

SB 451 - An Act to amend Part II, Chapter 30, Title 9, of the Delaware Code, relating to subdivision and land development in New Castle County. Introduced by Sen. Slawik. Assigned to Community Affairs Committee.

HA 1 to HB 286, introduced by Rep. Seibel. Placed with bill.

HR 52 - Directing the State Personnel Commission to review the dismissal of George W. Maxwell an an employee of the Motor Vehivle Division and to provide him with an immediate hearing. Introduced by Rep. Matushefske. Placed on the Speaker's table.

HCR 31 - Relating to real property tax exemptions of handicapped persons and citizens over 65. Introduced by Rep. Connor. On motion of Rep. Connor, **HCR 31** was adopted by voice vote.

The House recessed to the call of the Chair at 1:51 P.M., reconvened at 2:20 P.M.

On motion of Rep. Seibel, **HB 286** was lifted from the Speaker's table and placed before the House for consideration.

HB 286 - An Act to amend Part II, Title 6, of the Delaware Code, relating to high pressure door-to-door sales tactics, and providing for remedies to purchasers of sales caused by high pressure door-to-door sales tactics.

On motion of Rep. Seibel, **HA 1 to HB 286** was adopted by voice vote. Privilege of the floor was granted to Mrs. Frances West, Director of Division of Consumer Affairs. Rep. Boulden moved to defer **HB 286** to amend. Voice vote was taken on motion to defer. Motion carried.

Reps. Little, Leshner, and Gordy marked present.

On motion of Rep. Hering, **SB 297** had its final reading and was placed before the House for consideration.

SB 297 - An Act to amend Title 15, Delaware Code, relating to a portion of the Election Laws, by making certain changes therein.

On motion of Rep. Hering, **HA 1 to SB 297** was adopted by voice vote. On motion of Rep. Tribbitt, **HA 2 to SB 297** was stricken. Roll call on **SB 297** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein,

Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Gordy, Mears, Seibel - 3.

SB 297 with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Justice, **HB 341** had its final reading and was placed before the House for consideration.

HB 341 - An Act to amend Chapter 175, Volume 52, Laws of Delaware, being an act entitled "An act to authorize the Mayor and Council of the City of Wilmington to issue negotiable bonds and notes for lawful purposes and to provide for their payment" relative to the issuance of and guarantee of obligations and debt limitations.

On motion of Rep. Justice, roll call on **HB 341** was tabled.

On motion of Rep. Leshner, **HB 54** was lifted from the Speaker's table and placed before the House for consideration.

HB 54 - An Act to aid certain Fire Companies which are organized to extinguish fires or maintain ambulances or rescue trucks, by making appropriations for them.

Rep. Tribbitt introduced **HA 1** to **HB 54**. Privilege of the floor was granted to Mr. Elbert C. Golder, President, Delaware Association of Volunteer Firemen. Rep. Harkins moved to table **HA 1**. Rep. Tribbitt asked for a roll call vote on that motion. Roll call revealed:

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

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

ABSENT: Connor - 1.

Motion to table **HA 1** to **HB 54** carried.

On motion of Rep. Quillen, **HA 3** to **HB 54** was adopted by voice vote. Rep. Tribbitt introduced **HA 4** to

HB 54. Rep. Leshner moved to table **HA 4.** Rep. Tribbitt asked for a roll call vote on that motion. Roll call on motion to table **HA 4** to **HB 54** revealed:

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

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Matushfske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 15.

ABSENT: Connor, Jonkiert, Riddagh - 3.

Motion to table **HA 4** to **HB 54** carried.

On motion of Rep. Kirk, **HA 5** to **HB 54** was adopted by voice vote. Rep. Smith introduced **HA 6** to **HB 54.** On motion of Rep. Smith, roll call was taken on **HA 6** to **HB 54.** Roll call revealed:

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

NAYS: Berndt, Billingsley, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Seibel, Weiss, Mr. Speaker Frederick - 21.

ABSENT: Connor, Jonkiert, Riddagh - 3.

HA 6 to **HB 54** was defeated.

On motion of Rep. Leshner, **HA 7** to **HB 54** was adopted by voice vote.

Roll call on **HB 54** with **HA 3, 5, and 7** revealed:

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

NAYS: Clendaniel, Johnson - 2.

NOT VOTING: Boulden, Cordrey, Gordy, Gruwell, Harrington, Hearn, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 14.

ABSENT: Riddagh - 1.

HB 54 with **HA 3, 5, 7** not having received a 3/4 majority was defeated in the House.

On motion of Rep. Hering, **HJR 15** had its final reading and was placed before the House for consideration.

HJR 15 - Providing for a Liquor Study Commission.

On motion of Rep. Hering, **HA 1** to **HJR 15** was adopted by voice vote. Roll call on **HJR 15** with **HA 1** revealed:

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

ABSENT: Poulterer - 1.

HJR 15 with **HA 1** having received a majority was declared passed the House.

On motion of Rep. Murphy, **HB 321** had its final reading and was placed before the House for consideration.

HB 321 - An Act to amend Subchapter V, Chapter 6, Title 9, Delaware Code, to provide for fences between developed county parks and railroad tracks.

On motion of Rep. Murphy, **HA 1** to **HB 321** was adopted by voice vote. Roll call on **HB 321** with **HA 1** revealed:

YEAS: Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 29.

NAYS: Leshner, Mears - 2.

NOT VOTING: Berndt, Billingsley, Cordrey, Heckert, Hering, Seibel - 6.

ABSENT: Gruwell, Orth - 2.

HB 321 with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Hering, **HB 399** was placed on the Speaker's table.

On motion of Rep. Heckert, **SCR 32** had its final reading and was placed before the House for consideration.

SCR 32 - Expressing the concern of the General Assembly with regard to the failure of the unique Hazards Committee of the State Department of Public In-

struction to adequately delineate "Safety Hazards" as the same applies to the Transportation of Pupils, and calling for a moratorium within which time a study and report might be made.

On motion of Rep. Heckert, **HA 1** to **SCR 32** was adopted by voice vote. Roll call revealed:

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

NAYS: Hering, Leshner - 2.

NOT VOTING: Miller - 1.

ABSENT: Little - 1.

SCR 32 with **HA 1** having received a constitutional majority was declared passed the House.

Speaker Frederick announced that Getty Oil Co. invited the Representatives to tour their plant. Rep. Hering asked if Getty Oil Co. had registered to lobby. If not, he requested that they be informed to do so.

On motion of Rep. Harrington, **HB 476** had its final reading and was placed before the House for consideration.

HB 476 - An Act to permit the Milford School District to transfer certain funds from its Debt Service Account to certain construction accounts.

Roll call revealed:

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

HB 476 having received 3/4 vote was declared passed the House.

The House recessed to the call of the Chair at 4:56 P.M., reconvened at 6:30 P.M.

June 16, 1971

To House of Representatives
of the 126th General Assembly
of the State of Delaware

Under 20 Delaware Code, §902 I am required to lay before the General Assembly at the session after payment a list of veterans buried at State expense, together with the amount State funds paid out for the burial of each.

The following amounts have been paid for the burial of the indigent veterans listed below since July 1, 1970.

This list was brought to my attention by a special report to me by the State Treasurer.

Name	Amount
Andrew Rzemieniewski	\$150.00
George M. Russell	\$150.00
Joseph J. Ford	\$150.00
William H. Pritchett	\$150.00
George A. Laws	\$150.00
John A. Small	\$150.00
Wendell Simons	\$150.00
Earl E. Blackburn	\$150.00

Sincerely,
Russell W. Peterson
Governor

The following prefiled legislation was introduced:

HA 1 to HS 1 for HB 57, introduced by Rep. Dillman. Placed with bill.

HA 1 to HB 331, introduced by Rep. Gordy. Placed with bill.

HA 1 to HB 399, introduced by Rep. Harkins. Placed with bill.

HA 2 to HB 399, introduced by Rep. Hering. Placed with bill.

HA 1 to HB 419, introduced by Rep. Hering. Placed with bill.

HA 8 to HB 428, introduced by Rep. Leshner. Placed with bill.

HA 9 to HB 428, introduced by Rep. Poulterer. Placed with bill.

HA 10 to HB 428, introduced by Rep. Little. Placed with bill.

HA 11 to HB 428, introduced by Rep. Billingsley. Placed with bill.

HA 1 to HB 469, introduced by Rep. Billingsley. Placed with bill.

On motion of Rep. Seibel, **SB 422** had its final reading and was placed before the House for consideration.

SB 422 - An Act to amend Chapter 51 of Title 30, Delaware Code, relating to expenditures of funds by municipalities; records, audits and regulations of municipalities.

Roll call revealed:

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

NAYS: Boulden - 1.

ABSENT: Harkins, Knox - 2.

SB 422 having received a constitutional majority was declared passed the House.

On motion of Rep. Leshner, **HS 1 for HB 57** had its final reading and was placed before the House for consideration.

HS 1 for HB 57 - An Act to aid Veterans' organizations by making an appropriation therefor.

Rep. Dillman introduced **HA 1 to HS 1 for HB 57**. On motion of Rep. Dillman, **HA 1 to HS 1 for HB 57** was tabled.

Roll call on **HS 1 for HB 57** revealed:

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

ABSENT: Knox - 1.

HS 1 for **HB 57** having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, **SB 432** had its final reading and was placed before the House for consideration.

SB 432 - An Act to amend Chapters 121 and 469, Volume 56, Delaware Laws, and Chapter 299, Volume 57, Delaware Laws, relating to Capital Improvements and Expenditures, by removing certain restrictions on the expenditure of funds allocated for the construction of the West Dover Bypass including the Camden to Frederica Connection, and by mandating the construction thereof.

Roll call on **SB 432** revealed:

YEAS: Berndt, Billingsley, Boulden, Cordrey, Derickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Leshner, Little, Matushefske, Mears, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Clendaniel, Connor, Moerschel, Quillen, Riddagh - 5.

NOT VOTING: Miller - 1.

ABSENT: Knox - 1.

SB 432 having received 3/4 vote was declared passed the House.

Privilege of the floor was granted to Mr. A. Kirk Mearns, Secretary of Highways and Transportation. On motion of Rep. Leshner, the House recessed for 10 minutes. The House recessed at 7:15 P.M., reconvened at 7:25 P.M.

The Senate informed the House that it passed **HB 96**, **HB 123**, **HB 178**, **HCR 31**.

Committee Reports:

Appropriations: **HS 1** for **HB 246-4M**; **HB 334-1F**, **4M**; **HB 448-4M**; **SB 336-5M**; **SB 359-4M**. Public Safety: **HB 455-5M**; **SB 198-4M**; **SS 1** for **SB 199-4M**.

On motion of Rep. Leshner, **HB 451** had its final reading and was placed before the House for consideration.

HB 451 - An Act to amend Chapter 469, Volume 56, Laws of Delaware, known as the "Annual Capital Improvements Act".

Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Cordrey, Derickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little,

Matushefske, Mears, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NAYS: Boulden - 1.

NOT VOTING: Miller - 1.

ABSENT: Clendaniel, Murphy - 2.

HB 451 having received 3/4 vote was declared passed the House.

On motion of Rep. Leshner, HB 452 was placed on the Speaker's table.

On motion of Rep. Little, SS 1 for SB 334 had its final reading and was placed before the House for consideration.

SS 1 for SB 334 - An Act to amend Part IV, Chapter 21, Title 5, of the Delaware Code, relating to Small Loans, and providing for an increase in the maximum rate of interest chargeable upon such loans.

Roll call revealed:

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

NOT VOTING: Gordy - 1.

ABSENT: Harkins, Knox, Murphy - 3.

SS 1 for SB 334 having received a constitutional majority was declared passed the House.

The House recessed to the call of the Chair at 7:45 P.M.

June 17, 1971

48th LEGISLATIVE DAY, Continued

The Speaker called the House to order at 2:23 P.M.
Committee Reports:

Natural Resources: HB 467-6M; HS 2 for HB 300-2F, 2M.

On motion of Rep. Knox, HS 2 for HB 300 was deferred until Monday, June 21, 1971. Speaker Frederick explained that HS 2 for HB 300 was reported out of committee and must lay out of committee for one day before being placed on the Agenda.

The House recessed to the call of the Chair at 2:23 P.M.

June 17, 1971

49th LEGISLATIVE DAY

The Majority Leader moved to adjourn at 2:24 P.M. thereby ending the previous legislative day. The House reconvened at 2:24 P.M.

There was a prayer by the Chaplain Rev. Robert L. McKim, First Presbyterian Church, Dover, Del.

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

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

Absent: Wright - 1.

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

Communications:

Rep. Connor asked the House to welcome students from William Penn High School's Save the Environment Committee.

Letter from the Office of the Governor:

June 16, 1971

To the House of Representatives
of the 126th General Assembly
of the State of Delaware

Under Article VII, Section 1 of the Delaware Constitution, I am required to lay before the General Assembly at its next session a list of all reprieves, pardons and remissions, together with the grounds therefor. Accordingly, I herewith transmit a list of those reprieves, pardons and remissions granted between January 1, 1969 and January 1, 1971.

A written explanation of the grounds for each reprieve, pardon or remission shall be left with the Clerk of the House during the week of June 16 - June 23, 1971.

Sincerely,
Russell W. Peterson
Governor

Enclosure

The following prefiled legislation was introduced:

HB 490 - 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 monies to various agencies of the State. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HS 1 for **HB 380** - An act to permit the Board of Education of the Marshallton-McKean School District to transfer certain funds from its local Debt Service Account to its Construction Fund, 71-80. Introduced by Rep. Knox. Assigned to Education Committee.

HJR 17 - Establishing a Joint Legislative Committee on Administrative Agencies. Introduced by Rep. Jarvis. Assigned to Judiciary Committee.

HA 12 to **HB 428**, introduced by Rep. Seibel. Placed with bill.

HA 13 to **HB 428**, introduced by Rep. Seibel. Placed with bill.

HA 14 to **HB 428**, introduced by Rep. Seibel. Placed with bill.

HA 1 to **HB 488**, introduced by Rep. Billingsley. Placed with bill.

HA 1 to **HB 461**, introduced by Rep. Jarvis. Placed with bill.

HA 1 to **SB 393**, introduced by Rep. Hering. Placed with bill.

SB 430 - An act to amend Chapter 113, Volume 32, Laws of Delaware, entitled "An Act providing for a Police Pension Fund: For members of the Police Force of the City of Wilmington" to provide for an increase in pension benefits. Introduced by Sen. Castle. Assigned to Labor & Commerce Committee.

SB 429 - An act to amend Chapter 118, Volume 33, Laws of Delaware, entitled "An Act providing for a Firemen's Pension Fund for members of the Bureau of Fire of the City of Wilmington", to provide for an increase in pension benefits. Introduced by Sen. Castle. Assigned to Labor & Commerce Committee.

SB 428 - An act to amend Section 2-316 of the Uniform Commercial Code by providing that any attempt to exclude or modify the warranty of merchantability or fitness for a purpose in a sale of consumer goods shall be unenforceable. Introduced by Sen. Manning.

Assigned to Community Affairs Committee.

SS 1 for SB 410 with SA 1 - An act to amend Title 16, by adding a new Chapter 34 entitled "An Act to establish a Delaware Voluntary Formulary Advisory Board", to develop a Delaware Formulary for Voluntary use, and to promote the availability of high quality drug products at reasonable costs. Introduced by Sen. Connor. Assigned to Health & Social Services Committee.

SB 361 - An act to amend Title 29, Chapter 70, Delaware Code, relating to sale of state owned material. Introduced by Sen. Steele. Assigned to Revenue & Finance Committee.

SB 345 with SA 1 - An act to amend Titles 4, 11, 17, 21, and 23, Delaware Code, by conferring original jurisdiction upon Justices of the Peace to hear, try, and finally determine alleged violations of certain sections thereof and by altering the jurisdictional limits of certain sections thereof and by changing the penalties for the violation of certain sections thereof. Introduced by Sen. Castle. Assigned to Judiciary Committee.

SB 280 with SA 3 - An act to amend Title 14, Chapter 27, Section 2702, Delaware Code, to prescribe more precisely the school entering ages. Introduced by Sen. Steele. Assigned to Education Committee.

SB 277 with SA 2 - An act to amend Title 21, Delaware Code, Chapters 27 and 41, relating to driving, operating or having in actual physical control a motor vehicle while under the influence of intoxicating liquor, drug or combination thereof. Introduced by Sen. duPont. Assigned to Public Safety Committee.

SB 51 with SA 1 - An act making a supplemental appropriation to the State Employees' Retirement Fund from the Capital Investment Fund. Introduced by Sen. Steele. Assigned to Appropriations Committee.

HR 53 - Commending certain radio and television stations on their thorough and sensitive coverage of Drug Awareness Week, including the recent Legislative Hearings into the Tragedy of Drug Abuse. Introduced by Rep. Little. By request of Rep. Little **HR 53** was laid on Speaker's table.

HA 1 to HS 2 for HB 300, introduced by Rep. Cor-drey. Placed with bill.

On motion of Rep. Leshner **HB 452** was lifted from the table and placed before the House for consideration.

HB 452 - An act to amend Chapter 255, Volume 57, Laws of Delaware, granting an extension in the time

period required for funds to be expended by the Public Archives Commission.

On motion of Rep. Leshner **HA 1** to **HB 452** was adopted by voice vote. Roll call on **HB 452** with **HA 1** revealed:

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

ABSENT: Knox, Murphy, Wright - 3.

HB 453 with **HA 1** having received a 3/4 vote was declared passed the House.

On motion of Rep. Seibel **SB 340** had its final reading and was placed before the House for consideration.

SB 340 - An act to create a new Chapter 99, Title 29, Delaware Code, creating the Delaware American Revolution Bicentennial Commission and providing a supplementary appropriation therefor.

By request of Rep. Seibel, Sen. Manning was granted privilege of the floor to discuss **SB 340**. By request of Rep. Billingsley, John Mulford, House Attorney was granted privilege of the floor. Rep. Seibel requested that **SB 340** be laid on the Speaker's table for an amendment to be prepared.

By request of Rep. Hering, **SB 211** with **SA 1** and **SB 210** were laid on the Speaker's table.

On motion of Rep. Hering, **HB 419** was lifted from the Speaker's table and **HA 1** was adopted by voice vote. On further request of Rep. Hering **HB 419** with **HA 1** was again placed on the Speaker's table.

On motion of Rep. Gordy, **HS 1** for **HB 247** with **HA 1** was given its final reading and was placed before the House for consideration. By request of Rep. Gordy **HA 1** was stricken. Privilege of the floor was granted to John Mulford, House Attorney to explain **HA 2**, introduced by Rep. Gordy. After much discussion, Rep. Gordy placed **HS 1** for **HB 247** on the Speaker's table for a correction to **HA 2**.

By request of Rep. Little, the following legislation was placed on the Speaker's table until Wednesday, June 23, 1971: **HB 216** with **HA 1, 2, 3**; **HB 411**; **HB 329**; **HB 330**; **HB 305**; **HS 1** for **HB 246**; and **HS 1** for **HB 333**. Rep. Little requested that **HB 333** be stricken.

On motion of Rep. Murphy, **HB 292** with **HA 1** had

its final reading and was placed before the House for consideration. Rep. Leshner requested that **HA 1** be stricken. By request of Rep. Leshner **HB 292** was laid on the Speaker's table until **HA 2** could be prepared.

House recessed at 3:27 P.M., reconvened at 4:56 P.M.

Committee Reports:

Judiciary: **HS 1** for **HB 34-3M, 1U**; **HS 1** for **HB 333-4M**; **SB 393-1F, 4M**. Public Safety: **HB 474-4M**. Appropriations: **HB 428** with **HA's-1F, 3M**.

Rep. Harkins introduced Mr. Warren Burt, former Representative from District No. 16.

HR 54 - Commending Delaware State News for the thorough coverage of Drug Awareness Week, including the recent Legislative Hearings on Drug Abuse. Introduced by Rep. Little. By request of Rep. Little **HR 54** was placed on Speaker's table.

HA 2 to **HB 292**, introduced by Rep. Leshner. Placed with bill.

HA 1 to **HB 370**, introduced by Rep. Smith. Placed with bill.

HA 1 to **HB 397**, introduced by Rep. Quillen. Placed with bill.

HA 15 to **HB 428**, introduced by Reps. Harkins & Dobberstein. Placed with bill.

HA 16 to **HB 428**, introduced by Rep. Billingsley. Placed with bill.

On motion of Rep. Murphy, **HB 292** was lifted from the Speaker's table, had its final reading and was placed before the House for consideration. Rep. Leshner introduced **HA 2** which was adopted by voice vote.

HB 292 with **HA 2** - An act to amend Chapter 92, Title 10 of the Delaware Code, relating to salaries of Justices of the Peace.

Roll call on **HB 292** with **HA 2** revealed:

YEAS: Billingsley, Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Hearn, Jonkiert, Knox, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Weiss - 20.

NAYS: Berndt, Cordrey, Harrington, Hering, Jarvis, Johnson, Justice, Leshner, Mears, Miller, Riddagh, Smith, Tribbitt, Mr. Speaker Frederick - 14.

NOT VOTING: Heckert, Kirk, Seibel - 3.

ABSENT: Gruwell, Wright - 2.

HB 292 with **HA 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert **HB 334** had its final reading and was placed before the House for consideration.

HB 334 - An act to amend Chapter 13, Title 14, Delaware Code, relating to Salary Schedules for School Employees by providing a five per cent salary increase after July 1, 1972.

Roll call on **HB 334** revealed:

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

NOT VOTING: Connor, Justice - 2.

ABSENT: Wright - 1.

HB 334 having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman **HB 427** had its final reading and was placed before the House for consideration. **HA 1**, introduced by Rep. Dillman was adopted by voice vote.

HB 427 with **HA 1** - An act to amend Chapter 65, Title 11, Delaware Code, relating to separate custodial care and work for youthful offenders.

Roll call on **HB 427** with **HA 1** revealed:

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

ABSENT: Murphy, Wright - 2.

HB 427 with **HA 1** having received a constitutional majority was declared passed the House.

Rep. Matushefske requested that **HB 10** with **HA 1** be placed on Speaker's table.

On motion of Rep. Miller **HB 242** was given its final reading and placed before the House for consideration.

HB 242 - An act to amend Subchapter XII, Chapter 3, Title 11, Delaware Code, relating to Cemeteries by making it a misdemeanor to refuse to permit interment of the body of a deceased person because of sex, race, creed, color, or national origin in any cemetery, graveyard, or memorial park used for the interment of deceased persons within this State and providing

a penalty for such offense.

Rep. Miller requested that roll call on **HB 242** be tabled.

On motion of Rep. Billingsley **HB 469** had its final reading and was placed before the House for consideration. **HA 1** was adopted by voice vote.

HB 469 - An act to amend Section 322, Chapter 717, Title 22, Delaware Code, relating to Municipal Zoning Regulations and Boards of Adjustment.

Roll call on **HB 469** with **HA 1** revealed:

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

NOT VOTING: Jonkiert - 1.

ABSENT: Jarvis, Wright - 2.

HB 460 with **HA 1** having received a 2/3 majority was declared passed the House.

On motion of Rep. Billingsley roll call on **HB 425** was lifted from the table.

Roll call on **HB 425** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Seibel, Weiss, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Cordrey, Gordy, Harrington, Hearn, Leshner, Little, Riddagh, Smith, Tribbitt, Wright - 11.

NOT VOTING: Mears, Miller - 2.

HB 425 having received a constitutional majority was declared passed the House.

On motion of Rep. Quillen roll call on **HS 1** for **HB 167** with **HA 1 & 2** was lifted from the table. Roll call revealed:

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

NAYS: Leshner - 1.

NOT VOTING: Miller, Wright - 2.

HS 1 for **HB 167** with **HA 1 & 2** having received a 2/3 majority was declared passed the House.

On motion of Rep. Hering **HB 472** had its final reading and was placed before the House for consideration. On motion of Rep. Hering **HA 1** for **HB 472** was adopted by voice vote.

HB 472 with **HA 1** - An act to amend Section 9115, Chapter 91, Title 9, Delaware Code, relating to Bonds for the Registers in Chancery.

Roll call on **HB 472** with **HA 1** revealed:

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

ABSENT: Wright - 1.

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

On motion of Rep. Weiss **HB 353** had its final reading and was placed before the House for consideration.

HB 353 - An act to amend Chapter 83, Title 11, Delaware Code, relating to the Powers and Duties of the State Police.

Roll call on **HB 353** revealed:

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

ABSENT: Hering, Miller, Wright - 3.

HB 353 having received a constitutional majority was declared passed the House.

On motion of Rep. Gordy **HS 1** for **HB 247** was lifted from the Speaker's table, had its final reading and was placed before the House for consideration. Rep. Gordy had **HA 2** to **HS 1** for **HB 247** stricken. On further motion of Rep. Gordy **HA 3** was adopted by voice vote.

HS 1 for **HB 247** - An act to amend Subchapter II of Chapter 43, Title 21, Delaware Code, pertaining to additional equipment required on slow-moving vehicles.

Roll call on **HS 1** for **HB 247** with **HA 3** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel,

Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 36.

ABSENT: Gruwell, Hering, Wright - 3.

HS 1 for **HB 247** with **HA 3** having received a constitutional majority was declared passed the House.

On motion of Rep. Matushefske **HB 10** with **HA 1** was lifted from the Speaker's table, had its final reading and was placed before the House for consideration. On further motion of Rep. Matushefske **HA 1** was stricken. Rep. Murphy introduced **HA 2** to **HB 10** which was adopted by voice vote.

HB 10 with **HA 2** - An act to amend Chapter 17, Title 9, Delaware Code, relating to pensions for employees of New Castle County.

Roll call on **HB 10** with **HA 2** revealed:

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

ABSENT: Hering, Wright - 2.

HB 10 with **HA 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert **HB 342** had its final reading and was placed before the House for consideration.

HB 342 - An act making a supplementary appropriation to the University of Delaware as contractual agent for the implementation of a program for the preparation of teachers in occupational education.

Rep. Harkins moved to place **HB 342** on the Speaker's table. Roll call on the motion revealed:

YEAS: Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Harkins, Jarvis, Justice, Kirk, Knox, Lesh, Little, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Berndt, Billingsley, Cordrey, Gordy, Gruwell, Harrington, Hearn, Heckert, Johnson, Matushefske, Mears, Miller, Moerschel, Orth, Smith, Tribbitt - 16.

ABSENT: Hering, Jonkiert, Wright - 3.

HB 342 was placed on the Speaker's table.

The House recessed at 6:08 P.M., reconvened at 6:43 P.M.

The Senate informed the House that it had passed **HB 450** with **SA 1**, **HB 409**, **HB 244**, **HB 347**, **HB 365**, **HB 181**, **HB 273**, **HB 364** and **HB 390**.

Committee Reports:

Education: **HS 1** for **HB 380-2F**, **2M**; **SB 371-4M**.
Community Affairs: **HB 440-4M**; **HB 473-1F**, **4M**.
Public Safety: **HB 474-6M**. Secondary Comm. Report:
Appropriations: **HB 474-4M**. Judiciary: **HJR 17-6M**.
Revenue & Finance: **HB 430-6M**; **SB 412-2F**, **4M**. High-
ways & Transportation: **HB 480-6M**. Agriculture: **SB 355-6M**.

On motion of Rep. Quillen **SJR 18** had its final reading and was placed before the House for consideration.

SJR 18 - Relating to the Poultry Industry Market in Delaware.

Roll call on **SJR 18** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Mr. Speaker Frederick - 32.

NOT VOTING: Tribbitt - 1.

ABSENT: Connor, Harkins, Hering, Little, Orth, Wright - 6.

