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STATE OF DELAWARE



4
JOURNAL
of the
3
HOUSE OF REPRESENTATIVES

REGULAR SESSION
of the
2
126TH GENERAL ASSEMBLY

Convened
Tuesday, January 12, 1971
Dover, Delaware

State Doc.

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1971

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- 1 KERMIT H. JUSTICE, 3115 N. Van Buren St.,
Wilmington
- 2 CLIFFORD B. HEARN, Jr., 700 West 20th St.,
Wilmington
- 3 HENRIETTA JOHNSON, 624 S. Heald St., Wilmington
- 4 CHARLES S. MILLER, 612 West 9th St., Wilmington
- 5 CASIMIR S. JONKIERT, 403 South Broom St., Wil-
mington
- 6 GEORGE C. HERING, III, 1905 Field Rd., Wilmington
- 7 ROBERT J. BERNDT, 312 Beverly Place, Wilmington
- 8 HERBERT A. LESHER, 1120 Harvey Rd., Claymont
- 9 CLARICE U. HECKERT, 16 Ravine Rd., Wilmington
- 10 DANIEL E. WEISS, 2202 Elmfield Rd., Northshire,
Wilmington
- 11 THOMAS L. LITTLE, 16 York Rd., Deerhurst, Wil-
mington
- 12 WILLIAM TAYLOR POULTERER, III, 21 Austin Rd.,
Wilmington
- 13 ANDREW G. KNOX, 107 Quintynnes Dr., Centerville,
Wilmington
- 14 JOAN C. WRIGHT, 5612 Old Capitol Trail, Wil-
mington
- 15 WILLIAM L. FREDERICK, 2400 W. Parris Dr.,
Cedar Crest, Wilmington
- 16 MICHAEL E. HARKINS, 208 Vlg. Road, Wilmington
- 17 PHILLIP W. ORTH, 35 E. Champlain Ave., Wil-
mington
- 18 JOHN A. DILLMAN, JR., 409 First Ave., Lyndalia,
Newport
- 19 JOHN MATUSHEFSKE, 106 W. Franklin Ave., New
Castle
- 20 KENNETH W. BOULDEN, 114 Somers Ave., New
Castle
- 21 ROBERT T. CONNOR, Monticello Apts., New Castle
- 22 JOHN F. KIRK, JR., St. Georges Rd., Delaware City
- 23 GEORGE JARVIS, 211 Ellsworth Dr., Newark
- 24 JOSEPH R. MURPHY, 171 Brookside Blvd., Newark
- 25 JOHN G. S. BILLINGSLEY, 110 Briar Lane, Newark
- 26 MARION I. SEIBEL, 20 Knickerbocker Dr., Newark
- 27 SHERMAN W. TRIBBITT, Odessa Heights, Odessa
- 28 ROBERT W. RIDDAGH, 24 Lake Dr., Smyrna
- 29 ARTHUR W. DOBBERSTEIN, 539 Pennsylvania Ave.,
Dover
- 30 HUDSON E. GRUWELL, Little Ck. & Leipsic Rd.,
Dover

- 31 W. NEAL MOERSCHEL, 584 Westwood Dr., Dover
- 32 RALPH R. SMITH, 615 N. E. 10th Street, Milford
- 33 GEORGE R. QUILLEN, Commerce Street, Harrington
- 34 LEWIS B. HARRINGTON, 307 Haven Lake Ave., Milford
- 35 HOWARD A. CLENDANIEL, R.D. 4, Box 122, Georgetown
- 36 R. GLEN MEARS, SR., 124 South Hall St., Seaford
- 37 WILLIAM J. GORDY, R.D. 2, Box 138, Laurel
- 38 RICHARD S. CORDREY, River Drive, Millsboro
- 39 HARRY E. DERRICKSON, School Lane, Rehoboth Beach

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Judiciary - George C. Hering III, Chairman; W. Neal Moerschel, Joseph R. Murphy, Robert W. Riddagh, Clifford B. Hearn, Jr., R. Glen Mears, Sr.

Joint Constitution Revision - George C. Hering III, Chairman; Robert W. Riddagh, George Jarvis, Clifford B. Hearn, Jr., R. Glen Mears, Sr., Michael N. Castle, Andy Foltz, (Mrs.) Margaret R. Manning, Herman M. Holloway, George A. Robbins.

Labor & Commerce - Thomas L. Little, Chairman; Robert T. Connor, John F. Kirk, Jr., Joseph R. Murphy, Kenneth W. Boulden, William J. Gordy.

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Public Safety - John A. Dillman, Jr., Chairman; Robert J. Berndt, Harry E. Derrickson, Michael E. Harkins, Charles S. Miller, Phillip W. Orth.

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**126TH GENERAL ASSEMBLY
1st LEGISLATIVE DAY
DOVER, DELAWARE
JANUARY 12, 1971**

Pursuant to Article 2, Section 4, the Constitution, the 126th General Assembly, State of Delaware, convened on Tuesday, January 12, 1971 at 1:34 P.M. -

The House was called to order by Mrs. Clarice Heckert, Representative-elect of the 9th Representative District.

The salute of the flag was led by Representative-elect Heckert.

There was a prayer by the Chaplain George M. Dashiell, Calvary Assembly of God, Dover.

Mrs. Heckert appointed Messrs. Moerschel and Orth to escort the Governor to the House Chamber.

House recessed momentarily for the arrival of the Governor.

Mrs. Heckert welcomed Governor Russell W. Peterson to join her on the rostrum.

Mrs. Louise deR. Smith, Chief Clerk of the House, at the request of Mrs. Heckert, called the names of the members-elect of the House of Representatives of the 126th General Assembly.

NEW CASTLE COUNTY

WILMINGTON

Representative District No. 1 - Kermit H. Justice
Representative District No. 2 - Clifford B. Hearn, Jr.
Representative District No. 3 - Mrs. Henrietta Johnson
Representative District No. 4 - Charles S. Miller
Representative District No. 5 - Casimir S. Jonkiert
Representative District No. 6 - George C. Hering III
Representative District No. 7 - Robert J. Berndt
Representative District No. 8 - Herbert A. Leshner
Representative District No. 9 - Clarice U. Heckert
Representative District No. 10 - Daniel E. Weiss
Representative District No. 11 - Thomas L. Little
Representative District No. 12 - William T. Poulterer III
Representative District No. 13 - Andrew G. Knox
Representative District No. 14 - Joan C. Wright

Representative District No. 15 - William L. Frederick
 Representative District No. 16 - Michael E. Harkins
 Representative District No. 17 - Phillip W. Orth
 Representative District No. 18 - John A. Dillman
 Representative District No. 19 - John Matushefske
 Representative District No. 20 - Kenneth W. Boulden
 Representative District No. 21 - Robert T. Connor
 Representative District No. 22 - John F. Kirk, Jr.
 Representative District No. 23 - George Jarvis
 Representative District No. 24 - Joseph R. Murphy
 Representative District No. 25 - John G. S. Billingsley
 Representative District No. 26 - Marion I. Seibel
 Representative District No. 27 - Sherman W. Tribbitt

KENT COUNTY

Representative District No. 28 - Robert W. Riddagh
 Representative District No. 29 - Arthur W. Dobberstein
 Representative District No. 30 - Hudson E. Gruwell
 Representative District No. 31 - W. Neal Moerschel
 Representative District No. 32 - Ralph R. Smith
 Representative District No. 33 - George R. Quillen

SUSSEX COUNTY

Representative District No. 34 - Lewis B. Harrington
 Representative District No. 35 - Howard A. Clendaniel
 Representative District No. 36 - R. Glen Mears, Sr.
 Representative District No. 37 - William J. Gordy
 Representative District No. 38 - Richard S. Cordrey
 Representative District No. 39 - Harry E. Derrickson

All members-elect were present.

Rep.-elect Jarvis moved that Mrs. Heckert remain Temporary Speaker until the Speaker of the House had been elected. The motion was adopted.

Rep.-elect Jarvis moved that the Certificates of Election be received and that a committee of two members be appointed to receive and examine the certificates. The motion was adopted by a unanimous voice vote.

Mrs. Heckert appointed Messrs. Jarvis and Tribbitt to receive and examine the Certificates of Election of the members.

Rep.-elect Jarvis declared a short recess to enable the committee to examine the Certificates of Election. House recessed at 1:45 P.M., reconvened at 1:58 P.M.

Mrs. Heckert recognized Mrs. Peterson, wife of Governor Peterson, and newly elected Senator William V. Roth.

Rep.-elect Jarvis moved that the committee had examined the Certificates of Election and found that they were in order.

Mrs. Heckert requested Mrs. Louise deR. Smith, Chief Clerk, to read the Certificate of Election as follows:

THE STATE OF DELAWARE, NEW CASTLE COUNTY, ss. BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen Hundred and Seventy for New Castle County, according to the Constitution and Laws of the State of Delaware, Clarice U. Heckert, was duly elected Representative for Representative District Number 9 in said County in the General Assembly, which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this sixth day of November, A.D., 1970.

Albert J. Stiftel, President Judge

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

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

Rep. Jarvis moved that Mr. Harry C. McSherry of Dover, a Notary Public of the State of Delaware, give the oath of office as Representative to Mrs. Clarice U. Heckert.

Motion adopted by unanimous voice vote. Mr. McSherry then administered the following oath to Mrs. Heckert:

Oath of Representative
Kent County
State of Delaware, ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the Office of Representative of the General Assembly of the State of Delaware from Representative District No. 9 in New Castle County (to which office I was elected at the General Election held in said State in the year A.D. 1970), according to the best of my ability, and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

Clarice U. Heckert

Sworn to this 12th day of January, A.D. 1971, before me.

Harry C. McSherry

Notary Public

Representative-elect Jarvis moved that Mrs. Heckert administer the oath of office as Representative to the Representatives-elect. Motion carried by voice vote. The oath of office was then administered by Mrs. Heckert, the Temporary Speaker, to all Representatives-elect.

Mrs. Heckert instructed Mrs. Smith, Chief Clerk of the House, to call the permanent roll as follows:

Messrs. 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, (Mrs.) Seibel, Smith, Tribbitt, Weiss, (Mrs.) Wright, Mr. Speaker Frederick - 39.

All of the members were present.

Mr. Jarvis moved that the roll as read by Mrs. Smith be the permanent roll of the House of Representatives of the 126th General Assembly. Motion carried.

HR 1 - "In reference to the Election of the Speaker of the House of Representatives."

Introduced by Rep. Little & others. Adopted by voice vote.

Rep. Jarvis moved that Mrs. Heckert, the Temporary Speaker, appoint two members to escort the Speaker-elect, Mr. Frederick, to the rostrum. Mrs. Heckert appointed Reps. Little and Harrington to escort Mr. Speaker Frederick to the rostrum.

Mrs. Heckert welcomed Speaker Frederick to the rostrum and wished him well.

Rep. Jarvis moved that Mr. Harry C. McSherry of Dover; a Notary Public of the State of Delaware, administer the oath as Speaker of the House of Representatives of the 126th General Assembly to Mr. Frederick. Motion carried. The oath was taken by Mr. Frederick as follows:

The State of Delaware
County of Kent, ss.

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

William L. Frederick

Sworn and subscribed to this 12th day of January, A.D., 1971.

Harry C. McSherry
Notary Public

Mr. Speaker Frederick made the following remarks:

"I am very honored by the confidence you have placed in me and assure you I will do my best to conduct the House efficiently and fairly.

"A great many improvements have been made in House operations over the past few years, to the credit of the leadership. Because of these efforts we today have fewer, but more competent staff and streamlined operating procedures that better allow us to perform our duties efficiently and with a minimum of problems.

"Other innovations, such as the agenda system, have benefited the public.

"It is my aim to build upon the foundation made already, and to improve the operations of the House still further.

"Eighteen months from now, when hopefully we will have completed our business, the 126th General Assembly presumably will be known for at least some of the things it did, and probably also for some of the things it didn't do. I hope one of the things it is known for will be its recognition of the importance of involving young people in government.

"I am pleased that we have with us today examples of the many fine young people we have within our state. We will hear two outstanding high school vocal groups and will meet two impressive leaders of the Governor's Youth Council.

"It is my hope that we can, and will find many ways to involve young people as we assume our responsibilities in state government. I encourage each of you to think about this and suggest things we can do to accomplish this goal.

"You have heard enough from me. I intend to preside, not filibuster. Once again, thank you for your trust."

Rep. Kirk requested privilege of the floor and stated that Rep. George Jarvis had been elected Majority Leader, and Rep. Robert Riddagh, Majority Whip.

Rep. Hearn announced that Rep. Sherman W. Tribbitt had been elected Minority Leader, and Rep. Lewis B. Harrington, Minority Whip.

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

The following prefiled legislation was introduced:

HR 2 - "In Reference to Temporary Rules of the House of Representatives." Introduced by Rep. Jarvis. Adopted by voice vote.

HR 3 - "Relating to Classification, Titles and Compensation Rates for Officers of the House." Introduced by Rep. Jarvis. Adopted by voice vote.

HR 4 - "Appointing a Committee to Notify the Governor that the House of Representatives is Organized." Introduced by Rep. Jarvis. Adopted by voice vote.

HR 5 - "Notifying the Senate that the House of Representatives is Organized and Ready for Business." Introduced by Rep. Jarvis. Adopted by voice vote.

HR 6 - Expressing the Appreciation of the House of Representatives to the 'Harmonies' of William Penn High School for their Presentation of Slides and Choral Music. Introduced by Rep. Connor & others. Adopted by voice vote.

HR 7 - Expressing the Appreciation of the House of Representatives and the Governor of the State of Delaware to the Highland Chorale of Thomas McKean High School for a Memorable Program of Choral Selections. Introduced by Rep. Knox & others. Adopted by voice vote.

HR 8 - Expressing Best Wishes of the House of Representatives of the 126th General Assembly of the State of Delaware Concerning the Appointment of Aron Watson and Stephen Littlejohn as Co-chairmen of the Governor's Youth Council. Introduced by Rep. Dillman. Adopted by voice vote.

Mr. Speaker Frederick recognized Messrs. Aron Watson and Stephen Littlejohn.

HB 1 - An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware. Introduced by Rep. Hering & others. Referred to the Committee on Judiciary.

SCR 1 - That the Two Houses Meet in Joint Session to Hear the Message of the Governor. Introduced by Sen. du Pont. Adopted by voice vote.

Rep. Jarvis moved that the House recess to the call of the chair at 2:47 P.M.

2nd LEGISLATIVE DAY

The Speaker called the House to order at 12:45 P.M. Wednesday, January 13, 1971.

The Majority Leader moved to adjourn at 12:45, thereby ending the previous Legislative Day.

There was a prayer by the Chaplain, Rev. George Dashiell of the Calvary Assembly of God, Dover, Del.

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

The Roll Call revealed 37 Present. 2 Absent.

The House recessed at 12:51 for a Joint Session in the Senate Chamber.

At 1 P.M. the Sergeant-at-Arms announced the Speaker and Members of the House. They were admitted and seated. The President invited Speaker Frederick and President Pro-Tempore duPont to a seat on the rostrum.

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

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

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

The President appointed the following committee to escort the Governor to the Senate Chamber: Rep. Heckert, Rep. Hearn, Sen. Steele, and Sen. Cook.

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

The President invited the Governor to the rostrum

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

GOVERNOR'S MESSAGE

Mr. President, Mr. President Pro Tem, Mr. Speaker, Ladies and Gentlemen of the 126th General Assembly, Fellow Delawareans:

First, let me welcome the new 126th General Assembly. To those of you who served in the 125th, I look forward to working with you again. To you new Legislators, I say there is no more exciting or satisfying experience than public service. Welcome!

A year ago, I suggested to the 125th General Assembly goals for the State. Those goals were a challenge not only to the General Assembly, but also to this Administration and to the people of Delaware.

The challenge was accepted. The record shows that. The spirited dedication of thousands of Delawareans has powered our progress.

And so it is with humility, gratitude and deep pride in our people that I report today what has been done to move towards those goals, and our plans for continued progress.

We cannot claim that we have become a model state in just two years. But we have laid a solid foundation upon which we are building. We have made many changes. Some people consider these changes troublesome and disturbing, but that is the price of progress.

The time has come for evaluation and refinement of the many new tools we have forged to build a better Delaware.

We have many new programs. Are they working? How well? Can they be made to work better? These are questions the taxpayers of this state have every right to ask. These are questions that we in State Government have the responsibility to answer before launching any major new programs.

Our mission as public servants is to get solutions to the problems of the people and thus help them build a higher quality life. With reorganization and with our new programs, Delaware has never been better equipped to fulfill that mission.

Problems are solved not by programs, but by effective programs--not by bigger government, but by better government.

This is the philosophy to which this administration committed itself when offering state goals a year ago. The goals are:

- To reduce crime
- To provide more meaningful education
- To win the war against pollution
- To build a model state government
- To provide more and better job opportunities
- To protect, develop and enjoy our natural resources
- To promote the health and welfare of all citizens
- To provide safe, efficient movement of people and goods

REDUCING CRIME

Our goal is to stop the growth in violent crime, then to reduce it 25 per cent by 1976 and to cut it in half by 1980.

We must and we will reach that goal!

The causes of crime are rooted in the many ills plaguing society--such as poverty, unemployment, drug abuse, poor housing, racial unrest. The crime rate is an index of our failure to solve those problems. As

we reduce crime, we will improve the quality of life for all Delawareans.

How will we measure the crime rate?

In 1970 for the first time, all 36 police agencies in Delaware reported crime statistics uniformly to one state agency. Because now all are reporting, the number of crimes recorded for 1970 will jump sharply over 1969. But now we have a valid means to measure the crime rate in succeeding years.

Three of the major areas in fighting crime are police, courts and correctional agencies.

We have made dramatic progress in all of them.

State Police, for example, are receiving this year more than double the funds allocated in 1968, providing sorely-needed pay increases, 120 more troopers and better equipment.

Four additional State Police Troops were established. Major new installations have been erected--The Training Academy, Communications Center, State Morgue and Crime Laboratory, and Troop 6 Headquarters on Kirkwood Highway. A troop headquarters is under construction at Odessa. Next year's capital budget will provide funds for another in the Lewes-Rehoboth Beach area.

Local police forces are stronger than ever before. In the past two years, the State for the first time has provided funds--totaling nearly \$1.7 million--to help 33 communities add more men and better equipment. I recommend we continue this aid.

Quality training is now compulsory for any new policeman in Delaware.

Since 1968, state dollars spent on all police forces in Delaware have jumped from \$2.3 million to \$5.7 million. That is a long step towards providing better protection for the people.

Let's look at the courts.

There is no more precious institution in America. We are a nation founded on law with justice. In our eagerness to protect the people from violent crime, we must never forget our responsibility to see that every individual receives justice.

Most people have their only contact with courts at the magistrate level. That contact moulds their opinion of the quality of justice in Delaware.

With higher salaries attracting better applicants and with new training programs, the caliber of justice in our magistrate courts is much better.

In Delaware, our emphasis is on the applicant's qualifications to dispense justice. We have removed magistrate appointments from the arena of political patronage.

The debtor's prison law has ended the dual system of justice, one for the poor man and one for the rich. No longer is a man jailed solely because he cannot pay a fine. This program has saved the state hundreds of thousands of dollars.

One of the best deterrents to crime is prompt court action at all levels. A recent report by the Council on Administration of Justice recommends ways to speed court action. I urge that the Legislature respond to this report.

Last year, I named an Ad Hoc Committee to study reorganization and improvement of our family courts, which are so important in preventing crime. The committee will propose legislation shortly. I urge you to give it serious consideration.

The area of corrections has seen truly startling improvements in the past two years. The fact that many serious problems still exist emphasizes how deplorable the situation was.

In adult corrections, the work release program started two years ago is proving highly successful in saving the state money and helping prepare inmates to return to the community with jobs.

We will in next year's budget provide funds to complete staffing of the new \$11 million prison at Smyrna. The opening of this facility will be one of the great milestones in Delaware's correctional history--if we are successful in providing the necessary staff and treatment programs.

It is interesting to note that, because of the recent influx of drug offenders, the institution would be filled well beyond capacity were it not for the debtor's prison law and the alcoholic detoxification program.

Without those programs, our prisons would have approximately 100 more inmates today. And so while prison populations in neighboring Pennsylvania, Maryland and New Jersey have risen since 1968, Delaware's has decreased.

In the area of probation and parole, we have upgraded and increased the staff from 12 to 26 and opened four regional offices.

Last June, a new parole board was authorized by the 125th General Assembly. It is now in operation with a full-time chairman and members professionally-qualified to determine whether an offender is safe for release to the community.

Our juvenile corrections system is a major hope for salvaging trouble-prone youngsters and steering them away from lives of crime.

We now recognize that in Delaware. Since 1968, the size of the treatment staff at Ferris School and other juvenile institutions has risen from 182 to 267, an increase of nearly 50 per cent. Included are more than 20 persons with degrees in social and behavioral sciences. This dramatic change was made possible through funds from the State and through federal funds infused into the juvenile system through the agency to reduce crime.

But in prevention lies the real key for reducing the crime rate.

One of the most important preventive measures is working in the community with counselors, half-way houses and programs to keep youngsters out of trouble.

Two years ago, the Community Services Division of Juvenile Corrections had five part-time employees assigned to this work. Today, there are 51 deployed in four offices in Wilmington, four offices in New Castle County, one in Kent and one in Sussex. Plans are underway to open two others in the Milford and Dover areas.

Two half-way houses are being opened in Wilmington, one for boys and one for girls. I am recommending that we fund another one next year in the lower part of the State.

One of the most pressing problems for years has been that of mixing youthful offenders with hardened adult criminals. State funds for a facility to correct this situation were authorized in 1964 but were spent for other purposes.

The cabinet form of government provided the opportunity to solve this decades-old problem by converting the Kent Correctional Institution for Adults to the Delaware Youth Center.

The objective was to remove every juvenile from the adult corrections system. However, it was not completely met because nine hard-core juveniles had to be returned to adult institutions. However, the 20

remaining in the youth center are out of the adult system and are responding to treatment. So we have made progress toward solving this knotty problem.

The 1972 Capital Budget will recommend funding of a Diagnostic-Infirmiry-Security Complex at Ferris School. This facility will substantially improve treatment and also eliminate the security facility known as "The Jug."

Our efforts in juvenile corrections will ultimately bear fruit in salvaged lives and responsible citizens.

All of these steps will help reduce crime, but we cannot hope for any real success unless we at the same time attack the other root causes I mentioned earlier.

There is no limit to what can be achieved through community cooperation and effort. Let me cite two examples.

Last year, a volunteer group of approximately 50 persons--representing a cross-section of the community--renovated Ball Cottage at Ferris. They did a beautiful job.

Another example. When troubled kids are sent to Ferris School, we give them very little instruction. The Delaware State Education Association recently surveyed Ferris School and concluded that those boys qualify for special State support as do other socially and emotionally maladjusted youngsters in our public schools.

How come we have overlooked this situation for so long?

Perhaps we should be paying more attention to the teacher who said, "Inasmuch as you have done it unto one of the least of these, my Brethren, you have done it unto me."

Because the DSEA cared enough to get involved, the 1972 budget will more than double the funds to support education in the Division of Juvenile Corrections.

These are the things we can achieve through community effort and involvement that breathe new life into the great ideals upon which this nation was founded.

A nation is only as strong as its families. I believe that many of our troubles in America today can be traced to weakening of the family structure. Problems such as delinquency and drug abuse claw at the fabric of family solidarity.

I am seriously concerned with this problem as are hundreds of thousands of American parents.

Raising children has always had its pitfalls. But in today's society, pitfalls are more numerous, and deep enough to shake a family apart.

Parents are so proud and happy when the new baby is born. They plan for his future. They wonder, "What will he be when he grows up?"

And suddenly he's a growing boy and it's time to wonder about what kind of friends he has. And how he spends his free time. And whether all those things you tried to teach him really sank in.

A family must be strong to overcome problems.

Go to Family Court some day and see the anguish on faces of mothers and fathers whose children are in trouble.

What would you do if you dream for your child's future were punctured by a hypodermic needle?

Yes, parents have reason to be concerned. Because these problems reach into the home and test the mettle of all families.

No matter how much the State commits in dollars and programs towards solution of society's ills, we cannot succeed unless we have the commitment of the community. That means everyone, every family.

We must all work to strengthen our families. Let's make sure we get involved with our kids. Work with them and play with them. Combine love with discipline. Let us never forget that we teach by our example.

If each of us accepts this moral commitment, we will reach our goal of reducing crime and building a better life for all Delawareans.

EDUCATION

We have made impressive progress towards our goal of providing a more meaningful education for all Delawareans. We will continue to spend appreciably more dollars for education than for all of our other activities combined.

The past two years has seen completion of the reorganization of school districts, provision for the first time of equalization funds, increased support for the education of disadvantaged young people, funding for state-supported kindergartens and for chil-

dren with learning disabilities, and improved salaries and benefits for teachers.

These are unquestionably important achievements of which we can all be proud. But the greatest need in education today is accountability--getting results.

Education's job is to prepare our young people for happy, productive and rewarding lives. Any child who leaves school--either before or after graduation--without such preparation has been deprived of the education he deserves.

Our educational system must be tailored to fit the needs of the individual child. Too often, the child is tailored to the system. This can lead to frustrated kids who rebel against the system.

We must have the ability not only to discover potential, but to develop it and help the child select the career he wants and will enjoy.

We are well on the way towards making education more meaningful in Delaware. A vital step has been the upgrading of occupational-vocational education.

For too long, occupational-vocational education has been treated as a step-child. It's going to be made a full-fledged member of the educational family in Delaware.

The Milford School District and the Kent County Vocational-Technical School are already cooperating in a pilot project that could serve as a model for the expansion of vocational education in our state.

Our goal should be that every high school graduate receive with his diploma either a college acceptance, or a job offer, or both. We cannot do that unless our schools offer a wide choice of training and adequate individual counseling.

I propose that next year we provide \$1.3 million towards implementing last year's legislation calling for establishing occupational-vocational programs in every high school. The goal is to complete this project by 1973.

The 1972 Capital Budget will include funds to meet Wilmington's vocational needs by designing a vo-tech school for the Howard Educational Park.

I am also recommending \$1.4 million in capital funds for Delcastle Vocational High School, and \$265,000 for equipment at Kent County Vocational High School.

This program to construct Wilmington and suburban campuses for the Delaware Technical and Community College and to strengthen its downstate facilities has my vigorous support. The capital improvement program provides \$23 million for these facilities over the next six years.

So while our major thrust will be in occupational-vocational education, we will not neglect other important educational areas.

One of these is education in the early, formative years of a child's life. We have established the bureau of child development to augment existing efforts in this area.

We have studied and revised regulations for operation of day-care centers and have standardized licensing requirements.

