Manning. Referred to the Committee on Revenue & Taxation.

The following bills were reported out of Committee: Education: **SB 34**, 4 favorable, 1 on merits; **SB 37**, 4 favorable, 1 on merits; **SB 53**, 3 favorable, 2 on merits; Health & Welfare: **HB 81**, 5 on merits, 1 unfavorable; **SCR 4**, 3 favorable, 3 on merits.

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

**HB 44** — An Act to Amend § 4179 A, Chapter 41, Title 21, Delaware Code, Relating to the Payment of Court Costs and A Requirement of A Receipt.

Mr. Leshner introduced **HA 1** to **HB 44**. On motion of Mr. Leshner **HA 1** to **HB 44** was adopted by voice vote.

Roll Call revealed:

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

**ABSENT** — Phillips — 1.

**HB 44** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 39** — An Act to Amend "An Act Changing the Corporate Name of 'The Commissioners of The Town of Camden' to 'The Town of Camden' and Establishing a Charter therefor" Relating to Increasing the Limit of the Amount to be Raised by Taxation to Twenty-five Thousand (\$25,000.00) Dollars.

Roll Call revealed:

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

Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 37.

ABSENT — Phillips — 1.

**HB 39** having received a constitutional majority was declared passed by the House.

On motion of Rep. Kirk **HB 24** was referred back to the Appropriations Committee.

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

**HB 103** — An Act to Amend Chapter 183, Volume 22, Laws of Delaware, as amended, entitled "An Act to Incorporate the Town of Greenwood" to Provide power and Authority for the Laying out, Locating or Opening new Streets, the Widening or Altering of Existing Streets and the Vacating or Abandoning of Streets.

Roll Call revealed:

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

ABSENT — Phillips — 1.

**HB 103** having received a two-thirds majority was declared passed by the House.

Mr. Dodge was granted privilege of the floor and moved to defer action on **HB 97** because there had been so many excellent suggestions that a new bill was being prepared. Motion prevailed.

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

**HB 91** — An Act Declaring the Policy of this State Regarding Reorganization of the Executive Branch of the Government and Creating a Governor's Task Force on Government Reorganization to Plan and Implement the Reorganization of the Executive Branch of the State Government and Prescribing Certain Powers and Responsibilities for such Task Force and Making a Supplementary Appropriation to the Governor's Office to Carry out the Purposes of This Act.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering — 25.

NAYS — Boulden, Butcher, Goldfeder, Harrington, Hearn, McMahon, Mears, Orth, Rawlins, Stansky, Zimmerman — 11.

**NOT VOTING** — Fonville — 1.

**ABSENT** — Phillips — 1.

**HB 91** having received a constitutional majority was declared passed by the House.

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

**SB 90** — An Act to Amend Volume 56, Chapter 292, Laws of Delaware, by Providing that the Boards of Education of Certain Reorganized School Districts may Levy and Collect Taxes after July 1, 1969 at a rate Authorized by Referendum prior to July 1, 1969.

Roll Call revealed:

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

**ABSENT** — Phillips — 1.

**SB 90** having received a constitutional majority was declared passed by the House.

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

**HB 59** — An Act to Amend Article 5, Section 6, of the Constitution of the State of Delaware.

On motion of Mr. Burt the following letter was submitted for the Journal.

**COURT OF CHANCERY  
OF THE  
STATE OF DELAWARE**

January 22, 1969

Honorable W. Laird Stabler, Jr.

Chairman

House Judiciary Committee

1117 Wilmington Trust Building

Wilmington, Delaware 19801

Dear Mr. Stabler:

I write about a proposed amendment to Article 5, Section 6 of the Constitution. That section states the procedure for holding the official canvass of the votes in each county of the state. As you know, this is done under supervision of certain of the state court judges who sit as a board for this purpose. Certain judges are assigned to this responsibility by virtue of their office, and the last full sentence of the section provides that the Governor has the power to commission a judge to constitute a quorum when any judge is disqualified or unable to attend.

The purpose of the proposed amendment is to vest this appointive power in the Chief Justice rather than the Governor. It would seem more appropriate to do this because



the Chief Justice is the administrative head of the courts and it is the judges who are responsible for the count. As you know, also, the count takes place in the courtrooms and court personnel are deeply involved in all of this. And the Chief Justice, of course, has the responsibility and power to make assignment of judges in various civil and criminal actions; hence it would seem more realistic to give him the same responsibility in Board of Canvass matters.

I write to ask if you would take the responsibility for the introduction of this proposed amendment which has the support of the Chief Justice and the entire Judicial Conference. And I express the hope that the General Assembly will approve it. I will be glad to answer any questions which you or other members may have.

Yours sincerely,  
WM. DUFFY  
Chancellor

Roll Call revealed:

YEAS — Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Zimmerman, Mr. Speaker Hering — 32.

NAYS — Burton, Riddagh, Unruh — 3.

NOT VOTING — Benson, Butcher — 2.

ABSENT — Phillips — 1.

**HB 59** having received a two-thirds majority was declared passed by the House.

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

**HB 49** — An Act Proposing An Amendment to Article 4, Section 2, of the Constitution of the State of Delaware Relating to Active Judicial Duty by Retired Judges.

Roll Call revealed:

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

NOT VOTING — Benson — 1.

ABSENT — Phillips — 1.

**HB 49** having received a two-thirds majority was declared passed by the House.

House recessed at 3:50 P.M. and reconvened at 4:35 P.M.

The Senate delivered the following bills having passed the Senate and asking concurrence of the House: **SB 35**, **36**, **38** and **55** and **HB 4** and **HB 32** having passed the Senate.

The following bills were reported out of Committee: Health & Welfare: **HB 88**, 3 favorable, 1 on merits; **HB 89**, 3 favorable, 1 on merits; Revised Statutes: **SB 3**, 2 favorable, 2 on merits; **HB 93**, 5 favorable; Appropriations: **SB 56**, 5 favorable.

House adjourned at 4:52 P.M. until Tuesday, March 25th at 1:30 P.M.

### 13TH LEGISLATIVE DAY

The Speaker called the House to order at 2:01 P.M., Tuesday, March 25, 1969.

There was a prayer by the Chaplain Reverend George W. Goodley.

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

Roll Call revealed 37 members present, 1 absent.

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

Absent: Phillips — 1.

Mrs. Evelyn Kneisley acted as Chief Clerk of the House.

Minutes of the previous legislative day were approved as posted.

The following bills were reported out of committee: Health & Welfare: **HB 92**, 3 favorable, 1 on merits; Highways and Public Safety: **HS 1** for **HB 86**, 3 favorable, 1 on merits; **HB 15**, 4 favorable, 1 on merits; **SJR 1**, 2 favorable, 2 on merits.

The following prefiled bills were introduced:

**HB 110** — An Act to Amend Chapter 108, Volume 47, Laws of Delaware, Entitled "An Act Extending the Corporate Limits of The Town of Camden", by Adding a New Area thereto. Introduced by Rep. Moerschel. Referred to the Committee on Government Operations.

**HB 111** — An Act to Amend Title 31, Delaware Code, by Providing for the Payment of one Dollar by all Welfare Recipients toward the Cost of each Prescription Received. Introduced by Rep. Riddagh. Referred to the Committee on Health & Welfare.

**HB 112** — An Act Making a Supplementary Appropriation to the State Department of Justice for Salaries and Operational Expenses. Introduced by Rep. Billingsley. Referred to the Committee on Judiciary.

**HB 113** — An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to Criminal Offenses of Sale, Possession and Use of Narcotic Drugs and Dangerous Drugs and

Prescribing Penalties for such Violations. Introduced by Rep. Dodge and all members of House. Referred to the Committee on Judiciary.

On motion of Rep. Dodge, **HB 97** was stricken.

**HA 1 to SB 25** — Introduced by Rep. Stansky. Placed with bill.

**HA 1 to HB 90** — Introduced by Rep. duPont. Placed with bill.

**HA 1 to HB 109** — Introduced by Reps. Leshner and Heckert. Placed with bill.

**HA 2 to HB 109** — Introduced by Rep. Heckert. Placed with bill.

**HA 3 to HB 109** — Introduced by Rep. Billingsley. Placed with bill.

**HA 1 to HB 62** — Introduced by Rep. Billingsley. Placed with bill.

The following was received from the Senate: **SB 60** having passed the Senate and asking concurrence of the House. **SB 60** assigned to Natural Resources Committee.

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

**HB 76** — An Act to Amend Section 8323 Title 11, Delaware Code by Making Retired Members of the Delaware State Police Eligible to be Employed by other State Agencies under Certain Conditions.

Roll Call revealed:

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

**ABSENT** — Phillips — 1.

**HB 76** having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair.

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

**HB 81** — An Act to Amend Chapter 81 Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of the Lutheran Senior Services, Inc., A Delaware Corporation, from Assessment and Taxation.

Privilege of the floor was granted Mr. Martin Luther Fulmer, Executive Director of Lutheran Senior Services, Inc., who explained **HB 81**.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Freder-

ick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 37.

