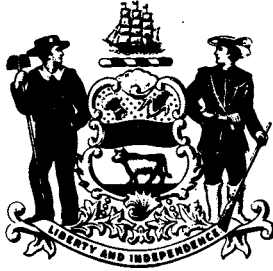




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STATE OF DELAWARE



JOURNAL
of the
HOUSE OF REPRESENTATIVES

REGULAR SESSION
of the
128TH GENERAL ASSEMBLY

Convened
Tuesday, January 14, 1975
Dover, Delaware

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**RULES OF THE
HOUSE OF REPRESENTATIVES
128TH GENERAL ASSEMBLY
FIRST SESSION - 1975
HOUSE RESOLUTION NO. 81
AS AMENDED BY
HOUSE AMENDMENTS NO. 2, 4, 5, 7 AND 8**

**RELATING TO THE RULES OF THE HOUSE OF
REPRESENTATIVES OF THE 128TH GENERAL
ASSEMBLY OF THE STATE OF DELAWARE.**

BE IT RESOLVED by the House of Representatives of the 128th General Assembly that the Rules of the House of Representatives shall be as follows:

I. RULES OF ORDER

Rule 1 — Convening of House

The House of Representatives shall meet every day (Friday, Saturday, Sunday, Monday and Holidays excepted) at 1:30 P.M., unless otherwise ordered.

Twenty-one of the members elected to the House shall constitute a quorum to do business, but a less number may recess or adjourn from day to day.

Rule 2 — Order of Business

1. Calling of House to order.
2. Opening Prayer.
3. Salute to Flag
4. Roll Call.
5. Approval of Minutes
6. Presentation of petitions, memorials or communications.
7. Reports from Standing and Special Committees
8. Reporting by the Clerk of additional filed Bills and Resolutions.
9. Introduction of all other Bills and Resolutions by members.
10. Miscellaneous Business
11. Consent Calendar when necessary; once each week
12. Consideration of Agenda
13. Announcement of Agenda for next Legislative Day.

II. DUTIES OF THE SPEAKER

Rule 3 — Call to Order

The Speaker shall take the Presiding Officer's chair at the designated hour and shall call the House to Order.

Rule 4 — Control over Debate

The Speaker shall have general direction over the House Chamber and shall preserve order and decorum. In debate he shall prevent personal reflection and confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker.

Rule 5 — Decide Questions of Order; Appeal

The Speaker shall decide all questions of order. An appeal from his decision may be made by any member if properly seconded. The appeal shall be upheld only upon the affirmative vote of a majority of the members present and voting. The Speaker shall not vote on appeals from his own decision.

Rule 6 — Temporary Presiding Officer

The Speaker may name a member to perform the duties of Presiding Officer, but such substitution shall not extend beyond an adjournment or a recess except when the Speaker obtains leave of absence, in which case he may name a member as Speaker Pro Tempore during such leave, which leave shall not exceed five Legislative Days.

When neither the Elected nor Appointed Presiding Officer shall be present, the House shall be called to order by the Senior Member in terms of service for the Majority Party who shall serve in the interim as the Presiding Officer.

Rule 7 — Signing of Bills and Resolutions

The Speaker shall sign all Bills and Resolutions requiring his signature. All Warrants, Writs and Subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the Speaker Pro Tempore shall sign when and where necessary.

Rule 8 — Assignment of Bills and Resolutions to Committees

The Speaker shall determine the principal objective of a Bill or Joint Resolution and assign same to the Committee to which such subject matter is appropriate. The sponsors of a simple Resolution or of a Concurrent Resolution may request that such Resolution be assigned to Committee, or be assigned directly to the Consent Calendar. Simple and Concurrent Resolutions may, at the discretion of the Speaker, also be assigned to the Committee. All pre-filed Bills may be pre-assigned to Committees by the Speaker and each member notified in writing of assignments.

Rule 9 — Appointment of Committees

The Speaker shall appoint all Committees unless otherwise ordered by the House.

Where illness or other sufficient cause shall compel the absence of any Committee Member for more than five consecutive Legislative Days, the Speaker, in his discretion, may fill such vacancy during said absence.

III. CONDUCT OF MEMBERS

Rule 10 — Attendance of Members

No member shall absent himself from any session of the House without advising the Speaker accordingly.

Members must answer roll call from their respective seats.

Rule 11 — Addressing the House

Every member desirous of speaking shall rise from his desk and respectfully address the Speaker but shall not proceed to speak further until recognized by the Chair. His remarks shall

be confined to the subject before the House.

Rule 12 — Decorum of Members

Every member shall conduct himself in an honorable manner at all times. Personal reflections shall be prohibited.

While the Speaker is putting the question or addressing the House or while a member is speaking, no member or other person shall pass between the Speaker and the member addressing the House.

A member shall not be interrupted when speaking, except to a call to order by the Speaker or by a member through the Speaker, or by a member to explain, or by a motion for the previous question, or to adjourn.

If any member of the House shall transgress the rules, the Speaker shall, or any member may, call him to order, in which case he shall immediately sit down and not proceed without leave of the House, which if granted, shall be upon motion that he be allowed to proceed, which motion shall not be debatable. No one other than a member shall sit in a member's seat while the House is in session.

IV. COMMITTEES

Rule 13 — Standing Committees

The Committees of the House shall be constituted, insofar as possible, in proportion to the number of members of the two Political Parties. The Speaker shall establish Committees as closely as possible paralleling the Cabinet positions of the Executive Branch and shall appoint membership to same.

Rule 14 — Appointment of Special Committees

The Speaker, on his own initiative or upon order of the House, may appoint Special Committees.

Rule 15 — Quorum on Committees

A majority of the members of any Standing or Special Committee shall constitute a Quorum.

Rule 16 — Committee Meetings

No Committee meetings shall be held while the House is in session without the consent of the Speaker. So far as may be applicable, the rules of the House shall be observed. All Committee meetings will be open to the public except that the Committee Chairman may call an Executive Session at which

no official action may be taken. During the Legislative Session, each Standing Committee of the House shall be assigned a regular meeting time by the Speaker. This shall not preclude the options of a Committee Chairman to cancel a Regular or Special Meeting or call additional meetings when necessary.

Rule 17 — Committee Reports

Committee Reports, other than signatures, including minority reports, shall be printed or typewritten.

Bills and Resolutions reported out of Committee shall be by a majority of the Committee, one of whom shall be the Chairman. The Committee member shall designate whether voting (a) Favorably, (b) Unfavorably, or (c) upon the Merits. A signature without designation shall assume to be a vote upon the Merits.

Rule 18 — Committee of the Whole

The Committee of the Whole shall mean and include a Committee of the entire membership of the House. So far as may be applicable, the rules of the House shall be observed in the Committee of the Whole.

V. BILLS AND RESOLUTIONS

Rule 19 — Introduction of Bills and Resolutions; filing with Clerk

Every Bill or Resolution shall be introduced by a member or by report of a Committee. Introduction may be by either of two methods:

(a) Prefiling of Bills and Resolutions with the Clerk of the House not less than one-half hour prior to the opening of the Session by one of the three following procedures:

1. The sponsor's initials in the 'Prefile-Yes' block on the Request Form;
2. Verbal approval from the sponsor to the Chief Clerk (Original Bill must still be signed before start of Session);
3. Signature of sponsor on Original Bill one-half hour before start of Session.

A Bill or Resolution that is filed with the Clerk of the House while the House stands in recess, in adjournment, or is not otherwise meeting, shall be given a number and entered upon a

docket kept for that purpose. At the beginning of the day's Session following the filing of a Bill or Resolution with the Clerk, the Clerk shall introduce the Bill or Resolution.

(b) A Bill may be introduced from the floor while the House is in Session if deemed necessary by the Speaker.

Rule 20 — Preparation and Custody

Every Bill and Resolution shall be introduced with as many backed copies as deemed necessary by the Speaker. The Original of the Bill or Resolution shall at all times remain in the custody of the Chief Clerk of the House or the Chairman of the Committee to which it was assigned. A 'duplicate' copy may go to the following: the Speaker, the sponsor, and the Legislative Council.

Upon introduction a copy of each Bill or Resolution shall be delivered to every member. There shall also be delivered to the Legislative Council 150 copies of said Bill or Resolution.

The Original of all Bills and Resolutions shall be produced in such manner as approved by the State Archivist and Director of the Legislative Council for permanency and legibility.

No Bill or Joint Resolution shall be introduced into the House unless it be 'prefaced' by a brief statement of its purpose which shall be known as the Title and shall also contain the text of the Bill or Joint Resolution in full. At the end of each Bill introduced after May 1, 1973, the author shall include a brief synopsis of the intent of the Bill.

Rule 21 — Assignment to Committee and Fiscal Notes

Every Bill or Joint Resolution whether emanating from the House or the Senate carrying an appropriation or which may involve any financial obligation either present or future on the part of the State of \$50,000 or more which has been previously referred by the Speaker under the Rules to any Committee of the House other than the Committee on Appropriations shall, after the same has been reported back to the House, be re-referred for not more than five Legislative Days to the Committee on Appropriations for its Advisory Report.

No Bill or Joint Resolution, whether emanating from the House or the Senate which appropriates or mandates or contemplates a subsequent appropriation during the current Fiscal Year or during each of the next three Fiscal Years, shall be placed before the House for consideration unless such Bill or Joint Resolution is accompanied by a Fiscal Note prepared by,

and in a form prescribed by the Office of the Controller General. The Fiscal Notes shall contain in reasonable detail full cost data to enable a clear understanding of the fiscal impact of the proposal for the near term as well as an extrapolation of its final consequences for the longer term. The three-year fiscal projection shall be attached by the sponsor prior to initial Committee consideration of the Bill in its House of origin.

Rule 22 — Final Reading and Consideration by House

When brought before the House for consideration, each Bill and Joint Resolution shall be given its final reading by Title unless the Speaker directs a reading in full. Each House or Senate Bill prior to final reading shall have been checked for errors and initialed as approved by an attorney whose initials shall be affixed to the original.

No Bill, Joint Resolution or Concurrent Resolution, if assigned to Committee, shall be brought before the House for passage on the same Calendar Day it is reported out of Committee, nor in the absence of the sponsor without his written consent. Any member concerned with a possible conflict should declare same at this point in the proceedings.

Rule 23 — Amendments

(a) Every Bill and Resolution may be amended at any time before final action is taken.

(b) When an Amendment to an Original Bill significantly changes the nature and intent of the Original Bill, such Amendment shall contain a brief synopsis outlining the basic changes incurred.

(c) No Title of a Bill or Resolution, however, may be changed except for typographical errors.

Rule 24 — Substitute Bills

A Substitute Bill may be introduced by the sponsor of the Bill for which it is a substitute. Prior to the final reading, the sponsor shall briefly explain orally wherein it differs from the Original. The Substitute shall be assigned to Committee and follow the same procedure as other Bills.

Once assigned to Committee the Substitute Bill shall render null and void the Bill for which it is a Substitute.

The Title of a Substitute Bill must be identical to the Title of the Bill for which it is substituted.

Rule 25 — Petition of Bill or Resolution out of Committee

Every Bill or Resolution which shall have been in Committee for a period of not less than ten Legislative Days shall, upon written request of the majority of the members elected to the House, be reported to the House for a decision as to its further disposal.

Rule 26 — Voting

Except for Bills and Resolutions on the Consent Calendar, every Bill or Joint Resolution which shall come before the House for final action shall be acted upon by a roll call vote.

Any member who has a personal or private interest in any measure or Bill before the House shall disclose the fact to the House in accord with Article 2, Section 20 of the State Constitution prior to the taking of the vote and refrain from voting thereon.

A member of the Legislature shall be deemed to have a personal interest in any Legislation within the meaning of this section if, by reason of his participation in the enactment or defeat of any Legislation, he has reason to believe that he will derive a direct monetary gain or suffer a direct monetary loss. No member of the Legislature shall be deemed to have a personal interest in any Legislation within the meaning of this section if, by reason of his participation in the enactment or defeat of any Legislation, no benefit or detriment could reasonably be expected to accrue to him as a member of a business, profession, occupation or group, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

The names of the members of the House shall be called alphabetically, except the Speaker who shall vote last, and each shall, without debate or comment, answer 'yes', 'no', or 'not voting', from their respective seats.

No member shall be permitted to change his vote after the decision shall have been announced by the Chief Clerk.

VI. MOTIONS**Rule 27 — Debate and Vote on Motions**

Any motion may be withdrawn or modified by the mover at any time before an Amendment or ordering of the yeas and nays.

After debate or discussion, the motion shall be repeated by the Speaker before putting the question to the House.

Every motion shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members elected to the House 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 members elected to the House 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.

The Speaker may cause, or any member may call for a division, in which case the members voting in the affirmative shall be required to rise for the purpose of being counted by the Clerk of the House. The yeas and nays shall be taken only on motion that the roll be called.

Rule 28 — Motion to Adjourn

A motion to adjourn shall always be in order, except during roll call, and shall be decided without debate.

Rule 29 — Precedence of Motions

When a question is under debate, no motion shall be received but

1. to adjourn;
2. to adjourn to a day certain;
3. to lay on the table;
4. to close debate (for the previous question);
(which four motions shall be decided without debate)
5. to commit;
6. to postpone to a day certain;
7. to postpone indefinitely; or
8. to amend.

Rule 30 — Motion to Close Debate

A motion to close debate ('to call the previous question') shall not be entertained except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained, it shall not cut off any pending amendment. The vote shall be taken without debate, first on the amendments in their order and then on the main question.

Rule 31 — Motion for Reconsideration

(a) No motion for reconsideration shall be in order unless made on the same day or on one of the three next succeeding Legislative Days.

(b) When a Bill, Resolution, Report, Amendment, Order or Message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, or the Governor, the motion to reconsider shall be accompanied by a motion in writing, attested to by the Speaker, to request the Senate to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

VII. CALENDAR

Rule 32 — House Calendar

The Clerk of the House shall keep a House Calendar on which shall be placed the Number and Title of all Bills and Resolutions and the name of the introducer thereof; and if reported from Committee, the action of the Committee thereon. Where the Bill or Resolution is introduced by request, the name of the person or group who asked the introducer to sponsor the measure shall also be placed on the Calendar. Said Bills and Resolutions shall be kept on the Calendar until final action is taken thereon, and such as lie over and other matters not disposed of, shall be placed in the order in which they are presented.

During the month of May it will be the responsibility of the Majority Leader to introduce a Resolution fixing a day after which no new legislation may be introduced.

Rule 33 — Consent Calendar

When an uncontested or non-controversial Bill or Resolution is reported out of Committee, or is a simple Resolution in accordance with House Rule 8, the sponsor may request the Chief Clerk to place it on the Consent Calendar. The Clerk shall read all such requests during the Order of Business, as part of the report on additional filed Bills and Resolutions. If there is no objection the Speaker shall, at the appropriate time in the Order of Business, place such Bill or Resolution on the Consent Calendar. All Bills placed on the Consent Calendar shall lay over for at least one Legislative Day from the time they are announced as having been placed on the Calendar.

The Consent Calendar shall remain in the custody of the Chief Clerk. All Bills and Resolutions on the Consent Calendar for one Legislative Day or more shall, on Wednesday of each week, be voted upon. There shall be two separate Consent Calendar votes, each by roll call: (1) the first roll call vote shall include all Resolutions on the Consent Calendar and all Bills requiring a majority vote; and (2) the second roll call vote shall be taken for all Bills on the Consent Calendar requiring more than a majority vote.

From the time the request that a Bill be placed on the Consent Calendar is announced until it is voted upon as part of the Consent Calendar, a member may object and request that such Bill or Resolution be removed. A member may object at any time and for any reason. No member shall be required to defend his request that a Bill or Resolution be removed from the Consent Calendar.

A member may orally object, during House proceedings while the House is in Session, to the placement of a Bill or Resolution on the Consent Calendar; otherwise objections shall be in writing. All objections, however, shall be addressed to the Chief Clerk. When objection is made to the placing of a Bill or Resolution on the Consent Calendar, such Bill or Resolution shall be returned to the sponsor or floor manager. A Senate Bill or Resolution may also be placed on the Consent Calendar, in the same manner and under the same conditions as House Bills and Resolutions, by its House floor manager.

Rule 34 — Announcement of Agenda; Delivery of Bills and Resolutions

(a) Immediately prior to adjournment or recess, the Clerk shall announce to the House by number, sponsor and/or Committee, the Bills and/or Resolutions that are being placed on the Agenda for the day for the next Legislative Session.

(b) All Bills and Resolutions originating in the House, or Senate Bills or Resolutions to which the House has added Amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the three next succeeding Legislative Days.

VIII. MISCELLANEOUS

Rule 35 — Amendment and Suspension of Rules

The Rules of the House shall be amended by simple Resolution. The Rules of the House may be suspended by a vote of a majority of the members elected to the House.

Rule 36 — Authorized Manual of Parliamentary Practice

In all cases to which they are applicable and in which they are not inconsistent with these Rules, the rules of parliamentary practice comprised in Robert's Rules of Order, Newly Revised, shall govern the House.

Rule 37 — Supervision of Legislative Staff

The Chief Clerk, or in his absence the Assistant Chief Clerk, shall at all times have complete jurisdiction over the members of the Legislative Staff. In this respect the Chief Clerk, or Assistant Chief Clerk, shall be directly responsible to the Speaker and House Administration Committee.

The Chief Clerk of the House will maintain on file a job description for the Chief Clerk and the Bill Clerk.

Rule 38 — Registration of Lobbyists

Any person who is employed for compensation paid by others than the Legislature and whose employment calls for or includes activity in or about the House of Representatives in regard to legislation must register with the Chief Clerk of the House of Representatives. Such person shall disclose in the detail deemed by the Chief Clerk necessary, the following information which will be recorded in a register kept by the Chief Clerk: (1) the name and address of the registrant; (2) the name and address of the registrant's employer including any Association, Organized Group, State Agency or Office, or Labor Union, and in case of multiple employers a sufficient number so identified as to indicate the class or classes registered with whose interests the registrant is concerned; and (3) the subject or subjects of legislation to which his employment relates.

A person to whom this requirement of registration applies may not appear before a House Committee in pursuance of his employment until he is registered except upon special invitation of the Committee, nor shall he in such pursuit try to influence the legislative judgment or action of a member of the House.

A person who is registered under this rule, or who should be registered under it, when appearing before a Committee shall disclose to the Committee those in whose interest he speaks, the purpose of his appearance and when he or the person for whom he appears has a pecuniary or other special interest in a measure or proposal different than the public generally, which

is not apparent from his testimony, the fact thereof. Further, in pursuance of the employment for which he is or should be registered he must not knowingly furnish false information or make a false statement which is material and relevant to any matter with an intention to, or which he should know will have a tendency to influence the judgment or action of the House or of a Committee thereof.

Rule 39 — Certification of News Media

Accredited representatives of the Daily and Weekly Press, Press Associations, and of Radio and Television Stations shall be accorded equal press privileges by the House Administration Committee.

Any person wishing to report proceedings of the House may apply to said Committee for assignment to suitable available space.

On approval of the House Administration Committee, Radio and Television Stations shall be permitted to air and record sessions of the House.

Any use or reproduction of House tapes will require permission of the Speaker of the House and shall be communicated to the Chief Clerk in writing.

Rules 40 — Privilege of Floor

The privilege of the floor may be granted by the Speaker upon request of any member.

Rule 41 — Content of Resolutions

The following types of Resolutions may be considered by this body:

Simple Resolutions: A simple resolution is a motion of the House and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.

Concurrent Resolutions: A concurrent resolution is used to accomplish the same purpose in relation to the entire Legislature that the simple resolution accomplishes for either the House or Senate singly. A concurrent resolution adopted by the Legislature does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose which requires the exercise of legislative power.

Joint Resolutions: A joint resolution is the most formal type of resolution, and is addressed to matters which are not

internal affairs of either House individually, nor the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and signed by the Governor. Although a joint resolution is not a law, it is employed to provide for temporary measures and has the force of law while in effect for a wide variety of limited purposes, including subpoena power. The requirement of the Governor's signature for joint resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the Legislature and Governor combined.

Rule 42 — Rules to be Printed

These Rules shall be printed by the Legislative Council, upon adoption, in a pocket-sized edition which shall also contain the following material: (1) a list of the officers of the House; (2) the names and addresses of all members of the House; (3) the membership of the Standing Committees of the House; (4) a roster of the House staff and their duties; (5) a Senate roster; (6) the Constitutional vote requirements for passage of legislation; and (7) requirements set forth elsewhere directly relating to House action - such as the debt statement requirement. Thereafter, the Legislative Council shall cause these Rules to be reprinted in such form at the beginning of each General Assembly."

**128 GENERAL ASSEMBLY
1st LEGISLATIVE DAY
DOVER, DELAWARE
JANUARY 14, 1975**

Pursuant to Article 2, Section 4, the Constitution, the 128th General Assembly, State of Delaware, convened on Tuesday, January 14, 1975 at 1:40 p.m.

The House was called to order by Mr. Kenneth W. Boulden, Representative-elect of the 18th Representative District.

There was a prayer by Father John Flinn, Director, Propagation of Faith.

The salute to the flag was led by Representative-elect Boulden.

The chorus of the McKean High School rendered several musical selections.

Mrs. Linda A. Mears, Chief Clerk of the House, at the request of Mr. Boulden, called the names of the members-elect of the House of Representatives of the 128th General Assembly.

NEW CASTLE COUNTY

Representative District No. 1 - Orlando J. George, Jr.
Representative District No. 2 - Al O. Plant
Representative District No. 3 - Henrietta Johnson
Representative District No. 4 - Marcello Rispoli
Representative District No. 5 - Casimir S. Jonkiert
Representative District No. 6 - Francis M. Jornlin
Representative District No. 7 - Joseph P. Ambrosino, Jr.
Representative District No. 8 - Lois M. Leshner
Representative District No. 9 - Charles L. Hebner
Representative District No. 10 - Gwynne P. Smith
Representative District No. 11 - Richard Sincock
Representative District No. 12 - C. Leslie Ridings, Jr.
Representative District No. 13 - John P. McKay
Representative District No. 14 - Robert L. Maxwell
Representative District No. 15 - Robert L. Byrd
Representative District No. 16 - Daniel A. Kelly
Representative District No. 17 - John Matushefske
Representative District No. 18 - Kenneth W. Boulden
Representative District No. 19 - Robert T. Connor
Representative District No. 20 - John P. Ferguson

1st Legislative Day

Representative District No. 21 - Robert F. Gilligan
 Representative District No. 22 - John H. Arnold
 Representative District No. 23 - Robert S. Powell
 Representative District No. 24 - Richard B. LeGates
 Representative District No. 25 - John G. S. Billingsley
 Representative District No. 26 - Marion I. Seibel
 Representative District No. 27 - Sandra D. Worthen
 Representative District No. 28 - Gerard A. Cain
 Representative District No. 29 - Winifred M. Spence

KENT COUNTY

Representative District No. 30 - Robert W. Riddagh
 Representative District No. 31 - Karen Jennings Miller
 Representative District No. 32 - James D. McGinnis
 Representative District No. 33 - Ruth Ann Minner
 Representative District No. 34 - John Edward Morris
 Representative District No. 35 - Ronald L. Darling

SUSSEX COUNTY

Representative District No. 36 - Lewis B. Harrington
 Representative District No. 37 - Harry E. Derrickson
 Representative District No. 38 - Howard A. Clendaniel
 Representative District No. 39 - Thomas A. Temple, Sr.
 Representative District No. 40 - William J. Gordy
 Representative District No. 41 - Donald J. Lynch

All members-elect were present.

Representative-elect Ferguson moved that Mr. Kenneth Boulden remain Temporary Speaker until the Speaker of the House had been elected. The motion was adopted.

Representative-elect Ferguson moved that Mrs. Linda Mears be made temporary Chief Clerk. The motion was adopted.

Mr. Boulden appointed Messrs. Ferguson and Derrickson to receive and examine the Certificates of Election of the members.

Mr. Boulden declared a recess at 1:57 p.m. for examination of the Certificates of Election.

The House reconvened at 2:08 p.m. with Representative-elect Ferguson reporting that the Certificates were examined and in order.

Mr. Boulden requested the Chief Clerk to read the Certificate of Election 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 Seventy Four for New Castle County, according to the Constitution and Laws of the State of Delaware, Kenneth W. Boulden was duly elected Representative for Representative District Number 18 in said County in the General Assembly, which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this eighth day of November, A.D., 1974.

Albert J. Stiffler, President Judge

Andrew D. Christie, Resident Associate Judge Superior Court of Delaware, New Castle County

Representative Ferguson moved that the reading of one Certificate of Election constitute the reading of all. Motion adopted by unanimous voice vote.

Representative Ferguson moved that Chief Judge of the Common Pleas Court, Robert Wahl give the oath of office as Representative to Kenneth W. Boulden.

Motion adopted by unanimous voice vote. Judge Wahl then administered the following oath to Kenneth Boulden:

Oath of Representative
County of New Castle, ss
State of Delaware

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the Office of Representative of the General Assembly of the State of Delaware from Representative District No. 18 in New Castle County (to which office I was elected at the General Election

held in said State in the year A.D. 1974), 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.

Kenneth W. Boulden

Sworn to this 14th day of January, A.D. 1975, before me.

Robert Wahl, Judge

Representative-elect Ferguson moved that Judge Wahl administer the oath of office as Representative to the Representatives-elect. Motion carried by voice vote. The oath of office was then administered by Judge Wahl to the Representatives-elect in groups of eight.

Mr. Boulden instructed Mrs. Mears, Chief Clerk, to call the permanent roll as follows: Messrs. Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, (Mrs.) Johnson, Jonkiert, Jornlin, Kelly, LeGates, (Mrs.) Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, (Mrs.) Miller, (Mrs.) Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, (Mrs.) Seibel, Sincock, (Mrs.) Smith, (Mrs.) Spence, Temple, (Mrs.) Worthen — 41.

All of the members were present.

Mr. Ferguson moved that the roll as read by Mrs. Mears be the permanent roll of the House of Representatives of the 128th General Assembly. Motion carried.

HR 1 — "In reference to the Election of the Speaker of the House of Representatives." Introduced by Representative George and others. Adopted by voice vote.

Representative Ferguson moved that Mr. Boulden appoint two members to escort the Speaker-elect, Mr. Jonkiert to the rostrum.

Mr. Boulden welcomed Speaker Jonkiert to the rostrum and wished him well. Representative Ferguson moved that Mr. Jonkiert be sworn in by Judge Wahl. Motion carried. The oath was taken by Mr. Jonkiert as follows:

The State of Delaware
County of New Castle, ss

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

Casimir S. Jonkiert

Sworn and subscribed to this 14th day of January, A.D., 1975.

Robert Wahl, Judge

Mr. Speaker Jonkiert greeted members of the House, officers, dignitaries and guests. He thanked the members of the House for the honor bestowed upon him and promised to do his best to warrant the trust placed in him by his fellow Representatives.

Representative Matushefske announced the Majority caucus selected Representative Ferguson as Majority Leader and Representative Darling as Majority Whip.

Representative Seibel announced that the Minority caucus selected Representative Derrickson as Minority Leader and Representative Sincock as Minority Whip.

House Speaker Jonkiert ordered the Bill Clerk to notify the Senate that the House was organized and ready for business.

Senators Martin and Berndt appeared before the House, and informed the House that the Senate was organized and ready for business.

The following prefiled legislation was introduced:

HR#1 — "In reference to the Election of the Speaker of the House of Representatives." Introduced by Representative George. Adopted by voice vote.

HR #2 — "In reference to Temporary Rules of the House of Representatives." Introduced by Representative Ferguson. Adopted by voice vote.

HR #3 — "In reference to appointment of Chief Clerk and Assistant Chief Clerk, Linda Mears and Ruth Haggerty respectively." Introduced by Representative Ferguson. Adopted by voice vote.

HR #4 — "Appointing a Committee to Notify the Governor that the House of Representatives is Organized." Introduced by Representative Darling. Adopted by voice vote.

HJR #1 — "In reference to appointment of Bill Clerk,

Bonita Welch." Introduced by Representative Ferguson. Adopted by roll call vote. 40 YEAS. Representative Billingsley - ABSENT.

HR #5 — "Notifying the Senate that the House of Representatives is Ready for Business and Organized." Introduced by Representative Ferguson. Adopted by voice vote.

HCR #1 — "In reference to accepting offer from the Delaware Law School of resource persons for legal research." Introduced by Representative Darling. Adopted by voice vote.

HR #6 — "In reference to authorizing the Chief Clerk to purchase postage stamps for the 128th General Assembly." Introduced by Representative Darling. Adopted by voice vote.

HR #7 — "In reference to Classification, Titles and Compensation rates for Officers of the House." Introduced by Representative Ferguson. Adopted by voice vote.

HR #8 — Expressing the Appreciation of the House of Representatives to the McKean Chorus for their presentation of Choral Music. Introduced by Representative Gilligan. Adopted by voice vote.

HR #9 — "In reference to the Commemoration of the birth date of the late Dr. Martin Luther King, Jr." Introduced by Representative Al O. Plant. Adopted by voice vote.

HR #10 — "Congratulating Wendy Leigh Ewan of Newark High School on becoming Delaware's Junior Miss for 1975". Introduced by Representative Seibel. Adopted by voice vote.

SJR #1 — "In reference to the election of officers." Introduced by Representative Ferguson. Adopted by voice vote.

On motion of Representative Ferguson rules were suspended for the introduction and enactment of **HB #1**.

HB #1 — An act to amend Chapter 63, Part VI, Title 29 of the Delaware Code relating to budget Appropriation Bill. Introduced by Representative Ferguson. Adopted by roll call. 41 yeas.

Representative Derrickson pledged Minority Party cooperation. House Speaker Jonkiert thanked Mr. Derrickson for his support. Representative Ferguson moved that the House recess to the call of the Chair at 3:23 p.m.

2nd LEGISLATIVE DAY

The Speaker called the House to order at 2:01 p.m., Wednesday, January 15, 1975.

2ND LEGISLATIVE DAY

Father Flinn, M.M., offered a Prayer.

Pledge of Allegiance to the Flag.

The Roll Call revealed 41 members present.

It was ruled that the previous day's minutes would be posted on the next day.

A communication from Mayor Thomas Maloney of Wilmington was read.

**City of Wilmington
Delaware
Office of the Mayor**

November 11, 1974

Speaker of the House
State House
Dover, Delaware 19901

Dear Sir:

Enclosed herewith is the Proclamation that I have issued this date based upon the results indicated by the certificates filed with the Department of Elections for New Castle County with respect to the proposed amendments to the Wilmington City Charter which reads as follows:

“Resolved that all non-elected officers and employees of the City of Wilmington who are first employed after January 1, 1975 shall be required to be or to become residents of the City of Wilmington within six months of the date of their employment and remain residents of the City of Wilmington during their term of employment.”

“Resolved that the procedures for advertising for sealed bids shall be applicable to any purchase or contract for which competitive bidding is required if the expenditure exceeds two thousand five hundred dollars (\$2500) rather than one thousand dollars (\$1000) as presently required.”

I am filing a copy of the Proclamation and Amendment with your office pursuant to the provisions of Title 22 Section 813 (c) of the Delaware Code. The proposed Amendment No. 1 was adopted by a vote of 4,532 to 2,046. The proposed Amendment No. 2 was adopted by a vote of 4,029 to 1,646.

Yours truly,
(Signed) Thomas C. Maloney

PROCLAMATION

WHEREAS, I have been advised by the Department of Elections for New Castle County that the official canvass of the votes cast in the referendum on the amendment of the City Charter, held in the election districts of the City of Wilmington on November 5, 1974, was conducted in the offices of the Department of Elections for New Castle County on November 8, 1974, and in the presence of members of the department staff, Mr. Leo T. Marshall, City Democratic Chairman, and Mr. Basil R. Battaglia, City Republican Chairman; and

WHEREAS, the results indicated by the certificates filed with the Department of Elections for New Castle County are:

For the proposed Amendment No. 1	4532
Against the proposed Amendment No. 1	2046
For the proposed Amendment No. 2	4029
Against the proposed Amendment No. 2	1646

WHEREAS, the proposed Amendment No. 1 to the Wilmington City Charter reads as follows:

“Resolved that all non-elected officers and employees of the City of Wilmington who are first employed after January 1, 1975 shall be required to be or to become residents of the City of Wilmington within six months of the date of their employment and remain residents of the City of Wilmington during their term of employment.”

WHEREAS, the proposed Amendment No. 2 to the Wilmington City Charter reads as follows:

“Resolved that the procedures for advertising for sealed bids shall be applicable to any purchase or contract for which competitive bidding is required if the expenditure exceeds two thousand five hundred dollars (\$2,500) rather than one thousand dollars (\$1,000) as presently required.”

NOW, THEREFORE, I, THOMAS C. MALONEY, MAYOR OF THE CITY OF WILMINGTON, proclaim the result of said referendum pursuant to the provisions of Title 22 Section 813 (c) of the Delaware Code.

In Witness Whereof, I Have Hereunto Set
My Hand And Seal Of Office, this 11th day
of November, 1974.

Attest:

Leo T. Marshall
City Clerk

Thomas C. Maloney
Mayor

WHEREAS, the Wilmington City Charter, Section 3-304 , provides in part that employees of the City of Wilmington need not be residents of the City of Wilmington during their employment; and

WHEREAS, it appears that this provision may be adversely affecting the best interests of the City taxpayers to whom the City is primarily responsible for all of its political and fiscal activity; and

WHEREAS, it is felt that this responsibility is not being met under the provisions of Section 3-304 of the Wilmington City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON That a Charter Amendment proposal be submitted in the next referendum election to amend Wilmington City Charter Section 3-304 which now does not require employees of the City of Wilmington to be residents thereof.

FURTHER RESOLVED That the question be submitted to qualified voters of the City of Wilmington as to whether or not employees of the City of Wilmington must also be residents of The City of Wilmington.

FURTHER RESOLVED That Section 3-304 of the Wilmington City Charter shall be amended to read as follows:

"All officers and employees of the City shall be citizens of the United States and residents of the City at the time of their election, appointment or employment and remain such during their tenure, except it shall not be necessary for any non-elected officer or employee, to be a resident of the City at the time of his election."

At 2:10 p.m. on motion of Representative Ferguson, the House recessed for a short period.

The House reconvened at 3:48 p.m.

On request of Representative Gilligan **HRC 2** was introduced and brought before the House for consideration.

HCR 2 — "Hailing the superlative achievements of University of Maryland Defensive End, Randy White, recipient of numerous All-American honors and recognition as the outstanding interior lineman in United States Collegiate Ranks" - was introduced by Representative Gilligan, adopted by voice vote of the House and ordered to the Senate for concurrence.

On motion of Representative Cain, the necessary rules were suspended for the purpose of considering **SJR 2**:

SJR 2 — "In reference to extending the reporting date of the Committee to study methods of increasing the tourist potential for Fort Delaware and Pea Patch Island and to study the possibility of restoration of the lock facilities of the Old Chesapeake and Delaware Canal."

The roll call vote on adoption of the Resolution was taken and revealed - YES: 41. Therefore, the Resolution was adopted by the House and returned to the Senate.

On motion of Representative Byrd, the necessary rules were suspended for the purpose of considering **SCR 2**:

SCR 2 — "Congratulating the Athletic Department of the University of Delaware, The Blue Hens Outstanding Football Team, Of 1974, and Football Coach Harold "Tubby" Raymond for the Highly Successful Season."

The Resolution was adopted by voice vote and returned to the Senate.

The following Bills were introduced and assigned to Committee:

HB 2 — "An Act to Amend Chapter 55, Title 30, Delaware Code Relating To Public Utility Taxes." Introduced by Representative Temple and Assigned to Revenue and Finance Committee.

HB 3 — "An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Installation of Traffic Control Signal Equipment at Sussex Central High School." Introduced by Representative Clendaniel (Senator Adams, Honorary Co-Sponsor) and Assigned to Appropriations Committee.

HB 4 — “An Act Authorizing and Directing the Public Service Commission of the State to Freeze All Current Rates of Public Utilities of the State Until December 31, 1975.” Introduced by Representative Temple and Assigned to Administrative Services Committee.

HB 5 — “An Act to Amend Chapter 5, Part I, Title 11, of the Delaware Code Relating to the Disposition of Persons Apprehended for Public Intoxication.” Introduced by Representative Riddagh and Assigned to Judiciary Committee.

HB 6 — “An Act to Amend Chapter 43, Part XI, Title 11 of the Delaware Code Relating to the Pre-Sentence Investigation After Conviction For Rape.” Introduced by Representative Riddagh and Assigned to Judiciary Committee.

HB 7 — “An Act to amend Chapter 35, Part XI, Title 11 of the Delaware Code relating to the admissibility of certain evidence in rape cases.” Introduced by Representative Riddagh and assigned to Judiciary Committee.

HB 8 — “An Act to amend Chapter 38 and Chapter 39, Title 6 of the Delaware Code relating to newspapers and radio broadcasting; and prohibiting the publication of the names of victims of certain crimes.” Introduced by Representative Riddagh and assigned to Judiciary Committee.

HB 9 — “An Act to amend Part III, Title 15 of the Delaware Code relating to Primary Elections and providing for a Delaware Open Primary Act.” Introduced by Representative Riddagh and assigned to Judiciary Committee.

HB 10 — “An Act to amend Chapter 13, Title 14, Delaware Code, relating to the salary schedule for School Custodians, and providing a supplementary appropriation therefore.” Introduced by Representative Morris and assigned to Appropriations Committee.

HB 11 — “An Act to amend an Act entitled: “An Act to re-incorporate the Town of Delmar,” relating to ordinances and the power to borrow money.” Introduced by Representative Gordy and assigned to Community Affairs Committee.

HB 12 — “An Act to amend Chapter 17, Part I, Title 7 of the Delaware Code relating to dog licenses and veterinarian’s

Certificate of Rabies Immunization.” Introduced by Representatives Gordy, Clendaniel, Darling and Minner and assigned to Natural Resources Committee.

HB 13 — “An Act to amend Chapter 91, Title 9, Delaware Code, relating to uniform mileage.” Introduced by Representative Darling and assigned to Appropriations Committee.

HB 14 — “An Act to authorize the transfer of the Owens Corner School No. 213 to the Mount Nebo Methodist Church.” Introduced by Representative Gordy and assigned to Administrative Services Committee.

HB 15 — “An Act to amend Chapter 41, Part II, Title 11 of the Delaware Code by providing for the suspension of driving privileges for failure to pay traffic fines and costs.” Introduced by Representative Gordy and assigned to Judiciary Committee.

HB 16 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled “An Act making appropriations for the Expense of the State Government for the Fiscal Year ending June 30, 1975, and to amend certain pertinent statutory provisions,” also known as the 1975 Appropriation Bill.” Introduced by Representative Morris and assigned to Health and Social Services Committee.

HB 17 — “An Act to amend Chapter 33, Part III, Title 19, Delaware Code relating to unemployment compensation and providing for “Triggering On” and “off” of emergency employment benefits to exhaustees during the current Economic Crisis.” Introduced by Representatives Byrd, Gilligan, LeGates, Matushefske, Jonkiert, Senators Cicione and Sharp.

On motion of Representative Byrd, the necessary rules were suspended for the purpose of considering **HB 17**.

Roll call was taken and revealed:

YES: Representatives: Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 41.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Matushefske, introduced the following bills from the floor:

HB 18 — “An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of school employees and providing appropriations.” Introduced by Representative Matushefske (Co-sponsor Representative Byrd and Honorary Co-sponsors Senator Kearns, Murphy and Zimmerman). Assigned to Appropriations Committee.

HB 19 — “An Act to amend Chapter 92, Title 10, Delaware Code, by increasing the salaries of Justices of the Peace and providing a supplementary appropriation therefor.” Introduced by Representatives Matushefske and Bryd. Assigned to Appropriations Committee.

HB 20 — “An Act to amend Chapter 71, Title 29 of the Delaware Code by increasing the mileage rates for employees of the State of Delaware.” Introduced by Representative Matushefske and assigned to Appropriations Committee.

HB 21 — “An Act to amend Chapter 1, Title 10, of the Delaware Code relating to the salary of the Deputy Administrator for Justices of the Peace.” Introduced by Representative Matushefske and assigned to Appropriations Committee.

Representative Ferguson introduced **HB 22** from the floor.

HB 22 — “An Act to amend Chapter 65, Part IV, Title 11, Delaware Code, relating to the retirement of certain persons within the Division of Adult Correction by delaying the effective date of such amended Sections.” Introduced by Representatives Ferguson and Riddagh and assigned to Judiciary Committee.

On request of Representative Arnold **HR 11** was brought before the House for consideration.

HR 11 — “Assigning the Minority Leader the responsibility for the appointment of members of the Minority Party to House Standing Committees.” Introduced by Representative Arnold.

Representative Ferguson moved that the Resolution be assigned to Committee.

The roll call vote on the motion was taken and announced to be:

YES: Representative Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly,

LeGates, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Ridings, Seibel, Sincock, Smith, Spence — 15.

ABSENT: Representatives Harrington and McGinnis.

Therefore, the motion carried and the Resolution was assigned to House Administration Committee.

Representative Ambrosino (co-sponsor Representative George) introduced **HR 12** and moved that it be adopted.

HR 12 — “Expressing thanks to Wilmington Mayor Thomas C. Maloney and Staff and to the members of the Board of the Grand Opera House for their part in making the evening of January 14, 1975 a Grand and Glorious Occasion for the members of the 128th General Assembly.”

The Resolution was adopted by Voice Vote.

Representative Temple (with all Representatives as co-sponsors) introduced **HR 13** and moved that it be adopted.

HR 13 — “Wishing a speedy recovery to Marian Lee Gordy, beloved wife of Representative, William J. Gordy.”

The Resolution was adopted by Voice Vote.

At 4:38 p.m. on motion of Representative Ferguson, the House recessed for a short period.

The House reconvened at 5:03 p.m.

The Clerk announced that a message from the Secretary of the Senate informed the House that the Senate had adopted **HCR 1** and **HCR 2**.

HB 12 was reported out of Committee: 3 Favorable; 1 Merits; 1 Unfavorable.

At 5:08 p.m. on motion of Representative Ferguson, the House recessed to the Call of the Chair.

3RD LEGISLATIVE DAY

The Speaker called the House to order at 1:55 p.m. January 16, 1975.

A Prayer was offered by Representative Morris.

Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives: Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske,

3RD LEGISLATIVE DAY

Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert. — 39.

ABSENT: Representatives Hebner, Sincock — 2.

The minutes of the previous Legislative Day were approved as posted.

On motion of Representative Derrickson, the House held a moment of silence for Representative Sincock's mother who is gravely ill.

At 2:05 p.m. on motion of Representative Ferguson, the House recessed for a short time.

The House reconvened at 3:45 p.m.

Representative Gilligan (co-sponsors Representatives Kelly and Maxwell, honorary co-sponsor Senator Cicione) introduced **HB 31**:

HB 31 — "An Act to authorize and approve the transfer of certain Real Property in Cranston Heights to the Cranston Heights Fire Company." Assigned to Community Affairs Committee.

On motion of Representative Rispoli, **SCR 3** was taken up for consideration and adopted by Voice Vote.

SCR 3 — "Commending the Wilmington Kiwanis Club for its Annual Recognition of an outstanding member of the Wilmington Bureau of Police."

On motion of Representative Gordy, consideration of **HB 12** was deferred indefinitely.

The House recessed at 3:57 p.m. and reconvened at 4:01 p.m.

On motion of Representative Ferguson, the necessary rules were suspended for the purpose of considering **HB 22**.

HB 22 — "An Act to amend Chapter 1, Title 10, Delaware Code, relating to the retirement of certain persons within the Division of Adult Correction by delaying the effective date of such amended sections."

Roll call was taken and revealed:

YES: Representatives: Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor., Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Hebner, McGinnis, Plant

Sincock — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

At 4:07 p.m. on motion of Representative Ferguson, the House recessed and then reconvened at 4:37 p.m.

At 4:42 p.m. the House recessed until Tuesday, January 21, 1975.

4TH LEGISLATIVE DAY

The Speaker called the House to order at 2:21 p.m. January 21, 1975.

The Majority Leader moved to adjourn at 2:21, thereby ending the previous legislative day.

The House reconvened at 2:22 p.m.

A Prayer was offered by the Rev. Howard Gordy.

Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives: Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Billingsley, Sincock — 2.

The minutes were approved as posted.

Representative Morris, Chairman of the Health and Social Services Committee, reported back to the House: **HB 16** — 4 Favorable; 2 Merits.

Legislative Advisories No. 1 and 2 received from William C. Bradley, Jr., Counsel to the Governor informed the House that the Governor approved the following legislation on January 15, 1975: **HB 1; HJR 1; SCR 1; SJR 1.**

The Governor approved the following legislation on January 16, 1975: **HCR 1; HCR 2; SCR 2; SJR 2.**

* * * * *

The following pre-filed legislation was introduced:

HB 32 — "An Act to amend Chapter 25, Chapter 33, Chapter 35 and Chapter 63, Title 18 of the Delaware Code relating to Insurance, and providing for the regulation of rates for Health Insurance, Group Health Insurance, Blanket Health Insurance, and Health Service Corporation."

4TH LEGISLATIVE DAY

Introduced by Representative Powell. Assigned to Public Safety Committee.

HB 33 — “An Act to amend Chapter 19, Part I, Title 14 of the Delaware Code relating to the collection and deposit of School Taxes.” Introduced by Representative Powell (co-sponsor Representative Arnold). Assigned to Education Committee.

HB 34 — “An Act to amend Title 13 of the Delaware Code relating to Domestic Relations; and providing for a Uniform Child Custody Jurisdiction Act.” Introduced by Representative Worthen. Assigned to Judiciary Committee.

HB 35 — “An Act to amend Title 10 of the Delaware Code providing for an Act concerning claims against the State and other Public Entities relating to tort and to establish a Fund for the Defense and Payment of Claims Relating thereto, and making a supplementary appropriation therefor.” Introduced by Representative Powell. Assigned to Judiciary Committee.

HB 36 — “An Act to amend Chapter 25, Part XI, Title 6 of the Delaware Code relating to prohibited trade practices; and prohibiting the increasing of certain commodity unit prices displayed at Retail Food Stores.” Introduced by Representative Powell. Assigned to Labor and Commerce Committee.

HB 37 — “An Act to amend Chapter 83, Part VII, Title 29 of the Delaware Code relating to the manner in which funds under the jurisdiction of the Board of Pension Trustees may be expended.” Introduced by Representatives Gilligan, Byrd, Maxwell and Ambrosino. Assigned to Revenue and Finance Committee.

HB 38 — “An Act to amend Chapter 65, Part VI, Title 29 of the Delaware Code by exempting certain appointed officials from receiving terminal pay.” Introduced by Representative McGinnis. Assigned to Judiciary Committee.

HB 39 — “An Act to amend Chapter 11, Part XI, Title 30 of the Delaware Code relating to the Personal Income Tax; and providing for certain subtractions from the Federal Adjusted Gross Income.” Introduced by Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 40 — “An Act to amend Chapter 43, Title 11, Delaware Code, relating to conduct of hearings on applications for parole.” Introduced by Representative Gilligan (honorary co-sponsor Senator Cicione). Assigned to Judiciary Committee.

HB 41 — "An Act to amend Title 14, Section 1918, Delaware Code, by increasing the penalties to be paid for delinquent School Taxes in New Castle County." Introduced by Representative Gilligan. Assigned to Education Committee.

HR 14 — "Requesting the Department of Public Instruction through its teachers and School Officers to cooperate with and assist the Division of Drug Abuse Control and the Judicial System in reducing the drug problem among our children." Introduced by Representative Minner.