The Community Coordinated Child Care Committee (4-C) has been created, and county-level committees will be formed by the end of this month. This committee not only is the coordinating mechanism for all early childhood education but also brings to Delaware additional federal funds for the Head Start programs.

Another goal is to establish community schools in all districts. A committee was formed and has recommended a \$500,000 program for the coming year. If federal funds are not available, the state will provide the funds in fiscal 1973.

In higher education, we intend to continue our vigorous support. I will discuss this in detail in my budget message next week.

We are also making concerted efforts to save educational dollars. A task force is working to overhaul our lengthy and costly school construction procedures.

In striving for our goal of a more meaningful education for all Delawareans, we most certainly will improve the quality of life for all Delawareans.

REDUCING POLLUTION

A year ago, we pledged to launch in 1970 a major war not only on pollution of the water and air, but also on pollution of the mind and body by drugs and alcohol.

We have done so.

Reorganization spurred our progress. For the first time in the state's history, the essential management of our Natural Resources and Environmental Control was placed under a single "umbrella."

Here are some of our key accomplishments in protecting the environment:

--Water quality standards have been established for all of our interstate streams.

--Major water pollution control measures, such as the Kent County sewerage system, expansion of the New Castle County sewerage system and the Wilmington sewage treatment plant, the Bethany Beach regional system, and preliminary planning of the Lewes-Rehoboth regional system, are well underway, in partnership with local government.

This year \$4 million was provided to aid this work. We recommend that next year another \$4 million in capital funds be allocated for this program.

We are making good progress toward our goal to clean up virtually every major stream in Delaware by 1978.

--Air quality standards have been adopted. The proposed implementation plan is in Washington for review.

--We have instituted a comprehensive air quality monitoring system.

--All state-owned facilities this year started burning low-sulfur fuel.

--A special study has been completed of all fuel burning and incinerating equipment operated by the state. Implementation is expected to save the state about \$500,000 a year.

--Controls have been clamped on some major sources of air pollution, including open burning for auto salvage and refuse disposal.

--A law has been enacted to control motor vehicle exhaust fumes.

One of the serious environmental blights is the litter.

We have:

--Contracted for construction of a pilot plant that would process trash and other solid wastes, reclaiming salable materials. One million dollars has been authorized for design.

--Formed a Delaware Clean Earth Committee to spearhead anti-litter efforts and coordinate private and public efforts, and tightened anti-litter laws.

--Initiated a pilot program with the Department of Highways and Transportation whereby abandoned cars are being removed.

Another approach that could have a telling impact is a state-wide authority that would collect and dispose of all liquid and solid wastes. I propose that we look into this possibility during 1971.

The grim problem of drug abuse continues to cloud the hopes of thousands of Delaware parents and the futures of their children. Our state government has responded to the need for action.

The Drug Abuse Control Division was activated in July, 1970, for state-wide education, treatment and prevention of drug abuse.

The state has initiated a three-pronged attack on drug abuse with programs of education, treatment and enforcement. The last General Assembly appropriated \$265,000 for these programs. I will ask for more in the coming year.

--Drug laws have been improved, with stiffer penalties for "pushers."

--A Methadone Clinic is operating in Wilmington as a cooperative venture between the state and the Wilmington Medical Center.

--A clinic to help victims of drug abuse has been opened in Dover; and others are planned at Newark and Georgetown. Emergency clinics have been established at Beebe Hospital and Nanticoke Hospital.

--The state has seven drug counselors. More will be added.

--The Governor's Council on Drug Abuse has been formed to spark and coordinate programs throughout the state.

--The State Police established a drug control unit. Drug arrests, which totaled 33 in all of 1968, climbed to over 1,000 last year.

The drug abuse problem is great and growing, but we now have taken the offensive. Our task is to get our attack running smoothly and effectively and to respond promptly as needs are defined. Studies are underway to establish an institution for drug treatment.

Alcohol is also a drug, but society is more familiar with it and tends to accept it. This social "respectability" adds to the danger of alcohol.

In the past two years, we have:

- Opened the first alcoholic detoxification center in the state's history.

- Hired a full-time coordinator to initiate a state-wide alcohol countermeasures program.

- Enacted more stringent laws against the drinking driver and provided all state police troops with video tape equipment to aid in conviction.

While it is obvious that we have done much to combat all of these pollutants, we must persist if we are to succeed. We will continue working to improve the quality of our air and streams and to combat the scourges of drugs and alcohol.

IMPROVING GOVERNMENT

Reorganization is the most important step we have taken towards building a model state government. It was completed within the timetable we set a year ago.

Our new Cabinet Form of Government has tremendous potential. We must develop it into an efficient organization that gets results. This will require full involvement of the Citizens Advisory Councils.

Reorganization has made it easier to implement recommendations of the Governor's Economy Committee. We have fully implemented 251 of the 525 recommendations--nearly 48 per cent of the total. Department heads also were directed by executive order to root out additional non-essential spending.

The results? The economy drive so far has saved the taxpayers of Delaware \$8.6 million, and the end is not yet in sight.

That money has been freed to do more important work. Let's take one small example. Elimination of one magnetic tape typewriter saved the state \$7,500 a year in rental cost. That money thus is freed to hire, for example, an additional drug counselor.

Let's take one big example. By working out a new arrangement with the Farmers Bank, the state is receiving \$1.7 million more each year in interest of money deposited in that bank. That \$1.7 million is enough to permit us, for instance, to start occupational-vocational programs in all high schools of the state next year as well as to add 40 more people to the staffs of our state hospitals.

That's not magic. That's economy. And because of it, we will be able to run this state with much improved services next year without a tax increase.

But reorganization and economy alone do not make a model state government. You must also have capable, loyal and happy employees. The state has taken several actions to improve morale and working conditions of its employees. It raised pay scales, provided a hospital care insurance plan and improved pension benefits.

The employees have responded, and I thank them for it. I am proud of them.

Other steps to improve state government will be taken this year.

Legislation creating a code of ethics for state employees will be introduced by this administration.

Two important actions of the legislature will be revision of the state constitution and reapportionment as required following the ten-year census.

We have also in the past two years strengthened our working relationships with all levels of governments.

At the local level, we have forged many partnerships. We worked with the City of Rehoboth to provide adequate police protection during the summer influx of vacationers, with Lewes on closing of an unsightly dump and the relocation of an industrial park, with Smyrna to solve a serious drainage problem, with Sussex and Kent Counties on their airport projects, with New Castle County on the police jurisdictional problem, and with Wilmington on the Federal Office Building. There are many more examples.

We are working closely with adjoining states through organizations such as the Mid-Atlantic Governors' Conference, the Delaware River Basin Commission and the Committee on Regional Development.

Our relationship with the federal government grows stronger. President Nixon's Revenue-Sharing Proposal is concrete proof of his determination to return responsibility and funds to the state and local levels, where most problems can best be solved. I will continue to work vigorously for revenue-sharing.

With these actions, we are well on the road to a model state government.

MORE AND BETTER JOBS

This administration recognizes that jobs are the

cornerstone of self-respect, human dignity and hope for a meaningful future.

With reorganization, all major agencies and programs relating to job development training and working conditions have been centralized in the Department of Labor.

What has been done?

The Wilmington Job Bank, which provides daily rundowns on job openings, was initiated on schedule last July 1. It will be state-wide by the end of this month.

The comprehensive manpower plan was completed July 1.

The Youth Opportunities Unlimited Summer Jobs Program, which employs young people from low-income families, again proved successful in 1970.

We have strengthened state financial support of the Opportunities Industrialization Center.

The minimum wage was increased from \$1.25 to \$1.60 an hour.

Unemployment Compensation benefits were substantially increased, the first changes in more than four years.

Workmen's Compensation maximum benefit was raised 50 per cent, the first major change in more than ten years.

I will propose further improvements in the Workmen's Compensation and Unemployment Compensation laws.

We have improved effectiveness of the Division of Vocational Rehabilitation, supported creation of the Affirmative Action Plan for minority employment in the construction trades, strengthened our Industrial Safety Inspection Program, and taken steps to provide improved employment services for veterans returning from Vietnam.

We have had a climate of cooperation in the past two years between my office and representatives of organized labor. I will make every effort to continue this relationship, both for the economic health of the community and for all who work in our state.

Our large and healthy agricultural industry occupies a vital role in the state's economy. It's continued growth not only provides jobs but helps assure preservation of our valuable open spaces.

We will stay close to agribusiness and continue

to work together to see that this important business grows and prospers.

To assure that our wage earners get the most for their dollars, we have created a new Division of Consumer Affairs that will be proposing a series of bills to protect our citizens from sharpsters and shoddy products.

All of these elements are related to increasing the quality of life.

TO PROTECT, DEVELOP AND ENJOY OUR NATURAL RESOURCES

Of my many responsibilities as governor, I regard as among the most vital the preservation and enhancement of Delaware's natural resources--its beaches and wetlands, fields and forests, parks and recreation areas. These belong to all the people of Delaware.

Here is what state government has done in the past two years to meet its responsibility in this area:

- Acquired a total of 2,960 acres, including a 73-acre fresh-water lake, for hunting, fishing and wildlife preservation.

- Opened 14,000 acres to public hunting and trained more than 3,000 persons, primarily young people, in how to hunt safely.

- Earmarked \$3 million this year and \$4 million for each of the next five years for acquisition of additional "open space."

- Purchased 471 acres to develop Lums Pond Park.

- Are preparing master plans for developing six other existing parks.

We have also:

- Initiated a Park User Fee to help us reach our goal of expanding park services appreciably in most parks by 1972.

- Made 62 grants totaling \$850,000 to help public and private agencies start or expand recreation programs, including seven communities in Sussex County and four in Kent.

- Started improvement of five creeks in Sussex County for pleasure boating and commercial fishing, under a carefully developed plan that avoids any negative environmental impact.

We are also encouraged by what appears to be a rebirth of the once-thriving oyster industry. Last

year, the seed oyster grounds were opened for harvest for the first time since 1965.

So we are moving ahead briskly in many areas to promote the development of our natural resources. At the same time, we are concerned with the quality of that development. In fact, our theme will be, "Quality Development or No Development."

For example, while we promote tourism, we are opposed to the proliferation of garish "quick buck" tourist traps. They are environmental parasites that feed upon and ultimately destroy the natural beauty which attracts them.

In our desire to make the ocean shore more accessible, it would be a crime to ruin our relatively unspoiled shore by allowing excessive construction of parking lots and camp sites. Our remaining dunes can be as effectively deformed by a state-built camp site as was the great dune by army bulldozers.

Quality development also will guide our decisions on other commercial and industrial growth. We are anxious to pump new dollars and new jobs into Delaware's economy, but not if the price is disfigurement and pollution of our environment.

Delaware must grow to provide the jobs and tax revenue our people and economy need to prosper. But since we are a small state, it is essential that we get maximum yield from every acre that is developed.

I recommend that we welcome the corporate headquarters, or research facilities or industrial parks that offer attractive physical plants, high-paying quality job opportunities, and few or no threats to the environment.

Heavy industry such as refineries or steel mills gulp large chunks of land, offer relatively fewer jobs, lower tax revenues and serious threats to the environment. I will vigorously oppose any more such industry.

The pressures for uninhibited commercialization are strong. To cope with them, we need a thoughtful, comprehensive plan to guide us in our decisions--a plan of what the people of Delaware want their coast and wetlands to look like 10 or 20 years from now.

A year ago, we had no such plan. As a stopgap measure, last spring I declared a moratorium on any

major commercial developments in our bay and coastal areas.

A study is being made by the task force on marine and coastal affairs, headed by Dr. James H. Wakelin, Jr., internationally-renowned marine scientist. A preliminary report will be submitted to me next month. It should lead to a master plan and controls to assure healthy conservation and growth of our coastal and bay areas.

In the coming year, I will be submitting to you legislation to protect our valuable wetlands, which serve as a nursery for the raising of fin and shell fish.

We are working closely with the University of Delaware's College of Marine Studies on design of a campus near Lewes. This is a quality project of major import since it will not only provide jobs but also expertise to help develop the potential in our estuaries and coastal zone. It has my wholehearted support.

We are determined that our natural resources be safeguarded from indiscriminate growth.

IMPROVING HUMAN SERVICES

Among the most important functions of state government is the prompt, adequate and efficient delivery of human services.

The chief accomplishment in this area during the past two years has been establishment of the Department of Health and Social Services, which enables us to better utilize our talents and resources.

One of the prime objectives of this department is to make human services more accessible and convenient to the people.

Towards this end, we have set a goal of establishing by 1975 fourteen community service centers which concentrate human services at one neighborhood location.

To date, two service centers are in operation and two others are in planning stages. I will propose funds next year to open three more.

The welfare problem continues to plague us. Government has the dual responsibility of meeting the needs of our citizens who require help, and of helping them become self-supporting.

Since 1968, four thousand Delawareans moved off the dole and into jobs. Yet, during the same

period, 5,000 new recipients have been added to the welfare rolls. State dollars for welfare will total nearly \$16 million this year, more than double the costs for fiscal 1969.

Welfare is a national problem. I will continue to work for the family assistance plan proposed by President Nixon. Although far from perfect, it provides for a major advance.

Meanwhile, we in Delaware are going to continue our efforts to solve this problem. We need to convert welfare from a "Something for Nothing" system to a "Something for Something" system.

If we offer "Instant Welfare," then let us also offer "Instant Incentives" to do something in return for the welfare grant. The dole is degrading. Wages are the bridge to self-respect and dignity.

I therefore have directed the Secretary of the Department of Health and Social Services and the Secretary of the Department of Labor to devise a program under which every welfare recipient will agree to do certain things in exchange for his grant.

This does not necessarily mean a formal 8-hour-a-day job. However, a woman could take care of a neighbor's children so their mother can work. Another recipient might work a few hours a week at state institutions, or help at a Day Care center or Head Start class. The important thing is that they know they are doing something in return for the money they receive.

Take the person who loses his job and applies for welfare. If the welfare worker has a list of available jobs, the applicant might be put to work immediately. In short, we want the social worker to serve also as a work counselor.

When one has the opportunity to visit every corner of our state and see first hand great examples of how the handicapped, the blind, the deaf, the paraplegic, the disabled war veterans, the mentally retarded, the aged have learned to do something constructive to help support themselves, the old cry that most welfare recipients cannot do something in exchange for state aid rings hollow indeed.

We are spending 12 million state dollars this year for welfare grants. Let's buy \$12 million worth of services with it.

In the fields of mental health and retardation, we recognize the dire need for additional psychiatric

services. This area is receiving our immediate high-priority attention. The first order of business is to fill the key vacancies for institutional superintendents and psychiatrists.

In the past two years, we have seen the opening of a Psychiatric Wing at Beebe Hospital in Lewes, the All-Star House for Mildly-Retarded Adults, the Sussex Treatment Unit and a new food service facility at Delaware State Hospital, and one wing at the Charles L. Terry, Jr. Children's Psychiatric Center.

The budget, to be presented next week, will include \$2 million for an Admission and Research Building at Delaware State Hospital, \$1.9 million to complete construction of cottages at the Hospital for the Mentally Retarded at Stockley, and funds to open another wing at the Terry Center, thus doubling its capacity.

For years, mental health has received a lower level of funding than has physical health, and we are determined to work towards ending that double standard.

Our private hospitals and the Delaware Adolescent Program merit our continued support. I will discuss this next week in the Budget Message.

The need for more and adequate housing persists, and the state should strongly increase its activities in this area.

We have a \$5 million revolving fund for interest-free loans to help non-profit corporations build housing. Starting in fiscal 1969, these funds have helped finance 1,230 units, of which 122 are completed and 551 are under construction. Another 563 are nearing start of construction. Projects have started in Milford and Dover and one will start in Seaford next month.

Although we have willing sponsors for needed additional projects, the entire \$5 million is either on loan or committed. I will recommend increasing the revolving fund by allocating another \$3 million from divestiture funds. In addition, the Capital Budget will propose \$2 million to be spent by the state for actual construction of low and moderate income housing.

Continued improvement in this vital area of human services is essential.

SAFER MOVEMENT OF PEOPLE AND GOODS

In my "Future of the State" message a year ago, I proposed that Delaware within five years lead the nation in highway safety by having the lowest number of deaths and injuries per passenger mile.

Although there were 23 more fatalities last year than in 1969, a closer look at the statistics reveals that the number of fatal accidents remained the same as in 1969, and personal injury accidents declined 3 per cent. This occurred although there are today 53,000 more vehicles and 27,000 more drivers on the road than there were in 1968, the record year for highway deaths in Delaware. The rate of deaths per miles traveled was lower last year than in 1968.

We must and will do better. I am confident that we will reach our highway safety goal.

Last year on highways here at home, more Americans died than in the 10 years of war in Southeast Asia. Alcohol and speed were the major causes.

Accordingly, we have launched a number of programs to stop people from "drinking then driving" and from speeding. These involved tighter laws and enforcement, better equipment like Vascar, improved training and more thorough inspection of both drivers and vehicles.

There is no magic formula to highway safety. It requires hard, persistent work.

Our new Division of Transportation is taking a fresh look at how to relieve serious peak traffic and parking problems by more effective mass transit and at plans for providing adequate air transportation for our area.

The last two years has seen intensive planning for major highway projects expected to be under construction in the next two years. They include Delaware 141 to relieve bottlenecks at Newport, Prices Corner and Kennett Pike; completion of dualization of Route 14 from Milford to the Rehoboth Beach area, the I-95 Connector to downtown Wilmington, the continuation of 12th Street in Wilmington and improvements to Naamans Road. It is essential that early decisions be made to resolve the controversies surrounding the Dover Bypass and Concord Pike projects.

* * *

Reducing crime, Improving education, Winning the war against pollution, Building a model state

government, Providing more and better job opportunities, Protecting and developing our natural resources, Promoting health and welfare, Providing safer and more efficient movement of people and goods.

Every Delawarean can be proud of the progress we have made. We will continue moving ahead, encouraging involvement of the people through organizations such as the Governor's Youth Council and the Council for Women, and through activities such as the Governor's Town Hall Meetings and Citizens' Hours.

We must especially seek to tap the great potential of energy and ideas represented by our dedicated young people, probably the best-educated generation in the history of this nation.

People want more services, but not more taxes. I have responded to these conflicting demands by a substantial increase in the budget for critical areas of human need, by a major economy drive and by improving the efficiency of government while at the same time avoiding a tax increase.

However, the overriding responsibility of a governor is to unify the people, to build bridges of understanding between all Delawareans.

Unity with understanding. There is no more potent force to build stronger, more cohesive families, schools, neighborhoods and a model state.

Our progress in the past two years has been due in great part to the hard work and dedication of members of the 125th General Assembly. The pace of our progress in the next two years will depend on you members of the 126th General Assembly.

You face many far-reaching and difficult decisions in the coming months. Some of them, such as aid to non-public schools, contain emotional dynamite which, if subjected to the heat of reckless debate, can explode and destroy the bridges of understanding we are so laboriously building. The responsibility to avoid discord rests with all of us, both in and out of government.

We have charted bold courses into the future. If we travel them with charity, courage and understanding, if we concentrate on those things which unify us rather than divide us, we will reach our goal of building a better life for all Delawareans--of making the State that Started a Nation the State that Leads the Nation.

The previously named committee escorted the Governor from the Chamber.

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

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

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

The House reconvened at 3:32 P.M.

Rep. Dillman and Rep. Little asked to be marked present.

Rep. Tribbitt asked if you missed the opening session roll call, were you considered absent unless you requested from the floor to be marked present. The Speaker replied that that was House procedure.

Rep. Hering announced the establishment of a Legislative Hot Line to the Council which will be manned from 8:30 to 5:30 days Legislature is in session. 1-800-282-8545

The House reconvened at 3:32 P.M.

The Speaker announced that HB 1 was reassigned to the Joint Legislative Constitutional Revision Committee.

The following legislation was prefiled:

HB 2 - "An Act to Amend Subchapter II, Chapter 3, Title 28 of the Delaware Code, Relating to Racing Applications, Award of Dates, and Maximum Racing Days." Introduced by Rep. Berndt. Assigned to committee on Revenue & Finance.

HB 3 - "An Act Proposing an Amendment to Section 2, Article V, of the Constitution of the State of Delaware, Relating to Qualifications for Voting." Introduced by Rep. Little and co-sponsored by Rep. Wright. Assigned to Judiciary Committee.

HB 4 - "An Act to Amend Subchapter 1, Chapter 21, Title 21, Relating to the Requirement of Insurance Before the Registration of Any Vehicle in This State and Providing a Penalty for Violation Thereof." Introduced by Rep. Dillman. Assigned to Public Safety Committee.

HB 5 - "An Act to Amend Title 6 of the Delaware Code, Providing for a Method of Disposing of One-Way (Non-Returnable) Bottles by Making Said Bottles Two-Way Bottles, Returnable to the Original Pro-

ducer." Introduced by Rep. Seibel. Assigned to Agriculture Committee.

HB 6 - "An Act to Amend Title 22, Delaware Code, by Adding a New Chapter Relating to Exemptions From Taxation on Real Property for Improvements." Introduced by Rep. Hearn. Assigned to Committee on Revenue & Finance.

HB 7 - "An Act to Amend Title 7 of the Delaware Code, Relating to the Illegal Slaughtering of Animal Species on the Verge of Extinction, Empowering the Division of Fish and Wildlife to Designate Endangered Species and Prohibiting the Sale of Certain Animal Skins." Introduced by Rep. Quillen and co-sponsored by Rep. Heckert. Assigned to Committee on Natural Resources.

HB 8 - "An Act to Amend Chapter 16, Title 2 of the Delaware Code Relating to the Powers of Local Transportation Authorities of the Department of Transportation." Introduced by Rep. Hearn. Assigned to Highway Transportation Committee.

At the request of Rep. Jarvis **HCR 1** was read in.

HCR 1 - "Providing That a Joint Session of the Senate and House of Representatives Be Convened To Hear the Governor's Annual Budget Message."

HCR 1 was adopted by voice vote.

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

3rd LEGISLATIVE Day

The Speaker called the House to order at 12:38 P.M. The Majority Leader moved to adjourn at 12:39 P.M., thereby ending the previous legislative day.

There was a prayer by the Chaplain Rev. Olin J. Shockley, Jr., United Methodist Church, Hillcrest. The Speaker led those present in a Salute of the Flag.

Roll Call revealed 34 members present, 5 absent.

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

Absent: Harkins, Kirk, Little, Miller, Seibel - 5.

The Minutes of the 1st and 2nd legislative days were approved as posted.

Reps. Seibel and Kirk asked to be marked present.

Rep. Jarvis moved that the House Reading Clerk notify the Senate that the House was ready to receive them in Joint Session.

The following communications were read by the Chief Clerk and made a part of the House Journal:
 Wilmington, Delaware
 January 7, 1971

WHEREAS, the use, consumption and possession of dangerous and narcotic drugs has become a menace to all citizens of this community; and

WHEREAS, it is desirable to make every effort to curtail the use, consumption and possession of the aforementioned dangerous drugs and narcotics by making every effort to eliminate the source of same; and

WHEREAS, it is of paramount importance to severely punish the sale of such dangerous drugs and narcotics by drastically penalizing the sellers thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON That the General Assembly of the State of Delaware speedily enact legislation severely penalizing sellers of dangerous drugs and narcotics by establishing mandatory prison sentences of 5 years duration for the first offense and 10 years for the second or any subsequent offense, without any hope of probation or parole, in order to serve as a deterrent to persons engaging in the sale of said dangerous drugs and narcotics.

FURTHER RESOLVED That the City Clerk is hereby authorized and directed to forward copies of this Resolution to the House of Representatives and the Senate of the State of Delaware.

Passed by City Council, January 7, 1971

Approved as to form

January 5, 1971

ATTEST: /s/ Leo T. Marshall
 City Clerk

/s/ Joseph Lichtenbaum
 Assistant City Solicitor

Wilmington, Delaware
 January 7, 1971

WHEREAS, many of our senior citizens are compelled to use public transportation; and

WHEREAS, the fares required for the use of public transportation is extremely costly to many of our senior citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON That

legislation be immediately adopted by the General Assembly comparable to House Bill 607 of the last General Assembly which authorizes the Greater Wilmington Transportation Authority to provide "cut-rate" bus fares to senior citizens at all times or provide reduced bus fares for senior citizens who use public transportation in non-peak rush hour portions of the day.

FURTHER RESOLVED That the City Clerk is hereby authorized and directed to forward copies of this Resolution to the House of Representatives and the Senate of the State of Delaware.

Passed by City Council, January 7, 1971

Approved as to form

January 5, 1971

ATTEST: /s/ Leo T. Marshall
City Clerk

/s/ Joseph Lichtenbaum
Assistant City Solicitor

Joint Session

1:00 P.M.

Rep. Jarvis moved that the House and Senate convene in Joint Session.

Rep. Jarvis moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

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

Rep. Jarvis moved a committee be appointed by the Chair to escort the Governor to House Chamber.

The Chair appointed the following committee to escort the Governor to the House Chamber: Senators Isaacs and Holloway, Reps. Murphy and Boulden.

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

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

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

GOVERNOR'S MESSAGE

Mr. Speaker, Mr. President, Mr. President Pro Tem, Ladies and Gentlemen of the 126th General Assembly, Members of the Cabinet, Fellow Delawareans:

I appear before you today to present my proposed

Operating and Capital Budgets for fiscal 1972 and the Capital Improvements Program through 1977.

These fiscal programs are interrelated and coordinated to help us move towards the state goals we proposed a year ago. In my "Future of the State" message last week, I discussed in depth our goals, our plans for reaching them, and the substantial progress to date.

What counts most are results per taxpayer dollar. We need the most efficient organization possible. We must also wage a continuing war on waste and constantly evaluate our results. These requirements were uppermost in my mind in drafting the proposals I offer today.

Recommended operating expenditures for the coming year total \$263.9 million, an increase of 8.7 per cent over the \$242.8 million presented a year ago.

We started the current fiscal year with a general fund balance of \$5.7 million and expect to end this year with a balance of \$7.7 million.

The \$7.7 million balance, plus \$260 million in general fund revenue as estimated by the Governor's Advisory Council (Chart 1), will leave us with an estimated cash balance of \$3.8 million at the end of fiscal 1972.

The proposed Capital Budget for fiscal 1972 is \$55.1 million, and the six-year Capital Improvements Program amounts to \$363 million.

The fiscal 1972 Operating Budget is the first that has been prepared under the new cabinet form of government. We have used a new approach that I believe has resulted in a better and more realistic plan.

Each secretary was allocated a tight basic figure. Then he was asked to review his operations carefully, eliminating all unnecessary functions and developing a proposal within the allocated figure.

The next step was to have each secretary list by priority the additional programs he considered important to reaching our goals. Comparing all priorities to each other, to available funds and to our goals, I reached my decision on which programs to include in the proposed budget.