ABSENT — Phillips — 1.

**HB 81** having received a constitutional majority was declared passed by the House.

Mr. Hering requested roll call on **HB 57** be lifted from the table. After several representatives changed their votes, Mr. Hering moved that roll call be retabled. Motion prevailed.

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

**SB 3** — An Act to Amend Title 1, Delaware Code, Pertaining to the Designation of Legal Holidays.

**HA 1 to SB 3** — Introduced by Rep. Zimmerman and others. On motion of Rep. Benson **HA 1 to SB 3** was tabled by voice vote.

Senator Steele was granted privilege of the floor to explain **SB 3**.

Roll Call revealed:

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

ABSENT: Phillips, Quillen — 2.

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

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

**SCR 4** — Provide for the Establishment of a Committee of the General Assembly for the Purpose of Inquiring into Complaints Relating to State Expenditures to Private Day Care Centers.

On further motion of Mr. Frederick, **SCR 4** was deferred.

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

**SB 34** — An Act to Amend Chapter 171, Volume 54, Laws of Delaware, Entitled "An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for said Purpose; Authorizing the Financing of such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make such Contributions; and Authorizing the Acceptance

of Federal Funds for Building Purposes and Creating Local School Building Commissions" by Reducing the Amounts of Moneys Appropriated and Authorized to be Borrowed.

Roll Call revealed:

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

**ABSENT** — Phillips — 1.

**SB 34** having received a constitutional majority was declared passed by the House.

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

**SB 37** — An Act to Amend Chapter 384, Volume 54, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be used for Capital Improvements and Expenditures in the Nature of Capital Investments and for Improvements to the Public School System of the State and to issue Bonds and Notes therefor and Appropriating the Money Borrowed to various Agencies of the State" by Reducing the amounts of Moneys Appropriated and Authorized to be Borrowed.

Roll Call revealed:

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

**ABSENT** — Phillips — 1.

**SB 37** having received a constitutional majority was declared passed by the House.

House recessed at 2:59 P.M. and reconvened at 5:48 P.M.

The following bills were reported out of committee: Highways and Public Safety: **HB 100**, 1 favorable, 4 on merits; **HB 53**, 1 favorable, 5 on merits; **HB 94**, 1 favorable, 5 on merits; Education: **HB 108**, 5 favorable; **HB 115**, 3 favorable, 1 on merits; Natural Resources: **HB 54**, 2 favorable, 3 on merits; **HB 52**, 2 favorable, 3 on merits; Judiciary: **HB 38**, 4 favorable, 1 on merits; **HB 85**, 4 favorable, 1 on merits; Appropriations: **HB 87**, 4 favorable; Revised Statutes: **HB 98**, 3 on merits, 1 unfavorable.

The following bills were introduced and assigned as follows:

**HB 114** — An Act to provide for Levy Court of Kent to hear appeals from the Board of Assessment of Kent County. Introduced by Rep. Moerschel. Referred to Committee on Government Operations.

**HB 115** — An Act to permit Houston School District No. 125 to transfer certain funds from its Local Debt Service Account to its Local Fund No. 80. Introduced by Rep. Quillen. Referred to Education Committee.

**HB 116** — An Act to amend Title 31, Chapter 5, Section 513, Delaware Code, by repealing it and substituting a new Section 513 with the purpose of removing from the counties any obligation to contribute toward the cost of welfare programs. Introduced by Rep. Zimmerman. Referred to Committee on Revenue and Taxation.

The following was delivered from the Senate: **SB 89** having passed the Senate and asking concurrence of the House. Assigned to the Education Committee.

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

**SB 53** — An Act to Amend Chapter 171, Volume 54, Laws of Delaware, Entitled An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for said purpose; Authorizing the Financing of such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions.

Roll Call revealed:

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

**ABSENT** — Harrington, Phillips — 2.

**SB 53** having received a three-fourths majority was declared passed by the House.

On motion of Mrs. Heckert the following was given a final reading and placed before the House for consideration: (accompanied by debt statement)

**SB 56** — An Act Authorizing the State of Delaware to Borrow Money to be used for Capital Improvements and expenditures and to Issue Bonds and Notes therefore and Appropriating the Monies to the State Board of Education.

Roll Call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Freder-

ick, Goldfeder, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 36.

ABSENT — Harrington, Phillips — 2.

**SB 56** having received a three-fourths majority was declared passed by the House.

Mr. Billingsley moved to suspend rules for the sole purpose of considering the following bill as amended:

**HB 109** — An Act Making a Supplementary Appropriation to the City of Wilmington.

Privilege of the floor was granted Harry G. Haskell, Mayor of the City of Wilmington, to explain **HB 109**.

On motion of Rep. Leshner, **HA 1** to **HB 109** was brought before the House for consideration.

Roll Call revealed:

YEAS — Benson, Berndt, duPont, Frederick, Heckert, Kirk, Leshner, Mears, Spence — 10.

NAYS — Billingsley, Burt, Burton, Butcher, Dillman, Dodge, Fonville, Goldfeder, Gray, Hearn, Jarvis, Little, McMahon, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 25.

Not Voting — Boulden — 1.

ABSENT — Harrington, Phillips — 2.

**HA 1** to **HB 109** not having received a constitutional majority was declared lost.

On motion of Rep. Heckert, **HA 2** to **HB 109** was brought before the House for consideration:

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Riddagh, Seibel, Spence, Stabler, Mr. Speaker Hering — 21.

NAYS — Fonville, Goldfeder, Hearn, McMahon, Mears, Murphy, Orth, Quillen, Rawlins, Sebrell, Stansky, Unruh, Zimmerman — 13.

NOT VOTING — Boulden, Butcher — 2.

ABSENT — Harrington, Phillips, — 2.

**HA 2** to **HB 109** having received a constitutional majority was declared adopted by the House.

On motion of Rep. Billingsley, **HA 3** to **HB 109** was brought before the House for consideration. On further motion of Rep. Billingsley, **HA 3** to **HB 109** was adopted by voice vote.

Upon request of Rep. Zimmerman, Harry G. Haskell, Mayor of Wilmington, was again granted privilege of the floor to explain **HB 109** with **HA 2** and **3**.

Roll Call on **HB 109** with **HA 2** and **3** revealed:

**YEAS** — Benson, Berndt, Billingsley, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Goldfeder, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Murphy, Riddagh, Seibel, Spence, Stabler, Mr. Speaker Hering — 23.

**NAYS** — Burton, Frederick, Gray, Mears, Moerschel, Quillen, Rawlins, Sebrell, Unruh — 9.

**NOT VOTING** — Boulden, Orth, Stansky, Zimmerman — 4.

**ABSENT** — Harrington, Phillips — 2.

**HB 109** with **HA 2** and **3** not having received a three-fourths majority was declared lost in the House.

House recessed at 7:05 P.M., and reconvened at 7:28 P.M.

Mr. Stabler took the chair as Acting Speaker.

The following bill was introduced:

**HB 117** — An Act to Amend Title 22, Delaware Code, Entitled "Municipalities" by Adding thereto a new Chapter 9 Authorizing Cities with a Population in excess of 50,000 Persons to Enact a Tax on Income of its Residents; and a Tax on the Income of Non-residents Engaged in any Occupation, Business or Profession within the City. Introduced by Rep. Hering. Mr. Hering moved to suspend rules for the purpose of acting on **HB 117** only. Motion prevailed.

On further motion, House recessed at 7:27 P.M., and reconvened at 7:55 P.M.

On motion of Rep. Leshner, **HA 1** to **HB 117** was introduced and adopted by voice vote.

Roll Call on **HB 117** with **HA 1** revealed:

**YEAS** — Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Jarvis, Leshner, Little, Moerschel, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Mr. Speaker Hering — 20.

**NAYS** — Benson, Boulden, Butcher, Fonville, Goldfeder, Hearn, Heckert, Kirk, McMahon, Mears, Orth, Rawlins, Stansky, Unruh, Zimmerman — 15.

**NOT VOTING** — Murphy — 1.

**ABSENT** — Harrington, Phillips — 2.

**HB 117** with **HA 1** having received a constitutional majority was declared passed by the House.

House recessed at 8:22 P.M. to call of the chair.

The Speaker called the House to order at 2:01 P.M. Mr. Stabler moved to adjourn thereby ending the 13th Legislative Day.

#### 14TH LEGISLATIVE DAY

The House convened at 2:02 P.M., on Wednesday, March 26, 1969.

There was a Prayer by the Chaplain Reverend George W. Goodley, United Methodist Church, Lewes.

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



Roll Call revealed 37 members present, 1 absent.

Members Present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 37.

Absent: Phillips — 1.

Mrs. Evelyn Kneisley acted as Chief Clerk of the House.

Minutes of the previous legislative day were approved as posted.

Communications:

March 25, 1969

Members of the Senate  
125th General Assembly

Re: House Concurrent Resolution No. 4

Pursuant to the authority vested in the President Pro-Tempore under H.C.R. No. 4, I hereby appoint Senators Thomas E. Hickman, Jr. and William F. Hart.