HCR 3 — "Expressing the concern of the General Assembly over the report by the Unique Hazards Committee of the Department of Public Instruction relating to construction projects to eliminate hazards and reduce busing; and directing that the present moratorium be extended through the 1975-1976 School Year." Introduced by Representative Gilligan.

The House recessed at 2:37 p.m. on motion of Representative Ferguson.

The House reconvened at 4:08 p.m.

On motion of Representative Boulden, the necessary rules were suspended for the introduction and consideration of **HJR 4** sponsored by Representatives Boulden, Derrickson, Jonkiert, Ferguson; Senators Murphy and Zimmerman:

HJR 4 — "Wishing Mrs. Charles L. (Jessica) Terry, Jr., a speedy and full recovery from injuries sustained in a recent automobile accident".

Roll call was taken and revealed:

YES: Representatives: Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, Legates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Billingsley, Sincock — 2.

On motion of Representative Minner, **HR 14** was taken up for consideration and adopted by voice vote.

Representative Gilligan introduced **HR 16** and moved for its adoption.

HR 16 — "In reference to medical care delivery in the State of Delaware."

Representative George moved that the Resolution be tabled.

The roll call vote on the motion to table was taken and

announced to be:

YES: Representatives George, Jornlin, Lynch, Rispoli, Jonkiert — 5.

NO: Representatives Arnold, Boulden, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Powell, Riddagh, Seibel, Smith, Spence, Temple, Worthen — 27.

NOT VOTING: Representatives Ambrosino, Byrd, Johnson, Leshner, McKay, Plant, Ridings — 7.

ABSENT: Representatives Billingsley and Sincock — 2.

Therefore, the motion failed. A roll call on **HR 16** was taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Seibel, Smith, Spence, Temple, Worthen, Jonkiert — 34.

NO: Representative Rispoli — 1.

NOT VOTING: Representatives George, Johnson, Jornlin, Plant — 4.

ABSENT: Representatives Billingsley and Sincock — 2.
Therefore, the Resolution was adopted.

Representative Maxwell introduced **HR 17** and moved that it be adopted:

HR 17 — “Congratulating Dion Ashbee of Thomas McKean High School on receiving his Eagle Scout Award.”

The Resolution was adopted by voice vote.

Representative Ferguson introduced **HR 15** and moved that it be adopted:

HR 15 — “Providing an Administrative Assistant for the Majority and an Administrative Assistant for the Minority Party of the House of Representatives.”

The Resolution was adopted by voice vote.

The House recessed at 5:03 p.m. and reconvened at 5:32 p.m.

Representative Matushefske, Chairman of the Judiciary Committee, reported back to the House: **HB 6** — 3 Favorable, 1 Merits; **HB 7** — 3 Favorable, 1 Merits; **HB 40** — 3 Favorable, 1 Merits.

The House recessed to the call of the Chair at 5:34 p.m.

5TH LEGISLATIVE DAY

The Speaker called the House to order at 2:47 p.m. January 22, 1975.

The Majority Leader moved to adjourn at 2:47 p.m. thereby ending the previous Legislative Day.

The House reconvened at 2:48 p.m.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

Roll call was taken and revealed:

PRESENT: Representatives: Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Billingsley — 1.

The minutes of the previous day were approved as posted.

The House recessed at 1:58 p.m. and reconvened at 4:11 p.m.

The following prefiled legislation was introduced:

HB 42 — "An Act to amend Part III, Title 9 of the Delaware Code relating to Kent County; and providing for Home Rule and the granting of additional powers to Kent County." Introduced by Representative McGinnis. Assigned to Community Affairs Committee.

HB 43 — "An Act to amend Chapter 40, Title 14 of the Delaware Code relating to collective bargaining procedures for Certified Public School Employees." Introduced by Representative McGinnis. Assigned to Education Committee.

HB 44 — "An Act to amend Section 1701, Title 7, Delaware Code, relating to amount of Dog Tax." Introduced by Representatives Clendaniel and Minner. Assigned to Natural Resources Committee.

HB 45 — "An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the Family Court of the State of Delaware; and providing qualifications for Judges of said Court." Introduced by Representatives Connor, Ambrosino, Morris and Rispoli. Assigned to Judiciary Committee.

HB 46 — "An Act to amend Chapter 33, Title 19, Delaware Code, relating to Unemployment Compensation."

5TH LEGISLATIVE DAY

Introduced by Representative Plant. Assigned to Labor and Commerce Committee.

HB 47 — "An Act to amend Chapter 11, Part II, Title 30 of the Delaware Code relating to modifications of Personal Income." Introduced by Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 48 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan; and providing legislative control over Administrative Expenditures from such Fund." Introduced by Representatives Gilligan, Byrd, Kelly, Maxwell. Assigned to Revenue and Finance Committee.

HB 49 — "An Act to amend Chapter 14, Part I, Title 14 of the Delaware Code, relating to the procedures for the termination of service of teachers holding Temporary Certificates who have been in the employ of the Terminating Board for ten consecutive years." Introduced by Representative McGinnis. Assigned to Education Committee.

HA 1 to HB 2 — Introduced by Representative Temple.

HCR 4 — "Expressing thanks to those persons who were instrumental in having the telecast of the Delaware-Central Michigan, National Small College Championship Football Game made available on Channel 6, Philadelphia." Introduced by Representative Boulden and Senator Adams.

* * * * *

Representatives Ambrosino, Connor and Ferguson introduced **HR 18** and moved that it be adopted.

HR 18 — "Urging the Delaware Congressional Delegation to thoroughly investigate the recent proposal by the President of the United States to tax certain energy sources."

The Resolution was adopted by voice vote.

On motion of Representative Darling, **SCR 5** was brought before the House for consideration.

SCR 5 — "Extending a message of congratulations and thanks to Mrs. Elizabeth D. Pratt, of Kenton, Delaware, retiring from the State of Delaware Motor Vehicle Division after twenty-three years of dedicated service."

The Resolution was adopted by voice vote.

On motion of Representative Ferguson, **SCR 8** was brought up for consideration.

SCR 8 — "Providing that a Joint Session of the House of Representatives and the Senate be convened to hear the

Governor's Annual State of the State Address."

The Resolution was adopted by voice vote.

On motion of Representative Gordy **HB 12** was brought up for consideration.

HB 12 — "An Act to amend Chapter 17, Part I, Title 7 of the Delaware Code relating to Dog Licenses and Veterinarian's Certificate of rabies immunization."

The roll call vote on the Bill was taken and announced to be:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Lynch, Matushefske, Maxwell, Minner, Morris, Plant, Riddagh, Rispoli, Temple, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Connor, Derrickson, Hebner, Leshner, McGinnis, McKay, Miller, Powell, Ridings, Seibel, Sincock, Smith, Spence, Worthen — 15.

NOT VOTING: Representative Arnold — 1.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Riddagh, **HB 6** was brought up for consideration.

HB 6 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the pre-sentence investigation after conviction for rape."

The roll call vote on the Bill was taken and announced to be:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

NO: Representative Plant — 1.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Byrd, **SCR 7** was brought up for consideration.

SCR 7 — "Memorializing and urging the Delaware Congressional Delegation to formulate and support positive

programs to meet the current economic and energy crisis facing the people of Delaware and the Nation.”

The Resolution was adopted by voice vote.

On motion of Representative Riddagh, **HB 7** was brought up for consideration.

HB 7 — “An Act to amend Chapter 35, Part II, Title 11 of the Delaware Code relating to the admissibility of certain evidence in rape cases.”

The roll call vote on the Bill was taken and announced to be:

YES: Representatives Arnold, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

NO: Representative Plant — 1.

ABSENT: Representatives Ambrosino, Billingsley, Boulden and Matushefske — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Gilligan, **HB 40** was taken up for consideration.

HB 40 — “An Act to amend Chapter 43, Title 11, Delaware Code, relating to conduct of hearings on applications for parole.”

The roll call vote on the Bill was taken and announced to be:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 35.

NO: Representatives Johnson, Miller, Seibel and Smith — 4.

ABSENT: Representatives Ambrosino and Billingsley — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Boulden, **HCR 4** was taken up for consideration.

HCR 4 — Expressing Thanks to those persons who were

instrumental in having the Telecast of the Delaware-Central Michigan National Small College Championship Football Game made available on Channel 6, Philadelphia.

The Resolution was adopted by voice vote.

Representative Ferguson (co-sponsor Representative Derrickson and Senators Cordrey and Isaacs) introduced **HB 50**:

HB 50 — “An Act making a supplementary appropriation to the Legislative Council of Delaware.”

Representative Ferguson moved that the necessary rules be suspended for the purpose of considering the Bill. Motion carried by voice vote.

Therefore, the roll call vote on the Bill was taken and announced to be:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 37.

NO: Representative McKay — 1.

ABSENT: Representatives Ambrosino, Billingsley and Matushefske — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 5:48 p.m. and reconvened at 6:08 p.m.

The Chair announced that **HB 33** was reassigned to Education Committee and **HB 16** was reassigned to Appropriations Committee.

Representative Rispoli, Chairman of Community Affairs Committee, reported back to the House: **HB 11** — 4 Favorable, 2 Merits.

At 6:12 p.m. the House recessed to the call of the Chair.

6TH LEGISLATIVE DAY

The Speaker called the House to order at 2:03 p.m., January 23, 1975.

The Majority Leader moved to adjourn, thereby ending the previous Legislative Day.

The House reconvened at 2:04 p.m.

A Prayer was offered by Father John Hynes.

Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

6TH LEGISLATIVE DAY

PRESENT: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Billingsley — 1.

The minutes were approved as posted.

A message from the Senate informed the House that it had passed **HB 50** and **HCR 4**.

The Chairman of the Appropriations Committee reported back to the House: **HB 13** — 3 Favorable, 2 Merits.

The following prefiled Bills and Resolutions were filed:

HB 51 — “An Act to amend Chapter 21, Part II, Title 21 of the Delaware Code relating to motor vehicles; and providing special license plates for Firemen.” Introduced by Representative Arnold. Assigned to Public Safety Committee.

HB 52 — “An Act increasing the salaries of employees of Delaware State College and Delaware Technical and Community College, and providing a supplementary appropriation therefore.” Introduced by Representative McGinnis. Assigned to Appropriations Committee.

HB 53 — “An Act to amend Chapter 41, Title 9 of the Delaware Code authorizing the transfer of a local service function by the concurring affirmative action of the Levy Court and a Municipality in Kent County.” Introduced by Representative McGinnis. Assigned to Community Affairs Committee.

HB 54 — “An Act to amend Chapter 5, Title 13, Delaware Code, relating to exemption from wage attachment.” Introduced by Representative Seibel. Assigned to Judiciary Committee.

HB 55 — “An Act to amend Chapter 5, Part I, Title 7 of the Delaware Code relating to dog licenses; and providing for an increase in the amount which may be retained by the selling agency.” Introduced by Representative Leshner. Assigned to Natural Resources Committee.

HB 56 — “An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to public utilities and the granting of special rates to public utilities of this State for fuel adjustment.” Introduced by Representative Minner, (co-

sponsor Senator Cook). Assigned to Administrative Services Committee.

HB 57 — “An Act to amend Part VI, Title 16 of the Delaware Code relating to the Public Health, Safety and Welfare; and providing for a Delaware State Formulary Act.” Introduced by Representative Ferguson. Assigned to Health and Social Services Committee.

HB 58 — “An Act to amend Chapter 55, Part VI, Title 30 of the Delaware Code relating to the Public Utilities Taxes, and the amount of tax for which each consumer shall be liable.” Introduced by Representative Derrickson. Assigned to Revenue and Finance Committee.

HB 59 — “An Act proposing an Amendment to Article VIII of the Constitution of the State of Delaware, relating to appropriations and expenditures from the General Fund.” Introduced by Representative Riddagh. Assigned to Constitution Revision Committee.

HB 60 — “An Act to amend Chapter 33, Chapter 35, Chapter 37, Chapter 39 and Chapter 63, Title 18 of the Delaware Code relating to Insurance; and providing that insurers be given an opportunity to obtain out-patient coverage.” Introduced by Representative Ambrosino. Assigned to Public Safety.

HB 61 — “An Act to amend Chapter 10, Title 20, Delaware Code by increasing State Pension Benefits paid to paraplegic veterans.” Introduced by Representatives Powell and Ferguson (co-sponsor Senator Cicione.). Assigned to Appropriations Committee.

HB 62 — “An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to rates charged by Public Utilities; and amending certain procedures of the Public Service Commission.” Introduced by Representative Ambrosino. Assigned to Administrative Services Committee.

HB 63 — “An Act to amend Chapter 21 of Title 24, Delaware Code, relating to the use of drugs or surgery in examinations.” Introduced by Representative Morris. Assigned to Health and Social Services Committee.

HB 64 — “An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the Family Court; and the adjudication or disposition of cases in that Court.” Introduced by Representatives Connor, Matushefske, Morris. Assigned to Judiciary Committee.

HB 65 — “An Act making a supplementary

appropriation to the Office of Commissioner of Elections to carry out the provisions of Chapter 580, Volume 59, Laws of Delaware, the Campaign Financing and Disclosure Act of 1974." Introduced by Representative Darling. Assigned to Appropriations Committee.

HB 66 — "An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to the procurement of material and award of contracts for Public Works by State Agencies." Introduced by Representative McGinnis. Assigned to Administrative Services Committee.

HB 67 — "An Act to amend Title 4 of the Delaware Code by making special provisions relating to beer and wine; relating to the age that certain persons can consume, possess and purchase beer or wine; relating to the age at which beer or wine may be sold or delivered to certain persons; relating to the Alcoholic Beverage Offenses concerning certain persons; and providing penalties for violations therefor." Introduced by Representative McGinnis. Assigned to Administrative Services Committee.

HB 68 — "An Act to amend Sections 8903 and 8915(a), Chapter 89, Title 29, Delaware Code, relating to monies received from the sale of Lottery Tickets." Introduced by Representatives McGinnis and Connor (co-sponsors Senators Holloway and Hughes). Assigned to Labor and Commerce Committee.

HB 69 — "An Act to amend Part VI, Title 29 of the Delaware Code relating to State Agencies and Offices not created by the Constitution, and establishing the Office of Ombudsman." Introduced by Representative Ambrosino. Assigned to Judiciary Committee.

HB 70 — "An Act to amend Chapter 16, Part II, Title 2 of the Delaware Code relating to the powers of a Local Transportation Authority." Introduced by Representative Ambrosino. Assigned to Highways and Transportation Committee.

HB 71 — "An Act to amend Chapter 19, Part I, Title 14 of the Delaware Code relating to Local School Taxes, and providing for a limited exemption for certain persons sixty-five years of age and older." Introduced by Representative Ambrosino. Assigned to Committee on Aging.

HB 72 — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to increases in rates charged by Public Utilities." Introduced by Representative

Ambrosino. Assigned to Administrative Services Committee.

HB 73 — "An Act to amend Chapter 9, Title 26 of the Delaware Code relating to Telegraph, Telephone and Electric Utility Corporations; and providing for certain restrictions on the termination of Electric Service." Introduced by Representative Ambrosino. Assigned to Administrative Services Committee.

HB 74 — "An Act to amend Chapter 10-A, Part II, Title 16 of the Delaware Code relating to Hospitals; and providing certain licensing requirements." Introduced by Representative Ambrosino. Assigned to Health and Social Services Committee.

HB 75 — "An Act to amend Title 6, Delaware Code, relating to consumer protection regarding the retail pricing of food and food stuffs and prescribing penalties for violations thereof." Introduced by Representatives George and Byrd. Assigned to Community Affairs Committee.

HB 76 — "An Act to provide a pension for Martin J. Finerty, a former State Employee." Introduced by Representative Boulden. Assigned to Appropriations Committee.

HA 1 to HB 11 — "Introduced by Representative Cain. Placed with the Bill.

HA 1 to HB 16 — "Introduced by Representative Morris. Placed with the Bill."

HCR 5 — "Urging the Department of Natural Resources and Environmental Control to conduct Rabies Clinics for dogs in Kent and Sussex County." Introduced by Representative McGinnis.

SCR 4 — "Authorizing the establishment of a Committee to draft new legislation relating to Campaign Financial Disclosure, and providing a supplemental appropriation therefore." Sponsors: Senators Murphy, Kearns, Zimmerman.

Representatives Gilligan and Morris introduced **HR 19** and moved that it be adopted.

HR 19 — "Authorizing and establishment of a Special Committee of the House of Representatives for the purpose of investigating the Public Assistance Programs of the Division of Social Services of the Department of Health and Social Services of the State of Delaware and providing a supplementary appropriation for the expenses of the Committee."

The Resolution was adopted by voice vote.

On motion of Representative Temple, the necessary rules were suspended for the purpose of introducing and considering — **SJR — 7.**

SJR 7 — “Congratulating Wright W. Robinson, Seaford Community leader and founder of the Seaford weekly newspaper, “THE LEADER” for being named recipient of the 1975 Josiah Marvel Award.”

Roll call was taken and revealed:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Ambrosino, Billingsley — 2.

Therefore, the Resolution was adopted by the House and returned to the Senate.

At 2:42 p.m. on motion of Representative Ferguson the House recessed and reconvened at 4:45 p.m.

On motion of Representative Darling, consideration of **HB 13** was deferred until January 28.

On motion of Representative Gordy, **HB 11** was taken up for consideration.

HB 11 — “An Act to amend an Act entitled: “An Act to reincorporate the Town of Delmar,” relating to ordinances and the power to borrow money.”

Representative Cain introduced **HA 1** to the Bill and moved that it be adopted.

The Amendment was adopted by voice vote.

The roll call vote on **HB 11 w HA 1** was then taken and announced to be:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Billingsley, George, Matushefske, Smith — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representatives Worthen, George and Derrickson; Senators Isaacs and Manning introduced **HB 77**:

HB 77 — "An Act to amend Sections 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1321, 1322, 1324 and 1326 of Chapter 13, Title 14, Delaware Code, by providing for an eight percent (8%) salary increase effective January 1, 1975 and providing a supplementary appropriation therefor." Assigned to Appropriations Committee.

HB 75 was reassigned from the Community Affairs Committee to Labor and Commerce Committee.

At 4:58 p.m. on motion of Representative Ferguson, the House recessed until 6:01 p.m.

The Chairman of the Education Committee reported back to the House: **HB 41** — 4 Favorable, 2 Merits.

The Chairman of the Revenue and Finance Committee reported back to the House: **HB 48** — 4 Favorable, 2 Merits.

The Chairman of the Appropriations Committee reported back to the House: **HB 76** — 4 Favorable, 1 Merits; **HB 25** — 4 Favorable, 1 Merits.

Representative Darling introduced **HR 20** and moved that it be adopted:

HR 20 — "In reference to the salary of the Assistant Chief Clerk of the House."

The Resolution was adopted by voice vote.

Representative Matushefske introduced **HB 78**:

HB 78 — "An Act to amend Chapter 5, Title 28, Delaware Code, relating to the Tax and the Licensee's Commissions on pari-mutuel and totalizator pools and the transfer of Racing Dates." Assigned to Revenue and Finance Committee.

HB 57 was reassigned from Health and Social Services Committee to Committee on Aging.

At 6:18 p.m. on motion of Representative Ferguson, the House recessed to the call of the Chair.

7TH LEGISLATIVE DAY

The Speaker called the House to order at 1:08 p.m. January 28, 1975.

The Majority Leader moved to adjourn thereby ending the previous legislative day.

The House reconvened at 1:09 p.m.

A Prayer was offered by Representative Morris.

Pledge of Allegiance to the Flag.

Call of the roll revealed 40 Representatives PRESENT with 1 (Representative Lynch) ABSENT.

7TH LEGISLATIVE DAY

The minutes were approved as posted.

On motion of Representative Ferguson, the House recessed to convene in Joint Session with the Senate in order to hear the Governor's State of the State address.

JOINT SESSION

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

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

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

The President appointed the following Committee to escort the Governor to the Senate Chamber: Representatives Seibel and Temple; Senators Knox and McCullough.

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:

**A Combined State Of The State And Budget Message
The Honorable Sherman W. Tribbitt,
Governor Of Delaware
Senate Chamber - Legislative Hall - Dover
1:30 P.M. - January 28, 1975**

This afternoon, I stand here to gauge the state of our State. We face over the next 18 months what some economists consider the most trying period since the 1930's.

Last year, I said that "The spectre of the energy crisis - which has already cost Delaware thousands of jobs and threatens thousands more - could influence the economic picture more than ever before imagined."

That influence is stronger today. Unemployment is up. Soaring inflation has eroded our income and purchasing power. The end of our troubles is not in sight, but we must not be paralyzed by the magnitude of our problems.

1975 must be a rebuilding year - rebuilding our economy - and rebuilding the confidence of our people in government.

Looking back over 1974, I am pleased that despite the hardships and the difficulties of the year, progress was made in many areas of State government.

We increased our support for recipients of aid to families with dependent children from 53% of the 1968 standards to 80% of that standard, raising the average monthly payment per family from \$108 to \$163 - the first significant increase in that category of public assistance support since 1962.

My legislation was passed permitting the formation of the Delaware Authority for Specialized Transportation (DAST) serving the elderly, the infirm, the poor, and others - to provide access to vital services, such as Medical Care and Nutrition Programs.

Now recognized nationally, this Program is considered to be the landmark Specialized Transportation Program.

Recently, Governor Mandel asked us if the Authority could extend its activities to Maryland's Eastern Shore. Maryland is prepared to underwrite the costs of that extended service.

Together, we made available over \$1 million to the Delaware State Hospital to bring it up to the proper fire and life safety standards and it was reaccredited.

My Administration developed a plan to relocate the geriatric patients from the Biggs Building. The last of these patients should be relocated by this June 30th, and the scandalous conditions and the inadequate care that these persons were receiving will finally pass into history.

In another area - a total of 83 Migrant Labor Camps were inspected; of those 59 were licensed, and housed 3,400 migrants. Many Marginal Camps closed.

Recognizing the needs of the elderly - we elevated the Bureau of Aging to Division status, and expanded four Programs for the elderly Statewide-Nutrition, Transportation, Information and Referral, and Employment Service for older Delawareans.

We abolished the Division of Drug Abuse Control and created instead the Office of Drug Control Coordinator, within the existing Division of Mental Health to better coordinate related Programs and increase efficiency.

The Division of Housing completed 23 new townhouses and started rehabilitation work on some houses in Wilmington, and began construction on the 100 unit Carvel Garden Project in Laurel. Also, the Capital Green Complex in Dover was acquired and, in time, will be rehabilitated.

We provided supplemental income to 141 lower income senior citizens who serve as Foster Grandparents.

We created the Division of Services for Children and Youth within the Department of Health and Social Services and named Judie Drexler to head it. This cost-free change will better coordinate our services to children and youth.

Recognizing the increasing importance of Mass Transportation in a society short of energy, we increased our support to DART, the Delaware Authority for Regional Transit, in 1974 by purchasing 20 additional used buses, in addition to our planned Capital Program.

Similarly, to provide alternate modes of transportation, legislation creating "Bicycle Paths" became Law in 1974. I had proposed it in my "Quality of Life" message to a Joint Session of the 127th General Assembly in April of 1973. Representative Sandra Worthen guided those Bills through the Legislature, and funding for them is included in the pending Emergency Bond Bill.

During 1974, the Department of Highways and Transportation awarded construction contracts of more than \$26 million. More will be awarded during the next 24 months providing my Capital Improvement Programs are supported by this General Assembly.

In the environmental area, I am pleased that the Governors of Virginia, Maryland, and New Jersey have joined me in creating the Middle Atlantic Governors Resources Advisory Council, to develop a regional position on the Baltimore Canyon Atlantic Outer Continental Shelf Development.

By working together, policies will be developed to better suit the needs of the States along the Baltimore Canyon, without delaying the national goal of energy independence.

During 1974, our Natural Resources Department received the largest Federal Grant for solid waste recovery in the United States - amounting to over \$9 million to construct a reclamation plant in our State.

While most State's Sewer Construction Grants were cut - Delaware's Sewer Construction Grant Program grew.

After years of study, construction began at the Lums Pond State Park, with over \$1.7 million in improvements this past year and more to come.

Despite the fact that 1974 was a poor year for the economy, dramatic steps were taken to dispel Delaware's alleged anti-industry image.

Our November advertising section in FORTUNE

Magazine has drawn a number of inquiries from firms. Secretary John Daniello has been responding vigorously to those inquiries.

The Fantus Study on "Target Industries" was completed and its report submitted. Secretary Daniello is charged with the responsibility to turn that report into an active Recruitment Program to bring new, compatible industry to our State.

In 1973 and 1974, the Division of Economic Development assisted ten Companies to build new or expand existing plants in Delaware by selling \$10 million worth of General Obligation Bonds; as a by-product 825 new jobs were created.

Meanwhile - the Delaware Tomorrow Commission is working hard to produce a mid-term plan for development for our State.

I have received the Port of Wilmington Study. Now, we must turn it into a Program which will result in the revitalization of our Port, to benefit the economy of the entire State.

1974 began with massive layoffs - and ended with massive layoffs. But our Department of Labor, under Secretary Tom Schranck and his Staff, responded heroically to the problem.

During the last 12 months, they dispensed over 395,000 Unemployment Compensation Checks to 32,000 Delaware citizens, amounting to over \$19 million in Unemployment Compensation Benefits.

I want to take a moment for a special tribute to the excellent work done by each employee in the State Department of Labor, by the Division Directors who have worked so tirelessly during the past year, and by Secretary Schranck.

I know these employees have burned the midnight oil to afford our citizens the most immediate and personal care possible during these difficult economic times. I know patience can wear thin - both for the citizen who has to put up with seemingly endless Federal Forms, and to the employee who is under great pressure to serve so many.

But I thank the employees, the Division Directors and the Labor Secretary for their tireless efforts on behalf of our people.

And really - that's what government is about.

Another area of direct citizen service is the "Food Stamp Program", which has been much abused. We have read and been told that our Program was sluggish - that for a while, applications were backlogged.

However, a critical point that has been neglected in News coverage of this Program is that Delaware was the only State to have gone from "Zero" to 35,000 Food Stamp recipients in 9 months. Previously, Delaware had a Food Commodities Program, and we had to make the transition from one Plan to another, in short order.

The Plan had to be initiated, applicants screened, eligibles enrolled, "no-shows" contended with, and ineligibles weeded out.

Absolutely no other State matched the magnitude of increase Delaware had in the past months.

Food Stamp Program Administrator Jean Hewlett and the Division of Social Services - under Director Dr. Lazar - enrolled those 35,000 individuals in good time, considering the hardships they faced.

Food Stamp recipients are not just the traditionally "poor", but include many who are laid-off, as well as the underemployed and their families. Food Stamps have become the largest "People Program" in our history. Because of the current economic crisis, the Program may grow from 35,000 to 50,000. Recently, I wrote President Ford to protest his attempts to raise the cost of these Stamps.

Steps should be taken to reduce the snarl of Federal Red Tape which needlessly lengthens the applications and certification processes.

It is ridiculous for the Federal Government to require applicants to fill out an hour-long six-page form.

The Federal Government can streamline this procedure to make this tedious process less time-consuming.

Senator Biden expressed to me his concern about this Red Tape, and I trust Senator Roth and Congressman duPont share our concern. Now, it's time for the Congressional Delegation to move on this problem. It's a Federal problem needing Federal attention.

It is important, also, to note Dr. Lazar's assessment that our Food Stamp Program is far better run and with a far lower error rate than those in our neighboring States of Pennsylvania, New Jersey and Maryland. Officials in some States have expressed amazement that our Program got moving so quickly, and I credit former Secretary White, Secretary McGinnes, Dr. Lazar and Mrs. Hewlett for that.

To keep down the cost of State Government, we have continued the job freeze, continued restrictions on travel and

with the cooperation of our State employees - conserved energy.

For the State Police, we were able to increase salaries by \$1,500 a year, which still leaves their salaries below other Police Agencies in our State.

In protecting and serving the citizens of Delaware, our State Police have completed another successful year. Due to their surveillance on the highways, the work of the Governor's Highway Safety Office, the reduced maximum speed limit, and some decrease in traffic flow, traffic accidents decreased.

There were 15% fewer traffic fatalities in 1974 than in 1973. The reduced maximum speed limit undoubtedly led to further energy conservation so a multiple benefit resulted.

These are some of our achievements in 1974. There were many others. But there were also disappointments.

We failed to get legislation passed to regulate lightering in the Bay.

We failed to get Residential and Commercial Development in the Coastal Zone regulated. The Occupational Safety and Health Act was not adopted, thereby depriving State coffers of dollars which now are filling the Federal Treasury.

Neither the Revised Constitution passed, nor the Amendment to the Constitution to increase the Supreme Court from 3 to 5 Justices.

Failure of the latter Amendment has already created a problem which prevents me from getting an answer from the High Court relating to the important Farmers Bank Question.

The much supported Public Service Commission reforms, passed last year, did solve the problem of adequate financing for the P.S.C. But in other areas, the new Laws were found to be wanting and so I have proposed additional reform.

But the great disappointment of 1974 is the failure of the President and Congress to propose Programs - to cure the major problems that America faces today: Inflation, Recession, Unemployment, Energy.

These four problems are in the forefront of our thoughts today - and also in the forefront of our considerations for FY 76.

And nearly every action in State Government is affected by the impact of these critical problems - Inflation, Recession, Unemployment, and Energy.

Let's look at each.

First, Inflation -

During 1974, the Consumer Price Index increased by

12.2% - the highest annual increase since World War II.

As consumers and taxpayers, you know of the devastating effect inflation had on our economy and on the State's Budget.

Listen to this example. In Dover the Capital Complex from July through December 1973 consumed 5,565,000 KWH, which cost the State \$142,000.

From July through December of 1974, we consumed 4,796,000 KWH at a cost of \$231,000. We actually reduced our KWH consumption by 769,000 KWH - but the bill increased by \$90,000.

Inflation in action overrode our conservation efforts, and the cost of Government escalated.

The Budget Director informs me that even with our remarkable conservation efforts, due to soaring electric rates, we will need about \$200,000 more than budgeted in the remainder of this year, to light State buildings in the Dover area alone. And increasing energy costs, statewide, will require us to cover a Budget deficiency approaching \$3 million - again just for this Fiscal Year.

My words of a year ago seem all too accurate - the spectre of the energy crisis did influence the economic picture more than we imagined.

But beyond budgets and deficits is the human side of the inflation problem.

Let me explain.

Considering our State facilities, our Hospitals, Geriatric Residences and so on - the State feeds, clothes, and protects about 3,000 individuals.

Everyone knows how the costs of caring for their families have exploded in the past year. So too, is it with this "Family" of 3,000 which Delawareans care for.

Just listen to a few facts.

Since I last came before the Legislature 12 months ago, food prices of staples have jumped. Bread is up 59% - macaroni is up 64% - mayonnaise is up an incredible 125%. In all, perishables are up about 35% overall, not counting sugar's 337% rise. Non-perishables are up 12%.

These price increases are over and above what we budgeted for last summer - and will have to be recognized in the FY 76 Budget, and also will have to be recognized during the remaining months of the FY 75 Budget.

Now about Recession -

In February, 1974, I testified before Senator Muskie in Washington and predicted that our nation was headed for a

recession. I told him that my future Budgetary Plans anticipated recessionary conditions. This is why our State is not in as critical a financial situation as our sister States of New York, New Jersey and Connecticut.

The President, and his Bureaucracy, refused to acknowledge until after last November's elections, that we were, indeed, in a recession. And that's a major reason that the nation's economy has slipped as badly as it has.

No one wanted to recognize the disease - so the patient was deprived of adequate care.

During 1974, the Gross National Product in real dollars decreased 2.2% and it will continue declining for at least the next two quarters. Economists are uncertain whether an upturn might begin in the third or fourth quarter of 1975.

The rapid decline in the economy has spurred our Council of Economic Advisors to reduce our FY 75 revenue estimate by \$6.1 million from the figure in HJR 44, passed by the 127th General Assembly in June 1974, and this independent group of top economists in Delaware could deem it necessary to further reduce that estimate.

The third problem we must attack is Unemployment - the handmaiden of recession.

During the past 12 months, the National Unemployment Rate increased from 4.5% to 7.1%.

Here in Delaware, our December rate shows 7.3% unemployment, or about one out of 13 in the Delaware Work Force. High unemployment will, of course, affect the demand for human services.

Secretary Schranck says this situation probably will worsen.

Recognizing this, I believe we will have to review very carefully the decision made by the former Administration in 1971 to bar employables within the age range of 18 to 55 from qualifying for General Assistance.

Turning to the fourth - and most complex problem - the Energy Crisis - it has been with us since the October, 1973, Middle East War.

The Federal Government delayed and delayed proposing a Comprehensive National Energy Policy.

In recent days, President Ford proposed a Plan to deal with our inter-related problems of Energy and Economy.

I support his intent. But I believe his Program would only guarantee a new round of soaring inflation, and devastate our

already distressed economy.

My objections are not centered on needed personal income tax cuts. Surely, we need to put more money into the hands of consumers, to encourage consumer spending to halt the economic slide.

But, this will not happen if the President's Energy Conservation Programs are adopted.

Price rationing is not the answer.

I told President Ford last Thursday that the cost to Delawareans, direct and indirect, of his Energy Program in its first year would be \$75 million. Our citizens cannot bear a burden of that magnitude.

But despite the presentation I and nine other Governors made to the President, he refused to postpone implementing the first step of his long-delayed Program.

We, the Governors of the Northeast, now look to our Congressional Delegations to stop this Federal folly.

I told President Ford last Thursday that I believed that we must restrain energy consumption in this country - now.

And I suggested that the logical route would be to ration gasoline - a non-inflationary step.

It is incumbent upon the President and the Governors of the 50 States to develop meaningful Energy Programs.

Naturally, we turn to the President and Congress for Gas Rationing - either by coupon or by allocation. But there are Programs that can be proposed by Governors to make Energy Conservation economically desirable.

My proposals, announced last Fall, will give partial Tax relief to Energy Conserving consumers.

The first proposal is a tax deduction from Gross Income, for Delaware Personal Income Tax purposes, of 25% of the purchase and installation cost of storm windows or insulation. This deduction will apply to both home owners and renters.

Second is a tax credit for corporations participating in a payroll withholding program for purchasing Mass Transit Commutation tickets. This provides a means for business to support in a meaningful fashion, our Mass Transit operations. The use of Mass Transit for commuter or other purposes, reduced gasoline demand.

The third proposal will give a personal income tax credit for carpoolers as a reward to energy-conservation-minded citizens.

In addition, I propose a measure which if promptly

adopted will support the rebate system now used by automobile manufacturers. This is designed to encourage the purchase of smaller vehicles such as the Vega, Pinto, Valiant, Duster, Pacer, and Gremlin. I want the Document Fee for vehicles to be made progressive. As the rated average miles-per-gallon based on U.S. Environmental Protection Agency figures decreases, the fee will increase.

The fees for the two classes of vehicles are as follows:

Class I Vehicles - 19 miles per gallon and over - fee of \$.50 per \$100

Class II Vehicles - under 19 miles per gallon - Fee of \$4.00 per \$100

The new Fee structure will realize a net increase in Document Fee receipts which will be necessary to offset the loss of revenue from the other energy conservation proposals already outlined.

Purchasers of energy-conserving vehicles will be rewarded, since the Document Fee on energy conserving vehicles will have been reduced by 75%. On the other hand, consumers who decide to purchase vehicles which consume excessive amounts of gasoline will pay for the extravagance of excessive energy consumption in an energy-starved society.

Further, the funds generated by the consumers who decide to buy gas-guzzling vehicles will underwrite the Tax credits and tax deductions for energy conservers.

Finally, our Chrysler Plant here in Delaware was refitted last year and if opened now could build "Class One" vehicles by the thousands. We must help stimulate the demand for small, energy-saving cars to get that Chrysler Plant open and producing.

Hopefully, our General Motors Plant will soon be converted to producing energy-conserving vehicles also.

Major forces are acting upon our economy - Inflation, Recession, Unemployment, Energy Costs - and it is with gravity that I turn to the proposed Budget for 1976, our Bicentennial Year.

Agency requests for Fiscal Year 1976 totaled \$453 million - obviously, an impossible number. At the conclusion of the hearings conducted by Budget Director Don Dryden, a process was started to reduce those requests to the absolute minimum.

Requests were sliced by \$41.3 million, leaving \$411.7 million - which is the total of the Budget I submit today - exclusive of Routine Grants-in-Aid.

In a year that has seen the cost of living increase by 12.2%, the Budget I present represents a tight-fisted increase of 7.8%

over the Budget for Fiscal Year 75.

The FY 75 Budget totaled \$383 million - and, of that \$99 million represented appropriations for Debt Service, Social Security payments, Blue Cross, and Pension Costs.

Those mandated fixed expenses have increased to \$112 million, therefore, taking the current year's \$383 million Budget, and adding the mandatory fixed expense increase alone - the Budget is increased to \$396 million.

An additional \$4 million was added to cover the increasing energy and food bill of the State. This brings our Budget to \$400 million.

An additional \$3.5 million was added for salary increases for State Employees. This brings the total to \$403.5 million.

Other minor cost increases, across the whole Budget, amounted to \$2.2 million, bringing our total to \$405.7 million.

New and expanded Programs contained in the proposed Budget for FY 76 amount to only \$6 million. These Programs are designed to help our citizens successfully deal with today's four important problems - Inflation, Recession, Unemployment and Energy.

The first and largest item included is an addition of \$3 million to the AFDC Appropriation. This increase will allow us to take the next step in our effort to upgrade our level of support needed by the children who are dependent upon the State. I propose to increase our level of support from 80% of the 1968 standard as adopted in June 1974 to 85% of that standard.

Also included in the \$3 million increase in the AFDC Appropriation are funds for the anticipated increase in the AFDC rolls next year.

With Higher Education costs increasing as a result of inflation and recognizing that many families will find it more difficult to support their children's education expenses, I have increased the line item in the University of Delaware Budget for Aid to Needy Students by \$385,000.

I also included the funds necessary so that students attending other institutions will be able to participate in a new State-Federal Scholarship Program.

Recognizing the demand for increased Mass Transit as a result of the energy crisis, I have included an additional \$655,000 in my Budget for DART and DAST. This \$655,000 increase over the current year's appropriation will permit us to continue upgrading our Mass Transit System to provide an energy-short society with a viable alternative to the private

automobile.

I am also asking our Congressional Delegation to enact legislation which will permit greater use of Federal Highway Trust Funds for Mass Transit purposes. Without huge Federal subsidies in the form of direct Grants to States and local Governments, local efforts to make Mass Transit a viable alternative to the private automobile will never be truly adequate. States cannot do the job alone.

In a related area, I indicated in last year's State of the State message that there was not sufficient evidence to support the need for a North-South Toll Road in Delaware. With possible gas rationing or even increased gasoline prices, it is my opinion that a \$350 million expenditure to construct this Toll Road would be ill-advised. Traffic on the Kennedy Turnpike has not, and well may not, increase in the next few years. Although Route 13 is congested on weekends during the summer months, information at this point does not lead me to support a North-South Toll Road at this time, and at no time will I support an independent authority for this purpose.

Other minor Programs are scattered throughout the Budget.

For example, by increasing the appropriation for the Nutrition Program in the Division of Aging by \$13,500, it is hoped that the State of Delaware will be able to receive an additional \$201,000 Federal Dollars from Title VII of the Older Americans Act. This would then bring the total dollars in the Program for Fiscal 1976 to some \$755,000, and enable us to better serve our elderly.

We expect to have three new Service Centers open during Fiscal 1976. I propose an additional 22 new employees to operate the Pyle Center, the Hudson Center, and the Collins Center.

I have also proposed the people and the funds necessary to operate the new library at Delaware State College.

I propose to increase the hourly stipends of Foster Grandparents to comply with the minimum wage. This new commitment of \$109,000 is made to one of our most dynamic Programs.

I have also proposed two new Labor Inspectors to handle complaints relating to Equal Employment Opportunity, and I have authorized nine new employees to enable the Family Court to improve the quality of its service to our citizens.

These are the highlights of the new and expanded

Programs included in the Bare Bones Budget submitted today.

I want to assure you that it was extremely difficult to decide which Programs to include and which ones to exclude from the Budget being submitted today. With many needs and few dollars, it goes without saying that many valuable and useful Programs were not funded. But I hope that you will agree with me that the ultimate questions was: "How does it help us with our four major problems - Recession, Inflation, Unemployment and Energy?"

Before turning to my new Legislative Programs, I must discuss a critical Program already before the General Assembly. That is, the Emergency Bond Bill. It would continue the State funds necessary to progress on many important projects.

Of particular importance to me is \$163,000 contained in the Bill to equip six new cottages at the Hospital for the Mentally Retarded.

It is inhumane to delay appropriating these funds preventing a rapid move of the children into these modern cottages.

But I am informing the General Assembly today that if the Emergency Bond Bill is not passed by February 1st, the Secretary of Highways, Clifford Hall, will, on that date, notify 87 employees that they will be terminated in 30 days.

Without General Assembly action, Secretary Hall advises me that by April 30th, 300 people will have received 30-day notices of separation.

If, due to the inaction of the General Assembly, it is necessary to eliminate the first 87 employees on the 28th of February and remainder during March and April, it will be imperative, according to Merit Rules, to pay them their accrued sick leave and vacation upon separation.

The Secretary advises me that there are no funds appropriated to cover this one-time expense which carries a whopping price tag of a half-million dollars. Therefore, if the Bond Bill is not enacted and this problem resolved, I will submit to the General Assembly a Supplemental Appropriation for \$500,000 to cover separation costs. Prompt action by the General Assembly will eliminate this problem, failure to act, will bring serious economic consequences.

As soon as legislative action is completed on my Emergency Bond Bill, I will present my FY 76 Capital Improvement Program. In it are many important Programs.

Some, like the funds for the Laurel Mobile Home Park, are carried over from the FY 75 Capital Improvement Program which was stalled in the House of Representatives of the 127th General Assembly.

Let me outline for you my Legislative Program. A number of priorities carry over from the last Legislative Session.

I will submit legislation to fulfill my Public Service Commission proposals, including creating the post of Public Advocate in the Division of the Public Service Commission.

I will submit new legislation aimed at curing PSC conflict of interest problems and require the PSC to review increases in the fuel adjustment charges.

I will submit legislation to increase Maximum Unemployment Benefits and increase the Unemployment Compensation Tax.

I will submit Supplemental Appropriation to let the Division of Public Health immediately establish an extended care unit for chronically ill adults at Emily P. Bissell Hospital.

I will submit legislation to create a separate Department of Corrections. As I stated in my campaign, I believe separation of Corrections from the sprawling Health and Social Services Department will result in two, better functioning Administrative Units.

I will submit supplemental appropriation for the Division of Adult Corrections to relieve severe over-crowding at the Delaware Correctional Center by operating a Pre-trial Detention Center.

I will designate the Delaware Agency to Reduce Crime as the official Planning Agency to develop legislation to provide suitable services to juveniles who are dependent, neglected, abused, runaway or truant. Such legislation should be compatible with the Federal Juvenile Justice and Delinquency Act of 1974.

I will submit legislation to transfer job discrimination investigations to the Human Relations Commission.

I will submit legislation to make the Industrial Accident Board a full-time rather than a part-time body. This will help eliminate backlog of cases pending before the Board.

I will submit legislation to create the Delaware Housing Rehabilitation Fund to speed rehabilitation of sub-standard housing.

The Division of Housing will administer a Program to insure rehabilitation loans made to low and moderate income

families, including elderly persons, by Delaware's lending institutions. This Program will guarantee payment to qualified lending institutions of losses incurred by non-payment of principle, interest, or other sums.

In order to support our efforts to erase Delaware's anti-industry image, I will introduce legislation to expand General Authorization Bonding Authority from the current ceiling of \$20 million to \$50 million. This will be a key factor in the implementation of the Fantus Industrial Development Program.

I will also introduce legislation to improve and broaden our Industrial Development Bonding Program to permit the bonding of non-manufacturing facilities. This Program should provide support to the Downtown Wilmington Redevelopment Program, so that desperately needed jobs will be created.

Let me add right here that Delaware must find a top-notch man or woman to become the new Director of Economic Development. It has already become obvious that a stumbling block to attracting quality talent is the salary line item of the Director, and I will be requesting that the General Assembly consider increasing the salary maximum for this position.

I will resubmit to the General Assembly the Constitutional Proposal, in a somewhat revised form, that will eliminate much of the controversy which emerged during the last session.

I will resubmit legislation to regulate commercial and residential development in our Coastal Zone.

I will resubmit legislation to regulate lightering of petroleum products in the Delaware Bay.

I will resubmit the Occupational Safety and Health Act.

Turning to educational matters, let me state that last September after a series of meetings, members of the Legislative Leadership of the 127th General Assembly and I indicated that we would support an 8% salary increase for teachers effective January 1, 1975. Also, at that time, we said we would work to support such measures as necessary to finance that salary increase. Measures are necessary, and I will support them and I will support the 8% increase for teachers. I trust the Legislative Leaders, and the entire 128th General Assembly as a whole, will judiciously consider these matters when they come before you.

Two other matters relating to education also require comment. By Executive Order, I have created a Task Force to

study, and report by April 1 of this year, on a Program to reduce the Unit Size in our Elementary Schools. While we await with interest the report of this Task Force, we also find that there is an interrelated concern.

With the decline in the national birth rate, it is obvious that the student population in our schools will be decreasing sharply in coming years. While there are educational advantages in small class sizes, we must use all of our facilities in the most efficient manner possible in this energy-short time. Consolidation of facilities may be necessary to free the funds now channeled to electricity, heating, custodial services, and other non-instruction related expenses and put them to better use in important educational areas.

Another pressing educational matter is the Evans V. Buchanan Case. I recently formed a Committee on the School Decision. Since signing that Executive Order, I have been advised that it is likely there will soon be a decision in the Evans Case. It is my understanding that the decision could prove to be a weighty financial burden to the State. You can be assured this is a matter that I will give my concerted attention.

There has been some discussion in recent months about the input and impact on State Government of Commissions, Task Forces, and Advisory Councils.

Let me say this. Since I stood before the General Assembly 12 months ago, I have named between 500 and 600 individuals to various State-associated posts, whether they are Councils, Commissions or Task Forces.

Most of these groups were created years ago, with the hopes that they would make Government more responsive, and that the people who served on the various groups would be creative, energetic and determined to have a positive effect on Government.

But there are drawbacks too.

The Councils seem to multiply like untended rabbits.

A great deal of the Governor's time is spent in deciding who should serve where, and who is not doing anything on what Commission or Council.

And I wonder if the need is for more of these groups, more responsive groups, smaller groups, fewer groups, or no groups at all.

Or should there be one, highly respected Advisory Council which is like a "Super Council" and could follow events in State Government well enough to advise 10 different Cabinet

Secretaries on various aspects of their Departments?

Although it may sound like the "Ultimate" Committee, I think that our best step is to form a Task Force to look into Commissions, Task Forces and Councils.

Let's see, now that we've lived with the Cabinet form of Government for four years, how Advisory Councils served Government.

I am proposing that a "Task Force on Commissions, Committees, Boards and Task Forces" be created by Executive Order in the near future to weed through the interlocking membership, assess productivity, and glean input from Cabinet Secretaries, Division Directors and the public as to whether these groups serve a viable function or whether the citizenry could be better served with an alternative plan.

This would be a good time to touch briefly on the tremendous asset to this State of contacts by one Governor with others in his region.

In the past year, as the 50 Governors have tackled the Energy Crisis, Inflation, then Recession and Unemployment, we have often felt as if we've run up against a stone wall when talking with the folks in Washington.