This approach, coupled with the General Assembly's review procedures, will result in a better and more meaningful budget.

You will note that my proposal does not blaze

any major new trails. As I said last week, the time has come to evaluate, to clear and widen the paths we have opened in the past two years.

Here is how I recommend we allocate our spending in fiscal 1972:

\$148.6 million towards improving education, \$47.3 million for improving health and welfare services, \$21.8 million for reducing crime, \$26.5 million for better highways, and \$19.7 million for other services. (Chart 2)

The proposed budget continues to provide appreciably more for education than for all other activities combined. Next year, we suggest spending \$148.6 million as compared to \$133.2 million in the current year.

In each of the past four years, funds for education constituted approximately 54 per cent of the General Fund Budget. In fiscal 1972, education's share will rise to 56.4 per cent. (Chart 3)

In addition, the Capital Budget for public education provides \$2.4 million for capital items with a life over 10 years. Approximately the same amount for similar capital items for other departments was also included in the Capital Budget. These items were formerly in the Operating Budget.

As one result, the total unit allotment for non-salary expenses, the so-called Division II type, has been raised to \$1,215. This compares to \$1,050 per unit this year, an increase of over \$1 million. These additional funds will help assure proper maintenance to protect our multi-million dollar investment in school buildings.

The Operating Budget also includes \$1.3 million to begin establishing comprehensive occupational-vocational programs in every high school, and \$3.4 million for salary increases for public school teachers and staff.

During the past two years, \$3.5 million of state funds have been provided for the first time to equalize educational opportunity. In 1972, we recommend adding \$300,000 more for that purpose.

Thus the State in three years will have taken a long step toward helping the less affluent school districts offer their students educational opportunities equal to those offered by the more affluent districts. We must do even more in future years.

The needs of our three institutions of higher

education--University of Delaware, Delaware State College, and The Delaware Technical and Community College--continue to grow.

With more high school graduates wishing to continue their education, and with a greater variety of educational opportunities now being offered, the pressure for more funds is great. For example, the total costs of Delaware Technical and Community College, established in 1968 under the leadership of Governor Charles L. Terry, Jr., will have grown to approximately \$4.7 million in fiscal 1972.

Over the past three years, the State has increased its appropriation for higher education by 70 per cent, or by approximately \$10 million. I recommend we add another \$3 million, bringing the total to \$26 million next year.

To help meet the need for more doctors and medical personnel, we established last year the Delaware Institute of Medical Education and Research, a joint effort of the University of Delaware, the Wilmington Medical Center, the Jefferson Medical School and the State. This program is moving well and promises to have a great impact on improving the quality of medical services in Delaware. We are budgeting \$1.5 million for this effort next year, an 87 per cent increase.

My 1972 Capital Budget provides \$12.1 million for education. Some of the projects are:

\$2.8 million for a new Newark Middle School; \$1.5 million for an addition to Warner Middle School; \$2.3 million for Delcastle Vocational High School and Kent County Vocational High School; \$300,000 to design a Vocational Technical School for the Howard Educational Park; \$280,000 to design the Suburban Campus of the Northern Branch of the Technical and Community College; \$150,000 for design of a new Library at Delaware State College; and \$200,000 for design of a Campus for the University of Delaware's College of Marine Studies at Lewes.

Over the next six years, the Capital Improvements Program recommends \$92 million for primary, secondary and vocational-educational school building construction, and \$53 million for higher education.

During the coming year, we will also continue our efforts to economize and get maximum results from taxpayers' dollars spent for education. I am looking forward to the report of the Action Force

on School Construction Costs, which will recommend ways for substantial savings in this area of ever-increasing expense.

It is estimated that school construction costs nationally have been rising 18 per cent per year. In Delaware, it now takes 3 1/2 to 4 years from planning to occupancy of a new school. The Action Force believes this can be cut to two years. If so, a school that costs \$6 million under the present procedure would only cost \$5 million, a saving of \$1 million.

Although we spend a lot of time talking about how much money goes into education, we don't spend enough time talking about results. Yes, we need much more accountability in education. This year, as National Chairman of the Education Commission of the States, I have the opportunity to participate in a nation-wide study on accountability. The approaches being developed in that study should be extremely helpful to us in Delaware as we work to measure the quality of our education.

During the past year, I have visited our general and mental hospitals, our needy neighborhoods and the homes of welfare recipients and the working poor. I have talked to hundreds of people at Town Hall Meetings and Citizens' Hours, and received many, many letters. This has increased my appreciation of the need for more health and related services.

Responding to this need, next year's budget earmarks \$193,000 to add 33 employees to staff the new wing being opened at the Charles L. Terry Jr. Children's Psychiatric Center; \$92,000 to open and staff a new mental health center in northern New Castle County; \$80,000 for 20 more employees at the Hospital for the Mentally Retarded; \$155,000 to open three more community service centers at Southbridge and West Center in Wilmington and the Seaford-Laurel area; and \$100,000 for additional drug counselors, professional staff and live-in centers for victims of drug abuse.

The Delaware Adolescent Program is attracting national attention for its success in helping young unwed mothers to stay in school and to keep from having other illegitimate children. Of approximately 250 children helped in the past two years, 95 per cent have returned to school. Less than 1 per cent have had a second pregnancy. I am recommending \$100,000 for this program again next year.

Last week, I discussed in detail our rapidly rising welfare costs and the need for a new approach to solve the problem. In the report that will be distributed to you at the conclusion of my remarks today, you will find a chart showing this growth in the past four years. (Chart 4) It emphasizes the need for a new approach.

Escalating costs for indigent patients continue to strain the financial structures of our hospitals. The State has increased its hospital support from \$800,000 from Medicaid in fiscal 1968 to a recommended \$3.5 million from Medicaid and direct grants in fiscal 1972. (Chart 5) I plan to work with other levels of government and with the hospitals to seek a more adequate solution to this problem.

The State also offers low-interest construction loans to hospitals. Since 1968, a total of slightly over \$6 million has been loaned by the State to five hospitals--Milford, Nanticoke, Beebe, Riverside and Kent General--to assist in construction projects.

Last week I mentioned that the 1972 Capital Budget will include \$2 million for a new Admissions and Research Building at Delaware State Hospital and \$1.9 million for completion of cottage construction at the Hospital for the Mentally Retarded. In addition, next year's Capital Budget will provide \$600,000 towards construction of a Health and Service Center in Dover, and \$400,000 to furnish and equip 10 new cottages at Governor Bacon Health Center. With completion of these projects, the Hospital for the Mentally Retarded and Governor Bacon Health Center will be fully rebuilt.

The Capital Improvement Program commits approximately \$28 million during the next six years for further improvements and additions to health and social service facilities, including Community Service Centers in Georgetown, Dover and Wilmington.

As I pointed out in my "Future of the State" message, Delaware has a vital stake in striking a sound balance between the conservation and proper development of our natural resources.

One important step is for the State to acquire ownership of key areas. I am recommending that \$23 million in capital funds be spent during the next six years--including \$4 million in 1972--for the acquisition of such areas. The \$4 million will be matched with over \$1 million in federal money to protect the

critical lands so vital to our State.

Another goal is to clean up virtually every major stream in Delaware by 1978. Towards this end, we authorized \$4 million this year to help local governments improve sewage facilities. I am recommending another \$4 million in fiscal 1972.

The six-year Capital Improvements Program calls for a total of \$22 million for this program. Completion of these projects will mean that 90 per cent of the people of Delaware will be served by sewage facilities providing at least 90 per cent treatment. I am told we would be the first State in the nation to accomplish this.

Reducing crime is another key goal. Charts attached to my report show the substantially increased commitment we have made in areas of police, courts and corrections. (Charts 6, 7 and 8) Next year's proposed budget will provide approximately \$1.8 million more for bolstering court staffs, adding more deputies to the Attorney General's and Public Defender's offices, fully staffing the new parole board and staffing the new prison at Smyrna.

Also, educational funds of approximately \$400,000--more than double this year's allocation--will pay for improved instruction of youths in the Division of Juvenile Corrections.

Capital spending next year in this area will include \$1 million for construction of a Diagnostic-Infirmiry-Security Complex at Ferris School and \$650,000 for a new State Police Station in the Rehoboth Beach area.

To meet the challenge presented by the severe housing shortage, I am recommending \$12 million over the next six years for construction of low and moderate income housing. As I said last week, I am also proposing that \$3 million from Divestiture Funds be added to the existing \$5 million Revolving Fund that helps non-profit corporations construct low and moderate income housing.

Ten million dollars in Capital Funds also is recommended next year for the State Office Building in the Wilmington Civic Center. The project not only will help assure the success of the Center but is expected to provide substantial savings in rental costs by consolidating State offices at the new location.

The 1972 Capital Budget contains \$10 million for highway construction. The Department of Highways and Transportation has a backlog of over \$60

million in unspent funds. When this backlog is reduced, a greater commitment of new funds will be made to highway construction.

The six-year Capital Program includes \$87 million for meeting critical highway needs in the State.

I am also recommending \$300,000 to totally renovate the Wilmington Inspection Lanes in order to better serve the citizens in northern New Castle County. We had previously planned to spend \$1 million to build an entirely new facility. But major changes in the management and operation of the existing lanes have so markedly increased their efficiency, and thus their capacity, that a new building is not needed. Complaints about spending long hours in inspection lines, complaints about inconvenient hours and poor service, have virtually ended.

The Motor Vehicle Inspection lanes are now being operated to serve the public instead of the employees.

These fiscal programs are designed to solve our pressing needs. The 1972 Capital Budget, for example, allocates 22 per cent to Education, 10 per cent for Health and Social Services, 16 per cent for Natural Resources and Environmental Control, and 18 per cent for Highways.

It is my firm belief that careful implementation of the 1972 Operating and Capital Budgets and the Capital Improvements Program will greatly accelerate the State's progress in achieving its goals while increasing the quality of services to the people of Delaware.

Now let's look at our Debt Service. For years, the State's debt had been growing rapidly. Each year the funds needed to pay the principal and interest on our loans--The Debt Service--kept taking increasingly larger bites from our operating funds. In fact by 1969, 20 cents out of every General Fund dollar went to pay off our debts.

Furthermore, we had new buildings but we couldn't afford to hire enough people to run them properly.

In my Budget Message last year, I promised to stop this excessive growth in debt. Accordingly, I set a Debt Service limit of 20 per cent of the previous year's General Fund Revenue, which kept the debt well below the previously established legal ceiling.

Further analysis has convinced me that even stricter controls are required and that we should as soon as possible limit our Debt Service to no more

than 17.5 per cent of the revenue.

The Capital Improvements Program I present today is geared to this control.

Meanwhile, we will continue working diligently to improve the operation and efficiency of State government through every means at our command.

We will insist on good management procedures. Reorganization of the former State Tax Department, now the Division of Revenue, is just one example of what can be done. Because the General Assembly last year beefed up the Department's Field Auditing Staff, the State collected nearly \$1.3 million in taxes that would not have been collected otherwise.

The Federal Government's decision on the issue of Revenue Sharing will have great impact in Delaware and in all states. President Nixon's Revenue-Sharing Proposal is sound and it is needed. Many states are in a financial crisis and desperately need help now. While Delaware is not one of those, Revenue-Sharing would be a tremendous help to us in reaching our goals. I will continue working for adoption of that concept.

But Revenue-Sharing would not relieve us of our responsibility to keep striving for the most effective government for the people of Delaware.

The Economy Drive has been and will remain the backbone of this effort. We have so far squeezed \$8.6 million worth of waste and inefficiency out of our governmental operations. This has enabled us to provide \$8.6 million more in services without a tax increase. We're going to keep right on going!

* * *

Now the time has come for the Executive Branch to transmit its fiscal plans to the Legislative Branch. We do so with confidence that your fair and conscientious scrutiny will improve these proposals. While they are buttressed with considerable detail, we stand ready to provide you with any other information needed to assist your deliberations.

I am proud of these proposals. They are realistic. They meet the increasing demand for services. They dovetail into a comprehensive vehicle to move us towards our goal of becoming a model State.

We have met our responsibilities. And we have done so without the necessity of calling upon the people of Delaware for a tax increase.

Budgets of necessity are cold and lifeless. The accent is on figures, percentages and growth rates. But I'm sure that in your analysis you will see that I propose putting more of our dollars on people and less on physical structures.

Building monuments of brick and mortar is comparatively easy. All that takes is money. But the monument for which we strive is to build a better quality life for all Delawareans. This monument requires bricks of dedicated service to the people, and the unifying mortar of understanding, hope, and faith in each other.

This task is much more difficult and challenging. But the rewards are infinitely greater.

The 125th General Assembly, and through them the people of Delaware, responded magnificently to this challenge by carving out new programs and new frontiers. I am confident that you too will respond to the less glamorous but vital challenge to refine and evaluate those programs in order to ensure that we will continue moving toward our goals.

And let us never lose sight of the need for increasing involvement of thousands of Delawareans, especially our youth, and for a dynamic partnership for progress between Federal, State and Local Governments.

Great tasks require great commitments. If we join our strengths and our talents, in mutual trust and good will, we must succeed.

STATE OF DELAWARE
ESTIMATED GENERAL FUND REVENUES BY
MAJOR CATEGORY
(EXPRESSED IN MILLIONS OF DOLLARS)

FISCAL 1971	FISCAL 1972		
PERSONAL INCOME TAXES		\$80	\$89
FRANCHISE TAXES		63	56
MOTOR FUEL TAXES		19	17
MOTOR FUEL TAXES		19	20
CORPORATION NET INCOME TAXES		15	17
MOTOR VEHICLE REGISTRATION FEES		10	10
PARI-MUTUAL SALES AND ADMISSIONS		7	8
ALCOHOLIC BEVERAGE TAXES		4	4
CIGARETTE TAXES		10	10
INHERITANCE AND ESTATE TAXES		6	7

INSURANCE TAXES	3	3
MANUFACTURERS, CONTRACTORS AND		
MERCANTILE LICENSES	9	9
REAL ESTATE TRANSFER TAXES	2	3
OTHER	23	24
TOTAL	\$251	\$260
GOVERNOR'S ECONOMIC ADVISORY COUNCIL		
JANUARY 7, 1971		
Chart 1		

STATE OF DELAWARE
GENERAL FUND ESTIMATED DISBURSEMENTS
(EXPRESSED IN MILLIONS OF DOLLARS)
FISCAL 1972
\$ 263.9 MM.

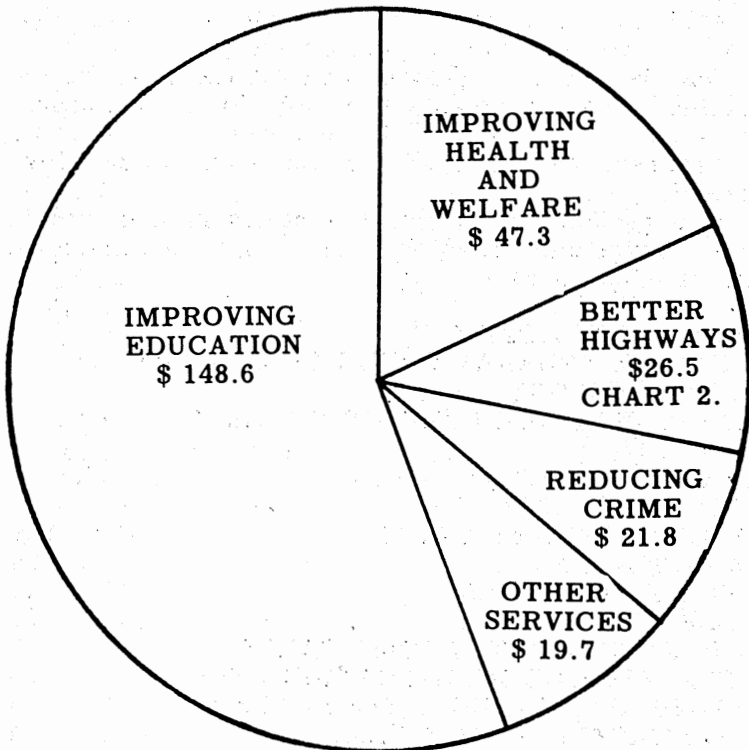


CHART 2.

STATE EXPENDITURES
FOR

TOTAL EDUCATION

FISCAL YEARS

1968 - 1972

(IN MILLIONS)

\$155,000,000

140,000,000

125,000,000

110,000,000

95,000,000

80,000,000

65,000,000

50,000,000

85.9

99.9

116.5

133.2

148.6

ESTIMATED

ESTIMATED

1968

1969

1970

1971

1972

PERCENTAGE OF
TOTAL
EXPENDITURES

53.9 %

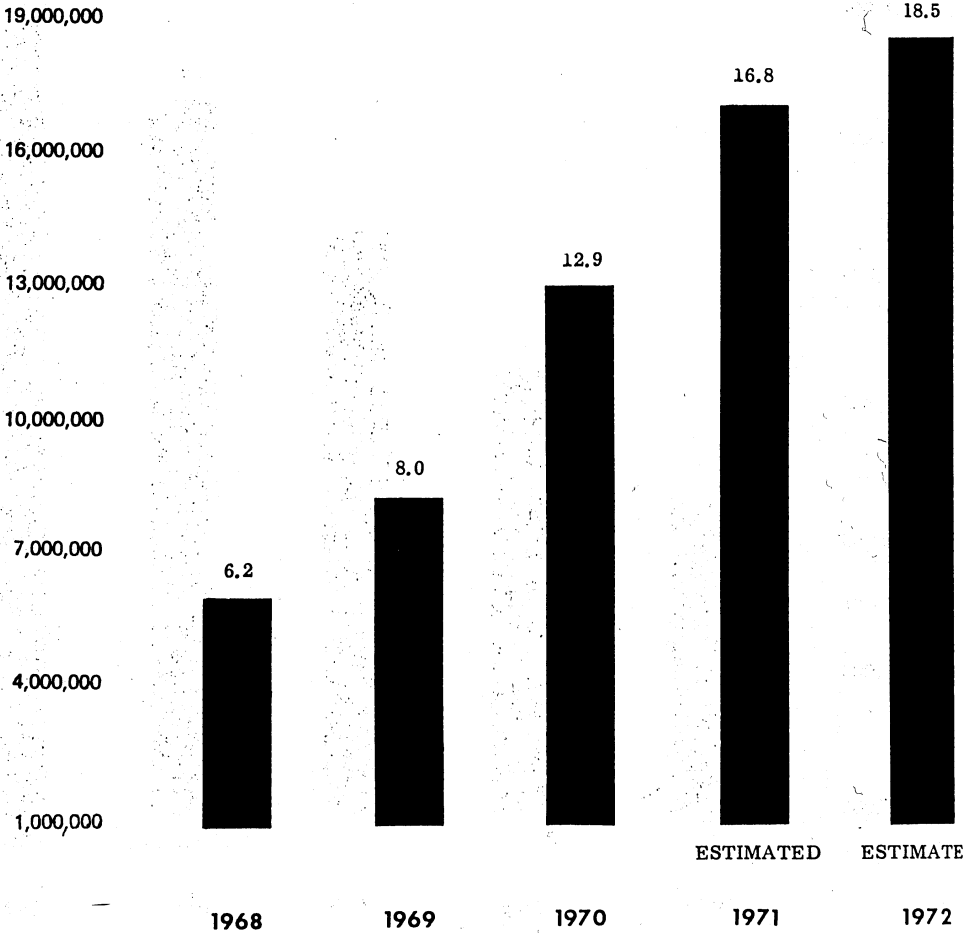
54.0 %

53.8 %

53.6 %

56.4 %

CHART 3

STATE EXPENDITURES
FOR**WELFARE**FISCAL YEARS
1968-1972
(IN MILLIONS)

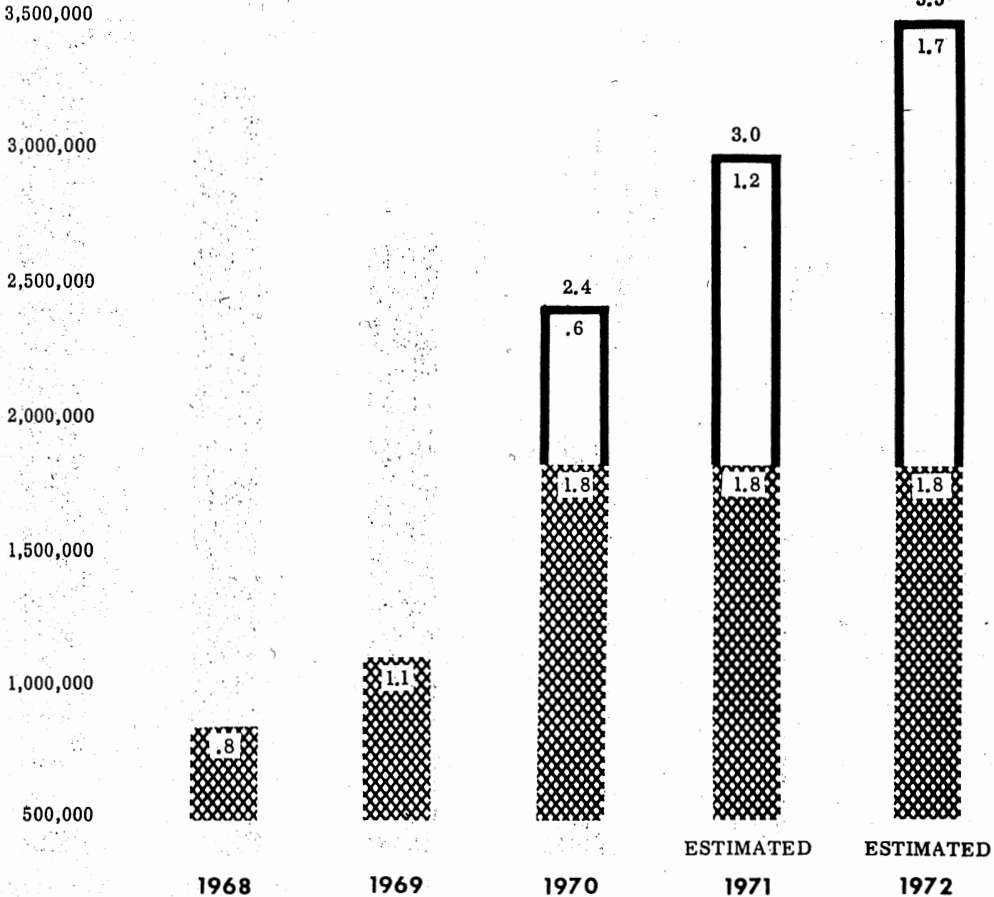
IN FISCAL 1970 THE STATE ASSUMED \$3.4 MILLION IN WELFARE COSTS
PREVIOUSLY PAID BY THE THREE COUNTY GOVERNMENTS

STATE EXPENDITURES
FOR
DIRECT AID TO HOSPITALS
AND
MEDICAID TO HOSPITALS


FISCAL YEARS

1968 - 1972

(IN MILLIONS)



 DIRECT AID

 MEDICAID

IN FISCAL 1970 THE STATE ASSUMED \$600,000 IN DIRECT AID TO HOSPITALS PREVIOUSLY PAID BY THE THREE COUNTY GOVERNMENTS

70% OF TOTAL STATE MEDICAID ESTIMATED AS AID TO HOSPITALS
(THE FEDERAL GOVERNMENT MATCHED THE STATE EXPENDITURE)

CHART 5

STATE EXPENDITURES
FOR

STATE AND LOCAL POLICE

FISCAL YEARS

1968 - 1970

(IN MILLIONS)

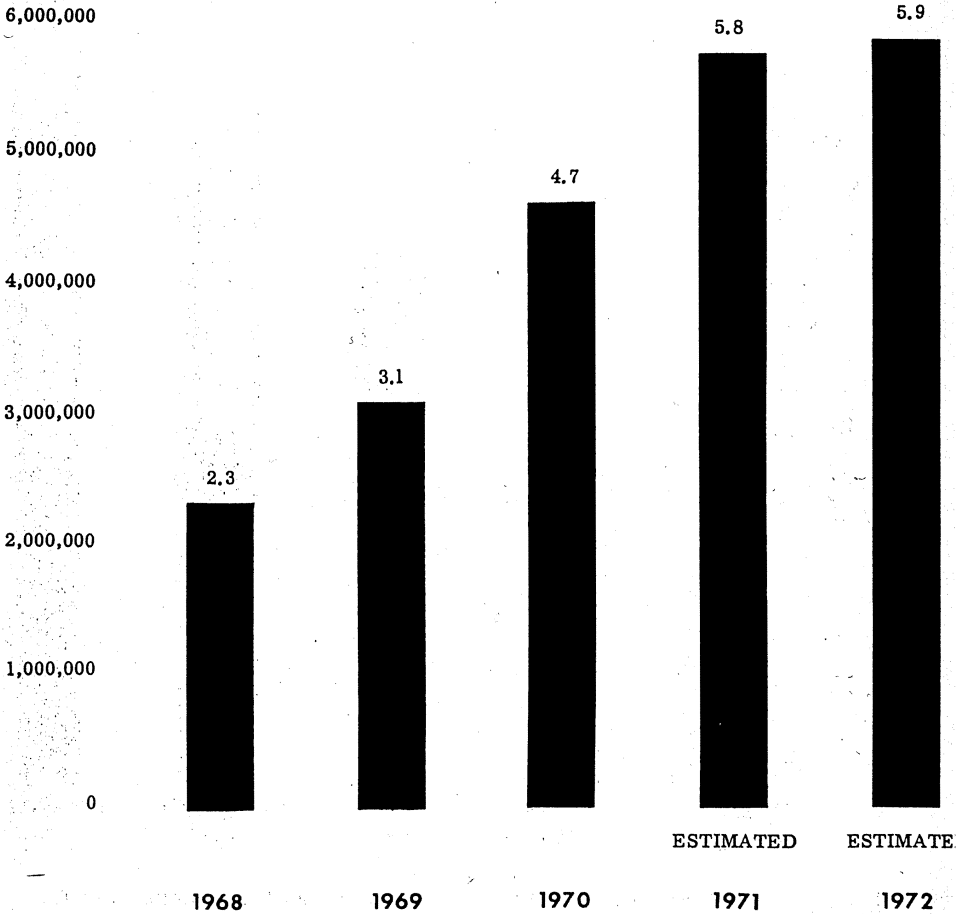


CHART 6

STATE EXPENDITURES

FOR

COURTS

FISCAL YEARS

1968 - 1972

(IN MILLIONS)

\$ 4,500,000

4,000,000

3,500,000

3,000,000

2,500,000

2,000,000

1,500,000

1,000,000

2.2

2.4

3.3

3.7

4.4

1968

1969

1970

ESTIMATED

1971

ESTIMATED

1972

IN FISCAL 1970 THE STATE ASSUMED \$ 1.2 MILLION IN COURT COSTS
PREVIOUSLY PAID BY THE THREE COUNTY GOVERNMENTS

CHART 7

STATE EXPENDITURES
FOR
TOTAL CORRECTIONS
FISCAL YEARS
1968 - 1972
(IN MILLIONS)

; 7,000,000

6,000,000

5,000,000

4,000,000

3,000,000

2,000,000

1,000,000

0

3.3

4.0

5.2

6.3

6.7

1968

1969

1970

1971

1972

ESTIMATED

ESTIMATED

Rep. Jarvis moved that the previously named committee escort the Governor from the Chamber.