SJR 18 having received a constitutional majority was adopted by the House.

Committee Report:

Appropriations: **HB 490-4F**.

The House recessed to the call of the Chair at 7:05 P.M.

June 21, 1971

50th LEGISLATIVE DAY

The Speaker called the House to order at 1:44 P.M. The Majority Leader moved to adjourn at 1:44 P.M., thereby ending the previous legislative day. The House reconvened at 1:45 P.M.

There was a prayer by the Chaplain Rev. William B. Bundik, United Methodist Church, Lewes, Del.

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

Members present: Berndt, Billingsley, Boulden,

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

Late: Dillman, Little.

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

Rep. Hering announced that Getty Oil Co. had registered to lobby.

STATE OF DELAWARE
Executive Department
Dover

June 17, 1971

To the House of Representatives
of the 126th General Assembly
of the State of Delaware

Attached please find a copy of the opinion of the Attorney General concerning the obligations of the United States to maintain and construct bridges over the Chesapeake and Delaware Canal. This is in reply to your request in House Concurrent Resolution No. 11.

For your information, I am also forwarding a copy of a letter on this subject to Senator Roth from the Army Corps of Engineers.

Sincerely,
Russell W. Peterson
Governor

Enclosures (2)

STATE OF DELAWARE
Department of Justice
June 10, 1971

OPINION TO: The Honorable Russell W. Peterson
Governor of the State of Delaware
Legislative Hall
Dover, Delaware

OPINION BY: Jerome O. Herlihy
Chief Deputy Attorney General

QUESTIONS: According to the original agreement between the State of Delaware and the United States concerning the Chesapeake and Delaware Canal, what is the

obligation of the United States, or any agency thereof, to maintain the bridges over the said Canal?

Under the same agreement mentioned in Question 1, what obligation, if any, did the United States or its agencies undertake to construct additional crossings of the Chesapeake and Delaware Canal?

OPINION REQUEST NO. S174

This opinion is in response to your letter seeking advice of this Office regarding the Chesapeake and Delaware Canal bridges. It has been extremely difficult to find some essential information so we are including some background for whatever future reference is needed, as well as for this opinion.

The Chesapeake and Delaware Canal Company was chartered by the Delaware General Assembly in 1801. The charter is found in Volume 3, **Delaware Laws**, Chapter 78. The purpose, of course, was to build a canal connecting the Delaware River to the Chesapeake Bay. Included among the rights and obligations of the Canal Company was the following:

“Section 16. And be it enacted, that whenever said canal shall cross any public road, it shall be the duty of said company, at the proper expense of the same, to make and keep good and sufficient bridges across the said canal, so as to prevent any inconvenience, in the usage of said road or roads by reason of said canal crossing the same, and that it shall be lawful for the Legislature of this State, at all times hereafter, to enact laws for the erecting and maintaining bridges across the said canal, at the expense of the said company, and to subject the said company to forfeitures, pains and penalties for not complying with such laws.”

The Legislature reserved the right to enact laws covering bridges over the canal and exercised that right from time to time. Examples can be found in 7 **Delaware Laws**, Chapter 64 (approved February 9, 1827) regulating traffic over the then existing Summit Bridge. The bill also required lights to be located at both ends of the bridge.

In 7 **Delaware Laws**, Chapter 170 (approved February 11, 1829) a crime was created relating to wanton and malicious destruction of the Canal's bridges, locks and culverts.

In 27 **Delaware Laws**, Chapter 197 (approved May 7, 1913) the Canal Company was required to erect and maintain a bridge for the “Coleman du Pont Road, In-

corporated". The pertinent provisions of that law read as follows:

"Section 1. That the said "Chesapeake and Delaware Canal Company" be, and the same is, hereby required to erect and maintain, at its own expense, a substantial bridge, including the approaches thereto, across its canal at the place where the said road for vehicular travel required to be built as aforesaid, by the said "Coleman du Pont Road, Incorporated", is crossed, or shall be crossed by the said canal. The said bridge shall not be less than thirty feet wide, shall be sufficient to be safely crossed by vehicles of the greatest weight, and shall be completed within three months after the said road for vehicular travel, or some section or sections thereof within the meaning of the law authorizing the organization of Boulevard Corporations shall have been completed up to both opposite banks of the said canal at the said place of crossing.

Section 2. If the said "Chesapeake and Delaware Canal Company" shall fail, neglect or refuse to comply with the provisions of Section 1 of this Act, it shall, by such failure, neglect or refusal, ipso facto, forfeit all its corporate franchises, and all other franchises, granted to it by the State of Delaware, including the right and franchise to collect, or receive tolls within the State of Delaware from any boat or vessel passing through or along its said canal, or tolls for any goods or commodities transported by any such boat or vessel, until it shall erect a bridge in compliance with the provisions of said Section 1 of this Act, or shall pay the costs and expense attending the erection of such bridge by the said "Coleman du Pont Road, Incorporated", as hereinafter provided.

Upon the failure, neglect or refusal of the said "Chesapeake and Delaware Canal Company" to comply with the provisions of Section 1 of this Act, the said "Coleman duPont Road, Incorporated" shall be and it is hereby authorized at its election, to erect a bridge in compliance with the provisions of said Section 1 of this Act, or to finish any bridge which may have been commenced by the said "Chesapeake and Delaware Canal Company" but not completed within the time prescribed in said Section 1, and, after the completion of the same, the said "Coleman duPont Road, Incorporated", shall be and it is hereby authorized and empowered to collect from the said "Chesapeake and Delaware Canal Company" the sum of money expended by it, the said "Cole-

man duPont Road, Incorporated'', in the erection or completion of such bridge, together with legal interest thereon, and to enforce such collection, and payment by the said Canal Company by an action of debt against the said Canal Company, and in any such action the said "Coleman duPont Road, Incorporated" shall be entitled to recover, in addition to the sum of money aforesaid, together with interest, as aforesaid, and costs of suit, a reasonable attorney's fee, to be fixed by the Court which shall try the case.

Section 3. That all Acts or parts of Act inconsistent with this Act be, and the same are hereby repealed."

There had been discussion for several years about the possibility of the Federal Government buying the Canal. The General Assembly anticipated this possible purchase and consented to the purchase of the Canal Company's land or purchase of necessary land parallel to the Canal for another canal. That "consent" is found in 25 Delaware Laws, Chapter 169. A pertinent provision of that law reads as follows:

"But notwithstanding such consent and concession, the sovereignty and jurisdiction of this State shall extend over all lands acquired by the U.S. within the limits of this State so far as that all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which may be created thereon."

There was no mention of the bridges in this law since the only reservation of State power was in connection with the service of civil or criminal process.

Due to World War I and other reasons, the Federal Government took more of an interest in the Canal. In 1917, a law was passed authorizing the Secretary of War to negotiate the purchase of the Canal. If purchase could not be arranged, the Canal was to be taken by condemnation. Volume XL, U.S. Statutes at Large, Chapter 49. The pertinent part reads as follows:

("One Hundred and Ninety-Six, Sixty-third Congress, first session:) "The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake and Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto; and he is further authorized, if in his judgement the price is reasonable and satisfactory, to make a contract for the purchase

of the same, subject to future ratification and appropriation by Congress. In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed through the Attorney General to institute and to carry to completion proceedings for the condemnation of the said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Delaware substantially as provided in "An Act to authorize condemnation of land for sites for public buildings, and or other purposes," approved August first, eighteen hundred and eighty-eight, and the sum of \$5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith."

Condemnation did ensue because there were some small problems of title in some lands along the Canal. The petition for condemnation was filed in the District Court for Delaware on January 27, 1919. Among its relevant provisions it was stated that the condemnation was "...against property, rights of property, franchises and appurtenances as used or acquired for use in connection therewith." The petition is found in Federal Records Container No. 106551, No. 5 December term 1918, U.S. District Court for Delaware.

On April 8, 1919, the condemnation jury made the award of \$2,514,289.70. Congress appropriated the necessary money and the government deposited the same with the Federal District Court on August 1, 1919. The deed of conveyance was executed on August 6, 1919 and properly recorded in the Recorder of Deeds for New Castle County. The deed is found in Deed Record 28, Volume S at page 527.

Appropriate portions of the deed read as follows:

"p. 532 ... 'also all the property and appurtenances used or acquired for use in connection with the said canal and appertaining thereto, including bridges at Delaware City, Delaware, and at North Drain, Delaware City, Delaware and at St. Georges, Delaware and at Maryland Pivot, Maryland, and at Chesapeake City, Maryland'..." (Note: The deed, for some reason, omitted the Summit Bridge. The petition of condemnation recited the Summit Bridge. We do not believe

it necessary for the purposes of this opinion to discuss this omission.)

“p. 552 ...“Together with all and singular the buildings, improvements, woods, ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever...”

“p. 553 ...“To have and to hold the rail lands, buildings, appurtenances, personal property, hereditaments, and premises hereby granted...”

It is clear that the United States Government took the Canal with its then existing bridges. See *U.S. v. Gray Line Water Tours of Charleston*, 311 F. 2d 779 (C.A. 4th (1962)); *U.S. v. An Easement and Right of Way*, 182 F. Supp. 899 (Dist. Ct. M.D. Tenn. 1960); 30 C. J. S. *Eminent Domain*, 449 at 627.

As a result of this condemnation, the United States took full title, right and interest in the Canal property and its appurtenances but under our law:

“The estate or interest taken is the full fee simple title of the property, free and clear of all liens, encumbrances, charges and claims.” *Wilmington Housing Authority v. Harris*, 93 A. 2d 518 (Sup. Ct. N. C. C. 1952) at 521.

It should be noted that the condemnation of the Canal took place in Federal Court under Federal law which, however, does not affect the rule of complete and absolute taking.

There was no agreement between the State and Federal governments which delineates responsibility in relation to maintenance of existing bridges or the construction of new ones. There was no explicit assumption by the United States to build or maintain bridges.

We are of the opinion that the Army Corps of Engineers cannot be required to build a bridge by an act of the General Assembly. The Corps must be authorized by an act of Congress such as the one Senator Boggs has introduced. We understand that the Corps takes this position, that only Congress can direct them to act, and we must agree with them.

We must also agree that our General Assembly cannot direct the Corps to repair and maintain any existing bridges. The obligation for such maintenances arises from the initial authorization by Congress to build the particular bridge. As far as this office is aware, the Corps has not declined to maintain any

existing bridges.

Sincerely,
Jerome O. Herlihy
Chief Deputy Attorney General

Approved By:
W. Laird Stabler, Jr.
Attorney General

DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D.C. 20314

7 May 1971

Honorable William V. Roth, Jr.
United States Senate
Washington, D.C. 20510

Dear Senator Roth:

This is in reply to your letter to General Clarke, also signed by Senator Boggs, inclosing a copy of **House Concurrent Resolution 11**, adopted by the General Assembly of the State of Delaware, concerning the closing of St. Georges Bridge for deck rehabilitation.

The Government acquired the Chesapeake and Delaware Canal from a private company by condemnation on 13 August 1919. Whatever burdens the company may have had regarding maintenance of bridges were extinguished by the condemnation. We are aware of no provision in the condemnation decree, nor of any compact with the State of Delaware, which requires the Government to maintain the St. Georges Bridge. Nevertheless, since the bridge was constructed as a Federal bridge under authority of 53 Stat. 1240, 7 August 1939, we have maintained it and will continue to do so as an inherent and direct obligation of the Federal Government to the people, acting through Congress. However, it is considered that the authorization for the bridge, cited above, does not by implication confer authority to add another bridge or even to replace the present bridge. Only Congress has the power to authorize and to fund its replacement or construction of a second bridge.

The views of Delaware officials regarding the replacement of the bridge would be effective only if expressed to Congress and Congress would authorize and fund a new bridge or replacement for the existing bridge. The Comptroller General has recently ruled (B-169174 dated 25 March 1971) that existing authority

does not permit the Corps to design and construct highways being relocated to a classification higher than supported by current daily traffic, excluding projection. This decision further establishes need for Congressional authorization.

The Corps of Engineers will share the costs of the detour with the State of Delaware. Other incidental costs such as shuttle buses and ambulance service cannot be incurred by the Federal Government since it is obligated only to construct and maintain the crossing.

Actual experience indicates that there is a compelling need to widen the roadway surface. Moreover the widening of the traffic lanes was requested by the Delaware State Highway Department in November 1969. It stated that the existing width of the traffic lanes is substandard by present criteria and results in many motorists being apprehensive about passing slow moving vehicles, or in some cases, straddling the centerline so as to effectively prohibit 2-lane operation. The widening will assist in the movement of traffic across the bridge, especially during peak periods, under safer conditions.

The sidewalk must be eliminated, if a safer, wider roadway is to be provided. Sidewalks are not consistent with present day standards for bridges of this length, moreover, the existing sidewalk is not safe considering the 50 m.p.h. speed limit and narrow roadway. Few, if any, people use the sidewalk on an essential regular basis and its elimination is more than compensated for by the vehicle safety furnished by the widened lanes.

The bridge surface has not failed and might last a few years with continuous patching. The deck areas which are now deteriorating were not those replaced in the 1964 renewal program. It was decided to replace the bridge deck now because its age (29 years) and condition would cause the deck to become increasingly unreliable for future traffic volumes and loads. From such traffic projections the ultimate inconvenience to the public would be increased still more if the project were delayed.

Prior to award of a contract, the Philadelphia District will furnish you the name of the successful bidder,

the amount of the bid and the scheduled date of award.

Sincerely yours,
Leonard Edelstein
Colonel, Corps of Engineers
Assistant Director of Civil Works
for Atlantic Divisions

Incl
House Concurrent
Resolution No. 11

On motion of Rep. Leshner, **HB 54** was restored to the agenda.

Speaker Frederick welcomed delegates from Boys State.

On motion of Rep. Knox, **HS 2** for **HB 300** had its final reading and was placed before the House for consideration.

HS 2 for **HB 300** - An Act creating a new Chapter 70, Title 7, Delaware Code, to establish a Coastal Zone in Delaware, to prohibit or limit certain uses therein: to create a State Coastal Zone Industrial Control Board.

Rep. Cordrey introduced **HA 1** to **HS 2** for **HB 300**. Placed with bill.

Privilege of the floor was granted to Mr. Robert Tunnell, Atty. from Sussex County to explain the need for **HB 300**.

Rep. Dillman asked to be marked present.

The following prefiled legislation was introduced:

HA 2 to **HS 2** for **HB 300**, introduced by Rep. Leshner. Placed with bill.

HA 3 to **HS 2** for **HB 300**, introduced by Rep. Berndt. Placed with bill.

HA 4 to **HS 2** for **HB 300**, introduced by Rep. Leshner. Placed with bill.

HA 5 to **HS 2** for **HB 300**, introduced by Rep. Leshner. Placed with bill.

HA 6 to **HS 2** for **HB 300**, introduced by Rep. Berndt. Placed with bill.

HA 7 to **HS 2** for **HB 300**, introduced by Rep. Berndt. Placed with bill.

HA 8 to **HS 2** for **HB 300**, introduced by Rep. Kirk. Placed with bill.

HA 9 to **HS 2** for **HB 300**, introduced by Rep. Tribbitt & Rep. Hearn. Placed with bill.

HA 10 to HS 2 for HB 300, introduced by Rep. Matushefske. Placed with bill.

On motion of Rep. Cordrey, **HA 1 to HS 2 for HB 300** was adopted by voice vote. **HA 2 to HS 2 for HB 300** was before the House for discussion. After much discussion, Rep. Leshner moved for a roll call vote on the amendment. Rep. Little asked to be marked present. Roll call on **HA 2 to HS 2 for HB 300** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Jonkiert, Justice, Kirk, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 33.

NAYS: Derrickson, Knox, Miller, Weiss - 4.

NOT VOTING: Dillman, Jarvis - 2.

HA 2 to HS 2 for HB 300 was adopted in the House.

The House recessed at 3:00 P.M., reconvened at 3:05 P.M.

On motion of Rep. Berndt, **HA 3 to HS 2 for HB 300** was stricken.

On motion of Rep. Leshner, **HA 4 to HS 2 for HB 300** was stricken.

On motion of Rep. Leshner, **HA 5 to HS 2 for HB 300** was stricken.

On motion of Rep. Berndt, **HA 6 to HS 2 for HB 300** was before the House for consideration.

After much discussion, Rep. Harkins moved to table **HA 6**. Rep. Berndt moved for a roll call on the motion to table. Roll call revealed:

YEAS: Billingsley, Derrickson, Dillman, Dobberstein, Harkins, Harrington, Jarvis, Knox, Moerschel, Murphy, Poulterer, Seibel, Weiss, Mr. Speaker Frederick - 14.

NAYS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Gordy, Gruwell, Hearn, Heckert, Hering, Johnson, Jonkiert, Justice, Kirk, Leshner, Little, Matushefske, Mears, Miller, Orth, Quillen, Riddagh, Smith, Tribbitt, Wright - 25.

Motion to table was defeated. On motion of Rep. Berndt, roll call on **HA 6 to HS 2 for HB 300** was taken and revealed:

YEAS: Berndt, Clendaniel, Gordy, Johnson, Jonkiert, Leshner, Matushefske, Mears, Orth, Quillen, Riddagh, Wright - 12.

NAYS: Billingsley, Boulden, Connor, Cordrey,

Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Little, Miller, Moerschel, Murphy, Poulterer, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 27.

HA 6 to HS 2 for HB 300 was defeated. On motion of Rep. Berndt, **HA 7 to HS 2 for HB 300** was stricken. On motion of Rep. Kirk, **HA 8 to HS 2 for HB 300** was adopted by voice vote. On motion of Reps. Tribbitt and Hearn, **HA 9 to HS 2 for HB 300** was before the House for consideration. After much discussion, Rep. Murphy moved to defer **HA 9 to HS 2 for HB 300**. Roll call on that motion was taken and revealed:

YEAS: Billingsley, Derrickson, Dobberstein, Justice, Knox, Murphy, Mr. Speaker Frederick - 7.

NAYS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Dillman, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Kirk, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright - 31.

NOT VOTING: Harkins - 1.

Motion to defer **HA 9 to HS 2 for HB 300** was defeated.

The House recessed to the call of the Chair at 5:39 P.M., reconvened at 8:05 P.M.

Privilege of the floor was granted to Mr. John Rich, House Attny., to explain **HA 9 to HS 2 for HB 300**. On motion of Rep. Tribbitt roll call on **HA 9** was taken and revealed:

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

NAYS: Berndt, Billingsley, Connor, Derrickson, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Seibel, Weiss, Mr. Speaker Frederick - 20.

ABSENT: Dillman, Quillen, Riddagh - 3.

HA 9 to HS 2 for HB 300 was defeated. On motion of Rep. Matushefske, **HA 10 to HS 2 for HB 300** was stricken.

HA 11 to HS 2 for HB 300, introduced by Rep. Berndt. Placed with bill.

HA 12 to HS 2 for HB 300, introduced by Rep. Knox. Placed with bill.

HA 13 to HS 2 for HB 300, introduced by Rep. Hearn. Placed with bill.

HA 14 to HS 2 for HB 300, introduced by Rep. Hearn. Placed with bill.

HA 15 to HS 2 for HB 300, introduced by Rep. Hearn. Placed with bill.

HA 11 to HS 2 for HB 300 was before the House for consideration on motion of Rep. Berndt. Rep. Leshner moved to table **HA 11**. Rep. Berndt requested a roll call on the motion. Roll call on the motion to table **HA 11** was taken and revealed:

YEAS: Boulden, Connor, Cordrey, Derrickson, Gruwell, Harrington, Hearn, Jonkiert, Kirk, Leshner, Little, Matushefske, Mears, Miller, Quillen, Riddagh, Tribbitt - 17.

NAYS: Berndt, Billingsley, Clendaniel, Dillman, Dobberstein, Gordy, Harkins, Heckert, Hering, Jarvis, Johnson, Justice, Knox, Moerschel, Murphy, Orth, Poulterer, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 22.

Motion to table was defeated.

On motion of Rep. Berndt, roll call on **HA 11 to HS 2 for HB 300** was taken and revealed:

YEAS: Berndt, Billingsley, Clendaniel, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Justice, Knox, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 27.

NAYS: Boulden, Connor, Cordrey, Gordy, Jonkiert, Kirk, Leshner, Matushefske, Miller, Quillen, Riddagh - 11.

NOT VOTING: Jarvis - 1.

HA 11 to HS 2 for HB 300 was adopted.

On motion of Rep. Knox, roll call on **HA 12 to HS 2 for HB 300** was taken and revealed:

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

NAYS: Clendaniel, Gordy, Matushefske - 3.

HA 12 to HS 2 for HB 300 was adopted.

On motion of Rep. Hearn, roll call on **HA 13 to HS 2 for HB 300** was taken and revealed:

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harrington,

ton, Hearn, Hering, Johnson, Jonkiert, Leshner, Mears, Miller, Moerschel, Orth, Quillen, Riddagh, Smith, Tribbitt, Wright - 24.

NAYS: Billingsley, Derrickson, Harkins, Heckert, Jarvis, Justice, Kirk, Knox, Little, Matushefske, Murphy, Poulterer, Seibel, Weiss, Mr. Speaker Frederick - 15.

On motion of Rep. Hearn, roll call on **HA 14** to **HS 2** for **HB 300** was taken and revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Hering, Johnson, Jonkiert, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright - 26.

NAYS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Jarvis, Justice, Matushefske, Poulterer, Mr. Speaker Frederick - 13.

HA 14 to **HS 2** for **HB 300** was adopted.

On motion of Rep. Hearn, roll call on **HA 15** to **HS 2** for **HB 300** was taken and revealed:

YEAS: Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Johnson, Jonkiert, Knox, Little, Mears, Miller, Moerschel, Murphy, Orth, Seibel, Smith, Tribbitt, Weiss, Wright - 26.

NAYS: Berndt, Derrickson, Dobberstein, Hering, Jarvis, Kirk, Leshner, Matushefske, Poulterer, Quillen, Riddagh, Mr. Speaker Frederick - 12.

ABSENT: Justice - 1.

HA 15 to **HS 2** for **HB 300** was adopted.

On motion of Rep. Hearn, **HA 16** to **HS 2** for **HB 300** was stricken. Rep. Leshner moved to adopt **HA 17** to **HS 2** for **HB 300**. Motion was defeated by voice vote. On motion of Rep. Tribbitt, roll call on **HA 18** to **HS 2** for **HB 300** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Johnson, Justice, Kirk, Leshner, Mears, Miller, Moerschel, Orth, Quillen, Seibel, Smith, Tribbitt, Wright - 25.

NAYS: Connor, Derrickson, Dillman, Harkins, Jarvis, Knox, Little, Matushefske, Murphy, Poulterer, Riddagh, Weiss, Mr. Speaker Frederick - 13.

ABSENT: Jonkiert - 1.

HA 18 to **HS 2** for **HB 300** was adopted.

On motion of Rep. Tribbitt, **HA 19** to **HS 2** for

HB 300 was adopted by voice vote. Rep. Tribbitt moved to adopt **HA 20** to **HS 2** for **HB 300**. Motion defeated. On motion of Rep. Tribbitt, roll call on **HA 21** to **HS 2** for **HB 300** was taken and revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Johnson, Jonkiert, Miller, Smith, Tribbitt - 11.

NAYS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 25.

NOT VOTING: Gruwell, Mears, Wright - 3.

HA 21 to **HS 2** for **HB 300** was defeated.

On motion of Rep. Hering, **HA 22** and **HA 23** to **HS 2** for **HB 300** were adopted by voice vote.

The House recessed to the call of the Chair at 10:14 P.M., reconvened at 10:30 P.M.

On motion of Rep. Knox, **HA 24** to **HS 2** for **HB 300** was adopted by voice vote.

Rep. Tribbitt moved to defer action of **HS 2** for **HB 300** until Thursday, June 24, 1971. Roll call on the motion was taken and revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Quillen, Riddagh, Smith, Tribbitt, Wright - 18.

NAYS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Seibel, Weiss, Mr. Speaker Frederick - 21.

Motion to defer was defeated.

On motion of Rep. Knox, roll call on **HS 2** for **HB 300** as amended was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 28.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Leshner, Matushefske, Riddagh - 7.

NOT VOTING: Johnson, Jonkiert, Miller, Wright - 4.

HS 2 for **HB 300**, having received a constitutional majority was declared passed the House.

Committee Reports:

Education: **SS 4** for **SB 65-1F**, 4M. Revenue & Finance: **SB 351-5M**. Judiciary: **SB 395-3F**, 1U.

The House recessed to the call of the Chair at 10:45 P.M.

June 22, 1971

51st LEGISLATIVE DAY

The Speaker called the House to order at 1:39 P.M. The Majority Leader moved to adjourn at 1:39 P.M., thereby ending the previous legislative day. The House reconvened at 1:40 P.M.

There was a prayer by the Chaplain Rev. William B. Bundick, United Methodist Church, Lewes, Del.

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

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

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

The following prefiled legislation was introduced:

HJR 18 - Requesting the Governor to appoint a Delaware Bay Oil Transport Committee. Introduced by Rep. Knox. Assigned to Natural Resources Committee.

HCR 32 - Directing the Division of Highways to install a warning signal at the Hardscrabble intersection in Sussex County. Introduced by Rep. Gordy. Assigned to Highways & Transportation Committee.

HA 2 to **HB 286**, introduced by Rep. Seibel. Placed with bill.

HA 1 to **HB 474**, introduced by Rep. Dillman. Placed with bill.

SA 3 to **HB 33**, introduced by Sen. Hale. Placed with bill.

SA 1 to **HB 281**, introduced by Sen. Cook. Placed with bill.

SS 2 for **SB 66** - An Act to amend Chapter 51, Title 25, Delaware Code, requiring a pledge by a landlord to his tenant that the premises are in a habitable condition. Introduced by Sen. Holloway. Assigned to Com-

munity Affairs Committee.

SB 129 with SA 1 - An Act to amend Title 11, Chapter 22 of the Delaware Code relating to jurisdiction of the various Courts of Common Pleas for violations of City or Town Ordinances. Introduced by Sen. Slawik. Assigned to Judiciary Committee.

SB 308 - An Act to amend Chapter 31, Title 24 of the Delaware Code relating to Undertakers. Introduced by Sen. Holloway. Assigned to Community Affairs Committee.

SB 333 with SA 1 - An Act to amend Chapter 26, Title 24, Delaware Code relating to Physical Therapy. Introduced by Sen. Steele. Assigned to Health & Social Services Committee.

SB 364 - An Act to amend Title 25, Chapter 51 of the Delaware Code, by creating a new § 5114 requiring a tenant to leave rented premises free of debris when terminating occupancy. Introduced by Sen. Holloway. Assigned to Judiciary Committee.

SB 372 with SA 2 - An Act to amend Chapter 15, Title 13, Delaware Code, relating to Divorce and Annulment. Introduced by Sen. Connor. Assigned to Judiciary Committee.

SS 1 for SB 450 - An Act to amend Chapter 39 of Title 7, Delaware Code, relating to the obstruction or blockage of a ditch where there is an established water course and providing a penalty therefor. Introduced by Sen. Cook. Assigned to Judiciary Committee.

SB 468 - An Act making a supplementary appropriation to the Department of Highways and Transportation for the installation of a flashing beacon at the intersection of Delaware Routes 28 and 20. Introduced by Sen. Elliott. Assigned to Highways & Transportation Committee.

HS 1 for HB 362 - An Act to provide a supplementary appropriation to the Office of Human Relations of the Department of Community Affairs and Economic Development to defray reasonable expenses. Introduced by Rep. Seibel. Assigned to Appropriations Committee.