Respectfully,

REYNOLDS DU PONT

Mr. Hering announced that Representative Berndt had been appointed to Mr. Pagano's position on the House Appropriations Committee.

The following bills were delivered from the Senate: **HB 27** and **73** having passed the Senate and returned to the House.

Prefiled bills:

**HB 118** — An Act to Provide for Additional Principals for Reorganized School Districts. Introduced by Rep. Gray and others. Referred to the Committee on Education.

**HB 119** — An Act to Permit Gunning Bedford School District to Transfer certain Funds from its Local Debt Service to its 1969 Minor Capital Improvement Account. Introduced by Rep. Kirk. Referred to the Committee on Education.

On motion of Rep. Murphy the following was placed before the House for consideration:

**SJR 1** — To Direct that a Copy of the Agenda for all Stated Meetings of the State Highway Department be sent to the Members of the General Assembly.

Roll Call revealed:

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

NAYS — Berndt — 1.

NOT VOTING — Leshner, Sebrell — 2.

ABSENT — Phillips — 1.

**SJR 1** having received a constitutional majority was declared adopted by the House.

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

**HB 115** — An Act to Permit Houston School District No. 125 to Transfer Certain Funds From Its Local Debt Service Account to Its Local Fund No. 80.

Roll Call revealed:

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

ABSENT — Phillips — 1.

**HB 115** having received a three-fourths majority was declared passed by the House.

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

**HB 15** — An Act to Authorize the State Highway Department to Install Illuminating Lights at a Certain Intersection of Roads in New Castle County and Making a Supplemental Appropriation Therefor.

Privilege of the floor was granted Mr. Ernest Davidson, Director of Operations, of the State Highway Department to answer questions regarding the bill.

On motion of Mr. Benson, roll call on **HB 15** was tabled.

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

**HB 38** — An Act to Amend Section 813, Title 11, Delaware Code, Relating to Assault on Police Officers.

Roll Call revealed:

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

ABSENT — Phillips — 1.

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

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

**HB 52** — An Act to Amend Section 504, Title 7, Delaware Code, Relating to an Increase in License Fees to be Paid By Residents of This State for Hunting and Trapping Licenses and Fishing Licenses.

Privilege of the floor was granted Mr. Irvin Evans, member of the Game and Fish Commission, to answer questions regarding the bill.

Mr. Sebrell moved to table roll call on **HB 52**. Motion prevailed.

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

**HB 54** — An Act to Amend Section 509 (2), Title 7, Delaware Code, Relating to Non-Resident Fishing License Fees.

Privilege of the floor was granted Mr. Norman G. Wilder, Director of the Game and Fish Commission.

**HA 1** to **HB 54** was introduced by Rep. Kirk. On motion of Mr. Kirk, **HA 1** was adopted by voice vote.

Roll Call on **HB 54** with **HA 1** revealed:

Roll Call revealed:

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

ABSENT — Phillips — 1.

**HB 54** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Sebrell, roll call on **HB 52** was lifted from the table.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Heckert, Jarvis, Leshner, Little, Moerschel, Murphy, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Unruh, Mr. Speaker Hering — 24.

NAYS — Boulden, Burton, Harrington, Hearn, Kirk, McMahon, Mears, Orth, Quillen, Spence, Zimmerman — 11.

NOT VOTING — Gray, Stansky — 2.

ABSENT — Phillips — 1.

**HB 52** having received a constitutional majority was declared passed by the House.

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

**HB 85** — An Act to Amend Title 10, Delaware Code, Relating to Appeals By the State in Criminal Cases; When Appeals May Be Taken, the Procedure to be Followed, and the Time for Taking Such Appeals.

Roll Call revealed:

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

Leshner, Little, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 36.

ABSENT — Phillips, McMahon — 2.

**HB 85** having received a constitutional majority was declared passed by the House.

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

**HS 1 for HB 86** — An Act to Amend Title 21, Delaware Code, Relating to the Authority of the Motor Vehicle Department to Suspend and/or to Revoke Drivers License or Privilege to Drive for Failure to Submit to Chemical Test Where Alleged to Have Driven a Motor Vehicle While Under Influence of Intoxicating Liquor.

**HA 1 to HS 1 for HB 86** was introduced by Rep. Dodge.

Roll Call on **HA 1 to HS 1 for HB 86** revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dodge, duPont, Goldfeder, Gray, Harrington, Hearn, Kirk, Little, McMahon, Moerschel, Quillen, Rawlins, Riddagh, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 25.

NAYS — Dillman, Frederick, Heckert, Jarvis, Leshner, Mears, Murphy, Sebrell, Seibel, Spence — 10.

ABSENT — Fonville, Orth, Phillips — 3.

**HA 1 to HS 1 for HB 86** having received a constitutional majority was declared adopted.

Roll Call on **HS 1 for HB 86** with **HA 1** revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Goldfeder, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 33.

NOT VOTING — Fonville, Hearn, McMahon, Orth — 4.

ABSENT — Phillips — 1.

**HS 1 for HB 86** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 92** — An Act to Amend Section 3507, Title 11, Delaware Code, Relating to Evidence of Weight of Alcohol in the Blood of a Person Alleged to Have Operated a Motor Vehicle While Under the Influence of Intoxicating Liquor.

Roll Call revealed:

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

ABSENT — Butcher, Phillips, Quillen, Stabler — 4.

**HB 92** having received a constitutional majority was declared passed by the House.

House recessed at 3:52 P.M., and reconvened at 4:35 P.M.

The following bills were reported out of committee: Government Operations: **HB 110**, 5 favorable, 1 on merits; Education: **HB 104**, 1 favorable, 4 on merits; **HB 118**, 4 favorable, 1 on merits; **HB 107**, 5 favorable; **HB 119**, 5 favorable; Judiciary: **HB 113**, 5 favorable, 1 on merits.

The following bills were introduced:

**HB 120** — An Act to Amend Chapter 43, Title 11, Delaware Code, Entitled "Sentencing, Probation, Parole and Pardons" to Include Justices of the Peace Within the Definition of the Word "Court" As Used in Said Chapter. Introduced by Rep. Stansky. Referred to the Committee on Judiciary.

**HB 121** — An Act Giving Minors Over the Age of 19 Years the Power to Contract. Introduced by Rep. Little and others. Referred to the Committee on Commerce and Labor.

**HB 122** — An Act Giving Minors Over the Age of 19 Years the Ability to Marry Without Consent. Introduced by Rep. Little and others. Referred to the Committee on Revised Statutes.

**HB 123** — An Act Giving Minors Over the Age of 19 Years the Power to Own a Motor Vehicle. Introduced by Rep. Little and others. Referred to the Committee on Highways and Public Safety.

**HB 124** — An Act Making Supplementary Appropriation to the Delaware State Development Department for the Purpose of Providing Funds for a Department Representative to Attend the Florida Festival of States in St. Petersburg, Florida in April, 1969, and to Defray Related Expenses. Introduced by Rep. Dillman. Referred to the Committee on Government Operations.

**HB 125** — An Act to Eliminate the 13th Election District of the 18th Representative District and Include it in the 10th Representative District. Introduced by Rep. Dillman. Referred to the Committee on Elections.

**HB 126** — An Act to Permit the Board of School Trustees of Henry C. Conrad School District No. 131 to Transfer Certain Funds from its Local Debt Service Account to its Local Current Operating Expense Account. Introduced by Rep. Dillman. Referred to the Committee on Education.

On motion of Mr. Benson, roll call on **HB 15** was lifted from the table.

Roll Call revealed:

YEAS — Benson, Boulden, Burton, Butcher, Dodge, Fonville, Goldfeder, Gray, Harrington, Hearn, Heckert, Little, McMahon, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stansky, Unruh, Zimmerman — 23.

**NAYS** — Berndt, Billingsley, Burt, Dillman, duPont, Frederick, Jarvis, Kirk, Leshner, Moerschel, Stabler — 11.

**NOT VOTING** — Mears, Seibel, Mr. Speaker Hering — 3.

**ABSENT** — Phillips — 1.

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

House recessed to call of chair at 4:55 P.M.

The Speaker called the House to order at 3:01 P.M. Mr. Stabler moved to adjourn thereby ending the 14th Legislative Day.

### 15TH LEGISLATIVE DAY

The House convened at 3:02 P.M., on Thursday, March 27, 1969.

There was a prayer by the Chaplain Reverend George W. Goodley, United Methodist Church, Lewes.

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

Roll Call revealed 35 members present, 3 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 35.

Absent: McMahon, Phillips, Stabler — 3.

Mrs. Evelyn Kneisley acted as Chief Clerk of the House.

Minutes of the previous legislative day were approved as posted.

Committee Reports: Highways and Public Safety: **HB 123**, 3 favorable, 2 on merits.

A messenger from the Senate delivered **SB 57** and **SB 122** having passed the Senate and asking concurrence of the House; and **HB 117** with **HA 1** having passed the Senate and returned to the House.