Rep. Jarvis moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals.

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

Rep. Jarvis moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed. Joint session adjourned at 1:40 P.M.

The House convened at 3:07 P.M.

The following prefiled legislation was introduced:

HB 9 - An Act to Amend Chapter 175, Volume 52, Laws of Delaware, Being An Act Entitled 'An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for Their Payment'. Introduced by Rep. Justice. Referred to the Committee on Revenue & Finance.

HB 10 - An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Pensions for Employees of New Castle County. Introduced by Rep. Matushefske. Referred to the Committee on Highways & Transportation.

HB 11 - An Act to Amend Title 16 of the Delaware Code with Reference to the Littering of Public or Private Property and the Depositing of Refuse in Navigable Waters. Introduced by Rep. Moerschel. Referred to the Committee on Environmental Control.

HB 12 - An Act to Amend Section 2004, Chapter 20, Title 14, Delaware Code, Relating to Construction of Facilities Exceeding the Standard School Construction Formula. Introduced by Rep. Poulterer & Others. Referred to the Committee on Education.

HB 13 - An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware. Introduced by Rep. Murphy. Referred to the Committee on Judiciary.

HB 14 - An Act Providing for Warranties in the Sale of Dwellings. Introduced by Rep. Moerschel. Referred to the Committee on Labor and Commerce.

HB 15 - An Act to Amend Subchapter 1, Chapter 5, Title 7 of the Delaware Code, Pertaining to Hunting, Trapping and Fishing Licenses and the Exceptions Thereto. Introduced by Rep. Billingsley. Referred to the Committee on Natural Resources.

HB 16 - An Act to Require a Certificate of Origin to Accompany Applications for Titles to New Motor Vehicles. Introduced by Rep. Billingsley. Referred to the Committee on Public Safety.

HB 17 - An Act to Amend Title 7, Delaware Code, Chapter 5, Section 512, Relating to Term of License. Introduced by Rep. Billingsley. Referred to the Committee on Natural Resources.

HB 18 - An Act to Amend Chapter 7, Title 4 of the Delaware Code, Relating to the Prohibition of Sales of Alcohol to Certain Persons. Introduced by Rep. Billingsley. Referred to the Committee on Health & Social Services.

HB 19 - An Act to Amend Subchapter III, Chapter 1, Title 10 of the Delaware Code, Pertaining to Opinions Rendered by the Justices of the Supreme Court and Allowing the Governor and Members of the General Assembly Access to Advisory Opinions Under Certain Circumstances. Introduced by Rep. Billingsley. Referred to the Committee on Judiciary.

HB 20 - An Act to Amend Section 9602, Title 9, Delaware Code, Relating to the Salary of the Recorder of Deeds In and For New Castle County. Introduced by Rep. Little & Others. Referred to the Committee on Community Affairs.

HB 21 - An Act Making Appropriations For the Expense of the State Government For the Fiscal Year Ending June 30, 1972. Introduced by Rep. Leshner & Others. Referred to the Committee on Appropriations.

HB 22 - An Act To Repeal Subsection (f) and To Amend Subsection (g) of Section 543, Title 4, Delaware Code, Relating to Alcoholic Liquors by Repealing the Requirement of Distances Between Establishments Licensed by the Commission. Introduced by Rep. Billingsley. Referred to the Committee on Health & Social Services.

Rep. Little asked to be marked present.

HJR 2 - In Memory of Delawareans Dr. James M. Chase, David Gamberg, Turner B. Hastings, Mathew E. Mitten, and James G. Smith, Jr. Who Died In A Plane Crash in Vermont. Introduced by Rep. Gruwell.

Rep. Gruwell moved that the rules be suspended for the sole purpose of acting on **HJR 2**. Motion carried.

Roll Call on **HJR 2** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Dillman, Dobberstein, Gordy, Gru-

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

ABSENT: Derrickson, Harkins, Miller - 3.

HJR 2 having received a majority was declared adopted by the House.

HCR 2 - Memorializing the Congress of the United States to Call a Constitutional Convention For the Purpose of Proposing a Constitutional Amendment Providing For a Return of Tax Monies From the Federal Government to the Several States. Introduced by Rep. Hering & Others.

Rep. Hering requested privilege of the floor to make remarks regarding **HCR 2**. Motion carried.

Roll Call on **HCR 2** revealed:

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

ABSENT: Derrickson, Harkins, Miller - 3.

HCR 2 having received a constitutional majority was declared adopted by the House.

HR 9 - Recognizing the Excellent Poems Written and Presented By Some Students of Lombardy School on Delaware Day, 1970. Introduced by Rep. Little. Adopted by voice vote.

SB 2 - An Act To Amend Section 1118, Title 30, Delaware Code, Relating to Deductions Allowed in Computing Net Income. Introduced by Senators Steel and Slawik. Referred to the Committee on Revenue and Finance.

SB 3 - An Act To Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing. Introduced by Senators Steel & Slawik. Referred to the Committee on Revenue and Finance.

SJR 1 - Extending Best Wishes For Success to Warren J. Gehrt on his Appointment as Superintendent of the Hospital For The Mentally Retarded. Introduced by Sen. Slawik. Referred to the Committee on Health & Social Services.

HR 10 - Regarding Consideration of Reapportionment as the First Order of Business of The 126th

General Assembly. Introduced by Rep. Tribbitt & Others. Rep. Tribbitt moved that HR 10 be deferred. Motion carried.

The House recessed at 3:45. Reconvened at 4:15.

HR 11 - Expressing Birthday Wishes to Chief Clerk of the House, Louise 'Twinkie' Smith. Introduced by Rep. Jarvis. Adopted by voice vote.

The Senate informed the House that it passed HJR 2.

Committee Reports: Revenue & Finance: HB 2 - 2 favorable, 4 on its merits; Education: HB 12 - 4 favorable, 2 on merits; Public Safety: HB 16 - 1 favorable, 3 on merits; Community Affairs: HB 20 - 4 favorable; Health & Social Services: SJR 1 - 4 favorable.

The House recessed to the call of the Chair at 4:20 P.M.

4th LEGISLATIVE DAY

January 21, 1971

The Speaker called the House to order at 1:38. The Majority Leader moved to adjourn at 1:39, thereby ending the previous legislative day. The House reconvened at 1:39.

There was a prayer by the Chaplain, Rev. Olin J. Shockley, United Methodist Church, Hillcrest.

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

The Chief Clerk called the roll. Roll call revealed 36 present, 3 absent.

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

Absent: Heckert, Hering, Miller - 3. Heckert marked present later.

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

The following prefiled legislation was introduced.

HB 23 - An Act To Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of Jefferson Farms Swim Club, Inc., From Assessment and Taxation. Introduced by Rep. Connor. Assigned to Committee on Revenue & Finance.

HB 24 - An Act To Amend Title 21, Delaware Code, Relating to the Discretionary Revocation of Operator's License. Introduced by Rep. Little. Assigned to Committee on Public Safety.

HB 25 - An Act To Amend Title 21, Delaware Code, Relating to the Penalty for Leaving the Scene of an Accident. Introduced by Rep. Little. Assigned to Committee on Public Safety.

HB 26 - An Act To Amend Chapter 125, Volume 56 of the Laws of Delaware, Lowering the Voting Age of a Resident to Eighteen (18) Years of Age From the Present Requirement of Twenty-One (21) Years of Age. Introduced by Rep. Heckert. Assigned to Judiciary Committee.

HB 27 - An Act To Amend Chapter 3, Title 11 of the Delaware Code, Concerning the Crime of Assault, Generally. Introduced by Rep. Riddagh. Assigned to Judiciary Committee.

SB 20 - An Act To Amend Chapter 7, Title 29, Delaware Code, By Adding Thereto a New Section 710 Permitting the General Assembly to Request Judicial Opinions From the Supreme Court of the State of Delaware. Introduced by Sen. Isaacs. Assigned to Judiciary Committee.

SCR 3 - Expressing the Congratulations of The 126th General Assembly to the 1970 University of Delaware Football Team and its Coach Harold "Tubby" Raymond for a Successful Season and a Third Consecutive Boardwalk Bowl Victory.

WHEREAS, the Members of the Senate and House of the 126th General Assembly are indeed pleased and proud of the record and conduct of the 1970 University of Delaware Blue Hens football team and of its Coach Harold "Tubby" Raymond; and

WHEREAS, the University of Delaware Blue Hens were named sole recipients of the Lambert Cup, emblematic of supremacy among eastern middle-sized colleges; and

WHEREAS, the University of Delaware Blue Hens for the third consecutive year were invited to play in the Atlantic City Boardwalk Bowl, the champion-

ship event of NCAA football in the East; and

WHEREAS, the University of Delaware Blue Hens kept their Boardwalk Bowl record unblemished by downing Morgan State in a thrilling 38 - 23 contest; and

WHEREAS, Coach Raymond and the University of Delaware Blue Hens football squad have once more distinguished themselves as outstanding sportsmen on and off the gridiron; and

WHEREAS, the Members of the Senate of the 126th General Assembly of the State of Delaware, the House of Representatives joining herein, are extremely proud of their football representatives from the University of Delaware campus;

NOW THEREFORE:

BE IT RESOLVED that the Senate of the 126th General Assembly of the State of Delaware, the House of Representatives concurring herein, send loud and sincere cheers of praise and thanks to Coach Harold "Tubby" Raymond, all of his assistants and to all the Members of the 1970 University of Delaware Blue Hen football squad.

BE IT FURTHER RESOLVED, that a copy of this Senate Concurrent Resolution be entered on the Journal of the Senate and House of Representatives; and

BE IT FURTHER RESOLVED, that copies be delivered to Coach Raymond, to Dr. E. A. Trabant, President of the University of Delaware, to Dr. George M. Worrilow, Vice President of the University of Delaware, and to Dave Nelson, Athletic Director of the University of Delaware.

SCR 3 was introduced by Sen. Holloway. Adopted by voice vote.

SCR 7 - Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Legislative Building Committee of the First Session of The 126th General Assembly. Introduced by Sen. Manning. On motion of Rep. Jarvis SCR 7 was adopted by voice vote.

The House recessed to the call of the Chair at 1:50 for Majority Caucus.

The House reconvened at 2:45.

The following prefiled legislation was introduced.

HB 28 - An Act To Amend Chapter 1, Title 10 of the Delaware Code, Relating to Advisory Opinions by the Justices of the Supreme Court: and Providing For the Briefing of Issues Submitted by the Governor: and Requiring Notification to the General Assembly.

Introduced by Rep. Hering and co-sponsored by Rep. Jarvis, Rep. Mears and Rep. Hearn. Assigned to Judiciary Committee.

HB 29 - "An Act To Amend Title 21, Delaware Code, Relating to Projections From Periphery of Tire." Introduced by Rep. Leshner. Assigned to Committee on Public Safety.

HA 1 to HB 4 introduced by Rep. Dillman. Placed with bill.

Rep. Heckert asked to be marked present.

HR 12 - "Expressing Happy Birthday Wishes to House Speaker William L. Frederick and Representative Thomas L. Little." Introduced by Rep. Boulden and Others. Adopted by voice vote.

Rep. Tribbitt requested privilege of floor to discuss **HB 21**. Privilege granted.

HB 30 - "An Act To Amend Title 16, Delaware Code, Chapter 10, Relating to Reporting of Cases of Abuse to Children." Introduced by Rep. Seibel. Assigned to Health & Social Services Committee.

Agenda:

HB 20 having had its final reading was again before the House for consideration, on motion of Rep. Little.

HB 20 - "An Act To Amend Section 9602, Title 9, Delaware Code, Relating to the Salary of the Recorder of Deeds in and for New Castle County."

Roll Call revealed:

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

NOT VOTING: Billingsley - 1.

ABSENT: Hering, Miller - 2.

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

HB 2 having had its final reading was again before the House for consideration, on motion of Rep. Berndt.

HB 2 - "An Act To Amend Subchapter II, Chapter 3, Title 28 of the Delaware Code, Relating to Racing Applications, Award of Dates, and Maximum Racing Days."

Roll Call revealed:

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

NAYS: Gruwell, Smith - 2.

ABSENT: Hering, Miller - 2.

HB 2 having received a constitutional majority was declared passed by the House.

HB 16 having had its final reading was again before the House for consideration, on motion of Rep. Billingsley.

HB 16 - "An Act To Require a Certificate of Origin to Accompany Applications for Titles to New Motor Vehicles."

Privilege of the floor was granted Mr. Russell Whitby, former Motor Vehicle Commissioner, to answer Questions regarding HB 16.

Privilege of the floor was granted Mr. John Mulford, House Attorney to answer questions.

On motion of Rep. Billingsley, HB 16 was deferred until the next legislative day.

SJR 1 having had its final reading was again before the House for consideration, on motion of Rep. Weiss.

SJR 1 - "Extending Best Wishes for Success to Warren J. Gehrt on his Appointment as Superintendent of the Hospital For The Mentally Retarded."

Roll Call revealed:

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

ABSENT: Hering, Miller - 2.

SJR 1 having received a majority was declared adopted by the House.

HB 12 having had its final reading was again before the House for consideration, on motion of Rep. Poulterer.

HB 12 - "An Act To Amend Section 2004, Chapter 20, Title 14, Delaware Code, Relating to Construction of Facilities Exceeding the Standard School Construc-

tion Formula."

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

ABSENT: Hering, Miller - 2.

HB 12 having received a constitutional majority was declared passed by the House.

The House recessed to the call of the Chair at 3:30 P.M. Reconvened at 4:09.

The following prefiled legislation was introduced:

HJR 3 - "Relative to Appropriating Funds to Legislative Council to Underwrite the Expense of Reapportioning the General Assembly." Introduced by Rep. Jarvis. Assigned to Appropriations.

HR 13 - "Expressing the Appreciation of the Delaware House of Representatives to William D. Guthrie for his Outstanding Leadership as Chairman of the Public Service Commission."

WHEREAS, throughout his tenure of eighteen months as Chairman of the Public Service Commission, William D. Guthrie has provided that commission with forceful leadership; and

WHEREAS, the Public Service Commission as the utility regulatory agency of the State of Delaware greatly benefited from his capable and competent leadership;

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 126th General Assembly of the State of Delaware, that the House acknowledges the outstanding leadership provided by William D. Guthrie to the Public Service Commission and the assembled members of the House wish him every success in the projects he is about to undertake.

BET IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the House of Representatives of the 126th General Assembly of the State of Delaware and a copy be forwarded to the family of Mr. Guthrie.

Introduced by Rep. Knox. Adopted by voice vote.

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

SB 8 - "An Act To Amend Section 4974, Title 10, Delaware Code, Relating to Place for Public Sale of Real Estate." Introduced by Sen. Castle. Assigned to Judiciary Committee.

SB 35 - "An Act To Validate a Bond Election Held in the Alexis I. duPont School District, Delaware." Introduced by Sen. Steele. Assigned to Education Committee.

SB 52 - "An Act Authorizing the Treasurer of the State of Delaware to Advance \$78,000 From the General Fund to the State Department of Public Instruction to Expedite the Completion of Necessary Water and Sewer Facilities for the H. B. duPont Middle School in the Alexis I. duPont School District." Introduced by Sen. Steele. Assigned to Education Committee.

SJR 2 - "Extolling the Championship Middletown High School Football Team and its Coach, Bill Billings."

WHEREAS, the members of the brand new 126th General Assembly are anxious to extoll the outstanding feats of the 1970 Middletown Cavaliers High School football team and its coach, Bill Billings; and

WHEREAS, the Middletown High School football team guided by its incomparable coach, Bill Billings, won the Class B. Championship of the Blue Hen Conference with a record of ten wins and no losses; and

WHEREAS, Coach Bill Billings in nine seasons as head coach of the Middletown team has compiled an amazing mark of 81 victories against only three defeats; and

WHEREAS, Coach Billings was acclaimed by his peers as 1970 high school "Coach-of-the-year" for an unprecedented third time; and

WHEREAS, the Middletown Cavaliers football team were officially rated the number one high school football team of 1970 in the State of Delaware by the Dunkel rating system; and

WHEREAS, the Middletown team and its coach, throughout a victorious season displayed exemplary conduct on an off the gridiron;

NOW, THEREFORE:

BE IT RESOLVED, that the Senate and House of Representatives jointly express their most sincere congratulations to Coach Bill Billings, to his assistants, and to all members of the 1970 Middletown High School football team for their outstanding championship season; and

BE IT FURTHER RESOLVED that a copy of this Joint Resolution be entered on the Journals of the Senate and House; and

BE IT FURTHER RESOLVED that copies be delivered to Coach Billings, to Mr. Dallas Ashby, Principal of Middletown High School, and to Mr. William Keene, Superintendent of the Appoquinimink School District.

Introduced by Sen. Isaacs. Assigned to Education Committee.

Committee Reports:

House Administration: HJR 1, 5 favorable; Natural Resources: HB 7, 2 favorable, 4 on merits; Natural Resources: HB 17, 6 on merits; Public Safety: HB 29, 4 favorable, 1 on merits; Public Safety: HB 24, 4 favorable, 1 on merits; Public Safety: HB 25, 5 on merits; Revenue & Finance: HB 23, 3 on merits, 3 unfavorable; Revenue & Finance: HB 9, 1 favorable, 5 on merits; Revenue & Finance: SB 3, 6 on merits; Revenue & Finance: SB 2, 5 on merits, 1 unfavorable.

The House recessed to the call of the Chair at 4:17 P.M.

5th LEGISLATIVE DAY

The Speaker called the House to order at 1:37 P.M. The Majority Leader moved to adjourn at 1:38 P.M., thereby ending the previous legislative day. The House reconvened at 1:38 P.M.

There was a prayer by the Chaplain Rev. Robert Plowman.

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

Members present: Berndt, Billingsley, Boulden, Connor, 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, Wright, Mr. Speaker Frederick - 37.

Absent: Clendaniel, Justice - 2. (Rep. Justice marked present later.)

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

The Senate informed the House that it passed HCR 2.

The Speaker announced that Robert's Rules of Order were made available to all members of the House of Representatives and were to become the property of the House of Representatives.

The following prefiled legislation was introduced:

HB 31 - "An Act To Amend Chapter 6, Title 14 of the Delaware Code, Authorizing the Payment of Tuition for Inmates of Children's Homes or Institutions." Introduced by Rep. Heckert. Assigned to Education.

HB 32 - "An Act To Amend Title 14 of the Delaware Code, Changing the Name of the 'Delaware Institute of Technology' to 'Delaware Technical and Community College'." Introduced by Rep. Heckert. Assigned to Education.

HB 33 - "An Act To Amend Sections 1092, 1201, 1202, and 1312 of Title 14, Delaware Code, Relating to Qualifications of Employees of a Reorganized School District and Teacher Certification." Introduced by Rep. Heckert. Assigned to Education.

HB 34 - "An Act To Amend Subchapter XXXVIII, Title 11, Delaware Code, Relating to Outdoor Motion Picture Theatres Which Exhibit Restricted Films." Introduced by Rep. Seibel - co-sponsored by Rep. Billingsley. Assigned to Judiciary.

HB 35 - "An Act To Amend Subchapter XVI, Chapter 4, Title 11 of the Delaware Code, Pertaining to the Possession of Deadly Firearms During the Commission of a Felony." Introduced by Rep. Riddagh. Assigned to Judiciary.

HB 36 - "An Act To Amend Part IV, Chapter 41, Title 15, of the Delaware Code, Relating to Elections: and Providing for Maps Showing Representative Districts to be Located at Each Polling Place." Introduced by Rep. Poulterer. Assigned to Judiciary.

HB 37 - "An Act To Amend Chapter 50, Title 15 of the Delaware Code, Providing for the Use of Ballot Boxes and Manual Ballots Upon the Occasion of Voting Machine Breakdowns." Introduced by Rep. Poulterer. Assigned to Judiciary.

HB 38 - "An Act To Require a Certificate of Origin to Accompany Applications for Titles to New Motor Vehicles." Introduced by Rep. Billingsley. Assigned to Public Safety.

HCR 3 - "Urging Senators Boggs and Roth and Representative duPont to Initiate Federal Legislation to Prevent the Dumping of Waste Material and Refuse

Into the Atlantic Ocean Within One Hundred Miles of the State of Delaware, State of New Jersey and State of Maryland." Introduced by Rep. Derrickson. After suggestion of Rep. Heckert, Rep. Derrickson moved that **HCR 3** be referred to committee. **HCR 3** was referred to Committee on Environmental Control.

HR 14 - "Congratulating Bill Skinner for his Athletic Achievements and for Being Named Delaware's Outstanding Athlete for 1970.

WHEREAS, the members of the House of Representatives of the 126th General Assembly have received the good news that the Wilmington Sports-writers and Broadcasters Association has named javelin thrower Bill Skinner Delaware's most Outstanding Athlete in 1970; and

WHEREAS, Bill Skinner, a resident of Penn Acres in New Castle County, has received acclaim throughout the world for his accomplishments; and

WHEREAS, Bill Skinner, a senior at the University of Tennessee, won the coveted United States NCAA and AAU titles during 1970 with tosses exceeding 270 feet; and

WHEREAS, West German Chancellor Willy Brandt cited Bill Skinner for an outstanding achievement after a meet in Stuttgart, Germany, in which Skinner tossed the javelin 291 feet, 10 inches; and

WHEREAS, Bill Skinner in July 1970 became the first American ever to defeat the reigning Russian Olympic Champion, Jan Lysis; and

WHEREAS, the House wishes to show its appreciation to Bill Skinner for his fantastic sports exploits, especially being named Delaware's Outstanding Athlete,

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the 126th General Assembly convey warm and sincere congratulations to Bill Skinner, a fine American from the State That Started a Nation; and

BE IT FURTHER RESOLVED that this Resolution be entered on the Journal of the House and a copy be sent to Bill Skinner and his Family living in Penn Acres, New Castle, Delaware.

Introduced by Rep. Boulden and Others. Adopted by voice vote.

HA 1 to **HB 9** introduced by Rep. Hearn. Placed with bill.

HA 2 to HB 9 introduced by Rep. Heckert. Placed with bill.

Committee Report: From Judiciary - **HB 28**, 6 favorable.

The House recessed at 2:03 P.M. Reconvened at 3:22 P.M.

Rep. Justice requested to be marked present.

The following prefiled legislation was introduced:

HA 1 to SB 2 introduced by Rep. Leshner. Placed with bill.

Committee Reports:

Education: **SB 35**, 2 favorable, 3 on merits; **SB 52**, 2 favorable, 3 on merits; **SJR 2**, 3 favorable, 2 on merits.

On motion of Rep. Justice, **HB 9**, as amended, was again before the House for consideration.

HB 9 with **HA 1, 2** - "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.'"

Rep. Clendaniel asked to be marked present.

On motion of Rep. Justice, roll call on **HB 9** was tabled. Privilege of the floor was granted to Mr. Victor Battaglia, City Solicitor, City of Wilmington, to explain the bill.

Rep. Hearn moved for adoption of **HA 1 to HB 9** revealed:

YEAS: Berndt, Boulden, Hearn, Heckert, Tribbitt - 5.

NAYS: Billingsley, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hering, Jarvis, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Weiss, Wright, Mr. Speaker Frederick - 31.

NOT VOTING: Gruwell, Johnson - 2.

ABSENT: Mears - 1.

HA 1 to HB 9, not having received a majority, was declared defeated in the House.

Rep. Heckert moved to table **HA 2 to HB 9**. Motion carried.

Rep. Justice moved for a roll call vote on **HB 9**. Roll call tabled.

HJR 1 with **HA 1** having had its final reading was again before the House for consideration.

HJR 1 with HA 1 - "Delegating Full Powers to the Legislative Council of the 126th General Assembly in the Determination of the Composition and Reapportionment of the General Assembly, and Authorizing the Legislative Council to Promulgate Such Additional Regulations and to Delegate Such Matters as it May Deem Proper in the Execution of this Resolution.

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

Roll Call on **HJR 1 with HA 1** revealed:

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

ABSENT: Jonkiert - 1.

HJR 1 with HA 1 having received a majority was adopted.

On motion of Rep. Billingsley **SB 2** was given its final reading and was again before the House for consideration.

SB 2 - "An Act To Amend Chapter 9, Title 28, Delaware Code, Relating to Miscellaneous Provisions." Introduced by Senator Steele.

HA 1 to SB 2. Rep. Billingsley moved that **HA 1** be stricken. Motion carried.

HA 2 to SB 2 introduced by Rep. Gordy.

Roll Call on **HA 2 to SB 2** revealed:

YEAS: Berndt, Clendaniel, Connor, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harrington, Leshner, Mears, Miller, Moerschel, Riddagh, Smith, Tribbitt - 16.

NAYS: Billingsley, Boulden, Dillman, Harkins, Hearn, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Matushefske, Murphy, Orth, Poulterer, Quillen, Seibel, Weiss, Wright, Mr. Speaker Frederick - 21.

NOT VOTING: Jonkiert - 1.

ABSENT: Little - 1.

HA 2 to SB 2 not having received a majority was declared lost.

Privilege of the floor was granted to Mr. Baird Brittingham, President of Delaware Park.

Roll Call on **SB 2 with SA 1** revealed:

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

NAYS: Berndt, Clendaniel, Cordrey, Derrickson, Dobberstein, Gordy, Gruwell, Harrington, Kirk, Leshar, Mears, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Mr. Speaker Frederick - 18.

NOT VOTING: Connor - 1.

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

On motion of Rep. Billingsley **SB 3** was before the House for consideration.

SB 3 - "An Act To Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing."

Roll Call revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Dillman, Dobberstein, Harkins, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Knox, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Seibel, Weiss, Wright - 26.

NAYS: Clendaniel, Cordrey, Derrickson, Gordy, Gruwell, Harrington, Kirk, Leshar, Mears, Riddagh, Smith, Tribbitt, Mr. Speaker Frederick - 13.

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

Committee Report:

Appropriations: **HJR 3**, 6 favorable.

The following prefiled legislation was introduced:

HB 39 - "An Act Relating to the Operation of Motor Vehicles on Public Beaches." Introduced by Rep. Quillen. Assigned to Natural Resources Committee.

HB 40 - "An Act To Amend Chapter 75, Title 16, Delaware Code, Relating to Buildings Requiring Fire Escapes." Introduced by Rep. Matushefske. Assigned to Health & Social Services Committee.