But by exchanging ideas, we Governors have found satisfaction. Consider the inter-state problems like Governor Shapp's meeting with me last week on Brandywine and Liberty Bell Race Tracks, yesterday's meetings with Governor Mandel of Maryland concerning Railroads on the Peninsula and meetings with the Governors and their representatives on projects like the Middle Atlantic Governor's Resources Advisory Council.

Acting as a group, we hope to impress our views on the Federal Government as to the needs and requirements of the States. And we are deeply concerned that last Thursday's meeting with the Governors of 10 States not be characteristic of President Ford's responsiveness to the needs of the Chief Executives of the 50 States for the remainder of his administration.

Up to this point, I have discussed with you the nature of our economy, the Budget, the new proposals, and now it is time to discuss the financing of these matters.

There is no question that financing a Budget begins with objective bipartisan credible revenue estimates. In order to obtain estimates of this quality, I created the Governor's Economic Advisory Council last July.

The Council - with membership including Legislators of both political parties - has held monthly open meetings, and has been trying diligently to restore credibility to Revenue Estimating.

A computer model, developed by the University of Delaware as a tool in revenue estimating, was funded jointly by the Executive Department and the 127th General Assembly. We anticipate the so-called "Econometric Model" will become a valuable asset in the near future.

Finance Secretary Jack Malarkey has initiated a program requesting confidential projections from our major corporations regarding their corporate income tax payments, and we've received excellent cooperation from these taxpayers. This procedure has been utilized by the Federal Government for over a decade and is currently in use by 25 states.

I feel the Council estimates are very credible, especially in view of the constantly changing economic conditions, and in fact, I am making full use of their most current estimates for this message.

The current revenue estimate of the Economic Advisory Council for this year is \$371.9 million or \$6.1 million less than the \$378.0 million established by H.J.R. 44 negotiated last June. Additional supplementals of at least \$8.3 million will be required before June 30 due to increases in mandated costs or as a result of the impact of inflation on our operations. Facing a probable deficit for the current fiscal year and understanding that the difficulties faced by our citizens in these tense economic times, I have resolved to fund that deficit for this year and for next year without further increasing the burden on our already hard-pressed individual taxpayer.

I propose the following actions:

1. Legislation prior to April 1, 1975, to have all employers withholding Delaware Income Taxes report and pay these withholdings on a monthly basis - realized gain for Fiscal 75 will be \$1.5 million.
2. Change the method of reporting and paying business taxes from a quarterly to a monthly basis realized gain for Fiscal 75 will be \$1.0 million.
3. Change of due date for Telephone and Telegraph Tax from July 1 to June 15 - realized gain for Fiscal 75 will be \$.75 million.

Representative Billingsley, this will also resolve the argument as to which Fiscal Year this particular Revenue item

should fall.

All of the above actions are specifically designed to impose no additional tax strain on our citizens, who already are overburdened during these harsh economic times. They merely are an improvement in the cash flow touching only on business.

I further propose that a Refinery Tax of 3 mills per gallon be enacted effective April 1, 1975, which will realize \$.85 million for FY 75.

The cash flow measures and the Refinery Tax should enable us to finish FY 75 at, or near, the zero cash balance point - providing the recent estimate of the Economic Advisory Council does not have to be further reduced.

Turning to FY 76, I propose that we change the payment of Corporate Income Taxes to more clearly follow the Federal Collection method. This again is a cash flow adjustment - not an increased tax - and will realize approximately \$6.0 million in FY 76.

I further propose the following:

1. Elimination of the Oil Depletion Allowance for Corporate Income Tax purposes will realize an estimated \$3.5 million, and implement a promise I made during the 1972 campaign.

2. Imposition of a State Excise Tax on undistributed profits of Tax-exempt Foundations will realize an estimated \$.5 million.

3. Increase of the Tax on diesel fuel by one cent per gallon to put that tax at the same level as the Gasoline Tax will realize an estimated \$.16 million.

4. Increasing the cost of truck decals from \$1.00 to \$4.00 will realize an estimated \$.5 million. This will raise us from the lowest rate in our area.

5. Finally, with the enactment of the above, I earnestly request repeal of the Public Utility Tax on residential electricity which will decrease our FY 76 Revenue by an estimated \$3.0 million.

Again, let me stress that I have developed these proposals with the clear intent of shielding our individual taxpayers from greater economic stress.

By more fairly redistributing the tax burden and by enacting these proposals, the State will finish FY 76 at the break-even point or with an extremely modest surplus. I must stress that in view of the uncertain economic conditions with

which we are contending, our revenue picture could change from day to day. I may find it necessary to again this year request the privilege of appearing on this podium should our revenues further weaken.

If that does happen and it is necessary for me to come before you again, I want to make it crystal clear to all of you today that at that time I will outline the steps necessary to bring our Budget for next year into balance.

Short of the actual layoff of General Fund Employees, I will take every action necessary to achieve that goal.

Solutions will be found internally. Revenue measures other than those proposed today and other than those to be submitted separately to finance the teachers pay raise will be proposed.

Finally, I believe that we will know to what degree stern measures will be necessary after the Council of Economic Advisors submits to me its April report on the state of our revenues.

If they prove to be necessary, we will be prepared.

I have endeavored this afternoon to outline my view of the State of the State, address the subject of the Budget for next year, the modest, and indeed consumer-protective, tax measures needed to balance it, the proposed tax relief for our citizens, proposed new programs and thus, to the best of my ability, present what I hope you will take to be a fair and reasoned view of the State of the State as it is today.

I would like to close this afternoon by returning to one of the problems which I have touched on several times today - and that problem is Unemployment. Unemployment gnaws at the vitals of society. We must do our very best to provide employment for our less fortunate citizens who find themselves unemployed. Therefore, this afternoon, I want to propose the establishment of the Delaware State Emergency Employment Fund of some \$3 million in State Funds to create approximately 400 jobs, and thereby, stimulate our economy during this period of high unemployment.

This Program will permit us to augment existing Federal Funds allocated to Delaware under various Federal Programs to create emergency jobs. The Federal support is important, but it is not enough.

The Program I propose to be effective July 1 will work in the following fashion. Allocation of half of the Fund, or \$1.5 million to be released when the State's unemployment rate hits

8%. The funds would be used to finance jobs for para-professionals, sub-professionals, and other jobs designed to meet the needs of State Agencies, including schools, serving the people of Delaware. If and when the State's unemployment rate reaches 10%, the second \$1.5 million would automatically be released for the same purpose and used in the same fashion. Funds would be used equitably throughout the State so that unemployed in every area could be helped.

I hope that the General Assembly, in its wisdom will support this Program as well as the other Programs that I have proposed today. And I want the people of our State to be assured that I, as Governor, am deeply concerned about the problems we face today and about our need to meet these problems head on, propose solutions, and take steps necessary to implement them.

The previously named committee escorted the Governor from the Chamber.

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

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

Senator Cordrey moved the two Houses now separate to re-convene in their respective Chambers. Motion prevailed.

The House re-convened at 5:08 p.m.

The following prefiled legislation was filed:

HB 79 — "An Act to amend an Act entitled: "An Act to reincorporate the Town of Delmar", relating to the authority to enact ordinances. Introduced by Representative Gordy. Assigned to Community Affairs.

HB 80 — "An Act to amend An Act, being Chapter 212, Volume 25, Laws of Delaware, entitled, "An Act to incorporate the Town of Bethany Beach and giving it authority to issue Bonds"; to permit the Commissioners of Bethany Beach to expend up to \$100,000 to purchase real and personal property within its boundaries for any municipal purpose and to sell, lease, hold, manage, control and mortgage such property." Introduced by Representative Derricksen and Senator Cordrey. Assigned to Community Affairs.

HB 81 — "An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to actual physical control of a motor vehicle; and removing same from motor vehicle statutes

dealing with the operation of a vehicle while under the influence of intoxicating liquors or drugs." Introduced by Representative Matushefske. Assigned to Public Safety.

HB 82 — "An Act to amend Chapter 51, Part V, Title 29, Delaware Code, relating to hearings and other proceedings by Departments, Commissions, and other Agencies of the State of Delaware and notice requirements relating to such hearings and other proceedings." Introduced by Representative Worthen. Assigned to Judiciary.

HB 83 — "An Act to amend Chapter 11, Part II, Title 30 of the Delaware Code relating to State Income Tax on resident individuals, and increasing the amount of taxes paid to the United States which may be subtracted from Federal Adjusted Gross Income." Introduced by Representative Arnold. Assigned to Revenue and Finance Committee.

HB 84 — "An Act to amend Chapter 14, Volume 58, Laws of Delaware, entitled "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 on non-residents engaged in any occupation, business or profession within the City." Introduced by Representatives Jonkiert, George, Johnson, Rispoli and Plant; Senators Holloway and Schlör. Assigned to Revenue and Finance Committee.

HR 21 — "Commending Liam Corbalis on having been selected as this year's winner of the Veterans of Foreign Wars' Voice of Democracy Contest." Introduced by Representatives Jonkiert and Maxwell.

SB 4 — "An Act to amend Subchapter II of Chapter 81, Title 9 Delaware Code, relating to annual application for tax exemption for the elderly." Sponsor: Senator Isaacs. Assigned to Committee on Aging.

SB 8 — "An Act to amend Chapter 83, Title 9, Delaware Code, by providing the annual renewal of application for farm land reassessment shall no longer be required unless the land usage be changed." Sponsor: Senator Isaacs. Assigned to Community Affairs.

SB 19 — "An Act to amend Title 29, Section 5109 of the Delaware Code, relating to open meetings by fixing the responsibility for disseminating notice of meetings of State Boards and Commissions." Sponsor: Senator Holloway. Assigned to Judiciary.

SB 30 — “An Act to amend Subchapter I, Chapter 7, Title 7, Delaware Code relating to frightening or harrassing of migratory birds; and providing a penalty therefor.” Sponsor: Senator Zimmerman. Assigned to Environmental Control.

SCR 6 w/ SA 1, 2, 3 — “Expressing the concern of the General Assembly over the report by the Unique Hazards Committee to the Department of Public Instruction, relating to construction projects to eliminate hazards and reduce busing; and directing that the present moratorium be extended for one year.” Sponsors Senator Cicione, Representative Gilligan.

SCR 9 — “Informing the Delaware Congressional Delegation that the 128th General Assembly of the State of Delaware opposes President Ford’s decision to increase the price of imported crude oil as much as \$3 per barrel.” Sponsor: Senator Kearns.

SCR 10 — “Informing the Delaware Congressional Delegation that the Delaware General Assembly is strongly opposed to the proposed changes in the Federal Food Stamp Plan, which will severely affect the poorest among us.” Sponsor: Senator Kearns.

SCR 11 — “Requesting the Governor to create a Committee to study the feasibility of establishing a State Veterans’ Cemetery.” Sponsors Senator Cicione and Representative Jonkiert.

On motion of Representatives Maxwell and Jonkiert, **HR 21** was taken up for consideration and adopted by voice vote.

HR 22 was introduced by Representatives Seibel and Spence:

HR 22 — “Expressing the Condolences of the House of Representatives to the Family of the Late Representative J. Theodore Laws, a Member of the House from 1928 to 1930.

WHEREAS, the members of the House of Representatives of the 128th General Assembly have learned with sorrow of the death on January 24, of J. Theodore Laws, of Middletown; and

WHEREAS, J. Theodore Laws served as a member of the House of Representatives from 1928 to 1930; and

WHEREAS, J. Theodore Laws had been a successful farmer in the Newark-Middletown area until his retirement five years ago; and

WHEREAS, J. Theodore Laws had displayed his interest

in good government and participatory citizenship by serving in the General Assembly and by offering his advice and services in the political councils of his time.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 128th General Assembly that this resolution expresses the sincere condolences of the members of this legislative body to the family of J. Theodore Laws.

BE IT FURTHER RESOLVED that this resolution also expresses the appreciation of the members of the House of Representatives of the 128th General Assembly for J. Theodore Laws' public service.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the family of Mr. Laws and that a copy be placed in the archives of the Delaware General Assembly as evidence of the appreciation of the members for services rendered by a former member."

* * * * *

The Resolution was adopted by voice vote.

HCR 6 Sponsored by Representative Jornlin and Senator Castle, was introduced.

HCR 6 - "Expressing the respect and felicitations of the 128th General Assembly to Mrs. Mary Louise Hynes, of Wilmington, on the occasion of her 100th Birthday on January 23, 1975."

The Resolution was adopted by voice vote.

Legislative Advisory No. 4 informed the House that the Governor had signed the following legislation:

HJR 4 — 1/22/75 — "Wishing Mrs. Jessica Terry a speedy and full recovery from injuries sustained in a recent automobile accident."

HJR 5 sponsored by Representative Hebner and Senator Hughes was introduced; and rules suspended by voice vote.

HJR 5 — "Congratulating Liam Corbalis of Archmere Academy on winning the Delaware Voice of Democracy Broadcast scriptwriting contest, and wishing him well in the coming National Competition."

Roll call was taken and revealed:

YES: Representatives: Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner,

Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Lynch — 1.

HB 85 was introduced by Representative Darling and assigned to Appropriations.

HB 85 — “Act Act to amend Chapter 13, Title 14, Delaware Code, relating to salary schedules for classroom teachers, secretaries, clerks, school nurses, school custodians, lunch managers, school attendants and school aides; and providing a supplementary appropriation therefor.”

On motion of Representative Matushefske, **SCR 9** was brought up for consideration and was adopted by voice vote.

On motion of Representative Matushefske, **SCR 10** was brought up for consideration and adopted by voice vote.

Representative Derrickson moved that the necessary rules be suspended for the purpose of considering **HB 77**.

Representative Ferguson moved that the motion for suspension of rules be tabled. The roll call vote on his motion was taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Harrington, Johnson, Kelly, LeGates, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 22.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Gilligan, Hebner, Jornlin, Leshner, Maxwell, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 18.

ABSENT: Representative Lynch — 1.

Therefore, the motion carried and the motion for suspension of rules was tabled.

At 6:09 the House recessed until January 29, 1975.

8TH LEGISLATIVE DAY

The Speaker called the House to order at 2:22 p.m., January 29, 1975.

On motion of the Majority Leader the House immediately adjourned to end the 7th Legislative and begin the 8th Day.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, 41 Representatives were PRESENT.

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

8TH LEGISLATIVE DAY

The following prefiled legislation was filed:

HB 86 — "An Act to amend Chapter 31, Title 15 of the Delaware Code relating to Primary Elections and nominations of candidates, and providing for a Direct Primary." Introduced by Representatives McGinnis and Seibel. Assigned to Judiciary.

HB 87 — "An Act to amend Chapter 9 and Chapter 13, Title 26 of the Delaware Code relating to Public Utilities; and providing restrictions on the termination of certain Utility Services." Introduced by Representatives Seibel and Ambrosino. Assigned to Administrative Services.

HB 88 — "An Act to amend Subchapter IV, Chapter 5, Title 28 of the Delaware Code relating to the Delaware Standardbred Development Fund; and providing for a percentage of all contributions to be retained by the Fund." Introduced by Representative Ambrosino. Assigned to Administrative Services.

HB 89 — "An Act to amend Chapter 41, Part I, Title 14 of the Delaware Code relating to the disclosure of pupils' School Records." Introduced by Representative Seibel. Assigned to Education.

HB 90 — "An Act to amend Title 14 and Title 29 of the Delaware Code relating to continuity of Government; and providing for a Department of Education, which shall assume responsibilities and functions of the present Department of Public Instruction." Introduced by Representatives Ambrosino, Connor, McKay, Seibel, Maxwell. Assigned to Education.

HB 91 — "An Act to amend Subchapter I of Chapter 1, Title 26, of the Delaware Code, relating to residential discontinuance of gas, electric, water and telephone services which are regulated by the Public Service Commission." Introduced by Representative Plant. Assigned to Administrative Services.

HB 92 — "An Act authorizing the Department of Health and Social Services to transfer between all Lines and Divisions." Introduced by Representative Ferguson. Assigned to Appropriations.

HB 93 — "An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to authorized Emergency Vehicles." Introduced by Representative Gilligan. Assigned to Public Safety.

HB 94 — "An Act to amend Chapter 14, Title 14,

Delaware Code, relating to the procedures for the termination of service of teachers holding temporary certificates who have been in the employ of the Terminating Board for ten consecutive years." Introduced by Representatives McGinnis and Senator Zimmerman. Assigned to Education.

HB 95 — "An Act directing the Kent County Levy Court to cease any and all activity regarding the construction of a Kent County Airport; and further authorizing and directing the Kent County Levy Court to hold a Special Referendum so as to determine if the citizenry of Kent County desire the construction of a County Airport." Introduced by Representative Darling. Assigned to Community Affairs.

SB 3 — "An Act directing the Board of Pension Trustees to re-evaluate pension benefits for Lawrence Thompson, a former Bee Inspector with the Department of Agriculture." Sponsors: Senator Zimmerman. Assigned to Appropriations.

SB 23 — "An Act relating to a Survivor's Pension for Mrs. Richard C. Beckett, wife of Richard C. Beckett, a former State Sanitary Engineer with the Old State Board of Health." Sponsor: Senator Zimmerman. Assigned to Appropriations.

SB 86 — "An Act to amend Chapter 225, Volume 59, Laws of Delaware, as amended, by extending its expiration date." Sponsors: Senators Adams and Berndt. Assigned to House Administration.

* * * * *

The Chairman of the Revenue and Finance Committee reported back to the House: **HB 84** — 1 Favorable, 2 Merits, 3 Unfavorable.

SCR 11 was brought up for consideration and adopted by voice vote.

SR 20 — "Requesting the House of Representatives to return Senate Bill No. 8 to the Senate of the 128th General Assembly" was adopted by the House without objection.

HCR 7 was introduced by Representative Gilligan and adopted by voice vote:

HCR 7 — "Extending hearty congratulations to the St. Mark's High School Spartans for winning the Delaware State High School Football Championship for the second consecutive season."

HB 13 was taken up for consideration on motion of Representative Darling.

HB 13 — "An Act to amend Chapter 91, Title 9, Delaware

Code, relating to uniform mileage payments.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 41.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 2:59 p.m. and reconvened at 6:52 p.m.

HB 76 was taken up for consideration on motion of Representative Boulden and the following names were added as co-sponsors: Representatives Matushefske, Ferguson, Sincock, Seibel, Riding, Powell, Leshner, Byrd, LeGates, Plant, Cain, Minner, Maxwell, Gordy, Gilligan, George.

HB 76 — “An Act to provide a pension for Martin J. Finerty, a former State employee.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Kelly — 1.

HB 41 was taken up for consideration on motion of Representative Gilligan.

HB 41 — “An Act to amend Title 14, Section 1918, Delaware Code, by increasing the penalties to be paid for delinquent School Taxes in New Castle County.”

HA 1 to the Bill was adopted by voice vote and the roll call vote on HB 41 w HA 1 was then taken and announced.

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jonkiert, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant,

Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Mr. Acting Speaker McGinnis — 39.

NO: Representative Spence — 1.

ABSENT: Representative Kelly — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HB 48 was taken up for consideration on motion of Representative Gilligan and the following names were added as co-sponsors: Representatives Byrd, Kelly and Maxwell.

HB 48 — “An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees’ Pension Plan; and providing Legislative control over Administrative expenditures from such fund.”

The roll call vote on the Bill was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

NO: Representative Boulden — 1.

ABSENT: Representative Kelly — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HCR 8 was introduced by Representatives Gordy, Clendaniel, Temple.

HCR 8 — “Expresssing Vehement Disapproval with the Recent Decision of the U.S. Coast Guard Regarding the Construction of a Low Level Bridge Across the Nanticoke River at Sharptown, Maryland, and Further Requesting Assistance from the Attorney General or his Designee to Investigate all Possible Alternatives, Including Legal Action Against the State of Maryland.”

WHEREAS, the State of Delaware has recently learned that the U.S. Coast Guard has issued a permit for the State of Maryland to construct a bridge across the Nanticoke River at Sharptown, Maryland, with a vertical clearance of forty feet above mean high water; and

WHEREAS, Delaware residents living in the vicinity of the Nanticoke River are of the opinion that if the State of Maryland constructs the bridge at the proposed height of forty feet much of the river traffic presently using the river, particularly in the Seaford area, will be shut completely off; and

WHEREAS, the construction of such bridge will cause economic deprivation to areas in Delaware which presently utilize the river and thus will deter growth in all Delaware communities which presently utilize the river; and

WHEREAS, the Nanticoke River is the only access in lower Delaware to the Chesapeake Bay from Delaware and is the only river in Sussex County navigable to commercial vessels and to pleasure crafts owned by Seaford area residents who are eagerly planning to utilize the facilities of a recently completed commercial marina upstream from Seaford which can accommodate vessels requiring more than forty feet vertical clearance; and

WHEREAS, the Seaford-Blades Chamber of Commerce, the Seaford City Council, and the Division of Economic Development, among others have gone on record as opposing construction of any bridge spanning the Nanticoke River in Maryland that would fail to meet with intercoastal waterway standards that specify a minimum clearance height of 65 feet above mean high water for a bridge crossing a river considered to be intercoastal waterway; and

WHEREAS, the members of the 127th General Assembly passed and the Governor signed Senate Concurrent Resolution No. 10 in March, 1973, voicing opposition to the construction of such bridge, which subsequently ended up in U.S. District Court whereby the Court granted an injunction delaying the construction of the bridge; and

WHEREAS, the members of the 128th General Assembly of the State of Delaware are likewise in opposition to the construction of the bridge at Sharptown, Maryland.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 128th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the 128th General Assembly go on record as strongly opposing plans by the State of Maryland to build such bridge over the Nanticoke River at Sharptown, Maryland.

BE IT FURTHER RESOLVED the members of the 128th General Assembly hereby request the Attorney General of the State of Delaware or his designee to investigate, as soon as possible, possible alternatives to delay and even stop the State of Maryland from proceeding to construct such bridge across the Nanticoke River at Sharptown, Maryland, to include legal action against the State of Maryland if he deems it so

necessary.

BE IT FURTHER RESOLVED that the Governor and the Attorney General, in accordance, with the provisions of §2507, Title 29, Delaware Code, may employ special counsel to represent the State in this matter, if in their judgement they deem it necessary.

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the Journals of the Delaware Senate and House of Representatives, and copies of this Resolution be forwarded to the Governor of the State of Delaware, members of the Delaware Congressional Delegation, the Attorney General and members of the Sussex County Council.

* * * * *

At the request of Representative Temple, the following letter in reference to the above Resolution was read into the record:

CITY OF SEAFORD

Honorable Thomas A. Temple
808 Oak Street
Seaford, Delaware

Dear Tom:

It is certainly very distressing to hear the permit for the 40 ft. Sharptown Bridge has been issued.

The people of the State of Delaware and the Seaford area, in our opinion, have not received fair treatment in such a decision.

I am sure you are not willing to give up without a further fight.

If you are anticipating Legislative Action in the General Assembly, please let us know how we can help.

MAYOR & COUNCIL
CITY OF SEAFORD
(Signed) Woodrow W. Crosby
City Manager

* * * * *

The Resolution was then adopted by voice vote and ordered to the Senate for concurrence.

The House recessed at 7:25 p.m. and reconvened at 7:47 p.m.

Representative George moved that **HB 84** be laid on the Speaker's Table. Motion carried by voice vote.

HB 96 was introduced by Representative Matushefske

and assigned to Revenue and Finance.

HB 96 — “An Act to amend Chapter 5, Title 28, Delaware Code, relating to racing dates and the State Tax and Licensee’s Commissions on pari-mutuel and totalizator pools at Harness Racing Tracks.”

HB 78 was stricken on motion of Representative Matushefske.

The House recessed at 7:58 p.m. and reconvened at 10:07 p.m.

Representative Spence introduced **HR 23** — “Extending Happy Anniversary Greetings to Mrs. Marie Ferguson for having lived with Representative John P. Ferguson for 38 Years.”

HR 23 was adopted by a voice vote.

HB 97 was introduced by Representative Matushefske:

HB 97 — “An Act to amend Chapter 27, Title 30, Delaware Code, relating to tax on Petroleum Refineries.”

Representative Matushefske moved that the necessary rules be suspended for the purpose of considering the Bill.

The roll call vote on the motion was taken and announced:

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 27.

NO: Representatives Arnold, Billingsley, Derrickson, Hebner, Jornlin, Leshar, McKay, Powell, Seibel, Sincock, Smith, Spence — 12.

NOT VOTING: Representative Ridings — 1.

ABSENT: Representative Kelly — 1.

Therefore, the motion prevailed and the Bill was before the House.

On motion of Representative Matushefske, the roll call vote on the Bill was taken and announced:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Hebner, Jornlin, Leshar, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 16.

ABSENT: Representative Kelly — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HB 98 was introduced by Representative Matushefske:

HB 98 — “An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of School Employees and Providing appropriations therefore.”

The necessary rules were suspended by voice vote for consideration of the Bill.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert. — 40.

ABSENT: Representative Kelly — 1.

HB 99 was introduced by Representative George. Co-sponsors of the Bill were Representatives Worthen, Johnson, Plant, Rispoli, LeGates, Miller; Senator Isaacs.

HB 99 — “An Act to amend Sections 1305, 1306, 1307, 1308, 1309, 1310, 1321, 1322, 1324 and 1326 of Chapter 13, Title 14, Delaware Code, By Providing for an eight percent (8%) salary increase effective January 1, 1975 and providing a supplementary appropriation therefor.”

The necessary rules were suspended by voice vote for consideration of the Bill.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Kelly — 1.

At 11:05 p.m. on motion of Representative Ferguson, the House recessed to the call of the Chair.

9TH LEGISLATIVE DAY

The Speaker called the House to order at 2:19 p.m. January 30, 1975 and on motion of the Majority Leader

9TH LEGISLATIVE DAY

immediately adjourned to end the 8th Legislative Day and begin the 9th Day.

A Prayer was offered by the Chaplain, Rev. Holliday of Harrington, Delaware.

Pledge of Allegiance to the Flag.

Call of the roll revealed 40 Representatives to be PRESENT with one member (Representative Ambrosino) ABSENT.

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

The House recessed at 2:29 p.m. and reconvened at 9:26 p.m.

The following Bills were reported back to the House from the various Committees:

HB 16 from Appropriations Committee — 2 Favorable, 2 Merits.

HB 68 from Labor and Commerce Committee — 1 Favorable, 3 Merits.

HB 15 from Judiciary Committee — 3 Favorable, 1 Merits; **HB 5** — 3 Favorable, 1 Merits; **HB 38** — 3 Merits, 1 Unfavorable.

The following prefiled legislation was introduced:

HB 100 — “An Act making appropriatons for the expense of the State Government for the Fiscal Year ending June 30, 1976, and to amend certain pertinent statutory provisions.” Sponsor: Representative George. Assigned to Appropriations.

HB 101 — “An Act to amend Title 11 and Title 29 of the Delaware Code relating to the transfer of the powers, duties and functions of the Divisions of Juvenile Corrections, and Field Services (Probation Services) from the Department of Health and Social Services to the Department of Public Safety; and placing the Board of Parole within the Department of Safety.” Sponsor: Representative Clendaniel. Assigned to Judiciary.

HB 102 — “An Act to authorize the transfer of certain State properties.” Sponsor: Representative Clendaniel. Assigned to Administrative Services.

HB 103 — “An Act to amend Chapter 11, Part II, Title 16 of the Delaware Code relating to Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related Institutions.” Sponsor: Representative Clendaniel. Assigned to Committee on Aging.

HB 104 — “An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission and disqualifications for serving as a member or employee of the Commission.” Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 105 — “An Act to amend Chapter 92, Title 10, Delaware Code, by increasing the salaries of Justices of the Peace and providing a supplementary appropriation therefor.” Sponsors Representatives Matushefske and Byrd. Assigned to Appropriations.

HB 106 — “An Act to amend Chapter 71, Title 29 of the Delaware Code by increasing the mileage rates for employees of the State of Delaware.” Sponsor: Representative Matushefske. Assigned to Appropriations.

HB 107 — “An Act to amend Chapter 19, Part II, Title 30 of the Delaware Code relating to the Corporation Income Tax and inventory accounting procedures.” Sponsor Representative Ambrosino. Assigned to Revenue and Finance Committee.

HB 108 — “An Act to provide a supplementary appropriation to the Department of Health and Social Services to be utilized in partially compensating St. Patrick’s Senior Center, Inc., for previous budget cuts by the Department.” Sponsor: Representative Ambrosino. Assigned to Appropriations.

HB 109 — “An Act to amend Subchapter I, Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission.” Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 110 — “An Act relating to a pension for George Rossiter, a former employee of the De La Warr School District.” Sponsor: Representative Minner. Assigned to Appropriations.

HB 111 — “An Act to amend Chapter 79, Part VII, Title 29 of the Delaware Code relating to the financial liability of persons served by the Department of Health and Social Services.” Sponsor: Representative Sincock. Assigned to Health and Social Services.

HB 112 — “An Act to amend Part II, Title 19, Delaware Code, providing that any Bill or Joint Resolution which appropriates or mandates or contemplates a subsequent appropriation or which reduces revenue must have a Fiscal Projection attached at the time it is reported out of Committee.” Sponsor: Representative Miller. Assigned to Rules.

HB 113 — “An Act to restore sick days to Jack Watt, an

employee of the State Highway Department." Sponsor: Representative Darling. Assigned to Revenue and Finance.

HB 114 — "An Act to amend Article II of the Constitution of the State of Delaware, relating to the Constitutional prohibition against certain types of gambling." Sponsors: Representatives Connor, Ambrosino, Kelly. Assigned to Constitution Revision.

HB 115 — "An Act proposing an Amendment to Article I of the Constitution of the State of Delaware relating to Bail." Sponsor: Representative Riddagh. Assigned to Constitution Revision.

HB 116 — "An Act to amend Chapter 6 and Chapter 42, Title 11 of the Delaware Code relating to sentences imposed for felonies." Sponsor: Representative Riddagh. Assigned to Judiciary.

HB 117 — "An Act to amend Chapter 43, Part II, Title II of the Delaware Code relating to eligibility for parole." Sponsor: Representative Riddagh. Assigned to Judiciary.

HB 118 — "An Act to amend Chapter 19, Title 24 of the Delaware Code relating to nursing and Schools of Nursing; and providing for a specialized category of nurses who may administer anesthesia." Sponsor: Representative Riddagh. Assigned to Health and Social Services.

HA 1 to HB 57 was introduced by Representative George.

SB 9 — "An Act making a supplementary appropriation to the Department of Finance for payments of claims relating to "Veterans' Military Pay Act No. 111". Sponsor: Senator Isaacs. Assigned to Appropriations Committee.

SB 104 — "An Act making an appropriation to the Division of Historical and Cultural Affairs to be used as matching funds to assist in the renovation or restoration of the Grand Opera House to provide Delaware with a Center for the Performing Arts in connection with the Bicentennial Celebration and the rebuilding of the City of Wilmington, Delaware." Sponsors: Senators Schlor and Holloway. Assigned to Appropriations Committee.

SCR 12 — "Congratulating United States Senator Joseph R. Biden, Jr. on his appointment to the Foreign Relations Committee of the United States Senate." Sponsor: Senator Cordrey.

SCR 13 — "Expressing vehement Disapproval with the recent decision of the U.S. Coast Guard regarding the

construction of a low level bridge across the Nanticoke River at Sharptown, Maryland, and further requesting assistance from the Attorney General or his designee to investigate all possible alternatives, including legal action against the State of Maryland." Sponsors: Senator Elliott and Representative Temple.

SCR 14 — "Condemning the practice of hiring illegal aliens at a time when thousands of Delawareans are out of work, and requesting the Delaware Congressional Delegation to support Federal Legislation banning the practice." Sponsor: Senator Holloway.

SCR 15 — "Relating to Committee to oversee State Employee Benefits." Sponsors: Senators Elliott and Murphy.

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HR 24 sponsored by Representatives Johnson, LeGates, Plant and George; and Senator Holloway was introduced and adopted by voice vote.

HR 24 — "Congratulating Wilmington City Councilman James M. Baker on his selection by the Delaware Jaycees as Young Man of the Year."

On motion of Representative Gordy, **SCR 12** was brought up for consideration and adopted by voice vote.

SCR 12 — "Congratulating United States Senator Joseph R. Biden, Jr. on his appointment to the Foreign Relations Committee of the United States Senate."

SCR 15 was brought up for consideration on motion of Representative Miller and laid on the Speaker's table.

SCR 15 — "Relating to Committee to oversee State Employee Benefits."

HB 119 sponsored by Representative Seibel and Worthen was introduced and assigned to Environmental Control.

HB 119 — "An Act to amend Chapter 17, Title 7, Delaware Code making it unlawful for dogs to run at large and providing penalties, for violations thereof."

HB 120 sponsored by Representatives Connor, Ambrosino and Kelly was introduced and assigned to Constitution Revision.

HB 120 — "An Act to provide that a Referendum be held in the November 1976 General Election to determine whether or not the residents of the State of Delaware approve or reject certain proposed Amendments to Section 17 and Section 17A, Article II of the Constitution of the State of Delaware."

SCR 14 was taken up for consideration on motion of Representative Plant and adopted by voice vote.

SCR 14 — “Condemning the practice of hiring illegal aliens at a time when thousands of Delawareans are out of work, and requesting the Delaware Congressional Delegation to support Federal Legislation banning the practice.”

HB 121 sponsored by Representative Matushefske and George was introduced and assigned to Appropriations.

HB 121 — “An Act making a supplemental appropriation to the Department of Highways and Transportation for the Delaware Authority for Regional Transit.”

HB 122 sponsored by Representative George was introduced and assigned to Appropriations.

HB 122 — “An Act to provide a supplemental appropriation to the Division of Maintenance and Communications, Department of Administrative Services, for operational costs through June 30, 1975.”

On motion of Representative George, the necessary rules were suspended for the purpose of considering **SB 104**.

SB 104 — “An Act making an appropriation to the Division of Historical and Cultural Affairs to be used as matching funds to assist in the renovation or restoration of The Grand Opera House to provide Delaware with a center for The Performing Arts in connection with the Bicentennial Celebration and the rebuilding of the City of Wilmington, Delaware. Roll call was taken on **SB 104** and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

NO: Representatives Riddagh and Smith — 2.

ABSENT: Representatives Ferguson and Kelly — 2.

Therefore, the Bill passed the House and was returned to the Senate.

The House recessed at 9:56 p.m. and reconvened at 11:34 p.m.

SCR 15 was lifted from the Speaker's table on motion of Representative Miller and adopted by voice vote.

SCR 15 — “Relating to Committee to oversee State Employee Benefits.”

On motion of Representative George, the necessary rules were suspended for the purpose of considering **HB 122**.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Tempie, Worthen, Mr. Speaker Jonkiert — 38.

NO: Representative Clendaniel — 1.

ABSENT: Representatives Ferguson, Kelly — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Darling, the necessary rules were suspended for the purpose of considering **SB 86**. The Bill was then placed on the Speaker's Table.

SB 86 — “An Act to amend Chapter 225, Volume 59, Laws of Delaware, as amended, by extending its expiration date.”

On motion of Representative Matushefske, the necessary rules were suspended for the purpose of considering **HB 96**.

HA 1 to the Bill was introduced by Representative McGinnis who moved for its adoption. The roll call vote on the Amendment was taken and announced:

YES: Representatives Boulden, Byrd, Cain, Connor, Darling, Derrickson, George, Gordy, Harrington, Johnson, Jornlin, Lynch, Matushefske, McGinnis, Miller, Minner, Plant, Powell, Riddagh, Rispoli, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Clendaniel, Gilligan, Hebner, LeGates, Leshner, Maxwell, McKay, Ridings, Seibel, Sincock, Smith — 14.

NOT VOTING: Representative Morris — 1.

ABSENT: Representatives Ferguson and Kelly — 2.

Therefore, the Amendment was adopted.

HA 2 to the Bill was introduced by Representative Billingsley. A motion was made to table the amendment.

The roll call vote on the motion to table was taken and announced:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Harrington, Johnson,

Leshner, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 23.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Jornlin, LeGates, McKay, Powell, Riddagh, Ridings, Seibel, Sincok, Smith, Spence — 15.

NOT VOTING: Representative Hebner — 1.

ABSENT: Representatives Ferguson and Kelly — 2.

Therefore, the motion prevailed and the Amendment was tabled.

Representative Matushefske moved that **HB 96 w HA 1** be tabled.

HB 96 — “An Act to amend Chapter 5, Title 28, Delaware Code, relating to racing dates and the State Tax and Licensee’s Commissions on pari-mutuel and totalizator pools at Harness Racing tracks.”

The roll call vote on the motion was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Clendaniel, Connor, Derrickson, Hebner, Jornlin, Leshner, Maxwell, McKay, Powell, Ridings, Seibel, Sincok, Smith — 16.

NO: Representatives Boulden, Byrd, Cain, Darling, George, Gilligan, Gordy, Harrington, Johnson, LeGates, Lynch, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Spence, Temple, Worthen, Jonkiert — 23.

ABSENT: Representatives Ferguson and Kelly — 2.

Therefore, the motion was defeated.

The House then recessed at 12:32 a.m. January 31 and reconvened at 1:01 a.m.

On motion of Representative Matushefske, the roll call vote on **HB 96 w HA 1** was taken but before being announced was tabled on his further motion.

The House then recessed at 1:05 a.m. and reconvened at 1:10 a.m.

SB 86 was lifted from the table for consideration on motion of Representative Darling.

SB 86 — “An Act to amend Chapter 225, Volume 59, Laws of Delaware, as amended, by extending its expiration date.”

The roll call vote taken and announced:

YES: Representatives Arnold, Boulden, Byrd, Cain, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris,

Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 34.

NO: Representatives Ambrosino, Billingsley, Clendaniel, Ridings — 4.

ABSENT: Representatives Ferguson, Kelly and McGinnis — 3.

Therefore, the Bill passed the House and was returned to the Senate.

On motion of Representative Matushefske, the roll call vote on **HB 96 w HA 1** was lifted from the table and rescinded.

HB 96 — “An Act to amend Chapter 5, Title 28, Delaware Code, relating to racing dates and the State Tax and Licensee’s Commissions on pari-mutuel and totalizator pools at Harness Racing Tracks.”

On further motion of Representative Matushefske, a new roll call vote on **HB 96 w HA 1** was taken but laid on the table before being announced.

The House recessed at 1:18 a.m. and reconvened at 2:08 a.m.

On motion of Representative Matushefske, the roll call vote on **HB 96 w HA 1** was lifted and announced:

YES: Representatives Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, George, Gordy, Harrington, Johnson, Jornlin, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Riddagh, Rispoli, Spence, Temple, Jonkiert — 25.

NO: Representatives Ambrosino, Cain, Gilligan, Hebner, LeGates, Leshner, Ridings, Seibel, Sincock, Smith, Worthen — 11.

NOT VOTING: Representatives Arnold, Minner — 2.

ABSENT: Representatives Billingsley, Ferguson and Kelly — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HB 123 was introduced by Representative George:

HB 123 — “An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments and to issue bonds and notes therefor and appropriating the monies to various agencies of the State.”

On motion of Representative George, the necessary rules were suspended for the purpose of considering the Bill.

HA 1 to the Bill was introduced by Representative George

and placed with the Bill.

The House recessed at 2:26 a.m. and reconvened at 3:03 a.m.

On motion of Representative George, the roll call vote on **HA 1** to **HB 123** was taken and announced:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Harrington, Johnson, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Jonkiert — 23.

NO: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Ridings, Sincok, Smith, Spence — 13.

NOT VOTING: Representative Seibel — 1.

ABSENT: Representatives Connor, Ferguson, Kelly and Riddagh — 4.

Therefore, the Amendment was adopted.

The roll call vote on **HB 123 w HA 1** was taken but before being announced was laid on the Speaker's table.

On motion of Representative McGinnis, **SCR 19** was taken up for consideration, the roll call taken and announced:

SCR 19 — "Appointing Directors on the part of the State for the Farmers Bank of the State of Delaware."

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, Minner, Morris, Plant, Powell, Rispoli, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 32.

NO: Representatives Billingsley, McKay, Ridings, Seibel — 4.

NOT VOTING: Representatives Cain and Miller — 2.

ABSENT: Representatives Ferguson, Kelly and Riddagh — 3.

Therefore, the Resolution was adopted by the House and returned to the Senate.

At 3:33 a.m. on motion of Representative Darling, the House recessed to the call of the Chair.

10TH LEGISLATIVE DAY

The Speaker called the House to order at 2:20 p.m., February 5, 1975.

On motion of the Majority Whip, the House immediately adjourned the 9th Legislative Day to convene for the 10th Day.

10TH LEGISLATIVE DAY

A Prayer was offered by Rev. Holliday, Harrington, DE.
Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Plant, Powell, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Ferguson, Leshner, Morris and Ridings — 4.

The minutes of the previous Legislative Day were approved as posted.

The following pre-filed legislation was introduced:

HB 124 — “An Act to amend Chapter 17 of Title 7, Delaware Code, relating to immunization of dogs for rabies.” Sponsor: Representative Lynch. Assigned to Natural Resources.

HB 125 — “An Act increasing the salaries of employees of Delaware State College and Delaware Technical and Community College, and providing a supplementary appropriation therefor.” Sponsors: Representatives McGinnis and Harrington. Assigned to Appropriations.

HB 126 — “An Act to amend Chapter 3, Part I, Title 18 of the Delaware Code relating to the Insurance Department, and establishing a Branch Office in the City of Wilmington.” Sponsor: Representative Rispoli. Assigned to Public Safety.

HB 127 — “An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control for the purposes of repairing and maintaining tidal gates and outfall pipe near the City of Rehoboth Beach leading from Silver Lake to the Atlantic Ocean.” Sponsor: Representative Derrickson. Assigned to Appropriations.

HB 128 — “An Act to increase the salaries of certain employees classified under the Merit System.” Sponsor: Representative McGinnis. Assigned to Appropriations.

HB 129 — “An Act to authorize and direct the transfer of certain State Properties.” Sponsor: Representative Clendaniel. Assigned to Community Affairs.

HA 2 to HB 2 was introduced by Representative Temple.

SB 24 — “An Act to amend Title 14, Delaware Code,

requiring teachers to read or recite the First Amendment of the Constitution of the United States and to provide time for students to voluntarily participate in moral, philosophical or religious activity in the Public Schools of Delaware." Sponsor: Senator Cordrey, Assigned to Education.

SB 27 — "An Act to amend Chapter 7, Title 14 of the Delaware Code, relating to authority of teachers and administrators in the Public Schools to administer corporal punishment." Sponsor: Senator Cordrey. Assigned to Education.

SB 72 — "An Act to permit the Board of Education of the Woodbridge School District to transfer certain funds from its Local Debt Service Funds Account to its Local Current Operating Funds Account." Sponsor: Senator Adams. Assigned to Education.

SB 81 w SA 1 — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to Medicine, Surgery and Osteopathy; and providing for a Delaware Medical Practices Act." Sponsors: Senators Hale and Holloway. Assigned to Health and Social Services.

SB 100 — "An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the addition of one Associate Judge to the Family Court; and providing a supplementary appropriation therefor." Sponsor: Senator Murphy. Assigned to Judiciary.

SCR 16 — "Extending the congratulations and felicitations of the 128th General Assembly to the Honorable Eugene D. Bookhammer, Lieutenant Governor of Delaware, and his lovely wife, Katherine (Kitty) Bookhammer, on their Wedding Anniversary." Sponsors: Senators Hughes and Isaacs and all the Senators.

The Resolution was adopted by the House by voice vote on motion of Representative Gordy.

HB 102 — "An Act to authorize and Direct the Transfer of certain State properties", was stricken on motion of Representative Clendaniel.

HR 26 sponsored by Representative Gordy was introduced and adopted by voice vote:

HR 26 — "Expressing the condolences of the House of Representatives of the 128th General Assembly to the family of the late Representative William S. Marvel, III."

The House recessed at 2:37 p.m. and reconvened at 3:37 p.m.

On motion of Representative George, the necessary rules to consider **SB 1** were suspended by voice vote.

SB 1 — "An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments and to issue bonds and notes therefor and appropriating the monies to various agencies of the State."

The roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

ABSENT: Representatives Ferguson, Leshner, Minner, Morris and Ridings — 5.

Therefore, the Bill passed the House and was returned to the Senate.

HR 25 sponsored by Representative Ambrosino was introduced and adopted by voice vote:

HR 25 — "Expressing congratulations to Eleanor B. Forsberg, Delaware Teacher of the Year, for the recent honor bestowed upon her."

The House recessed at 3:50 p.m. and reconvened at 10:48 p.m.

HCR 9 sponsored by Representative Gilligan and Senator Manning was introduced and adopted by voice vote:

HCR 9 — "Congratulating Anthony Anderson of Thomas McKean High School, upon being named to the 1974 National High School All-American Football Team."

The following Bills were introduced from the floor:

HB 130 — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to the Motor Fuel Tax by increasing the tax on special fuel." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 131 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporation Income Tax." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 132 — "An Act to amend Chapter 41, Title 30, Delaware Code, to change the date of payment of the Telephone and Telegraph Excise Tax." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 133 — “An Act to amend Chapter 11, Title 30, Delaware Code, relating to the Personal Income Tax, to allow certain deductions for interest income and costs of installing storm windows.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 134 — “An Act to amend Chapter 52, Title 30, Delaware Code, relating to motor carrier identification marker and registration fee.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 135 — “An Act to amend Section 1154, Title 30, Delaware Code, to require monthly deposit of Income Taxes withheld by employers where the amount exceeds \$10.00.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 136 — “An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utility Taxes, to eliminate the tax on gross receipts or tariff charges that distributors of electricity commodities and services receive from residential users and customers.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 137 — “An Act to amend Chapter 11 and Chapter 19, Title 30, Delaware Code, to disallow deductions for percentage depletion of oil and gas wells in computing taxable income.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 138 — “An Act to amend Chapter 30, Title 30, Delaware Code, relating to the Motor Vehicle Document Fee on new and used vehicles.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HR 27 sponsored by Representatives McGinnis, Boulden and all the Representatives was introduced and adopted by voice vote:

HR 27 — “Expressing the condolences of the members of the House of Representatives of the 128th General Assembly upon the death of Mrs. Anis Worthen, mother-in-law of our gracious colleague, Representative Sandra Worthen.”

HB 139 — sponsored by Representative George was introduced from the floor and assigned to Appropriations.

HB 139 — “An Act amending Chapter 736, Volume 57, 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 therefore and

appropriating the moneys to various Agencies of the State."

HR 28 sponsored by Representative Darling was introduced and adopted by voice vote:

HR 28 — "Relating to the Temporary Rules of the House of Representatives."

HB 140 sponsored by Representative McGinnis was introduced:

HB 140 — "An Act to amend Chapter 27, Title 30, Delaware Code, relating to license requirements for petroleum refineries and providing for the payment of a license tax by petroleum refineries."

Representative McGinnis moved that the necessary rules be suspended for the purpose of considering **HB 140**.

The roll call vote on the motion was taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 23.

NO: Representatives Connor, Derrickson, Jornlin, McKay, Powell, Riddagh, Seibel, Sincock, Smith, Spence — 10.

NOT VOTING: Representative Ambrosino and Arnold — 2.

ABSENT: Representatives Billingsley, Ferguson, Hebner, Leshner, Morris and Ridings — 6.

Therefore, the motion prevailed and the Bill was taken up for consideration.

After prolonged discussion, the roll call vote on the Bill was taken and revealed:

YES: Representatives Boulden, Clendaniel, Darling, George, Gordy, Harrington, Johnson, Kelly, Lynch, Maxwell, McGinnis, Miller, Minner, Plant, Rispoli, Temple, Jonkiert — 17.