The following prefiled bills and resolutions were introduced:

**HB 127** — An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" in Respect to the Salary of Chief Deputy Prothonotaries and Registers in Chancery and Clerks of the Orphans' Court. Introduced by Reps. Burton and Gray. Referred to the Committee on Judiciary.

**HB 128** — An Act Relating to Corporations Subject To and Exempt From the Corporation Franchise Tax. Introduced by Rep. Billingsley. Referred to the Committee on Revenue and Taxation.

**HB 129** — An Act to Amend Section 1913, Chapter 19, Title 30, Delaware Code, to Impose Additional Penalty for Failure to File Corporation Income Tax Returns When Due.

Introduced by Rep. Jarvis. Referred to the Committee on Revenue and Taxation.

**HB 130** — An Act to Amend Section 1904, Chapter 19, Title 30, Delaware Code, to Require the Filing of Corporate Income Tax Returns. Introduced by Rep. Jarvis. Referred to the Committee on Revenue and Taxation.

**HB 131** — An Act to Amend Section 375, Subchapter V, Chapter 3, Title 30, Delaware Code, Requiring the Furnishing of Surety Bonds for Payment of Taxes By All Non-Resident Persons or Firms Doing Business of Any Nature in Delaware. Introduced by Rep. Jarvis. Referred to the Committee on Revenue and Taxation.

**HB 132** — An Act Proposing the Repeal of Article XI of the Constitution of the State of Delaware, Relating to Agriculture. Introduced by Rep. Hering. Referred to the Committee on Natural Resources.

**HB 133** — An Act Proposing the Repeal of Article XII of the Constitution of the State of Delaware, Relating to Public Health. Introduced by Rep. Hering. Referred to the Committee on Health and Welfare.

**HB 134** — An Act Making A Supplementary Appropriation to the Delaware State Development Department for Promotion of the State of Delaware at the 50th Annual National Convention of United States Jaycees in Louisville, Kentucky. Introduced by Rep. Burton and others. Referred to the Committee on Government Operations.

**HB 135** — An Act to Amend Title 14, Delaware Code, By Making Certain Corrections to Provide for the Educational Advancement Act. Introduced by Rep. Heckert. Referred to the Committee on Education.

**HA 1 to HB 122** — Introduced by Rep. Hering. Placed with bill.

**SB 57** — An Act Repealing Title 7, Delaware Code, § 1901 and § 1904 (a) and Providing for the Creation of the Delaware Commission of Shell Fisheries and the Appointment of An Executive Secretary. Introduced by Senator Isaacs. Referred to the Committee on Natural Resources.

**SB 122** — An Act to Amend Title 29, Section 7424, Delaware Code, Relating to the Attaching of A Debt Statement to Every Bill Which Authorizes the Issuance of Bonds or Notes Pledging the Faith and Credit of the State. Introduced by Senators Cook and duPont. Referred to the Committee on Appropriations.

**HR 29** — Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 125th General Assembly. Introduced by Rep. Dodge. Adopted by voice vote.

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

**HB 62** — An Act to Amend Section 2702 (a) of Title 14, Delaware Code, By Requiring School Attendance Between the Ages of 6 and 16.

Privilege of the floor was granted to Dr. Kenneth C. Madden, Superintendent of Public Instruction, to answer questions regarding the bill.

On further motion of Mr. Billingsley, **HB 62** was deferred.

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

**HB 87** — An Act Making A Supplementary Appropriation to Brandywine Hundred Fire Co., Five Points Fire Co., and Cranston Heights Fire Co.

Roll Call revealed:

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

**ABSENT** — Burton, McMahon, Phillips, Stabler — 4.

**HB 87** having received a three-fourths majority was declared passed by the House.

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

**HB 100** — An Act Making A Supplementary Appropriation to the State Highway Department for the Installation of Sidewalks.

**HA 1** to **HB 100** was introduced by Rep. Spence. On motion of Rep. Spence, **HA 1** was adopted by voice vote.

Roll call revealed:

**YEAS** — Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, Fonville, Gray, Harrington, Heckert, Jarvis, Kirk, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Mr. Speaker Hering — 25.

**NOT VOTING** — Butcher, duPont, Frederick, Goldfeder, Hearn, Leshner, Mears, Orth, Rawlins, Zimmerman — 10.

**ABSENT** — McMahon, Phillips, Stabler — 3.

**HB 100** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 118** — An Act to Provide for Additional Principals for Reorganized School Districts.

Privilege of the floor was granted Dr. Kenneth C. Madden, Superintendent of Public Instruction, to explain the bill.

Roll Call revealed:

**YEAS** — Benson, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gold-



feder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, Mears, Moerschel, Murphy, Orth, Quillen, Sebrell, Seibel, Spence, Stansky, Zimmerman, Mr. Speaker Hering — 30.

NAYS — Leshner, Riddagh, Unruh — 3.

ABSENT — Berndt, McMahon, Phillips, Rawlins, Stabler — 5.

**HB 118** having received a constitutional majority was declared passed by the House.

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

**HB 24** — An Act Authorizing the State of Delaware to Borrow Money to be Used for Local Park Land Acquisition and Park Development Assistance and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the State Budget Commission.

Accompanied by debt statement.

**HA 1** to **HB 24** was introduced by Rep. Zimmerman. Adopted by voice vote.

**HA 2** to **HB 24** was introduced by Rep. Kirk. On motion of Rep. Kirk, **HA 2** was stricken.

Privilege of the floor was granted Mr. Rudolph Jass, State Planner, who explained the bill in detail. Mr. Billingsley moved that the sponsor of the bill consider deferring indefinitely. Mr. Riddagh moved to recommit **HB 24** with **HA 1**.

Roll Call to recommit revealed:

YEAS — Benson, Butcher, Dillman, Dodge, Frederick, Heckert, Leshner, Quillen, Riddagh, Sebrell, Spence, Unruh — 12.

NAYS — Berndt, Billingsley, Boulden, Burt, Burton, Fonville, Goldfeder, Harrington, Hearn, Kirk, Little, Mears, Moerschel, Murphy, Orth, Rawlins, Seibel, Stansky, Zimmerman, Mr. Speaker Hering — 20.

NOT VOTING — duPont, Gray, Jarvis — 3.

ABSENT — McMahon, Phillips, Stabler — 3.

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

Mr. Zimmerman moved to defer **HB 24** with **HA 1** indefinitely. Motion prevailed.

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

**SS 1** to **SB 152** — An Act Making An Appropriation to the State Board of Agriculture for Treatment of the Infested Fields. Introduced by Senators Elliott and Isaacs.

Mr. Quillen moved to suspend rules in order to consider **SS 1** to **SB 152**, which he considered an emergency measure.

Mr. G. Wallace Caulk, Secretary of the State Board of Agriculture, was granted privilege of the floor to explain whether or not **SS 1** to **SB 152** was an emergency measure.

On Mr. Quillen's previous motion, rules were suspended by voice vote.

Roll Call on SS 1 to SB 152 revealed:

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

**ABSENT** — McMahon, Phillips, Stabler — 3.

**SS 1 for SB 152** having received a constitutional majority was declared passed by the House.

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

**HB 110** — An Act to Amend Chapter 108, Volume 47, Laws of Delaware, Entitled "An Act Extending the Corporate Limits of the Town of Camden", By Adding A New Area Thereto.

Roll Call revealed:

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

**ABSENT** — McMahon, Phillips, Stabler — 3.

**HB 110** having received a two-thirds majority was declared passed by the House.

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

**HB 119** — An Act to Permit Gunning Bedford School District to Transfer Certain Funds From Its Local Debt Service to Its 1969 Minor Capital Improvement Account.

Roll Call revealed:

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

**ABSENT** — McMahon, Phillips, Stabler — 3.

**HB 119** having received a three-fourths majority was declared passed by the House.

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

**HB 108** — An Act to Permit Millsboro School District No. 23 to Transfer Certain Funds From Its Local Debt Service Account to Its 1969 Minor Capital Improvement Account.

Roll Call revealed:

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

**ABSENT** — McMahon, Phillips, Stabler — 3.

**HB 108** having received a three-fourths majority was declared passed by the House.

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

**HB 89** — An Act to Amend Section 503, Chapter 5, Title 31, Delaware Code, Relating to Welfare, in Order to Permit State Participation in the Federal Work Incentive Program.

Privilege of the floor was granted Ronald Miller, Director of Welfare, to answer questions.

Roll Call revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Fonville, Frederick, Goldfeder, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Murphy, Orth, Seibel, Zimmerman, Mr. Speaker Hering — 22.

**NAYS** — Benson, Burton, Dodge, Gray, Moerschel, Quillen, Riddagh, Sebrell, Spence, Unruh — 10.

**ABSENT** — duPont, McMahon, Phillips, Rawlins, Stabler, Stansky — 6.

**HB 89** having received a constitutional majority was declared passed by the House.

Mr. Murphy took the chair as Acting Speaker.

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

**HB 88** — An Act Making Supplementary Appropriations to the Department of Public Welfare for the Purpose of Providing Operational Welfare Grants, Staff Salaries and Administrative Expenses for the Balance of the Fiscal Year Ending June 30, 1969.