HR 15 - "Extending the Sympathy of the House of Representatives to Representative Charles S. Miller Upon the Death of his Grandmother."

WHEREAS, The Members of the House of Representatives of the 126th General Assembly have learned with deep regret of the death of Mrs. Brooksie M. Austin Crummel, Grandmother of Representative Charles S. Miller; and

WHEREAS, the Members of the House wish to make a permanent and public record of their sympathy

for Representative Miller and his family at this time;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the 126th General Assembly of the State of Delaware, that the sincere and heartfelt sympathy of all the members of the House is hereby extended to Representative Charles S. Miller and the members of his family upon the loss of his Grandmother, Mrs. Brooksie M. Austin Crummel; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be spread upon the Journal of the House and a copy thereof sent to Representative Charles S. Miller and family.

Introduced by Rep. Johnson. Rep. Johnson moved to adopt HR 15 by voice vote. Motion carried.

SB 19 - "An Act To Amend Chapter 175, Volume 52, Laws of Delaware, Being An Act Entitled 'An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for their Payment.'" Introduced by Sen. Castle. Assigned to Revenue & Finance Committee.

SB 38 - "An Act To Amend Chapter 43, Title 29 of the Delaware Code, Regarding the Appointment of Notaries Public for Certain Service Organizations." Introduced by Sen. Cicione. Assigned to Judiciary Committee.

SB 42 - "An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Purpose of Correcting the Drainage Problem Created During the Construction of State Highway Route No. 14 and to Overcome Frequent Flooding Due to Tidewater Backup." Introduced by Sen. Hickman. Assigned to Appropriations Committee.

SB 44 - "An Act Making a Supplementary Appropriation From the General Fund of the State in the Amount of \$47,000 to the Crippled Children's Section of the Division of Maternal, Child and Crippled Children's Services of the Division of Physical Health of the Department of Health and Social Services." Introduced by Sen. Conner. Assigned to Health & Social Services Committee.

HCR 4 - "Providing For a Joint Committee to Investigate the Circumstances Surrounding the Resignation of John Kramedas From His Position as Federal-State Highway Safety Coordinator in the Department of Public Safety." Introduced by Rep. Tribbitt. Assigned to Public Safety Committee.

HCR 5 - "Expressing the Appreciation of the 126th General Assembly of the State of Delaware to John J. Williams For His Forthright Leadership in the United States Senate From 1946 to 1970."

WHEREAS, the House of Representatives of the 126th General Assembly of the State of Delaware notes with regret that John J. Williams, of Millsboro, has carried out his intention not to run again for the high office of United States Senator; and

WHEREAS, the decision of John J. Williams not to run again was based on a matter of principle which he stood by after long consideration and study; and

WHEREAS, the decision that John J. Williams made not to seek a fifth term in the United States Senate was entirely characteristic of the strong, upright and forthright decisions he had made many times during his career as a United States Senator; and

WHEREAS, the 92nd Congress of the United States, just convened, will miss his considered and temperate approach to legislation and his continued interest in maximizing government efficiency; and

WHEREAS, the members of the 126th General Assembly of the State of Delaware agreeing that the public career of former Senator John J. Williams is a model and example of public service for all men and women; and

WHEREAS, the presentation of this concurrent resolution presents the opportunity for the members of the 126th General Assembly to express their most sincere appreciation for the outstanding service that former Senator Williams has rendered this State and Nation;

NOW THEREFORE:

BE IT RESOLVED, that the House of Representatives of the 126th General Assembly, the Senate concurring therein, takes this opportunity to express the most sincere appreciation of its members for the unexampled career of formed United States Senator John J. Williams; and

BE IT FURTHER RESOLVED, that the 126th General Assembly of the State of Delaware wishes by this concurrent resolution to call attention to people everywhere of the high respect in which the citizens of the State of Delaware hold Senator Williams for his integrity and wisdom; and

BE IT FURTHER RESOLVED, that the 126th General Assembly of the State of Delaware wishes

to call attention also to the unusual and inspiring example of self-denial exemplified by Senator Williams in refusing because of advancing age to seek a fifth term in the United States Senate despite the widespread public demand that he continue as a member of the United States Senate; and

BE IT FURTHER RESOLVED, that all citizens of Delaware, of all ages, have the right to be exceptionally proud of this outstanding yet humble man who was known as the Conscience of the Senate and **Mr. Integrity**; and

BE IT FURTHER RESOLVED, that by this concurrent resolution all of the members of the 126th General Assembly take pride in expressing to former Senator Williams their warm personal regard, their esteem and their most sincere hope that in retirement he will continue to raise a standard for all citizens to rally to; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to former United States Senator John J. Williams, to the Secretary of the United States Senate, and to the Division of Archives and Cultural Affairs; and further, that a copy be inserted in the official Journals of the proceedings of the 126th General Assembly, and that copies be distributed to the press, radio and television media.

Introduced by Rep. Tribbitt.

Roll Call on **HCR 5** 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.

HCR 5, having received a majority vote, was adopted.

On motion of the Majority Leader, the House recessed at 5:20 P.M.; reconvened at 5:25 P.M.

Committee Reports:

Public Safety: **HB 38**, 6 favorable; Health & Social Services: **SB 44**, 5 favorable, 1 on its merits; Revenue & Finance: **SB 19**, 2 favorable, 2 on its merits.

Rep. Boulden introduced former Rep. Laird Stabler of the 125th General Assembly, presently Attorney General of Delaware.

The House recessed to the Call of the Chair at 5:33 P.M.

January 28, 1971

6th LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M. The Majority Leader moved to adjourn at 1:41 P.M., thereby ending the previous legislative day. The House reconvened at 1:41 P.M.

There was a prayer by the Chaplain Robert Plowman, Church of the Living Word, Wilmington, Delaware.

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

Members present: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Knox, Leshar, Little, Matushefske, Mears, Miller, Moerschel, Orth, Poulterer, Quillen, Riddagh, Tribbitt, Weiss, Mr. Speaker Frederick - 33.

Absent: Seibel - 1.

Late: Gruwell, Kirk, Murphy, Smith, Wright. All were marked present later.

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

Communications: On motion of Rep. Riddagh the following was read in and made a part of the House Journal.

RESOLUTION: "To Delaware Federation of Republican Women's Eighteenth Annual Convention, Maple Dale Country Club, Dover."

WHEREAS,

The Kent County Republican Women's Club recognizes the alarming increase in crime in the State - with concern that our society is threatened by a minority whose actions, disregarding the rights of the majority, would reduce us to a state of anarchy. THEREFORE, we would hereby resolve

1. That law and order be restored and maintained throughout the three counties of this State of Delaware.

2. That to this end we endorse strict enforcement of existing laws.

3. That lawbreakers be given a speedy and just trial, with sentences imposed to fit the crime, with more concern for the victim and less concern for technicalities.

4. That the General Assembly enact enabling legislation into the laws and statutes of this State, to the untimate, as is needed to protect and guarantee the common good of society.

5. So that each of us may enjoy the Blessing of "Life, Liberty and the Pursuit of Happiness", with Freedom from Fear - and preserve these precious endowments for posterity.

Mrs. Martin Moffitt, President

Kent County Republican Women's Club

The following prefiled legislation was introduced:

HB 41 - "An Act To Amend Title 4 of the Delaware Code, Relating to the Importation of Alcoholic Liquors." Introduced by Rep. Billingsley. Assigned to Committee on Revenue & Finance.

HB 42 - "An Act To Amend Chapter 9, Title 28, of the Delaware Code, Relating to Regulation of Public Entertainment of Sundays." Introduced by Rep. Berndt. Assigned to Committee on Community Affairs.

HA 1 to HB 25 introduced by Rep. Little. Placed with bill.

HA 1 to HB 24 introduced by Rep. Little. Placed with bill.

HA 1 to SB 19 introduced by Rep. Hearn. Placed with bill.

HA 1 to HB 28 introduced by Rep. Hering. Placed with bill.

HR 16 - "Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the General Assembly." Introduced by Rep. Jarvis. On motion of Rep. Jarvis **HR 16** was adopted by voice vote. Motion carried.

HR 17 - "Relating to Payment of Chaplains." Introduced by Rep. Jarvis. On motion of Rep. Jarvis **HR 17** was adopted by voice vote. Motion carried.

HA 1 to HB 7 introduced by Rep. Heckert. Placed with bill.

House recessed at 1:50 P.M., reconvened at 3:07 P.M.

The following Representatives asked to be marked present: Smith, Wright, Kirk, Murphy, Gruwell.

Rep. Miller requested that the House recognize the St. Peters School students.

SB 44 having had its final reading was before the House for consideration, on motion of Rep. Weiss.

SB 44 - "An Act Making a Supplementary Appropriation From the General Fund of the State in the Amount of \$47,000 to the Crippled Children's Section of the Division of Maternal, Child and Crippled Children's Services of the Division of Physical Health of the Department of Health and Social Services." Introduced by Sen. Conner.

Privilege of the floor was granted Dr. Catherine Middleton, Director, Maternal, Child & Crippled Children's Services, Div. of Physical Health, Dept. of Health & Social Services.

Rep. Hering moved that **SB 44** be deferred so that an amendment could be prepared. Motion carried.

HB 23 having had its final reading was before the House for consideration, on motion of Rep. Connor.

HB 23 - "An Act To Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, By Exempting Lands and Improvements of Jefferson Farms Swim Club, Inc., From Assessment and Taxation."

Rep. Connor moved that the roll call be tabled. Motion carried.

SB 19 with **HA 1** having had its final reading was before the House for consideration, on motion of Rep. Billingsley. Rep. Billingsley further moved that the bill be handled by Rep. Justice. Motion carried.

SB 19 with **HA 1** - "An Act To Amend Chapter 175, Volume 52, Laws of Delaware Being an Act Entitled 'An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for Their Payment.'" Introduced by Sen. Castle.

HA 1 to **SB 19** - Rep. Hearn moved that **HA 1** be adopted by voice vote. Motion lost. Rep. Justice moved that the roll call on **SB 19** be tabled. Motion carried.

Rep. Billingsley moved that **HB 16** be stricken. Motion carried.

HB 38 having had its final reading was before the House for consideration, on motion of Rep. Billingsley.

HB 38 - "An Act To Require a Certificate of Origin to Accompany Applications For Titles to New Motor Vehicles."

Roll Call on **HB 38** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derickson, Dillman, Dobberstein, Gruwell, Harkins, Har-

rington, Hearn, Heckert, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 32.

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

ABSENT: Matushefske, Seibel - 2.

HB 38 having received a constitutional majority was declared passed by the House.

HB 28 with **HA 1** having had its final reading was again before the House for consideration, on motion of Rep. Hering.

HB 28 with **HA 1** - "An Act To Amend Chapter 1, Title 10 of the Delaware Code, Relating to Advisory Opinions by the Justices of the Supreme Court; and Providing for the Briefing of Issues Submitted by the Governor; and Requiring Notification to the General Assembly."

HA 1 to **HB 28** - Rep. Hering moved for adoption by voice vote. Motion carried.

Roll Call on **HB 28** with **HA 1** revealed:

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

ABSENT: Jarvis, Matushefske, Seibel - 3.

HB 28 with **HA 1** having received a constitutional majority was declared passed by the House.

SB 52 having had its final reading was again before the House for consideration, on motion of Rep. Heckert.

Privilege of the floor was granted Sen. Steele to answer questions regarding **SB 52**. Rep. Hearn asked to defer **SB 52**. Motion to defer was defeated by voice vote.

Rep. Hearn requested the House Attorney, John Rich, answer questions concerning **SB 52**.

SB 52 - "An Act Authorizing the Treasurer of the State of Delaware to Advance \$78,000 From the General Fund to the State Department of Public Instruction to Expedite the Completion of Necessary Water and Sewer Facilities for the H. B. duPont Middle School in the Alexis I. duPont School District."

Roll Call on **SB 52** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel,

Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Heckert, Hering, Jarvis, Johnson, Justice, Kirk, Knox, Leshar, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 33.

NOT VOTING: Harkins, Hearn, Jonkiert, Miller - 4.

ABSENT: Matushefske, Seibel - 2.

SB 52 having received a constitutional majority was declared passed by the House.

On motion of Rep. Weiss **SB 44** was again before the House for consideration.

HA 1 to **SB 44** was adopted by voice vote. Motion carried.

Roll Call on **SB 44** with **HA 1** revealed:

YEAS: Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, Jarvis, Johnson, Jonkiert, Justice, Kirk, Knox, Little, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillin, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

NAYS: Leshar - 1.

ABSENT: Billingsley, Matushefske, Seibel - 3.

NOT VOTING: Berndt - 1.

SB 44 with **HA 1** having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert **SB 35** was given its final reading and was before the House for consideration.

SB 35 - "An Act To Validate a Bond Election Held in the Alexis I. duPont School District, Delaware."

Roll Call on **SB 35** revealed:

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

ABSENT: Matushefske, Seibel - 2.

SB 35 having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert **SJR 2** was given its final reading and placed before the House for consideration.

SJR 2 - "Extolling the Championship Middletown High School Football Team and its Coach, Bill Billings."

Roll Call on **SJR 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, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Matushefske, Seibel - 2.

SJR 2 having received a constitutional majority was declared passed by the House.

On motion of Rep. Quillen **HB 7** was placed before the House for consideration.

HB 7 - "An Act To Amend Title 7 of the Delaware Code, Relating to the Illegal Slaughtering of Animal Species on the Verge of Extinction Empowering the Division of Fish and Wildlife to Designate Endangered Species and Prohibiting the Sale of Certain Animal Skins."

HA 1 to **HB 7** introduced by Rep. Heckert was adopted by voice vote.

HA 2 to **HB 7** introduced by Rep. Little was stricken.

Roll Call on **HB 7** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Connor, Dillman, Dobberstein, Harkins, Hearn, Heckert, Hering, Jarvis, Jonkiert, Justice, Knox, Leshar, Little, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Smith, Weiss, Mr. Speaker Frederick - 25.

NAYS: Boulden, Clendaniel, Cordrey, Derrickson, Gordy, Gruwell, Harrington, Johnson, Tribbitt, Wright - 10.

NOT VOTING: Kirk, Miller - 2.

ABSENT: Matushefske, Seibel - 2.

HB 7 with **HA 1** having received a constitutional majority was declared passed by the House.

Rep. Justice requested that the R.C. on **SB 19** be rescinded. Motion carried by voice vote.

Rep. Heckert introduced **HA 2** to **SB 19**.

Roll Call on **HA 2** to **SB 19** revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Murphy,

Poulterer, Quillen, Riddagh, Weiss, Mr. Speaker Frederick - 22.

NAYS: Clendaniel, Cordrey, Gordy, Harrington, Mears, Orth, Smith - 7.

NOT VOTING: Boulden, Gruwell, Hearn, Johnson, Jonkiert, Miller, Tribbitt, Wright - 8.

ABSENT: Matushefske, Seibel - 2.

HA 2 to SB 19 having received a majority was declared adopted.

House recessed at 5:05 P.M.

House reconvened at 5:20 P.M.

HB 43 - "An Act To Amend Section 1440, Title 24, Delaware Code, Relating to Violations and Penalties of the Provisions of Chapter 14, Entitled 'Electrical Contractors'." Introduced by Rep. Dillman. Referred to the Committee on Judiciary.

HB 44 - "An Act To Amend Titles 7, 16, and 29, Delaware Code, by Providing for Amendment of Chapters 60, 63 of Title 7, Delaware Code, and for Repeal of Chapter 62 of Title 7, Delaware Code, and by Providing for Omnibus Amendments, Corrections, Relating to the Department of Natural Resources and Environmental Control as Provided in Title 29, Delaware Code, Chapter 80, and by Creating an Environmental Protection Appeals Board, Defining its Organization, Powers, Duties, and Functions, by Providing for the Governor's Emergency Control Declaration and by Providing for the Creation of the Environmental Council, Defining its Composition, Organization, Powers, Duties and Functions." Introduced by Reps. Knox, Poulterer. Referred to the Committee on Environmental Control.

HB 45 - "An Act To Amend Title 30, Chapter 23, Delaware Code, by Allowing Exemption From License Requirements for Day Care Centers to Certain Non-Profit Organizations." Introduced by Rep. Billingsley. Referred to the Committee on Health & Social Services.

HB 46 - "An Act To Grant the Widow of a Deceased Member of the State Judiciary Who Was Receiving a Pension on December 29, 1967 All Benefits Provided by Chapter 198, Volume 56, Laws of Delaware." Introduced by Reps. Hering, Clendaniel. Referred to the Committee on Appropriations.

HB 47 - "An Act To Amend Title 9, Delaware Code, By Adding a New Chapter 31 Authorizing County Income Taxes for New Castle County and Municipalities Therein." Introduced by Reps. Berndt, Little.

Referred to the Committee on Revenue & Finance.

HB 48 - "An Act To Amend Title 22, Delaware Code, Entitled 'Municipalities' by Adding Thereto a New Chapter 9 Authorizing Cities With a Population in Excess of 50,000 Persons to Enact a Tax on Income of its Residents; and a Tax on the Income of Nonresidents Engaged in Any Occupation, Business or Profession Within the City." Introduced by Rep. Justice. Referred to the Committee on Revenue & Finance.

HB 49 - "An Act To Amend Title 21, Delaware Code, Section 2732, Relating to the Mandatory Revocation of Operator's License." Introduced by Rep. Little. Referred to the Committee on Public Safety.

HA 1 to HB 21 introduced by Rep. Tribbitt. Placed with bill.

HR 18 - "Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 126th General Assembly." Introduced by Rep. Jarvis. Adopted by voice vote.

SJR 4 - "Commending William Alfred (Bill) Skinner Upon Being Named Delaware's Outstanding Male Athlete of 1970." Introduced by Sen. McCullough. Referred to the Committee on House Administration.

SB 21 - "An Act To Amend Chapter 30, Title 9, Delaware Code, By Adding Thereto a New Section 3013, Relating to an Exclusion For Conveyances of Land Not Less Than Two Acres Between Members of a Family." Introduced by Sen. Isaacs. Referred to the Committee on Community Affairs.

SB 46 - "An Act Amending Title 29, Sections 903 and 904, Delaware Code, Relating to the Appointment and Duties of the Bill Clerks, and Abolishing the Passed Bills Committee." Introduced by Sen. duPont. Referred to the Committee on House Administration.

The Senate informed the House it had passed **HJR 1** with **HA 1**, **HCR 5** and **HB 2**.

SB 19 with **HA 2** having previously had its final reading was again before the House for consideration.

Roll Call on **SB 19** with **HA 2** revealed:

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

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Har-

rington, Orth, Smith - 7.

NOT VOTING: Gruwell, Hearn, Johnson, Jonkiert, Mears, Miller, Tribbitt, Wright - 8.

ABSENT: Matushefske, Seibel - 2.

SB 19 with HA 2 not having received a constitutional majority was declared lost.

HB 50 - "An Act Making a Supplementary Appropriation to the Division of Treasury, Department of Finance, For the State Employees' Pension Plan For the Fiscal Year Ending June 30, 1971." Introduced by Rep. Gordy. Referred to the Committee on Appropriation.

House recessed at 5:40 P.M.

House reconvened at 6:00 P.M.

The following prefiled legislation was introduced:

SCR 8 - "Expressing Best Wishes For a Speedy Recovery to Former Governor Elbert N. Carvel." Introduced by Sen. Slawik and others.

On motion of Rep. Jarvis SCR 8 was adopted by voice vote. Motion carried.

Committee Reports:

Revenue & Finance: HB 41, 1 favorable, 5 on merits; Judiciary: SB 38, 4 favorable, 1 on merits; Education: HB 32, 4 favorable; HB 33, 1 favorable, 4 on merits; Environmental Control: HCR 3, 4 favorable, 1 on merits.

House recessed to the call of the Chair at 6:06 P.M. Reconvened at 6:58 P.M.

Rep. Leshar announced Finance Committee hearings.

Rep. Jarvis moved to recess to the call of the Chair at 7:02 P.M.

March 1, 1971

7th LEGISLATIVE DAY

The Speaker called the House to order at 1:35 P.M. The Majority Leader moved to adjourn at 1:35 P.M., thereby ending the previous legislative day. The House reconvened at 1:36 P.M.

There was a prayer by the Chaplain Rev. Eugene Clarahan, St. Peters Church, New Castle, De.

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

Members present: Billingsley, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harrington, Hearn, Heckert, Hering, Jarvis,

Johnson, Justice, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

Absent: Berndt, Boulden, Harkins, Jonkiert, Kirk - 5.

Rep. Harkins, Rep. Kirk, Rep. Boulden, Rep. Berndt - marked present later.

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

OFFICE OF THE GOVERNOR

February 11, 1971

LEGISLATIVE ADVISORY NO. 1

TO:

Sen. Dean C. Steele
 Sen. Melvin A. Slawik
 Sen. Louise T. Conner
 Sen. J. Donald Isaacs
 Rep. Hudson E. Gruwell
 Rep. George A. Jarvis
 Rep. George C. Hering
 Rep. Robert J. Berndt
 Rep. Sherman W. Tribbitt
 All Cabinet Secretaries
 Clifton E. Morris
 Dr. Floyd Hudson
 Secretary of the Senate
 Dr. Katherine Middleton
 Dr. Thomas W. Howie
 Dr. Kenneth C. Madden
 W. Laird Stabler, Jr.
 Lewis Darlin
 Bruce Ralston
 James R. Zeller
 Legislative Council
 George W. Cripps
 Emily Womach
 Richard H. Caldwell
 Governor's Staff
 Clerk of the House

FROM:

Fletcher E. Campbell, Jr., Counsel to the Governor
 The Governor approved the following legislation on the indicated dates:

HJR 2 - 1-27-71 - expressing the sympathy of the General Assembly and the Governor over the tragedy

of the five Dover men killed in Vermont.

SB 2 - 1-28-71 - amending Chapter 9, Title 28 relating to horse racing in New Castle County.

SB 3 - 1-28-71 - amending Chapter 3, Title 28 relating to horse racing by increasing the aggregate number of days to 65.

HCR 1 - 2-1-71 - concurring to meet in joint session to hear the Budget Message.

HCR 2 - 2-1-71 - proposing to the Congress of the U.S. a Constitutional Amendment to make revenue sharing a part of the U.S. Constitution.

SJR 1 - 2-1-71 - extending best wishes to Warren Gehrt on his appointment as Superintendent of the Hospital for the Mentally Retarded.

SB 44 as amended - 2-5-71 - appropriating \$47,000 to the Crippled Children's Section of the Division of Maternal, Child and Crippled Children's Services of the Division of Physical Health.

HB 2 - 2-10-71 - amending Subchapter II, Chapter 3, Title 28 relating to racing applications, award of dates and maximum racing days.

HJR 1 as amended by **HA 1** - 2-11-71 - delegating Legislative Council to draw up the reapportionment of the General Assembly.

HCR 5 - 2-11-71 - expressing the appreciation of the 126th General Assembly to John J. Williams.

SJR 2 - 2-11-71 - extolling the Middletown High School Football Team and its coach, Bill Billings.

SB 35 - 2-11-71 - validating a bond election held in the Alexis I. duPont School District.

SB 52 - 2-11-71 - authorizing the State Treasurer to lend \$78,000 of the General Fund to the Department of Public Instruction for completion of the H. B. duPont Middle School.

Rep. Hering announced that Sen. Boggs had received a copy of **HCR 2**.

Mrs. Smith notified the House that the following states had passed resolutions for Revenue Sharing- West Virginia, January 20; Florida, February 4th; South Dakota, February 17th.

The following prefiled legislation was introduced:

HB 51 - "An Act To Amend Chapter 5, Title 9, of the Delaware Code, Relating to Suburban Community Improvements by Providing That Improvements May be Undertaken and Bonds Issued Without a Referendum." Introduced by Rep. Dobberstein. Assigned to Committee on Community Affairs.

HB 52 - "An Act To Amend Chapter 5, Title 9 of the Delaware Code, Relating to Suburban Community Improvements by Removing the Interest Rate Ceiling on Bonds." Introduced by Rep. Dobberstein. Assigned to Committee on Community Affairs.

HB 53 - "An Act To Amend Chapter 39, Title 25, Section 3901, Delaware Code, Relating to Procedures of Sale." Introduced by Rep. Quillen. Assigned to Judiciary Committee.

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." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 55 - "An Act Relating To Education of the Citizens of Delaware By Making An Appropriation to WHY, Inc., Engaged in Educating the People of This State." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 56 - "An Act Making a Supplementary Appropriation to Boys Home of Delaware, Inc." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 57 - "An Act To Aid Veterans' Organizations By Making An Appropriation Therefor." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 58 - "An Act Relating To Education of the Citizens of Delaware By Making An Appropriation to Delaware Safety Council, Inc., Engaged in Educating the People of This State." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 59 - "An Act Relating To Education of the Citizens of Delaware By Making An Appropriation to the 'Delaware State Fair, Inc.'" Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 60 - "An Act Making A Supplementary Appropriation to the Historical Society of Delaware." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 61 - "An Act To Aid Organizations Maintaining Residential Facilities By Making Appropriations Thereto." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 62 - "An Act Making An Appropriation To Big Brothers Association of Northern Delaware, Inc." Introduced by Rep. Leshner. Assigned to Appropria-

tions Committee.

HB 63 - "An Act To Aid Certain Civic Organizations Which Maintain Emergency Vehicles By Making Appropriations Therefor." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 64 - "An Act To Amend Article II, Section 2 of the Delaware Constitution of 1897 By Increasing the Terms of Office of the Members of the House of Representatives and the Senate." Introduced by Rep. Billingsley. Assigned to House Administration Committee.

HB 65 - "An Act To Amend Chapter 6, Title 14, of the Delaware Code, Authorizing the Payment of Tuition For Inmates of Children's Homes or Institutions." Introduced by Rep. Heckert. Assigned to Education Committee.

HB 66 - "An Act To Amend Title 14 of the Delaware Code, Relating to the Re-Calculating of Real Estate Taxes and Providing For a Legal Tax Rate Ceiling." Introduced by Rep. Heckert. Assigned to Education Committee.

HB 67 - "An Act To Amend Chapter 27, Title 21 of the Delaware Code, Pertaining to School Bus Driver License Applications and Qualifications Therefor." Introduced by Rep. Heckert. Assigned to Committee on Public Safety.

HB 68 - "An Act To Amend Chapter 59, Title 11, Delaware Code, to Enlarge the Jurisdiction of Justices of the Peace in New Castle County to Include Violations of Ordinances, Codes and Regulations of the Government of New Castle County." Introduced by Rep. Jarvis. Assigned to Judiciary Committee.