NO: Representatives Ambrosino, Arnold, Cain, Connor, Derrickson, Gilligan, Jornlin, LeGates, Matushefske, McKay, Powell, Riddagh, Seibel, Sincock, Smith, Spence, Worthen — 17.

NOT VOTING: Representative Byrd — 1.

ABSENT: Representatives Billingsley, Ferguson, Hebner, Leshner, Morris and Ridings — 6.

Therefore, the Bill was defeated.

SCR 20 sponsored by Senators Cook, Zimmerman and Murphy was introduced:

SCR 20 — “In reference to appointing Directors on the part of the State for the Farmers Bank of the State of Delaware for the Branch at Dover, Delaware.”

On motion of Representative Darling, the Resolution was considered for adoption, the roll call taken and announced to be:

YES: Representatives Boulden, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Minner, Plant, Riddagh, Rispoli, Spence, Temple, Mr. Speaker Jonkiert — 22.

NO: Representatives Miller, Seibel and Sincok — 3.

NOT VOTING: Representatives Ambrosino, Arnold, Connor, Derrickson, Jornlin, McKay, Powell, Smith — 8.

ABSENT: Representatives Billingsley, Byrd, Ferguson, Hebner, Leshner, Morris, Ridings, Worthen — 8.

Therefore, the Resolution was adopted by the House and returned to the Senate.

HR 29 sponsored by Representative Temple was introduced and adopted by voice vote.

HR 29 — “Urging that every encouragement be given to the Southern Railway System in its efforts to acquire all but seventy-four miles of trackage of the bankrupt Penn Central Railroad on the Delmarva Peninsula.”

At 12:18 a.m. February 6, 1975, the House recessed to the call of the Chairman.

11TH LEGISLATIVE DAY

The Speaker called the House to Order at 1:43 p.m., February 11, 1975.

The Majority Leader moved to adjourn at 1:44, thereby ending the previous Legislative Day.

The House reconvened at 1:44 p.m.

There was a prayer by the Reverend Joseph Holliday from Harrington.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Billingsley, Leshner, Temple, Worthen — 4.

The minutes were approved as posted.

The Senate informed the House that it has passed **HB 22, HB 98, HB 99, HB 97, HCR 7 and HCR 8.**

The Governor's office sent a message to the House informing the Representatives that the Governor had signed **HB 50, HCR 4, and HB 96 w HA 1.**

The Governor informed the House that he was returning **HB 97 and HB 98 and HB 99** without his signature.

Representative Ferguson introduced **HCR 10** from the floor, co-sponsored by Representative Darling:

HCR 10 — "Providing that a Joint Session of the Senate and House of Representatives be Convened for the Purpose of Hearing the Governor and Representatives of the Governor's Economic Advisory Council on the State's Financial Condition for 1975-1976."

The Resolution was adopted by voice vote and sent to the Senate for concurrence.

Representative Ferguson moved that the House recess at 1:58 p.m.

The House reconvened at 2:17 p.m. when the Legislature was called into Joint Session in the House.

The Sergeant-at-Arms announced the President, President Pro Tempore and Members of the Senate. They were admitted and seated. The Speaker invited Lt. Gov. Bookhammer and President Pro Tempore Isaacs to a seat on the rostrum.

JOINT SESSION

Representative Ferguson moved that the House and Senate convene in Joint Session. Motion prevailed.

Representative Ferguson moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

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

The Speaker appointed the following Committee to escort the Governor to the House Chamber: Representatives Boulden, Riddagh, Senators Schlör, Elliott.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the

Joint Session. The Governor addressed the members of the General Assembly.

The Speaker invited the Governor to a seat on the rostrum.

The Speaker invited Mr. Robert Davis, Vice-Chairman of the Governor's Economic Advisory Council to address the Joint Session.

Representative Ferguson moved that the Joint Session stand in recess.

Representative Ferguson moved that the House recess to the call of the Chair at 5:13 p.m.

12TH LEGISLATIVE DAY

The Speaker called the House to order at 1:57 p.m., March 18, 1975.

The Majority Leader moved to adjourn at 1:57, thereby ending the previous Legislative Day.

The House reconvened at 1:58 p.m.

A prayer was offered by the Chaplain, Dawson Shulties.

The Speaker led those present in the Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representative Boulden, Gordy — 2.

The minutes of the previous Legislative Day were approved as posted.

The following pre-filed legislation was introduced and assigned to Committee:

HB 141 — "An Act to amend Chapter 54, Part VI, Title 30 of the Delaware Code relating to the Realty Transfer Tax; and providing an exemption for certain real estate owned by non-profit organizations." Sponsor: Representative Rispoli. Assigned to Revenue and Finance.

HB 142 — "An Act to amend Chapter 71, Title 29, Delaware Code, relating to the use of State-owned vehicles, and providing a penalty for violation." Sponsor: Representative McGinnis. Assigned to House Administration.

HB 143 — “An Act to amend Chapter 530, Volume 59, Laws of Delaware, originally designated **HB 973**, and to amend Chapter 552, Volume 59, Laws of Delaware, originally designated **HB 971**.” Sponsors: Representatives Jornlin and Seibel. Assigned to Appropriations.

HB 144 — “An Act to amend Section 501, Title 1, of the Delaware Code by making Return Day a State Legal Holiday.” Sponsor: Representative Clendaniel. Assigned to Community Affairs.

HB 145 — “An Act to amend Chapter 81, Title 9, Delaware Code, relating to taxation of improvements on public land by Municipalities.” Sponsor: Representative Derrickson. Assigned to Community Affairs.

HB 146 — “An Act to amend Title 29, Section 5109 of the Delaware Code relating to open meetings of Boards and Commissions and Councils of the State of Delaware or its subdivisions.” Sponsor: Representative Gilligan. Assigned to Judiciary Committee.

HB 147 — “An Act to provide a supplementary appropriation to the Department of Public Safety to be expended in the initiation of a program utilizing Disabled Veterans at the Regional Emergency Reporting Center in New Castle County.” Sponsor: Representative Gilligan. Assigned to Appropriations.

HB 148 — “An Act to amend Chapter 51, Title 30, Delaware Code, relating to the exempt sales of gasoline.” Sponsors: Representatives Minner and Harrington. Assigned to Revenue and Finance.

HB 149 — “An Act to amend Chapter 17 of Title 7, Delaware Code, relating to certain requirements for dog licenses.” Sponsor: Representative Lynch. Assigned to Natural Resources.

HB 150 — “An Act to amend Chapter 5, Title 1 of the Delaware Code relating to Legal Holidays, and providing for the celebration of a Holiday or Birthday on its true or traditional date in certain instances.” Sponsor: Representative Riddagh. Assigned to Community Affairs.

HB 151 — “An Act to amend Chapter 91, Title 9, Delaware Code, relating to compensation to be paid the Chief Deputies by County Offices.” Sponsor: Representative McGinnis. Assigned to Community Affairs.

HB 152 — “An Act authorizing the State Treasurer to transfer certain balances in Accounts of the State of Delaware

to the credit of the General Fund of the State of Delaware.” Sponsor: Representative McGinnis. Assigned to Appropriations.

HB 153 — “An Act authorizing an increase in salaries of certain employees classified under the Merit System and providing a supplementary appropriation therefor.” Sponsor: Representative McGinnis. Assigned to Appropriations.

HB 154 — “An Act authorizing the State Treasurer to transfer certain balance in Accounts of the State of Delaware to the credit of the General Fund of the State of Delaware.” Sponsor: Representative McGinnis. Assigned to Appropriations.

HJR 6 — “Directing State Agencies which employ Disabled Veterans to grant Administrative Leave when the mobility and ability of such employees is impaired by inclement weather.” Sponsors: Representatives Gilligan, Byrd and Maxwell. Assigned to House Administration.

HA 1 to SB 30 was introduced by Representative LeGates and placed with the Bill.

On the motion of Representative Ferguson, the House recessed at 2:21 p.m. for party caucuses. The Speaker called the House to order at 4:03 p.m.

HB 16 was brought up for consideration by the House on the motion of Representative Morris.

HB 16 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled “An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1975, and to amend certain pertinent Statutory Provisions”, also known as The 1975 Appropriations Bill.

HA 1 to HB 16, sponsored by Representative Morris was introduced and adopted by voice vote.

Mr. Anthony Salerno was granted privilege of the Floor to testify on **HB 16 w HA 1**.

The House recessed at 4:42 p.m. and reconvened at 4:44 p.m.

The roll call vote on **HB 16 w HA 1** was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh,

Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

NOT VOTING: Representatives Derrickson and Ridings — 2.

ABSENT: Representatives Boulden and Gordy — 2.

Therefore, the Speaker declared the Bill passed the House and was sent to the Senate for concurrence.

HB 68 was brought up for consideration on motion of Representative McGinnis and laid on the Table.

HR 30, sponsored by Representative Derrickson, was introduced from the Floor.

HR 30 — “Congratulating the Cape Henlopen Basketball Team on Winning the 1974-1975 State Basketball Championship.”

WHEREAS, the House of Representatives of the 128th General Assembly is aware that the Cape Henlopen High School Basketball Team was the victor in the recent State Basketball Championship Tournament; and

WHEREAS, Cape Henlopen has an admirable winning record for the year of 25 consecutive wins with no losses; and

WHEREAS, the Cape Henlopen Basketball Team has displayed great skill, excellent teamwork and superb sportsmanship and

WHEREAS, the Cape Henlopen Team has been declared “No. 1” in the State;

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 128th General Assembly of the State of Delaware that the Cape Henlopen Basketball Team, Coach Ralph F. Baird and his assistants are hereby commended for their Statewide victory and dedication to the principles of good sportsmanship.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the House Journal and sufficient copies be forwarded to the Coach and the Team at Cape Henlopen High School.”

The Resolution was adopted by voice vote.

* * * * *

HCR 11, sponsored by Representative Clendaniel and Senator Adams, was introduced from the floor.

HCR 11 — “Expressing the sympathy of the members of the 128th General Assembly of the State of Delaware to the family of the late Ralph M. Collison, a former member of the House.”

On motion of Representative Clendaniel **HCR 11** was adopted by voice vote and sent to the Senate for concurrence.

On motion of Representative Lynch, **SCR 22** was brought up for consideration.

SCR 22 — “Expressing the Regrets of the Members of the 128th General Assembly at the Death of Harvey H. Lawson, of Millsboro, a Former Member of the Senate and of the House.

WHEREAS, the members of the 128th General Assembly of the State of Delaware have learned with deep sorrow and regret of the death of Harvey H. Lawson, of Millsboro; and

WHEREAS, Harvey H. Lawson, a former member of each house of the Delaware General Assembly had started his legislative career in 1935 as a reading clerk in the House of Representatives; and

WHEREAS, Harvey H. Lawson was elected three times to the House of Representatives, 1942, 1948 and 1950, serving as Speaker of the House in the 1949 and 1951 sessions; and

WHEREAS, Harvey H. Lawson was elected to the Senate in 1944, serving in the 1945 and 1947 sessions of the Senate; and

WHEREAS, throughout his adult life Harvey H. Lawson had been active in political affairs, serving for many years as a member of the Sussex County Republican Committee and as a member of the Republican State Committee; and

WHEREAS, Harvey H. Lawson was outspoken in behalf of those causes in which he saw some public good; and

WHEREAS, in conference and in public Harvey H. Lawson was shrewd and never at loss for ideas and words; and

WHEREAS, among his colleagues in the General Assemblies in which he served, Harvey H. Lawson was highly respected for his knowledge and use of parliamentary procedures; and

WHEREAS, through hard work and steady application Harvey H. Lawson had earned for himself an extraordinary reputation as a legislator; and

WHEREAS, in his private life Harvey H. Lawson had been for many years a fisherman and small farmer; and

WHEREAS, the departure from this life of a former colleague of the caliber and competence of Harvey H. Lawson brings sorrow and deep thought to each one of us.

NOW THEREFORE:

BE IT RESOLVED that the Senate of the 128th General Assembly of the State of Delaware, the House of Representatives concurring therein, does, by this Concurrent Resolution express the high respect in which it held Harvey H. Lawson and the deep sorrow which his death has inspired.

BE IT FURTHER RESOLVED that a copy of this Concurrent Resolution be forwarded to Mrs. Blanche Lawson, widow of our late colleague, and that a copy be spread upon the journals of the Senate and the House of Representatives.

* * * * *

On motion of Representative Lynch **SCR 22** was adopted by voice vote.

HCR 12, sponsored by Representative Clendaniel was introduced.

HCR 12 — "Expressing the appreciation of the 128th General Assembly for the contribution of Delaware's Agriculture Industry to the State's Commerce and thanking the sponsors of the Fifth Annual Agri-Dinner." On motion of Representative Clendaniel, the resolution was adopted by voice vote.

On motion of Representative Minner, the necessary rules were suspended for the purpose of considering **SJR 15**, sponsored by Senators Manning and Cook and Representative Worthen and Seibel:

SJR 15 — "Commending the Secretarial Profession and proclaiming Secretaries Week and Day during April."

On the motion of Representative Minner roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Darling and LeGates — 2.

HR 31, sponsored by Representative George was introduced from the floor.

HR 31 — "Expressing the sympathy of the members of the House of Representatives of the 128th General Assembly of the State of Delaware to the family of the late Charles F. Donahue, retired Deputy Fire Chief of Wilmington."

On motion of Representative George **HR 31** was adopted

by voice vote.

HCR 13, sponsored by Representative George, was introduced from the floor.

HCR 13 — "Urging the Medical Society of Delaware to adopt a policy that member Physicians accept Medicare Cards presented to them for services."

On motion of Representative George **HCR 13** was adopted by voice vote and sent to the Senate for concurrence.

On motion of Representative McGinnis, **HB 68** was lifted from the Table for consideration, the roll call vote taken and revealed:

HB 68 — "An Act to amend Sections 8903 and 8915(a), Chapter 89, Title 29, Delaware Code, relating to monies received from the sale of Lottery Tickets."

The roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representative Boulden, Gordy and Plant — 3.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

The following legislation was introduced from the floor and assigned:

HB 155 — "An Act to amend Chapter 5, Title 28, Delaware Code, relating to a tax on any Pari-mutuel and Totalizator Special Pools other than Win, Place and Show Pools." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 156 — "An Act to amend Chapter 27, Title 30, Delaware Code, relating to License Requirements for Petroleum Refineries and providing for the payment of a License Tax by Petroleum Refineries." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 157 — "An Act to amend Chapters 3 and 4 of Title 28, Delaware Code, relating to a tax on any Pari-mutuel and Totalizator Special Pools other than Win, Place and Show Pools." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 158 — "An Act authorizing the Department of Health and Social Services to transfer between all Lines and

Divisions." Sponsor Representative George. Assigned to Appropriations.

HB 159 — "An Act to revise, recodify, arrange and consolidate into a Code the Public and General Statutes of the State of Delaware." Sponsor: Representative Matushefske. Assigned to Judiciary.

HB 160 — "An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of School Employees and providing an appropriation therefor." Sponsor: Representative Matushefske. Assigned to Appropriations.

HB 161 — "An Act to amend Chapter 27, Title 30, Delaware Code, relating to license requirements for Petroleum Refineries and providing for the payment of a License Tax by Petroleum Refineries." Sponsor: Representative Miller. Assigned to Revenue and Finance.

HB 162 — "An Act to amend Chapter 5, Title 28, Delaware Code, also being Chapter 4, Volume 60, Laws of Delaware relating to the breakage on Pari-mutuel and Totalizator Pools at Harness Racing Tracks." Sponsor: Representative Ridings. Assigned to Revenue and Finance.

The House recessed at 5:40 p.m. for Committee Meetings.

The House reconvened at 6:17 p.m.

The following legislation was reported back to the House from the Revenue and Finance Committee: **HB 131** — 1 Favorable, 5 Merits; **HB 162** — 3 Favorable, 3 Merits; **HB 161** — 3 Merits, 1 Unfavorable; **HB 156** — 1 Favorable, 2 Merits, 2 Unfavorable; **HB 157** — 3 Favorable, 3 Merits; **HB 155** — 3 Favorable, 3 Merits; **HB 137** — 5 Favorable, 1 Merits; **HB 135** — 3 Favorable, 2 Merits; **HB 132** — 6 Favorable.

Committee Report from the Health and Social Services Committee: **HB 24** — 3 Favorable, 3 Merits.

Committee Report from the Judiciary Committee: **HB 159** — 3 Favorable, 1 Merits.

Committee Report from the Appropriations Committee: **HB 110** — 4 Favorable; **SB 9** — 3 Favorable, 1 Merits; **HB 158** — 1 Favorable, 3 Merits; **HB 61** — 4 Favorable.

The House recessed at 6:22 p.m. to the call of the Chair.

13TH LEGISLATIVE DAY

The Speaker called the House to order at 1:48 p.m.

Representative George requested that **HB 158** be placed on the agenda for the next day.

Majority Leader Ferguson moved to adjourn at 1:49 thereby ending the previous Legislative Day. The House reconvened at 1:50 p.m.

A Prayer was offered by the Chaplain, Rev. Gary Schwab.

The Speaker led those present in a Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Boulden — 1.

The minutes of the previous Legislative Day were approved as posted.

The following pre-filed legislation was introduced and assigned to Committee:

HB 163 — “An Act to amend Chapter 19, Part II, Title 29 of the Delaware Code relating to Fiscal Projections; and determining the time when the Three-Year Fiscal Projections must be attached to a Bill or Resolution.” Sponsor: Representative George. Assigned to Rules.

HB 164 — “An Act to amend Chapter 53 of Title 30, Delaware Code, relating to an Excise Tax on cigarettes.” Sponsor: Representative Harrington. Assigned to Revenue and Finance.

HB 165 — “An Act to amend Chapter 51 of Title 31, Delaware Code, relating to custody by Juvenile Corrections of persons over the age of eighteen years.” Sponsor: Representative Morris. Assigned to Health and Social Services.

HB 166 — “An Act to amend Chapter 7 of Title 18, Delaware Code, relating to a special tax on certain gross insurance premiums for the benefit of Police Pensions.” Sponsor: Representative Morris. Assigned to Public Safety.

HB 167 — “An Act to amend Chapter 46, Title 6, of the Delaware Code relating to Equal Rights to Housing.” Sponsor: Representative LeGates. Assigned to Aging.

HB 168 — “An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to the procurement of material

and the award of contracts for Public Works by State Agencies; and providing for the preference of Delaware bidders under certain circumstances." Sponsor: Representative Rispoli. Assigned to Judiciary.

HB 169 — "An Act proposing an Amendment to the Constitution of the State of Delaware, relating to initiative and Referendum." Sponsor: Representative Ferguson. Assigned to Constitution Revision.

HB 170 — "An Act to amend Chapter 30 of Title 9, Delaware Code, relating to Appeals of Decisions of County Council denying Subdivision Plan Approval." Sponsor: Representative LeGates. Assigned to Community Affairs.

HB 171 — "An Act to amend Chapter 19, Title 14, Delaware Code, relating to School Taxation." Sponsor: Representative LeGates. Assigned to Education.

HB 172 — "An Act to amend Chapter 13, Part I, Title 14 of the Delaware Code relating to sick leave and absences for other reasons by teachers and other school employees." Sponsor: Representative Ambrosino. Assigned to Education.

HB 173 — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing for a People's Counsel." Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 174 — "An Act to amend Subchapter I of Chapter 17, Title 15, Delaware Code, relating to procedures in determining eligibility of voter to remain registered." Sponsor: Representative Darling. Assigned to Judiciary.

HB 175 — "An Act to amend Chapter 7, Part II, Title 29 of the Delaware Code relating to optional deductions from the compensation paid to members of the General Assembly." Sponsor: Representative Riddagh. Assigned to House Administration.

HB 176 — "An Act proposing an Amendment to Article IV of the Constitution of the State of Delaware, relating to the Judiciary and the terms of Office thereof." Sponsor: Representative Riddagh. Assigned to Constitution Revision.

HB 177 — "An Act to amend Chapter 57, Part III, Title 25 of the Delaware Code relating to the Landlord-Tenant Code and the stay of proceedings by a tenant." Sponsor: Representative Riddagh. Assigned to Community Affairs.

HB 178 — "An Act to amend Chapter 5, Part I, Title 11 of

the Delaware Code relating to possession of a deadly weapon during the commission of a felony." Sponsor: Representative Riddagh. Assigned to Judiciary.

HB 179 — "An Act to amend Chapter 42, Title 11 of the Delaware Code relating to habitual criminals, and providing that certain violations of the Uniform Controlled Substances Act be included within the provisions of the Habitual Criminals Act." Sponsor: Representative Riddagh. Assigned to Judiciary.

HB 180 — "An Act to amend Chapter 25, Part III, Title 30 of the Delaware Code relating to Contractors' License requirements and Taxes; and excluding certain payments from the definition of "Gross Receipts"." Sponsor: Representative Riddagh. Assigned to Revenue and Finance.

HB 181 — "An Act to amend Chapter 5, of Title 31, Delaware Code, relating to the amount of assistance granted as Aid to Families with Dependent Children." Sponsor: Representative Plant. Assigned to Health and Social Services.

HB 182 — "An Act to amend Chapter 44, Part II, Title 6 of the Delaware Code relating to solicitations, and amending said Chapter to provide for a new Subchapter regulating charitable solicitations." Sponsor: Representative Ferguson. Assigned to Community Affairs.

HA 1 to SB 81 sponsored by Representative Riddagh was introduced and placed with the Bill.

HR 32 — "Requesting the Mayor of the City of Wilmington to appear before the House of Representatives to discuss the Municipal User Tax and to answer questions." Sponsor: Representative Arnold. Assigned to Community Affairs.

The Reading Clerk read a communication from the Senate stating that it had adopted **HCR 9** and passed **HB 76**.

On motion of Representative Ferguson, the House recessed for party caucuses at 1:59 p.m.

The Speaker called the House to order at 4:55 p.m.

HCR 14, sponsored by Representative Gilligan and Senator Sharp, was introduced from the floor.

HCR 14 — "Congratulating the Marching Band of John Dickinson High School on being chosen to represent the State of Delaware in the National "Festival of States" Marching Band competition in St. Petersburg, Florida."

On motion of Representative Gilligan **HCR 14** was

adopted by voice vote.

HCR 15, sponsored by Representative Gilligan and all House members, Senator Cicone and all Senate members, was introduced from the floor.

HCR 15 — "Congratulating William Julius (Judy) Johnson of Marshallton, Delaware, for having been voted into Baseball's Hall of Fame located at Cooperstown, New York."

WHEREAS, the members of the 128th General Assembly are elated to learn that William Julius (Judy) Johnson has been elected to Baseball's Hall of Fame located at Cooperstown, New York, the first Delawarean ever to be chosen to the Hall of Fame; and

WHEREAS, Judy Johnson started playing baseball in 1918 when he began playing on Saturdays for the Chester Giants at \$5.00 a game and subsequently became a charter member of the Negro Eastern League in 1922 which was really the start of his baseball career; and

WHEREAS, during Judy's baseball career, he was an excellent fielder and a consistent batter with outstanding speed as a base runner; and

WHEREAS, in 1969 Jet magazine honored him as the greatest third baseman ever to play in Negro baseball; and

WHEREAS, Judy played with and against such great names as Sachel Paige, Josh Gibson, Buck Leonard, Monte Irvin and Bell, all of which have been inducted into Baseball's Hall of Fame; and

WHEREAS, Judy Johnson, at 74, has achieved his life long ambition which he narrowly missed in 1973 when James (Cool Papa) Bell was voted into the Hall of Fame; and

WHEREAS, Judy Johnson, a modest, soft-spoken man never once in his long baseball career expressed resentment or bitterness about his exclusion from the major leagues, but simply remarked "I was born too soon"; and

WHEREAS, the members of the Delaware General Assembly wish to congratulate Judy Johnson for such an excellent career in baseball, plus the honor of having been the first Delawarean ever to be elected to Baseball's Hall of Fame.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 128th General Assembly of the State of Delaware, the Governor concurring therein, that congratulations are hereby extended to William Julius (Judy) Johnson for the highest honor one can receive

from a career in baseball, namely election to the Hall of Fame.

BE IT FURTHER RESOLVED that the members of the 128th General Assembly express their highest gratitude for the honor you not only brought to yourself and family, but the honor you also bestowed upon Delaware by having been the first Delawarean ever elected to Baseball's Hall of Fame.

BE IT FURTHER RESOLVED that the Governor of the State of Delaware is hereby requested to designate the day on which William Julius (Judy) Jackson is inducted into Baseball's Hall of Fame in Cooperstown, New York, that such day be proclaimed by the Governor as Judy Johnson Day.

BE IT FURTHER RESOLVED that this Resolution be made a part of the House and Senate Journals and that a copy be forwarded to the residence of William Julius (Judy) Johnson, Marshallton, Delaware."

* * * * *

On motion of Representative Gilligan, **HCR 15** was adopted by voice vote and sent to the Senate for concurrence.

HB 24 was taken up for consideration on motion of Representative Clendaniel and then laid on the Speaker's Table.

HB 24 — "An Act to amend Chapter 79, Part VII, Title 29 of the Delaware Code relating to the Department of Health and Social Services; and providing qualifications for the position of Director of the Division of Adult Corrections."

HB 183, sponsored by Representative McGinnis, was introduced from the floor and assigned to Revenue and Finance.

HB 183 — "An Act to amend Chapter 55, Title 30, Delaware Code relating to Public Utility Taxes on residential users and customers."

HB 184, sponsored by Representative McGinnis, was introduced from the floor and assigned to Revenue and Finance.

HB 184 — "An Act to amend Chapter 23, 25, 27 and 29 of Title 30, Delaware Code, relating to a General Revision of Occupational Licenses, Fees and State Business Taxes."

At 5:33 p.m. on motion of Representative Ferguson the House recessed to the call of the Chair.

14TH LEGISLATIVE DAY

The Speaker called the House to order at 2:02 p.m. March 20, 1975, and the Majority Leader immediately adjourned to begin the 14th Legislative Day.

A Prayer was offered by the Chaplain, Rev. Joseph Perry, Jr.

The Speaker led those present in the Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Boulden — 1.

The minutes of the previous Legislative Day were approved as posted.

A message from the Senate informed the House that it had passed **HB 68** and adopted **HCR 11, HCR 12, HCR 13, HCR 14, HCR 15.**

HB 130 was reported back from the Revenue and Finance Committee: 4 Favorable, 2 Merits.

SB 81 was reported back from the Health and Social Services Committee: 5 Merits.

The following prefiled legislation was introduced and assigned to Committee:

HB 185 — “An Act to amend Title 6 and Title 24 of the Delaware Code relating to the advertising of eyeglasses; and permitting the advertising of eyeglass prices.” Sponsor: Representative Ambrosino. Assigned to Health and Social Services.

HB 186 — “An Act to amend Chapter 53, Part II, Title 14 of the Delaware Code relating to the Summer School Program for Teachers conducted by the University of Delaware and providing admittance to such Program for persons teaching full-time for the Delaware Technical and Community College.” Sponsor: Representative Ambrosino. Assigned to Education.

HB 187 — “An Act to amend Chapter 41, Part II, Title 11 of the Delaware Code relating to the collection of fines and costs.” Sponsor: Representative Riddagh. Assigned to Judiciary.

HB 188 — “An Act to amend Title 19, Delaware Code, by creating a new Chapter to be designated as Chapter 14 to

provide for the implementation of a State Occupational Safety and Health Act in accordance with the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 and providing a supplemental appropriation to implement the provisions of this Act." Sponsors: Representatives Byrd, LeGates and Plant. Assigned to Labor.

HB 189 — "An Act to amend Chapter 40, Part I, Title 14 of the Delaware Code relating to education, and providing for a teacher's right to strike." Sponsor: Representative Ambrosino. Assigned to Education.

HB 190 — "An Act to amend Title 16 of the Delaware Code relating to the Health and Safety of the citizens of this State; and providing for a Patient's Bill of Rights." Sponsor: Representative Ambrosino. Assigned to Health and Social Services.

HB 191 — "An Act proposing an Amendment to the Constitution of the State of Delaware, relating to the recall of Public Officials." Sponsor: Representative Ferguson. Assigned to Constitution Revision.

HB 192 — "An Act to provide supplemental appropriations to various Agencies and School Districts for the purpose of defraying the increased cost of heating fuels and electricity." Sponsor: Representative George. Assigned to Appropriations.

HB 193 — "An Act to amend Title 27 of the Delaware Code relating to Charities and the solicitation of Charitable Contributions." Sponsor: Representative Arnold. Assigned to Community Affairs.

HB 194 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to retirement eligibility requirements and benefits." Sponsor: Representative Ambrosino. Assigned to Committee on Aging.

HB 195 — "An Act to amend Chapter 33, Part III, Title 19 of the Delaware Code relating to Unemployment Compensation; and granting such compensation to teachers." Sponsor: Representative Ambrosino. Assigned to Education.

HB 197 — "An Act to amend Title 5, Title 6, and Title 19 of the Delaware Code, and providing that such persons having unlisted telephone numbers shall not be required to divulge such numbers under certain circumstances." Sponsor: Representative Gilligan. Assigned to Labor and Commerce.

HB 198 — "An Act to amend Title 29, Chapter 60,

Delaware Code, relating to classification and compensation of Key Executives by providing that no employee of the State of Delaware shall receive compensation greater than that paid to the Governor of Delaware." Sponsor: Representative Clendaniel. Assigned to Judiciary.

HB 199 — "An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to authorized Emergency Vehicles." Sponsor: Representative Gilligan. Assigned to Public Safety.

HB 200 — "An Act to amend Chapter 1 of Title 15, Delaware Code, relating to the Board of Elections." Sponsor: Representative LeGates. Assigned to Community Affairs.

HB 201 — "An Act making a supplementary appropriation to the Department of Health and Social Services to be used for the Delaware Adolescent Program." Sponsors: Representatives Johnson and Seibel. Assigned to Appropriation.

HB 202 — "An Act to amend Chapter 55 of Title 30, Delaware Code, relating to Public Utility Taxes for services received by residential users and customers." Sponsor: Representative Temple. Assigned to Revenue and Finance.

HB 203 — "An Act to aid Minquas Fire Company No. 1, a Volunteer Fire Company which was organized to provide Fire Protection by making a supplemental appropriation therefor." Sponsor: Representative Kelly. Assigned to Appropriation.

HB 204 — "An Act to amend Chapter 5, Title 28, Delaware Code, also being Chapter 4, Volume 60, Laws of Delaware relating to Pari-mutuel and Totalizator Pools at Harness Racing Tracks." Sponsor: Representative Ridings. Assigned to Revenue and Finance Committee.

HB 205 — "An Act to amend Chapter 55, Title 29, Delaware Code, to permit the payment of a State Pension to members of the Delaware General Assembly who served for at least five years prior to 1970." Sponsor: Representative Gilligan. Assigned to House Administration.

HA 1 to HB 127 was introduced by Representative Derrickson and placed with the Bill.

HA 1 to HB 137 was introduced by Representative Ridings and placed with the Bill.

HA 1 to HB 162 was introduced by Representative Ridings and placed with the Bill.

SB 71 — "An Act to amend Chapter 11, Part II, Title 9 of the Delaware Code authorizing the County Council of New Castle County to vest the powers of a Slum Clearance and Redevelopment Authority in County Department and to authorize County Directors to execute necessary instruments." Sponsor: Senator Kearns. Assigned to Community Affairs.

On motion of Representative Ferguson the House recessed at 2:14 p.m. for party caucuses and reconvened at 3:15 p.m.

HB 162 was stricken on motion of Representative Ridings.

SCR 23, sponsored by Senator Isaacs, was introduced and all the members of the House were included as co-sponsors:

SCR 23 — "Expressing Profound Sorrow upon learning of the death of Dr. George M. Worrilow, characterized as one of Delaware's most respected and affable citizens."

WHEREAS, members of the 128th General Assembly of the State of Delaware have learned with a great deal of shock and with a profound sense of loss that Dr. George M. Worrilow died on February 27, 1975, of an apparent heart attack at the General Division, at age 70; and

WHEREAS, Dr. George M. Worrilow, who was known among State officials, particularly legislators, as plain George and who served in numerous posts at the University of Delaware for forty odd years in a dedicated and faithful manner and was probably one of Delaware's foremost leaders in elevating Delaware's largest industries, namely, agri-business; and

WHEREAS, Dr. George M. Worrilow never once refused to offer his astute advice and feelings about University policy or the School of Agriculture when called upon by legislators and other State officials; and

WHEREAS, there has never been a more affable and friendly person to frequent Legislative Hall in behalf of the University of Delaware; and

WHEREAS, Dr. Worrilow was not only prominently known and well liked by former legislators and fellow Delawareans, but he was nationally known by virtue of the fact that he served on all the major agricultural committees of the National Association of State Universities and land-grant

colleges, to include the National Research Advisory Committee to the U.S. Secretary of Agriculture from 1959 to 1961; and

WHEREAS, Dr. Worrilow's friendliness and his acute sense of humor as well as his feeling of gratitude and compassion won him the hearts and minds of many legislators and State officials when he was liaison between the University and the General Assembly; and

WHEREAS, Dr. Worrilow's pervasive sense of humor and astute advice, both of which seemed to permeate Legislative Hall when he was present will be sadly missed.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 128th General Assembly of the State of Delaware, the Governor concurring therein, that an expression of sympathy is hereby extended to Dr. George Worrilow's wife, Lucie, and his daughter, Stephanie, during these days of bereavement.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate and House Journals and that copies be forwarded to Mrs. George Worrilow at 225 Cheltenham Road, Oaklands, Newark, Delaware, and to his daughter, Stephanie W. Dann, also of Oaklands, Newark, Delaware."

* * * * *

The Resolution was adopted by voice vote of the House and returned to the Senate.

SB 178, sponsored by Senator Isaacs, was introduced:

SB 178 — "An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of school employees and to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriation Act, originally designated HB 750, and to amend Chapter 523, Volume 59, Laws of Delaware, the Omnibus Amendment to the 1975 Budget Appropriation Act, originally designated HB 1113."

Representative Byrd moved that the Bill be laid on the Table.

The roll call vote on the tabling motion was taken and revealed:

YES: Representatives Byrd, Darling, Ferguson, George, Gilligan, LeGates, Matushefske, Maxwell, McGinnis, Miller, Morris, Plant, Riddagh, Rispoli, Spence, Mr. Speaker Jonkiert — 16.

NO: Representatives Billingsley, Hebner, McKay, Seibel, Sincok and Smith — 6.

NOT VOTING: Representatives Ambrosino, Arnold, Cain, Connor, Derrickson, Johnson, Jornlin, Kelly, Leshner, Minner, Powell, Ridings, Worthen — 13.

ABSENT: Representatives Boulden, Clendaniel, Gordy, Harrington, Lynch and Temple — 6.

Therefore, the motion failed and the Bill was assigned to Labor and Commerce.

On motion of Representative Gilligan **SCR 6 w SA 1, 2, 3**, sponsored by Senator Cicione, was introduced and laid on the Table.

SCR 6 w SA 1, 2, 3 — “Expressing the concern of the General Assembly over the Report by the Unique Hazards Committee of the Department of Public Instruction, relating to construction projects to eliminate hazards and reduce busing; and directing that the present moratorium be extended for one year.”

HB 155 was laid on the Table on motion of Representative McGinnis.

HB 137 was taken up for consideration on motion of Representative McGinnis.

HB 137 — “An Act to amend Chapter 11 and Chapter 19, Title 30, Delaware Code, to disallow deductions for percentage depletion of Oil and Gas Wells in computing Taxable Income.”

HA 1 to HB 137 was stricken on motion of Representative Ridings.

The roll call vote on **HB 137** was then taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Boulden and Matushefske — 2.

Therefore, the Speaker declared the Bill passed the House and it was sent to the Senate for concurrence.

The House recessed at 3:55 p.m. and reconvened at 4:09 p.m.

The roll call on **HB 130** was lifted on motion of Representative McGinnis and announced:

YES: Representatives Byrd, Cain, Darling, Ferguson,

George, Gilligan, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 21.

NO: Representatives Billingsley, Clendaniel, Connor, Derrickson, Gordy, Jornlin, Leshar, McKay, Minner, Riddagh, Seibel, Sincok, Smith, Spence — 14.

NOT VOTING: Representatives Ambrosino, Arnold, Hebner, Powell, Ridings — 5.

ABSENT: Representative Boulden — 1.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HR 33 was introduced from the floor by Representative Spence and adopted by voice vote of the House:

HR 33 — “Expressing shock over the recent dismissal of rape charges due to a failure of timely prosecution by the State, and requesting the Attorney General to investigate the matter and issue his report.”

On motion of Representative Spence **HR 33** was adopted by voice vote.

On motion of Representative Morris, the necessary rules were suspended for the purpose of considering **SB 81 w SA 1, HA 1**:

SB 81 w SA 1, HA 1 — “An Act to amend Chapter 17, Title 24, Delaware Code, relating to Medicine, Surgery and Osteopathy; and providing for a Delaware Medical Practices Act.”

The privilege of the floor was extended to Dr. Alfred Bacon to speak on the Bill.

The Bill was tabled on motion of Representative McGinnis.

HB 155 was lifted from the Speaker’s Table for consideration on motion of Representative McGinnis and then again laid on the Table on his further motion.

Representative Ferguson moved that the necessary rules be suspended for the purpose of considering **HB 92**.

HB 92 — “An Act authorizing the Department of Health and Social Services to transfer between all Lines and Divisions.”

The roll call vote on the motion was taken and revealed:

YES: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Mr. Speaker Jonkiert — 21.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincok, Smith, Spence, Worthen — 17.

ABSENT: Representatives Boulden, Lynch and Matushefske — 3.

Therefore, the motion prevailed and the Bill was brought before the House.

The privilege of the floor was extended to Wayne Burger of Health and Social Services to testify on the Bill.

The Bill was then laid on the Table on motion of Representative Ferguson.

The following prefiled legislation was introduced and assigned to Committee:

SB 119 — "An Act authorizing a supplemental appropriation to the Division of Public Health for the purpose of establishing an extended care Unit for the care and treatment of the chronically ill adults." Sponsor: Senator Cicione. Assigned to Appropriations.

SB 120 — "An Act authorizing a supplemental appropriation to the Division of Adult Corrections to relieve severe overcrowding facilities." Sponsor: Senator Cicione. Assigned to Appropriation.

SB 116 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of paying the automobile repair cost incurred by a Charles T. Baen as a result of an accident at the intersection of Routes 896 and 71 located in New Castle County, Delaware." Sponsor: Senator Isaacs. Assigned to Appropriations.

SJR 8 — "Requesting all Agencies and Department of the Executive Branch of the State Government to submit legislative proposals before May 1, 1975." Sponsor: Senator Isaacs. Assigned to House Administration.

SB 178 — "An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of school employees and to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriation Act, originally designated **HB 750**, and to amend Chapter 523, Volume 59, Laws of Delaware, the Omnibus Amendment to the 1975 Budget Appropriation Act, originally designated **HB 1113**." Sponsor: Senator Isaacs. Assigned to Labor.

HB 206, sponsored by Representative Ridings, was

introduced from the floor and assigned to Revenue and Finance.

HB 206 — “An Act to amend Chapter 11 and Chapter 29, Title 30 of the Delaware Code to disallow deductions for percentage depletion of mineral, oil, and gas wells in computing taxable income.”

The House recessed at 6:18 p.m. and reconvened at 6:36 p.m.

The following legislation was reported back to the House from the Revenue and Finance Committee: **HB 204** — 4 Favorable, 1 Merits; **HB 206** — 3 Favorable, 2 Merits; **HB 164** — 3 Merits, 2 Unfavorable.

HB 121 was reported back to the House from the Appropriations Committee — 2 Favorable, 3 Merits.

On motion of Representative McGinnis, **HB 155** was lifted from the Speaker’s Table for further consideration.

HB 155 — “An Act to amend Chapter 5, Title 28, Delaware Code, relating to a tax on any Pari-mutuel and Totalizator Special Pools other than Win, Place, and Show Pools.”

HA 1 to HB 155 was adopted by voice vote of the House.

The roll call vote on **HA 2 to HB 155** was taken and announced:

YES: Representatives Ambrosino, Arnold, Connor, Derrickson, Leshner, McKay, Powell, Ridings, Seibel, Sincock, Smith — 11.

NO: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, LeGates, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 21.

ABSENT: Representatives Billingsley, Boulden, Hebner, Jorlin, Lynch, Matushefske, Riddagh, Spence — 8.

Therefore, the Amendment was defeated by the House.

On motion of Representative McGinnis, the roll call vote on **HB 155 w HA 1** was then taken and revealed:

YES: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 22.

NO: Representatives Ambrosino, Connor, Derrickson, Leshner, McKay, Seibel, Sincock, Smith — 8.

NOT VOTING: Representatives Arnold, Powell and Ridings — 3.

ABSENT: Representatives Billingsley, Boulden, Hebner, Jornlin, Lynch, Matushefske, Riddagh, Spence — 8.

Therefore, the Speaker declared the Bill passed the House and it was sent to the Senate for concurrence.

At 7:19 on motion of Representative Ferguson the House recessed to the call of the chair.

15TH LEGISLATIVE DAY

The Speaker called the House to order at 1:48 p.m. March 25, 1975 and on motion of the Majority Leader immediately adjourned to begin the 15th Legislative Day.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Boulden and Connor — 2.

The minutes of the previous Legislative Day were approved as posted.

HR 34, sponsored by Representatives Gilligan, Jonkiert and all the other members of the House, was introduced from the floor and adopted by voice vote:

HR 34 — "Expressing the hopes of the members of the House of the 128th General Assembly of the State of Delaware for the quick recovery of Representative Kenneth W. Boulden."

On motion of Representative Ferguson, the roll call on **HB 92** was lifted and announced:

YES: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Jonkiert — 21.

NO: Representatives Ambrosino, Arnold, Connor, Derrickson, Hebner, Jornlin, Leshner, Maxwell, McKay, Powell, Ridings, Seibel, Sincock, Smith, Worthen — 15.

ABSENT: Representatives Billingsley, Boulden, Lynch, Riddagh, Spence — 5.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

The House recessed at 2:03 p.m. and reconvened at 5:07 p.m.

The following prefiled legislation was filed:

HB 207 — “An Act to amend Part II, Title 29, Delaware Code, to provide for registration of Legislative Agents with the Legislative Council, to require reports by Legislative Agents, to prohibit compensation of Legislative Agents based on outcome of legislation; and to prescribe penalties for violations of this Chapter.” Sponsors: Representatives Billingsley and Worthen. Assigned to House Administration.

HB 208 — “An Act to amend Chapter 17, Title 14, Delaware Code, by providing for a Reserve Fund to be available for allocation to School Districts which have an increase in the number of units and providing for a reduction in Funds in the event a School District has a decrease in Units.” Sponsors: Representative McGinnis and Senator Zimmerman. Assigned to Education.

HB 209 — “An Act to amend Chapter 17, Title 14, Delaware Code, relating to Vocational Units.” Sponsors: Representative McGinnis and Senator Zimmerman. Assigned to Education.

HB 210 — “An Act to amend Chapter 43, Title 21, Delaware Code, relating to the equipment of motor vehicles; prohibiting projections from the periphery of tires with certain exceptions; and providing penalties.” Sponsor: Representative Worthen. Assigned to Public Safety.

HB 211 — “An Act to amend Chapter 170, Volume 57, Laws of Delaware, entitled “An Act to reincorporate the City of Lewes” to permit voting in the annual Municipal Election by Absentee Ballot and relating to the Town Budget and levying of Annual Taxes.” Sponsor: Representative Derrickson. Assigned to Community Affairs.

HB 212 — “An Act to provide a supplemental appropriation to the State Judiciary Agencies.” Sponsor: Representative George. Assigned to Appropriations.

HB 213 — “An Act to amend Chapter 25, Part II, Title 6 of the Delaware Code relating to Prohibited Trade Practices; and prohibiting retail food dealers from raising the prices of goods already marked.” Sponsor: Representative Ambrosino. Assigned to Labor and Commerce.

HB 214 — “An Act to amend Chapter 13, Title 30, Delaware Code, relating to rates of inheritance taxes.”

Sponsor: Representative Derrickson. Assigned to Revenue and Finance.

HB 215 — “An Act to amend Chapter 31, Title 19, Delaware Code, relating to composition of the Unemployment Insurance Appeal Board.” Sponsor: Representative Plant. Assigned to Labor and Commerce.

HB 216 — “An Act to amend Chapter 11, Title 30, Delaware Code, relating to modification of Taxable Income.” Sponsor: Representative Powell. Assigned to Revenue and Finance.

HB 217 — “An Act to amend Chapter 7, Title 7 of the Delaware Code relating to wearing hunter orange in the hunting of deer.” Sponsor: Representative Arnold. Assigned to Natural Resources.

HB 218 — “An Act to amend Chapter 31, Part II, Title 20 of the Delaware Code relating to use of State Helicopters; and providing a supplementary appropriation to reimburse the Department of Public Safety for uses believed lawful and appropriate when made.” Sponsor: Representative Ferguson. Assigned to Appropriations.

HB 219 — “An Act to amend Chapters 25, 27, and 29 of Title 30, Delaware Code, relating to a change in method of payment of quarterly business taxes.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 220 — “An Act to amend Chapter 27 of Title 30, Delaware Code, relating to a Revision of Manufacturers’ License requirements and Taxes.” Sponsors: Representatives Miller and Rispoli. Assigned to Revenue and Finance.

HB 221 — “An Act to amend Chapter 29 of Title 30, Delaware Code, relating to a Revision of Food Processor, Grain and Feed Dealer and Farm Machinery Retailer License requirements, License Fees and additional fee on Aggregate Gross Receipts.” Sponsors: Representatives Lynch and Rispoli. Assigned to Revenue and Finance.

HB 222 — “An Act to amend Chapters 21, 23, 25 and 29 of Title 30, Delaware Code, relating to a General Revision of Occupational and Business Licenses and Taxes.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HA 1 to HB 173 was introduced by Representative Ambrosino and placed with the Bill.

HA 1 to HB 183 was introduced by Representative McGinnis and placed with the Bill.

HJR 7, sponsored by Representative Ambrosino and Senator Isaacs, was introduced and assigned to Appropriations Committee:

HJR 7 — “Directing the State Personnel Commission and the State Personnel Director to establish an equitable and realistic position classification and pay plan for State Psychiatrists, Physicians and Dentists.”

Representative Derrickson moved that the necessary rules be suspended for the purpose of introducing **HB 223**. The roll call vote on the motion was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Gilligan, Hebner, Jornlin, Leshner, Maxwell, McKay, Powell, Riddagh, Ridings, Seibel, Sincok, Smith, Spence — 17.

NO: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Harrington, Kelly, LeGates, Lynch, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 21.

ABSENT: Representatives Boulden, Connor and Johnson — 3.

Therefore, the motion was defeated.

On motion of Representative McGinnis, the necessary rules were suspended for the purpose of considering **HB 219**.

HB 219 — “An Act to amend Chapter 25, 27, and 29 of Title 30, Delaware Code, relating to a change in method of payment of Quarterly Business Taxes.”

The privilege of the floor was extended to Mr. Malarky of Department of Finance to speak on the Bill after which the roll call vote was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Ridings, Rispoli, Seibel, Sincok, Smith, Worthen, Mr. Speaker Jonkiert — 35.

NO: Representatives Riddagh and Spence — 2.

ABSENT: Representatives Boulden, Connor, Derrickson, Temple — 4.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Representative McGinnis moved that the necessary rules

be suspended for the purpose of considering **HB 222**.

HB 222 — “An Act to amend Chapters 21, 23, 25 and 29 of Title 30, Delaware Code, relating to a General Revision of Occupational and Business Licenses and Taxes.

The roll call vote on the motion was taken and revealed:

YES: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Hebner, Jornlin, Leshar, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Spence — 14.

ABSENT: Representatives Boulden, Connor and Smith — 3.

Therefore, the motion prevailed and **HB 222** was before the House for consideration.

Representatives Lynch introduced **HA 1** to the Bill and moved for its adoption. The roll call vote on the Amendment revealed:

YES: Representatives Arnold, Billingsley, Clendaniel, Derrickson, Hebner, Jornlin, Leshar, Lynch, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 16.

NO: Representatives Ambrosino, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 22.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Amendment was defeated.

Representative McGinnis introduced **HA 2** to the Bill and moved that it be adopted. The roll call vote on the Amendment revealed:

YES: Representatives Ambrosino, Arnold, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshar, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen — 34.

NO: Representatives Minner, Ridings, and Mr. Speaker Jonkiert — 3.

NOT VOTING: Representatives Billingsley and Hebner — 2.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Amendment was adopted.

Representative Billingsley offered **HA 3** to the Bill which was adopted by voice vote of the House.

Representative Billingsley introduced **HA 4** to the Bill and moved that it be adopted.

The House recessed at 6:33 p.m. and reconvened at 6:35 p.m.

HA 4 to **HB 222** was still before the House and the roll call vote on the Amendment was taken and revealed:

YES: Representatives Billingsley, Derrickson, McKay, Ridings, Smith — 5.

NO: Representatives Ambrosino, Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 28.

NOT VOTING: Representatives Arnold, Hebner, Jornlin, Leshner, Powell — 5.

ABSENT: Representatives Boulden, Clendaniel, Connor — 3.

Therefore, the Amendment was defeated.

Representative Billingsley introduced **HA 5** to the Bill and moved that it be adopted. The roll call vote on the Amendment revealed:

YES: Representatives Ambrosino, Billingsley, Hebner, McKay, Ridings, Smith — 6.

NO: Representatives Arnold, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 31.

NOT VOTING: Representatives Derrickson and Jornlin — 2.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Amendment was defeated.

On motion of Representative McGinnis, the roll call vote was then taken on **HB 222 w HA 2, 3** and revealed:

YES: Representatives Cain, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 21.

NO: Representatives Ambrosino, Arnold, Billingsley,

Byrd, Clendaniel, Derrickson, Hebner, Jornlin, Leshner, McKay, Minner, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 18.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 7:28 p.m. and reconvened at 9:50 p.m.

Representative Miller moved that the necessary rules be suspended for the purpose of considering **HB 220**. The roll call vote on the motion revealed:

YES: Representatives Billingsley, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 14.

ABSENT: Representatives Boulden, Cain and Connor — 3.

Therefore, the motion prevailed and **HB 220** was taken up for consideration.

HB 220 — "An Act to amend Chapter 27 of Title 30, Delaware Code, relating to a revision of Manufacturers' License Requirements and Taxes."

At the Request of Representative Billingsley, the privilege of the floor was extended to Ross Anderson from the Delaware Chamber of Commerce to speak on the Bill. The roll call vote on the Bill was then taken and revealed:

YES: Representatives Byrd, Cain, Clendaniel, Darling, George, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 22.

NO: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Ferguson, Gilligan, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 17.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Lynch moved that the necessary rules be suspended for the purpose of considering **HB 221**.

The roll call vote on the motion revealed:

YES: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincoc, Smith, Spence — 15.

ABSENT: Representative Boulden and Connor — 2.

Therefore, the motion prevailed and **HB 221** was before the House for consideration.

HB 221 — “An Act to amend Chapter 29 of Title 30, Delaware Code, relating to a revision of Food Processor, Grain and Feed Dealers and Farm Machinery Retailer License requirements, license fees and additional fee on Aggregate Gross Receipts.”

The roll call vote on the Bill was then taken and revealed:

YES: Representatives Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 23.

NO: Representatives Ambrosino, Arnold, Billingsley, Clendaniel, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincoc, Smith, Spence — 16.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative McGinnis, the necessary rules were suspended for the purpose of considering **HB 224:**

HB 224 — “An Act to amend Chapter 29 of Title 30, Delaware Code relating to a revision of Wholesaler License Requirements and License Fees.”

The roll call vote on the Bill was taken and revealed:

YES: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincoc, Smith, Spence — 15.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative McGinnis **HB 135** was taken up for consideration.

HB 135 — "An Act to amend Section 1154, Title 30, Delaware Code, to require monthly deposit of Income Taxes withheld by Employees where the amount exceeds \$10.00.

The roll call was taken and announced:

YES: Representatives Byrd, Cain, Darling, Ferguson, George, Gilligan, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Sincock, Temple, Worthen, Mr. Speaker Jonkiert — 23.

NO: Representatives Ambrosino, Billingsley, Clendaniel, Gordy, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Smith, Spence — 14.

NOT VOTING: Representatives Arnold and Derrickson — 2.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative McGinnis, **HB 132** was taken up for consideration.

HB 132 — "An Act to amend Chapter 41, Title 30, Delaware Code, to change the date of payment of the Telephone and Telegraph Excise Tax."

The roll call vote was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On the motion of Representative McGinnis, **HB 131** was taken up for consideration.

HB 131 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporation Income Tax."

The roll call vote on **HB 131** was taken and revealed:

YES: Representatives Ambrosino, Byrd, Cain,

Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 28.

NO: Representatives Billingsley, Riddagh, and Spence — 3.

NOT VOTING: Representatives Arnold, Derrickson, Hebner, Jornlin, Leshner, Powell, Ridings, Seibel — 8.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On the motion of Representative Ridings **HB 204** was taken up for consideration.

HB 204 — “An Act to amend Chapter 5, Title 28, Delaware Code, also being Chapter 4, Volume 60, Laws of Delaware relating to Pari-mutuel and Totalizator Pools at Harness Racing Tracks.”

Representative Billingsley introduced **HA 1** to the Bill and moved for its adoption.

The roll call vote on the Amendment revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Hebner, Jornlin, Leshner, McKay, Powell, Seibel, Sincock, Smith, Worthen — 12.

NO: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Spence, Temple, Mr. Speaker Jonkiert — 25.

NOT VOTING: Representative Ridings — 1.

ABSENT: Representatives Boulden, Connor and Derrickson — 3.

Therefore, the Amendment was defeated.

Representative Ambrosino introduced **HA 2** to **HB 204** and moved that it be adopted.

The roll call vote on the Amendment revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Ridings, Seibel, Sincock — 12.

NO: Representatives Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Spence,

Temple, Worthen, Mr. Speaker Jonkiert — 26.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Amendment was defeated.

On motion of Representative McGinnis, the roll call vote on **HB 204** was taken and announced:

YES: Representatives Ambrosino, Arnold, Byrd, Cain, Clendaniel, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

NO: Representative Billingsley — 1.

ABSENT: Representatives Boulden, Connor and Ferguson — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 10:55 p.m. and reconvened at 11:07 p.m.

On motion of Representative McGinnis, the necessary rules were suspended for the purpose of considering **HB 183**.

HB 183 — “An Act to amend Chapter 55, Title 30, Delaware Code relating to Public Utility Taxes on Residential Users and Customers.”

On motion of Representative McGinnis, **HA 1** to the Bill was stricken.

HA 2 to the Bill was introduced by Representative McGinnis and adopted by voice vote.

The roll call vote on **HB 183 w HA 2** was then taken and announced:

YES: Representatives Ambrosino, Arnold, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

NO: Representative Billingsley — 1.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Byrd, the necessary rules were suspended for the purpose of considering **SB 178**.

The roll call on **SB 178** was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Boulden, Connor — 2.

On motion of Representative McGinnis, the necessary rules were suspended for the purpose of considering **HB 125**.

HB 125 — “An Act increasing the salaries of employees of Delaware State College and Delaware Technical and Community College, and providing a supplementary appropriation therefor.”

The roll call vote on the Bill was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

NOT VOTING: Representatives George and Minner — 2.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 11:41 p.m. and reconvened at 11:42 p.m.

Representative Billingsley challenged Representative Miller to have a conflict of interest in regard to **HB 125**. The question was referred to the House Administrative Services Committee.

The House recessed at 11:47 p.m. and reconvened at 12:05 a.m. March 26, 1975.

On motion of Representative George, the necessary rules were suspended for the purpose of considering **HB 225**.

HB 225 — “An Act to amend Chapter 13, Title 14 of the Delaware Code relating to Salary Schedules for school employees.”

The roll call vote was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Derrickson, Ferguson, George,

Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Worthen, Mr. Speaker Jonkiert — 36.

NO: Representatives Darling, Minner and Temple — 3.

ABSENT: Representatives Boulden and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The following legislation was introduced from the Senate:

SB 42 — “An Act to amend Part VI, Title 10 of the Delaware Code relating to fees and costs; and providing for the recoupment of defense costs.” Sponsors: Senators Kearns and Holloway. Assigned to Judiciary.

SB 184 — “An Act to provide a supplementary appropriation to the Division of State Police of the Department of Public Safety.” Sponsors: Senator Isaacs and all the Senators and Representative Ferguson. Assigned to Appropriations.

SB 128 — “An Act to authorize the transfer of Warwick School No. 225 Building to the American Legion Pot Nets Post No. 25.” Assigned to Administrative Services.

SB 77 w SA 1 — “An Act to amend Chapter 11 of Title 29, Delaware Code relating to the Director of Research for Legislative Council.” Sponsor: Senator Isaacs. Assigned to House Administration.

SB 65 — “An Act to amend Subchapter VII of Chapter 5, Title 11, Delaware Code, relating to the banning of smoking on certain public conveyances.” Sponsor: Senator Kearns. Assigned to Judiciary.

SB 100 was reported back from the Judiciary Committee: 1 Favorable, 4 Merits.

SB 71 was reported back from the Community Affairs Committee: 6 Merits.

The House recessed at 12:22 a.m. March 26, 1975 on motion of Representative Ferguson.

The House reconvened at 2:09 p.m. March 26, 1975.

The following legislation was reported back from the Appropriations Committee: **HB 65** — 1 Favorable, 3 Merits, 1

Unfavorable; **HJR 7** — 1 Favorable, 3 Merits; **SB 116** — 1 Favorable, 3 Merits; **SB 184** — 1 Favorable, 2 Merits, 1 Unfavorable; **HB 139** — 2 Favorable, 2 Merits; **SB 120** — 1 Favorable, 3 Merits; **SB 119** — 2 Favorable, 2 Merits.

HB 163 was reported back from the Rules Committee: 1 Favorable, 3 Merits.

The following legislation was reported back from the Public Safety Committee: **HB 126** — 2 Favorable, 2 Merits; **HB 199** — 2 Favorable, 2 Merits; **HB 81** — 4 Merits; **HB 210** — 1 Favorable, 3 Merits.

On motion of the Majority Leader the House adjourned at 2:15 p.m. to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY

The House reconvened at 2:15 p.m., March 26, 1975.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

The Chief Clerk called the roll which revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Boulden and Connor — 2.

The minutes of the previous Legislative Day were approved as posted.

Speaker Jonkiert relinquished the Chair to Acting Speaker McGinnis.

HR 35, sponsored by Representative Jonkiert, was introduced from the floor and adopted by voice vote.

HR 35 — "Expressing the gratitude of the members of the House of Representatives to Mr. Franklin W. Kinnamon for his manufacture and presentation of a gavel and block to this body."

Beatrice Tingle, President of the Distributive Education Association, and members of the organization presented each member with a lily plant.

At 2:40 p.m. the House recessed on motion of Representative Ferguson and reconvened at 5:25.

On motion of Representative Darling, **HB 65** was taken up for consideration.

HB 65 — “An Act making a supplementary appropriation to the Office of Commissioner of Elections to carry out the provisions of Chapter 580, Volume 59, Laws of Delaware, the Campaign Financing and Disclosure Act of 1974.”

The roll call was taken and announced:

YES: Representatives Ambrosino, Arnold, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

ABSENT: Representatives Billingsley, Boulden, Connor, McGinnis and Powell — 5.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Ferguson, **SB 184**, sponsored by Senator Isaacs, was taken up for consideration, the roll call vote taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Connor, McGinnis and Powell — 4.

Therefore, the Bill passed the House and was returned to the Senate.

On motion of Representative Matushefske, **HB 121** was

taken up for consideration.

HB 121 — "An Act making a supplemental appropriation to the Department of Highways and Transportation for the Delaware Authority for Regional Transit."

The roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Connor, McGinnis and Powell — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative George, **SB 119** was taken up for consideration, the roll call vote taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Connor, McGinnis and Powell — 4.

Therefore, the Bill passed the House and was returned to the Senate.

On motion of Representative George, **HB 139** was taken up for consideration.

HB 139 — "An Act amending Chapter 736, Volume 57, 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 monies to various Agencies of the State."

The privilege of the floor extended to John Sullivan of the Department of Health and Social Services.

The roll call vote was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates,

Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

NO: Representative Clendaniel — 1.

ABSENT: Representatives Boulden, Connor, McGinnis and Powell — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Ferguson, **HB 25** was taken up for consideration.

HB 25 — “An Act to provide a supplementary appropriation to the Delaware National Guard.”

The roll call vote was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 35.

ABSENT: Representatives Boulden, Cain, Connor, McGinnis, Miller and Powell — 6.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Matushefske moved to consider **HB 81**. The roll call on the Bill was tabled.

HB 110 was taken up for consideration.

HB 110 — “An Act relating to a pension for George Rossiter, a former employee of the DeLaWarr School District.”

On motion of Representative Minner, the roll call vote was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

ABSENT: Representatives Boulden, Connor, Harrington, McGinnis, Powell — 5.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

SB 120 was taken up for consideration, the roll call vote taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshar, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Plant, Riddagh, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 32.

NO: Representatives Clendaniel, Morris, Ridings, Spence — 4.

ABSENT: Representatives Boulden, Connor, Ferguson, McGinnis and Powell — 5.

Therefore, the Bill passed the House and was returned to the Senate.

SB 9 was taken up for consideration on motion of Representative George, the roll call vote taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshar, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Connor, McGinnis and Powell — 4.

Therefore, the Bill passed the House and returned to the Senate.

SB 71 was taken up for consideration on motion of Representative Rispoli, the roll call vote taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Cain, Clendaniel, Darling, Derrickson, George, Gilligan, Gordy, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshar, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 33.

NO: Representative Spence — 1.

ABSENT: Representatives Boulden, Byrd, Connor, Ferguson, Harrington, McGinnis and Powell — 7.

Therefore, the Bill passed the House and was returned to the Senate.

HB 163 was taken up for consideration.

HB 163 — “An Act to amend Chapter 19, Part II, Title 29 of the Delaware Code relating to fiscal projections; and

determining the time when the three-year fiscal projection must be attached to a Bill or Resolution."

On motion of Representative George, the roll call vote was taken and announced:

YES: Representative Byrd, Cain, Clendaniel, Darling, Ferguson, George, Johnson, LeGates, Lynch, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 22.

NO: Representatives Ambrosino, Arnold, Billingsley, Gilligan, Hebner, Jornlin, Kelly, Leshner, McKay, Ridings, Smith — 11.

NOT VOTING: Representatives Derrickson, Gordy, Harrington — 3.

ABSENT: Representatives Boulden, Connor, Matushefske, Maxwell, Powell — 5.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

SB 116 was taken up for consideration on motion of Representative George, the roll call vote taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

ABSENT: Representatives Boulden, Connor, Matushefske, Powell, Ridings — 5.

Therefore, the Bill passed the House and was returned to the Senate.

On motion of Representative McGinnis, the necessary rules were suspended for the introduction and consideration of **HB 241**:

HB 241 — "An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utilities Taxes."

The roll call vote on the Bill was then taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen,

Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Connor, Matushefske and Powell — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HJR 7 was taken up for consideration on motion of Representative Ambrosino.

The roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Connor, McGinnis, Powell — 4.

Representative Ferguson moved to recess at 7:40 p.m.

The House reconvened at 7:48 p.m.

Representative Ferguson asked that **HB 92 w SA 1 and SA 2** be brought before the House for consideration. Representative Ferguson introduced **HA 1** to **HB 92** and the Amendment was adopted by voice vote.

Representative Ferguson introduced **HA 2** to **HB 92** and the Amendment was adopted by voice vote.

A roll call was taken on **HB 92 w SA 1, SA 2, HA 1, 2** and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Boulden, Powell, Riddagh — 3.

Therefore, the Bill passed the House and was sent to the Senate.

Mr. Speaker appointed Representatives Byrd and McKay to oversee the State Employee Benefits Program.

Representative Ferguson moved that the House recess at 7:58 p.m.

The Speaker recessed the House until April 8, 1975.

The House reconvened at 1:56 p.m. April 8, 1975.

HB 79 was reported back from the Community Affairs Committee — 5 Favorable.

At 1:58 p.m. the House adjourned on motion of the Majority Leader to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY

The House convened at 1:58 p.m. April 8, 1975.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, there were 39 members **PRESENT** with 2 members (Representatives Gilligan and Powell) being **ABSENT**.

The minutes of the previous Legislative Day were approved as posted.

On motion of Representative Plant the following Section (13) of Public Law 93-415 was read into the record:

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

The House recessed at 2:18 p.m. and reconvened at 3:20 p.m.

The following pre-filed legislation was introduced and assigned to Committee:

HB 242 — "An Act to amend Title 15, Delaware Code, by providing for the conducting of Presidential Primary Elections in Presidential Election Years, and to amend said Title 15 insofar as it is inconsistent herewith." Sponsor: Representative Gilligan. Assigned to Judiciary.

HB 243 — "An Act to amend Chapter 74, Title 29, Delaware Code, relating to the reversion of unexpended State Funds borrowed pursuant to any Capital Improvement Act." Sponsor: Representative McGinnis. Assigned to Appropriations.

HB 244 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan and the definition of "Credited Service." Sponsor: Representative Gilligan. Assigned to Appropriations.

HB 245 — "An Act concurring in a Proposed Amendment to Article II, Section 15, of the 1897 Constitution of the State of Delaware, relating to the compensation, expenses and

17TH LEGISLATIVE DAY

allowances of members of the General Assembly.” Sponsor: Representative Ferguson. Assigned to Constitution Revision.

HB 246 — “An Act to amend Subpart B of Subchapter II, Chapter 5 and Chapter 42, Title 11, Delaware Code, relating to murder in the First Degree and conviction and punishment for same.” Sponsor: Representative Plant. Assigned to Judiciary.

HB 247 — “An Act to amend Subpart B of Subchapter II, Chapter 5, Title 11, Delaware Code, relating to manslaughter and extreme emotional distress.” Sponsor: Representative Plant. Assigned to Judiciary.

HB 248 — “An Act to amend Chapter 45, Title 21, Delaware Code, relating to the weight and loads of vehicles equipped with four axles.” Sponsor: Representative Boulden. Assigned to Highways and Transportation.

HB 249 — “An Act to amend Chapter 98, Title 10, Delaware Code, relating to costs in proceedings before Justices of the Peace.” Sponsor: Representative Boulden. Assigned to Judiciary.

HB 250 — “An Act to amend Chapter 4, Part I, Title 11 of the Delaware Code relating to self defense and justification for the use of force; and providing an appropriation therefor.” Sponsor: Representative Riddagh. Assigned to Judiciary.

SB 17 — “An Act concurring in a proposed Amendment to Article II, Section 15, of the 1897 Constitution of the State of Delaware, relating to the compensation, expenses and allowances of members of the General Assembly.” Sponsor: Senator Schlor. Assigned to House Administration.

SB 42 — “An Act to amend Part VI, Title 10 of the Delaware Code relating to fees and costs; and providing for the recoupment of defense costs.” Sponsor: Senator Kearns. Assigned to Judiciary.

SB 65 — “An Act to amend Subchapter VII of Chapter 5, Title 11, Delaware Code, relating to the banning of smoking on certain Public Conveyances.” Sponsor: Senator Kearns. Assigned to Judiciary.

SB 77 w SA 1 — “An Act to amend Chapter 11 of Title 29, Delaware Code, relating to the Director of Research for Legislative Council.” Sponsor: Senator Isaacs. Assigned to House Administration.

SB 135 — “An Act to amend Section 4011, Chapter 40,

Title 14, Delaware Code, by withdrawing tenure for any affected employee who violates Subsections (a) and/or (c) of Said Section 4011." Sponsor: Senator McCullough. Assigned to House Administration. Committee.

Representative Ferguson moved that all Bills introduced before April 8 did not have to have a Fiscal Note Attached at introduction. The motion was seconded by Representative Darling and adopted by voice vote of the House.

HB 156 which had been reported out of the Revenue and Finance Committee, was returned to the Committee on motion of Representative McGinnis.

HB 157 was stricken on motion of Representative McGinnis.

On request of Representative Ferguson, **HB 61** was brought before the House for consideration.

HB 61 — "An Act to amend Chapter 10, Title 20, Delaware Code by increasing State pension benefits paid to Paraplegic Veterans."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Gilligan, Powell — 2.

Having passed the House, the Bill was sent to the Senate for concurrence.

HCR 16, sponsored by Representatives Arnold and Powell and Senator Manning, was introduced from the floor and adopted by voice vote:

HCR 16 — "Commending the Marching Band, Color Guard, and Baton Twirlers of John Dickinson High School for their outstanding performances in the 1975 "Festival of States" National Competition, and for the excellent manner in which each student conducted himself in representing this State."

HB 161 which had been reported out of the Revenue and Finance Committee, was returned to the Committee on motion of Representative Miller.

HB 164 which had been reported out of the Revenue and Finance Committee was returned to the Committee on motion

of Representative Harrington.

HB 206 was taken up for consideration on motion of Representative Ridings and then laid on the table on his further motion.

HB 15 was taken up for consideration on motion of Representative Gordy and **HA 1** to the Bill was adopted by voice vote of the House.

HB 15 w HA 1 was then laid on the table.

HB 84 was lifted from the table on motion of Representative George but final consideration of the Bill was deferred.

HB 202 was stricken by motion of Representative Temple.

HB 85 was stricken on motion of Representative Darling.

HR 36, sponsored by Representative Ferguson and all the members of the House, was introduced and adopted by voice vote:

HR 36 — "Congratulating Representative and Mrs. Robert F. Gilligan on the arrival of their first child, Shannon Mary Gilligan, on April 5, 1975."

HB 159 was deferred by Representative Matushefske.

HB 158 was deferred by Representative George.

HB 100 was deferred by Representative Matushefske.

The House recessed at 4:18 p.m. and reconvened at 5:24 p.m.

The following legislation was reported back from the Environmental Control Committee: **HB 119** — 4 Favorable, 2 Merits; **SB 30** — 6 Merits.

The House Administration Committee reported back to the House: **SB 17** — 4 Merits.

The Administrative Services Committee reported back to the House: **HB 14** — 4 Favorable, 1 Merits; **HB 66** — 6 Merits.

The Appropriations Committee reported back to the House: **HB 243** — 4 Merits; **HB 154** — 4 Merits; **HB 152** — 4 Merits; **HB 235** — 4 Merits; **SB 3** — 6 Merits; **SB 23** — 4 Merits.

The Agriculture Committee reported back to the House: **HB 228** — 1 Favorable, 5 Merits.

At 5:28 p.m. the House recessed on motion of Representative Ferguson.

The speaker called the House to order at 1:50 p.m. April 9, 1975.

The following Bills were reported back from the Health

and Social Services Committee: **HB 165** — 4 Favorable, 1 Merits; **HB 63** — 3 Favorable, 2 Merits.

At 1:51 p.m. on motion of the Majority Leader, the House adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY

The House convened at 1:51 p.m. April 9, 1975.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

Roll call was taken and revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representative Powell, Sincock — 2.

The minutes of the previous Legislative Day were approved as posted.

The Clerk announced that a communication from the Senate indicated that it had passed: **HB 92 w SA 1, 2; HB 131; HB 135; HB 220; HB 221; HB 224; HB 132; HB 219; HB 222 w HA 2, 3; HB 92; HB 130; HB 137; HB 135; HB 225; HB 17; HB 241; HB 125; HB 122; HB 155 w HA 1; HB 204; HB 92 w SA 1, 2, HA 1, 2.**

Legislative Advisory No. 11 received from William C. Bradley, Jr., Counsel to the Governor indicated that the Governor approved **HB 68** — 3-19-75; **SJR 15** — 3-19-75.

Legislative Advisory No. 12 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved: **HB 76** — 3-24-75; **HB 13** — 3-24-75; **HCR 15** — 3-24-75; **HCR 14** — 3-24-75; **HCR 12** — 3-24-75; **HCR 11** — 3-24-75; **HCR 9** — 3-24-75; **SCR 22** — 3-24-75; **SCR 23** — 3-24-75; **HCR 13** — 3-25-75.

Legislative Advisory No. 13 received from William C. Bradley, Jr., Counsel to the Governor indicated that the Governor approved: **HB 11 w HA 1** — 3-26-75; **HB 122** — 3-27-75; **HB 130** — 3-27-75; **HB 131** — 3-27-75; **HB 132** — 3-27-75; **HB 135** — 3-27-75; **HB 137** — 3-27-75; **HB 155 w HA 1** — 3-27-75; **HB 204** — 3-27-75; **HB 219** — 3-27-75; **HB 220** — 3-27-75; **HB 221** — 3-27-75; **HB 222 w HA 2, 3** —

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3-27-75; **HB 224** — 3-27-75; **SB 9** — 3-31-75; **SB 116** — 3-31-75; **SB 184** — 3-31-75.

Legislative Advisory No. 15 received from William C. Bradley, Jr., Counsel to the Governor indicated that the Governor approved: **HB 225** — 4-2-75; **HB 125** — 4-2-75; **SB 178** — 4-2-75; **HB 125** — 4-2-75; **SB 178** — 4-2-75; **SB 71** — 4-2-75; **HB 241** — 4-3-75.

Legislative Advisory No. 14 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved: **SB 119** — 3-31-75; **SB 120** — 3-31-75.

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On motion of Representative LeGates, **SCR 25** was introduced and adopted by voice vote:

SCR 25 — "Expressing the appreciation of the 128th General Assembly of the State of Delaware for the exceptional service of the Delaware Society of Professional Engineers, Incorporated, in its study and report on the Coastal Zone Act of 1971." Sponsors: Senator Berndt and Representative Knox.

HCR 17, sponsored by Representative Clendaniel and Senator Adams, was introduced and adopted by voice vote.

HCR 17 — "Commending the Young Democratic and Young Republican Organizations of Sussex County for combining their talents in a Basketball Game to raise funds for the Hospital for the Mentally Retarded at Stockley."

The House recessed at 2:12 p.m. and reconvened at 3:25 p.m.

The following prefiled legislation was filed:

HB 251 — "An Act to amend an Act, being Chapter 197, Volume 54, Laws of Delaware, as amended, entitled "An Act revising the prior Charter of the City of Rehoboth Beach and establishing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" to provide a procedure for a Referendum." Sponsor: Representative Derrickson. Assigned to Community Affairs.

HB 252 — "An Act to amend Title 29, Delaware Code, by adding a new Chapter to be known as Chapter 38 concerning District Sites, Buildings, Structures, and Objects Significant in History, Architecture, Archeology and Culture." Sponsors: Representative Clendaniel, Gordy, Harrington, Lynch, Temple. Assigned to Judiciary.

HB 253 — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to the fuel adjustment

rate and its use in determining the charge to be made to the consumer." Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 254 — "An Act to amend Part III, Title 25 of the Delaware Code relating to Property; and providing for the regulation of Agricultural Leases." Sponsors: Representatives Minner and Clendaniel. Assigned to Agriculture.

HB 255 — "An Act to amend Chapter 11, Title 30, Delaware Code, relating to modifications in Adjusted Gross Income for Personal Income Tax." Sponsor: Representative Maxwell. Assigned to Revenue and Finance.

HB 256 — "An Act to amend Chapter 21, Part III, Title 29 of the Delaware Code relating to the annual salary of the Governor." Sponsor: Representative Arnold. Assigned to Appropriations.

HB 257 — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing public access to certain information." Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 258 — "An Act to amend Title 10 and Title 25 of the Delaware Code relating to Landlord-Tenant relationships." Sponsors: Representatives Ambrosino and Connor. Assigned to Community Affairs.

HB 259 — "An Act to amend Subchapter I, Chapter 1, Title 26 of the Delaware Code relating to Public Utilities; and including, under the jurisdiction of the Public Service Commission, all private corporations or municipalities which buy and sell electricity as a separate commodity." Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 260 — "An Act to amend Chapter 65, Title 29 of the Delaware Code by exempting certain appointed State Officials from receiving terminal pay." Sponsor: Representative McGinnis. Assigned to Judiciary.

HB 261 — "An Act to amend Chapter 51, Part VI, Title 30 of the Delaware Code relating to the Motor Fuel Tax; and providing for the refunding of such Tax paid on fuel for taxicabs." Sponsor: Representative McGinnis. Assigned to Revenue and Finance.

HB 262 — "An Act to amend Chapter 21, Title 21 of the Delaware Code relating to vehicle registration by nonresidents." Sponsor: Representative McGinnis. Assigned

to Public Safety.

HB 263 — “An Act to amend Chapter 63 of Title 29, Delaware Code, to provide to certain limitations on the Annual Operational Budget.” Sponsor: Representative McGinnis. Assigned to Appropriations.

HB 264 — “An Act to amend Title 10 of the Delaware Code relating to Attorney’s Fees.” Sponsor: Representative George. Assigned to Judiciary.

HB 265 — “An Act to amend Chapter 3, Part I, Title 10 of the Delaware Code relating to the Court of Chancery; and providing for the initiation and conduct of Class Actions in said Court.” Sponsor: Representative George. Assigned to Judiciary.

HB 266 — “An Act to amend Chapter 46, Title 29, Delaware Code, relating to the compensation of Court-appointed Attorneys.” Sponsor: Representative Clendaniel. Assigned to Judiciary.

HB 267 — “An Act to amend Chapter 51, Title 29, Delaware Code, relating to residency requirements of employees of the State of Delaware.” Sponsor: Representative Ferguson. Assigned to Judiciary.

HB 268 — “An Act to amend Chapter 1, Title 16 of the Delaware Code, by providing that at least one free toilet must be available in any building in Delaware to which the General Public has legal access.” Sponsor: Representative Matushefske. Assigned to Health and Social Services.

HB 269 — “An Act to amend Chapter 13, Part I, Title 14 of the Delaware Code relating to sick leave and absences for other reasons by teachers and other school employees.” Sponsor: Representative Ambrosino. Assigned to Education.

HB 270 — “An Act to amend Subchapter I, Chapter 1, Title 26 of the Delaware Code relating to votes of the Public Service Commission.” Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 271 — “An Act to amend Subchapter V, Chapter 1, Title 26 of the Delaware Code relating to citizen complaints against Public Utilities.” Sponsor: Representative Ambrosino. Assigned to Administrative Services.

HB 272 — “An Act to amend Title 24 of the Delaware Code relating to Professions and Occupations; and providing for the licensing of Data Processing Professionals.” Sponsor:

Representative Riddagh. Assigned to Administrative Services.

HB 273 — “An Act to amend an Act being Chapter 42, Volume 53, Laws of Delaware, as amended, entitled “An Act amending, revising and consolidating the Charter of the City of Seaford” relating to qualifications for voters and to provide exemptions from Taxation for the Elderly.” Sponsor: Representative Temple. Assigned to Community Affairs Committee.

HA 1 to HB 119 was introduced by Representative Worthen and placed with the Bill.

SB 63 — “An Act to permit the Delmar School District to transfer certain funds from its Local Debt Service Account to its Local Current Expense Account.” Sponsor: Senator Elliott. Assigned to Education.

SB 69 — “An Act to amend Subchapter I of Chapter 13, Title 9, Delaware Code, relating to the Board of Assessment Review.” Sponsor: Senator Kearns. Assigned to Community Affairs.

SB 102 — “An Act to amend Title 16, Part I, Delaware Code, by creating a new Chapter to be designated as Chapter 2, to provide assistance to children with long-term birth defects who are not covered under existing programs and providing a supplemental appropriation to implement the provisions of this Act.” Sponsor: Senator Murphy. Assigned to Health and Social Services.

SB 132 — “An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the pre-sentence investigation after conviction for rape.” Sponsor: Senator Zimmerman. Assigned to Judiciary.

SB 159 — “An Act to amend Chapter 31 of Title 24, Delaware Code, relating to extension of time for application to renew a license for the practice of Funeral Service.” Sponsor: Senator Zimmerman. Assigned to Health and Social Services.

SB 168 w SA 1 — “An Act to amend Chapter 29, Title 5, Delaware Code, relating to finance charge limitations on the sale of motor vehicles.” Sponsor: Senator Murphy. Assigned to Administrative Services. Committee.

HB 199 was deferred on motion of Representative Gilligan.

HB 158 was stricken on motion of Representative George.

Consideration of **SB 17** was deferred on motion of

Representative Ferguson until April 10, 1975.

HB 228 was laid on the table on motion of Representative Darling.

HB 119 was deferred to April 10, 1975 on motion of Representative Worthen.

HB 152, HB 154, HB 66, HB 243 were deferred on motion of Representative McGinnis.

SB 3 was brought up for consideration on motion of Representative George who yielded to Representative Miller to manage the Bill. Final consideration of the Bill was then deferred.

HB 15 w HA 1 was lifted from the table for consideration of motion of Representative Gordy.

HA 2 to the Bill was offered by Representative Gordy and adopted by voice vote.

The roll call vote on **HB 15 w HA 1, 2** was then taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Miller, Powell and Sincock — 3.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

SB 23 was deferred on motion of Representative Miller.

HCR 18, sponsored by Representative George, was introduced from the floor and adopted by voice vote:

HCR 18 — "Commending public-spirited citizens and organizations of the Wilmington Metropolitan Area for assisting the City in the development of the Proposed Market Street Plaza."

HR 37, sponsored by Representative Morris, Darling, McGinnis, Miller, Minner and Riddagh, was introduced from the floor and adopted by voice vote:

HR 37 — "Expressing Sympathy over the Death of Former State Senator A. Bailey Thomas.

WHEREAS, the House of Representatives of the 128th General Assembly of the State of Delaware has regretfully

learned of the death of former State Senator A. Bailey Thomas of Camden, Delaware, who died on April 9, 1975, and who served in the Delaware State Senate from 1936 to 1938; and

WHEREAS, an addition to A. Bailey Thomas' service to the State of Delaware as a Senator, he served in numerous other capacities some of which are: Master of Fruitland Grange 1929-1930, also in 1948; State Grange Lecturer for 9 years; Master State Grange 1942-1946; Past High Priest, Kent Chapter of the Masons; and

WHEREAS, A. Bailey Thomas was commissioned 2nd Lieutenant in the U.S. Army during World War I and was subsequently appointed a member of the Selective Service Board during World War II; and

WHEREAS, A. Bailey Thomas, father of Samuel Thomas, Kent County Levy Court Commissioner, was a dedicated politician who served actively in the Democrat Party for 60 years and who enjoyed helping people; and

WHEREAS, the members of the House of Representatives of the 128th General Assembly of the State of Delaware wish to publicly express their deep sorrow over the passing of a former colleague, A. Bailey Thomas.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 128th General Assembly of the State of Delaware that the members hereby express publicly their sympathy and regret upon hearing of the death of former Senator A. Bailey Thomas.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the House Journal and that a copy be sent to the immediate family.

* * * * *

HR 38, sponsored by Representative Lynch, was introduced and adopted by voice vote:

HR 38 — "Congratulating Steve Bastianelli, of Sussex Central High School for his great string of victories as a National Junior Wrestling Champion."

The House recessed at 4:20 p.m. and reconvened at 4:40 p.m.

HB 248 was reported back from the Highways and Transportation Committee: 3 Favorable, 2 Merits.

The Education Committee reported back to the House the following: SB 72 — 4 Merits; SB 27 — 2 Merits, 2 Unfavorable; SB 63 — 4 Merits; SB 24 — 4 Merits.

The House recessed at 4:50 p.m. until April 10, 1975.

The House reconvened at 1:52 p.m. April 10, 1975.

SB 8 w SA 1 was reported back from the Community Affairs Committee — 6 Merits.

At 1:53 p.m. the House adjourned on motion of the Majority Leader to immediately convene for the next Legislative Day.

19TH LEGISLATIVE DAY

The House convened at 1:54 p.m. with the Speaker presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, all 41 members were PRESENT.

HR 39, sponsored by Representative Darling, was introduced from the floor and adopted by voice vote of the House:

HR 39 — "Expressing belated Birthday Greetings to the charming Linda Mears, Chief Clerk of the House of Representatives."

At 2:04 p.m. on motion of Representative Darling, the House recessed and reconvened at 3:18 p.m.

The following pre-filed legislation was filed:

HB 274 — "An Act to amend Part I, Title 29 of the Delaware Code relating to State Government, and providing for an Administrative Procedures Act." Sponsor: Representative Morris. Assigned to Judiciary.

HB 275 — "An Act to amend §5528, Chapter 55, Title 29, Delaware Code, relating to Survivor's Pensions by providing for such Pensions to be paid to Widowers on an equal basis with Widows." Sponsor: Representatives George and Worthen. Assigned to Judiciary.

HB 276 — "An Act authorizing and directing the Board of Pension Trustees to grant Mrs. Walter R. Wimbrow a Survivor's Pension." Sponsor: Representative Lynch. Assigned to Appropriations.

HB 277 — "An Act to amend Part III, Title 25 of the Delaware Code relating to State, County and Municipal Rental Regulation; and providing for Delaware Rent Control Act." Sponsor: Representative Connor. Assigned to Community Affairs.

HB 278 — "An Act to authorize the sale of Broadkill School House No. 7 at Public Auction." Sponsor: Representative Derrickson. Assigned to Administrative

Services.

HB 279 — “An Act to amend Chapter 29 of Title 30 of the Delaware Code relating to the exemption for Retail Liquor Dealers.” Sponsor: Representative Matushefske. Assigned to Revenue and Finance.

HB 280 — “An Act to provide a pension for the widow of Olvin Roosevelt Sampson, a former State Employee.” Sponsor: Representative Johnson. Assigned to Appropriations.

HB 281 — “An Act to amend Part V, Title 29 of the Delaware Code relating to Public Officers and Employees; and providing for a Uniform System of Job Evaluation and Compensation.” Sponsor: Representative Arnold. Assigned to Community Affairs.

HB 282 — “An Act to amend Chapter 55 of Title 30, Delaware Code, relating to Public Utility Taxes.” Sponsor: Representative Temple. Assigned to Revenue and Finance.

HB 283 — “An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing flashing traffic signal control equipment near the intersection of Old Capitol Trail and Greenbank Road - Marshallton, New Castle County.” Sponsor: Representative Gilligan. Assigned to Highways and Transportation.

HA 1 to HB 228 was introduced by Representative Darling and placed with the Bill.

SCR 26, sponsored by Senator Adams and Representative Harrington, was introduced, considered and adopted by voice vote of the House:

SCR 26 — “Commending Robert Haigh, of Milford, for winning State Honors in the American Legion Annual Oratorical Contest.”

The privilege of the floor was extended to Robert Haigh to present his speech to the House.

On motion of Representative Matushefske, the roll call vote on **HB 81** was lifted from the table and announced:

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Ridings, Rispoli, Sincock, Temple, Worthen, Mr. Speaker Jonkiert — 29.

NO: Representatives Arnold, Billingsley, Derrickson, Gilligan, Leshner, Lynch, McKay, Riddagh, Seibel, Smith, Spence — 11.

NOT VOTING: Representative Powell — 1.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

On motion of Representative Rispoli, **HB 235** was read in and laid on the table.

HB 14 was taken up for consideration on motion of Representative Gordy.

HB 14 — “An Act to authorize the transfer of the Owens Corner School No. 213 to the Mount Nebo Methodist Church.”

The roll call was taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 31.

NO: Representatives Clendaniel, Connor, Hebner, Ridings, Smith — 5.

NOT VOTING: Representatives Ambrosino, Arnold, Billingsley — 3.

ABSENT: Representatives Ferguson and Maxwell — 2.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

On motion of Representative Lynch, **SB 63** was laid on the table.

HB 248 was taken up for consideration on motion of Representative Boulden.

HB 248 — “An Act to amend Chapter 45, Title 21, Delaware Code relating to the weight and loads of Vehicles equipped with Four Axles.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representative George, Morris — 2.

Therefore, the Bill passed the House and was sent to the

Senate for concurrence.

On motion of Representative Darling, the House recessed at 4:05 p.m. and reconvened at 5:03 p.m.

HR 40, sponsored by Representative Ambrosino, was introduced from the floor and adopted by voice vote of the House:

HR 40 — "Expressing congratulations to Joseph P. Ambrosino, Sr., on 50 years of service with Sunship Building and Drydock Company of Chester, Pennsylvania."

On motion of Representative Rispoli, **HB 235** was lifted from the table and considered for passage.

HB 235 — "An Act to amend an Act 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 monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to Issue Bonds and Notes therefore and appropriating the monies to the State Board of Education on behalf of Local School Districts" as the same appears in Chapter 223 of Volume 59, Laws of Delaware."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Plant — 1.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

SB 63 was lifted from the table for consideration on motion of Representative Lynch.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Derrickson — 1.

SB 72 was taken up for consideration on motion of Representative Lynch. The Bill was then tabled on further motion of Representative Lynch.

SB 3 was taken up for consideration on motion of Representative Miller, the roll call was taken and announced:

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Ridings, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 30.

NO: Representatives Billingsley, Leshner, McKay, Seibel, Sincok, Smith, Spence — 7.

NOT VOTING: Representatives Arnold, Jornlin, Powell, Riddagh — 4.

Therefore, the Bill passed the House and was returned to the Senate.

HB 284, sponsored by Representative Matushefske, was introduced from the floor and assigned to Judiciary Committee:

HB 284 — “An Act to amend Chapter 92, Title 10, Delaware Code, relating to salaries of Justices of Peace.”

At 5:25 p.m. the House recessed on motion of Representative Darling and reconvened at 5:40 p.m.

The following legislation was reported back to the House:

From the Judiciary Committee: **HB 34** — 4 Merits; **HB 64** — 1 Favorable, 3 Merits; **HB 86** — 3 Merits, 1 Unfavorable; **SB 42** — 4 Merits; **HB 82** — 4 Merits.

From Natural Resources and Environmental Control Committee: **HB 226** — 2 Favorable, 3 Merits.

From Labor and Commerce Committee: **HB 232** — 2 Favorable, 2 Merits; **HB 215** — 4 Merits; **HB 197** — 4 Merits.

The House recessed at 5:43 p.m. until April 15, 1975.

20TH LEGISLATIVE DAY

The Speaker called the House to order at 1:51 p.m., April 15, 1975.

At 1:52 p.m. on motion of the Majority Leader the House adjourned to immediately convene for the 20th Day.

A Prayer was offered by the Chaplain, Rev. William Fleishauer.

Pledge of Allegiance to the Flag.

By roll call, there were 40 members **PRESENT** with 1

20TH LEGISLATIVE DAY

member (Representative Hebner) ABSENT.

The minutes of the previous Legislative Day were approved as posted.

At the request of Representative Ferguson, the following letter was spread on these pages:

**WESLEY UNITED METHODIST CHURCH
DOVER, DELAWARE**

Hon. John P. Ferguson
Delaware House of Representatives
Dover, Delaware

Dear Representative Ferguson:

The Administrative Board of Wesley United Methodist Church in Dover, Delaware, at its April 1st meeting, acted in regard to the pending legislation having to do with slot machines and casino gambling, the Bills in question being House Bills Nos. 114 and 120 and Senate Concurrent Resolution No. 24. The Administrative Board of Wesley Church opposes the passage of such Bills on two basic principles in addition to its opposition to gambling:

(1) The Administrative Board feels that the State of Delaware has other more reasonable and honest ways of approaching its fiscal problems than resorting to gambling bills to raise necessary revenues. While taxation is not a welcome solution, we recognize that the problems of our State must be faced in a way that deals realistically with the issues and we feel that the gambling bills do not do that.

(2) Secondly, Wesley Church is deeply involved in providing assistance to those who are economically pressed and are victims of the present economy and inequality in terms of distribution of necessary funds, and the board feels that these very persons are the ones most apt to be victims of methods to quickly secure funds by means of games of chance. The very nature of gambling is that the losers have to outdistance the winners and therefore the intensity of the economic problems of these seeking these methods will be increased. We therefore urge you to reject these bills.

As senior minister of Wesley Church, I would ask that this letter be spread in the minutes of both Houses of the Legislature with my personal endorsement added to that of the Administrative Board of Wesley Church.

Respectfully,

(Signed) Dr. Robert P. Whitlock
Senior Minister, Wesley Church

* * * * *

At 2:03 p.m. the House recessed and reconvened at 2:57 p.m.

The following pre-filed legislation was filed:

HB 285 — “An Act to amend Chapter 14, Volume 58, Laws of Delaware, entitled “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.” Sponsors: Representatives Jonkiert, George, Johnson, Rispoli, Plant; Senators Holloway and Schlör. Assigned to Revenue and Finance.

HB 286 — “An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to the unlawful passing of a School Bus; and providing for identification of a violator.” Sponsor: Representative Connor. Assigned to Public Safety.

HB 287 — “An Act to provide a supplementary appropriation to the Department of Public Safety for the purchase of a helicopter.” Sponsors: Representatives Ferguson and Arnold. Assigned to Public Safety.

HB 288 — “An Act to amend §5161, Chapter 51, Title 16, Delaware Code, known as a Bill of Rights for patients in Hospitals for the Mentally Ill.” Sponsor: Representative Morris. Assigned to Health and Social Services.

HB 289 — “An Act to amend Chapter 49, Part III, Title 10 of the Delaware Code relating to mortgages and deeds of trust; and providing certain requirements in the foreclosure of same.” Sponsor: Representative LeGates. Assigned to Judiciary.

HB 290 — “An Act to amend Chapter 39, Part I, Title 18 of the Delaware Code relating to counsel fees for “First Party” actions under Casualty Insurance Contracts.” Sponsor: Representative George. Assigned to Public Safety.

HB 291 — “An Act to amend Chapter 21, Part II, Title 16, Delaware Code, pertaining to Regulatory Provisions concerning Public Health, and specifically relating to mattresses, pillows, and beddings.” Sponsors: Representatives Morris and Johnson. Assigned to Health and Social Services.

HB 292 — “An Act to amend Chapter 31, Part II, Title 20, Delaware Code, relating to use of State Helicopters.” Sponsor:

Representative Ferguson. Assigned to Public Safety.

HA 1 to HB 246 was introduced by Representative Plant and placed with the Bill.

SB 133 — "An Act to amend Chapter 35, Part II, Title 11 of the Delaware Code relating to the admissability of certain evidence in rape cases." Sponsor: Senator Zimmerman. Assigned to Judiciary.

SB 142 w SA 1 — "An Act to amend Rule 18 of Title 4, Delaware Code, relating to clubs and multiple activity clubs." Sponsor: Senator Isaacs. Assigned to Administrative Services.

SB 163 — "An Act to amend Chapter 3, Title 9, Delaware Code relating to use of mobile homes on farms." Sponsor: Senator Isaacs. Assigned to Community Affairs.

SB 182 — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to exceptions to examinations required for a Certificate to Practice Medicine in State Institutions." Sponsor: Senator Holloway. Assigned to Health and Social Services.

HCR 19, sponsored by Representative Gordy and all Sussex County members of the 128th General Assembly, was introduced from the floor and adopted by voice vote:

HCR 19 — "Expressing the regrets of the members of the 128th General Assembly at the death of former State Auditor James Woodrow Wilson Baker."

HR 41, sponsored by Representative Plant, was introduced from the floor and adopted by voice vote:

HR 41 — "Congratulating Velda Jones, of P. S. duPont High School, Wilmington, for her outstanding scholastic achievements."

SB 17 was brought before the House for consideration on motion of Representative Ferguson. The roll call vote on the Bill was tabled before being announced.

At the request of Representative Plant, the following communication is included on these pages:

"In reference to Representative Winifred Spence's remarks last week on this House floor concerning Saudi Arabia's criminal justice system, at that time I didn't respond because I feel everyone has a right to his or her opinion - but after reading an article in the Philadelphia Inquirer of Sunday, April 13, 1975 in which Representative Spence was quoted, and my name was mentioned, I feel it is now proper that I say a few words."

It's really sad that we didn't have legislators of

Representative Spence's caliber just a few years ago when racist white groups would get drunk and drag, hang, and whip Blacks in public just because they were black. And it is also sad that legislators like Representative Spence were not around a few years ago when racism was the cause of the murder of many good Americans such as Dr. Martin Luther King, Jr. and the Kennedy brothers, both wonderful men, because they wanted this America that we love so dearly just to be fair to all Americans.

Those were the days, and even many years before that, when we needed Representative Spence to consider the criminal justice system of Saudi Arabia - and certainly she could have enjoyed theatres, dance halls, and national elections because we have all of these in America. Another fact about America she may have overlooked is that as a State Representative for the State of Delaware she is living proof of what we have; as she well knows, women cannot hold office in Saudi Arabia.

I feel this response is necessary so that we can have a better understanding of each other - No. 1 as human beings, and No. 2 as legislators.

Incidentally, it was not very many years ago that Saudi Arabia abolished slavery. Saudi Arabia is a Moslem country living under Islamic law. Since we are a Christian country, I assume that she does not advocate that we adopt these practices too.

Representative Al O. Plant
2nd Representative District

* * * * *

HB 119 was taken up for consideration on motion of Representative Worthen.

HB 119 — "An Act to amend Chapter 17, Title 7, Delaware Code, making it unlawful for dogs to run at large and providing penalties for violation thereof."

HA 1 to the Bill was adopted by voice vote of the House.

The privilege of the floor was extended to Mr. Latimer of the Division of Fishing and Wildlife, to speak on the Bill.

HB 119 w HA 1 was then laid on the table.

HR 42, sponsored by Representative Plant, was introduced from the floor, then laid on the table:

HR 42 — "Providing for the establishment of a Committee to investigate the facilities at Woods Haven-Kruse

School to ascertain whether the move of the Women's Prison to Woods Haven-Kruse School would not be in violation of Section 13 of Public Law 93-415 of September, 1974."

On motion of Representative Morris, the necessary rules were suspended for the purpose of considering **SB 226**.

SB 226 — "An Act to amend Chapter 588, Volume 59, Laws of Delaware, relating to involuntary commitment of mentally ill patients."

Roll call was taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Ambrosino, Hebner — 2.

Therefore, the Bill passed the House and was returned to the Senate.

HR 43, sponsored by Representative Darling, was introduced from the floor and then laid on the table:

HR 43 — "Relating to compensation for Chaplains rendering services to the House of Representatives."

HCR 20, sponsored by Representatives LeGates and Temple, was introduced and adopted by voice vote:

HCR 20 — "To commemorate the United States Armed Forces Bicentennial Band and Chorus for their fine performance of April 9, 1975 and to wish them well on their nationwide tour."

HR 42 was lifted from the table on motion of Representative Plant and adopted by voice vote.

On motion of Representative McGinnis **HB 66** was deferred.

HB 152 was taken up for consideration on motion of Representative McGinnis.

HB 152 — "An Act to authorize the State Treasurer to transfer certain balances in accounts of the State of Delaware to the credit of the General Fund of the State of Delaware."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller,

Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert. — 37.

ABSENT: Representatives Billingsley, Derrickson, Ferguson, Hebner — 4.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HB 154 was taken up for consideration on motion of Representative McGinnis.

HB 154 — “An Act authorizing the State Treasurer to transfer certain balances in accounts of the State of Delaware to the credit of the General Fund of the State of Delaware.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Ferguson, Hebner — 2.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HB 243 was deferred on motion of Representative McGinnis.

The House recessed at 4:25 and reconvened at 4:40 p.m.

SB 72 was lifted from the Table on motion of Representative Lynch and considered for adoption.

SB 72 — “An Act to permit the Board of Education of the Woodbridge School District to transfer certain Funds from its Local Debt Service Funds Account to its Local Current Operating Funds Account.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives George, Hebner — 2.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Clendaniel moved that **HB 24** be lifted for consideration.

HB 24 — “An Act to amend Chapter 79, Part VII, Title 29, of the Delaware Code relating to the Department of Health and Social Services; and providing qualifications for the position of Director of the Division of Adult Corrections.”

Therefore, the roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Spence, Temple, Mr. Speaker Jonkiert — 27.

NO: Representatives Billingsley, McKay, Powell, Seibel, Sincok, Smith, Worthen — 7.

NOT VOTING: Representatives Connor, Jornlin, Leshner — 3.

ABSENT: Representatives Arnold, Derrickson, George, Hebner — 4.

Therefore, the motion prevailed and the Bill was brought up for consideration.

On motion of Representative Clendaniel, the roll call vote on **HA 1** to **HB 24** was then taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Connor, Jornlin, Kelly, LeGates, Leshner, McKay, Powell, Seibel, Sincok, Smith — 12.

NOT VOTING: Representative Arnold — 1.

ABSENT: Representatives Derrickson, Hebner, Johnson and McGinnis — 4.

Therefore, the Amendment was adopted.

The roll call vote on **HB 24 w HA 1** was then taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Spence, Temple, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Jornlin, Kelly, LeGates, Leshner, McGinnis, McKay, Powell, Seibel, Sincok, Smith, Worthen — 15.

ABSENT: Representatives Derrickson and Hebner — 2.
Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HR 43 was lifted on motion of Representative Darling then the Resolution was stricken on further motion of the Representative.

HR 44, sponsored by Representative Darling, was introduced from the floor and adopted by voice vote:

HR 44 — "Relating to compensation for Chaplains rendering services to the House of Representatives."

The following legislation was reported back from the various Committees:

From Community Affairs Committee: **HB 200** — 1 Favorable, 4 Merits; **HB 151** — 4 Merits; **HB 95** — 5 Merits; **HB 129** — 1 Favorable, 3 Merits.

From the Judiciary Committee: **HB 284** — 3 Merits, 1 Unfavorable; **HB 198** — 1 Favorable, 3 Merits; **HB 242** — 4 Merits; **HB 245** — 4 Unfavorable; **HB 266** — 1 Favorable, 3 Merits; **HB 178** — 4 merits; **HB 246** — 4 Unfavorable; **HB 275** — 4 Merits; **SB 65** — 4 Merits.

From the Health and Social Services Committee: **SB 182** — 5 Favorable.

From the Appropriations Committee: **HB 284** — 4 Merits.

The House recessed at 5:50 p.m. until April 16, 1975.

21ST LEGISLATIVE DAY

The Speaker called the House to order at 2:10 p.m., April 16, 1975.

The Chief Clerk read the following committee reports:

From Health and Social Services: **SB 159** — 3 Favorable, 1 Merits; **HB 291** — 2 Favorable, 4 Merits; **SB 102** — 4 Favorable, 2 Merits; **HB 288** — 6 Favorable.

The House then adjourned on motion of the Majority Leader to immediately convene for the 21st Day.

A Prayer was offered by the Chaplain, Rev. Jesse Walker.
Pledge of Allegiance to the Flag.

By roll call, there were 40 Representatives **PRESENT** with one (Representative George) being **ABSENT**.

The minutes were approved as posted.

The necessary rules were suspended by voice vote on the motion of Representative Lynch for the introduction and consideration of **HJR 8**:

HJR 8 — "Congratulating Mrs. Pearl Townsend, of Frankford, upon her selection as Delaware's Mother of the

21ST LEGISLATIVE DAY

Year of 1975.”

The roll call vote on the Resolution was taken and revealed 34 Representatives voting YES with 7 Representatives (Ambrosino, Billingsley, Derrickson, George, Harrington, Maxwell and McGinnis) being ABSENT.

Therefore, the Resolution was adopted and ordered to the Senate for concurrence.

The House recessed at 2:10 p.m. and reconvened at 3:54 p.m.

The following pre-filed legislation was introduced:

HB 293 — “An Act to amend Chapter 79, Title 29, Delaware Code, by changing the name of “Delaware Home and Hospital for the Chronically Ill at Smyrna” to “Delaware Hospital for the Chronically Ill.” Sponsors: Representatives Morris and Riddagh. Assigned to Health and Social Services.

HB 294 — “An Act to amend Subchapter I of Chapter 5, Title 28, Delaware Code relating to composition of the Delaware Harness Racing Commission.” Sponsor: Representative Matushefske. Assigned to Administrative Services.

HB 295 — “An Act to provide a supplemental appropriation to the University of Delaware for Operational Costs through June 30, 1975.” Sponsor: Representative Ferguson. Assigned to Appropriations.

HB 296 — “An Act to amend Title 11 of the Delaware Code amending the definition of the crime of rape and providing additional penalties therefor.” Sponsor: Representative Spence. Assigned to Judiciary.

HB 297 — “An Act to amend Chapter 119, Volume 28, Laws of Delaware as amended by Chapter 314, Volume 51, Laws of Delaware by increasing the penalty on unpaid City of Wilmington Taxes one half of one per cent to one per cent per month and the placing of Real Estate on the Assessment Rolls on a Quarterly Basis.” Sponsor: Representative George. Assigned to Revenue and Finance.

HB 298 — “An Act to amend Chapter 207, Volume 17, Laws of Delaware, entitled “An Act to revise and consolidate the Statutes relating to the City of Wilmington” by giving the Mayor and Council the authority to release certain property from tax liability, and also an Act to amend Chapter 119, Volume 28, Laws of Delaware, entitled “An Act providing for Collection of Taxes for the City of Wilmington” by removing collection provisions for City and School Taxes.” Sponsor:

Representative George. Assigned to Community Affairs.

HA 2 to SB 81 was introduced by Representative Riddagh and placed with the Bill.

HA 2 to HB 119 was introduced by Representative Riddagh and placed with the Bill.

HA 1 to SB 132 was introduced by Representative Riddagh and placed with the Bill.

HA 1 to HB 217 was introduced by Representatives Temple and Arnold and placed with the Bill.

HA 1 to HB 262 was introduced by Representative McGinnis and placed with the Bill.

SB 115 — "An Act to amend Chapter 5 of Title 4, Delaware Code, relating to the grounds for refusal of license. Sponsor: Senator Isaacs. Assigned to Administrative Services.

SB 126 w SA 1, 2, 3 — "An Act to amend Subchapter I of Chapter 1, Title 26, Delaware Code, relating to discontinuance of Gas, Water, or Electric Service by Public Utilities." Sponsors: Senators Isaacs and Cook. Assigned to Administrative Services.

SB 133 — "An Act to amend Chapter 35, Part II, Title 11 of the Delaware Code relating to the admissibility of certain evidence in rape cases." Sponsor: Senator Zimmerman. Assigned to Judiciary.

SB 153 — "An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation, for the purpose of completing Tax Ditch projects already in some phase of development." Sponsors: Senators Cook and Adams. Assigned to Environmental Control.

SB 163 — "An Act to amend Chapter 3, Title 9, Delaware Code relating to use of mobile homes on farms." Sponsor: Senator Isaacs. Assigned to Agriculture.

SB 164 — "An Act to amend Chapter 8 of Title 19, Delaware Code, relating to the safety and working conditions of electricians working on high voltage wires and prescribing a penalty for violations thereof." Sponsors: Senators Isaacs and Sharp. Assigned to Labor.

SB 181 w SA 1, 2, 3 — "An Act to amend Chapter 6, Title 24 of the Delaware Code relating to Cosmetologists and the State Board of Cosmetology." Sponsors: Senators Holloway and Cook. Assigned to Administrative Services.

SCR 28 — "Directing the Public Service Commission to adopt regulations requiring Utility Companies of this State to

institute and publish a Customer Bill of Rights establishing certain procedures for resolving Customer Complaints."

On motion of Representative Maxwell, **SCR 28** was considered for adoption and was adopted by voice vote of the House.

At the request of Representative Morris, **SB 182** replaced **HB 165** for consideration.

SB 182 — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to exceptions to examinations required for a certificate to practice medicine in State Institutions."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Billingsley, Ferguson, George, Hebner, Jornlin — 5.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Morris deferred to Representative Gordy who requested the suspension of rules to consider **SB 153**. The motion was granted by voice vote.

SB 153 — "An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation, for the purpose of completing Tax Ditch Projects already in some phase of development."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives George, Hebner — 2.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Ferguson moved that the roll call vote on

SB 17 be lifted.

His motion was adopted by voice vote and the roll call was lifted and announced:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 30.

NO: Representatives Billingsley, Clendaniel, Connor, Darling, Jornlin, Leshar, Lynch, Maxwell, McKay, Spence — 10.

ABSENT: Representative Hebner — 1.

Therefore, the Bill passed the House and was returned to the Senate.

SB 24 was taken up for consideration on motion of Representative Lynch.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshar, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives George, Hebner — 2.

Therefore, the Bill passed the House and was returned to the Senate.

SB 27 was taken up for consideration on motion of Representative Lynch. The roll call vote on the Bill was taken but tabled before being announced:

Representative Rispoli yielded to Representative Matushefske who moved for the consideration of **SB 100**.

The roll call vote on the Bill was taken and announced:

YES: Representatives Boulden, Byrd, Cain, Connor, Darling, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Clendaniel, Derrickson, Leshar, McKay, Powell, Ridings, Seibel, Sincock, Smith, Spence — 13.

NOT VOTING: Representative Jornlin — 1.

ABSENT: Representatives George, Lynch, Plant — 3.
Therefore, the Bill passed the House and was returned to the Senate.

Representative Matushefske moved for the suspension of rules to consider **HB 299**.

HB 299 — “An Act to adopt the Delaware Code annotated, revised 1974, as the Law of the State of Delaware.” Mr. Matushefske requested the privilege of the floor for Mr. George Herring to testify on behalf of **HB 299**.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives George, Lynch — 2.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

The House recessed at 5:40 p.m. until April 17, 1975.

The House reconvened at 1:58 p.m. April 17, 1975.

HB 111 was reported back from the Health and Social Services Committee: 6 Favorable.

At 1:59 p.m. on motion of the Majority Leader the House adjourned to immediately convene for the 22nd Day.

22ND LEGISLATIVE DAY

The House convened at 1:59 p.m., Representative Jonkiert presiding.

A Prayer was offered by the Chaplain, Rev. Jesse Walker.
Pledge of Allegiance to the Flag.

By roll call, there were 41 members **PRESENT**.

The minutes of the previous Day were approved as posted.

On motion of Representative McGinnis, the following legislation was stricken: **HB 38; HB 52; HB 136; HB 138; HCR 5**.

The following prefiled legislation was introduced:

HB 300 — “An Act establishing a Committee to plan with the Delaware Agriculture Museum Association, Inc.; the creation of a State Agriculture Museum; prescribing certain powers and responsibilities for such Committee; and providing a supplementary appropriation for the expenses incurred by such Committee. Sponsors: Representative Minner and

22ND LEGISLATIVE DAY

Senator Isaacs. Assigned to Agriculture.

HB 301 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the pre-sentence investigation after conviction for certain offenses." Sponsors: Representatives Riddagh and Lynch. Assigned to Judiciary.

HB 302 — "An Act to amend Section 113, Title 16, Delaware Code, by increasing the penalties for violations of State Board of Health Regulations or orders." Sponsor: Representative Morris. Assigned to Health and Social Services.

HA 1 to HB 42 was introduced by Representative McGinnis and placed with the Bill.

HA 1 to HB 177 was introduced by Representative Hebner and placed with the Bill.

HA 1 to HB 234 was introduced by Representative LeGates and placed with the Bill.

HJR 9 — "Requesting the governing bodies of the three Counties to give immediate consideration to the imposition of a curfew for children under the ages of 16." Sponsor: Representative Matushefske. Assigned to Community Affairs.

HB 303 — "An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the Family Court and the method of obtaining Judges for said Court." Sponsor: Representative Connor. Assigned to Judiciary.

SB 170 — "An Act to amend Chapter 5 of Title 31, Delaware Code, relating to prompt payment of providers of Health Care Services under the Medicaid Program." Sponsor: Senator Elliott. Assigned to Committee on Aging.

SB 175 — "An Act to approve the transfer of an abandoned School and Land used therewith to the Town of Kenton." Sponsor: Senator Cook. Assigned to Administrative Services.

SB 190 w SA 1 — "An Act to provide a supplementary appropriation to the Justice of the Peace Courts to enable certain constables to receive unpaid travel money." Sponsor: Senator Cicione. Assigned to Appropriations.

The House recessed at 2:08 p.m. and reconvened at 3:38 p.m.

HR 45, sponsored by Representatives Ferguson and Gilligan, was introduced from the floor and adopted by voice vote:

HR 45 — “Commending the Thomas McKean D.E.C.A. Chapter for its outstanding creative marketing project, a Research Study of the Coastal Zone Act.”

HCR 21, sponsored by Representatives Gilligan, Ferguson and Maxwell; Senators Cicione, Knox and Manning, was introduced from the floor and adopted by voice vote.

HCR 21 — “Congratulating the Thomas McKean High School and the winners of the nineteenth Annual Delaware State D.E.C.A. Leadership Conference.”

HR 46, sponsored by Representative George, was introduced from the floor and adopted by voice vote:

HR 46 — “Commending Public-spirited citizens and organizations of the Wilmington Metropolitan Area for assisting the City in the development of the proposed Market Street Plaza.”

HB 79 was taken up for consideration on motion of Representative Gordy.

HB 79 — “An Act to amend an Act entitled “An Act to re-incorporate the Town of Delmar,” relating to the authority to enact ordinances.”

The roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Derrickson, Ferguson — 2.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Representative Gilligan moved that **SCR 6 w SA 1, 2, 3** be lifted from the table. The motion carried by voice vote.

HA 1 to SCR 6 w SA 1, 2, 3 was introduced from the floor by Representative Ambrosino and adopted by voice vote.

The roll call vote on **SCR 6 w SA 1, 2, 3; HA 1** was then taken and announced:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Harrington, Hebner, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Powell, Spence, Temple, Mr. Speaker Jonkiert — 23.

NO: Representatives Ambrosino, Billingsley, Derrickson,

McKay, Ridings, Seibel, Sincock, Smith — 8.

NOT VOTING: Representatives George, Johnson, Jornlin, Leshar, Lynch, Plant, Riddagh, Rispoli, Worthen — 9.

ABSENT: Representative Ferguson — 1.

Therefore, the Resolution was adopted by the House and returned to the Senate for concurrence in the House Amendment.

The House recessed at 4:38 p.m. and reconvened at 5:50 p.m.

Representative Gilligan deferred **HB 199** to the next Legislative Day.

Representative Matushefske deferred **HB 159** to end of Agenda and yielded his place to Representative Riddagh.

HB 178 was taken up for consideration on motion of Representative Riddagh.

HB 178 — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the Possession of a Deadly Weapon During the Commission of a Felony.”

HA 1 to **HB 178** was introduced by Representative Riddagh and adopted by voice vote.

The roll call vote on **HB 178 w HA 1** was then taken and revealed:

YES: Representatives Ambrosino, Arnold, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jornlin, Kelly, LeGates, Leshar, Lynch, Matushefske, Maxwell, McGinnis, McKay, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

NO: Representatives Billingsley, Johnson, and Plant — 3.

NOT VOTING: Representative Miller — 1.

ABSENT: Representative Boulden — 1.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HB 232 was taken up for consideration on motion of Representative Gilligan.

HB 232 — “An Act to amend Section 3125(a), Title 19, Delaware Code, relating to obtaining information from the Department of Labor.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshar, Lynch,

Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Boulden — 1.

Therefore, the Bill passed the House and was sent to the Senate for Concurrence.

Representative Derrickson moved that the necessary rules be suspended for the purpose of introducing and considering **SB 242**. The motion was adopted by voice vote and the Bill was read by title only:

SB 242 (Sponsor: Senator Castle) — “An Act to allow John E. Szothiewicz, a minor, to marry Bernadette M. Tucker.”

The roll call vote on the Bill was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, McGinnis, McKay, Miller, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

NO: Representatives Byrd, Morris — 2.

NOT VOTING: Representative Maxwell — 1.

ABSENT: Representative Boulden — 1.

Therefore, the Bill passed the House and was returned to the Senate.

The following Committee reports were announced:

From the House Administrative Committee: **SCR 4** — 3 Merits, 1 Unfavorable.

From the Administrative Services Committee: **SB 175** — 3 Favorable, 1 Merits; **SB 168** — 1 Favorable, 4 Merits.

From the Agriculture Committee: **HB 300** — 5 Favorable, 1 Merits.

From the Health and Social Services Committee: **HB 111** — 6 Favorable.

From the Judiciary Committee: **HB 260** — 4 Merits; **HB 30** — 3 Favorable, 1 Merits.

From the Public Safety Committee: **HB 286** — 1 Favorable, 3 Merits; **HB 126** — 2 Favorable, 2 Merits.

From the Highways and Transportation Committee: **HB 283** — 4 Merits.

Representative Temple requested **HB 2** and **HB 282** be stricken.

The House recessed at 6:18 p.m. until April 22, 1975.

The House reconvened at 1:48 p.m. April 22, 1975, Representative Jonkiert presiding.

SB 69 was reported back from the Community Affairs Committee: 4 Merits.

SB 128 was reported back from the Administrative Services Committee: 3 Favorable, 1 Merits.

SB 69 was placed on the Agenda for the 23rd Legislative Day.

The House adjourned on motion of the Majority Leader at 1:50 p.m. to immediately convene for the 23rd Day.

23RD LEGISLATIVE DAY

The House convened at 1:50 p.m., April 22, 1975.

A Prayer was offered by Reverend William B. Hitchens.
Pledge of Allegiance to the Flag.

By roll call, there were 41 Representatives PRESENT.

The minutes of the previous Legislative Day were approved as posted.

Representative Temple moved that **HB 282** which had been stricken, be restored to the Calendar.

Roll call on the motion was taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 34.

ABSENT: Representatives Ambrosino, Connor, George, Jornlin, McGinnis, Miller, Plant — 7.

Therefore, the motion prevailed and **HB 282** was restored to the Calendar.

A communication from the Senate informed the House that it had passed **HB 25** and adopted **HCR 19** and **HCR 20**.

Legislative Advisories No. 16, 17, 18, 19 and 20 received from William C. Bradley, Jr., Counsel to the Governor, informed the House that the Governor approved the following legislation: **HB 92 w SA 1, 2, HA 1, 2** — 4-11-75; **HCR 16** — 4-11-75; **HCR 17** — 4-11-75; **SCR 25** — 4-11-75; **SCR 26** — 4-11-75; **HB 16 w HA 1** — 4-14-75; **HB 121** — 4-14-75; **SB 226** — 4-15-75; **SB 242** — 4-18-75; **HB 25** — 4-18-75; **SB 3** — 4-21-75; **SB 63** — 4-21-75; **SB 72** — 4-21-75; **HCR 19** — 4-21-75; **HCR 20** — 4-21-75.

23RD LEGISLATIVE DAY

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The following pre-filed legislation was filed:

HB 304 — "An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase a tract of land within White Clay Creek State Park, White Clay Creek Hundred, New Castle County, Newark, Delaware." Sponsors: Representatives Worthen and Seibel; Senators Martin and Knox. Assigned to Natural Resources and Environmental Control.

HB 305 — "An Act to amend Section 803, Article VIII of the Charter of the City of Newark, Delaware, relating to the Fiscal Year." Sponsors: Representatives Worthen, LeGates, Seibel, Billingsley. Assigned to Community Affairs.

HB 306 — "An Act to amend Chapter 31 and 33, Part III, Title 19, Delaware Code providing for Omnibus Amendments and relating to the Department of Labor." Sponsors: Representatives Byrd, Jonkiert, LeGates, Plant, Gilligan, Cain. Assigned to Labor.

HB 307 — "An Act to restore sick days to Harry E. Starkey, an employee of the State Highway Department." Sponsor: Representative Darling. Assigned to Highways and Transportation.

HB 308 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan; and providing for the employment of pensioners receiving two thousand dollars or less per year." Sponsors: Representatives Connor and Gilligan. Assigned to Appropriations.

HA 1 to HB 147 was introduced by Representative Gilligan and placed with the Bill.

HA 1 to HB 165 was introduced by Representative Morris and placed with the Bill.

HA 1 to HB 197 was introduced by Representative Gilligan and placed with the Bill.

HB 309 — "An Act to amend Chapter 33, Title 19, Delaware Code, relating to Unemployment Compensation." Sponsors: Representatives Byrd, Jonkiert, LeGates, Gilligan, Cain, Plant. Assigned to Labor.

SB 40 — "An Act to amend Chapter 66, Title 18, Delaware Code, relating to Line of Duty "Death Benefits". Sponsor: Senator Murphy. Assigned to Environmental Control.

SB 76 w SA 1, 4 — “An Act to amend Chapter 7, Chapter 9 and Chapter 33, Title 29 of the Delaware Code relating to the General Assembly; and providing to each House thereof jurisdiction over the records, papers and other documents of such House and its Committees.” Sponsor: Senator Isaacs. Assigned to House Administration.

SB 103 — “An Act to amend Chapter 5, Title 9, Delaware Code, relating to the definition of Suburban Communities.” Sponsors: Senators Elliott and Murphy. Assigned to Community Affairs.

SB 140 — “An Act to amend an Act being Chapter 143, Volume 57, Laws of Delaware, entitled “An Act to Incorporate the Town of South Bethany.” Sponsor: Senator Cordrey. Assigned to Community Affairs.

SB 183 — “An Act to amend Chapter 71, Title 29, Delaware Code, relating to mileage rates for privately owned vehicles.” Sponsor: Senator Sharp. Assigned to Appropriations.

SB 207 — “An Act to repeal Chapter 302, Volume 59, Laws of Delaware relating to the Conveyance of certain Lands by the State Board of Education to the Department of Administrative Services and further providing that said Property be Conveyed from the State Board of Education to the Department of Administrative Services and authorizing the Department of Administrative Services to lease said Property to the First State Society, Inc., a charitable organization.” Sponsor: Senator Murphy. Assigned to Administrative Services.

SB 213 — “An Act to amend Part V, Title 16 of the Delaware Code by adding a new Chapter to be designated Chapter 56 relating to Compensation for Vandalism on State property by residents of State Hospitals or Institutions.” Sponsor: Senator Cordrey. Assigned to Health and Social Services.

SB 214 w SA 1 — “An Act to amend Subchapters I and III, Chapter 85, Title 3, Delaware Code, relating to Corporate Law for Cooperatives.” Sponsor: Senator Isaacs. Assigned to Agriculture.

The House recessed at 2:10 p.m. and reconvened at 3:25 p.m.

HCR 22, sponsored by Representative Worthen, was introduced from the floor and adopted by voice vote:

HCR 22 — “Recognizing and supporting deaf and

hearing impaired people in Delaware by establishing the week of April 20, 1975, as Deaf Awareness Week in Delaware.”

HB 226 was taken up for consideration on motion of Representative Gordy, the roll call taken and announced:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Harrington, Johnson, Jornlin, Kelly, LeGates, Lynch, Matushefske, Maxwell, Minner, Morris, Plant, Riddagh, Rispoli, Spence, Temple, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, George, Hebner, Leshner, McGinnis, McKay, Powell, Ridings, Seibel, Sincock, Smith, Worthen — 15.

NOT VOTING: Representatives Derrickson and Miller — 2.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Consideration of **HB 215** was deferred at the request of Representative Plant.

HB 247 was brought up for consideration on motion of Representative Plant who then moved that the Bill be laid on the table. The tabling motion was adopted by voice vote.

Representative McGinnis moved that **HB 66** be laid on the table. The motion was adopted by voice vote.

HB 243 was brought up for consideration on motion of Representative McGinnis.

HB 243 — “An Act to amend Chapter 74, Title 29, Delaware Code relating to the reversion of unexpended State Funds borrowed pursuant to any Capital Improvement Act.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 41.

The Bill was sent to the Senate for concurrence.

Representative McGinnis moved that **HB 66** be laid on the table. The motion prevailed by voice vote.

HB 275 was brought up for consideration on motion of Representative George.

HB 275 — “An Act to amend §5528, Chapter 55, Title 29,

Delaware Code, relating to Survivor's Pensions by providing for such Pensions to be paid to widowers on an equal basis with widows." Sponsors: Representatives George, Worthen.

The House recessed at 4:28 p.m. and reconvened at 4:32 p.m.

The roll call vote on **HB 275** which was still before the House was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative McGinnis — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Jornlin moved that the necessary rules be suspended for the introduction and consideration of **HJR 10**. The motion prevailed by voice vote.

HJR 10 — "Proclaiming May as "Delaware's Drive for Decency Month."

The Resolution was sponsored by: Representatives Ambrosino, Arnold, Byrd, Cain, Clendaniel, Connor, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jornlin, Jonkiert, Kelly, LeGates, Leshner, Lynch, Martin, Maxwell, McKay, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple; Senators Adams, Berndt, Cicione, Cook, Elliott, Holloway, Hughes, Isaacs and Sharp.

The roll call vote on the Resolution was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives George and McGinnis — 2.

Therefore, the Resolution was adopted by the House and ordered to the Senate for concurrence.

HCR 23, sponsored by Representative Smith, was

introduced from the floor and adopted by voice vote of the House:

HCR 23 — "Recognizing the State of Delaware's support for International Women's Year."

HB 242 was deferred for consideration at the request of Representative Gilligan.

SB 42 was taken up for consideration on motion of Representative Matushefske and the following letter was made part of the record at the request of Representative Seibel:

**SUPERIOR COURT
of the
STATE OF DELAWARE**

Representative Marion I. Seibel
Newark, Delaware

RE: Senate Bill 42

Dear Representative Seibel:

The theory that underlies proposed Senate Bill 42, introduced by Senator Kearns, is good. However, the Bill does place a tremendous responsibility upon the Court, such as the determination of whether an individual defendant is able to pay his defense costs. We have no way of gathering this information.

The information as to whether a particular defendant has the ability to pay for his own legal defense is usually made by someone in the Public Defender's office. The Court itself never interviews a defendant to make this determination. This could be done if we employed people in the three Counties for the purpose of so doing and for the purpose of investigating indigency.

If the effect of the proposed enactment would require our Presentence Office to make an investigation of the person's financial condition at the time it is preparing a behavioral analysis of the defendant, it would be unwise. The Presentence Office is already understaffed and normally many cases behind in its work. The delay in the preparation of reports is already worrying us but the delay would be increased if this Bill were enacted.

If the Public Defender's investigatory staff learned of the indigent's ability to pay, I would think it would be a good Bill if the Public Defender or Court-appointed Counsel would be required to report this to the Court for appropriate action by the Court on information supplied by these Attorneys. It is

possible, of course, that their clients might consider themselves poorly served by their Attorneys if this would happen.

My only conclusion is that this Bill I do not think would work well.

Respectfully,
Albert J. Stiffler
President Judge

SB 42 — “An Act to amend Part VI, Title 10 of the Delaware Code relating to Fees and Costs; and providing for the Recoupment of Defense Costs.” Sponsors: Kearns, Holloway.

The roll call was taken and revealed:

YES: Representatives Boulden, Byrd, Clendaniel, Darling, Ferguson, Gordy, Kelly, Matushefske, Minner, Morris, Rispoli, Temple — 12.

NO: Representatives Ambrosino, Arnold, Billingsley, Cain, Connor, Derrickson, George, Gilligan, Harrington, Hebner, Johnson, Jornlin, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Plant, Powell, Riddagh, Ridings, Seibel, Sincok, Smith, Spence, Worthen, Mr. Speaker Jonkiert — 29.

Therefore, the Bill failed for passage in the House and was returned to the Senate.

Representative Matushefske deferred consideration on **SB 65**.

HB 300 was taken up for consideration on motion of Representative Minner.

HB 300 — “An Act establishing a Committee to plan with the Delaware Agriculture Museum Association, Inc.; the Creation of a State Agriculture Museum, prescribing certain powers and responsibilities for such Committee; and providing a supplementary appropriation for the expense incurred by such Committee.”

HA 1 to the Bill was introduced by Representative Minner and adopted by voice vote of the House.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 41.

Therefore, the Bill passed the House and was ordered to

the Senate for concurrence.

HB 95 was deferred on motion of Representative Darling.

SB 69 was taken up for consideration on motion of Representative Darling.

SB 69 — "An Act to amend Subchapter I of Chapter 13, Title 13, Title 9, Delaware Code, relating to the Board of Assessment Review." Sponsor: Senator Kearns.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative George — 1.

Therefore, the Bill passed the House and was returned to the Senate.

HB 310, sponsored by Representatives McKay and Lynch, was introduced from the floor and assigned to Education.

HB 310 — "An Act to amend Chapter 41, Title 14 of the Delaware Code relating to the courses of instruction required to be taught in Public and Private Schools."

HB 311, sponsored by Representative McGinnis, was introduced from the floor and assigned to Education.

HB 311 — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriations Act, originally designated as **HB 750**."

The House recessed at 5:40 p.m. and reconvened at 6:10 p.m.

The following Senate Bills were read in and assigned:

SB 246 — "An Act to amend Chapter 7 of Title 29, Delaware Code relating to Compensation and Expenses of members of the General Assembly." Sponsor: Senator Schlör. Assigned to House Administration.

SB 250 — "An Act to amend Chapter 647, Volume 57, Laws of Delaware, relating to use of State-owned Helicopters, and providing a supplementary appropriation therefor." Sponsor: Senator McCullough. Assigned to Public Safety.

SB 173 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled “An Act making appropriations for the Expense of the State Government for the Fiscal Year ending June 30, 1975, and to amend certain pertinent Statutory Provisions.” Sponsors: Senators Kearns and Isaacs. Assigned to Appropriations.

SB 49 — “An Act to amend Title 18 of the Delaware Code relating to Line-of-duty “Death Benefits” to certain public employees, including Volunteer Firemen.” Sponsor: Senator Murphy. Assigned to Appropriations.

SS 1 for SB 186 w SA 1, 2 — “An Act to amend Title 16, Delaware Code, relating to the procedure for the involuntary commitment of mentally ill persons to the Delaware State Hospital and other Hospitals and discharge therefrom and providing a supplementary appropriation therefor.” Sponsors: Senator Holloway and Representative Ambrosino. Assigned to Health and Social Services. Committee.

The following Committee reports were announced:

From the House Administration Committee: **HB 205** — 5 Favorable.

From the Revenue and Finance Committee: **HB 148** — 4 Merits.

From the Education Committee: **HB 311** — 4 Merits, 1 Unfavorable.

From the Appropriations Committee: **HB 21** — 3 Merits, 1 Unfavorable; **HB 203** — 1 Favorable, 3 Merits; **HB 227** — 4 Merits; **HB 230** — 4 Merits; **HB 280** — 4 Merits.

From the Community Affairs Committee: **HB 298** — 4 Merits; **HB 150** — 5 Merits; **HB 231** — 5 Merits; **HB 211** — 5 Merits; **HB 251** — 4 Merits; **HB 273** — 4 Merits.

From the Administrative Services Committee: **SB 115** — 4 Merits; **SB 207** — 6 Merits; **SB 142** — 6 Merits.

At 6:19 p.m. the House recessed until April 23, 1975.

24TH LEGISLATIVE DAY

The Speaker called the House to order at 1:55 p.m. April 23, 1975.

The Majority Leader moved to adjourn at 1:56 thereby ending the previous Legislative Day.

The House reconvened at 1:56 p.m.

A Prayer was offered by Representative Boulden.

Pledge of Allegiance to the Flag.

The roll call revealed 41 members PRESENT.

24TH LEGISLATIVE DAY

The minutes of the previous Legislative Day were approved as posted.

The following communication was read into the record:

**HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
DOVER, DELAWARE**

April 23, 1975

**TO: HOUSE MEMBERS OF THE
128TH GENERAL ASSEMBLY**
**FROM: SPEAKER OF THE HOUSE,
REPRESENTATIVE CASIMIR S.
JONKIERT**
**SUBJECT: COMMITTEE TO INVESTIGATE
FACILITIES AT WOODSHAVEN KRUSE
SCHOOL**

Pursuant to the authority vested in me as Speaker I hereby appoint the following three Representatives to be members of the Committee to investigate the facilities at Woodshaven-Kruse School: Representative John Edward Morris, Representative Robert W. Riddagh, Representative Henrietta Johnson.

The said Committee is formed in accordance with House Resolution No. 42.

* * * * *

A message from the Senate informed the House that the Senate passed **HB 139** and adopted **HCR 21** and **HJR 8**.

HCR 24, sponsored by Representative Gilligan and Senator Cicione, was introduced from the floor and adopted by voice vote:

HCR 24 — "Honoring Garland D. Bloodsworth for his many years of dedicated service to Delaware Veterans and to American Legion Members throughout the United States."

HB 129 — "An Act to authorize and direct the transfer of certain State Properties." was laid on the table on motion of Representative Clendaniel.

HB 266 was brought up for consideration on motion of Representative Clendaniel.

HB 266 — "An Act to amend Chapter 46, Title 29, Delaware Code, relating to the compensation of Court Appointed Attorneys."

The following communication was made part of the record at Representative Clendaniel's request.

**SUPERIOR COURT
of the
STATE OF DELAWARE**

April 17, 1975

Representative Howard A. Clendaniel
Georgetown, Delaware

RE: HB 266

Dear Representative Clendaniel:

I note you have introduced HB 266 which would place the cost of Court-Appointed Attorneys in criminal cases on the State of Delaware rather than on the respective Counties.

This was the rule prior to a Supreme Court opinion which returned the duty to pay Court-Appointed Counsel to the respective Counties where it had been prior to the time of the creation of the Public Defender's Office and prior to the time the State took over most of the financing of the Superior Court on July 1, 1969.

I am sad to see this step being taken by you since I think it works against the Administration of Justice.

When the State had the responsibility, it was very difficult to get sufficient funds with which to pay the Lawyers that the Court appointed to represent indigents. As a consequence, many Lawyers were paid a very small sum for their services. It was difficult to get Lawyers to serve as Court-Appointed Counsel under these circumstances. Justice requires that people accused of crime who cannot afford to pay have competent Counsel and this is difficult to attain if sufficient funds are unavailable to pay competent Counsel a fair sum for their services. The State always seems to be in a very difficult financial position to handle these expenses.

The Counties have been very fortunate in this State since they bear a very small portion of the cost of the Court System. In most States, the Counties handle substantially more of the costs. Before July 1, 1969, the Counties bore nearly all the costs of the Court System except the salaries of the Judges, the Secretaries and the Court Reporters. Our State Budget has gone from the sum of approximately \$250,000 in July 1969 to well over a million today. It appears very fair and reasonable to expect the Counties to bear more of the expense in the criminal field.

Compared to New Castle, Kent and Sussex have very few Court Appointments. We run our Criminal Courts

approximately 50 weeks a year in New Castle County. In about four-fifths of those cases the defendants are indigent. Most of them are represented by the Public Defender, but when his Office is disqualified, we are asked to appoint Counsel. Kent and Sussex have many criminal trials and many Court Appointments but New Castle County has far more than both other Counties combined. I suspect that if the State of Delaware pays Attorneys' expenses that the citizens of Kent and Sussex may be paying more than their fair share and be paying some of the Lawyers' expenses in New Castle County.

Appointment of Lawyers and setting their fees is a difficult problem for the Court. It is one we would like to eliminate. An alternative solution to the Court Appointing Counsel and assessing fees would be for the State to appoint more than one Public Defender - possible three. This would eliminate the present type of conflicts the Public Defender claims exists when there are multiple defendants and his Office represents only one of them. The Legislature could consider the appropriateness of action to permit the Public Defender's Office to represent one or more multiple defendants in a case by requiring segregation of files and confidentiality by the different Public Defender Attorneys in the handling of the co-defendants' cases.

I just received your proposed Bill about fifteen minutes ago and thought I had better comment as soon as possible before I became a captive of time.

I would be pleased to talk to you further on this subject if you think it necessary.

Respectfully,
Albert J. Stifftel
President Judge

* * * * *

The roll call vote on **HB 266** was then taken and revealed:

YES: Representatives Boulden, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gordy, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Minner, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple — 23.

NO: Representatives Arnold, Billingsley, Ferguson, Gilligan, Harrington, Lynch, McGinnis, McKay, Miller, Morris, Powell, Smith, Worthen, Mr. Speaker Jonkiert — 14.

ABSENT: Representatives Ambrosino, Byrd, Matushefske, Maxwell — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Clendaniel yielded to Representative Maxwell on whose motion, **SB 168 w SA 1** was taken up for consideration.

Representative Maxwell then moved that the Bill be laid on the table. The motion was adopted by voice vote.

Representative Plant moved that **HB 246** — “An Act to amend Subpart B of Subchapter II, Chapter 5 and Chapter 42, Title 11, Delaware Code, relating to Murder in the first degree and conviction and punishment for same.” be placed on the table. The motion was adopted by voice vote.

HB 143 was brought up for consideration on motion from Representative Jornlin.

HB 143 — “An Act to amend Chapter 530, Volume 59, Laws of Delaware originally designated **HB 973**, and to amend Chapter 552, Volume 59, Laws of Delaware, originally designated **HB 971**.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Spence — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

SB 23 was deferred at the request of Representative George.

HB 298 — “An Act to amend Chapter 119, Volume 28, Laws of Delaware as amended by Chapter 314, Volume 51, Laws of Delaware by increasing the penalty on unpaid City of Wilmington Taxes from one half of one per cent to one per cent per Month and the placing of Real Estate on the Assessment Rolls on a quarterly basis.” was brought up for consideration and laid on the table on motion of Representative George which was adopted by voice vote.

On motion of Representative Morris, consideration of **HB 165** was deferred until Thursday.

On motion of Representative Morris, consideration of **HB 63** was deferred until Thursday.

Consideration of **SB 8** was deferred on motion of Representative Rispoli.

HB 126 was taken up for consideration on motion of Representative Rispoli.

HB 126 — “An Act to amend Chapter 3, Part I, Title 18 of the Delaware Code relating to the Insurance Department, and establishing a Branch Office in the City of Wilmington.”

HA 1 to the Bill was introduced by Representative Rispoli. No action was taken on the amendment and Representative Rispoli requested that **HB 126** be laid on the table. Motion adopted by voice vote.

The House recessed at 3:08 p.m. and reconvened at 5:00 p.m.

Consideration of **HB 293** was deferred on motion of Representative Morris until Thursday.

Consideration of **SB 159** was deferred on motion of Representative Morris until Thursday.

Consideration of **HB 291** was deferred on motion of Representative Morris until Thursday.

Representative George moved that **HB 298** — “An Act to amend Chapter 119, Volume 28, Laws of Delaware as amended by Chapter 314, Volume 51, Laws of Delaware by increasing the penalty on unpaid City of Wilmington Taxes from one half of one per cent to one per cent per month and the placing of Real Estate on the Assessment Rolls on a quarterly basis.” be lifted from the table for consideration. His motion carried by voice vote.

The roll call vote on the Bill was taken, but on motion of Representative George was tabled before being announced.

Representative Maxwell moved that **SB 168** — “An Act to amend Chapter 29, Title 5, Delaware Code, relating to finance charge limitations on the sale of Motor Vehicles.” be lifted for consideration. The motion prevailed by voice vote.

The roll call vote on the Bill was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Connor, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 35.

NO: Representative LeGates — 1.

NOT VOTING: Representatives Cain and Clendaniel —

ABSENT: Representatives Darling, Ferguson and Lynch
— 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The following pre-filed legislation was introduced:

HB 312 — “An Act to amend Chapter 1, Title 226 of the Delaware Code relating to the Public Service Commission; and providing for a People’s Counsel.” Sponsors: Representatives Miller and Ambrosino. Assigned to Administrative Services.

HB 313 — “An Act to amend Chapter 9 of Title 28, Delaware Code, relating to prohibition of Horse Racing on Sundays.” Sponsor: Representative Lynch. Assigned to Administrative Services.

HB 314 — “An Act to amend Title 21, Chapter 41, Delaware Code relating to riding on motorcycles.” Sponsor: Representative Minner. Assigned to Public Safety.

HB 315 — “An Act to amend Chapter 504, Volume 59, Laws of Delaware, entitled “An Act to amend Subchapter XI of Chapter 43, Title 21, Delaware Code, relating to lighted lamps on motor vehicles.” Sponsor: Representative Clendaniel. Assigned to Public Safety.

HB 316 — “An Act authorizing an appropriation to the Department of Administrative Services relating to the replacement of the roof at the Highway Administration Building, Dover, Delaware.” Sponsors: Representatives Darling and Ferguson. Assigned to Appropriations.

HB 317 — “An Act to amend Title 9 and Title 29 of the Delaware Code relating to the duties and responsibilities of the New Castle County Police Force and the Delaware State Police.” Sponsor: Representative Arnold. Assigned to Public Safety.

HB 318 — “An Act to provide a supplemental appropriation to the State Treasurer for interest due on obligations through June 30, 1975.” Sponsor: Representative George. Assigned to Appropriations.

HB 319 — “An Act making a supplementary appropriation from the General Fund of the State of Delaware in the amount of \$50,000 to subsidize the Delaware Authority for Specialized Transportation.” Sponsor: Representative George. Assigned to Appropriations Committee.

HB 320 — “An Act to amend Chapter 89, Title 10, Delaware Code, by changing the Chapter Heading of Chapter

89 and providing for interpreters for deaf persons at legal proceedings and fees for such interpreters." Sponsor: Representative Worthen. Assigned to Judiciary.

HB 321 — "An Act to amend Title 14 of the Delaware Code relating to the reduction of the number of pupils composing a unit in Kindergarten and Grade One through Grade Six and providing a supplementary appropriation to provide for reallocation to the School Districts to carry out this intention." Sponsors: Representatives Worthen and Gilligan. Assigned to Education.

HA 1, 2 to HB 86 was introduced by Representative George and placed with the Bill.

HA 1 to HB 128 was introduced by Representative Maxwell and placed with the Bill.

Representative Gilligan yielded to Representative Temple on whose motion **HB 273** — "An Act to amend an Act being Chapter 42, Volume 53, Laws of Delaware, as amended, entitled "An Act amending, revising and consolidating the Charter of the City of Seaford" relating to qualifications for voters and to provide exemptions from Taxation for the Elderly." was taken up for consideration.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Ferguson, Lynch — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Consideration of **HB 197** was deferred at the request of Representative Gilligan.

Representative Gilligan moved that **HB 205** — "An Act to amend Chapter 55, Title 29, Delaware Code, to permit the payment of a State Pension to Members of the Delaware General Assembly who served for at least five years prior to 1970." be laid on the table. The motion was adopted by voice vote.

HB 283 — "An Act making Supplementary Appropriation to the Department of Highways and Transportation for the purpose of installing flashing traffic

signal control equipment near the intersection of Old Capitol Trail and Greenbank Road - Marshallton, New Castle County." was taken up for consideration on motion of Representative Gilligan.

HA 1 to the Bill was introduced and adopted by voice vote.

The following communication was read in connection with the Bill:

**DIVISION OF HIGHWAYS
DOVER, DELAWARE**

April 23, 1975

MEMORANDUM:

TO: James Tribbitt,
Special Assistant to the Governor

FROM: Clifford E. Hall
Secretary
Department of Highways and Transportation

REF: HB 283 — Flashing Traffic Signal at Old
Capitol Trail and Greenbank Road

The Department of Highways and Transportation has reviewed the above referenced legislation relating to the installation of a Flashing Traffic Signal near the intersection of Old Capitol Trail and Greenbank Road.

The Department recognizes the urgent need to make Delaware's highways safer for the motoring public and therefore fully supports the passage of this Bill.

* * * * *

The roll call vote on the Bill was taken but tabled before being announced.

HR 47, sponsored by Representative Ambrosino, was introduced from the floor and adopted by voice vote:

HR 47 — "Requesting E. I. duPont deNemours & Company to meet with certain interested persons to devise comprehensive measures to meet any future air pollution emergencies."

HB 200 — "An Act to amend Chapter 1 of Title 15, Delaware Code, relating to the Board of Elections." was taken up for consideration on motion of Representative LeGates and the following communication from Tom Luce, Attorney for New Castle County Council, was read:

"15 Del. C. §113

The present Law requires that the Department of

Elections of New Castle County be located in the Public Building. We are desperately short of space in the Public Building. This is a State Department and the State has space where we could locate this Department. It is possible that it would be more convenient to have it located somewhere other than at Rodney Square for the convenience of persons all over the County who want to change their registration or make inquiries at the Department of Elections. Neither Kent nor Sussex County are required to provide space in their Public Buildings for the Department of Elections in their Counties.

When the new State Building is completed, all of the State Agencies including the Department of Elections are to be housed in that building. This statute will have to be changed at that time. In the meantime, we could avail ourselves of that space which we badly need if this Amendment were adopted promptly."

The call was taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representative Ambrosino, Lynch — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 6:12 p.m. and reconvened at 6:36 p.m.

The following Committee reports were read:

From the Agriculture Committee: **HB 254** — 1 Favorable, 5 Merits.

From the House Administration Committee: **HB 142** — 4 Merits, 1 Unfavorable.

From the Committee on Aging: **SB 4** — 2 Favorable, 2 Merits.

From the Health and Social Services Committee: **SB 213** — 5 Favorable.

From the Judiciary Committee: **HB 174** — 4 Merits.

From the Revenue and Finance Committee: **HB 141** — 2 Favorable, 1 Merits; **HB 216** — 5 Favorable.

HB 5 — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the disposition of persons

apprehended for public intoxication.” was taken up for consideration on motion of Representative Riddagh.

HB 5 — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the disposition of persons apprehended for public intoxication.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Lynch — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Consideration of **HB 301** was deferred on motion of Representative Riddagh.

HB 54 — “An Act to amend Chapter 5, Title 13, Delaware Code, relating to exemption from wage attachment.” was taken up for consideration on motion of Representative Seibel.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Lynch — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HB 322, sponsored by Representative Ferguson, was introduced from the floor:

HB 322 — “An Act agreeing to a proposed Amendment to Article II, Section 15 of the 1897 Constitution of the State of Delaware, relating to the Compensation, Expenses and Allowances of members of the General Assembly.”

Representative Ferguson moved that the necessary rules be suspended for the purpose of considering the Bill. The

motion was adopted by voice vote.

The roll call vote on the Bill was then taken and announced:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, McGinnis, Miller, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 30.

NO: Representatives Billingsley, Clendaniel, Connor, Darling, Jornlin, Leshner, Maxwell, McKay, Morris, Spence — 10.

ABSENT: Representative Lynch — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

At 6:53 p.m. the House recessed until April 24, 1975.

25TH LEGISLATIVE DAY

The Speaker called the House to order at 2:01 p.m. April 24, 1975 and immediately adjourned on motion of the Majority Leader to convene for the 25th Day.

A Prayer was offered by the Chaplain, Gerald M. Henderson.

Pledge of Allegiance to the Flag.

Roll call was taken and revealed:

PRESENT: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 40.

ABSENT: Representative Lynch — 1.

The minutes of the previous Legislative Day were approved as posted.

The following pre-filed legislation was filed:

HB 323 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to new residents obtaining Delaware registrations." Sponsor: Representative LeGates. Assigned to Public Safety Committee.

HB 324 — "An Act to amend Chapter 69, Title 21, Delaware Code, relating to removal of motor vehicles by Police." Sponsor: Representative Gilligan. Assigned to Public

25TH LEGISLATIVE DAY

Safety Committee.

HB 325 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to vanity license plates." Sponsor: Representative Johnson. Assigned to Public Safety.

HB 326 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to antique vehicle plates." Sponsor: Representative Johnson. Assigned to Public Safety Committee.

HB 327 — "An Act to amend Chapter 11, Title 30, Delaware Code, to provide a credit against the individual income tax for members of car pools." Sponsor: Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 328 — "An Act to amend Title 29 of the Delaware Code relating to procurement of material and aware of contracts for Public Works by State Agencies." Sponsors: Representatives Gilligan, Byrd and Maxwell. Assigned to Judiciary Committee.

HB 329 — "Amend Chapter 5, Title 31, Delaware Code, by removing restrictions of public assistance payments to employables between the ages of 18 and 54." Sponsor: Representative Plant. Assigned to Health and Social Services Committee.

HB 330 — "An Act to amend Chapter 23, Title 30, Delaware Code, relating to occupational and business licenses, deductions and taxes." Sponsors: Representatives McGinnis, LeGates and Billingsley. Assigned to Revenue and Finance Committee.

HB 331 — "An Act to amend Title 29 of the Delaware Code by adding a new Part relating to freedom of information and requiring that meetings of public bodies be open to personal inspection by any citizen of the State of Delaware." Sponsors: Representatives McGinnis and Ambrosino. Assigned to House Administration Committee.

HB 332 — "An Act to amend Chapter 41, Title 21, Delaware Code, relating to equipment required on bicycles upon sale." Sponsor: Representative Worthen. Assigned to Public Safety Committee.

HB 333 — "An Act to amend Chapter 19, Title 30, Delaware Code, to allow a credit against the corporation income tax liability for certain employee commutation plan payments." Sponsor: Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 334 — "An Act to amend Subchapter XI, Chapter 43,

Title 21, Delaware Code, relating to lighted lamps on vehicles.” Sponsor: Representative LeGates. Assigned to Public Safety Committee.

HB 335 — “An Act to amend Chapter 51, Title 30 of the Delaware Code relating to regulations and expenditures of State Municipal Street Aid Funds by municipalities.” Sponsors: Representatives McGinnis and Billingsley. Assigned to Revenue and Finance Committee.

HB 336 — “An Act to amend Title 7, Delaware Code, relating to the powers and duties of the Department of Natural Resources and Environmental Control in the establishment of entrance fees to State Parks and Recreation Areas.” Sponsor: Representative Ridings. Assigned to Natural Resources and Environmental Control Committee.

HB 337 — “An Act to amend Chapter 14, Title 14, Delaware Code, by giving teachers whose services have been terminated because of a decrease in enrollment or education services an additional Day of Absence to find other employment.” Sponsors: Representatives Maxwell and Connor. Assigned to Education Committee.

HA 1 to HB 298 was introduced by Representative Connor and placed with the Bill.

SB 227 w SA 1 — “An Act to authorize the lease of Warwick School No. 203 to the Johnson Community Center.” Sponsor: Senator Cordrey. Assigned to Administrative Services Committee.

Representative Riddagh moved that **SB 42** “An Act to amend Part VI, Title 10 of the Delaware Code relating to fees and costs; and providing for the recoupment of defense costs.” which had been defeated in the House be restored to the calendar.

The roll call vote on the motion was taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 35.

NO: Representative Seibel — 1.

ABSENT: Representatives Ambrosino, Byrd, Cain, Lynch, Ridings — 5.

Therefore, the motion prevailed and the Bill was restored.

SCR 29, sponsored by Senator Adams, was introduced

and considered for adoption on motion of Representative Harrington:

SCR 29 — “Expressing the sorrow of the members of the 128th General Assembly at the passing of former Delaware Insurance Commissioner William R. Murphy, of Milford.”

The resolution was adopted by voice vote of the House and returned to the Senate.

Representative George moved that the roll call vote on **HB 298** “An Act to amend Chapter 119, Volume 28, Laws of Delaware as amended by Chapter 314, Volume 51, Laws of Delaware by increasing the penalty on unpaid City of Wilmington taxes from one half of one per cent to one per cent per month and placing of Real Estate on the Assessment Rolls on a quarterly basis. be lifted. The motion was adopted by voice vote.

Representative George then moved that the roll call be rescinded. The motion was adopted by voice vote.

HA 1 to HB 298 was then introduced by Representative Connor and adopted by voice vote.

The roll call vote on **HB 298 w HA 1** was then taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Plant, Powell, Riddagh, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Jonkiert — 35.

NO: Representative Spence — 1.

ABSENT: Representatives Ambrosino, Harrington, Lynch, Morris, Ridings — 5.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

SB 246 was reassigned from the House Administration Committee to the Appropriations Committee.

The House recessed at 2:33 p.m. and reconvened at 3:43 p.m.

Representative Gilligan yielded consideration of **HB 242** “An Act to amend Title 15, Delaware Code, by providing for the conducting of presidential primary elections in presidential election year, and to amend said Title 15, insofar as it is inconsistent herewith.” in favor of Representative Morris.

Representative Morris then moved that **HB 282** be taken up for consideration.

HB 282 — “An Act to amend Chapter 55 of Title 30, Delaware Code, relating to Public Utility taxes.

Roll call was taken and revealed:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representative Ambrosino, Billingsley, Lynch — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **HB 338**. The motion prevailed by voice vote.

HB 338 — “An Act authorizing the Department of Highways and Transportation to dispose of by public sale or auction certain motor vehicles which have been determined by the Department to be in excess of its needs.”

The roll call vote on the Bill was taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 37.

NO: Representative Ridings — 1.

NOT VOTING: Representative McKay — 1.

ABSENT: Representatives Ambrosino and Lynch — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

At the request of Representative Matushefske, the following communication is spread on these pages:

**HOUSE OF REPRESENTATIVES
DOVER, DELAWARE**

April 24, 1975

Mr. William Prickett, Esq.
President, Delaware Bar Association
1310 King Street
Wilmington, Delaware

Dear Mr. Prickett:

As a member of the Delaware General Assembly I am dismayed that a member of the Delaware Bar Association would leak to the press the information that a member of the bar had been rejected for judicial appointment by a committee of the Delaware Association.

Forgetting for the moment the crass effrontery of the Delaware Bar Association in setting itself up as a judge of judicial caliber, I want to make my indignation over the events leading to the malicious leak about Hiram W. Warder perfectly clear.

In my experience as a legislator and a public person, I have known many examples of false, misleading and vicious information used to harm and harass if not destroy the characters of other public persons. But this has not been directed by one member of the bar, or a committee of the bar, at another member of the bar. This has been done by people who do not parade their so-called ethical standards before the general public as an example for all citizens to follow.

The example offered here by the committee of the Delaware Bar Association is the worst I can recall and it is certainly not an example that should be used by the rest of us, laymen as well as professionals.

The fact that a member of the Delaware Bar Association would use the anonymous method of informing a reporter of the decision of the bar committee tells the citizens of this state a good deal about the lack of character of the person involved even if we do not know him or her.

The fact that the reporter used the story from an anonymous source and that his editor approved this method and that the editor-in-chief accepted it and went along speaks the same kind of dismal language for the newspaper profession in Delaware.

Let me make it clear that members of this General Assembly are enraged by this method of hiding behind anonymity on the part of citizens who demand courage, decency and integrity from others. The very lack of courage, decency and integrity in this episode has harmed the entire Delaware Bar Association beyond immediate repair.

As a member of the General Assembly I have invariably looked with favor upon the legislation brought to Dover for enactment. The thought has been that the members of the bar were coming here with matters that were good for the people

and the state. But now I have a great doubt and I speak for some of my colleagues here when I say that our attitude in the future will be one marked with some suspicion

The members of the bar committee who made their incredible evaluation of the qualifications of Hiram Warder should disclose the name of the member who leaked his information to the newspaper in an underhanded effort to abort the appointment of Mr. Warder.

The citizens of Delaware now have been alerted to the fact that the Delaware Bar Association is not the clean, upstanding, public-minded congress of professionals that it has been thought to be. Instead, it offers all of the evil principles of a camorra.

Very truly yours,
John Matushefske

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HB 165 "An Act to amend Chapter 51 of Title 31, Delaware Code, relating to custody by Juvenile Corrections of persons over the age of Eighteen years." was taken up for consideration on motion of Representative Morris.

HA 1 to **HB 165** was then considered for adoption on motion of Representative Morris and adopted by voice vote.

The roll call vote on **HB 165 w HA 1** was then taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Spence, Temple, Worthen, Jonkiert — 33.

NO: Representatives Ambrosino, Connor, Jornlin and Seibel — 4.

NOT VOTING: Representative Smith — 1.

ABSENT: Representatives Harrington, Lynch and McGinnis — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HCR 25, sponsored by Representative Spence, was introduced from the floor and adopted by voice vote:

HCR 25 — "To extend an invitation to Chief Justice Daniel L. Herrmann to come before the General Assembly to deliver his annual State of the Judiciary Address."

HCR 26, sponsored by Representative Temple, was

introduced from the floor and adopted by voice vote:

HCR 26 — "Expressing the deep sorrow of the Delaware General Assembly at the passing of Clifton E. Morris, former Secretary of the Department of Highways and Transportation."

HR 49, sponsored by Representative Arnold, was introduced from the floor and adopted by voice vote:

HR 49 — "Congratulating Leon N. Skripchuk of John Dickinson High School, upon being named "Teacher of the Year" by the Delaware Industrial Arts Association."

Representative George moved for the suspension of rules for the purpose of considering **SB 173** "An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled "Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1975, and to amend certain pertinent statutory provisions."

The roll call vote on the motion was taken and revealed:

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Connor, Derrickson, Ferguson, George, Gilligan, Hebner, Jornlin, Kelly, LeGates, Matushefske, Maxwell, Miller, Minner, Plant, Powell, Rispoli, Sincock, Temple, Worthen, Jonkiert — 24.

NO: Representatives Billingsley, Clendaniel, Darling, Gordy, Leshner, McKay, Morris, Riddagh, Ridings, Seibel, Smith, Spence — 12.

NOT VOTING: Representatives Arnold and Johnson — 2.

ABSENT: Representatives Harrington, Lynch and McGinnis — 3.

Therefore, the motion prevailed and the Bill was before the House for consideration.

The roll call vote on the Bill was taken but before being announced, Representative George moved that it be tabled. The motion to table the roll call was adopted by voice vote.

HCR 27, sponsored by Representative LeGates, was introduced from the floor:

HCR 27 — "Providing for the establishment of a Committee to study and evaluate the compensation, expenses and allowances of the members of the General Assembly and to make recommendations concerning the same to the 128th General Assembly of the State of Delaware."

The House recessed at 5:04 p.m. and reconvened at 5:06 p.m.

On Representative LeGates' motion that **HCR 27** be adopted, the roll call vote on the Resolution was taken and announced:

YES: Representatives Billingsley, Byrd, Cain, Connor, George, Gordy, Hebner, Kelly, LeGates, Matushefske, Maxwell, Miller, Minner, Powell, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen — 21.

NO: Representatives Ambrosino, Arnold, Boulden, Clendaniel, Darling, Derrickson, Gilligan, Jornlin, Leshner, McKay, Morris, Plant, Riddagah, Ridings, Jonkiert — 15.

NOT VOTING: Representatives Ferguson and Johnson — 2.

ABSENT: Representatives Harrington, Lynch and McGinnis — 3.

Therefore, the Resolution was adopted by the House and sent to the Senate for concurrence.

HJR 9 was reported back from the Community Affairs Committee: 1 Favorable, 4 Merits.

The Chairman of the Administrative Services Committee reported back: **HB 278** — 5 Merits; **HB 312** — 4 Merits.

The House recessed at 5:18 p.m. until May 6, 1975.

26TH LEGISLATIVE DAY

The Speaker called the House to order at 1:56 p.m. May 6, 1975. The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous Legislative Day. The House reconvened at 1:57 p.m.

A Prayer was offered by Representative Boulden.

Pledge of Allegiance to the Flag.

By roll call, there were 40 Representatives **PRESENT** with 1 Representative (Cain) **ABSENT**.

The minutes of the previous Legislative Day were approved as posted.

A communication from the Senate indicated that the Senate passed **HB 322**, **HB 139** and adopted **HCR 21**, **HCR 24**, **HCR 22**, **HCR 23**, **HJR 8**, **HJR 11**, **HJR 26**.

Legislative Advisories Nos. 22, 23 and 24 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved the following legislation: **HB 139** — 4/24/75; **HJR 10** — 4/28/75; **HCR 21** — 4/30/75; **HCR 22** — 4/3/75; **HCR 23** — 4/30/75; **HCR 24** — 4/30/75; **HCR 26** — 4/30/75; **HJR 8** — 4/30/75; **HJR 11** — 4/30/75.

* * * * *

26TH LEGISLATIVE DAY

HR 50, sponsored by Representative Ferguson, was introduced from the floor and adopted by voice vote:

HR 50 — “Extending the felicitations of the House of Representatives to Lura Wood, Chief Page, on her birthday May 6, 1975.”

HR 51, sponsored by Representative Ferguson, was introduced from the floor and adopted by voice vote:

HR 51 — “Extending the congratulations of the House of Representatives to Representative John Matushefske who celebrated his 50th Birthday on May 5.”

The House recessed at 2:08 p.m. and reconvened at 3:42 p.m.

The following pre-filed legislation was filed:

HB 339 — “An Act to amend Chapter 26, Title 14 of the Delaware Code relating to the authority of County Vocational Schools to levy taxes for school purposes.” Sponsors: Representatives Gilligan and Jornlin. Assigned to Education Committee.

HB 340 — “An Act to amend an Act being Chapter 197, Volume 54, Laws of Delaware, as amended, entitled “An Act revising the Prior Charter of the City of Rehoboth Beach and prescribing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach” to provide for a one-man one-vote voting in annexation elections, to provide for appeals from the assessments, to provide for notice of elections other than the annual Municipal Elections, to provide a new time for filing petitions for nominations, to increase the amount that can be raised by taxation, to provide a procedure for borrowing money and issuing Bond, to increase the amount for which contracts may be awarded without competitive bidding.” Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

HB 341 — “An Act relating to a pension for John Elwood Jones, a former Sussex County and State employee.” Sponsor: Representative Clendaniel. Assigned to Appropriations Committee.

HB 342 — “An Act directing the Department of Public Instruction to conduct a feasibility study to ascertain the need for a Satellite Branch of the Sterck School for Kent and Sussex Counties; and further providing a supplementary appropriation therefor.” Sponsors: Representatives Morris and Murphy. Assigned to Education Committee.

HB 343 — “An Act to provide a supplemental

appropriation to the Department of Public Safety, Motor Fuel Tax Division, for increased operating expenses." Sponsor: Representative McGinnis. Assigned to Public Safety Committee.

HB 344 — "An Act making a supplemental appropriation to the State Treasurer for Revenue Refunds and operations." Sponsor: Representative Cain. Assigned to Appropriations Committee.

HB 345 — "An Act to amend Chapter 17, Title 7, Delaware Code, making it unlawful for dogs to run at large, providing penalties for violations thereof, and providing that records of such violations be kept by the Department of Natural Resources and Environmental Control." Sponsors: Representatives Worthen and Seibel. Assigned to Natural Resources Committee.

HB 346 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing Fire Signal Control Equipment at the Blades Fire Department, Blades, Delaware, at the intersections of 13A and 5th Street and Route 20 and Cannon Street." Sponsor: Representative Temple. Assigned to Highways and Transportation Committee.

HA 1 to HB 64 was introduced by Representative Connor and placed with the Bill.

HA 1 to HB 315 was introduced by Representative Clendaniel and placed with the Bill.

SJR 21 — "Relating to contracts and purchases made by Agencies of this State." Sponsor: Senator Sharp. Assigned to Appropriations Committee.

SCR 30 — "Providing for the establishment of a Committee to study and evaluate the compensation, expenses and allowances of the members of the General Assembly and to make recommendations concerning the same to the 128th General Assembly of the State of Delaware." Sponsor: Senator Isaacs.

SB 90 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the powers, duties and procedures of the Board of Parole by providing that no parole shall be granted until at least one-half the sentence has been served." Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 205 — "An Act to amend Chapter 51, Title 29, Delaware Code, relating to Public Officers and employees by

guaranteeing employees the Right to Freedom of Speech.”
Sponsor: Senator Holloway. Assigned to Judiciary Committee.

Representative Plant moved that **HB 247** “An Act to amend Subpart B of Subchapter II, Chapter 5, Title 11, Delaware Code, relating to Manslaughter and Emotional Distress.” be lifted from the table for consideration. The motion prevailed by voice vote and the privilege of the floor was extended to Arlen Mekler to speak on the Bill.

HA 1 to **HB 247** was introduced by Representative Plant from the floor who moved for its adoption. The Amendment was defeated by voice vote.

Representative Plant then moved that the Bill be laid on the table.

The roll call vote on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, Boulden, Byrd, Clendaniel, Connor, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Jonkiert — 37.

NO: Representatives Arnold, Darling and Spence — 3.

ABSENT: Representatives Cain — 1.

Therefore, the motion prevailed and the Bill was laid on the table.

Representative Rispoli moved that **HB 126** be lifted for consideration. “An Act to amend Chapter 3, Part I, Title 18 of the Delaware Code relating to the Insurance Department and establishing a branch office in the City of Wilmington.” The motion prevailed by voice vote.

HA 1 to the Bill was stricken on motion of Representative Rispoli.

HA 2 to the Bill was introduced from the floor by Representative Sincok and the Amendment was adopted by voice vote.

The roll call vote on **HB 126 w HA 2** was then taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen,

Jonkiert — 36.

NO: Representatives Billingsley, Lynch, McKay and Spence — 4.

ABSENT: Representative Cain — 1.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative Morris, **HB 63** was taken up for consideration.

HB 63 — “An Act to amend Chapter 21, of Title 24, Delaware Code, relating to the use of Drugs or Surgery in Examinations.”

HA 1 was introduced by Representative Morris and the privilege of the floor was extended to Dr. H. Martin Moss to speak on the Amendment.

The Amendment was then adopted by voice vote.

The roll call vote on **HB 63** w **HA 1** was then taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Smith, Spence, Temple, Jonkiert — 32.

NO: Representative Billingsley, Maxwell, McGinnis, Seibel and Worthen — 5.

NOT VOTING: Representative Jornlin — 1.

ABSENT: Representatives Cain, Gordy and Sincock — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

The House recessed at 5:02 p.m. and reconvened at 5:28 p.m.

HB 293 was brought up for consideration on the motion of Representative Morris. “An Act to amend Chapter 79, Title 29, Delaware Code, by changing the name of “Delaware Home and Hospital for the Chronically Ill at Smyrna” to Delaware Hospital for the Chronically Ill. The roll call was taken and revealed.

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Mr. Speaker

Jonkiert — 37.

ABSENT: Representatives Ambrosino, Cain, Connor and Spence — 4.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Morris moved that **SB 159** be laid on the table. The motion prevailed by voice vote.

HB 291 was brought up for consideration on motion of Representative Morris.

HB 291 — “An Act to amend Chapter 21, Part II, Title 16, Delaware Code, pertaining to regulatory provisions concerning Public Health, and specifically relating to Mattresses, Pillows and Bedding.”

HA 1 to the Bill was introduced by Representative Morris and adopted by voice vote of the House.

The roll call vote on **HB 291 w HA 1** was then taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

NO: Representative Ridings — 1.

ABSENT: Representatives Cain and Maxwell — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HR 52, sponsored by Representative Morris, was introduced from the floor and adopted by voice vote:

HR 52 — “Extending the reporting date of the Committee to investigate the facilities at Woodshaven Kruse School to ascertain whether the move of the Women’s Prison to Woodshaven Kruse School would not be in violation of Section 13 of Public Law 93-415 of September, 1974.”

Representative Darling moved that the necessary rules be suspended for the purpose of acting on **HB 344**. “An Act making a supplementary appropriation to the State Treasurer for Revenue Refunds and Operations.” The motion prevailed by voice vote.

HA 1 to the Bill was introduced by Representative Darling and adopted by voice vote.

The roll call vote on **HB 344 w HA 1** was then taken and

revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Jonkiert — 36.

NO: Representatives Ambrosino, Ridings and Sincock — 3.

ABSENT: Representatives Cain and Connor — 2.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

SCR 32 was taken up for consideration on motion of Representative Ferguson and the Resolution was adopted by voice vote and returned to the Senate.

The House recessed at 6:00 p.m. and reconvened at 6:32 p.m.

HB 119 was stricken on motion of Representative Worthen.

HB 345 was reassigned from the Natural Resources Committee to the Environmental Control Committee.

The following Committee reports were announced:

From the Labor Committee: **SB 164** — 4 Merits.

From the Appropriations Committee: **HB 316** — 4 Merits, 1 Unfavorable; **SCR 21** — 5 Merits; **HB 318** — 5 Merits.

From the House Administration Committee: **SB 246** — 2 Favorable, 2 Merits, 1 Unfavorable.

From the Public Safety Committee: **HB 325** — 1 Favorable, 3 Merits; **HB 314** — 2 Favorable, 2 Merits; **HB 343** — 2 Favorable, 2 Merits.

The House recessed at 6:42 p.m. until May 7, 1975.

The House reconvened at 1:59 p.m. May 7, 1975.

The following Committee reports were announced from the Community Affairs Committee: **SB 103** — 4 Merits; **SB 140** — 4 Merits; **HB 145** — 4 Merits; **HB 240** — 1 Favorable, 4 Merits.

HB 240 was placed on the Agenda at the request of Representative Kelly.

SB 140 and **SB 103** were placed on the Agenda at the request of Representative Rispoli.

The House adjourned at 2:00 p.m. thereby ending the previous Legislative Day.

27TH LEGISLATIVE DAY

The House convened at 2:00 p.m. May 7, 1975.

A Prayer was offered by the Chaplain, Rev. Charles M. Moyer.

Pledge of Allegiance to the Flag.

By roll call, 41 members were PRESENT.

The minutes were approved as posted.

The following pre-filed legislation was filed:

HB 347 — "An Act to amend Title 6 and Title 19 of the Delaware Code; providing that in certain instances where a person is required to disclose an unlisted telephone number, such information shall be confidential; and establishing penalties for violations." Sponsor: Representative Gilligan. Assigned to Labor and Commerce Committee.

HB 348 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to retirement eligibility requirements and benefits." Sponsor: Representative Ambrosino. Assigned to Committee on Aging.

HB 349 — "An Act to amend an Act entitled: "An Act to re-incorporate the Town of Delmar," relating to registration and election." Sponsor: Representative Gordy. Assigned to Community Affairs Committee.

HB 350 — "An Act to amend an Act entitled: "An Act to re-incorporate the town of Delmar," as amended; and relating to the referendum vote required before making any increase in water rents." Sponsor: Representative Gordy. Assigned to Community Affairs.

HB 351 — "An Act to amend Title 5 and Title 18 of the Delaware Code relating to Savings Bank Life Insurance." Sponsor: Representative Ambrosino. Assigned to Public Safety Committee.

HB 352 — "An Act to amend Part VII, Title 29 of the Delaware Code relating to Public Records and Meetings; and requiring Public Agencies to hold certain meetings and hearings open to the public." Sponsor: Representative Ambrosino. Assigned to Judiciary Committee.

HB 353 — "An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the expunging of evidence of adjudication and the destruction of indicia of arrests; and providing for in pauperis proceedings in certain cases." Sponsor: Representative Ambrosino. Assigned to Judiciary Committee.

HB 354 — "An Act to amend Chapter 16, Title 2, of the

Delaware Code to provide free transportation for persons 65 years of age or older on any Delaware Transit System receiving an appropriation from the General Assembly." Sponsor: Representative Plant. Assigned to Committee on Aging.

HB 355 — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to carrying a concealed deadly weapon; and providing a mandatory sentence therefor." Sponsors: Representatives Darling and Riddagh. Assigned to Judiciary Committee.

HB 356 — "An Act repealing Chapter 19 of Title 6, Delaware Code, relating to "Fair Trade Laws." Sponsors: Representatives LeGates, Worthen, Billingsley, Seibel. Assigned to Labor and Commerce Committee.

HB 357 — "An Act to amend Chapter 1, Title 1, Delaware Code, relating to distribution of the Delaware Code and Supplements." Sponsor: Representative Matushefske. Assigned to House Administration Committee.

HB 358 — "An Act to amend Chapter 43, Title 21, Delaware Code, relating to lamps on parked vehicles." Sponsor: Representative Cain. Assigned to Public Safety Committee.

HA 1 to HB 242 was introduced by Representative Gilligan and placed with the Bill.

HA 2 to HB 246 was introduced by Representative Plant and placed with the Bill.

HR 53 — "Congratulating three employees of the Division of Social Services, each having received an "Award of Recognition" from the National Association of Social Workers." Sponsor: Representative Gilligan.

HR 54 — "Congratulating three employees of the Department of Health and Social Services, each having received an "Award of Recognition" from the National Association of Social Workers." Sponsor: Representative Gilligan.

SB 117 — "An Act to amend Chapter 86, Title 9 of the Delaware Code relating to the penalty for late payment of New Castle County Taxes." Sponsor: Senator Kearns. Assigned to Community Affairs Committee.

SB 118 w SA 3 — "An Act to amend Chapter 19, Title 14 of the Delaware Code relating to the penalty for late payment of School Taxes." Sponsor: Senator Kearns. Assigned to Education Committee.

SB 154 — "An Act making a supplementary

appropriation to the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, for the purpose of creating eight new positions." Sponsors: Senator Isaacs and Cordrey. Assigned to Appropriations Committee.

SB 199 — "An Act to amend Chapter 17 of Title 7, Delaware Code, relating to immunization of dogs for rabies." Sponsor: Senator Murphy. Assigned to Natural Resources Committee.

SB 193 — "An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase six parcels of land within Lums Pond Park Pencader Hundred, New Castle County, Kirkwood, Delaware." Sponsor: Senator Issacs. Assigned to Natural Resources Committee.

SCR 30 — "Providing for the establishment of a Committee to study and evaluate the compensation, expenses and allowances of the members of the General Assembly and to make recommendations concerning the same to the 128th General Assembly of the State of Delaware." Sponsor: Senator Isaacs.

HR 53 which had been prefiled was considered for adoption on motion of Representative Gilligan and adopted by voice vote.

HR 54 was stricken on motion of Representative Gilligan.

HB 301 was taken up for consideration of motion of Representative Riddagh. "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the presence investigation after conviction for certain offenses."

HA 1 to the Bill was introduced by Representative Riddagh and adopted by voice vote.

The roll call vote on **HB 301 w HA 1** was then taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 36.

ABSENT: Representatives Ambrosino, Cain, George, Plant and Powell — 5.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Sincock moved that **HB 111** be laid on the

table. The motion was adopted by voice vote.

Representative McGinnis moved that **HB 86** be laid on the table. The motion was adopted by voice vote.

HB 260 was placed at the end of the Agenda at the request of Representative McGinnis.

HB 142 "An Act to amend Chapter 71, Title 29, Delaware Code, relating to the Sue of State-Owned Vehicles, and providing a Penalty for Violations." was taken up for consideration on motion of Representative McGinnis and the following letter is included in these pages at the request of Representative Darling:

April 30, 1975

Mrs. Roger C. Yorde
RD 3 - Box 10
Felton, Delaware
Dear Mrs. Yorde:

Receipt of your letter of April 24, 1975, wherein certain questions relating to the use of "state-owned" vehicles were presented is acknowledged.

First, all the vehicles listed in your letter of April 24 are assigned to the Department of Highways and Transportation with the exception of the one having license C49701. A check of motor vehicle records indicates this is not state-owned as it is a 1969 GMC truck owned by Watkins Leasing and assigned to a Mr. F. Caldwell.

The vehicles you listed which are assigned to the Department of Highways and Transportation are being utilized in accordance with approved policy relating to such use. Quoting from the policy: "Except for emergency types of service, all passenger vehicles and pick-ups shall be stored at night at the Department installation closest to the home of the employee to whom it is assigned. Persons with assigned vehicles will transport other employees, when so directed or requested, when such other employees live in the area or on the way to or from the place of employment."

Certain employees who are assigned vehicles which are involved in emergency type services, such as traffic signal repairs or after-hour maintenance activities are authorized to park their assigned vehicles at their home as they are on 24 hour call.

Should you have additional questions we will be happy to answer them for you.

Very truly yours,
DIVISION OF HIGHWAYS

* * * * *

The roll call vote on the Bill was taken and announced:

YES: Representatives Billingsley, Byrd, Cain, Clendaniel, Connor, Derrickson, George, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen — 28.

NO: Representatives Arnold, Jonkiert, Darling, Ferguson, Gilligan, Gordy, Lynch, Maxwell, McKay, Boulden — 10.

ABSENT: Representatives Ambrosino, Matushefske and Powell — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

HB 64 was taken up for consideration on motion of Representative Connor. "An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the Family Court; and the Adjudication or Disposition of cases in that Court."

On motion of Representative Connor, **HA 1** to the Bill which had been placed with the Bill was taken up for consideration and adopted by voice vote.

The roll call vote on **HB 64 w HA 1** was then taken and revealed 40 Representatives voting YES with 1 Representative (Ferguson) ABSENT.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Connor moved that **HB 286** be laid on the table. The motion was adopted by voice vote.

SB 102 was taken up for consideration on the motion of Representative Morris. "An Act to amend Title 16, Part I, Delaware Code by creating a New Chapter to be designated as Chapter 2, to provide assistance to children with long term birth defects who are not covered under existing programs and providing a supplementary appropriation to implement the provision of this act."

The privilege of the floor was extended to Dr. Haritos to speak on the Bill.

The roll call vote on the Bill was then taken and announced:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple,

Jonkiert — 24.

NO: Representatives Hebner, Leshner, McKay and Ridings — 4.

NOT VOTING: Representatives Ambrosino, Arnold, Billingsley, Derrickson, Connor, Jornlin, Powell, Riddagh, Seibel, Sincock, Smith, Spence, Worthen — 13.

Therefore, the Bill passed the House and was returned to the Senate.

The House recessed at 3:30 p.m. and reconvened at 4:56 p.m.

HR 55, sponsored by Representative Arnold, was introduced from the floor and adopted by voice vote of the House:

HR 55 — “Congratulating Miss Kimberly Hindsley of Stanton Junior High School on becoming Delaware’s Teenager of the Year.”

Representative McGinnis moved that **SB 81 w SA 1** be lifted from the table for consideration. The motion prevailed by voice vote and the Bill was before the House. “An Act to amend Chapter 17, Title 24, Delaware Code, relating to Medicine, Surgery and Osteopathy; and providing for a Delaware Medical Practices Act.”

HA 1 to the Bill was stricken on motion of Representative Riddagh.

HA 2 to the Bill, sponsored by Representative Riddagh, which had been placed with the Bill, was adopted by voice vote.

HA 3 to the Bill, sponsored by Representative Billingsley, which had been placed with the Bill, was adopted by voice vote.

HA 4 to the Bill was stricken on motion of Representative Lynch.

HA 5, sponsored by Representative Lynch, was introduced and adopted by voice vote.

HA 6 to the Bill, sponsored by Representative McGinnis, was introduced and adopted by voice vote.

HA 7 to the Bill, sponsored by Representative McGinnis, was introduced and adopted by roll call vote as follows:

YES: Representatives Boulden, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Spence, Temple, Worthen, Jonkiert — 25.

NO: Representatives Ambrosino, Arnold, Billingsley, Sincock, Smith — 5.

NOT VOTING: Representatives Connor, Derrickson, Hebner, Jornlin, Leshner, McKay, Plant, Powell, Seibel — 9.

ABSENT: Representatives Byrd and Gilligan — 2.

HA 8 to the Bill, sponsored by Representative McGinnis, was introduced and adopted by voice vote.

The roll call vote on **SB 81 w SA 1, HA 2, 3, 5, 6, 7, 8** was then taken and announced:

YES: Representatives Billingsley, Byrd, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Lynch, Matushefske, Maxwell, McGinnis, Miller, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Spence, Temple, Worthen, Jonkiert — 28.

NO: Representatives Ambrosino, Arnold, Boulden, Clendaniel, Connor, Jornlin, Leshner, McKay, Morris, Smith — 10.

NOT VOTING: Representative Minner — 1.

ABSENT: Representative Cain and LeGates — 2.

Therefore, the Bill passed the House and was ordered back to the Senate for concurrence in the House Amendments.

The House recessed at 5:32 p.m. and reconvened at 5:45 p.m.

Representative Plant was not present for the Agenda.

SB 65 was taken up for consideration on the motion of Representative Matushefske. "An Act to amend Subchapter VII of Chapter 5, Title 11, Delaware Code, relating to the banning of smoking on certain public conveyances."

The roll call vote was taken and announced:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Ferguson, George, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 35.

NO: Representatives Billingsley, Darling, Derrickson, Gilligan, Gordy — 5.

ABSENT: Representative Plant — 1.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Darling yielded to Representative George at whose motion **SB 246** was brought up for consideration.

HA 1 to the Bill, sponsored by Representative LeGates, was introduced and adopted by voice vote.

The roll call vote on **SB 246 w HA 1** was then taken and

revealed:

YES: Representatives Boulden, Cain, George, Johnson, Kelly, LeGates, Matushefske, Ridings, Temple, Worthen — 10.

NO: Representatives Arnold, Billingsley, Byrd, Clendaniel, Connor, Darling, Derrickson, Gilligan, Gordy, Harrington, Hebner, Jornlin, Leshner, Lynch, McGinnis, McKay, Minner, Morris, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Jonkiert — 25.

NOT VOTING: Representatives Ambrosino, Ferguson, Maxwell, Miller, Powell — 5.

ABSENT: Representative Plant — 1.

Therefore, the Bill was defeated.

HB 148 was taken up for consideration on the motion of Representative Minner. "An Act to amend Chapter 51, Title 30, Delaware Code, relating to the exempt sales of gasoline."

The roll call taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 35.

ABSENT: Representatives Ferguson, Johnson, and Plant — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

On motion of Representative George, the roll call vote on **SB 173** was lifted and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Rispoli, Seibel, Sincok, Temple, Worthen, Jonkiert — 33.

NO: Representatives Clendaniel, Gordy, Minner, Riddagh, Smith, Spence — 6.

NOT VOTING: Representative Ridings — 1.

ABSENT: Representative Lynch — 1.

Therefore, the Bill passed the House and was returned to the Senate.

SB 175 was taken up for consideration on motion of Representative Maxwell. "An Act to approve the transfer of an

abandoned School and Land Used therewith to the Town of Kenton."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Byrd, George, Johnson, and Plant — 4.

Therefore, the Bill passed the House and was returned to the Senate.

SB 128 was taken up for consideration on motion of Representative Maxwell. "An Act to authorize the transfer of Warwick School No. 225 Building to the American Legion Pot Nets Post No. 25."

HA 1 to the Bill, which had been placed with the Bill, was taken up for consideration on motion of Representative Maxwell and adopted by voice vote.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Johnson, Matushefske, and Plant — 3.

Therefore, the Bill passed the House and was returned to the Senate for concurrence in the House Amendment.

At 6:17 p.m. the House recessed until 12:30 p.m. May 8, 1975.

28TH LEGISLATIVE DAY

The Speaker called the House to order at 12:42 p.m. May 8, 1975, and on motion of the Majority Leader immediately adjourned to convene for the 28th Legislative Day.

A Prayer was offered by the Chaplain, Rev. Charles M. Moyer.

Pledge of Allegiance to the Flag.

By roll call, there were 40 Representatives **PRESENT**

28TH LEGISLATIVE DAY

with 1 Representative (Matushefske) ABSENT.

The minutes of the previous Legislative Day were approved as posted.

The Clerk announced that a message from the Senate informed the House that it had passed **HB 163, HB 14, HB 229, HB 344, HB 338 and HB 40.**

At 12:48 p.m. the House recessed in order to convene in Joint Session with the Senate.

JOINT SESSION

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

On motion of Senator Cordrey, the Senate and House convened in Joint Session.

On motion of Senator Cordrey, the President of the Senate presided over the Joint Session.

On motion of Senator Cordrey, the Secretary of the Senate and Chief Clerk of the House were appointed to act as Secretaries of the Joint Session.

On motion of Senator Cordrey, the President appointed Senators Sharp and Knox and Representatives Sincok and Harrington as a Committee to escort the Governor to the Senate Chamber.

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:

The unpleasant current status of the Delaware Lottery brings me before you legislators today.

All of you are aware that the Loto-Superfecta Game was suspended after five weeks of operation. The Game failed because the people of Delaware found it too complex, did not understand it, and - frankly - refused to buy tickets.

This was probably a sensible decision on the part of Delawareans, because the Loto-Perfecta Prize structure failed to function. After five weeks, our Lottery had yet to award a First Prize to anyone.

Hindsight tells us that this disaster might not have occurred had two mistakes **not** been made.

The first one was that I accepted the findings of the Legislative Lottery Study Committee as to the type of Lottery

to be initiated; and second, I contracted with the consultant selected by the Legislative Lottery Study Committee to implement that Game.

In fact, according to the following letter, dated on November 2, 1973, under the signature of Representative Robert T. Connor, Chairman of the Delaware Lottery Study Committee, the majority of the members of that Committee - eighteen months ago - had already decided on a preferred Game Plan and a Preferred Consultant.

The letter, to Louis D. Wilson, Vice President of Analytics, Incorporated, of Jenkintown, Pennsylvania, reads as follows: "Dear Mr. Wilson:

It is the intention of the Delaware Lottery Committee to award a contract for Phase II, the technical design and implementation of a State gaming system, to Analytics, Inc., upon their successful completion of the tasks incorporated in Agreement for Professional Services, executed between Analytics and this Committee on this date, and the passage of enabling legislation by the General Assembly of the State of Delaware.

The Committee understands that the price quoted by Analytics in their proposal to the Committee will be subject to re-negotiation, should the necessary legislation fail to pass by June 30, 1974..."

* * * * *

The game design was complex; the consultant was inexperienced.

And it is ironic to note that the \$400,000 start-up appropriation for the Loto-Superfecta was insufficient to finance the front-end costs of a complex equipment oriented Lottery Game.

Thus, a further legacy of these two recommendations which I accepted is a mountain of bills for all the equipment which we were required to purchase to implement the Loto-Superfecta bitter-tasting though these bills may be, they still must be swallowed by our State Treasury.

Today, we stand at a point of decision.

If we elect one fork in the road, it leads to the permanent stoppage of all lottery operations.

If we pursue the other path, we will develop a new Lottery Game, and reinstitute the Delaware State Lottery.

I propose to Delawareans today that a new Game be developed and the Lottery be reinstituted.

Since the implementing Legislation passed by the General Assembly placed the Lottery Office under my direct supervision, it is my responsibility to rescue the Lottery by proposing a Plan which will lead to the implementation of a successful Delaware Lottery Program.

Radical surgery is necessary and radical surgery is what I propose.

First: the Loto-Superfecta Concept must be discarded.

Second: Our current Consultant must be discharged.

Third: A new Consultant must be retained Mathematica, Inc., of Princeton, New Jersey.

Fourth: The new Consultant must be instructed to initiate a Basic Lottery Game, similar to the one which was so successfully initiated by Mathematica last year in Rhode Island, the nation's smallest State. It is evident from our experience that starting a Lottery Game without the benefit of a highly-qualified and experienced Consultant can well be a prelude to failure.

This is why I have selected Mathematica as Delaware's new Consultant. In my opinion, after making my own study of Lotteries, Mathematica - which has already successfully started 18 Lottery Games in 10 States - should have been the original choice of the Lottery Study Committee. Evidently, success was not a major criterion in the Committee's selection process.

Further, Mathematica, Inc., has been highly recommended to me by Lottery Directors around our nation.

Fifth: Once the General Assembly has authorized the funds necessary to finance the start-up of the reinstitution of the Delaware State Lottery, I will ask the private business community in our State to provide me a top-flight executive - at no cost to the State - to act as Special Assistant to the Governor for Lottery operations during the start-up phase of the new Game and during the first four weeks of its operation. I am sure that at least one of our many prominent companies will agree to my request. I have full confidence in our new Consultant and in the employees of the Delaware State Lottery, but I believe, in view of our recent problem, that the addition to the Staff of a highly competent professional administrator loaned by industry to act as my special assistant and watchdog during the start-up and first four weeks of the new Delaware State Lottery will add the necessary additional measure of credibility to our operation and contribute mightily to the

restoration of the confidence of our people in the Delaware State Lottery.

I want to add an important note here about Mr. Gene Auen, in my opinion, he has done a very credible job in the face of an impossible situation, as given him by members of the Lottery Study Committee and the General Assembly. He and his Staff have worked enthusiastically and tirelessly, even when under sharp attack - often from people on that same Study Committee - for a situation that they, in fact, created.

Now, as I was about to say, Mathematica advises me that they will be able to begin the start-up Phase of the new Lottery on May 15 - and we should expect to be in operation by August 1st.

I am confident that Mathematica can implement a basic, weekly Lottery Game which will have mass appeal to the citizens of our State, and which our citizens will support.

I stress it will be a much-simplified version.

Start-up costs have been estimated at \$130,000. I have prepared a supplemental appropriation which will be submitted today to underwrite the start-up costs of the new Lottery Game.

Mathematica has agreed to a consulting and management contract.

That contract will terminate one year from the date of sale of the first ticket. Under the contract, they will develop new Games, as necessary, and provide continuing technical assistance during the first year of the Lottery operation.

What will their fee be, for this service?

Five per cent of the gross receipts of the Lottery for the first year of operation. The year to begin upon the sale of the first ticket. (They will receive no payment for services prior to initiation of the new Lottery).

I am also submitting legislation which would permit the turning over to the Lottery of the general and special funds generated by the Loto-Perfecta Game.

Also, I will submit an additional supplemental appropriation request that will be sufficient to underwrite the remaining, unfunded obligations stemming from the implementation of the Loto-Superfecta Game.

Further, efforts will be made to dispose of the equipment purchased to implement the Loto-Superfecta Game, and which will not be needed to implement the new Mathematica-designed Game. Monies generated by the disposal of surplus

equipment will be returned to the General Fund, and may significantly reduce the total cost of the implementation and operation of the now permanently-suspended Loto-Superfecta Game.

Additionally, I will introduce legislation to permit the 20% set aside by statute for Lottery operations, to be retained by the Lottery Office for operational purposes.

Finally, I will request that the new Consultants arrange for a drawing to award the undistributed Loto-Superfecta Prize Money, consistent with the recently-received Attorney General's opinion.

Before I close, let me make these observations.

Delaware entered the Lottery Business long after other States had gone the same route.

Since we were not at all familiar with the game or its set-up, the Bipartisan Lottery Study Committee bore the responsibility of researching Lotteries, comparing Lotteries, and proposing a mechanism suitable to Delaware.

Chaired by Representative Connor, the Committee moved forward and submitted its recommendations and enabling legislation, after a ten-month study.

There was one, lone voice **not** concurring with the type of Lottery proposed in the Study Committee report, nor with the choice of the Consultant. And that person was David Broetemarkle, a member of the Study Committee. He came to my office and registered his objections. Unfortunately, I did not recognize the wisdom in that solitary protest.

But nonetheless, the then-proposed Lottery was riding high on the crest of enthusiasm, and many of the Legislative Lottery Committee members involved - on both sides of the aisles - sought press coverage to boast of their participation in the establishment process, and to praise their own wise judgment.

But then, problems began to surface.

Again, in a Bipartisan spirit, meetings were held in my office, and we tried to iron out the problems.

But suddenly, and inexplicably, the Lottery became the prime topic of political sniping, and rapidly, some members of the Lottery Study Committee began denouncing the Lottery, including Study Committee Chairman Connor.

I have told the press, and I tell you all again now....

The Legislative Lottery Committee bears the responsibility for choosing, implementing and funding the

Consultant (who bears 99% of the responsibility for the Game's success).

The Legislative Lottery Study Committee bears the responsibility for placing rigid restrictions on the type of Lottery you want established (whether it be tied to horse-racing or anything else).

And then when it all proved a flop because of the Legislative Lottery Committee's decisions, you tried to deny your responsibilities. But you cannot just wash your hands of it, or blame the Lottery Director, who has tried so desperately to adhere to your directives.

Had I not accepted the recommendations of the bipartisan Study Committee, I would have been accused at that time of political interference.

Let's face it, the responsibility, ladies and gentlemen, belongs to the Lottery Study Committee.

And now, let's move on. Let's quit the political sniping.

Let's proceed in a renewed bipartisan effort.

I believe that if we work together, and move forward with an experienced firm like Mathematica, that we in Delaware can have as successful a Lottery as other States.

I supported **your** original Program, down the line.

Now, I urge your support for **my** Program, down the line.

I am confident that with your support, it will prove to be successful.

Now, Mr. President, with your permission, I would like to turn the podium over to Major Peter O'Connell of Rhode Island.

Late Monday evening, I spoke with Rhode Island Governor Noel.

And he graciously granted my request that Major O'Connell, the Executive Director of the Rhode Island Lottery, be with us today so that he can explain the mechanics of what Governor Noel advises me is an extremely successful Lottery, now approaching its first anniversary in operation in that New England State.

This Lottery was designed by, and initiated by, the Consultant to the Rhode Island Lottery, Mathematica, Inc., and I have been advised by Mathematica that the basic Game they propose to initiate in Delaware will be similar to the successful Rhode Island Program.

I ask you to give Major O'Connell your kind attention.

He is here to help all of us—and to tell us the rewards of a successful Lottery Operation.

Major O'Connell.....

* * * * *

The previously named committee escorted the Governor from the Chamber.

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

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

Senator Cordrey moved the two Houses now separate to re-convene in their respective Chambers. Motion prevailed.

* * * * *

The House reconvened at 2:15 p.m.

The following pre-filed legislation was filed:

HB 359 — “An Act to amend Chapter 7, Title 29, Delaware Code, relating to the establishment of a Legislative Compensation Commission and relating to the salaries and compensation of members of the General Assembly and the President of the Senate.” Sponsors: Representatives Seibel, LeGates and Worthen. Assigned to House Administration Committee.

HB 360 — “An Act to amend Chapter 27, Title 21 of the Delaware Code and relating to the qualifications and issuance of School Bus Drivers’ Licenses.” Sponsor: Representative Derrickson. Assigned to Public Safety.

HB 361 — “An Act to amend Chapter 11, Title 30 of the Delaware Code relating to credit for income tax paid to a political subdivision of another State.” Sponsors: Representatives Gilligan and Ambrosino. Assigned to Revenue and Finance.

HB 362 — “An Act to amend Subchapter I of Chapter 3, Title 9, Delaware Code, relating to the removal of the requirement that Kent County Levy a capitation tax and making such action discretionary.” Sponsor: Representative Darling. Assigned to Community Affairs.

HB 363 — “An Act to amend Chapter 96, Title 9, Delaware Code, relating to fees of the Recorder of Deeds for Kent County.” Sponsor: Representative Darling. Assigned to Community Affairs Committee.

HB 364 — “An Act directing the Kent County Levy Court to cease any and all activity regarding the construction of a Kent County Airport; and further authorizing and directing

the Kent County Levy Court to proceed to have placed on the November 1965, ballot the question of whether the citizens of Kent County, Delaware, desire the construction of a Kent County Airport." Sponsor: Representative Darling. Assigned to Community Affairs.

HB 365 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control, to be utilized in the improvement and restoration of Pea Patch Island and the Old Canal Lock facilities at Delaware City." Sponsors: Representative Cain and Senator Isaacs. Assigned to Appropriations Committee.

HB 366 — "An Act to permit the Board of Education of the Milford School District to transfer certain funds from its Debt Service Account to its Capital Outlay Account." Sponsors: Representatives Harrington and Minner, Senators Cook and Adams. Assigned to Education Committee.

HB 367 — "An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase a tract of land within White Clay Creek State Park, White Clay Creek Hundred, New Castle County, Newark, Delaware." Sponsors: Representatives Worthen, LeGates, Seibel, Billingsley; Senators Martin, Knox and Sharp. Assigned to Natural Resources Committee.

HB 369 — "An Act to amend an Act, being Chapter 227, Volume 49, Laws of Delaware, as amended, entitled: "An Act to re-incorporate the Town of Laurel", to provide for reports by the Chief of Police, to change the Fiscal Year, to provide for the preparation of the Budget, to provide for the payment of taxes and a penalty for non-payment." Sponsor: Representative Gordy. Assigned to Community Affairs.

HB 370 — "An Act to amend Chapter 63, Title 18 of the Delaware Code relating to Health Service Organizations." Sponsors: Representatives Powell, Ridings, Arnold, Gordy, LeGates, Morris and Matushefske. Assigned to Public Safety Committee.

HB 371 — "An Act to amend Part VII, Title 29, Delaware Code, relating to State Government, providing for the transfer of powers, duties and functions of the Division of Corrections of the Department of Health and Social Services, and providing for establishment of a separate Department of Correction." Sponsor: Representative Morris. Assigned to Judiciary

Committee.

HB 372 — “An Act to make an appropriation to the Kingswood Community Center, Inc., Wilmington, for use in the Senior Citizens’ Program.” Sponsor: Representative Plant. Assigned to Education Committee.

HB 373 — “An Act to amend Chapter 1, Title 14, Delaware Code, relating to the number of meetings to be held by the State Board of Education for which compensation is allowed, the amount of that compensation and providing a supplementary appropriation therefore.” Sponsor: Representative Lynch. Assigned to Appropriations Committee.

HB 374 — “An Act to amend Chapter 5, Title 28 of the Delaware Code relating to racing dates and the State Tax and Licensees’ Commissions on Pari-mutuel and Totalizator Pools at Harness Racing Tracks.” Sponsor: Representative Ambrosino. Assigned to Revenue and Finance Committee.

HB 375 — “An Act to amend Chapter 42, Volume 53, Laws of Delaware, as amended entitled “An Act amending, revising and consolidating the Charter of the City of Seaford” relating to the qualifications for Mayor and City Council.” Sponsor: Representative Temple. Assigned to Community Affairs Committee.

HB 376 — “An Act to amend an Act being Chapter 504, Volume 57, Laws of Delaware, as amended, entitled “An Act to incorporate the Town of Henlopen Acres” to provide for a Realty Transfer Tax.” Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

HB 377 — “An Act to amend Chapter 13, Part I, Title 14 of the Delaware Code relating to Driver Education Teachers in Non-public Schools.” Sponsor: Representative Ambrosino. Assigned to Education Committee.

HB 378 — “An Act to provide a supplemental appropriation to the Department of Highways and Transportation, to pay a prior year’s obligation for under payments of salaries to certain employees.” Sponsor: Representative Lynch. Assigned to Highways and Transportation.

HB 379 — “An Act to amend Subchapter IV, Chapter 1, Title 23 of the Delaware Code relating to a reduction in pilotage rates.” Sponsor: Representative Byrd. Assigned to Natural Resources Committee.

HB 380 — “An Act to amend Title 31, Chapter 6,

providing that Credit Unions may be places of issuance of Food Stamps." Sponsor: Representative Plant. Assigned to Health and Social Services Committee.

HB 381 — "An Act to amend Title 29, Delaware Code by creating a new Chapter to be designated as Chapter 60A, relating to the establishment of a deferred compensation program for Public Employees of the State of Delaware and a Deferred Compensation Council, defining the Council's organization, powers, duties, and functions, and providing a supplementary appropriation to implement the provisions of this Act." Sponsor: Representative McGinnis. Assigned to Judiciary.

HB 382 — "An Act to amend Chapter 1, Title 13, of the Delaware Code and relating to the age which person may marry." Sponsor: Representative Seibel. Assigned to Judiciary Committee.

HB 383 — "An Act to amend an Act being Chapter 227, Volume 49, Laws of Delaware, as amended, entitled: "An Act to re-incorporate the Town of Laurel" to increase the amount of money which may be borrowed in anticipation of revenues and fixing the age for Capitation Taxes." Sponsor: Representative Gordy. Assigned to Community Affairs.

HB 384 — "An Act to amend Titles 14, 19 and 29 of the Delaware Code, relating to Public Employees and their right to organize." Sponsor: Representative Byrd. Assigned to Education Committee.

HA 1 to HB 113 was introduced by Representative Darling and placed with the Bill.

HA 1 to HB 335 was introduced by Representative Billingsley and placed with the Bill.

HA 1 to HB 336 was introduced by Representative Cain and placed with the Bill.

HA 1 to HB 346 was introduced by Representative Temple and placed with the Bill.

SB 115 was taken up for consideration on motion of Representative Maxwell. "An Act to amend Chapter 5 of Title 4, Delaware Code, relating to the grounds for refusal of License."

HA 1 to the Bill was introduced by Representative McGinnis and considered for adoption.

The roll call vote on the Amendment was taken and announced:

YES: Representatives Arnold, Billingsley, Boulden, Byrd,

Cain, Connor, Gilligan, Harrington, Kelly, LeGates, Lynch, McGinnis, McKay, Miller, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen — 23.

NO: Representatives Clendaniel, Darling, Ferguson, Gordy, Hebner, Morris, Smith, Jonkiert — 8.

NOT VOTING: Representatives Johnson, Jornlin, Leshner, Maxwell, Minner, Plant — 6.

ABSENT: Representatives Ambrosino, Derrickson, George, Matushefske — 4.

Therefore, the Amendment was adopted.

Representative Maxwell moved that **SB 115 w HA 1** be laid on the table and the motion prevailed by voice vote.

The House recessed at 2:40 p.m. and reconvened at 2:42 p.m.

SB 207 was taken up for consideration on motion of Representative Maxwell.

SB 207 — “An Act to repeal Chapter 30, Volume 59, Laws of Delaware, relating to the conveyance of certain lands by the State Board of Education to the Department of Administrative Services and further providing that said Property be conveyed from the State Board of Education to the Department of Administrative Services and authorizing the Department of Administrative Services to lease said Property to the First State Society, Inc. A Charitable Organization.”

Roll call was taken and revealed:

YES: Representatives Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Ambrosino, Boulden, Matushefske, McGinnis — 4.

Therefore, the Bill passed the House and was returned to the Senate.

SB 142 w SA 1 was taken up for consideration on motion of Representative Maxwell, the roll call vote taken and announced:

YES: Representatives Ambrosino, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Lynch, Maxwell, McGinnis, McKay, Miller,

Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 36.

NOT VOTING: Representatives Arnold and Leshner — 2.

ABSENT: Representatives Boulden, Gordy and Matushefske — 3.

Therefore, the Bill passed the House and was returned to the Senate.

Representatives McGinnis yielded to Representative Kelly on whose motion, **HB 240** was taken up for consideration. "An Act to amend Title 29, Delaware Code, relating to Public Work Contracts and Procurements by exempting the Division of Libraries of the Department of Community Affairs and Economic Development from the requirements thereof."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

ABSENT: Representatives Boulden, Gordy, Harrington, Matushefske — 4.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Representative Darling moved that **HB 228** be lifted from the table and the motion prevailed by voice vote. "An Act to amend Chapter 24, Title 3, Delaware Code, relating to Johnson Grass.

HA 1 to the Bill was introduced by Representative Darling and adopted by voice vote of the House.

The roll call vote on **HB 228 w HA 1** was then taken and revealed 39 Representatives voting YES with 2 Representatives (Boulden and Matushefske) ABSENT.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Representative Gilligan moved that **HB 205** be lifted from the table and his motion prevailed by voice vote.

HB 205 — "An Act to amend Chapter 55, Title 29, Delaware Code, to permit the payment of a State Pension to Members of the Delaware General Assembly who served at

least five years prior to 1970.”

HA 1 to the Bill was introduced by Representative Gilligan and adopted by voice vote.

The House recessed at 3:16 p.m. and reconvened at 3:18 p.m.

Representative Gilligan moved that **HB 205 w HA 1** be laid on the table and the motion prevailed by voice vote.

The House recessed at 3:19 p.m. and reconvened at 4:47 p.m.

SCR 34, sponsored by Senator Cordrey, was introduced and considered for adoption on motion of Representative Ferguson:

SCR 34 — “Expressing the appreciation and thanks of the General Assembly to Major Peter J. O’Connell, Executive Director of the Rhode Island State Lottery Commission, for sharing his experiences with the Delaware General Assembly.”

The Resolution was adopted by voice vote of the House and returned to the Senate.

The House recessed at 5:05 p.m. until May 13, 1975.

29TH LEGISLATIVE DAY

The Speaker called the House to order at 1:43 p.m. May 13, 1975.

On motion of the Majority Leader the House immediately adjourned, thereby ending the previous Legislative Day.

The House reconvened at 1:44 p.m.

A Prayer was offered by the Chaplain, John A. Irwin.

Pledge of Allegiance to the Flag.

By roll call, there were 41 members **PRESENT**.

The minutes of the previous Legislative Day were approved as posted.

HR 56, sponsored by Representatives Kelly and Gilligan, was introduced from the floor and adopted by voice vote:

HR 56 — “Expressing the appreciation and respect of the House of Representatives of the 128th General Assembly at the dedicated education career of John A. Taliaferro retiring as Principal of the Absalom Jones School.”

HB 56 was reported back from the Labor and Commerce Committee: 2 Favorable, 3 Merits.

HB 67 was reported back from the Administratives Services Committee: 2 Merits, 2 Unfavorable.

The following proposed legislation was introduced from the floor:

29TH LEGISLATIVE DAY

HB 385 — "An Act making a supplementary appropriation from the General Fund of the State of Delaware in the amount of \$77,400 to the State Lottery Fund." Sponsor: Representative McGinnis. Assigned to Appropriations Committee.

HB 386 — "An Act to amend Chapter 89, Title 29, Delaware Code, which established the State operated Lottery relating to the State Lottery Fund." Sponsor: Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 387 — "An Act making a supplementary appropriation from the General Fund of the State of Delaware in the amount of \$130,000 to the State Lottery Fund." Sponsor: Representative McGinnis. Assigned to Appropriations Committee.

HB 388 — "An Act to amend Chapter 89, Title 29, Delaware Code, which established the State operated Lottery relating to the State Lottery Fund and the Operating Budget." Sponsor: Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 389 — "An Act making a supplementary appropriation to New Castle County Vocational Technical School District for the purpose of meeting employee payroll for the remaining of Fiscal Year 1975." Sponsor: Representative Lynch. Assigned to Appropriations Committee.

At 2:10 p.m. the House recessed for Committee meetings and reconvened at 4:12 p.m.

The following reports were announced:

From the Community Affairs Committee: **HB 340** — 4 Merits; **HB 350** — 6 Merits; **HB 375** — 6 Merits; **HB 383** — 6 Merits; **HB 369** — 4 Merits; **HB 349** — 2 Favorable, 4 Merits; **HB 305** — 6 Favorable.

From the Environmental Control Committee: **HB 345** — 2 Favorable, 2 Merits.

From the Public Safety Committee: **HB 332** — 4 Merits; **SB 250** — 4 Merits; **HB 323** — 5 Merits; **HB 360** — 5 Merits; **HB 370** — 5 Merits; **HB 358** — 5 Merits.

From the Appropriations Committee: **HB 385** — 2 Merits, 4 Unfavorable; **HB 387** — 2 Merits, 4 Unfavorable; **SB 154** — 1 Favorable, 5 Merits; **HB 389** — 6 Merits; **HB 319** — 5 Merits; **HB 276** — 1 Favorable, 4 Merits; **HB 341** — 2 Favorable, 3 Merits; **SB 190** — 6 Merits.

From the Labor and Commerce Committee: **HB 309** — 3 Favorable, 1 Merits; **HB 347** — 6 Merits.

From the Committee on Aging: **HB 348** — 2 Favorable, 2 Merits; **SB 170** — 1 Favorable, 3 Merits.

From the Education Committee: **HB 339** — 2 Favorable, 2 Merits.

From the Judiciary Committee: **HB 264** — 5 Merits; **HB 328** — 5 Merits; **HB 267** — 5 Merits; **HB 355** — 2 Favorable, 3 Merits; **HB 320** — 5 Merits; **HB 249** — 5 Merits; **HB 252** — 5 Merits; **HB 254** — 5 Merits.

From the Health and Social Services Committee: **SS 1** for **SB 186** — 4 Favorable; **HB 371** — 4 Favorable.

From the Appropriations Committee: **HB 268** — 1 Favorable, 2 Merits, 1 Unfavorable.

From the Administrative Services Committee: **HB 294** — 3 Merits, 2 Unfavorable; **SB 227** — 5 Merits; **SB 181** — 5 Merits.

From the Natural Resources Committee: **HB 336** — 1 Favorable, 1 Merits, 4 Unfavorable; **HB 149** — 5 Merits; **HB 217** — 1 Favorable, 4 Merits; **HB 55** — 4 Merits; **HB 367** — 5 Favorable, 1 Merits; **HB 304** — 3 Favorable, 3 Merits.

From the Revenue and Finance Committee: **HB 327** — 2 Favorable, 3 Merits, 1 Unfavorable; **HB 333** — 4 Merits; **HB 335** — 6 Merits; **HB 386** — 2 Favorable, 1 Merits, 3 Unfavorable; **HB 388** — 2 Favorable, 1 Merits, 1 Unfavorable; **HB 285** — 1 Favorable, 2 Merits, 1 Unfavorable; **HB 297** — 4 Merits; **HB 279** — 6 Merits.

HR 57, sponsored by Representative Derrickson, was introduced from the floor:

HR 57 — “Requesting the Secretary of the Department of Community Affairs and Economic Development to appear before the House of Representatives to testify in reference to Chapter 482, Volume 59, Laws of Delaware.”

Representative Matushefske moved that the Resolution be laid on the table. The roll call vote on the tabling motion was taken and announced:

YES: Representatives Boulden, Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Jonkiert — 23.

NO: Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 16.

ABSENT: Representatives Clendaniel and McGinnis —

Therefore, the motion prevailed and the Resolution was tabled.

HR 58, sponsored by Representative Plant, was introduced from the floor but immediately stricken on motion of Representative Plant:

HR 58 — "Requesting Governor Sherman W. Tribbitt to appoint a black woman to the Industrial Accident Board at the time of the next vacancy or if the Board is expanded."

HCR 28, sponsored by Representatives Ferguson, Gilligan and Maxwell; Senators Cicione, Knox and Manning, was introduced from the floor and adopted by voice vote of the House:

HCR 28 — "Congratulating the Thomas McKean High School Chapter of D.E.C.A. on winning National Honors at the Conference in Hollywood, Florida."

The House recessed at 5:03 and reconvened at 6:09 and immediately recessed until 1:00 p.m. May 14, 1975.

30TH LEGISLATIVE DAY

The Speaker called the House to order at 1:18 p.m. May 14, 1975. The House adjourned immediately on motion of the Majority Leader to convene for the 30th Day.

A Prayer was offered by the Chaplain, Rev. John Irvin. Pledge of Allegiance to the Flag.

Call of the roll revealed 41 Representatives being PRESENT.

The minutes of the 29th Day were approved as posted.

A message received from the Secretary of the Senate indicated that the Senate passed: **HB 163; HB 14; HB 299; HB 334; HB 338; HB 40; HB 300 w HA 1; HB 232** and adopted **HJR 7**.

The following pre-filed legislation was filed:

HB 368 — "An Act to amend Chapter 16, Title 17, and Chapter 79, Title 3, Delaware Code, relating to the Delaware Society for the Prevention of Cruelty to Animals, to Kent County Society for the Prevention of Cruelty to Animals, to enforcement of Laws relating to cruelty to animals and to certain purchases made from the State of Delaware." Sponsor: Representative McGinnis. Assigned to Natural Resources Committee.

HB 390 — "An Act to amend Title 21, Delaware Code, relating to a fee for issuing a School Bus License Endorsement." Sponsor: Representative Boulden. Assigned to Public Safety Committee.

30TH LEGISLATIVE DAY

HB 391 — “An Act to amend Chapter 25 of Title 10, Delaware Code, relating to the compensation of the Register in Chancery.” Sponsor: Representative Temple. Assigned to Judiciary Committee.

HB 392 — “An Act to amend Chapter 6, Title 14, Delaware Code, relating to acceptance of non-resident students in Delaware Public Schools and tuition for such out-of-State Students.” Sponsor: Representative Worthen. Assigned to Education Committee.

HB 393 — “An Act to amend Chapter 13, Title 9, Delaware Code, relating to subdivision regulations in New Castle County and providing a subdivision with the right of appeal from decisions and recommendations of the Department of Planning.” Sponsors: Representatives Ferguson and Powell. Assigned to Community Affairs Committee.

HB 394 — “An Act to amend Chapter 26, Title 9, Delaware Code, relating to zoning in New Castle County by transferring certain powers and duties of the Department of Planning to the Planning Board.” Sponsors: Representatives Ferguson and Powell. Assigned to Community Affairs Committee.

HB 395 — “An Act to amend Chapter 16, Subchapter I, Title 2 of the Delaware Code by providing free public transportation for the blind.” Sponsor: Representative Plant. Assigned to Highways and Transportation Committee.

HB 396 — “An Act to amend Chapter 25 of Title 12, Delaware Code, relating to compensation for Chief Deputy Register of Wills and Estates.” Sponsor: Representative Temple. Assigned to Judiciary Committee.

HB 397 — “An Act to amend Chapter 19, Title 30, Delaware Code, relating to payment of Final Tax and underpayment of estimated Tax by Corporations.” Sponsor: Representative McGinnis. Assigned to Revenue and Finance Committee.

HB 398 — “An Act to amend Chapter 21, Title 21, of the Delaware Code, relating to new residents obtaining Delaware Registration.” Sponsor: Representative LeGates. Assigned to Public Safety Committee.

HB 399 — “An Act to amend Chapter 11, Title 9 of the Delaware Code relating to New Castle County by providing that Ordinances amending the Zoning Code be referred to the Planning Board for recommendation with the Department of

Planning acting in an advisory capacity to the Planning Board, the owner of the land, and the Public." Sponsors: Representatives Ferguson and Powell. Assigned to Community Affairs Committee.

HB 400 — "An Act to amend Chapter 65, Title 11 and Chapter 65, Title 29, Delaware Code relating to State Departments participation in the Department of Correction Work Release Program and reimbursement for costs of goods and services provided." Sponsor: Representative Worthen. Assigned to Health and Social Services Committee.

HB 401 — "An Act to amend an Act, being Chapter 504, Volume 57, Laws of Delaware, entitled "An Act to Incorporate the Town of Henlopen Acres" to provide for the organizational meeting of the Commissioners of Henlopen Acres, to provide for selection of Officers, to provide for a Town Meeting, to provide the appointment of a Town Clerk, to provide for the payment of a Town Clerk, to provide for the appointment of a Treasurer, to provide for the Bond of the Treasurer, and to provide for the appointment of Auditors of Accounts and to provide for reports at regular meetings." Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

HB 402 — "An Act to amend Chapter 42, Title 11 of the Delaware Code relating to definition of an habitual criminal and changing the penalty therefore." Sponsor: Representative Spence. Assigned to Judiciary Committee.

HA 1 to HB 371, sponsored by Representative Clendaniel and Morris, was introduced and placed with the Bill.

HA 1 to HB 389, sponsored by Representative Lynch, was introduced and placed with the Bill.

SB 32 — "An Act to amend Chapter 65, Title 18, Delaware Code, to authorize the State Insurance Office to give technical assistance to Delaware Fire Departments." Sponsor: Senator Murphy. Assigned to Public Safety.

SB 79 w SA 1 — "An Act to provide a supplementary appropriation to the Department of Public Safety to correct the pay of an employer of the Capitol Security Office resulting from an administrative error." Sponsor: Senator Zimmerman. Assigned to Appropriations Committee.

SB 108 w SA 1 — "An Act to amend Title 14, Delaware Code, by establishing the Board of Trustees of the Delaware Institute of Veterinary Medical Education." Sponsors:

Senators Kearns, Castle, Isaacs and Elliott. Assigned to Agriculture Committee.

SB 162 — "An Act making a supplementary appropriation to Geriatric Services of Delaware, Inc." Sponsor: Senator Holloway. Assigned to Appropriations Committee.

SB 212 — "An Act to amend Chapter 6 of Title 31, Delaware Code, relating to the Federal Food Stamp Program." Sponsor: Senator Holloway. Assigned to Committee on Federal and State Relations.

SB 248 — "An Act to amend Section 2911 of Title 18 of the Delaware Code relating to Life Insurance Policy Loans." Sponsor: Senator Murphy. Assigned to Public Safety Committee.

SB 257 — "An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control for groundwater pollution prevention and abatement." Sponsors: Senators Berndt and Cordrey. Assigned to Appropriations Committee.

SB 269 — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriations Act, originally designated as **HB 750**." Sponsors: Senators Cordrey and Berndt; Representatives Worthen and Sincock. Assigned to Appropriations Committee.

SR 57 — "Requesting the House of Representatives to return **SB 199** for further consideration by the members of the Senate of the 128th General Assembly." Sponsor: Senator Manning.

SCR 30 — "Providing for the establishment of a Committee to study and evaluate the compensation, expenses and allowances of the members of the General Assembly and to make recommendations concerning the same to the 128th General Assembly of the State of Delaware." Sponsor: Senator Isaacs. Assigned to House Administration Committee.

SCR 31 — "Extending the appreciation of the 128th General Assembly to the DAPA Institute and the United States Civil Service Commission for conducting and sponsoring Legislative Seminars." Sponsors: Senator Isaacs and Representative Jonkiert.

SCR 33 — "Expressing the sorrow of the members of the 128th General Assembly of the State of Delaware at the passing of former Attorney General Albert W. James." Sponsors: Senators Castle, Steele, Kearns and Hughes.

SJR 9 — "Directing Departments of the State which

employ disabled persons to grant Administrative Leave under certain conditions without loss of regular Sick and Annual Leave Benefits." Sponsor: Senator Cicione. Assigned to Labor Committee.

SB 249 — "An Act to amend Titles 14 and 29, Delaware Code, relating to pensions for State employees." Sponsors: Senators Zimmerman, Murphy and Cook. Assigned to Appropriations Committee.

Legislative Advisory No. 26 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved **HB 248** — 5/8/75; **HB 344 w HA 1** — 5/9/75.

HB 302 was reported back from the Health and Social Services Committee: 4 Favorable.

Representative Plant introduced and moved for the adoption of **HR 59**.

HR 59 — "Requesting Governor Sherman W. Tribbitt to consider appointing at least one minority person to serve on the Industrial Accident Board at the time of the next vacancy or if the Board is expanded."

The roll call vote on the Resolution was taken and announced:

YES: Representatives Arnold, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Plant, Powell, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Jonkiert — 31.

NO: Representatives Billingsley, Boulden and Ridings — 3.

ABSENT: Representatives Ambrosino, Ferguson, George, McGinnis, Miller, Riddagh, Spence — 7.

Therefore, the Resolution was adopted by the House.

Representative Sincok made a move, seconded by Representative Seibel, that **HB 385** be returned to Committee due to the fact that no Fiscal Note was attached.

The motion was withdrawn and the Speaker reassigned **HB 385** to Revenue and Finance Committee.

Representative Worthen moved that the necessary rules be suspended for the purpose of considering **SB 269**. The motion was adopted by voice vote.

Representative Worthen then moved that the Bill be laid on the table and the motion prevailed by voice vote.

Representative Plant moved that **HB 246 w HA 1, 2** be lifted from the table. The motion carried by voice vote.

Representative Plant then moved that the Bill be reassigned to Committee and the Speaker assigned the Bill to Judiciary Committee.

Representative Gilligan moved that **HB 205 w HA 1** be lifted from the table. "An Act to amend Chapter 55, Title 29, Delaware Code, to permit the payment of a State Pension to Members of the Delaware General Assembly who served at least five years prior to 1970." The motion prevailed by voice vote.

The roll call vote on the Bill was taken and revealed:

YES: Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Powell, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 34.

NO: Representatives McKay and Ridings — 2.

NOT VOTING: Representative McGinnis — 1.

ABSENT: Representatives Ambrosino, Ferguson, Harrington and Riddagh — 4.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Representative Worthen moved that **SB 269** be lifted for consideration. The motion prevailed by voice vote.

The roll call vote on the Bill was taken and revealed 38 Representatives voting YES with 3 Representatives (Ambrosino, Ferguson and Riddagh) ABSENT.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Clendaniel yielded to Representative Minner on whose motion **HB 314** was taken up for consideration. "An Act to amend Title 21, Chapter 41, Delaware Code relating to riding on motorcycles." The roll call vote on the Bill was taken and revealed:

YES: Representatives Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Harrington, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 34.

NO: Representatives Arnold, Hebner, Riddagh, Ridings

— 4.

ABSENT: Representatives Ambrosino, Ferguson and Gordy — 3.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

SB 23 was deferred for consideration on motion of Representative George.

Representative Rispoli yielded to Representative George at whose motion **HB 318** was taken up for consideration. "An Act to provide a Supplemental Appropriation to the State Treasurer for interest due on obligations through June 30, 1975."

The roll call vote on the Bill revealed 37 Representatives voting YES with 4 Representatives (Ambrosino, Derrickson, Ferguson and Morris) **ABSENT**.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

At the request of Representative Gilligan, consideration of **HB 199** was deferred.

HB 328 was taken up for consideration on motion of Representative Gilligan. "An Act to amend Title 29 of the Delaware Code relating to procurement of material and award of contracts for Public Works by State Agencies." The privilege of the floor was extended to Mr. Pizzano and Mr. Bryson, to speak on the Bill.

The roll call vote on the Bill was taken and announced:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Jornlin, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 36.

NO: Representatives Billingsley and Riddagh — 2.

ABSENT: Representatives Ambrosino, Ferguson and Plant — 3.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Pursuant to **SR 57** which requested that **SB 199** be returned to the Senate, the Bill was ordered back to the Senate.

HB 280 was taken up for consideration on motion of Representative Johnson. "An Act to provide a pension for the widow of Olvin Roosevelt Sampson, former state employee." The roll call vote taken which revealed 39 Representatives

voting YES with 2 Representatives (Ambrosino and Ridings) ABSENT.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

Representative Darling deferred to Representative Rispoli at whose request SB 140 was taken up for consideration.

HA 1 to the Bill was introduced by Representative Derrickson and adopted by voice vote.

The roll call vote on SB 140 w HA 1 was taken and revealed 37 Representatives voting YES with 4 Representatives (Boulden, Byrd, Darling and Matushefske) ABSENT.

Therefore, the Bill passed the House and was ordered back to the Senate for concurrence in the House Amendment.

Representative Morris moved that SB 213 be laid on the table and his motion prevailed by voice vote.

HB 254 was taken up for consideration on motion of Representative Minner. "An Act to amend Part III, Title 25 of the Delaware Code relating to Property: and providing for the regulation of Agricultural Leases.

HA 1 to the Bill was introduced by Representative Minner and adopted by voice vote.

HA 2 to the Bill was introduced by Representative Clendaniel and defeated by voice vote.

Representative Minner then moved that HB 254 w HA 1 be laid on the table and the motion prevailed by voice vote.

SCR 31 was taken up for consideration on motion of Representative Worthen and adopted by voice vote.

SCR 33 was taken up for consideration on motion of Representative Byrd and adopted by voice vote.

HB 203 was taken up for consideration on motion of Representative Kelly. "An Act to aid Minquas Fire Company No. 1, a Volunteer Fire Company which was organized to provide fire protection by making a supplemental appropriation therefor." The roll call vote on the Bill was taken and revealed 39 Representatives voting YES with 2 Representative (Ferguson and George) ABSENT.

Therefore, the Bill passed the House and was ordered to the Senate for concurrence.

Consideration of HB 230 and HB 227 was deferred on motion of Representative Maxwell.

Representative Riddagh deferred to Representative

Matushefske on whose motion **HB 284** was taken up for consideration. "An Act to amend Chapter 92, Title 10, Delaware Code, relating to salaries of Justices of the Peace."

HA 1 to the Bill was introduced by Representative Matushefske and adopted by voice vote.

HA 2 to the Bill was introduced by Representative Clendaniel and was defeated by voice vote.

HA 3 to the Bill was introduced by Representative Clendaniel and a roll call vote was taken on its adoption which revealed:

YES: Representatives Arnold, Billingsley, Clendaniel, Connor, Darling, Derrickson, Gordy, Harrington, Hebner, Jornlin, Leshner, Lynch, McGinnis, McKay, Minner, Morris, Riddagh, Seibel, Sincok, Smith, Spence — 21.

NO: Representatives Ambrosino, Boulden, Byrd, Cain, Ferguson, George, Gilligan, Kelly, LeGates, Matushefske, Maxwell, Miller, Plant, Rispoli, Temple, Worthen, Jonkiert — 17.

ABSENT: Representatives Johnson, Powell and Ridings — 3.

Therefore, the Amendment was adopted.

On motion of Representative Matushefske, **HB 284 w HA 1, 3** was then laid on the Table.

HB 238 was stricken on motion of Representative Gilligan.

Consideration of **HB 242 w HA 1** was deferred on motion of Representative Gilligan.

HB 210 was deferred at the request of Representative Worthen.

HB 305 was taken up for consideration on motion of Representative Worthen. "An Act to amend Section 803, Article VIII of the Charter of the City of Newark, Delaware, relating to the Fiscal Year." The roll call vote on the Bill was taken and revealed 37 Representatives voting **YES** with 4 Representatives (Ferguson, Johnson, Matushefske and Powell) **ABSENT**.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HB 296 was reported back from the Judiciary Committee: 1 Favorable, 1 Merits, 2 Unfavorable.

HB 385 was reassigned by the Chair to Appropriations Committee.

At 4:07 p.m. the House recessed until May 15, 1975.

31ST LEGISLATIVE DAY

The Speaker called the House to order at 1:56 p.m. May 15, 1975. Immediately on motion of the Majority Leader, the House then adjourned, thereby ending the 30th Day.

A Prayer was offered by Representative Boulden.

Pledge of Allegiance to the Flag.

By roll call, there were 41 members PRESENT.

The minutes of the previous Legislative Day were approved as posted.

A musical rendition was offered by the Edward Waters College Choir of Jacksonville, Florida.

HR 60, sponsored by Representative Maxwell, was introduced from the floor and adopted by voice vote:

HR 60 — "Extending Birthday Greetings to Representative Robert L. Byrd who will be 26 on May 18, 1975."

The following pre-filed legislation was entered in the Calendar:

HB 403 — "An Act proposing an Amendment to Article I of the Constitution of the State of Delaware relating to bail." Sponsor: Representative Riddagh. Assigned to Constitution Revision Committee.

HB 404 — "An Act relating to the pension eligibility of certain persons." Sponsor: Representative Ferguson. Assigned to Appropriations.

HB 405 — "An Act to amend Chapter 11, Title 30 of the Delaware Code relating to the deductions permitted under the State Personal Income Tax." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

HB 406 — "An Act to amend §1709, Title 14 of the Delaware Code relating to refund of Division II, "Other Cost" Funds to the State General Fund." Sponsors: Representatives George and Ambrosino. Assigned to Education Committee.

HB 407 — "An Act directing the State Personnel Commission to adopt a more equitable vacation accumulation schedule for Merit System employees of this State." Sponsor: Representative Temple. Assigned to Appropriations Committee.

HB 408 — "An Act to amend Chapter 52, Part V, Title 29, of the Delaware Code by providing that the State shall pay all the premium or subscription charge for Health Care Insurance for State Employees." Sponsor: Representative Matushefske. Assigned to Appropriations Committee.

HB 409 — "An Act to amend Chapter 21, Title 5,

31ST LEGISLATIVE DAY

Delaware Code, relating to small loans." Sponsor: Representative Maxwell. Assigned to Administrative Services Committee.

HB 410 — "An Act to amend Chapter 17, Part III, Title 15 of the Delaware Code relating to the changing of Party designation prior to the final Primary Election." Sponsor: Representative Cain. Assigned to Judiciary Committee.

HB 411 — "An Act to amend Chapter 11, Part II, Title 29 of the Delaware Code requiring that the State Controller General provide staff assistance to certain Committees in the Senate and House of Representatives." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

HB 412 — "An Act authorizing and directing the Board of Pension Trustees to grant Mrs. William S. Queen, Sr., a survivor's Pension Benefit under the provisions of Chapter 55, Title 29, Delaware Code." Sponsor: Representative George. Assigned to Appropriations Committee.

HB 413 — "An Act to amend Chapter 212, Volume 25, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethany Beach and giving it authority to issue Bonds", as amended, to give the Commissioners of the Town of Bethany Beach the power to borrow up to \$100,000." Sponsor: Representative Derrickson. Assigned to Community Affairs, Committee.

HB 414 — "An Act making an appropriation to the Division of Historical and Cultural Affairs to be used in the renovation or restoration of the Old Methodist Church in Odessa, Delaware in connection with the Bicentennial Celebration." Sponsor: Representative Spence. Assigned to Appropriations Committee.

HA 1 to HB 332 was introduced by Representative Smith and placed with the Bill.

SB 82 — "An Act to amend Subchapter I of Chapter 17, Title 7, Delaware Code relating to exemption of licenses for Seeing Eye Dogs." Sponsors: Senators Elliott and Schlör. Assigned to Natural Resources Committee.

SB 239 — "An Act authorizing the Division of Public Health of the Department of Health and Social Services to assume the Streptococcal Detection Program and providing a supplemental appropriation therefor." Sponsors: Senator Holloway and Representative McGinnis. Assigned to Health and Social Services Committee.

SCR 35 — "Congratulating the Sussex Central Junior High School Band on winning First Prize at the Niagara Blossom Festival in Niagara Falls during the weekend of May 10-11, 1975." Sponsors: Senator Cordrey; Representatives Clendaniel and Lynch.

SCR 36 — "Extending congratulations and Best Wishes to Donald Walker, senior at Middletown High School for having been selected as Delaware's participant in America's Youth in Concert." Sponsor: Senator Isaacs.

SJR 26 — "Appointing the Sussex Central Junior High School Band as the Official State of Delaware Bicentennial Band." Sponsor: Senator Cordrey. Assigned to Education Committee.

SCR 35 was taken up for consideration on motion of Representative Clendaniel and adopted by voice vote of the House.

SCR 36 was taken up for consideration on motion of Representative Lynch and adopted by voice vote.

HCR 29, sponsored by Representatives Maxwell and Byrd, was introduced from the floor and adopted by voice vote on the House:

HCR 29 — "Expressing the appreciation and commendation of the members of the 128th General Assembly of the State of Delaware for the fine example of dedication and industry provided by Marguerite S. Benthall retiring after 27 years as Principal at the Alexis I. duPont High School."

SCR 37, sponsored by Senator Cicione and Representative Johnson, was introduced from the floor and adopted by voice vote on motion of Representative Johnson:

SCR 37 — "Expressing the appreciation of the Delaware General Assembly for the concert by the Concert Choir of Edward Waters College, Jacksonville, Florida, opening the regular Session on May 15, 1975."

The House recessed at 2:28 p.m. and reconvened at 4:34 p.m.

HCR 30, sponsored by Representatives Sincock, Derrickson, Ambrosino, Arnold, Billingsley, Connor, Hebner, Jornlin, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Smith and Spence, was introduced from the floor and adopted by voice vote of the House:

HCR 30 — "Expressing the support of the General Assembly of the State of Delaware for the recent actions of the Government of the United States of America concerning the

illegal seizure of the Merchant Ship Mayaguez by Cambodian gunboats.”

HR 61, sponsored by Representative Boulden, was introduced from the floor and adopted by voice vote:

HR 61 — “Extending Birthday Greetings to former Governor J. Caleb Boggs, of Green Acres, who is 66 years of age today, May 15, 1975.”

Representative Clendaniel moved that **HB 129** be lifted from the table for consideration and his motion prevailed by voice vote. “An Act to authorize and direct the transfer of certain State Properties.”

HA 1 to **HB 129** was then introduced by Representative Clendaniel and the Amendment was adopted by voice vote.

The roll call vote on **HB 129 w HA 1** was then taken and revealed 38 Representatives voting YES with 3 Representatives (Ambrosino, McGinnis and Ridings) ABSENT.

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

HB 230 was taken up for consideration on motion of Representative Maxwell. “An Act to amend Chapter 70, Title 6, Delaware Code, relating to Economic Development and Environmental Facilities, by increasing the amount of State credit which may be pledged by the Department of Community Affairs and Economic Development from \$20,000,000 to \$50,000,000.”

The roll call revealed 40 YES, 1 ABSENT (Representative McGinnis).

Therefore, the Bill passed the House and was sent to the Senate for concurrence.

SB 4 was taken up for consideration on motion of Representative Kelly and the privilege of the floor was extended to Mel Slawik, New Castle County Executive, to speak on the Bill.

Representative Kelly then moved that the Bill be laid on the table and his motion prevailed by voice vote.

HB 278 was taken up for consideration on motion of Representative Derrickson.

Representative Derrickson then moved that the Bill be laid on the table and his motion prevailed by voice vote.

HB 312 was taken up for consideration on motion of Representative Miller who presented the following letter concerning the legislation for incorporation into this Journal:

**STATE OF DELAWARE
THE PUBLIC SERVICE COMMISSION
DOVER, DELAWARE**

May 1, 1975

The Honorable Karen Miller
Representative, State of Delaware
Dover, Delaware

The Honorable Joseph P. Ambrosino
Representative, State of Delaware
Dover, Delaware

Dear Representatives Miller and Ambrosino:

I read about your hearing on House Bill #312 this morning. I am sorry I did not know about the public hearing and I am writing this letter to give you some of my personal feelings about it.

I am very much in favor of a people's counsel for the Public Service Commission. The Public Service Commission is required by law to judge the issues when a utility requests a rate increase. The utility presents its point of view, the Public Service Commission's rate counsel cross-examines and carries out directives of the Public Service Commission with the purpose of helping the Commission determine a fair rate of return. However, during my short time as a commissioner, I have been increasingly disturbed by the ambiguity of this situation. It is extremely difficult for me as a Public Service Commissioner to make a fair and equitable decision when the Commission's own attorney is compromised since he must assume a dual role; that is, he must see that the consumers point of view is presented at the same time that he helps the Commission determine a fair rate of return.

Public utility hearings are extremely complicated. They require hours of study and thought by a Public Service Commissioner if he is to come anywhere near a balanced and intelligent judgment.

As a new commissioner, I do not see how I can reach a balanced and fair view unless I can hear both sides of an issue and then reach a decision. I feel strongly that someone should present the consumers point of view without reservation and with the vigor and energy of an opposing counsel in a court case. If that procedure is followed, then the legal advice that the Public Service Commissioners themselves would have could help them sift through conflicting facts and interpret the law more equitably.

I have not yet had a chance to analyze the technical provisions of House Bill #312 so I cannot say at this time if I think it should be amended. My point in this letter is to give you my personal support for the proposition of a people's counsel in Delaware and wish you well in your efforts to get this much needed legislation passed. I brought the matter up before the Public Service Commission this morning and asked that they consider the matter more thoroughly and review it again at a later date.

Respectfully,
Joshua M. Twilley
Commissioner

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Representative Miller then moved that the Bill (HB 312) be laid on the table; however, the Speaker, Representative Jonkiert, ruled that the Bill required a Fiscal Note and reassigned the Bill to the Administrative Services Committee.

HB 231 was taken up for consideration on motion of Representative Derrickson. "An Act to amend an Act, being Chapter 196, Volume 22, Laws of Delaware, entitled "An Act to authorize the Commissioners of Lewes to appoint a Board of Public Works for the Town of Lewes which shall establish, control and regulate an Electric Light Plant, Water Works, and a Sewer System for said Town: prescribing the powers and duties of said Board, and providing for the election of their successors" as amended to establish qualifications of candidates for election to the Board of Public Works and to establish qualifications of voters at the election of members to the Board of Public Works." The roll call vote on the Bill was taken and revealed 40 Representatives voting YES with 1 Representative (Spence) NOT VOTING.

Therefore, the Bill passed the House and was sent to the Senate for consideration.

The following proposed legislation was reported back from Highways and Transportation Committee: HB 346 — 1 Favorable, 5 Merits; HB 113 — 2 Favorable, 4 Merits; HB 378 — 6 Merits; HB 307 — 6 Merits.

HB 323 was stricken on motion of Representative LeGates.

HB 124 was stricken on motion of Representative Lynch.

HB 406 was stricken on motion of Representative George.

At 5:33 p.m. the House recessed until 1:30 p.m. May 20, 1975.

32ND LEGISLATIVE DAY

The Speaker called the House to order at 1:47 p.m. May 20, 1975. On motion of the Majority Leader the House immediately adjourned thereby ending the 31st Legislative Day.

A Prayer was offered by the Chaplain, Rev. Anthony Baker.

Pledge of Allegiance to the Flag.

By roll call, there were 41 members PRESENT.

The following Committee Reports were announced:

From the Natural Resources Committee: **SB 82** — 2 Favorable, 3 Merits; **SB 193** — 4 Favorable, 1 Merits.

From the Agriculture Committee: **SB 108 w SA 1** — 5 Favorable; **SB 163** — 5 Merits.

From the Appropriations Committee: **HB 3** — 3 Merits, 1 Unfavorable; **HB 412** — 5 Merits; **HB 385** — 3 Merits, 1 Unfavorable.

From the Community Affairs Committee: **SB 117** — 1 Favorable, 5 Merits; **HB 364** — 1 Favorable, 5 Merits; **HB 363** — 2 Favorable, 4 Merits; **HB 362** — 1 Favorable, 4 Merits.

From the Health and Social Services Committee: **SB 239** — 5 Merits; **HB 380** — 2 Merits, 3 Unfavorable; **HB 329** — 1 Merits, 4 Unfavorable.

From the Revenue and Finance Committee: **HB 411** — 5 Favorable; **HB 397** — 5 Merits; **HB 133** — 4 Merits, 1 Unfavorable.

From the House Administration Committee: **SB 76** — 2 Favorable, 3 Merits; **HB 357** — 5 Favorable.

From the Education Committee: **HB 29** — 2 Favorable, 2 Merits; **SB 118** — 4 Merits.

From the Public Safety Committee: **HB 290** — 5 Merits; **HB 390** — 5 Merits; **HB 398** — 6 Merits; **SB 32** — 6 Merits; **HB 315** — 5 Merits.

From the Environmental Control Committee: **SB 40** — 1 Favorable, 4 Merits.

From the Federal and State Relations Committee: **SB 212** — 6 Merits.

HCR 31, sponsored by Representatives Ambrosino, Connor, George, Gilligan, Lynch, Matushefske, McKay; Senators Cicione, Castle, Elliott, Holloway and Isaacs, was introduced from the floor and adopted by voice vote:

HCR 31 — "Urging the Trustees and Officials of the University of Delaware to create better liaison among the Board of Trustees, School Administration and the students in

32ND LEGISLATIVE DAY