SB 382 - An Act to amend Chapter 5, Title 31 of the Delaware Code by adding a new section relating to Birth Control, and providing an appropriation for the implementation of the provisions of such section. Introduced by Sen. Robbins. Assigned to Health & Social Services Committee.

The House recessed to the call of the Chair at 2:46 P.M. Reconvened at 3:08 P.M.

On motion of Rep. Boulden, **HB 128** was given its final reading and was before the House for consideration. (Second passage - with **SA 2**.)

HB 128 - An Act to amend Subchapter III, Chapter 41, Title 21, Delaware Code, relating to Toll Evasion on the Delaware Turnpike; penalty; jurisdiction of Justice of the Peace.

Roll call on **HB 128** with **SA 2** revealed:

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

ABSENT: Dillman - 1.

HB 128 with **SA 2**, having received 2/3 vote was declared passed by the House.

On motion of Rep. Kirk, **HB 450** was given its final reading and was before the House for consideration. (Returned from Senate with **SA 1**)

HB 450 - An Act to amend Title 26, Delaware Code, by adding a new section thereto relating to the duties and powers of the Public Service Commission with respect to Public Water Suppliers.

Roll call on **HB 450** with **SA 1**:

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

NOT VOTING: Mears - 1.

ABSENT: Dillman - 1.

HB 450 with **SA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Riddagh, **HB 281** was given its final reading and was before the House for consideration. (Returned from Senate with **SA 1**.)

HB 281 - An Act to amend Chapter 47, Title 9, Delaware Code, relating to Garbage Collection in unincorporated areas of Kent County.

On motion of Rep. Moerschel, **HA 1** to **HB 281** was adopted by voice vote.

Roll call on **HB 281** with **SA 1** and **HA 1** revealed:

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

ABSENT: Dillman, Jonkiert - 2.

HB 281 with **SA 1** and **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Heckert, **HB 67** was given its final reading and was before the House for consideration. (Returned from Senate with **SA 1**.)

HB 67 - An Act to amend Chapter 27, Title 21, of the Delaware Code, pertaining to School Bus Driver License Applications and Qualifications therefor.

Roll call on **HB 67** with **SA 1** revealed:

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

ABSENT: Jonkiert - 1.

HB 67 with **SA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Riddagh, **HB 410** was given its final reading and was before the House for consideration.

HB 410 - An Act to amend an act entitled: "An Act to Re-incorporate the Town of Leipsic" relating to the Adoption and Enforcement of Town Ordinances.

After much discussion, Rep. Riddagh moved to defer **HB 410** indefinitely.

On motion of Rep. Hering, **HB 419** was given its final reading and was before the House for consideration.

HB 419 - An Act making technical amendments to the Revised Income Tax Law relating to individuals, trusts, estates and certain corporations.

Rep. Hering moved to rescind the adoption of **HA 1** to **HB 419**. Rep. Jonkiert moved for a roll call on the motion. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering,

Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NAYS: Hearn, Jonkiert, Miller - 3.

ABSENT: Little - 1.

Motion to rescind **HA 1** to **HB 419** passed.

Rep. Hering moved for the adoption of **HA 2** to **HB 419**. Motion carried. Roll call on **HB 419** with **HA 2** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Cordrey, Gordy, Hearn, Jonkiert, Matushefske, Mears, Miller, Orth, Tribbitt - 10.

NOT VOTING: Johnson, Wright - 2.

ABSENT: Murphy - 1.

HB 419 with **HA 2**, having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel **SB 340** was given its final reading and was before the House for consideration.

SB 340 - An Act to create a new Chapter 99, Title 29, Delaware Code, creating the Delaware American Revolution Bicentennial Commission and providing a supplementary appropriation therefor.

Senator Manning was granted the privilege of the floor for the purpose of explaining the need for the bill.

Rep. Seibel moved for the adoption of **HA 1** to **SB 340** by voice vote. Motion carried. Roll call on **SB 340** with **HA 1** revealed:

YEAS: Berndt, Boulden, Connor, Derrickson, Dillman, Gruwell, Harrington, Hering, Justice, Kirk, Knox, Little, Moerschel, Murphy, Poulterer, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 20.

NAYS: Clendaniel, Cordrey, Jarvis, Leshner, Matushefske, Miller, Smith, Tribbitt - 8.

NOT VOTING: Billingsley, Dobberstein, Harkins, Hearn, Heckert, Johnson, Jonkiert, Mears, Orth - 9.

ABSENT: Gordy, Quillen - 2.

SB 340 with **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Hering, **SB 211** was given its final reading and was before the House for consideration.

SB 211 - An Act to amend Title 11, Chapter 43, relating to the Board of Parole, compensation by mem-

bers and meetings, and making an appropriation therefor.

Privilege of the floor was granted Mr. Oliver Cassin, Chairman of the Parole Board.

Roll call on **SB 211** with **SA 1** revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Seibel, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 29.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Leshner, Mears, Riddagh, Smith - 9.

ABSENT: Little - 1.

SB 211 with **SA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Hering **SB 210** was given its final reading and was before the House for consideration.

SB 210 - An Act to amend Title 11, Chapter 43, Delaware Code, relating to Paroles and providing Psychiatric examinations.

Privilege of the floor was again granted to Mr. Oliver Cassin.

Roll call on **SB 210** revealed:

YEAS: Berndt, Harkins, Johnson, Jonkiert, Justice, Knox, Little, Matushefske, Miller, Murphy, Seibel, Weiss, Wright - 13.

NAYS: Boulden, Clendaniel, Connor, Cordrey, Gordy, Harrington, Heckert, Jarvis, Kirk, Leshner, Mears, Moerschel, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Mr. Speaker Frederick - 18.

NOT VOTING: Billingsley, Derrickson, Dillman, Dobberstein, Hearn, Hering - 6.

ABSENT: Gruwell, Orth - 2.

SB 210 was declared lost in the House.

On motion of Rep. Hering **SB 279** was given its final reading and was before the House for consideration.

SB 279 - An Act to amend Subchapter XVI, Chapter 3, Title 11 of the Delaware Code relating to Deadly Weapons and Firearms.

Roll call on **SB 279** revealed:

YEAS: Berndt, Connor, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Mr. Speaker Frederick - 29.

NAYS: Billingsley, Boulden, Clendaniel, Cordrey, Jonkiert, Miller, Wright - 7.

ABSENT: Gruwell, Murphy, Orth - 3.

SB 279, having received a constitutional majority was declared passed the House.

On motion of Rep. Smith, **HB 370** was given its final reading and was before the House for consideration.

HB 370 - An Act to amend Chapter 5, Title 9, of the Delaware Code relating to Suburban Improvements by providing that House Trailers or Mobile Homes may be included in the definition of Suburban Community.

Rep. Smith moved to adopt **HA 1** to **HB 370** by voice vote. Motion carried. On motion of Rep. Smith, **HB 370** was placed on the Speaker's table.

On motion of Rep. Leshner, **SB 359** was given its final reading and was before the House for consideration.

SB 359 - An Act to amend Chapter 55, Title 29, Delaware Code, entitled "State Employees Pension Plan"; Chapter 39, Title 14, Delaware Code, entitled "Teachers' Retirement and Disability Pensions" and Volume 57, Laws of Delaware, Chapters 702 and 741.

Roll call on **SB 359** revealed:

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

NOT VOTING: Connor - 1.

ABSENT: Justice, Murphy - 2.

SB 359, having received a constitutional majority was declared passed the House.

On motion of Rep. Leshner, **SB 336** was given its final reading and was before the House for consideration.

SB 336 - An Act directing the Board of Pension Trustees to conduct reviews and actuarial evaluations of the State Police Pension Plan and the Pension Plan for the Judiciary, and to make recommendations to the Second Session of the 126th General Assembly for appropriate legislative action to improve and to provide for the solvency of such plans.

Roll call on **SB 336** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert,

Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 38.

ABSENT: Johnson - 1.

SB 336, having received a constitutional majority was declared passed the House.

On motion of Rep. Wright, **HCR 30** was given its final reading and was before the House for consideration.

HCR 30 - To require the Department of Public Instruction to furnish a Summary Report of the results of the Standard Achievement Tests to be administered yearly beginning October 1971.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Justice, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Connor, Cordrey, Kirk, Little, Miller - 5.

NOT VOTING: Jarvis - 1.

ABSENT: Jonkiert - 1.

HCR 30 having received a constitutional majority was declared passed the House.

On motion of Rep. Wright **HB 455** was given its final reading and was before the House for consideration.

HB 455 - An Act to amend Title 21, Delaware Code, Chapter 7, relating to the jurisdiction of certain courts over children sixteen and seventeen years old charged with violations of the Motor Vehicle Laws.

On motion of Rep. Wright, **HB 455** was deferred for amendment.

The House recessed to the call of the Chair at 5:30 P.M. Reconvened at 7:13 P.M.

On motion of Rep. Quillen **HB 467** was given its final reading and was before the House for consideration.

HB 467 - An Act providing authority to the Department of Natural Resources and Environmental Control for relocation assistance to persons displaced in the acquisition of Burton Island, for State Park purposes, upon which they live or conduct a business.

On motion of Rep. Quillen, **HA 1** to **HB 467** was adopted by voice vote.

Roll call on **HB 467** with **HA 1** revealed:

YEAS: Berndt, Boulden, Clendaniel, Connor, Cor-

drey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 36.

ABSENT: Billingsley, Harkins, Jonkiert - 3.

HB 467 with **HA 1**, having received a constitutional majority, was declared passed the House.

On motion of Rep. Quillen **HB 486** was given its final reading and was before the House for consideration.

HB 486 - An Act making a supplementary appropriation to the Department of Agriculture for the Division of Production and Promotion.

Roll call on **HB 486** revealed:

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

NAYS: Leshner - 1.

ABSENT: Wright - 1.

HB 486, having received a constitutional majority was declared passed the House.

On motion of Rep. Leshner **HB 54** with **HA 3, 4, 7** was before the House for consideration.

HB 54 - An Act to aid certain fire companies which are organized to extinguish fires or maintain ambulances or rescue trucks, by making appropriations for them.

Rep. Tribbitt moved to suspend the rules to reconsider **HA 1** to **HB 54**. The Chair ruled that **HA 1** to **HB 54** no longer existed. At the insistence of Rep. Tribbitt, roll call was taken on the motion to reconsider **HA 1**. Roll call revealed:

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

NAYS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

Motion to suspend the rules to reconsider **HA 1** to **HB 54** failed.

On motion of Rep. Leshner, roll call was taken on

HB 54 with **HA 3, 4, 7** and revealed:

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

On motion of Rep. Leshar **HB 428** was placed on the Speaker's table until the next legislative day.

Committee Reports:

Labor & Commerce: **HB 423-2F, 4M; SB 274-6M.**
Health & Social Services: **SB 333** with **SA 1-1F, 3M; SB 418-1F, 3M.** Revenue & Finance: **SB 283-1M, 5U.**
Public Safety: **SB 317-4M; SB 318-4M; SB 319** with **SA 1-4M; SB 322-4M; SB 325-3M, 1U.**

The House recessed to the call of the Chair at 7:47 P.M.

June 23, 1971

52nd LEGISLATIVE DAY

The Speaker called the House to order at 1:43 P.M. The Majority Leader moved to adjourn at 1:43 P.M., thereby ending the previous legislative day. The House reconvened at 1:44 P.M.

There was a prayer by the Chaplain Rev. William Bundick, United Methodist Church, Lewes, Del.

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

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

Late: Dillman, Harkins (both marked present later)

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

The following legislation was pre-filed:

SA 1 to **HB 429**, introduced by Sen. Slawik. Placed with bill.

HA 3 to **HB 286**, introduced by Rep. Seibel. Placed with bill.

HA 1 to HB 316, introduced by Rep. Billingsley. Placed with bill.

HA 1 to HB 354, introduced by Rep. Boulden. Placed with bill.

HA 1 to HJR 8, introduced by Rep. Jarvis. Placed with bill.

HA 1 to SB 280, introduced by Rep. Orth. Placed with bill.

HA 2 to SB 393, introduced by Rep. Miller. Placed with bill.

HA 3 to SB 393, introduced by Rep. Hering. Placed with bill.

SS 1 for SB 358 - An Act to amend Subchapter III, Chapter 17, Title 24 of the Delaware Code relating to the practice of medicine, surgery and osteopathy, and providing for the rendering of health services by assistants to physicians. Introduced by Sen. Hale. Assigned to Health & Social Services.

SB 434 - An Act to amend Chapter 77, Volume 50, Laws of Delaware, being an act entitled "An Act to authorize and direct the Levy Court of Sussex County to make available to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County certain funds for the employment of an equipment manager." Introduced by Sen. Hickman. Assigned to Community Affairs Committee.

SB 417 - An Act authorizing the Secretary of the Department of Natural Resources and Environmental Control to administer and distribute \$125,000 in the form of grants to the Town of Georgetown from funds authorized under Chapter 736, Volume 57, Laws of Delaware. Introduced by Sen. Hickman. Assigned to Environmental Control Committee.

SB 419 - An Act authorizing the Secretary of the Department of Natural Resources and Environmental Control to administer and distribute \$250,000 in the form of grants to Delaware Technical and Community College from funds authorized under Chapter 736, Volume 57, Laws of Delaware. Introduced by Sen. Hickman. Assigned to Environmental Control Committee.

SB 437 with SA 2 - An Act to amend Chapter 51, Title 25, Delaware Code, by grouping Sections 5101 through 5112 under the heading "Subchapter I" and by creating a new Subchapter II relating to leases for mobile homes and mobile home lots. Introduced by Sen. Isaacs. Assigned to Judiciary Committee.

SB 464 - An Act to amend Subchapter II of Chapter 39, Title 7, Delaware Code, relating to Soil and Water Conservation Districts by making the amount of appropriations and use of appropriated money in all three counties identical. Introduced by Sen. Hickman. Assigned to Appropriations Committee.

SB 467 - An Act to provide a supplemental appropriation to the Department of Justice for the purchase of the 1970 Pocket Part Supplements to the Delaware Code. Introduced by Sen. Steele. Assigned to Appropriations Committee.

Letter from the Dept. of Finance was read:

Date: May 7, 1971

TO: State Agencies & Schools

FROM: William L. Phillips, Director

Office of Pensions & Investments

SUBJECT: Delaware State Employees' Pension Plan
Membership Enrollment Application

(Form No. P-1)

Pursuant to statutory requirements, we have retained the services of a company to perform an actuarial valuation of the assets and liabilities of the State Employees' Pension Fund. They have requested certain data be made available on State employees. We have, therefore, developed the enclosed Membership Enrollment Application (Form No. P-1) to obtain the required actuarial information as well as other employee data deemed beneficial to the administration of the retirement system. The Form should be self-explanatory and will require only a few minutes for the employee to complete.

This is a major step in compiling basic data on all covered State employees. Also, consideration is being given for the continuance of this membership enrollment on a current daily basis. We will, of course, keep you informed of any future action in this regard and any comments you may have will be most welcome.

Due to the importance of this matter as to it being a "First" for such State employee enrollment and in view of the timing, we request your cooperation in processing of the forms to and from your employees for return to the Office of Pensions and Investments by no later than May 25, 1971.

Also, if it is possible for you to process, we would like to receive partial remittances of your total forms on a daily or periodic basis prior to May 25, 1971 to facilitate the data processing requirements.

We are enclosing a quantity of forms (one per employee) based on total numeric payroll information as furnished to us. If you require additional forms or further information, please call Mrs. Phyllis Link of our office, 678-4208.

Your cooperation in this matter is greatly appreciated.

WLP:pl

Enclosures

On motion of Rep. Little, **HB 329** was given its final reading and was before the House for consideration.

HB 329 - An Act to amend Title 11, Subchapter XVII, Section 471, Delaware Code, relating to deleting the limits of any incorporated city or town.

On motion of Rep. Little, **HA 1** to **HB 329** was adopted by voice vote.

Privilege of the floor was granted to Dr. Richard Hamilton, Director of the Division of Drug Control. Dr. Hamilton spoke in support of **HB 305** regarding appropriations for the Drug Abuse Program. Privilege of the floor was granted to Dr. Randall Broyles, Director of Secondary Education in the Dept. of Public Instruction. Dr. Broyles explained the drug education in the schools.

Rep. Harkins asked to be marked present.

Roll call on **HB 329** with **HA 1** revealed:

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

ABSENT: Dillman, Jonkiert - 2.

HB 329 with **HA 1** having received the required 2/3 vote was declared passed the House.

On motion of Rep. Little **HB 330** was given its final reading and was before the House for consideration.

HB 330 - An Act to amend Title 11, Subchapter XVII, Section 471, Delaware Code, relating to Disorderly Conduct while under the influence of Dangerous Drugs.

On motion of Rep. Little, **HA 1** to **HB 330** was adopted by voice vote. Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering,

Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Dillman, Jonkiert - 2.

HB 330 with **HA 1** having received 2/3 vote was declared passed the House.

Rep. Little moved to suspend the rules to act on **HS 2** for **HB 333**. Motion carried by voice vote. On motion of Rep. Little, **HS 2** for **HB 333** was before the House for consideration.

HS 2 for **HB 333** - An Act to amend Title 11, Subchapter XXXI, Delaware Code by providing for the treatment of drug abusers and for the disposition of certain charges placed against them.

After much discussion, Rep. Little moved to place **HS 2** for **HB 333** on the Speaker's table for amendment.

On motion of Rep. Little, **HB 411** was given its final reading and was before the House for consideration.

HB 411 - An Act to amend Title 14, Delaware Code, by creating a new Chapter 42 relating to Education; providing for the Drug Abuse Education Act of 1971 establishing a program of Drug, Narcotic, Alcohol, and Tobacco Education; providing for the Superintendent of Public Instruction to administer the program; and requiring a course in Drug Abuse Education for teacher certification.

On motion of Rep. Heckert, **HA 1** and **HA 2** were adopted by voice vote. Roll call on **HB 411** with **HA 1, 2** revealed:

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

HB 411 with **HA 1, 2** having received 2/3 vote, was declared passed the House.

On motion of Rep. Little, **HS 1** for **HB 246** was given its final reading and was before the House for consideration.

HS 1 for **HB 246** - An Act to provide a supplementary appropriation to the Department of Health and Social Services for the enforcement of Drug Distribution Laws.

Privilege of the floor was granted to Miss Katherine

McGee, Executive Director of the Delaware Pharmaceutical Society. Miss McGee stated that the State Board must do Drug Accountability study 6 times a year and expressed the need for money to do so.

Roll call on **HS 1** for **HB 246** revealed:

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

HS 1 for **HB 246** having received 2/3 vote was declared passed the House.

On motion of Rep. Little, **HB 216** was given its final reading and was before the House for consideration.

HB 216 - An Act to amend Subchapter IV, Chapter 25, Title 24 of the Delaware Code, relating to the Labeling of Pharmaceutical Prescriptions. Introduced by Reps. Little and Connor.

On motion of Rep. Little, **HA 1** and **HA 2** were stricken. On motion of Rep. Little, **HA 3** and **HA 4** were adopted by voice vote. On motion of Rep. Berndt, **HA 5** was before the House. Privilege of the floor was again granted to Miss Katherine McGee. After much discussion, Rep. Berndt moved to strike **HA 5**. Motion carried. Roll call on **HB 216** with **HA 3, 4** revealed:

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

NAY: Berndt - 1.

NOT VOTING: Billingsley, Miller - 2.

ABSENT: Jonkiert - 1.

HB 216 with **HA 3, 4** having received 2/3 vote was declared passed the House.

On motion of Rep. Little, **HS 2** for **HB 333** was lifted from the Speaker's table and was again before the House for consideration. (Treatment of drug abusers and disposition of charges.)

On motion of Rep. Hearn, **HA 1** to **HS 2** for **HB 333** was adopted by voice vote. On motion of Rep. Hearn, **HA 2** was stricken. On motion of Rep. Billingsley,

HA 3 was adopted by voice vote. Rep. Hering moved for the adoption of **HA 4** by voice vote. Amendment defeated. On motion of Rep. Hering, **HA 5** and **HA 6** were adopted by voice vote. Roll call on **HS 2** for **HB 333** with **HA 1, 3, 5, 6**, revealed:

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

NOT VOTING: Berndt - 1.

ABSENT: Harkins - 1.

HS 2 for **HB 333** with **HA 1, 3, 5, 6**, having received 2/3 vote was declared passed the House.

On motion of Rep. Little, **HB 305** was given its final reading and was before the House for consideration.

HB 305 - An Act making supplementary appropriations to the Department of Health and Social Services and the Department of Public Safety for the purpose of funding an expanded Anti-Drug-Abuse Program. Introduced by Reps. Little, Weiss, Sen. Conner, Harkins, Connor, Gordy, Wright.

Privilege of the floor was granted to Dr. Richard L. Hamilton, Director of Division of Drug Control to answer questions regarding **HB 305**.

Roll call on **HB 305** revealed:

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

NOT VOTING: Berndt - 1.

ABSENT: Leshner, Miller, Weiss - 3.

HB 305, having received 2/3 vote was declared passed the House.

On motion of Rep. Little, **HR 48** was lifted from the Speaker's table and was again before the House for consideration.

HR 48 - Relating to the excellent coverage and reporting rendered by the News-Journal papers with respect to Drugs and Drug Abuse problems in the First State.

On motion of Rep. Little, **HR 48** was adopted by voice vote.

On motion of Rep. Little, **HR 53** was lifted from the Speaker's table and was again before the House for consideration.

HR 53 - Commending certain radio and television stations on their thorough and sensitive coverage of Drug Awareness Week, including the recent legislative hearings into the tragedy of drug abuse.

On motion of Rep. Little, **HR 53** was adopted by voice vote.

On motion of Rep. Little **HR 54** was lifted from the Speaker's table and was again before the House for consideration.

HR 54 - Commending Delaware State News for the thorough coverage of Drug Awareness Week, including the recent legislative hearings on drug abuse.

On motion of Rep. Little, **HR 54** was adopted by voice vote.

The House recessed to the call of the Chair at 5:35 P.M. Reconvened at 7:16 P.M.

On motion of Rep. Hering, **SB 393** was given its final reading and was before the House for consideration.

SB 393 - An Act to amend Chapters 1,3,11,13,15, 17,20,31,45,47,49,55,57 and 73, Title 15, Delaware Code, relating to Departments of Elections; State Election Commissioner; registration of voters; registration records, supplies and places; registration officers; registration procedure; central and mobile registration; registration for certain sick and disabled persons; primary elections; ballots, election supplies and polling places; election officers; conduct of elections; absentee voting; canvass of vote and proclamation of results of election; and notice to the public for special election to fill vacancy in office of Representative in Congress.

On motion of Rep. Hering, **HA 1** to **SB 393** was adopted by voice vote.

Privilege of the floor was granted to Mr. Everett Wilson, Director of New Castle County Dept. of Elections to explain **HA 3** to **SB 393**. On motion of Rep. Hering, **HA 3** to **SB 393** was adopted by voice vote.

Rep. Hering moved to table the roll call on **SB 393** as amended. Motion carried.

Rep. Tribbitt moved to lift the roll call on **SS 1** for **SB 312** from the Speaker's table. Rep. Murphy made a motion to defer the motion to lift the roll call. Motion to defer carried by voice vote.

Rep. Hering moved to lift the roll call on **SB 393**, as amended, from the Speaker's table. Motion carried. Roll call on **SB 393** with **SA 1** and **HA 1, 3** revealed:

YEAS: Berndt, Billingsley, Derrickson, Dillman, Dobberstein, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Matushefske, Mears, Orth, Smith, Tribbitt - 11.

NOT VOTING: Gruwell, Johnson, Jonkiert, Wright - 4.

ABSENT: Connor, Harkins, Little, Miller - 4.

SB 393, as amended having received a constitutional majority was declared passed the House.

Committee Reports:

Public Safety: **HB 391-1F, 3M. Education: SB 126-6M. Highway & Transportation: SB 468-3F, 1M. Health & Social Services: SS 1 for SB 358-3F, 1M. Appropriations: HS 1 for HB 171-4M, 1U.**

The House recessed to the call of the Chair at 7:55 P.M.

June 23, 1971

53rd LEGISLATIVE DAY

The Speaker called the House to order at 12:46 P.M. The Majority Leader moved to adjourn at 12:46 P.M., thereby ending the previous legislative day. The House reconvened at 12:47 P.M.

There was a prayer by Rep. Arthur W. Dobberstein, Dover, Del.

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

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

Absent: Little, Billingsley, Connor, Harkins, Hearn - 5.

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

The following prefiled legislation was introduced:
HJR 19 - Proclaiming the week of August 9 through

August 15 as Voter Registration Emphasis Week. Introduced by Reps. Weiss & Hearn. Assigned to Judiciary Committee.

HA 4 to HB 286, introduced by Rep. Murphy. Placed with bill.

SA 1 to HB 252, introduced by Sen. Isaacs. Placed with bill.

SB 258 - An Act to amend Chapters 9 and 11, Title 7, Delaware Code, relating to fishing and the catching devices that may be used in certain areas. Introduced by Sen. Isaacs. Assigned to Natural Resources Committee.

SB 264 - An Act to amend Chapter 11, Title 12 of the Delaware Code relating to the Escheat of Postal Savings System Accounts. Introduced by Sen. Foltz. Assigned to Judiciary Committee.

SS 1 for SB 310 - An Act to amend Subchapter I, Chapter 47, Title 7, of the Delaware Code relating to fees charged for the use of boat ramps within Delaware State Parks. Introduced by Sen. Isaacs. Assigned to Natural Resources Committee.

SS 1 for SB 337 - An Act to amend Title 19, Delaware Code, 3318 and 3323, relating to Appeals. Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

SB 470 - An Act to amend Title 10, Delaware Code, relating to Entry of Judgments by Confession: and to amend Title 7, Delaware Code, relating to Bond of the Secretary-Treasurer for the Tax Ditch: and to amend Title 24, Delaware Code, relating to Pawn Broker's Bond. Introduced by Sen. Castle. Assigned to Judiciary Committee.

The House recessed to the call of the Chair at 12:50 P.M. Reconvened at 1:09 P.M.

On motion of Rep. Dillman **HB 474** was given its final reading and was before the House for consideration.

HB 474 - An Act to amend Chapter 83, Title 11, Delaware Code, relating to salaries for State Police and providing for State Police Pensions to be tied to the National Consumer Price Index and making a supplementary appropriation.

On motion of Rep. Dillman **HA 1 to HB 474** was stricken. Rep. Boulden moved to defer **HB 474** for an amendment. The motion failed by voice vote. On motion of Rep. Dillman roll call on **HB 474** was tabled. The roll call was then lifted on motion of Rep. Dillman. Roll call on **HB 474** revealed:

YEAS: Berndt, Derrickson, Dillman, Dobberstein, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 20.

NAYS: Clendaniel, Miller - 2.

NOT VOTING: Boulden, Cordrey, Gordy, Gruwell, Harrington, Johnson, Jonkiert, Matushefske, Mears, Orth, Smith, Tribbitt - 12.

ABSENT: Billingsley, Connor, Harkins, Hearn, Little - 5.

HB 474, having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **HB 252** was given its final reading and was before the House for consideration. (Returned from Senate with **SA 1**.)

HB 252 - An Act to amend Chapter 11, Title 16, of the Delaware Code, relating to Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and related Institutions.

Roll call on **HB 252** with **SA 1** was tabled.

On motion of Rep. Heckert **HB 33** was lifted from the Speaker's table and was before the House.

HB 33 - An Act to amend Sections 1092, 1201, and 1312 of Title 14, Delaware Code, relating to qualifications of employees of a reorganized school district and teacher certification.