HB 69 - "An Act To Amend Title 21, Delaware Code, Chapter 43, Section 4371, Relating to the Escape of Contents From Motor Vehicles." Introduced by Rep. Berndt. Assigned to Public Safety Committee.

HB 70 - "An Act To Amend Chapter 43, Title 21, Delaware Code, By Creating a New Section 4317, Requiring An Energy Absorption System on Private Passenger Automobiles Manufactured After January 1, 1973, and Licensed in the State of Delaware." Introduced by Rep. Dillman. Assigned to Public Safety Committee.

HB 71 - "An Act To Amend Chapter 3, Title 25, Delaware Code, Relating to Real Estate Settlements, Rights, and Prohibitions With Regard Thereto and

Imposing Certain Penalties For Violation Thereof." Introduced by Rep. Jarvis. Assigned to Judiciary Committee.

HB 72 - "An Act To Amend Sub-Sections (a) and (b), Section 2502, Chapter 25, Title 18, Delaware Code, By Providing For Health Insurance Group Health Insurance, Blanket Health Insurance, and Health Service Corporations To Be Subject to the Provisions of Chapter 25, Title 18, Delaware Code, Regarding Rates and Rating Organizations." Introduced by Rep. Little. Assigned to Health & Social Services Committee.

HCR 6 - "Creating A Task Force On Legislative Reorganization To Plan and Implement Any Needed or Desired Reorganization of the Legislative Branch of the State Government; Prescribing Certain Powers and Responsibilities For Such Task Force; and Providing a Supplementary Appropriation For the Expenses Incurred By Such Task Force." Introduced by Rep. Frederick. Assigned to House Administration Committee.

SS 1 for SB 31 - "An Act To Amend Chapter 9, Title 20, of the Delaware Code, Making It Illegal For Any Cemetery or Memorial Park to Refuse to Inter the Remains of Any Member of the Armed Forces of the United States or Any Veteran of the Armed Forces of the United States Who Actively Served and Received An Honorable Discharge." Introduced by Sen. Cicione. Assigned to Community Affairs Committee.

Recess at 2 P.M. Reconvened at 2:55 P.M.

The following prefiled legislation was introduced:

HR 19 - "Relating To Concord Pike Proposals and 141 Beltway."

After much discussion it was decided to not act on **HR 19** but to have it redrawn as **HR 20** omitting cancellation of work on Route 141.

Mr. Berndt asked to be marked present.

HA 1 to HB 33 introduced by Rep. Heckert. Placed with bill.

On motion of Rep. Heckert, **HB 32** was placed before the House for consideration.

HB 32 - "An Act To Amend Title 14 of Delaware Code, Changing the Name of the 'Delaware Institute of Technology' to 'Delaware Technical and Community College'."

Roll Call on **HB 32** revealed:

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

Gordy, Gruwell, Harkins, 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 - 37.

ABSENT: Jonkiert, Little - 2.

HB 32 having received a constitutional majority was declared passed by the House.

On motion of Rep. Heckert HB 33 was before the House for consideration.

HA 1 to HB 33 introduced by Mrs. Heckert was adopted by voice vote.

HB 33 - "An Act To Amend Sections 1092, 1201, 1202, and 1312 of Title 14, Delaware Code, Relating to Qualifications of Employees of a Reorganized School District and Teacher Certification."

Roll Call Revealed:

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

NAYS: Hering, Justice - 2.

NOT VOTING: Hearn, Little - 2.

ABSENT: Jonkiert - 1.

HB 33 with HA 1 having received a constitutional majority was declared passed by the House.

On motion of Rep. Billingsley HB 17 was before the House for consideration.

HB 17 - "An Act To Amend Title 7, Delaware Code, Chapter 5, Section 512, Relating to Term of License."

Roll Call 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 17 having received a constitutional majority was declared passed by the House.

On motion of Rep. Hering SB 38 was before the House for consideration.

SB 38 - "An Act To Amend Chapter 43, Title 29 of the Delaware Code, Regarding the Appointment of Notaries Public For Certain Service Organizations."

Roll Call revealed:

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

ABSENT: Jonkiert - 1.

SB 38 having received a constitutional majority was declared passed by the House.

On motion of Rep. Derrickson **HCR 3** was before the House for consideration.

HCR 3 - "Urging Senators Boggs and Roth and Representative duPont to Initiate Federal Legislation to Prevent the Dumping of Waste Material and Refuse Into the Atlantic Ocean Within One Hundred Miles of the State of Delaware, State of New Jersey and State of Maryland."

Roll Call revealed:

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

ABSENT: Jonkiert - 1.

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

On motion of Rep. Justice **HB 9** was lifted from the table for consideration. The roll call on **HB 9** was rescinded by voice vote.

Rep. Hering introduced **HA 3** to **HB 9**.

Roll Call 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: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Mears, Miller, Orth, Smith - 10.

NOT VOTING: Johnson, Matushefske, Tribbitt, Wright - 4.

ABSENT: Jonkiert - 1.

Roll Call on HB 9 with HA 3 was tabled at request of Rep. Justice.

On motion of Rep. Poulterer HR 20 was placed before the House for consideration.

HR 20 - "Relating To Concord Pike Proposal."

Roll Call revealed:

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

NOT VOTING: Billingsley, Gruwell, Heckert - 3.

ABSENT: Jonkiert - 1.

HR 20 having received a majority was adopted.

HCR 7 introduced by Rep. Matushefske was assigned to Committee on Public Safety.

HCR 7 - "Requesting the Governor to Prevail Upon the Commissioners of the Delaware River and Bay Authority to Provide Police Officers of the Authority With Adequate Pensions."

The House recessed at 4:30 P.M. Reconvened at 4:55 P.M.

Committee Reports:

Public Safety: HB 69, 5 favorable; Community Affairs: HB 51, 4 on merits, 1 unfavorable; HB 52, 5 on merits; Health & Social Services: HB 45, 1 favorable, 3 on merits; Judiciary: HB 43, 5 on merits; Revenue & Finance: HB 47, 1 on merits, 4 unfavorable; HB 48, 2 favorable, 3 on merits.

The House adjourned at 4:57 P.M.

March 3, 1971

8th LEGISLATIVE DAY

The Speaker called the House to order at 1:40 P.M. The Majority Leader moved to adjourn at 1:40 P.M., thereby ending the previous legislative day. The House reconvened at 1:41 P.M.

There was a prayer by the Chaplain Rev. Eugene Clarahan, St. Peters Church, New Castle, Delaware.

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

Members present: Berndt, Billingsley, Boulden,

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

Absent: Leshar - 1.

Rep. Leshar was marked present later.

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

Mr. Speaker announced the Legislative Intern Program and introduced Mr. Richard Overton and Mr. Mike Flyzik of Delaware State College, who were assigned to the Health & Social Services Committee and the Committee on Environmental Control.

The Senate informed the House that it passed **HB 20** and **HB 12** with **SA 1**.

The following prefiled legislation was introduced:

HB 73 - "An Act Transferring Control Over State Lands Known as the Great Sand Dunes and Other Dune and Public Lands Near Cape Henlopen From the City Council of Lewes, Trustees, to the Division of Parks, Recreation and Forestry, Trustee For the Citizens of the State of Delaware." Introduced by Rep. Quillen and assigned to Natural Resources.

HB 74 - "An Act To Amend Chapter 1, Title 10 and Chapter 21, Title 29 of the Delaware Code, Relating to Advisory Opinions By the Justices of the Supreme Court; and Providing For the Briefing of Issues Submitted By the Governor; and Requiring Notification to the General Assembly." Introduced by Rep. Hering. Assigned to Judiciary Committee.

HB 75 - "An Act To Amend Article 2, Section 2 of the Constitution of the State of Delaware By Increasing the Terms of Office of the Members of the House of Representatives." Introduced by Rep. Billingsley. Assigned to House Administration.

At the request of Rep. Billingsley **HB 64** was stricken.

HB 76 - "An Act To Amend Title 14, Chapter 41, Delaware Code, Relating to Education and Establishing a Program to Combat the Use of Drugs, Cigarettes and Alcohol." Introduced by Rep. Matushefske. Assigned to Health & Social Services.

HB 77 - "An Act To Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon

Taxing Power, By Exempting Lands and Improvements of the Dover Modern Maturity Center, Inc." Introduced by Rep. Moerschel. Assigned to Revenue & Finance.

HB 78 - "An Act To Amend Title 25, Chapter 27, Delaware Code, Relating to Mechanics' Liens Against An Owner Who Pays the Contractor For Construction and Building." Introduced by Rep. Little. Assigned to Labor & Commerce.

HCR 8 - "Relating To A Supplemental Appropriation to Legislative Council For Impending Expenditures For Fiscal 1971." Introduced by Rep. Jarvis. Assigned to House Administration.

HA 2 to HB 25 introduced by Rep. Little. Placed with bill.

At the request of Rep. Poulterer a roll call vote was taken on **HB 12** as amended.

Roll Call revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Derrickson, Dillman, Dobberstein, Gruwell, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Mr. Speaker Frederick - 25.

NOT VOTING: Cordrey, Gordy, Harrington, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 13.

ABSENT: Leshner - 1.

HB 12 with **SA 1** having received a majority was declared passed by the House.

HR 21 - "Extending The Sympathy of the House of Representatives to Representative Casimir S. Jonkiert Upon the Death of His Mother."

WHEREAS, the members of the House of Representatives of the 126th General Assembly have learned with deep regret of the death of Mrs. Mieczyslawa Lipinski Jonkiert, Mother of Representative Casimir S. Jonkiert; and

WHEREAS, the members of the House wish to make a permanent and public record of their sympathy for Representative Jonkiert and his family at this time;

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 126th General Assembly of the State of Delaware, that the sincere and heartfelt sympathy of all the members of the House is hereby extended to Repre-Delaware Code, Relating to Unit Properties, to Limit

sentative Jonkiert and the members of his family upon the loss of his mother, Mrs. Mieczyslawa Lipinski Jonkiert; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be spread upon the Journal of the House and a copy thereof sent to Representative Casimir S. Jonkiert and family.

Introduced by Rep. Hearn. Adopted by voice vote.

SB 34 - "An Act Making A Supplementary Appropriation in the Amount of \$60,000 to Delaware State College For Salaries." Introduced by Sen. Steele. Assigned to Appropriations.

The House recessed at 2:05 P.M. Reconvened at 3:32 P.M.

Rep. Leshner asked to be marked present.

At request of Rep. Justice roll call on **HB 9** as amended was rescinded by voice vote. Motion carried. Rep. Justice moved for roll call on **HB 9** as amended.

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, Grubwell, Harrington, Hearn, Mears, Miller, Orth, Smith, Tribbitt - 12.

NOT VOTING: Johnson, Matushefske, Wright - 3.

ABSENT: Jonkiert - 1.

HB 9 as amended not having received a majority was declared lost in the House.

The following prefiled legislation was introduced:

HB 79 - "An Act To Amend Subchapter 1, Chapter 7, of the Delaware Code, Pertaining to Regulations and Prohibitions Concerning Game and Fish." Introduced by Rep. Justice. Assigned to Natural Resources Committee.

HB 80 - "An Act To Amend Section 918, Title 5, Delaware Code, Relating to Hypothecation of Assets to Certain Governmental Bodies." Introduced by Rep. Justice. Assigned to Community Affairs Committee.

HB 81 - "An Act To Amend Chapter 29, Title 6, Delaware Code, Pertaining to the Identification of Gasoline Manufacturers and Distributors." Introduced by Rep. Justice. Assigned to Agriculture Committee.

HB 82 - "An Act To Amend Chapter 22, Title 25,

the Circumstances Under Which Partition Shall Lie After Substantial Total Destruction of a Building." Introduced by Rep. Derrickson. Assigned to Judiciary.

HB 83 - "An Act To Amend Section 5914, Title 11, Delaware Code, Requiring A Preliminary Hearing For a Person Arrested and Charged With a Crime to Determine Probable Cause." Introduced by Rep. Matushefske. Assigned to Judiciary.

HB 84 - "An Act Amending Chapter 1, Title 22 of the Delaware Code, Providing a Limit on the Issuance of Bonds and Notes For Cities Having Populations in Excess of 50,000." Introduced by Rep. Justice. Assigned to Revenue & Finance.

Committee Reports:

Natural Resources: **HB 39**, 5 on its merits.

On motion of Rep. Jarvis **HJR 3** was brought before the House for consideration.

HJR 3 - Relative to Appropriating Funds to Legislative Council to Underwrite the Expense of Reapportioning the General Assembly.

Roll Call revealed:

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

ABSENT: Harkins - 1.

HJR 3 having received a constitutional majority was adopted.

On motion of Rep. Dobberstein **HB 51** was brought before the House for consideration. Privilege of the floor was granted to Mr. Max Terry, Jr. Levy Court Attorney, to explain the bill. Rep. Dobberstein asked that **HB 51** be deferred indefinitely.

HB 51 - An Act to Amend Chapter 5, Title 9 of the Delaware Code Relating to Suburban Community Improvements by Providing that Improvements may be Undertaken and Bonds Issued Without a Referendum.

On motion of Rep. Billingsley **HB 45** was brought before the House for consideration.

HB 45 - An Act to Amend Title 30, Chapter 23, Delaware Code, by Allowing Exemption from License Requirements for Day Care Centers to Certain Non-Profit Organizations.

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

ABSENT: Orth - 1.

HB 45 having received a majority was declared passed by the House.

Rep. Tribbitt again referred to HCR 4. Rep. Jarvis advised that the Governor had provided a platform for investigation of HCR 4 in the Attorney General's office.

Rep. Dillman requested that the following letter be read into the records.

February 3, 1971

Rep. Sherman W. Tribbitt
Odessa Heights
Odessa, Delaware 19730

Dear Sherman:

I am writing you in response to your letter of February 1st and your recent press releases regarding House Con-Current Resolution #4 which has been assigned to my Public Safety Committee.

First, I wish to advise you that my official statement at the present time is that the governor has opened up the proper avenues for Kramedas to pursue, through the attorney general's office. It is the joint feeling of Senator Tom Hickman (Senate Chairman) and myself that they are better equipped to look into these matters than the legislature would be.

Furthermore, I wish to advise you that I have met with all parties concerned and have been in constant contact with the attorney general's office on this subject. As chairman of the committee, I have been soliciting information from various sources to use as a means of equitable evaluation of the proper course of action to take, if and when conflict develops in resolving the problem. Such a situation, where accusations are rather free-hand, it is my personal feeling that the problem could become crippled if political publicity became an issue. This problem will receive my earnest consideration, and I will be pleased to notify you of any future decisions.

In appreciation for your concern and dedication to the people of the state, I send my sincere regards.

Very truly yours,
John A. Dillman, Jr.
Chairman, Public Safety

JAD:p

CC: Public Safety Committee

The House recessed at 4:19 P.M. Reconvened at 4:58 P.M.

Committee Reports:

House Administration: HCR 6, 5 favorable; HB 75, 2 favorable, 2 on merits, 1 unfavorable; SB 46, 5 favorable. Health & Social Services: HB 72, 2 favorable, 3 on merits. Appropriations: HB 46, 4 on merits; SB 34, 1 favorable, 3 on merits. Education: HB 66, 6 on merits. Judiciary: HB 74, 1 favorable, 4 on merits; SB 8, 1 favorable, 5 on merits. Public Safety: HB 70, 1 favorable, 4 on merits; HB 49, 4 on merits; HB 67, 1 favorable, 3 on merits. House Administration: SJR 4, 5 favorable.

The House recessed to the call of the Chair at 5:04 P.M.

March 10, 1971

9th LEGISLATIVE DAY

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

There was a prayer by the Chaplain Rev. Charles Barton, Cheswold United Methodist Church, Cheswold, Del.

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

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

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

Communications:

Rep. Hering, 1970 Chairman of Legislative Council, delivered the 1970 Annual Report of Legislative Council.

1970 ANNUAL REPORT
BY
GEORGE C. HERING, III
CHAIRMAN, LEGISLATIVE COUNCIL

Six years ago, a House committee chaired by one of our former colleagues, The Honorable Harrison W. Phillips of Laurel, recommended both the creation of a Legislative Council and the addition of office space for members of the General Assembly. 1970 saw the fulfillment of these two major improvements in our State Legislature.

The additions to Legislative Hall were dedicated May 23, 1970. For the first time in the history of our State, Delaware now has modern office facilities for all Senators and Representatives. Simultaneous with the building of the new wings, the Legislative Council-composed of the leadership of both parties from both Houses-commenced employing in 1969 the first full-time year-round staff for the General Assembly. In April of that year, our Director, George Frick, was selected to head the Council staff. In short order, we added our Assistant Director, Mr. McDonald Coker, secretarial, bookkeeping and clerical assistants (Mrs. Carol Simendinger, Mrs. Marlynn Hedgecock, Mrs. Margery Toop and Mrs. Millie Melvin), a fulltime printer (Norman Donovan), a fulltime attorney (Thomas Shiels), a Research Analyst, Miss Christine Whitehead, and professional help in the field of budgetary matters through the initial employment of James Zeller, now Budget Director for the Governor, who last fall was succeeded by Duane Olsen, our Controller General.

January marked the conclusion of my second year as Chairman of the Council. I am happy to submit this report, as required, with the full confidence that the talent, dedication and energy exhibited by those on the Council staff in the past twelve months justify beyond any doubt its presence and prove to all who have been associated with it the need for its continued growth in the years ahead.

As I have commented many times, citizen-legislators, as I believe we can be properly called, cannot fulfill our obligations without the necessary tools foremost of which is the technical and professional aid represented by the fulltime arm of our General Assembly.

Almost 50% of my colleagues in the House are sitting here for the first time. For them and review for all of us, I think it worthy to note some of the many accomplishments throughout the last year.

(1) Through the generosity of another former colleague, The Honorable W. Laird Stabler, Jr., now our Attorney General, who donated a vast portion of his personal law library, we have the foundation for a first-rate law and research library.

(2) In conjunction with Mrs. Smith, Chief Clerk of the House and Mrs. Konopik and our Council printer, we have completely revised the daily calendar from a bulky, heavy document to a manageable book form but light weight.

(3) The bill format has undertaken a complete change in both size and style. Four years ago, the only designation on bills (then on large size paper) was merely the originating House and number. This has been refined to include, as we can see, the year introduced, which General Assembly, the State Seal and numbers in the margins to facilitate identification of various portions under debate or discussion. Even something as simple as pre-punched paper is now standard procedure.

(4) Reduced bill size plus our new ability to do much of our own printing saved over \$7,000 in just one year.

(5) Additional savings have been made by obtaining stationery through the Administrative Services Department.

(6) The recently published Bill Drafting manual is still another long overdue legislative tool.

(7) Although pre-session orientations have been held before, none were as comprehensive as this year's. It needs refinement but again it is a first step which is long overdue.

I believe these are significant achievements. There are still many others which have taken place which I have not mentioned and many we take for granted because they have been integrated into our daily operations by a combination of the efforts of the Council staff and the respective Senate and House staffs under the direction of Mrs. Konopik and Mrs. Smith, respectively.

These innovations, improvements and changes did not occur overnight. They resulted, in most instances, as all legislative output, from combined efforts of

many. Legislators alone cannot do the job, nor can the staff single-handedly. Collectively, however, a proper distillation of ideas brings forth the best results.

You who entered Legislative Hall four or more years ago recognize the legislative trials which we have traversed. It was a collective effort but an achievement all of us, I feel, can point to with a sense of accomplishment. Yet the past is only a threshold upon which to build the future.

For your collective consideration, I would like to suggest continued improvement in our legislative operations - some procedural, others substantive. Many can be implemented quickly, others will require more time.

Recommendations For Future Legislative Improvement

(1) Establish a fulltime professional Chief Clerk of the House and Secretary of the Senate who will remain in that position regardless of political party.

(2) Change prefiling system by having all bills prefiled with Chief Clerk and Secretary of the Senate and assigned to committee by Presiding Officer before being placed on members' desks.

(3) Establish, by statute, May 30th of each year as the last day on which bills may be prefiled in either House.

(4) Committees

(a) Adopt a set of rules for committee meetings, especially where the public is invited to participate.

(b) Assign stenographic and research staff to standing committees.

(c) Designate a particular room where committee will always meet (unless, of course, meeting is held outside Legislative Hall.

(d) Where public hearings are held, require- wherever possible- that statements be reduced to writing and be given to Chairman to be available for all members at a later date.

(e) Where public hearings are being advertised, notify all news media in same manner - on a form supplied by the Chief Clerk - and attempt to establish with news media proper coverage and sufficient advance notice.

(5) Except where amendments are strictly technical, as determined by the Presiding Officer, such as correcting a wrong section reference or changing an obvious erroneous date, provide that all bills must lay over at least one day after all amendments are adopted.

(6) After passage but before sending bill to the second House, integrate all amendments.

(7) Adopt the same stereo-typed phrases which reappear in many bills such as reversionary clauses, grandfather clauses, effective dates, supplemental appropriations, etc.

(8) Require by concurrent resolution that Chief Clerk of House or Secretary of Senate notify the Secretary of State in writing within a specific time period that a proposed amendment has passed the General Assembly so that the Secretary of State can publicize it pursuant to Article XVI, Section 1.

(9) Utilize the second six months of each year - especially the year following an election - to conduct in-depth committee hearings on major legislation or review of existing programs funded by legislative enactment.

(10) Beef up Legislative Council staff to enable it to review, check, visit and report on expenditures of Executive Departments appropriated in immediate preceding session. This is most important for the Joint Finance Committee.

(11) Initiate I.D. Cards for legislators and staff to afford proper identification when in and out of the State on business.

(12) Discontinue the lame duck situation for legislators. Presently, all legislators commence being paid the day they are elected but are not sworn in, in accordance with the Constitution, until early January, unless called in by special session. Legislators' terms should run from January to January, as does the Governor's term.

(13) Establish a formal pre-session organization meeting - perhaps in December - to elect legislative leaders and make committee assignments.

(14) Adopt fiscal note concept to identify both short and long range fiscal impact on all bills or amendments presently appropriating more than \$50,000 or which will require that much in succeeding years.

(15) Work toward a bill-drafting system which will

show what current statutory language is being deleted and what new language is being added.

(16) Place the Delaware Code Revision Commission (charged with updating the pocket parts), presently under the Department of Justice, under the Legislature and give that responsibility to the Legislative Council.

(17) Commence on a periodic basis the republication (one or two volumes a year) of the Delaware Code. (Pocket parts are becoming as large as the original volumes - printed in 1953 - by passage of subsequent legislation such as the executive reorganization).

(18) Review the purpose and format of the Senate and House Journals.

(19) Enact legislation, similar to that proposed in the 125th General Assembly by House Bill No. 362 which deletes all references to the old Legislative Reference Bureau - now defunct - and transfers its responsibilities to the Legislative Council or other appropriate body.

(20) Improved press facilities to permit - especially by television - better coverage by the news media of legislative sessions and committee hearings.

(21) Place public speakers in the Senate and House galleries where the acoustics are very poor.

(22) Place copies of the House agenda and Senate ready lists every day with the front door guard for visitors.

(23) Review and possibly revise the request slips for drafting of legislation by either the Senate or House attorneys or Legislative Council staff.

(24) A complete review of Senate and House rules.

Mr. Speaker, I intend to introduce legislation, where appropriate, to implement many of these recommendations.

I sincerely hope my colleagues will join me in a continuing effort to improve our legislative operations.

Respectfully submitted,
/s/ George C. Hering, III
Chairman
Legislative Council - 1970
March 10, 1971

Rep. Hering announced a hearing on **SB 101** and **SB 102**, the new Family Court bills, Tues., March 16, 7:30, Legislative Hall for the Senate and House Judiciary Committees.

The following pre-filed legislation was introduced:

HB 85 - "An Act Making A Supplementary Appropriation to the Secretary of State For Automation of the Franchise Tax Department and the Corporation Department." Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HB 86 - "An Act To Amend Title 14, Section 121, Delaware Code, Relating to the Powers of the State Board of Education." Introduced by Rep. Heckert. Assigned to Education Committee.

HB 87 - "An Act To Amend Subchapter V, Chapter 17, Title 24, Delaware Code, Providing For Immunity of Members of the Medical Examiners of Delaware to Include the Osteopathic Examiner of the Medical Council." Introduced by Rep. Quillen. Assigned to Health & Social Services Committee.

HB 88 - "An Act To Amend Title 6 of the Delaware Code, Relating to 'Fair Trade Laws'." Introduced by Rep. Billingsley. Assigned to Community Affairs Committee.

HB 89 - "An Act To Amend Title 14, Section 1318, Delaware Code, Relating to Sick Leave of State Employees in the Public School System." Introduced by Rep. Heckert. Assigned to Education Committee.

HB 90 - "An Act To Amend Title 18, Delaware Code, Relating to Insurance By Providing For Personal and Property Protection From Motor Vehicle Ownership and Operation." Introduced by Rep. Dillman. Assigned to Public Safety Committee.

HB 91 - "An Act Making Supplementary Appropriations to the Department of Justice For the Purpose of Providing Additional Salaries, Contractual Services, Supplies and Materials and Capital Outlay." Introduced by Rep. Hering. Assigned to Appropriations Committee.

HB 92 - "An Act To Amend Chapter 17, Title 11 of the Delaware Code, Relating to Self-Defense, Coming to the Aid and Assistance of Others, and Providing For Indemnification and Reimbursement." Introduced by Rep. Riddagh. Assigned to Judiciary Committee.

HB 93 - "An Act Making A Supplemental Appropriation to the Self-Insurance Fund From the

General Fund." Introduced by Rep. Tribbitt. Assigned to Appropriations Committee.

HA 1 to HB 48 introduced by Rep. Billingsley. Placed with bill.

HA 1 to HB 54 introduced by Rep. Tribbitt. Placed with bill.

HA 1 to HB 74 introduced by Rep. Hearn. Placed with bill.

HS 1 to HB 30 - "An Act To Amend Title 16, Delaware Code, Chapter 10, Relating to Reporting of Cases of Abuse to Children." Introduced by Rep. Seibel. Assigned to Health & Social Services Committee.

HCR 9 - "Expressing Congratulations to Mrs. Phyllis Schabinger, First Grade Teacher in the Appoquinimink School District, on Being Chosen Delaware Teacher of the Year." Introduced by Rep. Tribbitt. Rep Tribbitt moved for adoption by voice vote. Motion carried.

HA 1 to HB 39 introduced by Rep. Smith. Placed with bill.

HA 2 to HB 39 introduced by Rep. Smith. Placed with bill.

SJR 6 - "Relating To the Death of Mrs. Edgar J. Boggs."