**HA 1 to HB 88** was introduced by Rep. Leshner. Adopted by voice vote.

**HA 2 to HB 88** was introduced by Rep. Leshner. Adopted by voice vote.

Roll Call on **HB 88** with **HA 1** and **2** revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Fonville, Frederick, Goldfeder, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, Mears, Murphy, Orth, Seibel, Zimmerman, Mr. Speaker Hering — 21.

**NAYS** — Burton, Dodge, Gray, Moerschel, Quillen, Riddagh, Spence, Unruh — 8.

**ABSENT** — Benson, duPont, Heckert, McMahon, Phillips, Rawlins, Sebrell, Stabler, Stansky — 9.

**HB 88** with **HA 1** and **2** having received a constitutional majority was declared passed by the House.

House recessed at 6:23 P.M., and reconvened at 6:40 P.M.

A messenger from the Senate delivered the following: **SB 94** with **SA 1**, **SB 85** and **SB 137** having passed the Senate and asking concurrence of the House.

Committee Reports: Government Operations: **HB 124**, 1 favorable, 4 on merits.

Relative to recent news articles, Mr. Leshner spoke briefly of the Youth Services Commission and Ferris School conditions. He commended the Youth Services Commission for their work and dedication.

House recessed at 6:45 P.M. to the call of the chair.

The Speaker called the House to order at 2:02 P.M. Mr. Stabler moved to adjourn thereby ending the 15th Legislative Day.

### 16TH LEGISLATIVE DAY

The House convened at 2:03 P.M., on Tuesday, April 8, 1969.

There was a prayer by the Chaplain Reverend Charles E. Covington.

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

Roll Call revealed 37 members present, 1 absent.

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

Absent: Phillips — 1.

Minutes of the previous legislative day were approved as posted.

Announcements and Communications:

Writ of Election to Dept. of Elections of N. C. County from George C. Hering, III.

April 2, 1969

#### WRIT OF ELECTION

To: The Department of Elections of New Castle County  
Public Building  
Wilmington, Delaware 19801

WHEREAS, a vacancy exists in the House of Representatives of the 125th General Assembly of the State of Delaware by reason of the death of Mario A. Pagano, the Member from the 14th Representative District of New Castle County, State of Delaware; and

WHEREAS, such vacancy has occurred and exists while said General Assembly is in session;

NOW THEREFORE, I, George C. Hering, III, Speaker of the House of Representatives of the 125th General Assembly of the State of Delaware, Presiding Officer of said House of Representatives, in accordance with the Constitution and laws of the State of Delaware in such cases made and provided, do hereby issue this Writ of Election and command that you shall cause a special election to be held in the said 14th Representative District in New Castle County, State of Delaware by the qualified electors thereof on a day to be appointed by you, such day not to be more than 11 nor less than 10 days next after the day of your receiving this Writ, exclusive of that day, for the purpose of electing a Representative of the House of Representatives in the 125th General Assembly for said Representative District to fill the aforesaid vacancy, the person thereupon chosen to hold office for the residue of the term of the said Mario A. Pagano.

IN WITNESS WHEREOF, I, George C. Hering, III, Speaker of the House of Representatives of the State of Delaware of the 125th General Assembly, and Presiding Officer thereof, have hereunto set my hand and seal this second day of April, in the year one thousand nine hundred sixty-nine, the 193rd year of the independence of the United States of America.

Attest:

George C. Herring, III  
Speaker of the House of Representatives  
and Presiding Officer  
Louise deR Smith  
Chief Clerk of the House of Representatives,  
125th General Assembly

Receipt of the foregoing Writ of Election is hereby acknowledged this second day of April, 1969.

Department of Elections for  
New Castle County  
By Martin A. Devine

Letter to Mr. George C. Hering, III, from Dept. of Correction.

April 1, 1969

The Honorable George C. Hering, III  
Speaker of the House  
Legislative Hall  
Dover, Delaware 19901  
Dear Mr. Hering:

The Board of Correction at its regular scheduled Board meeting on March 25, 1969 unanimously approved the resolution to forward a letter to the General Assembly of the State of Delaware thanking them for their understanding and assistance in passing House Bill 37, which gave the Department of Correction the \$390,000.00 necessary to complete Phase II of the new prison facility in Smyrna, Delaware.

Please convey our deep appreciation to the legislators for being so considerate and understanding.

Sincerely yours,  
Warren J. Gehrt  
Commissioner

Legislative Advisory from Governor No. 5.

April 1, 1969

TO: Representative George C. Hering, III - sponsor  
Representative William Frederick - sponsor  
Senator David Elliott - sponsor  
Mayor Harry G. Haskell  
City Solicitor Victor Battaglia, Esq.  
Dr. Kenneth C. Madden  
Dr. William B. McCormack  
Eugene Bunting, Secretary of State  
Richard H. Caldwell, Asst. Sec. of State  
Daniel Ross, Treasurer  
George W. Cripps, Auditor  
Joseph T. Cashman, Budget Director  
Christopher L. Perry  
Gerald Sapienza  
Daniel Enterline  
Mrs. Arva Jackson  
Clerk of the House  
Secretary of the Senate  
Legislative Reference Bureau

FROM: F. L. Peter Stone, Counsel to the Governor

The Governor on the indicated date has taken the following action with regard to legislative matters:

1. Approved and signed

HB No. 117 with HA 1 - March 31, 1969 - authorizing a "municipal user tax" for the City of Wilmington.

SJR No. 2 - March 31, 1969 - approving federal resolution concerning voluntary prayer in public buildings.

2. Vetoed

HB No. 73 - March 31, 1969 - relating to split consolidation of Dickinson-Stanton-Marshallton, based on Supreme Court ruling of unconstitutionality.

Legislative Advisory from Governor No. 6.

April 3, 1969

TO: Senator David Elliott - sponsor  
G. Wallace Caulk, Sec. State Board of Agriculture  
Eugene Bunting, Sec. of State  
Richard H. Caldwell, Asst. Sec. of State  
Daniel Ross, Treasurer  
George W. Cripps, Auditor  
Joseph T. Cashman, Budget Director  
Christopher L. Perry  
Gerald Sapienza

Daniel Enterline  
 Mrs. Arva Jackson  
 Clerk of the House  
 Secretary of the Senate  
 Legislative Reference Bureau

FROM: F. L. Peter Stone, Counsel to the Governor

The Governor signed the following legislation on the indicated date:

Sen. Sub. No. 1 to SB No. 152 - April 1, 1969 - providing the Board of Agriculture with \$150,000 to fight the Golden Nematode potato pest.

Veto Message from Governor Peterson re **HB 72**

April 7, 1969

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

On March 27, 1969, I received House Bill No. 72 entitled:

"An Act to Provide for Amendments to the Plan of Reorganization of the Educational Advancement Act"

I return this bill without my approval because it is a companion bill to House Bill 73, which was found to be unconstitutional by the Supreme Court of the State of Delaware.

Therefore, House Bill No. 72 has no significance and I hereby return it unsigned herewith.

Respectfully submitted,  
 Russell W. Peterson  
 Governor

Veto Message from Governor Peterson re **HB 73**

March 31, 1969

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

On March 27, 1969, I received House Bill No. 73 entitled:

"An Act to Amend Section 1004, Title 14, Delaware Code, By Providing An Additional Requirement for Any Plan of Reorganization of the Educational Advancement Act"

I return this bill without my approval because it has been found to be unconstitutional by the Supreme Court of the State of Delaware. Pursuant to Title 10, Section 141, Delaware Code, I requested the Supreme Court to review the constitutionality of this bill. In its unanimous Opinion of the Justices of March 28, 1969, a copy of which is attached hereto, this bill was found to contravene Article 2, Section 19, of the Delaware Constitution, which states in part:

"The General Assembly shall not pass any local or special law relating to \* \* \* the creation or changing the boundaries of school districts \* \* \*."

In light of this Opinion of the Supreme Court, I have no alternative but to veto House Bill No. 73 and I therefore return it unsigned herewith.

Respectfully submitted,  
Russell W. Peterson  
Governor

Veto Message from Governor Peterson re **HB 4.**

April 8, 1969

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

On March 31, 1969, I received House Bill No. 4 entitled:  
"An Act to Amend Section 9605, Title 9, Delaware Code,  
Relating to the Recordation of Instruments in Kent County  
By Providing for Recordation By Microfilming Methods"

I return this bill without my approval at the request of  
its sponsor, Representative Lorin B. Sebrell, because the title  
thereof mentions only microfilming, while the body thereof  
makes reference to both microfilming and photocopying.

I understand Representative Sebrell will submit a cor-  
rected bill.

Respectfully submitted,  
Russell W. Peterson  
Governor

Opinion of the Justices of the Supreme Court re **HB 73.**

IN THE SUPREME COURT OF THE  
STATE OF DELAWARE

Opinion of the Justices of the Supreme Court  
in Response to a Question Propounded by  
the Governor of Delaware.