On motion of Rep. Heckert, **HB 33** was tabled.

Rep. Hearn asked to be marked present.

On motion of Rep. Smith, **HB 370** was lifted from the Speaker's table and was again before the House.

HB 370 - An Act to amend Chapter 5, Title 9 of the Delaware Code relating to Suburban Improvements by providing that House Trailers or Mobile Homes may be included in the definition of Suburban Community.

Roll call on **HB 370** revealed:

YEAS: Berndt, Boulden, Clendaniel, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 33.

NAYS: Cordrey, Heckert - 2.

ABSENT: Billingsley, Connor, Harkins, Little - 4.

HB 370 with **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 429** was lifted from

the Speaker's table and was again before the House.
HB 429 with **SA 1** - An Act to amend Chapter 68, Title 16, Delaware Code, relating to Fireworks.

Roll call revealed:

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

ABSENT: Billingsley, Connor, Harkins, Little, Quillen - 5.

HB 429 with **SA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel **HB 286** was lifted from the Speaker's table and was again before the House.

HB 286 - An Act to amend Part II, Title 6 of the Delaware Code relating to High Pressure Door-to-Door Sales Tactics, and providing for remedies to purchasers of sales caused by high pressure door-to-door sales tactics.

On motion of Rep. Seibel **HA 1** was adopted by voice vote. On motion of Rep. Seibel **HA 2** was stricken. On motion of Rep. Seibel **HA 3** was adopted by voice vote. On motion of Rep. Murphy **HA 4** was adopted by voice vote. Roll call on **HB 286** with **HA 1,3,4** revealed:

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

ABSENT: Billingsley, Connor, Harkins, Little, Smith - 5.

HB 286 with **HA 1,3,4** having received a constitutional majority was declared passed the House.

On motion of Rep. Jarvis **HJR 17** was given its final reading and was before the House for consideration.

HJR 17 - Establishing a Legislative Committee on Administrative Agencies.

Roll call revealed:

YEAS: Berndt, Boulden, Clendaniel, Cordrey, Derickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Matushefske, Mears,

Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 33.

ABSENT: Billingsley, Connor, Harkins, Little, Orth, Smith - 6.

HJR 17, having received a constitutional majority, was declared adopted by the House.

On motion of Rep. Kirk, **HB 449** was given its final reading and was before the House for consideration.

HB 449 - An Act to amend Chapter 13, Title 14, Delaware Code, relating to the method of salary payments.

On motion of Rep. Kirk, **HA 1** to **HB 449** was adopted by voice vote. Roll call on **HB 449** with **HA 1** revealed:

YEAS: Berndt, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Jarvis, Justice, Kirk, Knox, Leshner, Matushefske, Mears, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 28.

NAYS: Hering, Miller - 2.

NOT VOTING: Hearn, Heckert, Johnson, Jonkiert - 4.

ABSENT: Billingsley, Connor, Harkins, Little, Orth - 5.

HB 449 with **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, roll call on **HB 252** was lifted from the Speaker's table. (Nursing homes.) Roll call revealed:

YEAS: Berndt, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 31.

NAYS: Gordy, Heckert - 2.

NOT VOTING: Mears, Orth - 2.

ABSENT: Billingsley, Connor, Harkins, Little - 4.

HB 252 having received a constitutional majority was declared passed the House.

On motion of Rep. Kir, **HB 448** was given its final reading and was before the House for consideration.

HB 448 - An Act to amend Title 29 of the Delaware Code relating to the method of payment of state officials

and employees: to provide salary increases for certain state employees and providing a supplemental appropriation for the implementation of the provisions of the proposed act.

On motion of Rep. Kirk **HA 1,2,3** were adopted by voice vote.

Rep. Billingsley asked to be marked present.

Roll call on **HB 448** with **HA 1,2,3** revealed:

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

ABSENT: Connor, Harkins, Little, Orth - 4.

HB 448 with **HA 1,2,3** having received a constitutional majority was declared passed the House.

On motion of Rep. Jarvis **HJR 8** with **SA 1** was before the House for consideration.

HJR 8 - Providing for the establishment of a Revenue Study Commission.

On motion of Rep. Jarvis, **HA 1** to **HJR 8** was adopted by voice vote.

Roll call on **HJR 8** with **HA 1**, **SA 1** revealed:

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

ABSENT: Connor, Harkins, Little - 3.

HJR 8 was adopted in the House.

On motion of Rep. Murphy **HB 480** was given its final reading and was before the House for consideration.

HB 480 - An Act to amend Title 17 of the Delaware Code by striking therefrom Chapter 19, Sections 1901 to 1913, and by adding thereto a new Chapter 19, Sections 2001 to 2006, to provide relocation assistance to persons displaced as a result of the acquisition for highway purposes of real property upon which they live, or conduct a business or farm operation and to provide for a uniform policy for real property acquisition and providing for expenses incident to transfer of title and litigation.

On motion of Rep. Murphy **HA 1** to **HB 480** was

adopted by voice vote. After much discussion, Rep. Murphy moved to table **HB 480** as amended.

On motion of Rep. Weiss **SB 442** was given its final reading and was before the House for consideration.

SB 442 - An Act to amend Section 5123, Title 16, Delaware Code, relating to voluntary hospitalization and discharge of patients under the age of 21 at Delaware State Hospital.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Matushefske, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 31.

ABSENT: Connor, Gruwell, Harkins, Jonkiert, Little, Mears, Miller, Poulterer - 8.

SB 442 having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman **HB 273** was deferred indefinitely.

On motion of Rep. Seibel, **HB 377** was given its final reading and was before the House for consideration.

HB 377 - An Act to amend Title 13, Section 707, Delaware Code, relating to consents to health care of minors.

On motion of Rep. Wright, **HA 1** to **HB 377** was adopted by voice vote.

Roll call on **HB 377** revealed:

YEAS: Berndt, Billingsley, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Hearn, Heckert, Hering, Johnson, Justice, Knox, Leshner, Mears, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 27.

NAYS: Clendaniel, Harrington, Jarvis, Kirk, Matushefske - 5.

ABSENT: Boulden, Connor, Gruwell, Harkins, Jonkiert, Little, Orth - 7.

HB 377 with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Knox, **HS 1** for **HB 380** was given its final reading and was before the House for consideration.

HS 1 for **HB 380** - An Act to permit the Board of Education of the Marshallton-McKean School District to transfer certain funds from its Local Debt Service

Account to its Construction Fund, 71-80.

Roll call revealed:

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

ABSENT: Connor, Gruwell, Harkins, Jonkiert, Little - 5.

HS 1 for HB 380, having received 3/4 vote was declared passed the House.

On motion of Rep. Dillman SS 1 for SB 199 was given its final reading and was before the House for consideration.

SS 1 for SB 199 - An Act to amend Chapter 45, Title 21 of the Delaware Code, relating to size and weight of vehicles and truck loads.

Roll call revealed:

YEAS: Billingsley, Boulden, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Leshner, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Berndt - 1.

NOT VOTING: Heckert, Tribbitt - 2.

ABSENT: Connor, Harkins, Knox, Little - 4.

SS 1 for SB 199 having received a constitutional majority was declared passed the House.

The House recessed to the call of the Chair at 5:05 P.M. Reconvened at 7:15 P.M.

On motion of Rep. Dillman, SB 198 was given its final reading and was before the House for consideration.

SB 198 - An Act to amend Chapter 45, Title 21 of the Delaware Code, relating to size and weight of vehicles and truck loads.

On motion of Rep. Dillman, roll call on SB 198 with SA 1 was tabled.

On motion of Rep. Hering, SB 222 was given its final reading and was before the House for consideration.

SB 222 - An Act to amend Title 8 of the Delaware Code relating to Corporations by making certain changes in Sections 103, 158, 222, 228, 255, 381 and 391.

On motion of Rep. Hering, roll call on **SB 222** was tabled.

On motion of Rep. Justice, **HB 341** was given its final reading and was before the House for consideration.

HB 341 - An Act to amend Chapter 175, Volume 52, Laws of Delaware, being an act entitled, "An Act to authorize the Mayor and Council of the City of Wilmington to issue negotiable bonds and notes for lawful purposes and to provide for their payment", relative to the issuance of and guarantee of obligations and debt limitations.

On motion of Rep. Justice, roll call on **HB 341** was lifted from the Speaker's table. Roll call revealed:

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

NAYS: Boulden, Cordrey, Orth - 3.

NOT VOTING: Gruwell - 1.

HB 341, having received 2/3 vote was declared passed the House.

On motion of Rep. Murphy, **HS 1** for **HB 319** was deferred until next year.

On motion of Rep. Murphy, **HB 368** was given its final reading and was before the House for consideration.

HB 368 - An Act to amend Chapter 45, Title 21, Delaware Code, requiring the consent of the Department of Highways and Transportation for enactment of ordinances or resolutions affecting the operations of vehicular traffic on a state-maintained street or highway.

Roll call revealed:

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

ABSENT: Connor, Harkins, Little - 3.

HB 368 having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley, **SB 412** was given its

final reading and was before the House for consideration.

SB 412 - An Act to amend Title 8, Delaware Code, Sections 375 and 502, relating to failure of corporations to file Annual Reports.

Roll call revealed:

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

ABSENT: Connor, Harkins, Jonkiert, Little - 4.

SB 412, having received 2/3 vote, was declared passed the House.

On motion of Rep. Murphy, **HB 480** was lifted from the Speaker's table and was again before the House for consideration. (Relocation - highways.)

On motion of Rep. Billingsley, **HA 2** to **HB 480** was adopted by voice vote. Roll call on **HB 480** with **HA 1, 2** revealed:

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

ABSENT: Connor, Harkins, Jonkiert, Little - 4.

HB 480 with **HA 1, 2** having received a constitutional majority was declared passed the House.

On motion of Rep. Jarvis, **SCR 29** was before the House for consideration.

SCR 29 - Directing the Offices of the Executive & Judicial Branches to cease contracting for and purchasing books, large quantities of which must be stored by the Legislative Council, without consulting the Director of the Council as to the number needed.

Roll call revealed:

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

ABSENT: Connor, Derrickson, Harkins, Jonkiert, Little - 5.

SCR 29 was declared adopted in the House.

On motion of Rep. Heckert, **HB 357** was deferred until next January.

On motion of Rep. Weiss, **SB 333** with **SA 1** was deferred indefinitely.

On motion of Rep. Weiss, **SB 418** was given its final reading and was before the House for consideration.

SB 418 - An Act to amend Title 29, Chapter 79, Delaware Code, by providing for a uniform method of charging and collecting fees for certain services provided by the Department of Health and Social Services and allowing for the disclosure of incomes of persons having obligations to the department.

On motion of Rep. Weiss, **HA 1** to **SB 418** was adopted by voice vote. Roll call on **SB 418** with **SA 1, 2, HA 1** revealed:

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

ABSENT: Connor, Harkins, Little - 3.

SB 418 with **SA 1, 2, HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **SB 317** was given its final reading and was before the House for consideration.

SB 317 - An Act to amend Title 18, Delaware Code, by amending Chapter 25, on Insurance regarding mandatory hearings.

Roll call revealed:

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

ABSENT: Connor, Harkins, Little - 3.

SB 317 having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **SB 318** was given its

final reading and was before the House for consideration.

SB 318 - An Act to amend Subchapter II, Chapter 21, Title 23, Delaware Code, relating to violations of State Boating Laws.

Roll call revealed:

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

NOT VOTING: Berndt, Miller - 2.

ABSENT: Connor, Harkins, Little - 3.

SB 318, having received 2/3 vote, was declared passed the House.

On motion of Rep. Dillman **SB 325** with **SA 1** was given its final reading and was before the House for consideration.

Privilege of the floor was granted to Mr. Robert Short, State Insurance Commissioner to explain the bill. After much discussion **SB 325** was placed on the Speaker's table to be amended.

On motion of Rep. Murphy, **SB 468** was given its final reading and was before the House for consideration.

SB 468 - An Act making a supplementary appropriation to the Department of Highways and Transportation for the installation of a flashing beacon at the intersection of Delaware Routes 28 and 20.

Roll call revealed:

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

NOT VOTING: Billingsley - 1.

ABSENT: Connor, Harkins, Jonkiert, Little - 4.

SB 468 having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **SB 319** was given its final reading and was before the House for consideration.

SB 319 - An Act to amend Title 18, Delaware Code, by amending Chapters 1, 5, 17, 21, 23, 25 & 61 on Insurance to increase Administrative Fines; amending Chapter 7 to include fees for the newly created Appraiser License.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Derrickson, Dillman, Dobberstein, Gruwell, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 24.

NAYS: Clendaniel, Cordrey, Harrington, Hearn, Jonkiert, Matushefske, Miller, Tribbitt - 8.

NOT VOTING: Gordy, Heckert, Johnson - 3.

ABSENT: Connor, Harkins, Little, Mears - 4.

SB 319, having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SS 1** for **SB 358** was deferred by voice vote. Motion carried.

On motion of Rep. Knox, **HB 430** was given its final reading and was before the House for consideration.

HB 430 - An Act to amend Chapters 65 and 83 of Title 29 of the Delaware Code, relating to Advances to Departments.

Roll call revealed:

YEAS: Billingsley, Clendaniel, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Johnson, Jonkiert, Justice, Kirk, Knox, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 24.

NAYS: Hearn, Riddagh, Tribbitt - 3.

NOT VOTING: Berndt, Boulden, Cordrey, Heckert, Hering, Jarvis, Leshar, Moerschel, Quillen - 9.

ABSENT: Connor, Harkins, Little - 3.

HB 430, having received a constitutional majority, was declared passed the House.

On motion of Rep. Hering, **HB 399** was given its final reading and was before the House for consideration.

HB 399 - An Act relating to Delaware Code Revision by amending Sections 201, 202, 210, 211, 213 and 220, Title 1, Delaware Code, and repealing Section 2504(h), Title 29, Delaware Code.

On motion of Rep. Hering, **HA 1** and **HA 2** were stricken.

On motion of Rep. Hering **HA 3** was adopted by voice vote. Roll call on **HB 399** with **HA 3** revealed:

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

ABSENT: Connor, Harkins, Little - 3.

HB 399 with HA 3 having received a constitutional majority was declared passed the House.

Committee Reports:

Appropriations: SB 290-1F, 3M; SB 338-1F, 3M; SB 389-4M; SB 402-1F, 3M. Judiciary: HJR 19-2F, 2M; SB 345-2F, 2M; SB 346-4M; SB 349-4M; SB 350-4M; SB 437-4M; SB 470-1F, 3M. Revenue & Finance: HB 466-5M; SB 383-6M. Community Affairs: SB 248-6M. Health & Social Services: SS 1 for SB 337-4M.

The House recessed to the call of the Chair at 9:55 P.M.

June 28, 1971

54th LEGISLATIVE DAY

The Speaker called the House to order at 12:40 P.M. The Majority Leader moved to adjourn at 12:40 P.M., thereby ending the previous legislative day. The House reconvened at 12:41 P.M.

There was a prayer by the Chaplain Rev. Larry Cornell, First Baptist Church, Milford, Del.

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

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

Late: Leshar, Derrickson, Billingsley, Little, Kirk.

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

Address by Governor Russell W. Peterson
before a Joint Session of the
126th General Assembly

June 28, 1971

I come before you today to present a problem of critical import to all the people of Delaware, and to suggest a solution.

The problem stems directly from my error in estimating franchise tax income for the current fiscal year. I was dead wrong. I had been counting on receiving \$63 million by June 30. It is now clear that we will receive only \$52 million, or \$11 million less than we had anticipated.

Furthermore, the estimated franchise tax revenue for the next fiscal year will be \$43 million instead of the \$56 million we had forecast, or \$13 million less than I had been expecting.

This means we will have \$24 million less to work with than we had planned.

Our earlier plan had called for a zero balance on June 30, 1972. In view of the uncertainty in the economy, I now propose that we plan for a \$3 million balance on June 30, 1972, as a modest safety precaution.

This means we need a total of \$27 million.

Up until last Friday, we were still expecting several million dollars a day in franchise tax payments until the end of the year, as has been true for many years. Although the due date had been advanced to June 1 this year, much less money had been collected as of that time than anticipated. Calls to a number of delinquent corporations indicated they had not been aware of the new date. This led to the conclusion there would be another flurry of activity about July 1.

The hard fact that the money was not going to come in became a reality only yesterday when I received the result of a study initiated about two weeks ago in an attempt to confirm that fact.

I say to you in all sincerity that it was not until yesterday that I learned the full and serious magnitude of the problem. I immediately started planning for this extraordinary session today.

The fact that we have only three days left in this session of the General Assembly compounds an already critical situation.

The law states that I cannot sign the Budget Bill unless we anticipate enough revenue to cover the projected expenditures. Obviously, today's revenue estimate is not adequate to meet that requirement.

The Budget Bill was presented to me on June 21,

and I have until July 1 to sign or veto it. However, unless the Budget is signed by June 30, I have no authority or funds to keep the State's many functions operating.

So this is the situation. We need \$27 million to finance the operation of State government for the balance of this fiscal year and for next fiscal year. Obviously, we must first look to cutting our expenses for next year.

I propose that we make a \$10 million reduction in personnel and related expenses across the board in all State-financed operations--including Education.

How can we get the \$10 million reduction in personnel? I suggest you members of the General Assembly authorize me to make the \$10 million cut in personnel and related costs beginning with the existing budget program. I plan to take a 5 percent cut in my salary and to ask Cabinet Secretaries to do likewise.

Cutting a budget is obviously a difficult assignment. It will mean reducing the payroll by approximately 1,000 jobs and effecting a cutback in some programs and services. This will mean hard choices and many consequences. But I feel we can go this far without seriously hampering the most necessary and vital services to the people. I am willing to take the responsibility to get it done.

At the same time, it is vital that we provide adequate pay for those employees that we retain on the rolls. We will be demanding even more from them, and today their pay is inadequate.

Therefore, I recommend we proceed with the legislation now before the General Assembly providing pay increases for State employees that will cost \$400,000 in Fiscal 1972. A pay increase for school employees in Fiscal 1972 was authorized by the previous General Assembly.

It is unrealistic to expect more than a \$10 million decrease in the Budget.

Therefore, I propose further that we raise \$17 million in additional tax revenue by action of this General Assembly.

I am painfully aware of the fact that I have repeatedly stated loudly and clearly that I would not raise taxes during the remainder of my term. I sincerely believed those statements at the time. I thought I could do it. I failed. I now see no alternative.

Here is how I propose we get the additional \$17

million in taxes:

- Raise personal income taxes by \$7.6 million through a revision in the rates.
- Raise motor fuel taxes by 2 cents a gallon to yield \$5.2 million.
- Raise cigarette taxes by 5 cents a package to yield \$4.2 million.

These actions would cover a projected \$8 million deficit for the current fiscal year and provide the necessary funds for Fiscal 1972. In that year, projected revenues of \$252 million plus \$17 million from new taxes would provide total revenue of \$269 million. Subtracting from that a projected \$8 million deficit from the current fiscal year would leave a \$261 million budget for Fiscal 1972. We propose disbursements of \$258 million leaving a balance of \$3 million on June 30 of 1972.

I favor the first alternative.

Also, I realize full well these alternatives are not easy ones, and that I have placed a tremendous burden of responsibility upon this General Assembly.

We come now to the question of when and how these steps might be taken.

For example, if the General Assembly authorizes me to cut \$10 million from all State operations and at the same time authorizes the \$17 million tax package, I could sign the Budget Bill by June 30.

If I am not able to sign the Budget Bill by June 30, the General Assembly would have to pass a resolution permitting the State to continue operating at the present rate of expenditures for a longer period of time.

But I wanted you to know the problem -- and have some solutions to consider -- as soon as it was humanly possible. This problem, while admittedly difficult, is not insoluble. I take comfort in the fact that the 126th General Assembly has always been responsible when the chips are down. If you have better solutions, we should hear them.

But there is no comfort in the fact that I erred in estimating our franchise tax revenue. The basic responsibility is mine and I do not shirk it. This news undoubtedly hits you hard; you can imagine what it means to me.

Being wrong is never good. Admitting it is never easy. But we cannot wish this situation away. It is here.

I can only say that I am anxious and willing to work with you to resolve this difficult problem as

expeditiously and effectively as we can.

DEPARTMENT OF PUBLIC SAFETY
Division of Motor Vehicles
P.O. Box 698, Dover, Delaware 19901
June 23, 1971

Honorable Daniel E. Weiss
2202 Elmfield Road
Wilmington, Delaware 19810

Dear Representative Weiss:

Pursuant to your recent telephone conversation, I am instituting a program whereby a student who is presently enrolled in a prescribed driver education course may apply for a learner's permit 60 days prior to their graduation.

My Manager of Driver Improvement, John R. Downey, and I plan to meet with Mr. Frank Jelich of the Board of Education in the very near future to finalize plans for this operation. A student would have to present some type of driver education certificate to the Motor Vehicle facility to obtain the permit and then would be required to return his certificate to the driver education teacher to be utilized upon graduation. The latter is a safe guard in the event a student would flunk the driver education course.

To clarify matters, the student requesting the permit would have to be 16 years of age and would have to be presently actively enrolled in a prescribed driver education course of instruction. The permit would then entitle the student to gain extra road experience for 60 days prior to his graduation with a properly licensed adult, preferably a parent.

I feel that your suggestions and recommendations were very good and would do everything in my power to assist you to see that this becomes a reality. It must be understood that if a child is under 18 years of age and is not enrolled in a prescribed driver education course, he will not be eligible for this learner's permit.

As soon as I complete final arrangements, I will send out to the Board of Education, Police Agencies, and my Inspection Lanes a copy of our present correspondence.

Thank you again for your assistance in this im-

portant matter.

Very truly yours,
/s/ Bill Warren
William J. Warren, Jr.
Director, Motor Vehicles

WJW/mas

OFFICE OF THE GOVERNOR

June 28, 1971

LEGISLATIVE ADVISORY NO. 12

TO:

Sen. Andy Foltz
Sen. Reynolds duPont
Sen. Michael N. Castle
Sen. Thomas E. Hickman, Jr.
Sen. Louise Conner
Rep. Robert T. Connor
Rep. Marion I. Seibel
Rep. George C. Hering, III
Rep. Thomas L. Little
Rep. Clifford B. Hearn
Rep. George R. Quillen
Rep. John A. Dillman
Rept. Kermit H. Justice
Rep. Clarice U. Heckert
Rep. Michael Harkins
Rep. William J. Gordy
Rep. Harry E. Derrickson
Rep. Andrew G. Knox
Rep. Robert W. Riddagh
Rep. Herbert A. Leshner
Rep. John G. S. Billingsley
Dr. Kenneth C. Madden
John E. Hiland
Bill Conner
Burton Willis
Sen. David Elliott

Hon. W. Laird Stabler, Jr.
Morton R. Kimmel, Esquire
William J. Warren
Oliver Casson
Bill Conner
Delaware Bankers Association
New Castle County Election Dept.
Kent County Election Dept.
Sussex County Election Dept.

New Castle County Council
 Sussex County Council
 Kent County Levy Court
 Frances West
 Lewis Darlin
 Bruce Ralston
 James R. Zeller
 George Cripps
 Emily Womach
 James Kennedy
 W. Brooke Stabler
 Richard Caldwell
 Cabinet Secretaries
 Governor's Staff
 Clerk of the House
 Secretary of the Senate
 Legislative Council

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

The Governor approved the following legislation on the indicated dates:

S.B. 211 As Amended by **S.A. 1 - 6-25-71** - amending Title 11, Chapter 43, Delaware Code, relating to the Board of Parole.

S.B. 273 As Amended by **H.A. 1** - amending Chapter 7, Title 4, Delaware Code, relating to sale of alcoholic liquors.

S.B. 279 - 6-25-71 - amending subchapter XVI, Chapter 3, Title 11, Delaware Code, relating to deadly weapons.

S.B. 297 As Amended by **H.A. 1 - 6-25-71** - amending Title 15, Delaware Code, by making certain changes in the election laws.

S.S. 1 for **S.B. 334** - 6-25-71 - amending Part IV, Chapter 21, Title 5, Delaware Code, relating to small loans and providing for an increase in the maximum rate of interest.

S.B. 422 - 6-25-71 - amending Chapter 51, Title 30, Delaware Code, relating to expenditures of funds by municipalities.

S.B. 439 - 6-25-71 - amending section 5127, Title 16, Delaware Code, relating to Delaware State Hospital.

S.B. 443 - 6-25-71 - amending section 5506, Title 16, Delaware Code, relating to Hospital for the Mentally Retarded at Stockley.

S.B. 444 - 6-25-71 - amending section 5325, Title

16, Delaware Code, relating to Governor Bacon Health Center.

HCR 31 - 6-25-71 - relating to real property tax exemptions of handicapped persons and citizens over 65.

H.S. 1 for **H.B. 30** As Amended by **H.A. 4 & 5** and **S.A. 1** - 6-25-71 - amending Title 16, Delaware Code, relating to reporting of cases of abuse to children.

H.B. 123 As Amended by **H.A. 1** - 6-25-71 - amending Part III, Chapter 23, Title 30, Delaware Code, providing an exemption from the State Franchise Tax for non-profit nursing, rest or convalescent homes.

H.B. 143 - 6-25-71 - relating to a pension for Joseph A. Bradshaw.

H.B. 168 - 6-25-71 - amending Title 3, Chapter 21, Delaware Code, regulating the sale and distribution of commercial fertilizers.

H.B. 181 - 6-25-71 - amending Title 18, Chapter 13, Delaware Code, pertaining to obligations and stock in which insurers may invest.

H.B. 222 As Amended by **H.A. 3** - 6-25-71 - amending Chapter 16, Title 2, Delaware Code, relating to powers of Department of Transportation.

H.B. 244 - 6-25-71 - amending section 2707, Chapter 27, subchapter 1, Title 21, Delaware Code, relating to school bus drivers' licenses.

H.B. 278 As Amended by **H.A. 1, 2 & 4** - 6-25-71 - amending Title 31, Delaware Code, relating to housing authorities.

H.B. 298 - 6-25-71 - amending Title 14, Delaware Code, requiring a daily period of silent meditation.

H.B. 302 - 6-25-71 - appropriating the sum of \$18,750 to the New Castle County Vocational-Technical High School.

H.B. 315 - 6-25-71 - amending Chapter 277, Volume 49, Laws of Delaware, as amended, amending the Charter of the Town of Laurel.

H.B. 347 - 6-25-71 - amending Chapter 5, Title 31, Delaware Code, relating to eligibility for welfare assistance.

H.B. 350 As Amended by **H.A. 3 & 4** - 6-25-71 - amending Title 3, Delaware Code, Part II by adding a Chapter 12 relating to pesticides.

H.B. 351 - 6-25-71 - amending section 26, Chapter 192, Volume 36, Laws of Delaware, amending the Charter of the Town of Smyrna.

H.B. 364 - 6-25-71 - amending Chapter 43, Title 6, Delaware Code, providing for the operation of

credit card system by banks.

H.B. 365 - 6-25-71 - repealing Chapter 17, Title 9, Delaware Code, relating to pensions for employees of New Castle County.

H.B. 406 - 6-25-71 - appropriating the sum of \$300 to Milton R. Olazagasti pursuant to the Veteran's Military Pay Act.

H.B. 409 - 6-25-71 - reincorporating the Town of Cheswold.

H.B. 427 As Amended by **H.A. 1** - 6-25-71 - amending Chapter 65, Title 11, Delaware Code, relating to separate custodial care for youthful offenders.

H.B. 178 - 6-25-71 - amending Title 30, Delaware Code, Chapter 30, relating to automobile dealer handling fee and license fee.