WHEREAS, The members of the Senate and the House of Representatives of the 126th General Assembly, along with the Governor have learned with regret of the passing of Mrs. Edgar J. Boggs of Cheswold, Delaware, mother of Former Governor J. Caleb Boggs and now Senior U.S. Senator from Delaware; and

WHEREAS, Mrs. Boggs not only served the people of the State of Delaware as a faithful and dedicated state employee until her retirement, but she also led an exemplary community life giving a full measure of her time to many civic and religious causes; and

WHEREAS, Mrs. Boggs' life was so full of meritorious accomplishments she was awarded the high honor of Mother of the Year in 1954 for her truly American home and the way she had reared her four (4) boys, one of which she sacrificed during World War II for the preservation of our liberties, another of which later became Governor and U.S. Senator from the great State of Delaware; and

WHEREAS, The members of the 126th General Assembly along with the Governor desire to express

to the family of the deceased, in this public manner, their sympathy at the occasion of this loss;

NOW THEREFORE,

BE IT RESOLVED by the members of the Senate and the House of Representatives of the 126th General Assembly along with the Governor, wish to express their regret at the passing of Mrs. Edgar J. Boggs, a prominent figure in the community and a truly great mother.

BE IT FURTHER RESOLVED that the text of this resolution be entered on the Journals of both the Senate and House of Representatives, and that copies be sent to the immediate family of Mrs. Edgar J. Boggs.

SJR 6 introduced by Sen. duPont. Assigned to House Administration.

SCR 9 - "Relating To the Closing of St. Georges Bridge to Traffic For Repairs."

WHEREAS, it has come to the attention of the members of the 126th General Assembly that the Corp of Engineers plan to close St. Georges Bridge to traffic from September, 1971, to June, 1972, for repairs; and

WHEREAS, tentative plans call for rerouting traffic from route 13 to alternate detour routes 9 and 896; and

WHEREAS, traffic counts and inadequate conditions of alternate detour routes 9 in particular and 896 are presently heavily traveled and therefore, to reroute the heavy interstate and intrastate traffic from route 13 would further compound the problem by increasing the potential for traffic accidents; and

WHEREAS, there would be an adverse economic effect on numerous business establishments located on route 13, who depend on the freeflow of traffic on route 13 for their livelihood; and

WHEREAS, the closing of St. Georges Bridge would create additional hardship for numerous families within the immediate environs because of problems of bussing children to school and delivery of mail services; and

WHEREAS, engineering studies indicate that the conditions of route 9 are unsafe for heavy truck traffic; and

WHEREAS, if from an engineering standpoint, there is no other alternative but to reroute traffic from route 13 to routes 9 and 896, the former in particular, it is hoped that through a meeting with

said parties mentioned in this resolution, that the U.S. Corp of Engineers will assume a substantial addition of the cost of repairing route 9 so as to enable it to handle heavy truck traffic; and

NOW THEREFORE,

BE IT RESOLVED by the Senate of the 126th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Secretary of Highways and Transportation, the chairmen of the Council on Highways in concert with Delaware's Congressional delegation are hereby requested to contact the U.S. Army Corp of Engineers in an effort to hopefully work out an amenable solution satisfactory to the welfare of all concerned to having St. Georges Bridge closed for repairs.

BE IT FURTHER RESOLVED, that a copy of this resolution be entered upon the Journals of the Senate and House and copies be forwarded to all parties herein mentioned.

SCR 9 introduced by Sen. Isaacs. Assigned to Highways & Transportation.

Rep. Little read a letter from the Wilmington Medical Center.

Wilmington Medical Center
Wilmington, Delaware 19899
March 5, 1971

Representative Tom Little
Legislative Hall
Dover, Delaware 19901

Dear Mr. Little:

The attached memorandum from Wilmington Medical Center's general accounting manager is self explanatory. I am sure that your influence had a great deal to do with the information contained.

Thank you very much for your interest and consideration.

Sincerely,

William H. Duncan, M. D.
Director of Ambulatory Services

WHD/skn
Enclosure

Wilmington Medical Center
Central Accounting
Memo

TO: Dr. William Duncan
Director of Ambulatory Services
FROM: James J. Hildick
General Accounting Manager
SUBJECT: Drug Abuse Grant FA 5370 \$2,400 and
FA 5470 \$24,304
DATE: February 25, 1971

I talked to Mr. John Johnson, Director of Finance, New Castle County today and he informed me that New Castle County had not requested our grant money from the Delaware Agency to Reduce Crime. He will take immediate action to do so and will call me when they receive the money.

I told him to send the check \$26,704 to my attention at which time I will deposit it to Account 10-688-19 Delaware Drug Abuse Clinic - Grant Income.

JJH:iw

The House recessed to the call of the Chair at 2:11 P.M. Reconvened at 3:24 P.M.

Committee Reports:

Highways & Transportation: **SCR 9**, 6 favorable.

The following prefiled legislation was introduced:

HB 94 - "An Act To Amend Section 1311, Chapter 13, Title 14, Delaware Code, Relating to the Standard Work Week For School Custodians." Introduced by Rep. Jonkiert. Assigned to Education Committee.

HB 95 - "An Act To Amend Title 22, Delaware Code, Relating to Public Bidding For Purchases By Parking Authorities." Introduced by Rep. Hering. Assigned to Revenue & Finance.

HB 96 - "An Act To Amend Chapter 5, Title 31 of the Delaware Code, Pertaining to the State Public Assistance Code." Introduced by Rep. Billingsley. Assigned to Health & Social Services.

HCR 10 - "Relating To Transportation of Pupils in the Conrad School District and the Formation of a Committee to Study Pupil Transportation Throughout the State." Introduced by Rep. Harkins. Rep. Harkins moved to adopt **HCR 10** by voice vote. Motion carried.

Rep. Hearn marked present.

HA 2 to HB 48 introduced by Rep. Tribbitt. Placed with bill.

HR 22 introduced by Rep. Jarvis.

HR 22 - "Expressing the Best Wishes of the House of Representatives of the 126th General Assembly to Representative Kenneth W. Boulden on His Becoming a Grandfather."

WHEREAS, the members of the House of Representatives of the 126th General Assembly have learned that Kenneth W. Boulden, Jr. and his wife became the parents of a baby girl, making Representative Kenneth W. Boulden a Grandfather; and

WHEREAS, the members of the House wish to express their congratulations to Representative Boulden;

NOW THEREFORE

BE IT RESOLVED by the members of the House of Representatives of the 126th General Assembly of the State of Delaware that the congratulations and best wishes of said members be and they hereby are extended to Representative Kenneth W. Boulden upon his becoming a Grandfather.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journal of the House and a copy delivered to Representative Boulden.

On motion of Rep. Jarvis **HCR 6** was brought before the House for consideration.

HCR 6 - Creating a Task Force on legislative reorganization to plan and implement any needed or desired reorganization of the legislative branch of the state government; prescribing certain powers and responsibilities for such task force; and providing a supplementary appropriation for the expenses incurred by such task force.

HCR 6 was brought before the House for consideration.

Rep. Hearn introduced **HA 1** to **HCR 6** and moved to adopt by voice vote. Motion carried.

Roll Call on **HCR 6** 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, Wright, Mr. Speaker Frederick - 39.

HCR 6 with **HA 1** having received a majority

was declared passed by the House.

On motion of Rep. Jarvis **SJR 4** was brought before the House for consideration.

Roll Call on **SJR 4** revealed:

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

ABSENT: Hearn - 1.

SJR 4 - "Commending William Alfred (Bill) Skinner Upon Being Named Delaware's Outstanding Male Athlete of 1970."

WHEREAS, the members of the Senate and House of Representatives of the 126th General Assembly are happy to learn that the Wilmington Sportswriters and Broadcasters Association has named javelin thrower William Alfred (Bill) Skinner Delaware's most Outstanding Athlete in 1970; and

WHEREAS, Bill Skinner is the second son of the late Harry L. Skinner, Sr., a former resident of Holloway Terrace and a former officer of the Delaware State Senate; and

WHEREAS, Bill Skinner now resides with his mother in Penn Acres in New Castle County after having attended Rose Hill Elementary School, William Penn and Wilmington High Schools in his early years; and

WHEREAS, Bill Skinner, a naval veteran with an honorable discharge, has been acclaimed throughout the world for his accomplishments; and

WHEREAS, Bill Skinner, a senior at the University of Tennessee, won the coveted United States NCAA and AAU titles during 1970 with tosses exceeding 270 feet; and

WHEREAS, West German Chancellor Willy Brandt cited Bill Skinner for an outstanding achievement after a meet in Stuttgart, Germany, in which Skinner tossed the javelin 291 feet, 10 inches; and

WHEREAS, Bill Skinner in July 1970 became the first American ever to defeat the reigning Russian Olympic Champion, Jan Lusic; and

WHEREAS, both the House and Senate wish to show their appreciation to Bill Skinner for his fantastic

sports exploits, especially being named Delaware's Outstanding Athlete,

NOW THEREFORE,

BE IT RESOLVED by the Senate and the House of Representatives of the State of Delaware, with the approval of the Governor, as attested by his signature appended hereto, that the General Assembly commend Bill Skinner, a fine American from the State That Started A Nation; and

BE IT FURTHER RESOLVED that this Resolution be entered on the Journals of both the Senate and House of Representatives, and a copy be sent to Bill Skinner and his Family living in Penn Acres, New Castle, Delaware.

Rep. Heckert moved to defer **HB 66** indefinitely.

On motion of Rep. Hering **HB 74** was brought before the House for consideration.

HA 1 to **HB 74** was introduced by Rep. Hearn.

Roll Call on **HA 1** to **HB 74** revealed:

YEAS: Boulden, Clendaniel, Connor, Cordrey, Dillman, Gordy, Harrington, Hearn, Hering, Jarvis, Johnson, Jonkiert, Kirk, Little, Matushefske, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Smith, Tribbitt - 23.

NAYS: Berndt, Billingsley, Derrickson, Dobberstein, Gruwell, Harkins, Heckert, Justice, Knox, Leshner, Mears, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 16.

HA 1 to **HB 74** having received a majority was passed.

Roll Call on **HB 74** 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.

HB 74 with **HA 1** having received a majority was declared passed by the House.

On motion of Rep. Hering **SB 8** was brought before the House for consideration.

Roll Call on **SB 8** revealed:

YEAS: Berndt, Billingsley, Clendaniel, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, Harrington, Hearn, Heckert, Hering, John-

son, Jonkiert, Justice, Knox, Leshner, Little, Matushefske, Mears, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 34.

NAYS: Boulden, Connor, Kirk, Miller - 4.

NOT VOTING: Jarvis - 1.

SB 8 having received a majority was declared passed by the House.

Rep. Dillman moved to defer **HB 70** until next legislative day.

On motion of Rep. Leshner **SB 34** was brought before the House for consideration.

Roll Call on **SB 34** 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, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 37.

ABSENT: Murphy, Orth - 2.

SB 34 having received a majority was declared passed by the House.

On motion of Rep. Hering **HB 46** was brought before the House for consideration.

Roll Call on **HB 46** 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, Wright, Mr. Speaker Frederick - 38.

ABSENT: Murphy - 1.

HB 46 having received a majority was declared passed by the House.

The House recessed at 4:35 P.M. Reconvened at 5:05 P.M.

Committee Reports:

Agriculture: **HB 81**, 3 on merits, 3 unfavorable; Appropriations: **HB 91**, 6 on merits; **HB 85**, 2 favorable, 4 on merits; Revenue & Finance: **HB 84**, 2 favorable, 2 on merits; Education: **HB 65**, 1 favorable, 5 on merits; Health & Social Services: **HS 1** for **HB 30**, 3 favorable, 3 on merits.

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

March 11, 1971

10th LEGISLATIVE DAY

The Speaker called the House to order at 1:41 P.M. The Majority Leader moved to adjourn at 1:42 P.M., thereby ending the previous legislative day. The House reconvened at 1:43 P.M.

There was a prayer by the Chaplain Rev. Charles Barton, Cheswold United Methodist Church, Cheswold, 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, Heckert, Hering, Jarvis, Hearn, Johnson, Jonkiert, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Miller, Moerschel, Murphy, Orth, Poulterer, Quillen, Riddagh, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 39.

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

The following prefiled legislation was introduced:

HB 97 - An Act To Amend Section 1118, Title 30, Delaware Code, Relating to State Income Tax Deductions. Introduced by Rep. Jonkiert. Assigned to Revenue & Finance.

HB 98 - An Act To Amend Chapter 11, Title 30, Delaware Code, Relating to State Income Tax by Increasing the Amount of Personal Exemptions and Credits for Dependents. Introduced by Rep. Jonkiert. Assigned to Revenue & Finance.

HB 99 - An Act To Amend Chapter 136, Volume 54, Laws of Delaware, by Changing the Amount of the Floating Debt of the City of Harrington. Introduced by Rep. Quillen. Assigned to Community Affairs.

HB 100 - An Act Making A Supplementary Appropriation to the Department of Health and Social Services for the Purpose of Establishing a Drug Abuse Control Program in the State's Correctional Institutions. Introduced by Rep. Harkins. Assigned to Health & Social Services.

HB 101 - An Act To Amend Title 6 of the Delaware Code, Prohibiting the Sale of Certain Beverages in Non-Returnable or "Disposable" Beverage Containers Within the State of Delaware. Introduced by Rep.

Billingsley. Assigned to Committee on Environmental Control.

The Speaker recognized the 4th grade students from the John Downes School, Newark, Del.

HB 102 - An Act To Amend Title 21, Chapter 41, Delaware Code, Relating to Blood Alcohol Level at Which Driving or Physical Control of a Motor Vehicle is Unlawful. Introduced by Rep. Billingsley. Assigned to Public Safety Committee.

HB 103 - An Act To Amend An Act Entitled: "An Act To Re-Incorporate the Town of Clayton" by Extending the Limits of Said Town. Introduced by Rep. Riddagh. Assigned to Health & Social Services.

HB 104 - An Act To Amend Title 18, Delaware Code, Providing For Health Insurance, Group Health Insurance, Blanket Health Insurance, and Health Service Corporations to be Subject to the Provisions of Chapter 25, Title 18, Delaware Code, Regarding Rates and Rating Organizations. Introduced by Rep. Little. Assigned to Health & Social Services.

On motion of Rep. Little **HB 72** was stricken.

HB 105 - An Act To Amend Chapter 80, Title 9, of the Delaware Code, Relating to County Tax Rates. Introduced by Rep. Kirk. Assigned to Revenue & Finance.

Privilege of the floor was granted to Rep. Kirk to explain **HB 105**.

HA 1 to **HB 47** introduced by Rep. Berndt. Placed with bill.

HCR 11 - Requesting the Governor to Request an Opinion from the Attorney General and to Direct the Secretary of the Department of Highways and Transportation on Matters Pertaining to the Chesapeake and Delaware Canal and the St. Georges Bridge. Introduced by Rep. Kirk. On motion of Rep. Kirk **HCR 11** was laid on the Speakers table temporarily.

SB 89 - An Act To Amend An Act Being Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reincorporate the City of Lewes" to Increase the Maximum Amount Which May be Contributed to the Volunteer Fire Company. Introduced by Sen. Hickman. Assigned to Community Affairs.

SB 90 - An Act To Amend Chapter 5, Title 7 of the Delaware Code, to Exempt Minors With Military Training from the Requirements of the Mandatory Six Hours Required Instruction in Order to Obtain a Hunting License. Introduced by Sen. Elliott. Assigned to Natural Resources.

SB 93 - An Act Authorizing the Payment of Compensation and Travel Allowance to the Former Commissioners for their Services to the Veterans' Military Pay Commission in Fiscal Year 1971. Introduced by Sen. Cicione. Assigned to Appropriations.

SJR 5 - Commemorating Disabled American Veterans and Congratulating Them Upon Their Fiftieth Anniversary. Introduced by Sen. Cicione. Assigned to House Administration.

The House recessed at 1:59 P.M. Reconvened at 3:27 P.M.

Agenda:

On motion of Rep. Berndt **HB 47** with **HA 1** was again before the House for consideration.

HB 47 with **HA 1** - An Act To Amend Title 9, Delaware Code, by Adding a New Chapter 31, Authorizing County Income Taxes for New Castle County and Municipalities Therein.

Roll Call on **HB 47** with **HA 1** revealed:

YEAS: Justice - 1.

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

NOT VOTING: Jonkiert, Miller, Weiss - 3.

HB 47 with **HA 1** not having received 2/3 vote lost in the House.

Privilege of the floor was granted to Mr. William Conner, New Castle County Executive, to explain the necessity for a county tax bill.

On motion of Rep. Justice **HB 84** was before the House for consideration.

HB 84 with **HA 1** - An Act Amending Chapter 1, Title 22 of the Delaware Code, Providing a Limit on the Issuance of Bonds and Notes for Cities Having Populations in Excess of 50,000.

Rep. Justice moved to adopt **HA 1** to **HB 84** by voice vote. Motion carried.

Roll Call on **HB 84** with **HA 1** 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, Gruwell, Harrington, Smith, Tribbitt - 7.

NOT VOTING: Gordy, Hearn, Johnson, Jonkiert, Matushefske, Mears, Miller, Orth, Wright - 9.

HB 84 with **HA 1** having received a majority was declared passed by the House.

Rep. Harkins was marked present.

Rep. Dillman moved to defer **HB 70** indefinitely.

The Delaware Federation of BPW Club was welcomed by Speaker Frederick.

On motion of Rep. Billingsley **HB 41** was before the House for consideration.

HB 41 - An Act To Amend Title 4 of the Delaware Code, Relating to the Importation of Alcoholic Liquors.

Roll Call on **HB 41** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Gruwell, Harkins, Hearn, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Little, Miller, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 26.

NAYS: Clendaniel, Cordrey, Dobberstein, Gordy, Harrington, Johnson, Jonkiert, Matushefske, Mears, Smith, Tribbitt - 11.

NOT VOTING: Orth, Leshar - 2.

HB 41 having received a majority was declared passed by the House.

On motion of Rep. Murphy **SCR 9** was before the House for consideration.

SCR 9 - Relating to the Closing of St. Georges Bridge to Traffic for Repairs. Rep. Murphy moved to adopt **SCR 9** by voice vote. Motion carried.

On motion of Rep. Kirk **HCR 11** was lifted from the Speakers table.

Roll Call on **HCR 11** revealed:

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

Rep. Boulden recognized the daughter of the late former Rep. James Quigley.

On motion of Rep. Heckert **HB 65** was before the House for consideration.

HB 65 - An Act To Amend Chapter 6, Title 14,

of the Delaware Code, Authorizing the Payment of Tuition for Inmates of Children's Homes or Institutions.

Rep. Heckert introduced **HA 1** to **HB 65** and moved for its adoption by voice vote. Motion carried. Rep. Heckert deferred to Chairman of Health & Social Services Committee - Rep. Weiss explained the bill.

Roll Call on **HB 65** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Connor, Derrickson, Dillman, Dobberstein, Gordy, Harkins, Harrington, Hearn, Heckert, Hering, Johnson, Justice, Kirk, Knox, Leshner, Little, Matushefske, Mears, Murphy, Orth, Poulterer, Seibel, Smith, Tribbitt, Weiss, Wright, Mr. Speaker Frederick - 30.

NAYS: Clendaniel, Cordrey, Gruwell, Miller, Moerschel, Quillen, Riddagh - 7.

ABSENT: Jarvis, Jonkiert - 2.

HB 65 with **HA 2** having received a majority was declared passed by the House.

On motion of Rep. Heckert **HB 67** was before the House for consideration.

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** 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.

The Senate informed the House that it passed **HJR 3, HCR 9, HB 84** with **HA 1**.

On motion of Rep. Jarvis **HR 23** was introduced.

HR 23 - Expressing Happy Birthday Wishes from the House to Representatives Herbert A. Leshner and John G. S. Billingsley.

WHEREAS, some super scrutiny by the research talent of the Legislative Council staff has established the fact that two money-minded members of the House of Representatives of the 126th General Assembly were born into this world on March 12 (although five years apart); and

WHEREAS, these two acclaimed numismatists have been identified as Reps. John G.S. Billingsley and Herbert A. Leshner; and

WHEREAS, the members of the House of Representatives would like to wish these gentlemen the happiest of birthdays.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 126th General Assembly of the State of Delaware that:

Colleagues John and Herbie L.,

Have birthdays that ring the bell,

Also, the House wishes them many more

As they approach the age of 44 (??).

BE IT FURTHER RESOLVED that the text of this Resolution be entered in the House Journal and copies sent to Representatives Herbert A. Leshner and John G.S. Billingsley. On motion of Rep. Jarvis HR 23 was adopted by voice vote.

The House recessed to the call of the Chair at 5:10 P.M. Reconvened at 5:36 P.M.

Committee Reports:

Labor: HB 78, 4 on merits; Health & Social Services: HB 87, 6 on merits, HB 104, 1 favorable, 3 on merits; Judiciary, HB 3, 1 favorable, 4 on merits, HB 26, 2 favorable, 3 on merits, HB 68, 2 favorable, 3 on merits.

The House recessed to the call of the Chair at 5:40 P.M. until Tuesday, March 16, at 1:30 P.M.

March 16, 1971

11th LEGISLATIVE DAY

The Speaker called the House to order at 1:45 P.M. The Majority Leader moved to adjourn at 1:45 P.M., thereby ending the previous legislative day. The House reconvened at 1:47 P.M.

There was a prayer by the Chaplain Rev. William H. Miller, of Calvary Wesleyan Church, Harrington, 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, Leshter, 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 106 - An Act Authorizing and Making a Supplementary Appropriation to the Department of Agriculture to Pay Certain Obligations Incurred in a Prior Fiscal Year. Introduced by Rep. Leshner. Assigned to Agriculture Committee.

HB 107 - An Act to Amend Chapter 51, Title 9, Delaware Code, Relating to Street and Highway Lighting in Unincorporated Communities and Villages in Kent County. Introduced by Rep. Moerschel. Assigned to Community Affairs Committee.

HB 108 - An Act to Amend Part II, Title 6 of the Delaware Code, Relating to High Pressure Door-to-Door Sales Tactics, and Providing for a Grace Period in Defense of Home Solicitation Contracts. Introduced by Rep. Seibel. Assigned to Community Affairs Committee.

HB 109 - An Act to Amend Section 4067, Subchapter VI, Chapter 40, Title 31, Delaware Code, Relating to the Housing Development Fund of the Delaware State Housing Authority by Increasing the Amount of Said Fund. Introduced by Rep. Seibel. Assigned to Community Affairs Committee.

HB 110 - An Act to Amend Title 30, Chapter 27, Delaware Code, Relating to Taxing Petroleum Refineries. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

HB 111 - An Act to Amend Chapter 25, Title 16, Delaware Code, by Removing Certain Restrictions on the Purchase of Supplies Intended For the Prevention of Conception or Veneral Disease. Introduced by Rep. Heckert. Assigned to Health & Social Services Committee.

HB 112 - An Act Making An Appropriation to the Department of Health and Social Services for the Renovation of the Dorsey Lewis Building, Located on the Grounds of the Delaware State Hospital. Introduced by Rep. Tribbitt. Assigned to Health & Social Services Committee.

HB 113 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to State Income Taxes by Increasing the Deduction for Federal Income Taxes.

Introduced by Rep. Wright. Assigned to Revenue & Finance Committee.

HB 114 - An Act to Provide a Supplementary Appropriation to the Insurance Department of the State of Delaware. Introduced by Rep. Leshner. Assigned to Appropriations Committee.

HA 1 to HB 85 introduced by Rep. Leshner. Placed with bill.

HJR 4 - Relating to Infractions of Delaware Tax Laws by Vendors. Introduced by Rep. Billingsley. Assigned to Revenue & Finance.

HJR 5 - Expressing Concern for American Prisoners of War and Commending the Prisoner of War Commission of Delaware, Governor Russell W. Peterson and All the Persons Who Planned or Participated in the P.O.W. Benefit Basketball Game. Introduced by Rep. Murphy. Assigned to Community Affairs.

HR 24 - Relating to St. Patrick's Day. Introduced by Reps. Jonkiert and Matushefske.

HCR 12 - On the Renaming of a Highway For a Day. Introduced by Rep. Little. Assigned to Highways & Transportation.

SB 33 with SA 2 - An Act to Amend Title 29, Delaware Code, Chapter 80, By Creating a New Subsection Relating to the Powers and Duties of the Secretary of Natural Resources and Environmental Control to Make Grants for the Construction of Water Pollution Control Facilities. Introduced by Sen. Steele. Assigned to Environmental Control Committee.

SB 49 with SA 1 - An Act to Reincorporate the Town of Blades. Introduced by Sen. Elliott. Assigned to Community Affairs Committee.

SB 88 - An Act to Amend An Act Being Chapter 42, Volume 53, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Permit Vacancies in the Office of Mayor or Councilman to be Filled For the Remainder of the Unexpired Term. Introduced by Sen. Elliott. Assigned to Community Affairs Committee.

SB 108 - An Act to Amend Section 9402, Title 9, Delaware Code, Relating to the Salary of the Clerk of the Peace in and for New Castle County. Introduced by Sen. Manning. Assigned to Community Affairs Committee.

SJR 7 - Saluting the Delaware Agricultural Industry and the Members of the Committee for the

Delaware Agricultural Industry's First Annual Dinner. Introduced by Sen. Elliott. Assigned to Agriculture Committee.

SCR 10 - Memorializing and Urging the Delaware Congressional Delegation to Support Legislation Proposing the 126th Amendment to the U. S. Constitution. Introduced by Sen. Castle. Assigned to Judiciary Committee.

SCR 5 - Relative to the Department of Highways and Transportation Delaying Further Action on the Frederica to Camden By-Pass. Introduced by Sen. Cook. Assigned to Highways and Transportation Committee.

SCR 12 - Relating to Transportation of Pupils in the Conrad School District. Introduced by Sen. Cicione. On motion of Rep. Harkins SCR 12 was adopted by voice vote.

Rep. Hering spoke on decision by Supreme Court on **HB 711** and requested it be part of the record. (See end of 11th Legislative Day.)

The House recessed to the call of the Chair at 2:29 P.M. Reconvened at 4:15 P.M.

Rep. Harrington moved for suspension of the rules to vote on **SJR 8**. Motion carried. Privilege of the floor was granted to Mr. George Frick to read in to the records **SJR 8**. Mr. Frick introduced Coach Dan McGinnis and the Milford Basketball Team.

SJR 8 - Saluting the 1971 Milford High School Basketball Team and its Coaches on Becoming the First Lower Delaware School to Win the Delaware State Basketball Tournament. Introduced by Rep. Harrington, Rep. Smith, Sen. Grier and Sen. Robbins.

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.

Rep. Derrickson moved for suspension of the rules to act on **HB 33** with **SA 2**. Motion carried.

SB 33 - An Act to Amend Title 29, Delaware Code, Chapter 80 by Creating a New Subsection Relating to the Powers and Duties of the Secretary of Natural Resources and Environmental Control to Make Grants

for the Construction of Water Pollution Control Facilities.

Roll call on **SB 33** with **SA 2** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, Harkins, 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: Harrington - 1.

SB 33 with **SA 2** having received a constitutional majority was declared passed the House.

Committee Report:

Environmental Control: **SB 33-6M**.

On motion of Rep. Leshner **HB 85** with **HA 1** had its final reading and was placed before the House for consideration.

HB 85 with **HA 1** - An Act Making a Supplementary Appropriation to the Secretary of State for Automation of the Franchise Tax Department and the Corporation Department.

Roll call on **HB 85** 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.

On motion of Rep. Seibel **HS 1** to **HB 30** was brought before the House for consideration.

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

Roll call on **HS 1** to **HB 30** was tabled.

On motion of Rep. Billingsley **HB 78** was again before the House for consideration.

HB 78 - An Act to Amend Title 25, Chapter 27, Delaware Code, Relating to Mechanics' Liens Against an Owner Who Pays the Contractor For Construction and Building.

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

On motion of Rep. Heckert **HB 26** was again before the House for consideration.

HB 26 - An Act to Amend Chapter 125, Volume 56 Laws of Delaware Lowering the Voting Age of a Resident to Eighteen (18) Years of Age From the Present Requirement of Twenty-one (21) Years of Age.

Roll call on **HB 26** 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 26 having received a 2/3 vote was declared passed by the House.

On motion of Rep. Billingsley **HA 1** to **HB 48** was before the House for consideration.

Roll call on **HA 1** to **HB 48** revealed:

YEAS: Berndt, Billingsley, Connor, Derrickson, Dillman, Dobberstein, Harkins, Heckert, Hering, Jarvis, Justice, Kirk, Knox, Leshar, Little, Moerschel, Murphy, Poulterer, Quillen, Riddagh, Seibel, Weiss, Wright, Mr. Speaker Frederick - 24.

NAYS: Boulden, Clendaniel, Cordrey, Gordy, Harrington, Hearn, Jonkiert, Mears, Miller, Smith, Tribbitt - 11.

NOT VOTING: Gruwell, Johnson, Matushefske, Orth - 4.

HA 1 to **HB 48** having received a constitutional majority was declared adopted.

HA 2 to **HB 48** introduced by Rep. Tribbitt was deferred indefinitely.

Privilege of the floor was granted to House Attorney John Rich to answer questions regarding **HA 3** to **HB 48**.

HA 3 to HB 48 introduced by Rep. Leshner was before the House for consideration.

Roll Call on **HA 3 to HB 48** revealed:

YEAS: Berndt, Clendaniel, Cordrey, Dillman, Gruwell, Heckert, Jarvis, Leshner, Little, Mears, Moerschel, Riddagh, Wright - 13.

NAYS: Connor, Dobberstein, Harkins, Harrington, Hearn, Hering, Johnson, Jonkiert, Justice, Kirk, Knox, Matushefske, Miller, Orth - 14.

NOT VOTING: Billingsley, Derrickson, Gordy, Murphy, Seibel, Smith - 6.

ABSENT: Boulden - 1.

HA 3 to HB 48 not having received a constitutional majority was declared lost in the House.

HA 4 to HB 48 introduced by Rep. Orth was deferred.

HA 5 to HB 48 introduced by Rep. Hering was before the House for consideration.

Roll Call on **HA 5 to HB 48** 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, Mears, Miller, Orth, Smith, Tribbitt, Wright - 15.

ABSENT: Matushefske - 1.

HA 5 to HB 48 having received a constitutional majority was declared adopted.

HA 6 to HB 48 introduced by Rep. Billingsley was adopted by voice vote.

HA 7 to HB 48 introduced by Rep. Orth was before the House for consideration.

Roll Call on **HA 7 to HB 48** revealed:

YEAS: Boulden, Clendaniel, Cordrey, Gordy, Gruwell, Harrington, Hearn, Jarvis, Johnson, Little, Matushefske, Mears, Miller, Orth, Smith, Tribbitt, Wright - 17.

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

ABSENT: Jonkiert - 1.

HA 7 to HB 48 not having received a constitutional majority was defeated in the House.

At the request of Rep. Jarvis a telegram from Earle R. Lindell, Jr. President, United Telephone Workers of Delaware.

Wilmington, Delaware
March 16, 1971

House Majority Leader George Jarvis
Legislative Hall, Dover, Del.

The United Telephone Workers of Delaware would like to inform you of our opposition to House Bill 48. We would appreciate it if you would voice our opposition on the floor to the other members of the House before this bill is voted on.

Earle R. Lindell, Jr. President
United Telephone Workers of Delaware

The House recessed to the call of the Chair at 5:48 P.M. Reconvened at 6:15 P.M.

Rep. Justice deferred **HB 48** to end of the agenda.

Committee Reports: Revenue & Finance; **HJR 4-4** favorable, 2 on merits.

The following prefiled legislation was introduced:

HB 115 - An Act To Provide a Supplementary Appropriation to the Department of Health and Social Services. Introduced by Rep. Harkins. Assigned to Appropriations Committee.

HB 116 - An Act To Amend Section 1154, Title 30, Delaware Code by Adding the Requirement for Employers to Make Monthly Deposits of State Personal Income Taxes Withheld from Employees. Introduced by Rep. Billingsley. Assigned to Revenue & Finance Committee.

HB 117 - An Act To Amend Title 30, Delaware Code, Chapter 52, By Changing the Registration Dates in and Period of Applicability of the Motor Carriers Fuel Purchase Law. Introduced by Rep. Billingsley. Assigned to Revenue & Finance.

HB 118 - An Act To Amend Subchapter 11 of Chapter 83, Title 11, Delaware Code, Relating to the Eligibility of State Police for Pension Benefits. Introduced by Rep. Harrington. Assigned to Judiciary Committee.

HA 1 to **HB 3** introduced by Rep. Little. Placed with bill.

HA 7 to **HB 48** introduced by Rep. Orth. Placed with bill.

HJR 6 - Relating to Participation in a Federally-Funded "Alcoholic Safety Action Program". Introduced by Rep. Dillman. Assigned to Public Safety Committee.

SB 97 - An Act To Amend Title 18 of the Delaware Code, Relating to the Basic Property Protection Plan by Deleting Subsection (d) (i) of Section 4103 and by Amending Section 4106. Introduced by Sen. Foltz. Assigned to Highways & Transportation Committee.

SB 113 - An Act To Amend the Act to Incorporate the Town of South Bethany. Introduced by Sen. Hickman. Assigned to Community Affairs.

On motion of Rep. Little **HB 3** and **HB 104** were deferred until next legislative day, March 23, 1971.

On motion of Rep. Jarvis **HB 68** was deferred indefinitely.

HA 8 to **HB 48** introduced by Rep. Hearn was adopted by voice vote.

Roll Call on **HB 48** at request of Rep. Justice was tabled.

The Senate informed the House that it passed **HCR 3** and **HCR 11**.

The House recessed to the call of the Chair at 6:40 P.M.

Constitutional Revision

In The Supreme Court of The State of Delaware

Opinion of the Justices of the Supreme Court
in Response to Questions Propounded by
the Governor of Delaware
To His Excellency Russell W. Peterson
Governor of Delaware

Reference is made to your letters, dated February 18, 1971, requesting the opinions of the Justices upon the proper construction and application of the three-month publication requirement of Article 16, 1 of the Delaware Constitution* governing constitutional amendments.

One of your letters sets forth the following factual basis for the inquiry:

"1) The following Constitutional Amendments, contained in the bills indicated were 'proposed' by the 125th General Assembly:

House Bill No. 59	Proposed May 13, 1969
House Bill No. 42	Proposed May 28, 1969
House Bill No. 49	Proposed May 28, 1969

* Del. Const., Art. 16, 1 provides as follows:

"Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by two-thirds of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least three newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall upon yea and nay vote be agreed to by two-thirds of all the members elected to each House, the same shall thereupon become part of the Constitution." (Emphasis supplied)

Senate Bill No. 770	Proposed June 19, 1969
Senate Bill No. 11	Proposed June 24, 1969
House Bill No. 133	Proposed May 27, 1970
Senate Bill No. 98	Proposed June 2, 1970

The texts of the above proposed Amendments were printed in full together in the following newspapers on the dates indicated below:

New Castle County	
Wilmington Evening Journal	August 8, 1970
New Castle Gazette	August 12, 1970
Weekly Post	August 12, 1970
Kent County	
The Smyrna Times	August 6, 1970
Delaware State News	August 6, 1970
The Harrington Journal	August 6, 1970
Sussex County	
Delaware Coast Press	August 7, 1970
The Sussex Countian	August 8, 1970
Milford Chronicle	August 8, 1970

2) The following Constitutional Amendments were 'proposed' by the 125th General Assembly in the bills and on the dates indicated. Their texts have never been printed in full in any newspaper:

House Bill No. 139	Proposed May 19, 1970
Senate Bill No. 644	Proposed June 22, 1970''

The other of your letters sets forth the following factual basis for the inquiry:

"The facts are that on June 30, 1970, the 125th General Assembly proposed a Constitutional Amendment in House Bill No. 711. The text of this proposed Amendment has never been published in full in three newspapers in each county. However, the Amendment and its contents were made known to the public by the following means:

1) The original proposal of the Constitution Revision Commission was printed in full in each of the News-Journal papers on June 2 and June 3, 1969. The proposed Amendment, as passed in House Bill No. 711, was changed little from the Commission draft.

2) Editorials and most State newspapers commented on the proposed Amendment and its parts.

3) Radio and TV news reporters mentioned the proposed Amendment and reported its legislative progress.

4) Guests and callers on radio 'talk shows' discussed and offered opinions on the proposed Amendment.

5) Radio commentators gave views on the proposed Amendment.

6) Legislators and candidates for office spoke about and discussed the proposed Amendment.

7) The League of Women Voters asked each candidate for the General Assembly his opinion on the proposed Amendment and the replies were compiled and published in the News-Journal papers.

8) Civics classes in State high schools held discussions on the proposed Amendment.

9) Both houses of the General Assembly held extensive hearings on House Bill No. 711.

10) The Constitution Revision Commission held extensive well-advertised hearings in all three counties.

11) Copies of the proposed Amendment were made available to the public on request."

It is noted that you require the opinions "for public information" under the provisions of 10 Del. C. 141.*

* 10 Del. C. 141 provides:

" 141. Opinions of the Justices upon request of the Governor

"The Justices of the Supreme Court, whenever the Governor of this State shall require it for public information, or to enable him to discharge the duties of his office with fidelity, shall give him their opinions in writing touching the proper construction of any provision in the Constitution of this State or of the United States, or the constitutionality of any law enacted by the Legislature of this State."

I.

We address ourselves first to the status of those certain proposed Amendments the texts of which were in fact published in newspapers in each county, but which were not published "three months before the next general election" of November 3, 1970. It appears that in New Castle County, the publication was 85 days before Election Day in one newspaper* and 81 days prior thereto in the other two newspapers. In Kent County, the publication in all three newspapers took place 87 days before Election Day. In Sussex County, the publication occurred 86 days before Election Day in one newspaper and 85 days prior thereto in the other two newspapers. Otherwise stated, the publications were late by 5 days or less of the three-month period, except for the 9-day delay in the New Castle County weekly newspapers.

* It is noteworthy that this 85-day publication was made in the Wilmington Evening Journal which has state-wide circulation.

II.

The determinative question thus emerges: Does Del. Const., Art. 16, 1 require literal compliance with the time provisions for publication, or is substantial compliance therewith sufficient?

Publication requirements for proposed constitutional amendments, such as those set forth in Art. 16, 1, are commonplace in state constitutions. While the authorities are not uniform, it is generally agreed that it is sufficient if there is substantial compliance with such publication requirements. Literal compliance is not generally required so long as it is clear that the electorate has not been misled and that the purpose and intent of the constitutional provision has

been actually fulfilled by publication for a substantial part of the prescribed period. See generally 16 Am. Jur. (2d) "Constitutional Law", 35; 16 C.J.S. "Constitutional Law", 9 (3).

The rationale of the substantial compliance rule most acceptable in our view is that while the constitutional publication requirements are mandatory, they are essentially procedural; that a rigid adherence to such procedural mandate will not be required if it is clear that a substantial compliance provides realistic fulfillment of the purpose for which the mandate was incorporated in the constitution. While some authorities classify the publication requirements as directory rather than mandatory, we are of the opinion that they are mandatory - but subject to the substantial compliance rule.

A leading case on the substantial compliance rule is *State ex rel Morgan v. O'Brien*, 134 W. Va. 1, 60 S.E. (2d) 722 (1948) in which it was held that publication about 60 days before Election Day was such substantial compliance with the three-month publication requirement as to permit a valid submission of the proposed amendment to the electorate. Other examples of the application of the substantial compliance rule are: *State ex rel Thompson v. Winnett*, 78 Neb. 379, 110 N.W. 1113 (1907) in which publication 3 or 4 days late in the three-month period was held to be sufficient compliance; and *Gaines v. O'Connell*, 305 Ky. 397, 204 S.W. (2d) 425 (1947) in which publication 78 days before Election Day was held to be sufficient compliance with a ninety-day publication requirement. Other applications of the substantial compliance rule are found in *Manos v. State*, 98 Tex. Cr. R. 87, 263 S.W. 310 (1924); *State v. Alderson*, 49 Mont. 387, 142 P. 210 (1914); *Mayer v. Adams*, 182 Ga. 524, 186 S.E. 420 (1936); and *State ex rel Smith v. Kelly*, 149 W. Va. 381, 141 S.E. (2d) 142 (1965).

We are aware of *Tausig v. Lawrence*, 328 Pa. 408, 197 A. 235 (1937) in which the Supreme Court of Pennsylvania held that nothing short of literal compliance with the publication mandate would suffice; but that if the Secretary of the Commonwealth transmitted the required notices to the newspaper in ample time to permit publication within the three-month period, the constitutional mandate was fulfilled even though the notices were actually a week or ten days late in appear-

ing. Having in mind the purpose of the constitutional requirement, we do not find the rationale of the *Tausig* case to be persuasive. The other oft-cited authority for the literal compliance rule is *Arnett v. Sullivan*, 279 Ky. 720, 132 S.W. (2d) 76 (1939). It appears, however, that *Arnett* has been superseded by *Gaines v. O'Connell*, 305 Ky. 397, 204 S.W. (2d) 425 (1947) as an authority for present purposes.

We are of the opinion that the substantial compliance rule may be applied when there has been a partial compliance with the publication provisions of Art. 16, 1. The substantial compliance rule is the rule of reason and practicality; and it is the rule supported by the prevailing weight of authority.

III.

The next question, then, is whether there was substantial compliance in those situations before us where the texts of certain of the proposed Amendments were published, in partial compliance with Art. 16, 1.

First, a definition of "substantial compliance": there has been substantial compliance, we think, when there has been a partial compliance and when it is reasonable to conclude that the objective sought by the constitutional provision has been as fully attained thereby, as a practical matter, as though there had been a full and literal compliance. "Substantial compliance" means such compliance with essential requirements of the constitutional provision as may be sufficient for the accomplishment of the purposes thereof. Compare *Martien v. Porter*, 68 Mont. 450, 219 P. 817, 822 (1923).

This definition requires a restatement of the purpose and intent of the publication requirements of Art. 16, 1. The purpose is to insure that the people of the State are informed, accurately and completely, of the details of a proposed amendment to the Constitution in ample time for them to ascertain the positions relative thereto of the candidates for election to the next General Assembly; and to enable the electorate to express their approval or disapproval of the proposed amendment by voting for representatives in the next General Assembly who best reflect their preference in the matter. 4 Del. Const. Debates (1897) pp. 2423, 2424, 2973, 2975, 2976; Opinion of

the Justices, 264 A. (2d) 342, 345 (1970).

Having in mind this purpose and intent of the publication provisions, we are of the opinion that, with respect to the proposed Amendments the texts of which were published in partial compliance with Art. 16, 1, there was substantial compliance sufficient to fulfill the constitutional requirements. In our judgment, the electorate of the State were neither misled nor prejudiced by the fact that the publications appeared in the press from 81 to 87 days before Election Day, rather than the full three months prior thereto. Clearly, the people of the State had abundant time and were equally able to inform themselves of the proposed Amendments and the attitude of the candidates for election to the General Assembly with respect thereto, despite the few days' delay.

It is our opinion, therefore, that there was legal publication sufficient under Art. 16, 1 to permit the following proposed Amendments to "become part of the Constitution" by action of the 126th General Assembly: H.B. Nos. 42, 49, 59, and 133; and S.B. Nos. 11, 98, and 770.

In approving the substantial compliance rule, we note a caveat: a determination of substantial compliance depends upon the circumstances of each case. Any extension of the substantial compliance principle must be carefully guarded and limited in order that mandatory provisions of the Constitution may not be unduly subverted. The line of substantial compliance, therefore, must be carefully drawn and observed. We are satisfied that in the situation before us, because of the very short periods of tardiness involved, the line has not been crossed.

IV.

We turn now to those certain proposed Amendments as to which there was no compliance at all with the publication requirements of Art. 16, 1 - not even partial compliance.

It seems clear that substantial compliance may not be predicated upon no compliance. As we have stated, the constitutional provisions for publication are mandatory; they may not be ignored even though something less than literal compliance may be acceptable under certain circumstances. The Constitution sets forth, clearly and unmistakably, what must

be done in order to change the fundamental law. Failure to comply therewith, at least substantially, is fatal to any effort to follow another course. Other channels of publicity, used at other and different times, may supplement the publication provisions of Art. 16, 1; but they may not be substituted therefor; for to do so would be to engraft new and different procedures upon Art. 16, 1 and to rewrite the constitutional specifications for a very important stage in the amendatory process. Compare *State v. Cline*, 118 Neb. 150, 224 N.W. 6 (1929).

Accordingly, it is our opinion that the proposed Amendments contained in S.B. No. 644 and H.B. Nos. 139 and 711 were not legally published as required by Art. 16, 1; that, because of the failure to comply with the constitutional mandate on publication, they may not "become part of the Constitution" by action of the 126th General Assembly.

With respect to H.B. No. 711, it appears from your letter that the "original proposal of the Constitution Revision Commission was printed in full in each of the News-Journal papers" in June 1969; and that the Commission "held extensive well-advertised hearings in all three counties". Such publicity may be accorded no significance for present purposes. In addition to the basic proposition that different kinds of publicity, occurring at various times, may not be engrafted upon the constitutional provisions and substituted for the mandatory publication requirements of Art. 16, 1, there are other reasons why publicity of the original proposals of the Constitution Revision Commission may not be deemed the equivalent of the constitutionally required publication of the text of H.B. No. 711. Those reasons relate to the several significant changes made by the General Assembly and the resultant differences between the proposals of the Commission, on the one hand, and the proposed Amendments in H.B. No. 711, on the other. It appears that H.B. No. 711 differed from the proposals of the Commission in the following important areas: trial by jury; qualifications of members of the General Assembly; legislative districting and redistricting; time and frequency of sessions of the General Assembly; vacancies in the General Assembly; immunity of members of the General Assembly; powers and duties of the Governor and of the Lieutenant Governor; age qualifications for

voting; registration of voters; local governments; and the merit system. In view of differences such as these, it is manifest that publication of the proposals of the Constitution Revision Commission may not be deemed publication of H.B. No. 711.

We also note that the proposed Amendments in H.B. No. 711 were the subject of editorials, radio and television news reports and programs, campaign speeches, a published poll of the candidates, hearings by both houses of the General Assembly, and class discussions in the schools. Again, the conclusion must be that such other and different types of publicity occurring at other and different times, as desirable as they may be as supplements in the amendatory process, are not legally acceptable substitutes for the mandatory publication of the texts of the Amendments. The requirements of Art. 16, 1 may not be thus rewritten by any official, or any General Assembly, or any court.

The foregoing is the opinion of each of the undersigned.

Respectfully submitted,

s/ Daniel F. Wolcott
Chief Justice

s/ James B. Carey
Associate Justice

s/ D. L. Herrmann
Associate Justice

Dated: March 10, 1971

March 23, 1971

12th 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 William H. Miller, Calvary Wesleyan Church, Harrington, 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, 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: Jarvis - 1.

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

Communications:

OFFICE OF THE GOVERNOR

March 19, 1971

LEGISLATIVE ADVISORY NO. 2

TO:

Rep. Thomas L. Little
Rep. Wm. T. Poulterer, III
Rep. Andrew G. Knox
Rep. Kermit H. Justice
Rep. George Jarvis
Rep. John F. Kirk, Jr.
Rep. Sherman W. Tribbitt
Rep. Harry E. Derrickson
Sen. Anthony J. Cicione
Sen. Frank R. Grier
Sen. Michael N. Castle
Sen. Dean C. Steele
Sen. Calvin R. McCullough
Sen. J. Donald Isaacs
Leo Dugan
Dr. Kenneth C. Madden
Robert McBride
Mrs. Phyllis Schabinger
Milford High School
Dr. Luna I. Mishoe

John H. Shaffer
Ernest Spence
Earl M. Steele
William A. Skinner
Sen. J. Caleb Boggs
Sen. William V. Roth, Jr.
Rep. Pierre S. duPont, IV
Hon. W. Laird Stabler, Jr.
All Cabinet Secretaries
Lewis Darlin
Bruce Ralston

James R. Zeller
 George Cripps
 Emily Womach
 Richard Caldwell
 Legislative Council
 Governor's Staff
 Secretary of the Senate
 Clerk of the House

FROM:

Fletcher E. Campbell, Jr., Counsel to the Governor
 The Governor approved the following legislation
 on the indicated dates:

HB 20 - 3-2-71 - relating to the salary of the Recorder of Deeds in and for New Castle County.

HB 12 As Amended by S.A. 1 - 3-11-71 - amending the procedure for voting on local school bond issues.

HB 84 As Amended by H.A. 1 - 3-11-71 - providing a limit on the issuance of bonds and notes for cities having populations in excess of 50,000.

HJR 3 - 3-15-71 - appropriating \$15,000 to Legislative Council for reapportioning the General Assembly.

HCR 9 - 3-15-71 - expressing congratulations to Mrs. Phyllis Schabinger on being chosen Delaware Teacher of the Year.

SB 38 - 3-15-71 - regarding the appointment of notaries public for certain service organizations.

SJR 8 - 3-16-71 - saluting the 1971 Milford High School Basketball Team and its coaches upon winning the Delaware State Basketball Tournament.

SB 8 - 3-18-71 - relating to place for public sale of real estate.

SB 34 - 3-18-71 - supplementary appropriation of \$60,000 to Delaware State College for teachers salaries.

SJR 4 - 3-18-71 - commending William A. Skinner upon being named Delaware's Outstanding Male Athlete of 1970.

HCR 3 - 3-18-71 - urging the congressional delegation in Washington to initiate and support legislation concerning dumping of waste in the Atlantic Ocean.

HCR 11 - 3-18-71 - requesting the Governor to request an opinion from the Attorney General on matters pertaining to the C & D Canal and the St. George's Bridge.

On the indicated date the Governor vetoed the following legislation:

SB 33 As Amended by S.A. 2 - 3-18-71 - relating to the powers of the Secretary of Natural Resources and Environmental Control over the construction of water pollution control facilities.

NOTE:

On Advisory No. 60 dated February 11, 1971 - this should become Advisory No. 1.

On Advisory No. 60 it was noted that **SB 44** passed without amendment - this is in error as **SB 44** was amended by the House by **H.A. 1**.

On Advisory No. 60 it was noted that **HJR 1** passed without amendment - this is in error as **HJR 1** was amended by the House by **H.A. 1**.

The following prefiled legislation was introduced:

HB 119 - An Act Making a Supplementary Appropriation to the Newark Senior High School Band and a Supplementary Appropriation to the Seaford High School Band for the Purpose of Providing Funds to Enable said Bands to Accept a Special Invitation Extended to Them to Participate in the National Cherry Blossom Festival in Washington, D.C. Introduced by Rep. Murphy. Assigned to Appropriations Committee.

HB 120 - An Act to Amend Section 113, Title 15 of the Delaware Code Allowing the Department of Elections for New Castle County to be Moved out of the Public Building in Wilmington. Introduced by Rep. Berndt. Assigned to Judiciary Committee.

HB 121 - An Act to Amend Title 14, Section 1913, Delaware Code, Relating to "Objections to Assessment List; Posting; Hearing". Introduced by Rep. Heckert. Assigned to Education Committee.

HB 122 - An Act to Amend Chapter 21, Part II, Title 25 of the Delaware Code Relating to Mortgages and Other Liens, and Compelling Mortgages to Pay Interest on Escrow Funds. Introduced by Rep. Billingsley. Assigned to Judiciary Committee.

HB 123 - An Act to Amend Part III, Chapter 23, Title 30 of the Delaware Code Providing an Exemption from Payment of Fees Required to Obtain Occupational Licenses for Non-Profit Nursing, Rest or Convalescent Homes. Introduced by Rep. Hering. Assigned to Revenue & Finance Committee.

HB 124 - An Act Authorizing and Making a Supplemental Appropriation to the Marshallton-McKean School Board to Pay Certain Obligations Incurred in a Prior Fiscal Year. Introduced by Rep. Knox. Assigned to Education Committee.

HB 125 - An Act to Amend Titles 16 and 19, Delaware Code, Relating to the Powers of the Division of Physical Health and the Division of Environmental Control. Introduced by Rep. Berndt. Assigned to Health & Social Services Committee.

HB 126 - An Act to Amend Title 7 of the Delaware Code, Relating to Public Use of Private Lands. Introduced by Rep. Berndt. Assigned to Natural Resources Committee.

HB 127 - An Act to Amend Subchapter II of Chapter 11, Title 30 of the Delaware Code Relating to Modifications of Taxable Income. Introduced by Rep. Dobberstein. Assigned to Revenue & Finance Committee.

HA 2 to **HB 54** introduced by Rep. Quillen. Placed with bill.

The House recessed to the call of the Chair at 1:51 P.M. Reconvened at 2:55 P.M.

The following prefiled legislation was introduced:

SCR 13 - Relative to the Proposed Amendment to the Constitution of the United States Extending the Right to Vote to Citizens Eighteen Years of Age or Older. Introduced by Sen. Manning. At request of Rep. Little **SCR 13** was placed on Speakers table.

Agenda:

At request of Rep. Quillen **HB 87** was deferred until Thursday, March 25, 1971.

On motion of Rep. Little **HB 3** was before the House for consideration.

On motion of Rep. Little **HA 1** to **HB 3** was adopted by voice vote.

HB 3 - An Act Proposing an Amendment of Section 2, Article V, of the Constitution of the State of Delaware, Relating to Qualifications for Voting.

Roll Call on **HB 3** with **HA 1** revealed:

YEAS: Berndt, Billingsley, Boulden, Clendaniel, Connor, Cordrey, Derrickson, Dillman, Dobberstein, Gordy, Gruwell, 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 - 38.