To His Excellency Russell W. Peterson  
Governor of Delaware:

Reference is made to your letter dated March 25, 1969,  
requesting the opinion of the Justices, under 10 Del. C. § 141,  
as to the constitutionality of House Bill No. 73, entitled "An  
Act to Amend Section 1004, Title 14, Delaware Code, By Pro-  
viding An Additional Requirement for Any Plan of Reorgani-  
zation of the Educational Advancement Act."\* The Bill was  
recently passed by the General Assembly and is now before  
you for consideration.

\*House Bill No. 73 provides, as an additional prerequisite  
of any plan of reorganization of school districts adopted by  
the State Board of Education, the following:

"(9) Any existing school district; that has a super-  
imposed high school district; and that has two or more high  
schools in the superimposed high school district; and that has  
a high school within the boundaries of each of the existing  
school districts; then such superimposed high school district  
shall be considered subdivided and become a part of the  
existing school districts, and such districts shall be considered



reorganized districts under the provisions of this Act if such districts meet all other requirements of this section." See 56 Del. Laws, Ch. 292.

Your letter presents the following factual information:

"The bill in question \* \* \* amends the Educational Advancement Act passed by the 124th General Assembly. It is solely directed to a particular situation relating to the present John Dickinson School District. The State Board of Education, pursuant to the mandate of the Educational Advancement Act, has decided that the present boundaries of the Dickinson District should remain the same, but that the Stanton and Marshallton Districts, presently existing within such boundaries of the Dickinson District, should be merged with the Dickinson District. However, House Bill No. 73 would require a different result, to-wit, 'split consolidation' or a dividing of the Dickinson District into two parts, so that one of the present high schools in combination with the Marshallton District, and the other high school in combination with the Stanton District, would each become separate kindergarten to 12th grade districts under the reorganization. This inevitably draws new geographical boundaries because that which exists as the Dickinson District would be divided in two by act of the legislature.

"House Bill No. 73, although couched in general terms, as a practical matter appears only to affect the Stanton-Marshallton-Dickinson situation. Only that area fits the criteria of the amendment."

We assume those facts and the following opinion is based upon that assumption.

The Constitution of the State of Delaware (Art. 2, § 19) provides in pertinent part:

"The General Assembly shall not pass any local or special law relating to \* \* \* the creation or changing the boundaries of school districts \* \* \*."

The question is whether House Bill No. 73 is violative of that provision of our Constitution. The answer requires a restatement of the definition of a "local or special law."

A law is "local" within the meaning of Art. 2, § 19 when, instead of relating to and binding all persons or institutions of the class to which it may be applicable within the territorial boundaries of the State, it is limited in its operation to the members of that class in a certain part of, or particular place within, the State. *Smith v. Baltimore & Ohio R. Co.*, 7 Terry 441, 85 A.(2d) 73 (1952).

A law is "special" within the meaning of Art. 2, § 19 when it relates to, or was made for, particular persons or institutions or for individual cases. A "special" law is one which "relates and applies to particular members of a class, either particularized by the express terms of the act or separ-

ated by any method of selection from the whole class to which the law might, but for such limitation be applicable." Southerland on Statutory Construction (2d Ed.) pp. 195-196. The distinguishing feature or characteristic of a general law is that it has a uniform operation as to all persons or institutions of a class uniformly situated. A statute relating only to particular persons or institutions of a class is special. *Clen-daniel v. Conrad*, 3 Boyce 549, 83 A. 1036, 1044 (1912).

The objectives of Art. 2, § 19 appear in the Constitutional Debates of 1897. It is there stated (Volume 3, pp. 1260-1262) that the purpose of the drafters was "to save the time of the Legislature now occupied by repeated changes of one school district into another." In this connection, Judge Spruance stated to his colleagues:

"\* \* \* One of the great evils of our present system of legislation is that most of the time of our Legislature is spent upon private matters with which the public have no concern whatever and which ought to be dealt with by general laws committing to some department of the Government the consideration of those questions. Whether the Legislature has acted wisely or unwisely upon such subjects, the fact remains that by such legislation being limited to general laws an immense saving of time and expense would be effected."

With these principles and objectives in mind, and upon the assumptions derived from the factual data contained in your letter, we are of the opinion that the Act in question has the aspects both of a local and a special law: it is local in its scope in that it pertains and is limited to a school district in a particular part of the State; it is special in its operation in that it was obviously made for an individual case. Compare *Tusso v. Smith*, 39 Del. Ch. 198, 162 A. (2d) 185 (1960); *Wright v. Husbands*, 36 Del. Ch. 416, 131 A. (2d) 322, 332-333 (1957).

By 14 Del. C. § 1004(a), the State Board of Education was directed to propose a plan of reorganization of school districts conforming to the criteria prescribed by 14 Del. C. § 1003. This the Board did. The Plan thus proposed directed the consolidation of the Stanton and Marshallton Districts into the John Dickinson District. House Bill No. 73 was thereafter passed for the sole purpose of changing this aspect, and only this aspect, of the Plan. As such, clearly it is a local or special law changing the boundaries of a properly established school district (the Dickinson School District).

Accordingly, upon the basis of the stated assumptions we are of the opinion that House Bill No. 73 contravenes Art. 2, § 19 and, therefore, is unconstitutional.

The foregoing is the unanimous opinion of the Justices.

Respectfully submitted,  
Daniel F. Wolcott  
Chief Justice  
James B. Carey  
Associate Justice  
D. L. Herrmann  
Associate Justice

Dated: March 28, 1969

The Chief Clerk was instructed to obtain Opinion of the Justices of the Supreme Court regarding death of a representative and make it a part of the Journal.

IN THE SUPREME COURT OF THE  
STATE OF DELAWARE

Opinion of the Justices of the Supreme Court  
in Response to a Question Propounded by  
the Governor of Delaware.

To His Excellency Russell W. Peterson  
Governor of Delaware:

Reference is made to your letter dated March 18, 1969, addressed to the Chief Justice, asking, pursuant to 10 Del. C., § 141, the opinion of the Justices upon a question of law. This question may be stated as follows:

In view of the death of Mario A. Pagano, a duly elected member of the House of Representatives for the 14th Representative District, may any action taken by the House of Representatives of the 125th General Assembly prior to the election and qualification of a successor to Representative Pagano be fully valid and effective?

We think the answer to the question asked of us is found in Article II, § 8 of the Constitution of this State. Inter alia, § 8 provides the "\*\*\*\* a majority of all the members elected to each House shall constitute a quorum to do business\*\*\*\*." This precise language was adopted by the Constitutional Convention of 1897. Prior to its adoption, the Constitution of 1831, Article II, § 6, provided that "\*\*\*\* a majority of each (House) shall constitute a quorum to do business; \*\*\*." You will note the difference in language between the present Constitution and the former.

In our opinion, the difference in language is without distinction. This is plan from 2 Constitutional Debates of 1897, page 795, where it appears that the change in language was made merely to preserve uniformity in the language used in the present Constitution without any intent to change the meaning.

This means, in our opinion, that a quorum necessary to be present in order for a House of the General Assembly to act in a valid and effective manner is a majority of the num-

ber of members of that House prescribed by law, irrespective of whether or not one or more vacancies have occurred by reason of death, resignation or otherwise.

It is obvious that this result is required to permit the orderly functioning of the State government. If the meaning of the constitutional provision were that no effective meeting of either the Senate or House could be had in case of a vacancy existing in one of the seats, obviously the orderly process of government in this State could come to a standstill. This result would be contrary to the basic purpose for which our Constitution has been adopted.

It is noteworthy, we think, that the language of the 1831 Constitution, which was not substantially altered by the present constitutional quorum provision according to the drafters, was identical to the Federal constitutional provision, Article I, § 5, governing the quorum of the Congress: "\*\*\*\* a Majority of each (House) shall constitute a Quorum to do Business\*\*\*\*". The Congress, as we know, is not incapacitated by the death of a member.

The conclusion we have reached finds some support, although there is a paucity of reported decisions, in other states. Thus, in Opinion of the Justices, 12 Fla. 658, it was held that a quorum of each House of the Florida General Assembly shall be "not less than a majority of the whole number of which the House may be composed, and vacancies, however arising, cannot be deducted in ascertaining the presence of the quorum."

Similarly, in *Snider v. Rinehart*, 18 Colo. 18, 31 P. 716, it was stated that the occurrence of a vacancy in either the Senate or the House would not prevent the legal transaction of business by either House. The court said:

"Such vacancies are of common occurrence, and yet such legislative bodies, so long as they have a quorum in attendance, proceed regularly with the transaction of business."

We are therefore of the unanimous opinion that, despite the vacancy resulting from the death of Mr. Pagano, the House of Representatives may proceed regularly with the transaction of its business so long as the necessary constitutional quorum of members is present.

Respectfully submitted,  
Daniel F. Wolcott  
Chief Justice  
James B. Carey  
Associate Justice  
D. L. Herrmann  
Associate Justice

March 21, 1969.