H.B. 390 - 6-25-71 - amending Chapter 23, Title 21, Delaware Code, relating to recording liens and fees therefor.

H.S. 2 for **H.B. 300** As Amended by **H.A. 1,2,8, 11,12,13,14,15,18,19,22,23** and **24** - 6-28-71 - creating a new Chapter 70, Title 7, Delaware Code, to establish a Coastal Zone in Delaware.

SJR 18 - 6-26-71 - relating to the poultry industry market in Delaware.

S.B. 355 - 6-28-71 - amending Chapter 87, Title 3, Delaware Code, providing for licensing in association with the Meat and Poultry Products Inspection Act. FECJr:mm

Committee Reports:

Natural Resources: **SJR 19-4M; SJR 23-4M; HJR 18-4M.** Highways & Transportation: **SB 281-4M.**

The following prefiled legislation was introduced:

SCR 34 - Expressing Best Wishes for a speedy recovery to former State Auditor, Ernest E. Killen. Introduced by Sen. Robbins. On motion of Rep. Jarvis, **SCR 34** was adopted by voice vote.

HA 1 to **HB 455**, introduced by Rep. Wright. Placed with bill.

HA 2 to **HB 455**, introduced by Rep. Wright. Placed with bill.

HA 2 to **HB 488**, introduced by Reps. Dillman & Billingsley. Placed with bill.

HA 1 to **HB 490**, introduced by Rep. Murphy. Placed with bill.

SA 1 to **HB 411**, introduced by Sen. Conner. Placed with bill.

SA 1 to HJR 15, introduced by Sen. duPont. Placed with bill.

HB 491 - An Act making a supplementary appropriation to the Department of Agriculture for the control and eradication of equines infected with equine infectious anemia. Introduced by Rep. Moerschel. Assigned to Agriculture Committee.

SB 134 - An Act to amend Title 29 of the Delaware Code by adding a new chapter providing for the more effectual regulation of the conduct of officers and employees of the State of Delaware, establishing standards therefor, and providing for disciplinary action and criminal penalties for violation thereof. Introduced by Sen. Hale. Assigned to Labor & Commerce Committee.

SS 1 for SB 185 - An Act to amend Chapter 35, Title 24, of the Delaware Code relating to psychologists; providing for a Board of Examiners of Psychologists; license required to practice psychology; and prohibition against the use of the title "Psychologist"; and the granting of the privilege of withholding confidential communications. Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

SB 414 - An Act to amend Titles 7, 16, 29 and 39, Delaware Code, to provide for an effective program to improve the quality of Delaware's environment, by providing for amendment of Chapters 60 and 64 of Title 7, Delaware Code, and for repeal of Chapters 61, 62 and 83 of Title 7, Delaware Code, and by providing omnibus amendments, corrections, relating to the Department of Natural Resources and Environmental Control as provided in Titles 29 and 39, Chapter 80, Delaware Code, and by creating an Environmental Protection Appeals Board, defining its organization, powers, duties, and functions and by providing for the creation of the Environmental Council defining its composition, organization, powers, duties, and functions, and making appropriations therefor. Introduced by Sen. Isaacs. Assigned to Environmental Control Committee.

The House recessed to the call of the Chair at 12:54 P.M., reconvened at 1:35 P.M.

Reps. Leshner, Derrickson, Billingsley asked to be marked present.

On motion of Rep. Jarvis, **HCR 33** had its final reading and was placed before the House for consideration.

HCR 33 - Providing that a Joint Session of the

Senate and House of Representatives be convened to hear a message from the Governor.

On motion of Rep. Jarvis, **HCR 33** was adopted by voice vote.

The House recessed to the call of the Chair at 1:36 P.M., reconvened at 2:12 P.M.

On motion of Rep. Jarvis, the Senate and House convened in Joint Session. On motion of Rep. Jarvis, the Speaker of the House presided over the Joint Session. On motion of Rep. Jarvis, the Chief Clerk of the House and the Secretary of the Senate acted as Secretaries of the Joint Session.

Rep. Jarvis moved that a committee be appointed by the Chair to escort the Governor to the House Chamber. The Chair appointed the following committee to escort the Governor to the House Chamber: Rep. Billingsley, Rep. Gruwell, Sen. Grier and Sen. Slawik. 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. Rep. Jarvis moved that the previously named committee escort the Governor from the Chamber. Rep. Jarvis moved that the Chief Clerk and the Secretary of the Senate compare their respective journals. The Chief Clerk and the Secretary of the Senate compared their Journals and found them to agree, and so notified the Speaker. Rep. Jarvis moved that the two Houses separate to reconvene in their respective chambers. The House recessed to the call of the Chair at 2:28 P.M. The House reconvened at 3:09 P.M.

Reps. Little and Kirk asked to be marked present.
Committee Report:

Community Affairs: **SB 434-4M.**

On motion of Rep. Hering **HJR 15** was given its final reading and was before the House for consideration.

HJR 15 - Providing for a Liquor Study Commission.

Roll call on **HJR 15** with **SA 1** revealed:

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

ABSENT: Seibel - 1.

HJR 15 with **SA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Little, **HB 411** was placed on the Speaker's table.

On motion of Rep. Wright, **HB 455** was given its final reading and was before the House for consideration.

HB 455 - An Act to amend Title 21, Delaware Code, Chapter 7, relating to the jurisdiction of certain courts over children sixteen or seventeen years old charged with violations of the Motor Vehicle Laws.

On motion of Rep. Wright, **HA 1** to **HB 455** was stricken.

On motion of Rep. Wright, **HA 2** to **HB 455** was adopted by voice vote. Roll call on **HB 455** with **HA 2** revealed:

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

ABSENT: Weiss - 1.

HB 455 with **HA 2** having received 2/3 vote was declared passed the House.

On motion of Rep. Dillman **SB 325** was lifted from the Speaker's table and was again before the House for consideration. (Insurance adjustors, agents, brokers, etc.) On motion of Rep. Hearn, **HA 1** to **SB 325** was adopted by voice vote. Roll call on **SB 325** with **HA 1** revealed:

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

NAYS: Clendaniel, Cordrey, Derrickson - 3.

SB 325 with **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel, **HB 473** was given its final reading and was before the House for consideration.

HB 473 - An Act to amend Chapter 83, Title 16, Delaware Code, relating to the Building Code of rural New Castle County.

On motion of Rep. Berndt, **HA 1** to **HB 473** was

adopted by voice vote. Roll call on **HB 473** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Mr. Speaker Frederick - 34.

NOT VOTING: Heckert, Hering, Jarvis - 3.

ABSENT: Tribbitt, Wright - 2.

HB 473 with **HA 1** having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel **HS 1** for **HB 34** was deferred until next year.

On motion of Rep. Hering, **SB 470** was given its final reading and was before the House for consideration.

SB 470 - An Act to amend Title 10, Delaware Code, relating to Entry of Judgments by Confession; and to amend Title 7, Delaware Code, relating to Bond of the Secretary-Treasurer for the Tax Ditch; and to amend Title 24, Delaware Code, relating to Pawn Broker's Bond.

On motion of Rep. Hearn, **HA 1** to **SB 470** was adopted by voice vote.

Privilege of the floor was granted to Mr. Joseph Longavardi, Wilmington attorney to explain the bill.

Roll call on **SB 470** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gruwell, Harrington, Hearn, Heckert, Hering, Johnson, Jonkiert, Justice, Kirk, Knox, Lesh, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Derrickson, Seibel, Poulterer - 3.

ABSENT: Gordy, Harkins, Jarvis, Little - 4.

SB 470 with **HA 1**, having received a constitutional majority, was declared passed the House.

On motion of Rep. Weiss, **SS 1** for **SB 337** was before the House for consideration. (Relating to appeals.)

Privilege of the floor was granted to Mr. James Rosbrow. After much discussion, Rep. Weiss moved to place **SS 1** for **SB 337** on the Speaker's table for an amendment.

On motion of Rep. Little, **SB 306** was given its final reading and was before the House for consideration.

SB 306 - An Act to amend Chapter 1, Title 22 of the Delaware Code prohibiting municipalities from charging more than ten dollars for any single parking violation.

Roll call revealed:

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

ABSENT: Gordy, Gruwell, Jonkiert, Murphy - 4.

SB 306, having received a constitutional majority was declared passed by the House.

On motion of Rep. Dillman, **HB 213** was placed on the Speaker's table.

On motion of Rep. Dillman, **HB 212**, **HB 214** were placed on the Speaker's table.

On motion of Rep. Little, **HB 423** was given its final reading and was before the House for consideration.

HB 423 - An Act to amend Section 6913, Title 29, Delaware Code by providing provisions for the failure to pay prevailing wage rates.

Roll call revealed:

YEAS: Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright - 33.

NAYS: Derrickson, Heckert - 2.

NOT VOTING: Berndt, Hering, Mr. Speaker Frederick - 3.

ABSENT: Gruwell - 1.

HB 423, having received a constitutional majority was declared passed the House.

On motion of Rep. Little, **SB 274** was given its final reading and was before the House for consideration.

SB 274 - An Act to amend Part I, Title 18, of the Delaware Code relating to the establishment of a group life insurance plan for employees of the State of Delaware.

Roll call revealed:

YEAS: Berndt, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert,

Justice, Kirk, Knox, Leshner, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 35.

NOT VOTING: Billingsley, Derrickson, Heckert - 3.

ABSENT: Mears - 1.

SB 274, having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman **SB 322** was given its final reading and was before the House for consideration.

SB 322 - An Act to amend Subchapter II, Chapter 21, Title 23 of the Delaware Code relating to Safety Equipment required for boats licensed by the State of Delaware.

On motion of Rep. Berndt, **HA 1** to **SB 322** was adopted by voice vote. Roll call on **SB 322** with **HA 1** revealed:

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

SB 322 with **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Weiss, **SS 1** for **SB 337** was lifted from the Speaker's table and was again before the House for consideration.

SS 1 for **SB 337** - An Act to amend Title 19, Delaware Code, 3318 and 3323, relating to Appeals.

Roll call on **SS 1** for **SB 337** revealed:

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

SS 1 for **SB 337**, having received a constitutional majority, was declared passed the House.

Rep. Little moved to lift **SS 1** for **SB 312** from the Speaker's table. Motion carried by voice vote.

SS 1 for **SB 312** - An Act to amend Section 3314, Title 19, Delaware Code, relating to the eligibility

of unemployed individuals to receive Unemployment Compensation Benefits.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Jonkiert, Kirk, Knox, Little, Matushefske, Miller, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 29.

NAYS: Clendaniel, Cordrey, Derrickson, Justice, Mears, Moerschel, Quillen, Riddagh - 8.

NOT VOTING: Jarvis, Leshar - 2.

SS 1 for SB 312, having received a constitutional majority, was declared passed the House.

Rep. Hering moved to lift SS 1 for SB 222 from the Speaker's table. Motion carried by voice vote and SS 1 for SB 222 was again before the House for consideration.

SS 1 for SB 222 - An Act to amend Title 8 of the Delaware Code relating to corporations by making certain changes in Sections 103, 158, 222, 228, 251, 381 and 391.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Little, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Mr. Speaker Frederick - 28.

NAYS: Cordrey, Derrickson, Hearn, Jonkiert, Matushefske, Mears, Miller, Smith - 8.

NOT VOTING: Johnson, Leshar, Wright - 3.

SS 1 for SB 222, having received the required 2/3 vote was declared passed the House.

The House recessed to the call of the Chair at 5:12 P.M.

June 29, 1971

55th LEGISLATIVE DAY

The Speaker called the House to order at 12:57 P.M. The Majority Leader moved to adjourn at 12:57 P.M., thereby ending the previous legislative day. The House reconvened at 12:58 P.M.

There was a prayer by the Chaplain Rev. Larry Cornell, First Baptist Church, Milford, Del.

The Speaker led those present in a salute of the flag. Members present: Berndt, Billingsley, Boulden,

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

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

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

The following prefiled legislation was introduced:

HS 2 to HB 179 - An Act to amend Subchapter II of Chapter 29, Delaware Code, relating to Deposit of Security. Introduced by Rep. Dillman. Assigned to Public Safety Committee.

HA 1 to SB 345, introduced by Rep. Hering. Placed with bill.

HB 492 - An Act amending Section IIII, Title 7, Delaware Code to provide for treatment of privately owned waters without notice to owners under certain conditions, and making a supplementary appropriation to the Department of Natural Resources and Environmental Control, for the chemical treatment of Silver Lake, Rehoboth Beach. Introduced by Rep. Derrickson. Assigned to Natural Resources Committee.

HA 1 to HB 490, introduced by Rep. Murphy. Placed with bill.

HA 2 to HB 490, introduced by Rep. Hering. Placed with bill.

HA 2 to HB 488, introduced by Reps. Dillman and Billingsley. Placed with bill.

HA 1 to HB 466, introduced by Rep. Hering. Placed with bill.

HA 1 to SS 1 for SB 329, introduced by Rep. Hering (By request). Placed with bill.

SA 1 to HB 468, introduced by Sen. Steele. Placed with bill.

SB 266 - An Act to amend Title 29, Delaware Code, Chapter 69, relating to procurement of material and award of contracts for Public Works by state agencies by requiring that all contractors provide equality of employment opportunities for all employees and job applicants. Introduced by Sen. Foltz. Assigned to Labor & Commerce Committee.

SB 293 - An Act to amend Title 19, Delaware Code, Chapter 7, Subchapter II, relating to discrimination in

employment and making a supplementary appropriation to the Department of Labor to implement this act. Introduced by Sen. Foltz. Assigned to Appropriations Committee.

On motion of Rep. Weiss, **SS 1 for SB 358** was given its final reading and was before the House for consideration.

SS 1 for SB 358 - An Act to amend Subchapter III, Chapter 17, Title 24, of the Delaware Code relating to the practice of medicine, surgery and osteopathy, and providing for the rendering of health services by assistants to physicians.

Rep. Harkins and Rep. Kirk asked to be marked present.

Roll call on **SS 1 for SB 358** revealed:

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

NOT VOTING: Hering - 1.

ABSENT: Billingsley, Derrickson, Jarvis, Jonkier - 4.

SS 1 for SB 358 having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 213** was lifted from the Speaker's table and was again before the House.

HB 213 - An Act to amend Subchapter II, of Chapter 21, Title 21, Delaware Code relating to vehicle plates.

Roll call revealed:

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

NOT VOTING: Cordrey - 1.

ABSENT: Billingsley, Derrickson, Gruwell, Jonkier - 4.

HB 213, having received a constitutional majority was declared passed the House.

On motion of Rep. Dillman, **HB 212** was lifted from the Speaker's table and was again before the House.

HB 212 - An Act to amend Subchapter IV, of Chapter

21, Title 21, Delaware Code, relating to fee schedule for registration of certain vehicles.

Rep. Billingsley and Rep. Derrickson asked to be marked present.

Roll call on **HB 212** revealed:

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

NAYS: Billingsley, Wright - 2.

NOT VOTING: Cordrey, Heckert - 2.

ABSENT: Jonkiert - 1.

HB 212, having received a constitutional majority, was declared passed the House.

On motion of Rep. Weiss, **HJR 19** was given its final reading and was before the House for consideration.

HJR 19 - Proclaiming the week of August 9 through August 15 as Voter Registration Emphasis Week.

Roll call revealed:

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

HJR 19, having received a constitutional majority, was declared adopted in the House.

On motion of Rep. Hering, **SB 350** was given its final reading and was again before the House for consideration.

SB 350 - An Act to amend Section 9611, Title 10, Delaware Code, relating to trespass actions in the Justice of the Peace Courts.

Roll call revealed:

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

SB 350, having received a constitutional majority was declared passed the House.

On motion of Rep. Hering, **SB 349** was given its final reading and was again before the House for consideration.

SB 349 - An Act to amend Section 4101, Title 11, Delaware Code, relating to a refund of fines.

Roll call revealed:

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

SB 349, having received a constitutional majority, was declared passed the House.

On motion of Rep. Hering, **SB 346** and **SB 345** were placed on the Speaker's table.

On motion of Rep. Hering, **HB 466** was placed on the Speaker's table.

On motion of Rep. Billingsley, **SB 383** was given its final reading and was before the House.

SB 383 - An Act to amend Title 29, Delaware Code, Chapter 68, referring to the power and duties relating to the Department of Administrative Services, Division of Purchasing.

Roll call revealed:

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

SB 383, having received a constitutional majority, was declared passed the House.

On motion of Rep. Leshar, **SB 290** was given its final reading and was before the House for consideration.

SB 290 - An Act authorizing the incumbent State Treasurer to transfer certain balances in accounts of the State of Delaware to the credit of the General Fund of the State of Delaware.

Roll call revealed:

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

SB 290, having received a constitutional majority, was declared passed the House.

On motion of Rep. Riddagh, **HB 410** with **HA 1**, **SA 1** was given its final reading and was before the House for consideration.

HB 410 - An Act to amend an act entitled: "An Act to Re-incorporate the Town of Leipsic" relating to the adoption and enforcement of town ordinances.

Roll call revealed:

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

HB 410 with **HA 1** and **SA 1**, having received a 2/3 majority, was declared passed the House.

On motion of Rep. Little, **HB 343** with **HA 1** was placed on the Speaker's table.

On motion of Rep. Knox, **HJR 18** was given its final reading and was before the House for consideration.

HJR 18 - Requesting the Governor to appoint a Delaware Bay Oil Transport Committee.

Roll call revealed:

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

NAYS: Clendaniel, Matushefske, Miller - 3.

ABSENT: Leshner - 1.

HJR 18, having received a constitutional majority was declared passed the House.

On motion of Rep. Seibel, **SB 434** was given its final reading and was before the House for consideration.

SB 434 - An Act to amend Chapter 77, Volume 50, Laws of Delaware, being an act entitled "An Act to Authorize and Direct the Levy Court of Sussex County to make available to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County certain funds for the employment of an Equipment Manager".

Roll call revealed:

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

ABSENT: Leshner, Orth, Poulterer - 3.

SB 434, having received a constitutional majority was declared passed the House.

On motion of Rep. Little, **HB 411** with **SA 1** was lifted from the Speaker's table and was again before the House. After much discussion, **HB 411** with **SA 1** was again tabled for an amendment.

On motion of Rep. Billingsley, **HB 468** was placed on the Speaker's table.

The House recessed to the call of the Chair at 2:20 P.M. Reconvened at 3:45 P.M.

Committee Reports:

Appropriations: **HB 60-2F**, 2M. Public Safety: **HS 2** for **HB 179-4M**. Labor & Commerce: **SB 305-4M**; **SB 429-4M**; **SB 430-4M**. Highways & Transportation: **SB 335-5M**.

The following prefiled legislation was introduced:

HB 493 - An Act to amend Chapter 6, Title 29, Delaware Code, relating to the General Assembly by providing for the composition and reapportionment thereof. Introduced by Rep. Jarvis. Assigned to House Administration Committee.

HA 3 to **HB 411**, introduced by Rep. Little. Placed with bill.

On motion of Rep. Little, **HB 411** was lifted from the Speaker's table and was again before the House for consideration.

HB 411 - An Act to amend Title 14, Delaware Code, by creating a new Chapter 42 relating to Education;

providing for the Drug Abuse Education Act of 1971 establishing a program of Drug, Narcotic, Alcohol, and Tobacco Education; providing for the Superintendent of Public Instruction, to Administer the program; and requiring a course in Drug Abuse Education for teacher certification.

On motion of Rep. Little, **HA 3** to **HB 411** was adopted by voice vote. Roll call on **HB 411** with **SA 1**, **HA 3**, revealed:

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

NOT VOTING: Wright - 1.

HB 411 with **SA 1**, **HA 3**, having received a constitutional majority was declared passed the House.

HA 1 to **SB 437**, introduced by Rep. Hering. Placed with bill.

SA 1 to **HB 279**, introduced by Sen. Manning. Placed with bill.

On motion of Rep. Murphy, **HB 279** with **HA 1**, **SA 1** was before the House for consideration.

HB 279 - An Act to amend Chapter 1, Title 17, Delaware Code, relating to the acquisition and sale of real property and the power of eminent domain by the Department of Highways and Transportation.

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

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

NAYS: Boulden, Clendaniel, Miller - 3.

NOT VOTING: Mears - 1.

HB 279 having received a constitutional majority was declared passed the House.

SB 404 - An Act to amend Part VI, Chapter 69, Title 29 of the Delaware Code relating to the procurement of material and award of contracts for Public Works by State Agencies. Introduced by Sen. Hart. Assigned to Labor & Commerce Committee.

SB 411 - An Act to amend Chapter 51, Title 31,

Delaware Code, by creating a new section relating to the transfer and treatment of mentally-defective juveniles. Introduced by Sen. Connor. Assigned to Health & Social Services Committee.

SCR 35 - A proposal for legislative cooperation in meeting the fiscal crisis. Introduced by Sen. Manning.

Rep. Boulden moved to place **SCR 35** in committee. Roll call taken on the motion revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Johnson, Jonkiert, Mears, Miller, Quillen, Smith, Tribbitt, Wright - 13.

NAYS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 24.

NOT VOTING: Hearn - 1.

ABSENT: Leshar - 1.

Motion to place **SCR 35** in committee failed. On motion of Rep. Jarvis, **SCR 35** was placed on the Speaker's table.

On motion of Rep. Billingsley, **HB 468** was given its final reading and was before the House for consideration.

HB 468 - An Act to amend Title 12, Chapter 11, relating to escheats by expanding the types of property covered and defining the duties and powers of the State Escheator with respect thereto.

Roll call on **HB 468** with **SA 1** revealed:

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

NOT VOTING: Wright - 1.

ABSENT: Smith - 1.

HB 468 with **SA 1**, having received a constitutional majority, was declared passed the House.

The House recessed to the call of the Chair at 4:07 P.M. Reconvened at 4:56 P.M.

Committee Reports:

Environmental Control: **SB 417-4M**; **SB 419-4M**. House Administration: **HB 493-4M**. Judiciary: **SB 372-5M**, 1U. Public Safety: **HB 488-4M**. Health & Social Services: **SB 411-4M**.

The following prefiled legislation was introduced:

HB 494 - An Act amending Section IIII, Title 7, Delaware Code, to provide for treatment of privately owned waters without notice to owners under certain conditions. Introduced by Rep. Derrickson. On motion of Rep. Derrickson, **HB 494** was stricken.

HB 495 - An Act amending Section IIII, Title 7, Delaware Code, to provide for treatment of privately owned waters without notice to owners under certain conditions. Introduced by Rep. Derrickson.

Rep. Derrickson moved for a suspension of rules so that **HB 495** could be considered. Motion carried. Roll call on **HB 495** revealed:

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

NOT VOTING: Berndt, Heckert, Leshar, Mears - 4.

ABSENT: Miller - 1.

HB 495, having received a constitutional majority, was declared passed the House.

HA 2 to **HB 343**, introduced by Rep. Berndt. Placed with bill.

SA 2 to **SB 322**, introduced by Sen. Manning and Sen. Isaacs. Placed with bill.

SB 441 with **SA 1** - An Act to amend Subchapter I, Chapter 19, Title 14, of the Delaware Code relating to school districts which are in two counties. Introduced by Sen. Robbins. Placed in Education Committee.

SJR 24 - Relating to regulations of State agencies. Introduced by Sen. duPont. Assigned to House Administration Committee.

The House recessed to the call of the Chair at 6:10 P.M.

June 30, 1971

56th LEGISLATIVE DAY

The Speaker called the House to order at 12:46 A.M. The Majority Leader moved to adjourn at 12:46 A.M., thereby ending the previous legislative day. The House reconvened at 12:47 A.M.

There was a prayer by the Chaplain Rev. Larry Cornell, Bethel and Groome Methodist Church, Lewes, Delaware.

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

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

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

The Senate informed the House it had passed: **HB 495, HB 490, HJR 19, HJR 18, HB 473, HB 399, HB 377, HB 455 and HB 296.**

The following prefiled legislation was introduced:

HB 496 - An Act making an emergency appropriation for the operation of State Government during the month of July 1971. Introduced by Rep. Leshar. Assigned to Appropriations Committee.

HA 3 to HB 343, introduced by Rep. Little. Placed with bill.

HA 1 to SB 372, introduced by Rep. Justice. Placed with bill.

HA 2 to HB 466, introduced by Rep. Hering. Placed with bill.

HA 3 to HB 490, introduced by Rep. Wright. Placed with bill.

HA 1 to HB 493, introduced by Rep. Poulterer. Placed with bill.

HR 55 - Relating to payment of Chaplains. Introduced by Rep. Jarvis. Adopted by voice vote.

The House recessed to the call of the Chair at 12:55 P.M. Reconvened at 1:25 P.M.

The following resolution was introduced:

HR 56 - Appropriating money out of the General Fund of the State Treasury to pay certain expenses of the present session of the General Assembly. Introduced by Rep. Jarvis. Adopted by voice vote.

Rep. Dillman moved to lift the roll call on **HB 214**. Motion carried.

HB 214 - An Act to amend Chapter 1, Title 21, Delaware Code relating to definitions.

Roll call revealed:

YEAS: Berndt, Boulden, Connor, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshar, Little, Matushefske, Miller, Moerschel, Mur-

phy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 33.

NAYS: Clendaniel, Cordrey - 2.

NOT VOTING: Mears - 1.

ABSENT: Billingsley, Derrickson, Heckert - 3.

HB 214 having received a constitutional majority was declared passed by the House.

On motion of Rep. Little, **HB 343** was lifted from the Speaker's table.

HB 343 - An Act to amend Title 11 and Title 17, Delaware Code, relating to littering of public roads and highways, waters, beaches, recreation areas and certain other public and private properties, and providing a penalty therefor.

HA 1 to **HB 343**, introduced by Rep. Little, was stricken.

HA 2 to **HB 343**, introduced by Rep. Berndt, was adopted by voice vote.

HA 3 to **HB 343**, introduced by Rep. Little, was adopted by voice vote.

On motion of Rep. Little, the roll call on **HB 343** with **HA 2, 3**, was tabled.

On motion of Rep. Dillman, **SB 322** with **SA 2** was lifted from the Speaker's table.

SB 322 - An Act to amend Subchapter II, Chapter 21, Title 23, of the Delaware Code relating to safety equipment required for boats licensed by the State of Delaware.

Privilege of the floor was granted to Mr. William Moore, Manager of the Wildlife Section of the Fish and Game Department for the purpose of discussing the merits of the bill. Roll call on **SB 322** with **SA 1, HA 1** and **SA 2** revealed:

YEAS: Billingsley, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Johnson, Justice, Kirk, Knox, Little, Matushefske, Mears, Moerschel, Orth, Poulterer, Quillen, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 28.

NAYS: Boulden, Hering, Riddagh - 3.

NOT VOTING: Berndt, Jarvis, Miller - 3.

ABSENT: Derrickson, Heckert, Jonkiert, Leshar, Murphy - 5.

SB 322 having received a constitutional majority was declared passed by the House.

The House recessed to the call of the Chair at 2:08 P.M. Reconvened at 7:53 P.M.

Committee Reports:

Appropriations: **HB 496-1F**, 3M. Labor & Commerce: **HB 266-4M**.

The following prefiled legislation was introduced:

HA 4 to **HB 343**, introduced by Rep. Hearn. Placed with bill.

HA 5 to **HB 343**, introduced by Rep. Hearn. Placed with bill.

HA 6 to **HB 343**, introduced by Rep. Little. Placed with bill.

HA 1 to **HB 496**, introduced by Rep. Harkins. Placed with bill.

HA 2 to **HB 493**, introduced by Rep. Gruwell. Placed with bill.

HA 3 to **HB 493**, introduced by Reps. Moerschel and Gruwell. Placed with bill.

HA 4 to **HB 493**, introduced by Reps. Moerschel and Gruwell. Placed with bill.

HA 1 to **SB 417**, introduced by Rep. Poulterer. Placed with bill.

SB 471 with **SA 1,2,3,6,7,8**, introduced by Senator duPont. Rep. Jarvis moved that **SB 471** be placed on the Speaker's table.

On the motion by Rep. Hering, **SB 437** had its final reading and was placed before the House for consideration.

SB 437 - An Act to amend Chapter 51, Title 25, Delaware Code, by grouping Sections 5101 through 5112 under the heading "Subchapter I" and by creating a new Subchapter II relating to leases for Mobile Homes and Mobile Home Lots.

HA 1 to **SB 437**, introduced by Rep. Hering, was adopted by voice vote. Roll call on **SB 437** with **SA 2** and **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derickson, Dillman, Dobberstein, Harkins, Harrington, Hearn, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Poulterer, Riddagh, Seibel, Tribbitt, Weiss, Mr. Speaker Frederick - 27.

NAYS: Clendaniel, Cordrey, Gordy, Gruwell, Heckert, Johnson, Miller, Quillen, Smith, Wright - 10.

NOT VOTING: Jonkiert, Orth - 2.

SB 437 with **SA 2** and **HA 1**, having received the two-thirds required majority was declared passed the House.

On motion of Rep. Dillman, **HS 2** for **HB 179** had

its final reading and was placed before the House for consideration.

HS 2 for HB 179 - An Act to amend Subchapter II of Chapter 29, Title 21, Delaware Code relating to Deposit of Security.

Roll call on **HS 2 for HB 179** revealed:

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

HS 2 for HB 179 having received a constitutional majority was declared passed the House.

On the motion of Rep. Little, **SB 305** had its final reading and was placed before the House for consideration.

SB 305 - An Act to amend Chapter 19, Title 6 of the Delaware Code relating to Fair Trade Laws establishing minimum prices on the sale or resale of commodities, and exempting the State of Delaware from such restrictions.

Roll call on **SB 305** revealed:

YEAS: Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Harrington, Justice, Kirk, Knox, Little, Murphy - 12.

NAYS: Berndt, Billingsley, Boulden, Gruwell, Jarvis, Mears, Miller, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Mr. Speaker Frederick - 14.

NOT VOTING: Dillman, Harkins, Hearn, Heckert, Hering, Johnson, Jonkiert, Leshner, Matushefske, Moerschel, Seibel, Weiss, Wright - 13.

SB 305 not having received a constitutional majority was declared lost in the House.

On the motion of Rep. Hering, **SB 346** was lifted from the Speaker's table.

SB 346 - An Act to amend Titles 10, 11, Delaware Code, relating to various responsibilities and procedural requirements involving Justices of the Peace and Justice of the Peace Courts.

Privilege of the floor was granted to Mr. Morton Kimmel, Deputy Administrator for Justices of the Peace.

Roll call on **SB 346** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gru-

well, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Derrickson, Jarvis - 2.

SB 346, having received a constitutional majority was declared passed the House.

On the motion of Rep. Hering, **SB 345** with **SA 1** was lifted from the Speaker's table.

SB 345 - An Act to amend Titles 4, 11, 17, 21 and 23, Delaware Code, by conferring original jurisdiction upon Justices of the Peace to hear, try, and finally determine alleged violations of certain sections thereof and by altering the jurisdictional limits of certain sections thereof and by changing the penalties for the violation of certain sections thereof.

HA 1, introduced by Rep. Hering, was adopted by voice vote. Roll call on **SB 345** with **SA 1** and **HA 1** revealed:

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

NAYS: Miller - 1.

NOT VOTING: Johnson, Matushefske - 2.

SB 345 with **SA 1** and **HA 1**, having received the required 2/3 majority was declared passed the House.

The House recessed to the call of the Chair at 8:58 P.M. Reconvened at 9:20 P.M.

The following prefiled legislation was introduced:

SB 459 with **SA 1** - An Act to amend Titles 16 and 29, Delaware Code, relating to permits for the cremation of dead bodies. Introduced by Senator Hart. Assigned to the Judiciary Committee.

HR 57 - Authorizing payment for services rendered by the Legislative Staff of the House of Representatives for the 126th General Assembly. Introduced by Rep. Jarvis. Adopted by voice vote.

On the motion of Rep. Little, **SB 429** was given its final reading and brought before the House for consideration.

SB 429 - An Act to amend Chapter 118, Volume 33, Laws of Delaware, entitled "An Act providing for

a Firemen's Pension Fund for members of the Bureau of Fire of the City of Wilmington'', to provide for an increase in pension benefits.

Privilege of the floor was granted to Senator Castle to explain the bill. Roll call revealed:

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

SB 429, having received the 2/3 vote required, was declared passed the House.

On the motion of Rep. Little, **SB 430** was given its final reading and brought before the House for consideration.

SB 430 - An Act to amend Chapter 113, Volume 32, Laws of Delaware, entitled "An Act providing for a Police Pension Fund: for members of the Police Force of the City of Wilmington'', to provide for an increase in pension benefits.

Roll call revealed:

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

SB 430, having received the 2/3 vote required, was declared passed the House.

Motion was made by Rep. Leshner to suspend the rules to consider **HB 497**. Rep. Tribbitt moved for roll call on the motion to suspend the rules. Rep. Leshner moved to table **HB 497**.

Rep. Weiss moved to suspend the rules to bring **HB 395** before the House for consideration. Motion carried by voice vote.

HB 395 - An Act making a Supplementary Appropriation to the Department of Health and Social Services, Division of Juvenile Corrections for the purpose of operating the Delaware Youth Center.

HA 1, introduced by Rep. Weiss, was adopted by voice vote. Roll call revealed:

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

NAYS: Clendaniel, Miller, Quillen, Riddagh - 4.

NOT VOTING: Jonkiert, Moerschel - 2.

HB 395 with **HA 1**, having received a constitutional majority was declared passed the House.

HR 58, introduced by Rep. Hering, was given its final reading and brought before the House for consideration.

HR 58 - Relating to Suspension of Rules.

HR 58 was adopted by voice vote.

Rep. Leshner moved for a suspension of the rules to consider **HB 497**. Voice vote on the motion failed to reveal the decision of the House. The Speaker then called for a roll call on the motion to suspend rules. The roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

The motion was declared carried. **HB 497** was before the House for consideration.

HB 497 - An Act to amend House Bill 200 of the 126th General Assembly by making certain reductions in money appropriated therein. Introduced by Rep. Leshner. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

NAYS: Boulden, Clendaniel, Harrington, Johnson, Jonkiert, Miller, Orth, Smith, Tribbitt, Wright - 10.

NOT VOTING: Cordrey, Gordy, Gruwell, Hearn, Matushefske, Mears - 6.

HB 497, having received a constitutional majority was declared passed the House.

Rep. Harkins moved for a suspension of the rules

to consider **HB 498**. Motion carried by voice vote.

HB 498 - An Act relating to the number of Administrative and Professional positions authorized for Public Schools. Introduced by Rep. Harkins.

Motion by Rep. Wright for privilege of the floor for Mr. A. H. Jones, Chairman, Delaware School Board Legislative Committee. Motion was carried by voice vote. Rep. Berndt asked that Mr. Jones limit his remarks to 5 minutes, due to the limited time left in the session. Roll call on **HB 498** revealed:

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

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

NOT VOTING: Connor - 1.

HB 498, having received a constitutional majority was declared passed the House.

Rep. Hering moved to suspend the rules to consider **HB 499**. Motion carried by voice vote.

HB 499 - An Act to amend Chapter 17, Title 14, Delaware Code, by increasing the number of pupils composing a "Unit" for certain purposes. Introduced by Rep. Hering. Roll call revealed:

YEAS: Berndt, Billingsley, Derrickson, Dillman, Dobberstein, Harkins, Hering, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 18.

NOT VOTING: Connor - 1.

HB 499, having received a constitutional majority was declared passed the House.

Rep. Derrickson moved to suspend the rules to consider **HB 500**. Motion carried by voice vote. Rep. Tribbitt moved for a 5 minute recess. Motion failed by voice vote.

HB 500 - An Act directing that certain State employees receive Merit increases at a rate not to exceed 2 1/2% per year without changing step. Introduced by Rep. Derrickson. Roll call revealed:

YEAS: Berndt, Billingsley, Derrickson, Dillman,

Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 22.

NAYS: Clendaniel, Cordrey, Jonkiert, Miller, Orth, Smith - 6.

NOT VOTING: Boulden, Connor, Gordy, Gruwell, Harrington, Hearn, Johnson, Matushefske, Mears, Tribbitt, Wright - 11.

Rep. Billingsley moved to suspend the rules to consider **HB 501**. Motion carried by voice vote.

HB 501 - An Act to amend Chapter 333, Volume 57, Delaware Laws by changing the effective date of a 5% pay raise for school employees, and providing for the variability of State Public School Employment contracts by the General Assembly.

Rep. Tribbitt requested the privilege of the floor for Mr. Charles Harris, Lobbyist for the DSEA. Privilege granted.

Roll call revealed:

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

NAYS: Clendaniel, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 10.

NOT VOTING: Boulden, Connor, Cordrey, Gordy, Gruwell, Harrington, Hearn - 7.

HB 501, having received a constitutional majority was declared passed the House.

Rep. Billingsley moved to suspend the rules for the purpose of acting upon **HJR 20**. The motion was adopted by voice vote, and **HJR 20** was given its first and final reading.

HJR 20 - Authorizing the Governor to reduce appropriations to solve the Revenue Crisis in the State of Delaware.

Roll call revealed:

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

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Quillen, Smith, Tribbitt,

Wright - 17.

Rep. Jarvis spoke of the agonizing decision of the Republican legislators to support the previous five bills.

Rep. Leshar moved to suspend the rules for the purpose of acting upon **SB 293**. The motion was adopted by voice vote, and **SB 293** was given its final reading.

SB 293 - An Act to amend Title 19, Delaware Code, Chapter 7, Subchapter II, relating to discrimination in employment and making a supplementary appropriation to the Department of Labor to implement this act.

The privilege of the floor was granted to the Secretary of Labor, State of Delaware, James Rosbrow.

Roll call revealed:

YEAS: Berndt, Connor, Dillman, Dobberstein, Gruwell, Harrington, Hearn, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Jonkiert, Smith - 3.

NOT VOTING: Billingsley, Cordrey, Derrickson, Gordy, Heckert, Tribbitt, Wright - 7.

ABSENT: Boulden, Harkins, Mears - 3.

SB 293, having received a constitutional majority was declared passed the House.

On the motion of Rep. Kirk, **SJR 23** was given its final reading and brought before the House for consideration.

SJR 23 - Pertaining to the proposed moratorium on drainage projects carried out under the Federal Watershed Protection and Flood Prevention Act. Introduced by Senator Foltz.

Roll call revealed:

YEAS: Billingsley, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Harrington, Jarvis, Justice, Kirk, Knox, Matushefske, Mears, Murphy, Quillen, Riddagh, Weiss, Mr. Speaker Frederick - 18.

NAYS: Boulden, Gruwell, Heckert, Leshar, Poulterer, Smith, Mr. Speaker Frederick - 7.

NOT VOTING: Berndt, Dillman, Hearn, Hering, Little, Miller, Moerschel, Seibel, Tribbitt, Wright - 10.

ABSENT: Harkins, Johnson, Jonkiert, Orth - 4.

Not having received a constitutional majority, **SJR 23** was declared defeated in the House.

Rep. Jarvis moved for suspension of the rules for the purpose of considering **SB 471** with Senate Amendments. Motion carried by voice vote. **HA 1**, introduced by Rep. Hering. Roll call vote revealed:

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

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

NOT VOTING: Gruwell, Jarvis, Little - 3.

HA 1 to SB 471, having received a constitutional majority was declared adopted in the House.

HA 2 to SB 471, introduced by Rep. Hering. Roll call revealed:

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

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

NOT VOTING: Little - 1.

HA 2 to SB 471, having received a constitutional majority, was declared adopted by the House.

HA 3 to SB 471, introduced by Rep. Tribbitt. Rep. Harkins moved to defer action on HA 3, Rep. Tribbitt asked for a roll call on the motion. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

Having received a constitutional majority, the motion was carried, and HA 3 was deferred.

HA 4 to SB 471, introduced by Rep. Gruwell. Rep. Jarvis moved to defer action on HA 4. Rep. Tribbitt asked for a roll call on the motion. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gru-

well, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 16.

Having received a constitutional majority, the motion was carried, and HA 4 was deferred.

HA 5 to SB 471, introduced by Rep. Harkins, adopted by voice vote.

Roll call on SB 471 with SA 1,2,3,6,7,8 and HA 1, 2,5 revealed:

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

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

NOT VOTING: Gruwell, Little - 2.

SB 471 with SA 1,2,3,6,7,8 and HA 1,2,5, having received a constitutional majority, was declared passed the House.

The House recessed to the call of the Chair at 11:40 P.M. The House reconvened at 11:48 P.M. and adjourned at 11:49 P.M., thereby ending the First Session.

1st LEGISLATIVE DAY - Special Session - July 1, 1971

At 12:01 A.M., the House went into Special Session, called by Lt. Gov. Bookhammer, presiding officer of the Senate and Representative William Frederick, Speaker of the House, pursuant to Article II, Section 4, Delaware Constitution.

Rep. Dobberstein led members of the House in the Lord's Prayer.

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

Absent: Gruwell, Matushefske - 2.

The House recessed to the call of the Chair at 12:03 A.M.

2nd LEGISLATIVE DAY - Special Session - July 26, 1971

The Speaker called the House to order at 4:58 P.M. The Majority Leader moved to adjourn at 4:58 P.M., thereby ending the previous legislative day. The House reconvened at 4:59 P.M.

There was a prayer by the Chaplain Rev. Robert B. Harris, United Methodist Church, Magnolia, Delaware.

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

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

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

The following prefiled legislation was introduced:

HB 502 - An Act to amend Chapter 63, Title 7, Delaware Code, to protect the quality of waters of the State by regulating the dumping of waste materials into certain waters, to empower the Department of Natural Resources and Environmental Control to adopt rules and regulations concerning the disposal of waste materials and the issuance of permits therefor, to authorize the surveillance of vessels disposing of waste materials, and to provide penalties for violations. Introduced by Rep. Derrickson. Assigned to Environmental Control Committee.

SA 1 to HS 1 for HB 57, introduced by Sen. Cicione. Placed with bill.

SA 2 to HS 1 for HB 57, introduced by Sen. Cicione. Placed with bill.

SB 62 - An Act to amend Chapter 21, Title 14, Delaware Code, relating to persons qualified to vote in local School Bond Elections. Introduced by Sen. Isaacs. Assigned to Education Committee.

SB 285 - An Act to amend Chapter 469, Volume 56, Laws of Delaware, known as the "Annual Capital Improvement Act of 1969" by extending the deadline for starting the Newark State Service Center project. Introduced by Sen. Steele. Assigned to Appropriations Committee.

SB 360 - An Act to amend Chapter 70, Title 6, of the Delaware Code relating to Economic Development and Environmental Facilities, authorizing the Department of Community Affairs and Economic Development to issue bonds with or without the full faith and credit of the State may be pledged, defining the purposes for which such bonds may be issued, and related matters. Introduced by Sen. Steele. Assigned to Appropriations Committee.

SB 399 - An Act to amend Chapter 469, Volume 56, Laws of Delaware, known as the "Annual Capital Improvement Act of 1969" by extending the deadline for starting the Dover State Service Center project. Introduced by Sen. Steele. Assigned to Appropriations Committee.

SB 426 - An Act to amend Chapter 469, Volume 56, Laws of Delaware, known as the "Annual Capital Improvement Act of 1969" by allowing for the construction or renovation of a Work-Release Center in Sussex County and extending the time for such project. Introduced by Sen. Steele. Assigned to Appropriations Committee.

SB 474 - An Act to amend Chapter 333, Volume 57, Laws of Delaware relating to the 5% Pay Raise for school employees. Introduced by Sen. Hale. Assigned to Appropriations Committee.

STATE OF DELAWARE
Executive Department
Dover

July 1, 1971

To the House of Representatives
of the 126th General Assembly
of the State of Delaware

On June 21, 1971, I received **House Bill No. 231** As Amended by **House Amendment 2** entitled:

"An Act to amend Subchapter IV, Chapter 51, Title 30, of the Delaware Code, relating to State aid to municipalities for streets."

I am returning this bill without my signature for the following reasons:

House Bill No. 231 as amended would remove entirely the limitation upon annual appropriations to municipalities under the Municipal Street Aid Act.

Currently that limitation is two million dollars, and

such amount has been appropriated in the Fiscal 1972 Budget Act.

It is estimated that, if I signed this bill, the cost to the State would increase by six to eight hundred thousand dollars in Fiscal 1972. In view of the financial situation of the State, there is inadequate justification for approving this additional expenditure.

Respectfully submitted,
Russell W. Peterson
Governor

STATE OF DELAWARE
Executive Department
Dover

July 15, 1971

To the House of Representatives
of the 126th General Assembly
of the State of Delaware

On July 7, 1971, I received **House Substitute 1** for **House Bill 247** as amended by **House Amendment 3** entitled:

"An Act to amend Subchapter II of Chapter 43, Title 21, Delaware Code pertaining to additional equipment required on slow-moving vehicles."

I am returning this bill without my signature for the following reasons:

Although I approve of the intent of **House Substitute 1** for **House Bill 247** as amended, I cannot sign it because it does not fulfill a constitutional requirement.

The Constitution of the State of Delaware, Article IV, Section 28, reads in pertinent part as follows:

"The General Assembly may by law give to any inferior courts by it established...jurisdiction of the criminal matters following, that is to say...such other misdemeanors as the General Assembly may from time to time, with the concurrence of two-thirds of all the members elected to each house, prescribe."

Since **House Substitute 1** for **House Bill 247** as amended creates a new misdemeanor - the driving of a vehicle to be operated at a speed of 25 miles per hour or less without a slow-moving vehicle emblem - the bill comes within the constitutional two-thirds requirement. Jurisdiction is vested in a statutory court by way of the applicable penalty provision (21 Delaware Code §4356),

which would cover the new section of the law created by the bill.

That penalty section does not specifically provide that Superior Court will have exclusive original jurisdiction over the crime. Under our court setup, the Courts of Common Pleas, which are statutory courts, would have jurisdiction. Therefore, House Substitute 1 for House Bill 247 as amended is constitutionally infirm for not containing a two-thirds vote clause in its enactment clause, which our courts have interpreted the Constitution to require in like bills.

Respectfully submitted,
Russell W. Peterson
Governor

UNITED STATES SENATE
Committee On Public Works
Washington, D.C. 20510

July 8, 1971

Mrs. Louise Smith
Chief Clerk
Legislative Hall
Dover, Delaware 19901

Dear Mrs. Smith:

Enclosed is a copy of a letter I received from Lt. Colonel Francis J. Walter, Jr., of the Army Corps of Engineers indicating that funds will be made available this fiscal year for dredging the Murderkill River.

This is excellent news.

May I congratulate the Legislature for the adoption of House Resolution No. 11 which was instrumental in obtaining this reallocation of funds.

With high regards and best wishes, I am

Sincerely,
J. Caleb Boggs

Enclosure
JCB:hbi

DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D.C. 20314

2 July 1971

Honorable J. Caleb Boggs
 United States Senate
 Washington, D.C. 20510

Dear Senator Boggs:

This is in reply to your recent letter, also signed by Senator William V. Roth, Jr., and Representative Pierre S. du Pont inclosing a copy of a resolution by the Delaware Legislature urging that maintenance dredging be performed in the Murderkill River, Delaware.

No funds were included in the President's Budget for FY 1972 for dredging Murderkill River. However, since the work is of such urgent nature, funds to accomplish this dredging will be made available by reallocation from the overall Operations and Maintenance Funds, General, Appropriation for FY 1972.

Sincerely yours,
 Leonard Edelstein
 Colonel, Corps of Engineers
 Assistant Director of Civil Works
 for Atlantic Divisions

Incl
 Resolution No. 11

HB 503 - An Act to amend Chapter 54, Title 30, Delaware Code, by increasing the rate of the Realty Transfer Tax and by apportioning said tax between grantor and grantee. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 503** was placed on the Speaker's table.

HB 504 - An Act to amend Title 30, Delaware Code, by creating a new Part V thereof relating to a tax on hotel, motel and tourist home accommodations. Introduced by Rep. Murphy. On motion of Rep. Jarvis, **HB 504** was placed on the Speaker's table.

HB 505 - An Act to amend Chapter 51, Title 30, Delaware Code, relating to the Motor Fuel Tax. Introduced by Rep. Knox. On motion of Rep. Jarvis, **HB 505** was placed on the Speaker's table.

HB 506 - An Act to amend Sections 2701 and 2702 of Chapter 27, Title 30, Delaware Code by changing the definition of "Gross Receipts" and the rate of manufacturers' license taxes. Introduced by Rep. Justice.

On motion of Rep. Jarvis, **HB 506** was placed on the Speaker's table.

HB 507 - An Act to amend Chapter 53, Title 30, Delaware Code by increasing the rate of cigarette taxes, by revising payment provisions and by changing the commission for stamp affixing agents. Introduced by Rep. Justice. On motion of Rep. Jarvis, **HB 507** was placed on the Speaker's table.

HB 508 - An Act to amend Chapter 13, Title 30, Delaware Code relating to Inheritance Taxes. Introduced by Rep. Berndt. On motion of Rep. Berndt, **HB 508** was placed on the Speaker's table.

On motion of Rep. Dobberstein, **HB 211** was brought before the House for consideration. Rep. Hering requested **HB 211** be deferred for an amendment he was preparing. Rep. Dobberstein, deferred to the top of tomorrow's agenda.

Committee Report:

Appropriations: **SB 51-5M.**

Personal privilege of the floor was granted to Rep. Jarvis who spoke on the bussing of non-public school children.

The House recessed to the call of the Chair at 5:18 P.M.

3rd LEGISLATIVE DAY - Special Session - July 27, 1971

The Speaker called the House to order at 2:03 P.M. The Majority Leader moved to adjourn at 2:03 P.M., thereby ending the previous legislative day. The House reconvened at 2:04 P.M.

There was a prayer by the Chaplain Rev. Robert B. Harris, United Methodist Church, Magnolia, Del.

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

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

Late: Harkins, Leshner.

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

The following prefiled legislation was introduced:

HB 509 - An Act to amend Subchapter II of Chapter 43, Title 21, Delaware Code pertaining to additional equipment required on slow-moving vehicles. Introduced by Reps. Gordy and Dillman. Assigned to Public Safety Committee.

HB 510 - An Act to amend Title 30, Chapter 27, Delaware Code, relating to a tax on petroleum refineries. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 510** was placed on the Speaker's table.

HB 511 - An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporate Income Tax. Introduced by Rep. Poulterer. On motion of Rep. Jarvis, **HB 511** was placed on the Speaker's table.

HB 512 - An Act to amend Chapter 5, Title 4, Delaware Code, by increasing the rate of taxation on Ethyl Alcohol, by providing for a Floor Stock Tax, and by regulating the increase of prices. Introduced by Rep. Poulterer. On motion of Rep. Jarvis, **HB 512** was placed on the Speaker's table.

HB 513 - An Act to amend Title 30, Chapter 33, Delaware Code by increasing the license fee and by adding certain commodities and services to those subject to license. Introduced by Rep. Derrickson. On motion of Rep. Jarvis, **HB 513** was placed on the Speaker's table.

HB 514 - An Act to amend Title 30, Delaware Code by creating a new Chapter 14 relating to Gift Taxes. Introduced by Rep. Berndt. On motion of Rep. Berndt, **HB 514** was placed on the Speaker's table.

HB 515 - An Act amending Chapters 3 and 4, Title 28, Delaware Code, relating to taxes on pari-mutuel and totalizator pools. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 515** was placed on the Speaker's table.

HB 516 - An Act amending Chapter 5, Title 28, Delaware Code, relating to the tax on pari-mutuel and totalizator pools. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 516** was placed on the Speaker's table.

HB 517 - An Act amending Chapters 4 and 5, Title 30, Delaware Code, relating to the taxes on admissions to race tracks. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 517** was placed on the Speaker's table.

HB 518 - An Act to amend Chapter 30, Title 30, Delaware Code, relating to the Motor Vehicle Document Fee. Introduced by Rep. Billingsley. On motion of Rep.

Jarvis, **HB 518** was placed on the Speaker's table.

HB 519 - An Act to amend Chapter 52, Title 30, Delaware Code, relating to the Administration of the Motor Fuel Carrier Purchase Law. Introduced by Rep. Knox. On motion of Rep. Jarvis, **HB 519** was placed on the Speaker's table.

HB 520 - An Act to amend Chapter 17, Title 14, Delaware Code, by changing the number of pupils composing a unit. Introduced by Rep. Connor. On motion of Rep. Jarvis, **HB 520** was placed on the Speaker's table.

HA 1 to HB 211, introduced by Rep. Hering. Placed with bill.

HS 1 for HB 153 - An Act to amend Chapter 27, Title 30 of the Delaware Code relating to a tax upon manufacturers of nylon. Introduced by Rep. Matushefske. On motion of Rep. Matushefske, **HS 1 for HB 153** was placed on the Speaker's table after a roll call, requested by Rep. Jarvis, was taken and revealed:

YEAS: Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Harrington, Hearn, Johnson, Jonkiert, Kirk, Matushefske, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Wright, Mr. Speaker Frederick - 23.

NAYS: Berndt, Billingsley, Derrickson, Heckert, Hering, Knox - 6.

NOT VOTING: Gruwell, Jarvis, Justice, Little, Mears, Murphy, Seibel, Weiss - 8.

ABSENT: Harkins, Leshar - 2.

SB 479 - An Act to validate the publication of certain Construction Bid Notices, and to authorize Delaware State College to award the contract for construction of the Education and Humanities Center to the lowest responsible bidder. Introduced by Sens. Foltz, Cook, Robbins, Holloway. Placed on the Speaker's table.

On motion of Rep. Dobberstein, **HB 211** had its final reading and was placed before the House for consideration.

HB 211 - An Act to amend Subchapter II of Chapter 11, Title 30, of the Delaware Code relating to Personal Income Tax.

HA 1 to HB 211, introduced by Rep. Hering. On motion of Rep. Jonkiert, roll call on **HA 1 to HB 211** was taken and revealed:

YEAS: Berndt, Boulden, Connor, Gruwell, Heckert, Hering, Justice, Knox, Leshar, Murphy, Orth, Poulterer,

Quillen - 13.

NAYS: Billingsley, Clendaniel, Cordrey, Derrickson, Dillman, Gordy, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Kirk, Little, Matushefske, Mears, Miller, Moerschel, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 24.

NOT VOTING: Dobberstein - 1.

ABSENT: Harkins - 1.

HA 1 to HB 211 not having received a constitutional majority was declared defeated in the House.

On motion of Rep. Dobberstein, roll call on **HB 211** was taken and revealed:

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

NAYS: Hering - 1.

ABSENT: Harkins - 1.

HB 211 having received a constitutional majority was declared passed the House.

Rep. Leshner asked to be marked present.

Rep. Little's motion to suspend rules to act on **SB 479** was carried. On further motion of Rep. Little, roll call on **SB 479** was taken and revealed:

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

ABSENT: Harkins - 1.

SB 479 having received a constitutional majority was declared passed the House.

On motion of Rep. Leshner, **SB 51** with **SA 1** had its final reading and was placed before the House for consideration.

SB 51 with **SA 1** - An Act making a supplemental appropriation to the State Employees' Retirement Fund from the Capital Investment Fund.

On motion of Rep. Leshner, roll call on **SB 51** with **SA 1** was taken and revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein,

Gordy, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Harkins, Gruwell - 2.

SB 51 with **SA 1** having received a constitutional majority was declared passed the House.

The House recessed to the call of the Chair at 2:48 P.M., reconvened at 8:17 P.M.

Committee Reports:

Judiciary: **HB 386-2F**, 1M, 1U. Public Safety: **HB 509-4M**.

Rep. Harkins asked to be marked present.

HB 521 - An Act to amend Chapter 182, Volume 58, Laws of Delaware, entitled "An Act making appropriations for the expense of the State Government for the Fiscal Year Ending June 30, 1972" by repealing Section 10, Subsection (f) thereof relating to transportation of pupils enrolled in nonpublic and nonprofit schools. Introduced by Reps. Harkins, Connor, Dillman, Justice, Murphy. On motion of Rep. Harkins, **HB 521** was placed on the Speaker's table.

HB 522 - An Act to amend Subchapter XXXVIII, Chapter 3, Title 11, Delaware Code, relating to obscenity. Introduced by Rep. Moerschel. Assigned to Judiciary Committee.

HB 523 - An Act to amend Chapter 17, Title 14 of the Delaware Code, by decreasing the number of pupils presently comprising a "Unit" for certain purposes. Introduced by Rep. Connor. On motion of Rep. Connor, **HB 523** was placed on the Speaker's table.

HB 524 - An Act to amend Chapter 191, Volume 58, Laws of Delaware, relating to merit increases received by State employees. Introduced by Rep. Derriksen. On motion of Rep. Heckert, **HB 524** was placed on the Speaker's table.

HB 525 - An Act to amend Chapter 11, Title 30, Delaware Code, by revising Personal Income Tax rates and by adding a temporary Surtax thereto. Introduced by Rep. Jarvis. On motion of Rep. Jarvis, **HB 525** was placed on the Speaker's table.

HA 1 to **HB 503**, introduced by Rep. Justice. Placed with bill.

HA 1 to **HB 506**, introduced by Rep. Justice. Placed with bill.

HA 1 to HB 507, introduced by Rep. Justice. Placed with bill.

HA 1 to HB 508, introduced by Rep. Justice. Placed with bill.

HA 1 to HB 512, introduced by Rep. Murphy. Placed with bill.

HA 2 to HB 512, introduced by Rep. Poulterer. Placed with bill.

HR 59 - Relating to suspension of rules. Introduced by Rep. Jarvis. On motion of Rep. Wright, roll call on **HR 59** was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Lesh, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

Rep. Murphy moved for suspension of rules to lift **HB 504** from the Speaker's table. Rep. Wright questioned that **HB 504** would still apply since it reads "at the end of the first session." Upon the introduction of Rep. Jarvis' **HR 59**, Rep. Murphy withdrew his motion. Rep. Murphy again moved for suspension of rules on **HB 504**. On motion of Rep. Wright, roll call on the motion to suspend rules on **HB 504** was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Lesh, Little, Murphy, Poulterer, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Boulden, Clendaniel, Cordrey, Derrickson, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Moerschel, Orth, Quillen, Smith, Tribbitt, Wright - 19.

Having received a constitutional majority, the motion to suspend rules and consider **HB 504** carried.

HB 504 - An Act to amend Title 30, Delaware Code, by creating a new Part V thereof relating to a tax on hotel, motel and tourist home accommodations.

On motion of Rep. Murphy, roll call on **HB 504** was taken and revealed.

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

NAYS: Clendaniel, Boulden, Cordrey, Derrickson, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Moerschel, Orth, Smith, Tribbitt, Wright - 18.

HB 504 having received a constitutional majority was declared passed the House.

Rep. Berndt moved for suspension of rules to lift **HB 508** from the Speaker's table. Rep. Tribbitt moved for a roll call on the motion. The roll call was taken and revealed:

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

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

ABSENT: Murphy - 1.

Having received a constitutional majority, the motion to suspend rules and consider **HB 508** was carried.

HB 508 - An Act to amend Chapter 13, Title 30, Delaware Code relating to Inheritance Taxes.

On motion of Rep. Berndt, **HA 1** to **HB 508** was adopted by voice vote. On motion of Rep. Berndt, roll call on **HB 508** with **HA 1** was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

HB 508 with **HA 1** having received a constitutional majority was declared passed the House.

Rep. Berndt moved for suspension of rules to lift **HB 514** from the Speaker's table. On motion of Rep. Berndt, roll call on the motion to suspend rules was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

ske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 16.

Having received a constitutional majority, the motion to suspend rules and consider **HB 514** was carried. Rep. Berndt moved that **HB 514** be deferred for an amendment. Rep. Billingsley requested the privilege of the floor for James Kennedy, Director of Revenue, State of Delaware, to explain computation of taxes as outlined in **HB 514**. Rep. Berndt again moved to defer **HB 514** for appropriate amendments. Motion carried.

Rep. Justice moved for suspension of rules to lift **HB 506** from the Speaker's table. On motion of Rep. Justice, roll call on the motion to suspend rules was taken and revealed:

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

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

Having received a constitutional majority, the motion to suspend rules and consider **HB 506** was carried.

HB 506 - An Act to amend Sections 2701 and 2702 of Chapter 27, Title 30, Delaware Code by changing the definition of "Gross Receipts" and the rate of Manufacturers' License Taxes.

On motion of Rep. Justice, roll call on **HA 1** to **HB 506** was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 24.

NAYS: Clendaniel, Cordrey, Gordy, Harrington, Johnson, Jonkiert, Mears, Miller, Smith, Tribbitt, Wright - 11.

ABSENT: Boulden, Gruwell, Matushefske, Orth - 4.

HA 1 to **HB 506**, having received a constitutional majority was adopted in the House.

On motion of Rep. Justice, **HA 2** to **HB 506** was adopted by voice vote.

On motion of Rep. Justice, roll call on **HB 506** with **HA 1, 2** was taken and revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson,

Dillman, Harkins, Heckert, Hering, Justice, Kirk, Knox, Leshner, Little, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

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

NOT VOTING: Jarvis, Moerschel - 2.

ABSENT: Johnson - 1.

HB 506 with **HA 1, 2** having received a constitutional majority was declared passed the House.

Rep. Connor moved for suspension of rules to lift **HB 520** from the Speaker's table. Rep. Connor asked for adoption of the motion by voice vote. The vote, failing to make clear the wishes of the House Members, Mr. Speaker Frederick asked for a roll call on the motion. Roll call revealed:

YEAS: Billingsley, Connor, Derrickson, Gruwell, Harkins, Harrington, Hearn, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Riddagh, Seibel, Tribbitt, Weiss, Wright - 24.

NAYS: Boulden, Clendaniel, Heckert, Hering, Quillen, Smith - 6.

NOT VOTING: Berndt, Cordrey, Dillman, Gordy, Jarvis, Mr. Speaker Frederick - 6.

ABSENT: Johnson - 1.

Having received a constitutional majority, the motion to suspend rules and consider **HB 520** was carried.

The House recessed to the call of the Chair at 9:48 P.M., reconvened at 10:32 P.M.

HA 1 to **HB 520**, introduced by Reps. Connor, Seibel & Billingsley. Placed with bill.

Rep. Connor requested that **HB 520** be placed on the Speaker's table.

HB 526 - An Act to amend Chapter 333, Volume 57, Laws of Delaware by changing the present effective date of a five percent pay raise for school employees and relating to the variability of State public school employment contracts. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 526** was placed on the Speaker's table.

HB 527 - An Act to amend Section 2151, Chapter 21, Subchapter IV, Title 21, Delaware Code, relating to vehicle registration fees. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HB 527** was placed on the Speaker's table.

HB 528 - An Act to repeal Chapter 41, Title 30, Delaware Code concerning telegraph and telephone companies. Introduced by Rep. Derrickson. On motion of Rep. Derrickson, **HB 528** was placed on the Speaker's table.

HB 529 - An Act creating a new Chapter 44, Title 30, Delaware Code to establish a Payroll Tax on certain employers in the State of Delaware on salaries, wages, and other compensation paid to employees. Introduced by Reps. Moerschel & Dobberstein. On motion of Rep. Moerschel, **HB 529** was placed on the Speaker's table.

HA 1 to HB 386, introduced by Reps. Hering & Hearn. Placed with bill.

HA 2 to HB 507, introduced by Rep. Justice. Placed with bill.

HA 3 to HB 512, introduced by Rep. Quillen. Placed with bill.

HA 4 to HB 512, introduced by Rep. Murphy. Placed with bill.

HA 1 to HB 513, introduced by Rep. Justice. Placed with bill.

HJR 21 - Providing for approval by the General Assembly of a statement of anticipated revenue for each fiscal year, which estimate shall not be exceeded by the Budget Appropriation Bill, and establishing a Joint Legislative Committee on Revenue and Finance, and providing a supplementary appropriation therefor. Introduced by Reps. Tribbitt, Hearn, & others. Assigned to Revenue & Finance Committee.

HJR 22 - Providing for the establishment of a committee on governmental efficiency which shall study all State departments, divisions and agencies. Introduced by Reps. Tribbitt, Hearn, & others. Assigned to Revenue & Finance Committee.

HCR 34 - On reexamining the Capital Improvement Program. Introduced by Reps. Tribbitt, Hearn, & others. On motion of Rep. Harkins, **HCR 34** was assigned to Appropriations Committee.

HA 1 to HB 514, introduced by Rep. Berndt. Placed with bill.

The House recessed to the call of the Chair at 10:42 P.M.

4th LEGISLATIVE DAY - Special Session - July 28, 1971

The Speaker called the House to order at 3:13 P.M.

The Majority Leader moved to adjourn at 3:13 P.M., thereby ending the previous legislative day. The House reconvened at 3:14 P.M.

There was a prayer by the Chaplain Rev. Robert B. Harris, United Methodist Church, Magnolia, Delaware.

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

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

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

The following prefiled legislation was introduced:

HB 530 - An Act creating a new Chapter 90, Title 29, Delaware Code, to establish a Board of Revenue and prescribing the duties therefor; prescribing limitations on the Governor's Budget and appropriations by the General Assembly and prescribing duties of the Director of the Division of Revenue and making an appropriation therefor. Introduced by Reps. Hering, Berndt, Dobberstein, Heckert, Quillen, Justice, Leshar, Riddagh, Derrickson and Dillman. On motion of Rep. Hering, **HB 530** was placed on the Speaker's table.

HB 531 - An Act to amend Chapter 11, Title 17 of the Delaware Code relating to Outdoor Advertising and the control thereof in areas adjacent to the public highways and public lands of this state. Introduced by Rep. Heckert. On motion of Rep. Heckert, **HB 531** was placed on the Speaker's table.

HB 532 - An Act to amend Chapter 11, Title 30, Delaware Code, relating to Personal Income Tax. Introduced by Rep. Billingsley & Rep. Knox. On motion of Rep. Knox, **HB 532** was placed on the Speaker's table.

HB 533 - An Act relating to the number of administrative and professional positions authorized for public schools. Introduced by Rep. Harkins. On motion of Rep. Harkins, **HB 533** was stricken.

HS 1 for HB 513 - An Act to amend Title 30, Chapter 33, Delaware Code by increasing the license fee and by adding certain commodities and services to those subject to license. Introduced by Rep. Derrickson. On motion of Rep. Derrickson, **HS 1 for HB 513** was placed on the Speaker's table.

HJR 23 - Providing for Joint Legislative Subcommittees to review the budget requests of State agencies. Introduced by Reps. Tribbitt & Hearn. Rep. Tribbitt moved that **HJR 23** be placed on the Speaker's table. On motion of Rep. Harkins, roll call was taken and revealed on the motion to place **HJR 23** on the Speaker's table.

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

NAYS: Derrickson - 1.

NOT VOTING: Harkins - 1.

Having received a constitutional majority, the motion to place **HJR 23** on the Speaker's table was carried.

HJR 24 - To authorize the Joint Finance Committee of the House and Senate to restore line items to the Budget Appropriation Bill and to require certain information in such bill. Introduced by Reps. Tribbitt & Hearn. On motion of Rep. Tribbitt, **HJR 24** was placed on the Speaker's table.

HCR 35, introduced by Rep. Moerschel. On motion of Rep. Moerschel, roll call on **HCR 35** was tabled.

HA 1 to HB 525, introduced by Rep. Jarvis. Placed with bill.

SB 477 with **SA 21,22,26,27,29,30,32,33,34,35,36,41,42,46** - An Act to further ameliorate the financial integrity of the State of Delaware by eliminating, restricting, reducing in whole or in part, or postponing certain programs, projects and various expenditures previously authorized by the General Assembly of the State of Delaware; to decree certain budgetary restrictions and procedures and to repeal, amend or temporarily suspend certain other pertinent statutory provisions. Introduced by Sen. Steele. On motion of Rep. Billingsley, **SB 477** with amendments was placed on the Speaker's table.

HA 1 to SB 477, introduced by Reps. Harkins, Connor & Others. Placed with bill.

HA 2 to SB 477, introduced by Rep. Kirk. Placed with bill.

HA 3 to SB 477, introduced by Rep. Boulden. Placed with bill.

HA 4 to SB 477, introduced by Rep. Hearn. Placed

with bill.

On motion of Rep. Billingsley, rules were suspended so that **HB 503** with **HA 1** could be brought before the House for consideration. Rep. Justice requested privilege of the floor for House Attorney, John Mulford, to answer questions on **HA 1**. On motion of Rep. Justice, **HA 1** to **HB 503** was stricken. Rep. Billingsley moved to table the roll call taken on **HB 503**. On motion of Rep. Tribbitt, roll call was taken and revealed on the motion to table the roll call on **HB 503**.

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

ABSENT: Boulden - 1.

Having received a constitutional majority, roll call on **HB 503** was tabled.

On motion of Rep. Knox, rules were suspended so that **HB 505** could be brought before the House for consideration. Rep. Hering introduced **HA 1** to **HB 505** and moved for its adoption. On motion of Rep. Tribbitt, roll call on **HA 1** was taken and revealed.

YEAS: Berndt, Billingsley, Harkins, Heckert, Hering, Knox, Leshner, Poulterer - 8.

NAYS: Clendaniel, Connor, Boulden, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Justice, Kirk, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 31.

HA 1 to **HB 505**, not having received a constitutional majority was defeated in the House.

Rep. Knox requested that the roll call on **HB 505** be tabled. On motion of Rep. Tribbitt, roll call was taken and revealed on the tabling motion.

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

Having received a constitutional majority, the roll call on **HB 505** was tabled.

On motion of Rep. Justice, rules were suspended so that **HB 507** could be brought before the House for consideration. On motion of Rep. Justice, **HA 1** and **HA 2** to **HB 507** were adopted by voice vote. On motion of Rep. Justice, roll call on **HB 507** with **HA 1** and **2** was tabled.

On motion of Rep. Billingsley, rules were suspended so that **HB 510** could be brought before the House for consideration. On motion of Rep. Billingsley, roll call on **HB 510** was tabled.

On motion of Rep. Poulterer, rules were suspended so that **HB 512** could be brought before the House for consideration.

HA 1 to **HB 512**, introduced by Rep. Murphy. On motion of Rep. Murphy, **HA 1** was stricken.

HA 2 to **HB 512**, introduced by Rep. Poulterer. On motion of Rep. Poulterer, **HA 2** was stricken.

HA 3 to **HB 512**, introduced by Rep. Quillen. On motion of Rep. Quillen, **HA 3** was stricken.

HA 4 to **HB 512**, introduced by Rep. Murphy. On motion of Rep. Murphy, **HA 4** was adopted by voice vote. On motion of Rep. Poulterer, **HB 512** with **HA 4** was deferred for an amendment.

On motion of Rep. Berndt, rules were suspended so that **HB 514** could be brought before the House for consideration.

On motion of Rep. Berndt, **HA 1** to **HB 514** was adopted by voice vote. Rep. Hering requested privilege of the floor to James Kennedy, Director of Revenue, State of Delaware. On motion of Rep. Berndt, roll call on **HB 514** with **HA 1** was taken and revealed.

HB 514 - An Act to amend Title 30, Delaware Code by creating a new Chapter 14, relating to Gift Taxes.

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 24.

NAYS: Clendaniel, Cordrey, Gordy, Harrington, Jonkiert, Orth, Smith, Tribbitt - 8.

NOT VOTING: Boulden, Hearn, Johnson, Matusheske, Mears, Wright - 6.

ABSENT: Gruwell - 1.

HB 514 with **HA 1**, having received a constitutional majority was declared passed the House.

On motion of Rep. Harkins, rules were suspended so that **HB 521** could be brought before the House for consideration.

HB 521 - An Act to amend Chapter 182, Volume 58, Laws of Delaware, entitled "An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1972" by repealing Section 10, Subsection (f) thereof relating to transportation of pupils enrolled in nonpublic and nonprofit schools.

On motion of Rep. Harkins, roll call on **HB 521** was taken and revealed.

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

NAYS: Billingsley, Cordrey, Quillen, Riddagh - 4.

NOT VOTING: Berndt, Hering, Leshar - 3.

HB 521, having received a constitutional majority was declared passed the House.

The House recessed to the call of the Chair at 5:18 P.M., reconvened at 8:07 P.M.

HB 534 - An Act relating to the number of administrative and other positions authorized for public schools. Introduced by Rep. Harkins. On motion of Rep. Jarvis, **HB 534** was placed on the Speaker's table.

HS 1 for HB 518 - An Act to amend Chapter 30, Title 30, Delaware Code, relating to the Motor Vehicle Document Fee. Introduced by Rep. Billingsley. On motion of Rep. Jarvis, **HS 1 for HB 518** was placed on the Speaker's table.

SB 50 - An Act making a supplemental appropriation to the Self-Insurance Fund from the Capital Investment Fund. Introduced by Sen. Steele. On motion of Rep. Jarvis, **SB 50** was placed on the Speaker's table.

SB 392 with SA 1 - An Act to amend Title 14 and Title 29, Delaware Code annotated, as the same refer to local school bonds, school construction, capital improvements, and bonds of the State of Delaware, and the duties of the Secretary of Finance with reference thereto. Introduced by Sen. Hale. On motion of Rep. Jarvis, **SB 392 with SA 1** was placed on the Speaker's table.

SJR 25 - Authorizing and directing the Secretary

of the Department of Finance and the State Treasurer to initiate payroll deductions for the deferred Compensation Plan. Introduced by Sens. Slawik & Cicione.

On motion of Rep. Little, rules were suspended to consider **SJR 25**. On motion of Rep. Little, roll call on **SJR 25** was taken and revealed.

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

ABSENT: Connor, Harrington, Justice, Mears - 4.

SJR 25, having received a constitutional majority was adopted in the House.

HA 2 to HB 503, introduced by Reps. Justice & Hearn. Placed with bill.

HA 1 to HB 509, introduced by Rep. Gordy. Placed with bill.

HA 5 to HB 512, introduced by Rep. Poulterer. Placed with bill.

HA 1 to HB 511, introduced by Rep. Poulterer. Placed with bill.

HA 1 to HS 1 for HB 513, introduced by Rep. Justice. Placed with bill.

HA 2 to HS 1 for HB 513, introduced by Rep. Derrickson. Placed with bill.

HA 3 to HS 1 for HB 513, introduced by Rep. Wright. Placed with bill.

HA 1 to HS 1 for HB 153, introduced by Rep. Matushefske. Placed with bill.

HA 1 to HB 532, introduced by Reps. Billingsley & Knox. Placed with bill.

HA 5 to SB 477, introduced by Rep. Weiss. Placed with bill.

HA 6 to SB 477, introduced by Rep. Connor & Rep. Harkins. Placed with bill.

HA 7 to SB 477, introduced by Reps. Wright & Matushefske. Placed with bill.

HA 8 to SB 477, introduced by Rep. Jarvis. Placed with bill.

HA 9 to SB 477, introduced by Rep. Connor. Placed with bill.

HA 10 to SB 477, introduced by Rep. Little. Placed with bill.

HA 11 to SB 477, introduced by Rep. Little. Placed

with bill.

SJR 26 - Declaring a prohibition against the expenditure of any State funds for out-of-state travel purposes. Introduced by Sen. duPont. On motion of Rep. Jarvis, **SJR 26** was placed on the Speaker's table.

On motion of Rep. Poulterer, rules were suspended so that **HB 511** could be brought before the House for consideration. On motion of Rep. Poulterer, **HA 1** to **HB 511** was adopted by voice vote.

HB 511 - An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporate Income Tax.

On motion of Rep. Poulterer, roll call on **HB 511** with **HA 1** was taken and revealed.

YEAS: Berndt, Billingsley, Derrickson, Dillman, Dobberstein, Harkins, Hearn, Heckert, Hering, Kirk, Knox, Leshar, Matushefske, Little, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

NAYS: Clendaniel, Cordrey, Gordy, Jonkiert, Orth, Smith, Tribbitt - 7.

NOT VOTING: Boulden, Gruwell, Jarvis, Johnson, Wright - 5.

ABSENT: Connor, Harrington, Justice, Mears - 4.

HB 511 with **HA 1** having received a constitutional majority was declared passed the House.

The rules previously having been suspended, Rep. Poulterer again brought **HB 512** before the House for consideration. On motion of Rep. Poulterer, **HA 5** to **HB 512** was adopted by voice vote.

HB 512 - An Act to amend Chapter 5, Title 4, Delaware Code, by increasing the license fee and by adding certain commodities and services to those subject to license.

Privilege of the floor was requested by Rep. Poulterer for Mr. Melvin P. Burg, President of Retail Liquor Dealers Association of Delaware. On motion of Rep. Poulterer, roll call on **HB 512** with **HA 4, 5** was taken and revealed.

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

NAYS: Clendaniel, Cordrey, Gruwell, Hearn, Johnson, Jonkiert, Matushefske, Miller, Orth, Smith, Tribbitt - 11.

NOT VOTING: Gordy, Moerschel, Wright - 3.

ABSENT: Boulden, Harrington, Mears - 3.

HB 512 with **HA 4, 5** having received a constitutional majority was declared passed the House.

On motion of Rep. Billingsley, rules were suspended so that **HS 1** for **HB 518** could be brought before the House for consideration. On motion of Rep. Billingsley, roll call on **HS 1** for **HB 518** was tabled.

On motion of Rep. Hering, rules were suspended so that **HB 530** could be brought before the House for consideration. **HA 1** to **HB 530**, introduced by Rep. Hering was given its final reading. After much discussion, **HB 530** with **HA 1** was deferred.

On motion of Rep. Billingsley, rules were suspended so that **HB 532** could be brought before the House for consideration. **HA 1**, sponsored by Rep. Billingsley and Rep. Knox was adopted by voice vote. Rep. Billingsley moved to table the roll call on **HB 532** with **HA 1**. Motion carried.

The House recessed to the call of the Chair at 10:07 P.M.

5th LEGISLATIVE DAY - Special Session - July 29, 1971

The Speaker called the House to order at 10:27 P.M. The Majority Leader moved to adjourn at 10:27 P.M., thereby ending the previous legislative day. The House reconvened at 10:28 P.M.

There was a prayer by the Chaplain Rev. Robert B. Harris, United Methodist Church, Magnolia, Delaware.

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

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

Late: Jonkiert, Mears, Wright, Billingsley, Gruwell.

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

The following prefiled legislation was introduced:

HB 535 - An Act to amend Chapter 70, Title 7, Delaware Code relating to the elimination of certain restrictions pertaining to bulk transfer facilities. Introduced by Reps. Leshner, Riddagh, Quillen, Matushef-

ske, & Boulden. On motion of Rep. Leshner, **HB 535** was placed on the Speaker's table.

HA 12 to SB 477, introduced by Rep. Poulterer. Placed with bill.

HA 13 to SB 477, introduced by Rep. Poulterer. Placed with bill.

HA 14 to SB 477, introduced by Rep. Billingsley. Placed with bill.

HA 4 to HS 1 for HB 513, introduced by Rep. Justice. Placed with bill.

HA 1 to HB 529, introduced by Rep. Moerschel. Placed with bill.

HA 1 to HB 534, introduced by Rep. Harkins. Placed with bill.

HA 15 to SB 477, introduced by Rep. Berndt. Placed with bill.

SCR 37 - Congratulating Radio Station WDEL, Wilmington, on its Golden Anniversary of Broadcasting. Introduced by Sens. Holloway and duPont. On motion of Rep. Jarvis, **SCR 37** was adopted by voice vote.

The House recessed to the call of the Chair at 10:43 P.M., reconvened at 11:38 P.M.

HB 536 - An Act to amend Chapter 96, Volume 58, Laws of Delaware, entitled "An Act to amend Chapter 23, Title 19, of the Delaware Code relating to additional payments for injuries or death and incidental benefits". Introduced by Reps. Riddagh and Gordy. Assigned to Labor & Commerce Committee.

Reps. Jonkiert, Mears, Wright asked to be marked present.

On motion of Rep. Leshner, rules were suspended so that **SB 477** could be brought before the House for consideration. Reps. Derrickson, Poulterer, Hering and Justice asked to be marked present.

On motion of Rep. Harkins, roll call on **HA 1 to SB 477** was taken and revealed.

YEAS: Berndt, Boulden, Connor, Derrickson, Dillman, Dobberstein, Harkins, Harrington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Seibel, Tribbitt, Weiss, Wright, Mr. Speaker. Frederick - 28.

NAYS: Clendaniel, Cordrey, Gordy, Hering, Mears, Quillen, Riddagh, Smith - 8.

ABSENT: Billingsley, Gruwell, Little - 3.

HA 1 to SB 477 was adopted.

On motion of Rep. Kirk, roll call on **HA 2 to SB 477**

was taken and revealed.

YEAS: Boulden, Clendaniel, Connor, Cordrey, Dobberstein, Gordy, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Poulterer, Quillen, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 27.

NAYS: Berndt, Derrickson, Dillman, Harkins, Heckert, Hering, Leshar, Orth, Riddagh, Seibel - 10.

ABSENT: Billingsley, Gruwell - 2.

HA 2 to SB 477 was adopted.

Rep. Boulden moved to place HA 3 to SB 477 on the Speaker's table. Motion failed. On motion of Rep. Leshar, HA 3 to SB 477 was tabled.

On motion of Rep. Hearn, HA 4 to SB 477 was stricken.

Rep. Leshar moved to table HA 5 to SB 477. After the voice vote, Mr. Speaker Frederick requested a roll call on the motion. Roll call revealed:

YEAS: Berndt, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Heckert, Hering, Jarvis, Leshar, Moerschel, Quillen, Riddagh, Mr. Speaker Frederick - 14.

NAYS: Boulden, Connor, Gordy, Harrington, Hearn, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright - 22.

ABSENT: Billingsley, Gruwell, Harkins - 3.

Motion to table HA 5 to SB 477 was defeated. On motion of Rep. Weiss, roll call on HA 5 to SB 477 was taken and revealed.

YEAS: Boulden, Connor, Gordy, Harkins, Harrington, Hearn, Jarvis, Johnson, Jonkiert, Justice, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright - 23.

NAYS: Berndt, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Heckert, Hering, Kirk, Leshar, Moerschel, Quillen, Riddagh, Mr. Speaker Frederick - 14.

ABSENT: Billingsley, Gruwell - 2.

HA 5 to SB 477 was adopted.

On motion of Rep. Connor, roll call on HA 6 to SB 477 was taken and revealed.

YEAS: Boulden, Connor, Cordrey, Harkins, Hearn, Johnson, Justice, Kirk, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Smith, Tribbitt, Wright - 17.

NAYS: Berndt, Clendaniel, Derrickson, Dillman,

Dobberstein, Harrington, Heckert, Hering, Jarvis, Leshner, Little, Knox, Poulterer, Quillen, Riddagh, Seibel, Mr. Speaker Frederick - 17.

NOT VOTING: Gordy, Jonkiert, Weiss - 3.

ABSENT: Billingsley, Gruwell - 2.

HA 6 to SB 477 was defeated.

On motion of Rep. Wright, HA 7 to SB 477 was stricken.

On motion of Rep. Jarvis, roll call on HA 8 to SB 477 was taken and revealed.

YEAS: Berndt, Dillman, Dobberstein, Gordy, Heckert, Jarvis, Kirk, Leshner, Little, Poulterer, Quillen, Riddagh, Seibel, Mr. Speaker Frederick - 16.

NAYS: Boulden, Clendaniel, Cordrey, Harkins, Harrington, Hearn, Hering, Johnson, Jonkiert, Justice, Knox, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Weiss, Wright - 20.

NOT VOTING: Derrickson - 1.

ABSENT: Billingsley, Gruwell - 2.

HA 8 to SB 477 was defeated.

On motion of Rep. Connor, roll call on HA 9 to SB 477 was taken and revealed.

YEAS: Boulden, Clendaniel, Connor, Cordrey, Gordy, Harrington, Hearn, Johnson, Jonkiert, Kirk, Matushefske, Miller, Murphy, Orth, Quillen, Smith, Tribbitt, Wright - 18.

NAYS: Berndt, Derrickson, Dillman, Dobberstein, Heckert, Hering, Jarvis, Justice, Knox, Leshner, Little, Mears, Moerschel, Poulterer, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 18.

ABSENT: Billingsley, Gruwell, Harkins - 3.

HA 9 to SB 477 was defeated.

Rep. Billingsley asked to be marked present.

On motion of Rep. Little, roll call on HA 10 to SB 477 was taken and revealed.

YEAS: Boulden, Connor, Derrickson, Gordy, Harkins, Harrington, Hearn, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 23.

NAYS: Berndt, Billingsley, Clendaniel, Cordrey, Dillman, Dobberstein, Heckert, Hering, Jarvis, Leshner, Moerschel, Quillen, Riddagh, Seibel, Smith - 15.

ABSENT: Gruwell - 1.

HA 10 to SB 477 was adopted.

On motion of Rep. Little, roll call on HA 11 to SB 477 was taken and revealed.

YEAS: Berndt, Boulden, Connor, Derrickson, Harkins, Harrington, Hearn, Jarvis, Johnson, Justice, Kirk, Knox, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Smith, Tribbitt, Weiss, Wright - 23.

NAYS: Billingsley, Clendaniel, Cordrey, Dillman, Dobberstein, Gordy, Heckert, Hering, Leshar, Moerschel, Quillen, Riddagh, Seibel, Mr. Speaker Frederick - 14.

NOT VOTING: Jonkiert - 1.

ABSENT: Gruwell - 1.

HA 11 to SB 477 was adopted.

On motion of Rep. Poulterer, **HA 12** and **HA 13** to **SB 477** were stricken.

The House recessed to the call of the Chair at 1:37 P.M., reconvened at 1:54 P.M.

Rep. Gruwell asked to be marked present.

On motion of Rep. Billingsley, roll call on **HA 14** was taken and revealed.

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

NAYS: Hering, Leshar - 2.

ABSENT: Connor, Matushefske - 2.

HA 14 to SB 477 was adopted.

On motion of Rep. Berndt, **HA 15** to **SB 477** was stricken.

On motion of Rep. Harkins, **HA 16** to **SB 477** was adopted by voice vote.

On motion of Rep. Leshar, **HA 17** to **SB 477** was stricken.

On motion of Rep. Berndt, roll call on **HA 18** was taken and revealed.

YEAS: Berndt, Boulden, Connor, Derrickson, Dobberstein, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Matushefske, Mears, Miller, Murphy, Orth, Poulterer, Quillen, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 30.

NAYS: Billingsley, Clendaniel, Cordrey, Gordy, Moerschel, Riddagh - 6.

NOT VOTING: Dillman, Gruwell, Jonkiert - 3.

HA 18 to SB 477 was adopted.

On motion of Rep. Leshner, **HA 19** was adopted by voice vote.

On motion of Rep. Harkins, roll call on **HA 20** to **SB 477** was taken and revealed.

YEAS: Harkins - 1.

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

HA 20 to **SB 477** was defeated.

On motion of Rep. Harkins, roll call on **HA 21** to **SB 477** was taken and revealed.

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Harkins, Harrington, Heckert, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Mr. Speaker Frederick - 29.

NAYS: Clendaniel, Cordrey, Gordy, Johnson, Mears, Wright - 6.

NOT VOTING: Gruwell, Hearn, Miller - 3.

ABSENT: Smith - 1.

HA 21 to **SB 477** was adopted.

The House recessed to the call of the Chair at 2:35 P.M., reconvened at 2:42 P.M.

On motion of Rep. Jarvis, roll call on **HA 22** to **SB 477** was taken and revealed.

YEAS: Berndt, Billingsley, Clendaniel, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Hearn, Heckert, Hering, Justice, Kirk, Leshner, Little, Mears, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Mr. Speaker Frederick - 26.

NAYS: Connor, Cordrey, Harkins, Jonkiert, Knox, Matushefske, Orth, Tribbitt, Weiss, Wright - 10.

NOT VOTING: Boulden, Johnson - 2.

ABSENT: Harrington - 1.

On motion of Rep. Tribbitt, **HA 23** to **SB 477** was stricken.

Rep. Harkins moved to table **HA 24** to **SB 477**. Roll call on the motion was taken and revealed.

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss,

Mr. Speaker Frederick - 23.

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

ABSENT: Gruwell - 1.

HA 24 to SB 477 was tabled.

On motion of Rep. Hering, HA 25 was adopted by voice vote.

On motion of Rep. Jonkiert, HA 26 was tabled by voice vote.

On motion of Rep. Leshner, HA 27 was deferred.

HA 28, introduced by Rep. Tribbitt. Rep. Leshner moved to table HA 28 to SB 477. Roll call on the motion to table was taken and revealed.

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

HA 28 to SB 477 was tabled.

On motion of Rep. Leshner, roll call on SB 477 with SA 21,22,26,27,29,30,32,33,34,35,36,41,42,46 and HA 1, 2,5,10,11,14,16,18,19,21,22,25 was taken. Roll call was tabled.

The House recessed to the call of the Chair at 3:17 P.M., reconvened at 8:55 P.M.

The following pre-filed legislation was introduced:

HB 537 - An Act to amend Chapter 52, Title 30 of the Delaware Code relating to the fee charged for registration of vehicles under the Motor Carriers Fuel Purchase Law. Introduced by Rep. Berndt.

Rep. Berndt moved to suspend rules for the consideration of HB 537. Motion carried. Rep. Berndt moved for a roll call which revealed:

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

NAYS: Clendaniel, Gruwell, Harrington, Hearn, Johnson, Matushefske, Miller, Orth, Smith, Tribbitt - 10.

NOT VOTING: Boulden, Cordrey, Gordy, Mears, Wright - 5.

ABSENT: Jonkiert, Poulterer - 2.

HB 537, having received a constitutional majority, was declared passed the House.

HB 538 - An Act limiting capital expenditures of all departments, divisions and agencies receiving State funds. Introduced by Tribbitt, Hearn and other Democrat members. On motion of Rep. Little **HB 538** was placed on the Speaker's table.

HB 539 - An Act to amend Chapter 1, Part I, Title 31 of the Delaware Code relating to the Administration of Programs of the Department of Health and Social Services and the Division of Social Services. Introduced by Rep. Heckert. On motion of Rep. Heckert, **HB 539** was placed on the Speaker's table.

HB 540 - An Act to amend Title 30, Delaware Code, by creating a new Chapter 29A relating to License Taxes for branch and chain stores. Introduced by Rep. Billingsley. On motion of Rep. Billingsley, **HB 540** was placed on the Speaker's table.

HR 60 - Relating to payment of Chaplains. Introduced by Rep. Jarvis. On motion of Rep. Jarvis, **HR 60** was adopted by voice vote.

HA 1 to HB 510, introduced by Rep. Hearn. Placed with bill.

HA 5 to HS 1 for HB 513, introduced by Rep. Derickson. Placed with bill.

HA 6 to HS 1 for HB 513, introduced by Rep. Leshner. Placed with bill.

HA 1 to HB 515, introduced by Rep. Billingsley and Rep. Knox. Placed with bill.

HA 2 to HB 525, introduced by Rep. Knox. Placed with bill.

HA 2 to HB 529, introduced by Rep. Moerschel. Placed with bill.

On motion of Rep. Moerschel, **HA 1 to HB 529** was stricken.

SB 476 - An Act to amend Chapter 17, Title 14 of the Delaware Code, relating to the number of pupils composing a "Unit" for certain purposes. Introduced by Senator Elliott. On motion of Rep. Harkins, **SB 476** was placed on the Speaker's table.

SB 480 - An Act to amend Chapter 13, Title 14 of the Delaware Code relating to administrative and professional positions authorized for public schools; Chapter 333, Volume 57, Laws of Delaware relating to pay raises for school employees and the variability of public school employment contracts; and repeal of House

Joint Resolution No. 20, authorizing the Governor to reduce appropriations within the Budget Bill. Introduced by Senator Elliott. On motion of Rep. Harkins, **SB 480** was placed on the Speaker's table.

SB 488 - An Act to amend Chapter 280, Volume 58, Laws of Delaware, entitled "An Act to amend Chapter 6, Title 29, Delaware Code, relating to General Assembly by providing for the composition and reapportionment thereof" by making technical corrections in certain representative and senatorial districts contained therein. Introduced by Sen. duPont. On motion of Rep. Harkins, all rules were suspended for the consideration of **SB 488**.

At the request of Rep. Tribbitt, Rep. Harkins requested the privilege of the floor for Mr. Yucht, Senate attorney, to describe changes made per **SB 488**. On motion of Rep. Harkins, **SB 488** was placed on the Speaker's table to allow the minority party time to study the measure.

SJR 27 - Relating to the establishment of a committee to study the staffing patterns of the public schools of Delaware. Introduced by Sen. Hale. On motion of Rep. Jarvis, **SJR 27** was placed on the Speaker's table.

HB 541 - An Act to provide for the regulation, control and licensing of automobile racing in the State of Delaware. Introduced by Representatives Billingsley and Knox. On motion of Rep. Jarvis, **HB 541** was placed on the Speaker's table.

Rep. Riddagh moved for suspension of rules to bring **HB 536** before the House for consideration. Motion carried.

HB 536 - An Act to amend Chapter 96, Volume 58, Laws of Delaware, entitled "An Act to amend Chapter 23, Title 19 of the Delaware Code relating to additional payments for injuries or death and incidental benefits".

Roll call revealed:

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

ABSENT: Dillman, Harkins, Jonkiert, Poulterer - 4.

HB 536 having received a constitutional majority was declared passed the House.

Rep. Moerschel moved for suspension of rules for

the consideration of **HB 529**. Voice vote failed to reveal wishes of the majority of members. Mr. Speaker Frederick requested a roll call.

Roll call on suspension of rules revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Hering, Jarvis, Justice, Knox, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 19.

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

ABSENT: Harkins, Kirk, Poulterer - 3.

Not having received a constitutional majority, **HB 529** remained on the Speaker's table.

On motion of the Majority Leader, the House recessed to the call of the Chair at 9:20 P.M.; reconvened at 10:11 P.M.

The Senate notified the House that it had passed: **HB 506** with **HA 1, 2, SA 1**; **HB 514** with **HA 1, HB 511** with **HA 1, HB 504, HB 512** with **HA 4, 5 & SA 1**.

On motion of Rep. Justice, **HB 506**, as amended by the Senate with **SA 1** was before the House for consideration. **SA 1** was introduced by Sen. duPont. Roll call on **HB 506** with **HA 1, 2** and **SA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Mr. Speaker Frederick - 25.

NAYS: Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Wright - 14.

HB 506 with **HA 1, 2** and **SA 1**, having received a constitutional majority, was declared passed the House.

On motion of Rep. Poulterer, **HB 512**, as amended by **SA 1** was before the House for consideration. **SA 1** was introduced by Sen. Robbins.

Roll call on **HB 512** with **SA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Cordrey, Gordy, Hearn, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt - 11.

NOT VOTING: Johnson, Wright - 2.

HB 512 with **SA 1**, having received a constitutional majority, was declared passed the House.

Rep. Billingsley requested the roll call on **HB 532** with **HA 1** be lifted. Motion carried. (Personal income tax.) Roll call revealed:

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

NAYS: Clendaniel, Cordrey, Gordy, Jonkiert, Miller, Poulterer, Smith, Tribbitt - 8.

NOT VOTING: Gruwell, Hearn, Hering, Johnson, Wright - 5.

ABSENT: Boulden, Harrington, Matushefske, Mears, Orth - 5.

HB 532 with **HA 1**, having received a constitutional majority, was declared passed the House.

Rep. Billingsley requested the roll call on **HS 1** for **HB 518** be lifted. Motion carried. (Motor vehicle document fee.) Roll call revealed:

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

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Hearn, Johnson, Matushefske, Miller, Orth, Quillen, Riddagh, Smith, Tribbitt, Wright - 15.

ABSENT: Harrington, Jonkiert, Mears - 3.

Rep. Billingsley requested the roll call on **HB 503** be lifted and rescinded. Motion carried. (Realty transfer tax.)

Rep. Justice requested a roll call on **HA 2** to **HB 503**. Roll call revealed:

YEAS: Hearn, Hering, Johnson, Jonkiert, Justice, Miller - 6.

NAYS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Heckert, Jarvis, Kirk, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Mr. Speaker Frederick - 30.

NOT VOTING: Murphy, Weiss, Wright - 3.

HA 2 to **HB 503**, having failed to receive a majority of votes, was declared defeated in the House.

Rep. Billingsley requested a roll call on **HB 503**.
Roll call revealed:

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

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

HB 503, having received a constitutional majority was declared passed in the House.

Rep. Justice requested roll call on **HB 507** be lifted.
Motion carried. (Cigarette taxes.)

Roll call on **HB 507** with **HA 1, 2** revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Murphy, Poulterer, Quillen, Seibel, Weiss, Mr. Speaker Frederick 21.

NAYS: Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Miller, Moerschel, Orth, Riddagh, Smith, Tribbitt - 15.

NOT VOTING: Wright - 1.

ABSENT: Boulden, Mears - 2.

Rep. Billingsley moved to suspend rules and bring **HB 515** before the House for consideration.

HB 515 - An Act amending Chapters 3 and 4, Title 28, Delaware Code, relating to taxes on pari-mutuel and totalizator pools. **HA 1**, introduced by Rep. Billingsley, was adopted by voice vote. **HB 515** was deferred temporarily for an amendment.

Rep. Knox moved that the roll call on **HB 505** be lifted from the table. Motion carried. (Motor fuel tax.)

Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Murphy, Poulterer, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Moerschel, Orth, Quillen, Riddagh, Smith, Tribbitt, Wright - 19.

Having received a constitutional majority, **HB 505** was declared passed the House.

Rep. Billingsley moved to suspend the rules for the

purpose of bringing **HB 516** before the House for consideration. Motion carried.

HB 516 - An Act amending Chapter 5, Title 28, Delaware Code, relating to the tax on pari-mutuel and totalizator pools.

Roll call on **HB 516** revealed:

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

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt - 13.

NOT VOTING: Gruwell, Johnson, Quillen, Wright - 4.

HB 516, having received a constitutional majority was declared passed the House.

Rep. Billingsley moved to suspend the rules for the purpose of considering **HB 517**. On motion of Rep. Jonkiert, a roll call was taken on the motion. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

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

Having received a constitutional majority, the motion was declared passed and **HB 517** was before the House for consideration. **HB 517** was deferred for amendment to correct a technical error in bill.

On motion of Rep. Harkins, **SB 488** was again before the House for consideration, having been deferred earlier in the day.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Gordy, Miller, Wright - 4.

NOT VOTING: Cordrey, Hearn, Johnson, Jonkiert, Matushefske, Mears, Orth, Smith, Tribbitt - 9.

Having received a constitutional majority, **SB 488**

was declared passed the House.

The following prefiled legislation was introduced:

HB 542 - An Act to amend Section 2905, Title 14, Delaware Code, to correct the provisions respecting the transportation of non-public school students. Introduced by Reps. Harkins, Connor, Jarvis, Justice, Murphy. On motion of Rep. Harkins, **HB 542** was placed on the Speaker's table.

Rep. Hering moved for suspension of rules for the purpose of considering **HB 530**. Motion carried. Rep. Little moved **HB 530** be committed to House Administration Committee and requested a roll call on the motion. Roll call revealed:

YEAS: Clendaniel, Connor, Harkins, Jarvis, Knox, Leshner, Little, Mr. Speaker Frederick - 8.

NAYS: Berndt, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Johnson, Jonkiert, Justice, Kirk, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright - 27.

NOT VOTING: Billingsley, Boulden, Cordrey - 3.

ABSENT: Murphy - 1.

Having failed to receive a constitutional majority, the motion failed, and **HB 530** was still before the House for consideration.

HB 530 - An Act creating a new Chapter 90, Title 29, Delaware Code, to establish a Board of Revenue and prescribing the duties therefor; prescribing limitations on the Governor's Budget and appropriations by the General Assembly and prescribing duties of the Director of the Division of Revenue and making an appropriation therefor. Introduced by Reps. Hering-Berndt and Reps. Heckert, Quillen, Justice, Dobberstein, Leshner, Riddagh, Derrickson.

HA 1, introduced by Rep. Hering, was adopted. Roll call on **HB 530** with **HA 1** revealed:

YEAS: Berndt, Dillman, Dobberstein, Heckert, Hering, Jarvis, Jonkiert, Moerschel, Quillen, Riddagh, Seibel - 11.

NAYS: Clendaniel, Connor, Cordrey, Harkins, Harrington, Hearn, Knox, Leshner, Little, Miller, Orth, Weiss, Mr. Speaker Frederick - 13.

NOT VOTING: Billingsley, Boulden, Gordy, Johnson, Justice, Kirk, Matushefske, Mears, Smith, Tribbitt, Wright - 11.

ABSENT: Derrickson, Gruwell, Murphy, Poulterer - 4.

Having failed to receive a constitutional majority **HB 530** was declared lost in the House.

The House recessed to the call of the Chair at 11:20 P.M.; reconvened 1:07 A.M.

The Senate informed the House it passed: **HB 131** with **HA 1**, **HB 503** with **SA 1**, **HB 505**, **HB 507**, **HS 1** for **HB 518**, **HB 536**.

The following prefiled legislation was introduced:

HB 543 - An Act amending Chapters 4 and 5, Title 28, Delaware Code, relating to the taxes on admissions to race tracks. Introduced by Reps. Billingsley and Knox. On motion of Rep. Knox, **HB 543** was placed on the Speaker's table.

HB 544 - An Act to amend Title 30, Delaware Code, by creating a new chapter relating to taxes on certain public utilities. Introduced by Rep. Derrickson. On motion of Rep. Derrickson, **HB 544** was placed on the Speaker's table.

Rep. Billingsley moved that **HB 515** with **HA 1** be brought before the House for consideration. (Rules suspended previously - pari-mutuel and totalizator pool taxes.) **HA 2**, introduced by Reps. Billingsley and Knox, was adopted by voice vote. Roll call on **HB 515** with **HA 1**, 2 revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshner, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 13.

NOT VOTING: Gruwell, Johnson, Jonkiert - 3.

HB 515 with **HA 1**, 2, having received a constitutional majority, was declared passed the House.

Rep. Boulden made a motion to adjourn. Rep. Murphy moved to table the motion. Rep. Murphy's motion carried. House remained in session.

HB 503 was returned from the Senate with **SA 1**, as introduced by Senators Castle and Cicone. Rep. Justice moved to place **HB 503** with **SA 1** on the Speaker's table. Motion carried.

The following prefiled legislation was introduced:

HA 29 to **SB 477**, introduced by Rep. Leshner. Placed with bill.

HA 30 to **SB 477**, introduced by Rep. Leshner. Placed with bill.

HA 31 to SB 477, introduced by Rep. Harkins. Placed with bill.

HA 32 to SB 477, introduced by Rep. Harkins. Placed with bill.

HA 1 to HB 544, introduced by Rep. Derrickson. Placed with bill.

Rep. Leshar moved to rescind roll call on **SB 477**. Motion carried.

Rep. Harkins moved for reconsideration on **HA 16 to SB 477**. Motion carried. Rep. Harkins moved to rescind the roll call on **HA 16 to SB 477**. Motion carried. Rep. Harkins moved to strike **HA 16 to SB 477**. Motion carried.

Rep. Leshar moved to strike **House Amendments 29 and 30**. Motion carried.

Rep. Harkins moved for adoption of **HA 32** by voice vote. Motion carried.

Rep. Harkins moved for adoption of **HA 31** by voice vote. Rep. Jonkiert moved for a roll call vote. Roll call on **HA 31 to SB 477** revealed:

YEAS: Billingsley, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Murphy, Poulterer, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 23.

NAYS: Berndt, Clendaniel, Gordy, Harrington, Hearn, Matushefske, Miller, Quillen, Smith, Tribbitt - 10.

NOT VOTING: Gruwell, Johnson, Jonkiert, Mears, Orth - 5.

ABSENT: Boulden - 1.

HA 31 to SB 477, having received a constitutional majority, was declared passed the House.

Rep. Leshar requested a roll call on **SB 477** with **SA 21,22,26,27,30,32,33,34,35,36,41,42,46,29** and **HA 1, 2,5,10,11,14,18,19,21,22,25,31,32**.

SB 477 - An Act to further ameliorate the financial integrity of the State of Delaware by eliminating, restricting, reducing in whole or in part, or postponing certain programs, projects and various expenditures previously authorized by the General Assembly of the State of Delaware: to decree certain budgetary restrictions and procedures and to repeal, amend or temporarily suspend certain other pertinent statutory provisions. Roll call revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jar-

vis, Justice, Kirk, Knox, Lesh, Little Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 23.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Jonkiert, Matushefske, Miller, Orth, Smith, Tribbitt, Wright - 12.

NOT VOTING: Gruwell, Hearn, Johnson, Mears - 4.

SB 477, with Amendments listed above, having received a constitutional majority, was declared passed the House.

Rep. Derrickson moved to suspend rules for the purpose of considering **HB 544** with **HA 1**. Motion carried.

HB 544 - An Act to amend Title 30, Delaware Code, by creating a new chapter relating to taxes on certain public utilities.

Rep. Wright moved for a 15 minute recess for the purpose of caucus. Rep. Derrickson moved to table motion for recess, and requested a roll call. Roll call revealed Rep. Derrickson's motion passed, and **HB 544** was before the House.

HA 1 to **HB 544**, introduced by Rep. Derrickson, was adopted by voice vote.

Rep. Wright moved for recess. Rep. Murphy moved to table the motion. Rep. Wright requested a roll call on Rep. Murphy's motion. Roll call revealed that Rep. Murphy's motion to table the motion passed; therefore **HB 544** was still before the House.

At the request of Rep. Moerschel, privilege of the floor was granted Crawford J. Carroll, Mayor of the City of Dover, who spoke against the segment of the bill which taxes municipalities who generate their own power.

Roll call on **HB 544** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Derrickson, Dillman, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Lesh, Little, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Boulden, Clendaniel, Connor, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Moerschel, Orth, Smith, Tribbitt, Wright - 18.

NOT VOTING: Dobberstein - 1.

HB 544 with **HA 1**, having received a constitutional majority, was declared passed the House.

Rep. Billingsley moved to suspend the rules for the purpose of considering **HB 543**. Motion carried.

HB 543 - An Act amending Chapters 4 and 5, Title 28, Delaware Code, relating to the taxes on admissions to race tracks. Roll call was tabled on motion of Rep. Billingsley.

Rep. Harkins moved for suspension of rules for consideration of **HB 542**. Motion carried.

HB 542 - An Act to amend Section 2905, Title 14, Delaware Code, to correct the provisions respecting the transportation of non-public school students.

Roll call revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Hearn, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Tribbitt, Weiss, Mr. Speaker Frederick - 29.

NAYS: Clendaniel, Cordrey, Gordy, Mears, Miller, Smith - 6.

NOT VOTING: Heckert, Hering, Johnson, Wright - 4.

Having received a constitutional majority, **HB 542** was declared passed the House.

The House recessed to the call of the Chair at 2:01 A.M.; reconvened 3:28 A.M.

Rep. Hering moved for suspension of rules for consideration of **HB 520** with **HA 1**. Motion carried.

HB 520 - An Act to amend Chapter 17, Title 14, Delaware Code, by changing the number of pupils composing a unit. Introduced by Reps. Hering, Connor, Seibel, Billingsley.

HA 1, introduced by Rep. Hering, was adopted by voice vote. **HA 2**, was stricken on motion of Rep. Harkins. Roll call revealed:

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

ABSENT: Boulden - 1.

HB 520 with **HA 1**, having received a constitutional majority, was declared passed the House.

Rep. Derrickson moved for the suspension of rules for consideration of **HB 524**. Motion carried.

HB 524 - An Act to amend Chapter 191, Volume 58, Laws of Delaware, relating to merit increases received

by State employees. Roll call revealed:

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

HB 524, having received a constitutional majority, was declared passed the House.

Rep. Billingsley moved for suspension of rules for consideration of **HB 526**. Motion carried.

HB 526 - An Act to amend Chapter 333, Volume 57, Laws of Delaware by changing the present effective date of a five percent pay raise for school employees and relating to the variability of State public school employment contracts.

Roll call on **HB 526** revealed:

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

Having received a constitutional majority, **HB 526** was declared passed the House.

Rep. Billingsley requested the roll call on **HB 543** be lifted. Motion carried.

HB 543 - Taxes on admissions to race tracks.

Roll call on **HB 543** revealed:

YEAS: Berndt, Billingsley, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Poulterer, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 20.

NAYS: Boulden, Clendaniel, Connor, Cordrey, Gordy, Gruwell, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Murphy, Orth, Quillen, Smith, Tribbitt, Wright - 19.

Having received a constitutional majority, **HB 543** was declared passed the House.

Rep. Billingsley moved that **HB 503**, as amended by **SA 1** be brought before the House for consideration. Motion carried. (**HB 503**-Realty transfer tax.)

Rep. Billingsley moved for adoption of **HA 2** to

HB 503 by voice vote. Adopted. Roll call on **HB 503** with **SA 1** and **HA 2** revealed:

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

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

NOT VOTING: Johnson, Justice - 2.

Having received a constitutional majority, **HB 503** with **SA 1** and **HA 2** was declared passed the House.

Rep. Harkins moved for a suspension of the rules for the purpose of considering **HB 534**. Motion carried. **HA 1**, introduced by Rep. Harkins. On motion of Rep. Harkins, adopted by voice vote.

HB 534 with **HA 1** - An Act relating to the number of administrative and other positions authorized for public schools.

Roll call on **HB 534** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Harrington, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

NAYS: Connor - 1.

NOT VOTING: Gordy, Hearn, Jonkiert, Mears, Orth - 5.

ABSENT: Boulden - 1.

Rep. Leshner moved to suspend rules for the purpose of considering **SB 50**. Motion carried.

SB 50 - An Act making a supplemental appropriation to the State Employees' Retirement Fund from the Capital Investment Fund. Introduced by Sen. Steele.

Roll call on **SB 50** revealed:

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

NOT VOTING: Jonkiert - 1.

ABSENT: Boulden - 1.