Mr. Speaker appointed Mr. Little to succeed Mr. Mario Pagano relative to **HR 124** of the 124th General Assembly.

The following bill was reported out of committee: Appropriations: **HB 90** with **HA 1**, 6 on merits.

The following prefiled bills and resolutions were introduced:

**HS 1** for **HB 113** — An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to Criminal Offenses of Sale, Possession and Use of Narcotic Drugs and Dangerous Drugs and Prescribing Penalties for Such Violations. Introduced by Rep. Dodge and all members of House. Referred to the Committee on Judiciary.

**HB 136** — An Act to Amend Sections 664 A and 670A, Title 11, Delaware Code, Relating to Lotteries. Introduced by Rep. Benson. Referred to the Committee on Revised Statutes.

**HB 137** — An Act to Provide That Motor Vehicle Inspection Lanes Shall Be Open Until 8:30 P.M. During the Months of March, June, September, and December. Introduced by Rep. Spence. Referred to the Committee on Highways and Public Safety.

**HB 138** — An Act to Amend Chapter 34, Title 14, Delaware Code, Relating to "Education" By Providing Scholarships for Students Pursuing Courses of Higher Education Not Available in State Institutions. Introduced by Rep. Moerschel. Referred to the Committee on Education.

**HR 30** — Relating to Federal-State Relations and Effect of Federal Mandated Matching Fund Laws Such as the Medicaid Program Upon State Participation in and Control of Such Laws; and Urging Coordinated Action By the Legislatures of the Several States. Introduced by Rep. Frederick and others. Adopted by voice vote.

**HA 2** to **HB 90** — Introduced by Reps. Leshner and Hering. Placed with bill.

**HA 3** to **HB 90** — Introduced by Rep. Leshner. Placed with bill.

**SB 94** with **SA 1** — An Act to Amend Chapter 59, Title 29, Delaware Code, By Adding the Legislative Council to the List of Exempt Agencies. Introduced by Senator duPont and others. Referred to the Committee on House Administration.

**SB 85** — An Act to Amend Chapters 63 and 65, Title 29, Delaware Code, Relating to the Authority of the Budget Director With Respect to Local School District Revenue Affairs. Introduced by Senator Hart. Referred to the Committee on Education.

**SB 137** — An Act to Amend Chapter 7, Subchapter II, Title 7, Delaware Code, By Providing for the Protection of Bald Eagles and Penalties for Violations Thereof. Introduced by Senator Isaacs. Referred to the Committee on Natural Resources.

**SB 21** with **SA 1** — An Act to Amend Chapter 29, Title 29, Delaware Code Relating to the Duties of the Auditor of

Accounts and Auditing Expenses Related Thereto. Introduced by Senator Steele. Referred to the Committee on Revised Statutes.

**SB 64** — An Act to Amend § 934, Title 7, Delaware Code, Pertaining to Shad Fishing. Introduced by Senator Isaacs. Referred to the Committee on Natural Resources.

**SB 97** — An Act to Amend Title 21, §4176 of the Delaware Code By Adding the Phrase "Or Has in Actual Physical Control" Following the Word "Drives;" By Including Within Under the Influence, The Combination of Liquor and Drugs; and By Adding Thereto the Meaning of Prior Offenses. Introduced by Senator Castle. Referred to the Committee on Highways and Public Safety.

**SB 123** — An Act Amending Chapter 121, Volume 56, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to Be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Moneys to Various Agencies of the State" By Changing the Purpose for Which Certain Monies Appropriated to the Department of Mental Health May Be Expended. Introduced by Senator Hale. Referred to the Committee on Health & Welfare.

**SB 128** — An Act to Amend Subchapter II, Chapter 27, Title 21, Delaware Code, By Adding A New Section Providing for a Fee for the Return of a Suspended Driver's License. Introduced by Senator Issacs. Referred to the Committee on Highways and Public Safety.

**SB 130** — An Act to Amend Chapter 398, Volume 53, Laws of Delaware, As Amended By Chapter 284, Volume 54, Laws of Delaware, By Providing for the Use of Unexpended Funds for Other Repairs and Improvements to the Facilities of the Department of Mental Health. Introduced by Senator Steele. Referred to the Committee on Health & Welfare.

**SB 132** — An Act to Amend Chapter 429, Volume 55, Laws of Delaware, By Providing for the Use of Unexpended Funds for Other Repairs and Improvements to the Facilities of the Department of Mental Health. Introduced by Senator Steele. Referred to the Committee on Health & Welfare.

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

**HB 104** — An Act to Amend Chapter 10 of Part 1, Title 14, of the Delaware Code Relating to the Reorganization of School Districts.

Roll Call revealed:

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

Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Mr. Speaker Hering — 36.

ABSENT — Phillips, Zimmerman — 2.

**HB 104** having received a constitutional majority was declared passed by the House.

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

**HB 107** with **HA 1** — An Act to Establish an Advisory Board to the State Board of Education.

On motion of Mr. Leshner, **HA 1** to **HB 107** was adopted by voice vote.

Roll Call on **HB 107** with **HA 1** revealed:

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

NAYS — duPont — 1.

NOT VOTING — Benson, Fonville — 2.

ABSENT — Phillips — 1.

**HB 107** with **HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 124** — An Act Making Supplementary Appropriation to the Delaware State Development Department for the Purpose of Providing Funds for a Department Representative to Attend the Florida Festival of States in St. Petersburg, Florida in April, 1969, and to Defray Related Expenses.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Rawlins, Seibell, Seibel, Spence, Stabler, Stansky, Mr. Speaker Hering — 31.

NAYS — Leshner, Quillen, Riddagh, Unruh — 4.

NOT VOTING — Butcher, Zimmerman — 2.

ABSENT — Phillips — 1.

**HB 124** having received a constitutional majority was declared passed by the House.

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

**HB 90** — An Act to Provide Summer Employment for Certain Youths of This State and to Make A Supplementary Appropriation Therefor.

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

**HA 2** -- Introduced by Reps. Leshner and Hering. Adopted by roll call vote as follows:

**YEAS** — Benson, Berndt, Billingsley, Burton, Dillman, Dodge, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Quillen, Rawlins, Riddagh, Sebrell, Spence, Unruh, Mr. Speaker Hering — 22.

**NAYS** — Boulden, Burt, Butcher, duPont, Fonville, Goldfeder, Hearn, McMahon, Mears, Murphy, Orth, Seibel, Stabler, Stansky, Zimmerman — 15.

**ABSENT** — Phillips — 1.

**HA 2** having received a majority was declared adopted.

**HA 3** — Introduced by Rep. Leshner. Lost by roll call vote as follows:

**YEAS** — Benson, Billingsley, Heckert, Leshner, Mears, Moerschel, Quillen, Rawlins, Riddagh, Sebrell, Spence — 11.

**NAYS** — Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Kirk, Little, McMahon, Murphy, Orth, Seibel, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 25.

**NOT VOTING** — Jarvis — 1.

**ABSENT** — Phillips — 1.

**HA 3** to **HB 90** not having received a majority was declared lost.

Roll Call on **HB 90** with **HA 1** and **HA 2** revealed:

**YEAS** — Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, duPont, Fonville, Frederick, Goldfeder, Harrington, Hearn, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Rawlins, Seibel, Spence, Stabler, Stansky, Zimmerman, Mr. Speaker Hering — 27.

**NAYS** — Benson, Quillen, Riddagh, Sebrell, Unruh — 5.

**NOT VOTING** — Burton, Dodge, Gray, Heckert, Kirk — 5.

**ABSENT** — Phillips — 1.

**HB 90** with **HA 1** and **HA 2** having received a constitutional majority was declared passed by the House.

House recessed at 4:19 P.M., reconvened at 4:55 P.M.

Committee Reports: Judiciary: **HB 67**, 3 favorable, 2 on merits; **HB 112**, 2 favorable, 2 on merits; **HS 1** for **HB 113**, 5 favorable; **HB 99**, 3 favorable, 1 on merits; **SB 10**, 2 favorable, 2 on merits; Health and Welfare: **SB 130**, 4 on merits; **SB 132**, 4 on merits; **SB 123**, 4 on merits; Revenue and Taxation: **SB 55**, 5 on merits; **HB 129**, 5 favorable, 1 on merits; **HB 130**, 3 favorable, 3 on merits; **HB 128**, 4 favorable, 2 on merits; Education: **HS 1** for **HB 18**, 2 favorable, 2 on merits; **HS 1** for **HB 75**, 4 favorable; **HB 135**, 1 favorable, 3 on merits; Appropriations: **SB 35**, 5 favorable, 1 on merits; **SB 36**, 5 favorable, 1 on merits; **SB 38**, 1 favorable, 5 on merits; **HB 74**, 4 favorable, 1 on merits.



The following bills were introduced:

**HB 139** — An Act Proposing an Amendment to Article 2, Section 15, of the Constitution of the State of Delaware, Relating to the Compensation, Expenses and Allowances of Members of the General Assembly. Introduced by Rep. Murphy. Referred to the Committee on Revised Statutes.

**HB 140** — An Act to Amend Section 1010, Chapter 10, Title 14, Delaware Code, Relating to Adjusted Tax Rates of Reorganized School Districts. Introduced by Reps. Benson and others. Referred to the Committee on Education.

**HB 141** — An Act Making a Supplementary Appropriation to Delmar School District No. 163 for the Construction and Installation of Foundation Drains Around the Delmar School General Purpose Room. Introduced by Reps. Phillips and Mears. Referred to the Committee on Education.

**HB 142** — An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Division of Reorganized School Districts. Introduced by Rep. Frederick. Referred to the Committee on Education.

**HB 143** — An Act to Amend Chapter 11, Title 14, § 1107, Paragraph (a) Relating to Procedure for Changes of School District Boundaries and Referendum Therefor. Introduced by Rep. Frederick. Referred to the Committee on Education.

House recessed to call of chair at 5:07 P.M.

The Speaker called the House to order at 1:44 P.M. Mr. Stabler moved to adjourn thereby ending the 16th Legislative Day.

### 17TH LEGISLATIVE DAY

The House convened at 1:45 P.M., on Wednesday, April 9, 1969.

There was a prayer by the Chaplain Reverend Charles E. Covington.

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

Roll Call revealed 37 members present, 1 absent.

Members present: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Goldfeder, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 37.

Absent: Phillips — 1.

Minutes of the previous legislative day were approved as posted.

Communications: Legislative Advisory No. 7

OFFICE OF THE GOVERNOR

April 8, 1969

TO: Rep. William Frederick - sponsor  
Rep. Louis W. Burton - sponsor

Rep. Lorin B. Sebrell - sponsor  
 Sen. Dean C. Steele - sponsor  
 Sen. Allen J. Cook - sponsor  
 Sen. Margaret Manning - sponsor  
 Sen. J. Donald Isaacs - sponsor  
 Sen. Everette Hale - sponsor  
 Dr. Kenneth C. Madden  
 Eugene Bunting, Sec. of State  
 Richard H. Caldwell, Asst. Sec. of State  
 Daniel Ross, Treasurer  
 George W. Cripps, Auditor  
 Joseph T. Cashman, Budget Director  
 Christopher L. Perry  
 Gerald Sapienza  
 Daniel Enterline  
 Mrs. Arva Jackson  
 Clerk of the House  
 Secretary of the Senate  
 Legislative Reference Bureau

FROM: F. L. Peter Stone, Counsel to the Governor

The Governor on the indicated date has taken the following action with regard to legislative matters:

1. Approved and signed

**HB 32** - April 6, 1969 - permitting Georgetown Special School District to transfer certain funds from its local debt service to its 1969 Minor Capital Improvement Account.

**SB 3** - April 6, 1969 - pertaining to the designation of legal holidays.

**SB 34** - April 6, 1969 - reducing the amounts of monies appropriated and authorized to be borrowed for the enlargement and improvement of the system of free public schools of Delaware.

**SB 37** - April 6, 1969 - reducing amounts of monies appropriated and authorized to be borrowed for capital improvements to the public school system of Delaware.

**SB 53** - April 6, 1969 - authorizing the Marshallton School Building Commission to expend \$11,986.53 for the acquisition of 2.1029 acres of land.

**SB 56** - April 6, 1969 - authorizing \$180,000 onbd issue for State Board of Education to be allocated to the Middletown School District.

**SB 90** - April 6, 1969 - providing that the Boards of Education of certain reorganized school districts may levy and collect taxes after July 1, 1969, at a rate authorized by referendum prior to July 1, 1969.

2. Vetoed

**HB 72** - April 7, 1969 - companion bill to HB No. 73, relating to split consolidation of Dickinson-Stanton-Marshallton, based on Supreme Court ruling of unconstitutionality.

**HB 4** - April 8, 1969 - amending the Delaware Code to provide for the microfilming of documents recorded in Kent County.

The following prefiled bills were introduced:

**HB 144** — An Act to Amend Section 3911, Chapter 39, Title 11, Delaware Code, Relating to the Imposition of Sentence Upon Persons Convicted of A Third and Fourth Felony. Introduced by Rep. Frederick. Referred to the Committee on Judiciary.

**HB 145** — An Act to Amend the Educational Advancement Act Relating to Assistant Principals. Introduced by Rep. Heckert and others. Referred to the Committee on Education.

**HB 146** — An Act to Amend the Educational Advancement Act Relating to Matching Funds. Introduced by Rep. Heckert and others. Referred to the Committee on Education.

**HB 147** — An Act Authorizing the State of Delaware to Borrow Money to be Used for the Resurfacing of All Dirt Roads and Reconstruction of All Nine-Foot Roads in the State of Delaware and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the State Highway Department. Introduced by Reps. Quillen and Dodge. Referred to the Committee on Appropriations.

**HB 148** — An Act to Amend Title 10, Delaware Code, By Giving Justices of the Peace Original Jurisdiction for Any Motor Vehicle Violation by a Child Over 16 Years of Age. Introduced by Rep. Spence. Referred to the Committee on Judiciary.

**HA 1 to HS 1 for HB 113** — Introduced by Rep. Dodge. Placed with bill.

**HA 1 to HB 67** — Introduced by Rep. Burt. Placed with bill.

**HCR 5** — Expressing Congratulations to the League of Women Voters. Introduced by Rep. Zimmerman and all members of House. Adopted by roll call vote as follows:

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

**ABSENT** — Hearn, Orth, Phillips — 3.

**HCR 5** having received a majority was declared adopted.

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

**HB 113 with HA 1** — An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to Criminal Offenses of Sale, Possession and Use of Narcotic Drugs and Dangerous Drugs and Prescribing Penalties for Such Violations.

**HA 1 to HS 1 for HB 113** introduced by Rep. Dodge was adopted by voice vote.

Roll Call on **HS 1 for HB 113** with **HA 1** revealed:

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

**ABSENT** — Hearn, Orth, Phillips — 3.

**HS 1 for HB 113** with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert the following was given a final reading and placed before the House for consideration (accompanied by debt statement):

**HB 74** — An Act to Amend Chapter 167, Volume 55, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to Various Agencies of the State" By Adding A Supplementary Appropriation to Provide for Escalating Costs of School Construction.

Privilege of the floor was granted Dr. Frank J. Furgele, Superintendent of Claymont Schools to discuss the bill.

On further motion of Rep. Heckert, roll call on **HB 74** was tabled.

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

**SB 35** — An Act to Amend Chapter 429, Volume 55, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating \$42,639,992.00 to Various Agencies of the State", By Reducing the Amount of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook.

Roll Call revealed:

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

**ABSENT** — Orth, Phillips — 2.

**SB 35** having received a three-fourths majority was declared passed by the House.

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

**SB 36** — An Act to Amend Chapter 121, Volume 56, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Moneys to Various Agencies of the State" By Reducing the Amount of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook.

Roll Call revealed:

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

**ABSENT** — Phillips — 1.

**SB 36** having received a three-fourths majority was declared passed by the House.

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

**SB 38** — An Act to Amend Chapter 167, Volume 55, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Money Boddowed to Various Agencies of the State" By Reducing the Amount of Moneys Appropriated and Authorized to be Borrowed. Introduced by Senator Cook.

Roll Call revealed:

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

**ABSENT** — Orth, Phillips — 2.

**SB 38** having received a three-fourths majority was declared passed by the House.

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

**HB 129** — An Act to Amend Section 1913, Chapter 19, Title 30, Delaware Code, to Impose Additional Penalty for Failure to File Corporation Income Tax Returns When Due.

Roll Call revealed:

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

Leshner, Little, McMahon, Mears, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering — 36.

ABSENT — Orth, Phillips — 2.

**HB 129** having received a three-fourths majority was declared passed by the House.

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

**HB 130** — An Act to Amend Section 1904, Chapter 19, Title 30, Delaware Code, to Require the Filing of Corporate Income Tax Returns.

Roll Call revealed:

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

ABSENT — Orth, Phillips — 2.

**HB 130** having received a constitutional majority was declared passed by the House.

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

**SB 55** — An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power By Exempting Lands and Improvements of the Lamborn Library Association From Assessment and Taxation. Introduced by Senator Manning.

Privilege of the floor was granted Senator Manning to explain the bill.

Roll Call revealed:

YEAS — Benson, Berndt, Billingsley, Burt, Dillman, Dodge, Frederick, Goldfeder, Heckert, Jarvis, Kirk, Little, Mears, Moerschel, Murphy, Sebrell, Seibel, Spence, Stabler, Mr. Speaker Hering — 20.

NAYS — Hearn, Leshner, McMahon, Orth, Riddagh, Stansky — 6.

NOT VOTING — Burt, Burton, Butcher, duPont, Fonville, Gray, Harrington, Quillen, Rawlins, Unruh, Zimmerman — 11.

ABSENT — Phillips — 1.

**SB 55** having received a constitutional majority was declared passed by the House.

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

**SB 123** — An Act Amending Chapter 121, Volume 56, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments