

the Joint Legislative Committee on Constitutional Revision”.

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

HA 5 to HB 394 — Introduced by Rep. Stabler. Placed with bill.

HA 1 to HB 511 — Introduced by Rep. Benson. Placed with bill.

HA 1 to SB 551 — Introduced by Rep. Benson. Placed with bill.

HA 3 to HS 1 for HB 633 — Introduced by Rep. Hering. Placed with bill.

HA 1 to HB 775 — Introduced by Rep. Little. Placed with bill.

HA 2 to HB 779 — Introduced by Reps. Billingsley and Jarvis. Placed with bill.

HA 4 to HB 788 — Introduced by Rep. Benson. Placed with bill.

HA 5 to HB 788 — Introduced by Rep. Leshner. Placed with bill.

HA 6 to HB 788 — Introduced by Rep. Billingsley. Placed with bill.

HHA 6 to HB 789 — Introduced by Rep. Billingsley. Placed with bill.

HA 1 to HB 820 — Introduced by Rep. Moerschel. Placed with bill.

HA 1 to HB 832 — Introduced by Rep. Moerschel. Placed with bill.

HA 1 to HB 834 — Introduced by Rep. Murphy. Placed with bill.

On motion of Rep. Moerschel, HS 1 for HB 541, as amended with SA 1 and SA 2, was before the House for consideration. Rep. Moerschel moved that HS 1 for HB 541, as amended, be laid on the Speaker’s Desk. Motion carried.

SB 519 with SA 1 — “An Act to Amend Section 7903 (b) (3), Title 29, Delaware Code, Relating to the Director of the Division of Social Services”.

Introduced by Sen. Hart. Referred to the Committee on Executive Reorganization.

SB 521 — “An Act to Amend Title 30, Delaware Code, Chapter 11, Relating to Access of Tax Records and Returns by Employees of the State Central Data Processing Division.”

Introduced by Sen. Castle. Referred to the Committee on Revenue and Taxation.

SB 609 — “An Act Making a Supplementary Appropriation to the Public Service Commission”.

Introduced by Sen. Hart. Referred to the Committee on Government Operations.

**SB 637** — "An Act Amending Titles 11, 17, 20, 21 and 29, Providing for Omnibus Amendments and Corrections Relating to the Department of Public Safety as Provided in Title 29, Delaware Code, Chapter 82".

Introduced by Sen. Hale. Referred to the Committee on Executive Reorganization.

**SB 643** — "An Act to Amend Chapter 5, Title 22, Delaware Code, Relating to Parking Authorities".

Introduced by Sen. Castle. Referred to the Committee on Commerce and Labor.

**SB 644** — "An Act Proposing an Amendment to the Constitution of the State of Delaware".

Introduced by Sen. Manning. Referred to the Joint Committee on Constitutional Revision.

**SB 645** — "An Act to Amend Title 24, Delaware Code, Chapter 27, Relating to Professional Engineers and Land Surveyors.

Introduced by Sen. Hale. Referred to the Committee on Revised Statutes.

**SB 653** — "An Act to Amend Chapter 92, Volume 23, Laws of Delaware, as Amended, being 'An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington' by Providing that the Board of Public Education in the City of Wilmington Consist of Seven (7) Members, Four (4) of Whom Shall be Appointed by the Governor and Three (3) of Whom Shall be Appointed by the Mayor of the City of Wilmington".

Introduced by Sen. Castle. Referred to the Committee on Education.

The following Representatives asked to be marked present: Jarvis, Burton, Gray, Riddagh, Kirk, Frederick, Fonville, Dillman and Spence.

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

**HB 788** with **HA 1, 2, 3, 4, 5, 6** — "An Act to Amend an Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1971', Being House Bill No. 630 of the 125th General Assembly and also Known as the 1971 Budget Appropriation Bill".

**HA 1 to HB 788** — Rep. Leshner moved for adoption by voice vote. Motion carried.

**HA 2 to HB 788** — Rep. Zimmerman moved for adoption of **HA 2**. Rep. Leshner Moved that **HA 2** be tabled. Roll Call on the motion to table **HA 2 to HB 788** revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 25.

NAYS: Balick, Boulden, Butcher, Fonville, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman - 14.

Rep. Zimmerman moved that the roll call on the motion to table HA 2 to HB 788 be tabled. Motion lost.

The motion to table having received a majority, HA 2 to HB 788 was declared tabled.

HA 3 to HB 788 — Rep. Leshner moved that HA 3 be stricken. Motion carried.

HA 4 to HB 788 — Rep. Benson moved that HA 4 be adopted. Motion carried.

HA 5 to HB 788 — Rep. Leshner moved that HA 5 be stricken. Motion carried.

HA 6 to HB 788 — Rep. Billingsley moved that HA 6 be stricken. Motion carried.

Roll Call on HB 788 with HA 1 and 4 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Jarvis, Unruh - 2.

HB 788 with HA 1 and 4 having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

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

HB 789 with HA 1, 2, 3, 4, 5, 6 — "An Act to Amend an Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1971', Being House Bill No. 630 of the 125th General Assembly and Also Known as the 1971 Budget Appropriation Bill".

HA 1 to HB 789 — Rep. Hering moved for adoption of HA 1 by voice vote. Motion carried.

HA 2 to HB 789 — Rep. Leshner moved for adoption by voice vote of HA 2. Motion carried.

Mr. Speaker Hering returned to the Chair.

HA 3 to HB 789 — Rep. Hearn moved that HA 3 be stricken. Motion carried.

HA 4 to HB 789 Rep. Zimmerman moved for adoption of HA 4. Rep. Heckert moved that HA 4 be tabled. Roll Call on the

motion to table HA 4 to HB 789 revealed:

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

NAYS: Balick, Boulden, Butcher, Fonville, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman - 14.

The motion to table having received a majority, HA 4 to HB 789 was declared tabled.

Mr. Speaker recognized former Representative Paul E. Shockley.

HA 5 to HB 789 — Rep. Zimmerman moved for adoption of HA 5. Rep. duPont moved that HA 5 to HB 789 be tabled. Roll Call on the motion to table HA 5 to HB 789 revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 24.

NAYS: Balick, Boulden, Burton, Butcher, Fonville, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman - 15.

The motion to table having received a majority, HA 5 to HB 789 was declared tabled.

HA 6 to HB 789 — Rep. Billingsley moved that HA 6 be stricken. Motion carried.

Privilege of the floor was granted Dr. Robert Rasmussen, Superintendent of Schools of the Capital School District in Dover to explain the bill.

Roll Call on HB 789 with HA 1 and 2 revealed:

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

HB 789 with HA 1 and 2 having received a constitutional majority was declared passed by the House.

Privilege of the floor was granted Miss Linda Ford and Harold Fiddler on behalf of vocational clubs and programs (DECA) to express their thanks for certain legislation that had been passed.

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

HB 736 — "An Act to Amend Chapter 14, Title 14, Delaware Code, Relating to Procedures for the Termination of



Service of Professional Employees”.

Roll Call revealed:

YEAS: Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Leshner, Mears, Moerschel, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Mr. Speaker Hering - 23.

NAYS: Kirk, Unruh - 2.

NOT VOTING: Balick, Dodge, Fonville, Hearn, Little McMahon, Murphy, Orth, Stansky, Wright, Zimmerman - 11.

ABSENT: Benson, Burton, Stabler - 3.

HB 736 having received a constitutional majority was declared passed by the House.

House recessed at 4:10 P.M., reconvened at 4:16 P.M.

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

HB 744 — “An Act Relating to Taxpayer Identification Numbers”.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dodge, duPont, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 32.

ABSENT: Butcher, Dillman, Fonville, Harrington, Little, Mears, Stabler - 7.

HB 744 having received a constitutional majority was declared passed by the House.

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

HB 745 — “An Act to Amend Title 21, Section 319, Delaware Code, Relating to Uncollectible Checks and Penalty”.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 36.

ABSENT: Gray, Mears, Zimmerman - 3.

HB 745 having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

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

HB 727 — “An Act to Amend Chapter 135, Volume 57, Laws of Delaware, also Known as House Bill 187 of the 125th

General Assembly Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970', as Amended, by Making a Supplementary Appropriation to the State Tax Department in the Amount of \$27,000.00.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Wright, Zimmerman, Mr. Acting Speaker Stabler - 35.

ABSENT: Burt, Gray, Murphy, Unruh - 4.

HB 727 having received a constitutional majority was declared passed by the House.

HS 1 for HB 633, as amended, having had its final reading was again before the House for consideration.

HA 3 to HB 633 — Rep. Hering moved for adoption of HA 3 by voice vote.

Privilege of the floor was granted Mrs. Mary K. Reynolds to speak regarding the bill and amendments.

Rep. Hering moved that HB 633, as amended, be deferred. Motion carried.

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

HB 800 — "An Act to Amend Title 16, Delaware Code, Section 3137 Relating to Fees Charged by the Board of Health and the Division of Physical Health of the Department of Health and Social Services".

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler - 37.

ABSENT: Burton, Spence - 2.

HB 800 having received a constitutional majority was declared passed by the House.

Mr. Speaker Hering returned to the Chair.

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

HB 808 — "An Act to Amend Title 31, Delaware Code, Section 503 Relating to Aid to Families with Dependent Children".

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, duPont, Fonville, Frederick, Hearn, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Seibel, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 25.

NAYS: Burton, Dodge, Quillen, Riddagh, Sebrell, Unruh - 6.

NOT VOTING: Gray, Harrington, Heckert, Kirk, Phillips, Rawlins, Spence - 7.

ABSENT: Benson - 1.

HB 808 having received a constitutional majority was declared passed by the House.

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

SB 493 — "An Act to Amend Chapter 31, Title 3, Delaware Code, Relating to Milk, Cream and Other Milk Products".

Introduced by Sen. Elliott.

Privilege of the floor was granted Mr. G. Wallace Caulk, Secretary of the State Board of Agriculture, to explain the bill.

Roll Call on SB 493 revealed:

YEAS: Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Balick, Benson, Gray, Rawlins - 4.

SB 493 having received a constitutional majority was declared passed by the House.

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

SB 547 with SA 1, 3, 4, 6 and HA 1 — "An Act to amend Title 29, Delaware Code, by creating anew chapter to be designated as Chapter 84 relating to the establishment of a Department of Highways and Transportation, defining its organization, powers, duties and functions and providing a supplementary appropriation to the Governor to implement the provisions of this act.

Introduced by Sen. Hart and Others.

HA 2 to SB 547 — Introduced by Rep. Leshner.

Rep. Stabler moved to recess at 5:12 P.M., motion carried.

House reconvened at 5:38 P.M.

Committee Reports:

Appropriations: HB 767, 1 favorable, 4 on merits; HB 849, 1 favorable, 4 on merits; HB 861, 2 favorable, 4 on merits; HB 862, 1 favorable, 5 on merits; Public Buildings and Lands: HB 891, 4 on merits; HB 668, 4 on merits; SB 633, 1 favorable, 3 on merits; SB 634, 4 on merits; Education: HB 799, 4 on

merits; HB 831, 5 on merits; HB 828, 4 on merits; Revised Statutes: HB 821, 2 favorable, 3 on merits; Highways and Public Safety: SB 554, 3 favorable, 3 on merits. Financial Institutions: HB 777, 4 on merits; Judiciary: HB 781, 3 favorable, 2 on merits; HB 847, 4 on merits; HB 863, 4 on merits; Commerce and Labor: HB 176, 3 favorable, 1 on merits; HB 823, 4 on merits; HB 811, 4 on merits; HB 710, 2 favorable, 2 on merits; HB 819, 4 on merits; HB 547, 1 favorable, 3 on merits; HB 546, 1 favorable, 3 on merits; HB 815, 1 favorable, 3 on merits; HB 847, 1 favorable, 3 on merits; HB 506, 1 favorable, 3 on merits; HB 507 1 favorable, 3 on merits, HB 810, 4 on merits; HB 838, 1 favorable, 3 on merits; HB 829, 6 on merits; HB 859, 1 favorable, 4 on merits; SB 598, 5 on merits; SB 597, 4 on merits; SB 643, 4 on merits; Executive Reorganization: HB 866, 4 on merits; SB 519, 4 on merits; SB 637, 1 favorable, 3 on merits; Natural Resources: HB 868, 1 favorable, 4 on merits; Revenue and Taxation: HB 840, 1 favorable, 2 on merits, 1 unfavorable; HB 855, 1 favorable, 3 on merits; HB 851, 1 favorable, 2 on merits; 1 unfavorable;le; HB 844, 1 favorable, 3 on merits; HB 843, 1 favorable, 3 on merits; HB 842, 1 favorable, 3 on merits; HB 841, 1 favorable, 3 on merits; HB 839, 1 favorable, 3 on merits; HB 835, 1 favorable, 3 on merits.

Prefiled:

HB 900 — "An Act to Amend Titles 7, 16, 29 Delaware Code, by providing for Repeal of Chapters 60, 62, 63 of Title 7, 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 a Water and Air Resources Appeals Board, Defining its Organization, Powers, Duties and Functions.

Introduced by Rep. Frederick. Referred to the Committee on Executive Reorganization.

HB 901 — "An Act to Amend Section 8105, Title 9, Delaware Code, by Adding B'nai B'rith Lodge 470 to the List of Organizations Exempt from Real Property Taxation".

Introduced by Rep. Balick. Referred to the Committee on Revenue and Taxation.

HB 902 — "An Act to Amend Title 17, Delaware Code, Chapter 5, Relating to Highways, Roads and Bridges Generally".

Introduced by Rep. duPont. Referred to the Committee on Commerce and Labor.

HB 903 — "An Act to Amend Title 29, Chapter 79, Delaware Code, Relating to Drug Control and Making Supplementary Appropriations therefor".

Introduced by Rep. duPont and Others. Referred to the Committee on Judiciary.

**HB 904** — “An Act Making a Supplementary Appropriation to the Department of Health and Social Services to Provide Financial Assistance to the Head Start Centers in the State of Delaware”.

Introduced by Reps. Balick and Dillman. Referred to the Committee on Appropriations.

**HB 905** — “An Act to Amend Title 14, Delaware Code, Relating to Procedures for Termination of Services”.

Introduced by Rep. Little. Referred to the Committee on Education.

**HB 906** — “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. Referred to Financial Institutions.

**HA 2 to HS 1 for HB 512** — Introduced by Rep. duPont. Placed with bill.

**HA 1 to SB 513** — Introduced by Rep. Benson. Placed with bill.

**HA 1 to HB 580** — Introduced by Rep. Riddagh. Placed with bill.

**HA 1 to HB 769** — Introduced by Rep. Quillen. Placed with bill.

**HA 1 to HB 772** — Introduced by Rep. Berndt. Placed with bill.

House recessed to Call of the Chair at 6:01 P.M.

### 39th LEGISLATIVE DAY

The Speaker called the House to order at 2:10 P.M., on May 21, 1970.

The House convened at 2:11 P.M., on Thursday, May 21, 1970.

There was a prayer by the Chaplain Reverend John W. Dean, Rehoboth.

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

Roll Call revealed 39 members present, none absent.

Minutes of the previous legislative day were approved as posted.

The Senate informed the House it had passed **HB 278** with

**HA 1, HB 445, HB 476, HB 503 with Ha 1, HB 527, HB 618, HB 680, HB 692 with SA 1, HB 701, HB 702 with HA 1, and HB 638 with HA 2 and SA 1.**

**Committee Reports:**

**Revenue and Taxation: HB 743, 4 on merits; Judiciary: HB 580, 4 on merits; HB 499, 1 favorable, 5 on merits; HB 903, 6 favorable.**

**Rep. Moerschel moved that HS 1 for HB 541, as amended, be lifted from the Speaker's Desk. Motion carried.**

**HA 2 to HS 1 for HB 541 — Introduced by Rep. Moerschel. Adopted by voice vote.**

**Roll Call on HS 1 for HB 541 with HA 1, SA 1, SA 2 and HA 2 revealed:**

**YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 38.**

**Absent: Jarvis - 1.**

**HS 1 for HB 541 with HA 1, SA 1, SA 2 and HA 2 having received a constitutional majority was declared passed by the House.**

**The following prefiled legislation was introduced:**

**HA 1 to SB 161 — Introduced by Rep. Little. Placed with bill.**

**HA 4 to HS 1 for HB 633 — Introduced by Rep. Hering. Placed with bill.**

**HA 3 to HB 779 — Introduced by Rep. Frederick. Placed with bill.**

**HA 1 to HB 887 — Introduced by Rep. Billingsley. Placed with bill.**

**HA 2 to HB 887 — Introduced by Rep. Hearn. Placed with bill.**

**HR 119 — "Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 125th General Assembly".**

**Introduced by Rep. Stabler. Adopted by voice vote.**

**Rep. Kirk moved that HB 692 with SA 1 be placed before the House for consideration.**

**Rep. Kirk moved that the roll call on HB 692, as amended, be tabled. Motion carried.**

**SB 631 — with SA 2 — "An Act to Amend Title 17, Delaware Code, Relating to Highways by providing that Highway Construction Payments received by a Contractor are Trust Funds and Further Providing for Violations and Penalties**

for the use or Appropriation of Such Funds by the Contractor prior to Paying Persons Furnishing Labor or Material in the Construction of the Highway”.

Introduced by Sen. Manning and Others. Referred to the Committee on Highways and Public Safety.

**SB 635** — “An Act Making a Supplementary Appropriation to the Educational Contingency Fund for the Purpose of Tuition Payments on Account of Delmar School District”.

Introduced by Sen. Elliott. Referred to the Committee on Education.

**SB 651** — “An Act to Amend Title 6, Chapter 25, Delaware Code, Relating to Prohibited Trade Practices by Adding a new Subchapter thereto to Protect Franchised Distributors from Unjust Termination of, or Failure or Refusal to Renew their Franchises”.

Introduced by Sen. Castle. Referred to the Committee on Commerce and Labor.

**SB 662** — “An Act to Validate Certain Proceedings at Referenda of School Districts, and any Bonds or Other Obligations issued or to be issued Pursuant to such Proceedings”. Introduced by Sen. Steele. Referred to the Committee on Education.

**SB 690** — “An Act to Validate the Bond Referendum held in the Alexis I. DuPont School District on May 16, 1970”.

Introduced by Sen. Steele. Referred to the Committee on Education.

Mr. Dodge took the Chair as Acting Speaker.

Rep. Murphy moved to lift the roll call on SB 198 with SA 1. Motion carried.

Roll Call revealed:

**YEAS:** Benson, Billingsley, Burt, Burton, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 22.

**NAYS:** Goldfeder, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman - 11.

**NOT VOTING:** Berndt, Boulden, Butcher, Dillman, Fonville, Kirk - 6.

**SB 198** with SA 1 having received a constitutional majority was declared passed by the House.

**HS 1** for **HB 633**, as amended, having had its final reading, was again before the House for consideration, on motion of Rep. Hering.

**HA 3** to **HS 1** for **HB 633** — Rep. Hering moved that **HA 3** be stricken. Motion carried.

**HA 4** to **HS 1** for **HB 633** — Rep. Hering moved for adoption

of HA 4 by voice vote. Motion carried.

HA 5 to HS 1 for HB 633 — Rep. Wright moved that HA 5 be stricken. Motion carried.

HA 6 to HS 1 for HB 633 — Introduced by Rep. Wright. Adopted by voice vote.

Rep. Hering moved for a roll call on HS 1 for HB 633, as amended. Rep. Hering moved that the roll call be tabled. Motion carried.

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

SS 1 for SB 324 with HA 1 — “An Act to Amend Delaware Code, Title 14, Chapter 41, by adding a New Section Relating to Privileged Communication and Confidential Records”.

Introduced by Sen. Hale.

HA 2 to SS 1 for SB 325 — Introduced by Rep. Hearn.

HA 3 to SS 1 for SB 325 — Introduced by Rep. Hearn.

Privilege of the floor was granted Mrs. Jane Whitchland to explain the bill and amendments.

Rep. Heckert moved that the roll call on HA 1 to SS 1 for SB 324 be tabled. Motion carried.

Rep. Heckert moved to defer SS 1 for SB 324, as amended, motion carried.

Mr. Speaker Hering returned to the Chair.

Rep. Gray moved to lift the roll call on HB 774. Motion carried.

Rep. Gray moved to rescind the roll call on HB 774. Motion carried.

HA 1 to HB 774 — Introduced by Rep. Gray. Adopted by voice vote.

Roll Call on HB 774 with HA 1 revealed:

YEAS: Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Riddagh, Seibel, Spence, Stabler, Mr. Speaker Hering - 23.

NAYS: Fonville - 1.

NOT VOTING: Balick, Benson, Butcher, Hearn, Mears, Orth, Phillips, Rawlins, Stansky, Wright - 10.

ABSENT: Boulden, Quillen, Sebrell, Unruh, Zimmerman - 5.

HB 774 with HA 1 having received a constitutional majority was declared passed by the House.

SB 547 with SA 1, 3, 4, 6 and HA 1, 2 having had its final reading was again before the House for consideration, on motion of Rep. Frederick.

HA 1 to SB 547 — Rep. Unruh moved for adoption by voice vote. Motion carried.



HA 2 to SB 547 — Rep. Leshner moved for adoption of HA 2 by roll vote.

Rep. Leshner moved that the roll call be tabled. Motion to table the roll call on HA 2 to SB 547 as amended, was declared lost.

Roll Call on HA 2 to SB 547, as amended, revealed:

YEAS: Benson, Berndt, Burt, Dodge, duPont, Frederick, Heckert, Jarvis, Leshner, Little, Seibell, Seibel, Stabler, Mr. Speaker Hering - 14.

NAYS: Balick, Billingsley, Boulden, Burton, Fonville, Gray, Harrington, Hearn, Kirk, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Spence, Stansky, Unruh, Wright, Zimmerman - 22.

NOT VOTING: Butcher - 1.

ABSENT: Dillman, Murphy - 2.

HA 2 to SB 547 with SA 1, 3, 4, 6 and HA 1 not having received a majority was declared lost.

Roll Call on SB 547, as amended, revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Riddagh, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 23.

NAYS: Fonville, Harrington, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Zimmerman - 9.

NOT VOTING: Balick, Boulden, Butcher, Hearn, Seibell, Wright - 6.

ABSENT: Quillen - 1.

SB 547 with SA 1, 3, 4, 6 and HA 1 having received a constitutional majority was declared passed by the House.

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

SB 569 — “An Act to Amend Title 31, Delaware Code, Chapter 3, Relating to Child Welfare by Providing for a New Subchapter Concerning the Interstate Compact on the Placement of Children.”

Introduced by Sen. Manning.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSEBT: Spence, Stansky - 2.

SB 569 having received a constitutional majority was declared passed by the House.

Rep. Kirk moved to lift from the table, roll call on SB 563. Motion carried.

Rep. Kirk moved to rescind the roll call on SB 563. Motion carried.

HA 1 to SB 563 — Rep. Kirk moved for adoption of HA 1 by voice vote. Motion carried.

Roll Call on SB 563 with HA 1 revealed:

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

ABSENT: Burton - 1.

SB 563 with HA 1 having received a constitutional majority was declared passed by the House.

Rep. Heckert moved to lift from the table, roll call on HA 1 to SS 1 for SB 324.

Motion carried.

Roll Call on HA 1 to SS 1 for SB 324 revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Murphy, Quillen, Riddagh, Seibel, Spence, Stabler, Mr. Speaker Hering - 21.

NAYS: Balick, Butcher, Harrington, Orth, Wright - 5.

NOT VOTING: Burton, Fonville, Gray, Hearn, McMahon, Moerschel, Phillips, Rawlins, Seibrel, Stansky, Zimmerman - 11.

ABSENT: Boulden, Unruh - 2.

HA 1 to SS 1 for SB 324 having received a majority was declared adopted.

HA 2 to SS 1 for SB 324 — Rep. Hearn moved that HA 2 be stricken. Motion carried.

HA 3 to SS 1 for SB 324 — Rep. Hearn moved that HA 3 be stricken. Motion carried.

Roll Call on SS 1 for SB 324, as amended, revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Seibrel, Seibel, Spence, Stabler, Stansky - 28.

NAYS: Fonville, Riddagh, Unruh, Wright - 4.

NOT VOTING: Butcher, Hearn, Rawlins, Zimmerman, Mr. Speaker Hering - 5.

ABSENT: Burton, Gray - 2.

SS 1 for SB 324 with HA 1 having received a constitutional majority was declared passed by the House.

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

HB 775 — "An Act to Amend Title 4, Delaware Code, Authorizing the Alcoholic Beverage Control Commission to Impose Fines Against Licensees Found Guilty of a Violation of the Rules of the Commission or of the Delaware Liquor Control Act".

Privilege of the floor was granted Messrs. Edmund Lynch and Howard Byrd to answer questions and explain the bill.

HA 1 to HB 775 — Rep. Little moved that HA 1 be stricken. Motion carried.

Roll Call on HB 775 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 34.

NAYS: Burton, Quillen - 2.

NOT VOTING: Gray, Phillips, Rawlins - 3.

HB 775 having received a constitutional majority was declared passed by the House.

Rep. Frederick took the Chair as Acting Speaker.

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

HB 764 — "An Act to Amend Title 14, Delaware Code, Relating to 'Education', by Providing Encouragement for Vocational Youth Organizations".

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 36.

ABSENT: Billingsley, Hering, Stabler - 3.

HB 764 having received a constitutional majority was declared passed by the House.

Rep. Kirk moved that the roll call be lifted from the table on HB 692. Motion carried.

Roll Call on HB 692 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little,

McMahon, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

NOT VOTING: Mears, Phillips - 2.

ABSENT: Stabler - 1.

HB 692 having received a constitutional majority was declared passed by the House.

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

HB 747 — "An Act to Amend Title 4, Section 522, Delaware Code, Relating to the Qualifications for a License to Purchase Alcoholic Liquor for Resale".

Roll Call revealed:

YEAS: Balick, Benson, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Hering, Jarvis, Kirk, Little, McMahon, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 34.

NOT VOTING: Berndt, Leshner, Mears, Phillips - 4

ABSENT: Heckert - 1.

HB 247 having received a constitutional majority was declared passed by the House.

HR 121 — "An Expression of 'Goodbye' Wishes to Associated Press Correspondent Edgar Miller".

WHEREAS, the House of Representatives of the 125th General Assembly of the State of Delaware is aware of the fact that today, May 21, 1970, is the final working day for Associated Press Correspondent Edgar Miller in the offices, halls and chambers of the Delaware General Assembly; and

WHEREAS, Edgar Miller — he of the short stogie and sly smile — soon will be sidling South of the Border to the sophisticated society of São Paulo, Brazil; and

WHEREAS, Edgar Miller, during his days as a stalwart of the Fourth Estate in the Diamond State, has gained the friendship and respect of the members of the House of Representatives of the 125th General Assembly;

NOW, THEREFORE;

BE IT RESOLVED by the House of Representatives of the 125th General Assembly that Señor and Señora Miller be wished "buena suerte" and "Vaya con Dios"; and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered on the Journal of the House and a copy delivered to amigos nuestros, Señor y Señora Miller.

Introduced by Rep. Billingsley and All Members of the House. Adopted by voice vote.

HB 394, as amended, having had its final reading was again before the House for consideration, on motion of Rep. Little.

HA 4 to HB 394 — Rep. Hearn moved that HA 4 be stricken. Motion carried.

HA 5 to HB 394 — Rep. Stabler moved that HA 5 be adopted by voice vote. Motion carried.

Roll Call on HB 394, as amended, revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Seibell, Seibel, Stabler, Stansky, Unruh, Zimmerman, Mr. Acting Speaker Frederick - 36.

ABSENT: Riddagh, Spence, Wright - 3.

HB 394 with HA 1, 2, 3, 5 having received a constitutional majority was declared passed by the House.

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

SB 592 — "An Act to Amend Title 19, Delaware Code, Chapter 5, Subchapter IV, Relating to Employment Certificates and Wages for Children".

Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Rawlins, Seibell, Seibel, Spence, Stabler, Mr. Acting Speaker Frederick - 31.

NAYS: Gray - 1.

NOT VOTING: Stansky, Unruh, Wright, Zimmerman - 4.

ABSENT: Burton, Quillen, Riddagh - 3.

SB 592 having receiving a constitutional majority was declared passed by the House.

HS 1 for HB 719 having had its final reading was again before the House for consideration, on motion of Rep. Leshner.

Roll Call on HS 1 for HB 719 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Rawlins, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Acting Speaker Frederick - 35.

NOT VOTING: Wright - 1.

ABSENT: Burton, Quillen, Riddagh - 3.

HS 1 for HB 719 having received a constitutional majority was declared passed by the House.

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

**HB 772** — “An Act to Amend Section 3509, Title 10, Delaware Code, Relating to Garnishment of Employers, by Prohibiting Dismissal of an Employee when the Employer is Summoned as Garnishee”.

**HA 1 to HB 772** — Rep. Berndt moved that HA 1 be stricken. Motion carried.

**HA 2 to HB 722** — Introduced by Rep. duPont. Adopted by voice vote.

Roll Call on **HB 772** with **HA 2** revealed:

**YEAS:** Balick, Boulden, Butcher, Dillman, duPont, Fonville, Hearn, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Orth, Seibel, Stabler, Stansky, Wright, Zimmerman - 20.

**NAYS:** Benson, Burton, Mears, Quillen, Rawlins, Sebrell, Unruh, Mr. Acting Speaker Frederick - 8.

**NOT VOTING:** Berndt, Billingsley, Dodge, Harrington, Heckert, Phillips, Spence - 7.

**ABSENT:** Burt, Gray, Murphy, Riddagh - 4.

**HB 772** with **HA 2** having received a constitutional majority was declared passed by the House.

House recessed at 5:30 P.M., reconvened at 7:12 P.M.

**SB 551** with **HA 1** having had its final reading was again before the House for consideration, on motion of Rep. Benson.

**HA 1 to HB 551** — Rep. Benson moved that HA 1 be stricken. Motion carried.

**HA 2 to HB 551** — Introduced by Rep. Balick. Adopted by voice vote.

Roll Call on **SB 551** with **HA 2** revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

**ABSENT:** Burton, Gray, Seibel - 3.

**SB 551** with **HA 2** having received a constitutional majority was declared passed by the House.

**HS 1 for HB 512** with **HA 1** having had its final reading was again before the House for consideration, on motion of Rep. duPont.

**HA 2 to HS 1 for HB 512** — Introduced by Rep. duPont. Adopted by voice vote.

Roll Call on **HS 1 for HB 512** with **HA 1, 2** revealed:

**YEAS:** Balick, Benson, Berndt, Boulden, Burt, Butcher,

Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Billingsley, Burton, Gray, Seibel - 4.

HS 1 for HB 512 with HA 1, 2 having received a constitutional majority was declared passed by the House.

Rep. Quillen moved that SB 494 with HA 1 be recommitted. Motion carried.

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

SB 49 with HA 1, 2 — “An Act to Amend Sections 2324, 2325, 2326 (h), Title 19, Delaware Code, Relating to Benefits Received in Compensation for Injuries”.

Introduced by Sen. Isaacs.

HA 1 to SB 49 — Rep. duPont moved that HA 1 be stricken. Motion carried.

HA 2 to SB 49 — Rep. duPont moved that HA 2 be adopted by voice vote.

Motion carried.

Roll Call on SB 49 with HA 2 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Burton, Gray, Seibel - 3.

SB 49 with HA 2 having received a constitutional majority was declared passed by the House.

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

HB 784 — “An Act to Amend Title 9, Section 8311 (a) (2), Relating to Public Inspection of Completed Assessments”.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Burton, Dodge, Gray, Stabler - 4.

HB 784 having received a constitutional majority was declared passed by the House.

On motion of Rep. Sebrell the following was given a final

reading and placed before the House for consideration:

**HB 783** — "An Act to Amend Title 9, Section 8312 (b), Relating to Appeals and Corrections Upon Completion of Annual Assessment".

Roll Call revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Butcher, Dillman, Dodge, duPont, Fonville, Harrington, Hearn, Heckert, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 33.

**NAYS:** Kirk - 1.

**NOT VOTING:** Burt, Frederick - 2.

**ABSENT:** Burton, Gray, Stabler - 3.

**HB 783** having received a constitutional majority was declared passed by the House.

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

**HB 731 with HA 1** — "An Act to Amend Title 16, Chapter 47, Section 4717, Delaware Code Relating to Warrant for Arrest and Search of Premises".

**HA 1 to HB 731** — Rep. Dodge moved for adoption of **HA 1** by voice vote. Motion carried.

Roll Call revealed:

**YEAS:** Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Harrington, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 25.

**NAYS:** Fonville, Orth, Quillen - 3.

**NOT VOTING:** Balick, Butcher, Hearn, Jarvis, Phillips, Rawlins, Stansky, Wright, Zimmerman - 9.

**ABSENT:** Burton, Gray - 2.

**HB 731 with HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 769 with HA 1** — "An Act to Amend Section 2721, Title 21, Delaware Code, Relating to the Medical Advisory Board for the Motor Vehicle Department".

**HA 1 to HB 769** — Rep. Quillen moved for adoption of **HA 1** by voice vote.

Motion carried.

Roll Call on **HB 769 with HA 1** revealed:

**YEAS:** Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears,



Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NOT VOTING: Balick - 1.

ABSENT: Burton, Gray, Jarvis - 3.

HB 769 with HA 1 having received a constitutional majority was declared passed by the House.

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

SJR 18 — "Relative to the Establishment of a Committee to Review the 'Rules of the Road' "

Introduced by Sen. Manning.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Burton, Fonville, Gray - 3.

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

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

SB 476 with SA 1 and HA 1 — To incorporate the Town of Henlopen Acres.

Introduced by Sen. Hickman.

HA 1 to SSB 476 — Rep. Riddagh moved for adoption by voice vote. Motion carried.

Roll Call on SB 476 with SA 1 and HA 1 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Butcher, Dillman, Dodge, duPont, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Burton, Fonville, Gray - 3.

SB 476 with SA 1 and HA 1 having received a two-thirds majority was declared passed by the House.

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

HB 812 — "An Act to Amend Title 3, Delaware Code, Adding a New Chapter 74 thereto, Relating to Control and Eradication of Equines Infected with Equine Infectious Anemia".

Rep. Leshner moved that HB 812 be tabled. Motion carried.

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

**HB 854** — “An Act Making a Supplementary Appropriation to the Department of Health and Social Services”.

On motion of Rep. Frederick HB 854 was deferred.

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

**HB 724 with HA 1** -“An Act Making a Supplementary Appropriation to the State Budget Commission to Provide Funds for Payments due Under Volume 57, Laws of Delaware, Charter 228.”

**HA 1 to HB 724** — Rep. Benson moved for adoption of HA 1 by voice vote. Motion carried.

Roll Call on **HB 724 with HA 1** revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Butcher, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

**NAYS:** Heckert - 1.

**NOT VOTING:** Mears - 1.

**ABSENT:** Dillman - 1.

**HB 724 with HA 1** having received a constitutional majority was declared passed by the House.

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

**HB 208 with SA 1, 2 and HA 1** — “An Act to Amend Section 4338, Subchapter II, Chapter 43, Title 21, Delaware Code, Relating to Additional Equipment Required on Slow-Moving Vehicles”.

**HA 1 to HB 208** — Rep. Murphy moved for adoption of HA 1 by voice vote. Motion carried.

Roll Call on **HB 208 with SA 1, 2 and HA 1** revealed:

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

**HB 208 with SA 1, 2 and HA 1** having received received a constitutional majority was declared passed by the House.

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

**HB 787** — “An Act Declaring a Moratorium on Certain

Activities Along the Delaware River and Bay, Declaring Activities in Violation of the Moratorium to be Public Nuisances and Providing Criminal Penalties for Violations of the Moratorium”.

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 32.

NOT VOTING: Benson, Burt, duPont, Gray, Seibrel, Stabler - 6.

ABSENT: Little - 1.

HB 787 having received a two-thirds majority was declared passed by the House.

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

SB 554 — “An Act to amend Title 21, Delaware Code, Chapter 27, relating to the suspension of the drivers license of persons who have not paid fines”.

Introduced by Rep. Elliott.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NOT VOTING: Burt, Fonville, Mears - 3.

ABSENT: Orth - 1.

SB 554 having received a constitutional majority was declared passed by the House.

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

HB 792 — “An Act to Amend Title 7, Delaware Code, to Add a New Chapter to be Designated as Chapter 18 Relating to Alligators”.

HA 1 to HB 792 — Introduced by Rep. Quillen. Adopted by voice vote.

Roll Call on HB 792 with HA 1 revealed:

YEAS: Berndt, Dillman, Gray, Hearn, Quillen, Rawlins - 6.

NAYS: Balick, Burt, duPont, Frederick, Harrington, Kirk, Leshner, Little, McMahon, Orth, Phillips, Riddagh, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman - 18.

NOT VOTING: Benson, Billingsley, Boulden, Burton, Butcher, Dodge, Fonville, Heckert, Jarvis, Mears, Moerschel,

Murphy, Sebrell, Unruh, Mr. Speaker Hering - 15.

HB 792 with HA 1 not having received a constitutional majority was declared lost.

House recessed at 9:49 P.M., reconvened at 10:12 P.M.

#### COMMITTEE REPORTS:

Judiciary: SB 500, as amended, 1 favorable, 3 on merits; HB 814, 2 favorable, 3 on merits; Natural Resources: HB 894, 1 favorable, 4 on merits; HB 899, 1 favorable, 4 on merits; HB 864, 1 favorable, 4 on merits; HB 896, 1 favorable, 5 on merits; HB 893, 2 favorable, 4 on merits; Government Operations: HB 673, 6 on merits; HB 820, 5 on merits; HB 832, 5 on merits; HB 836, 1 favorable, 4 on merits; HB 878, 5 on merits; HB 887, 2 favorable, 3 on merits; SB 609, 4 on merits; Revised Statutes: HB 8, 3 on merits, 2 unfavorable; Revenue and Taxation: HS 1 for HB 743, 1 favorable, 4 on merits; HB 870, 1 favorable, 4 on merits; HB 882, 1 favorable, 4 on merits; HB 899, 5 on merits; HB 901, 1 favorable, 4 on merits; HB 794, 5 on merits; SB 502, 4 on merits; Commerce and Labor: HB 902, 1 favorable, 5 on merits; SB 651, 6 on merits; Appropriations: HB 903, 1 favorable, 4 on merits; HB 797, 2 favorable, 2 on merits; SB 595, 3 favorable, 2 on merits; SB 540, 1 favorable, 3 on merits.

#### PREFILED:

HB 907 — “An Act to Amend Title 9, Delaware Code, Sections 1101 and 9617, Relating to General Powers of the Government of New Castle County and Fees of the Recorder of Deeds of New Castle County”.

Introduced by Rep. duPont. Referred to the Committee on Government Operations.

HB 908 — “An Act to Amend Title 11, Chapter 3, Subchapter XXXVI, Relating to Malicious Mischief”.

Introduced by Rep. Burton. Referred to the Committee on Judiciary.

HB 909 — “An Act to Amend Title 17, Chapter 12, Delaware Code, Relating to Junkyards”.

Introduced by Rep. Dodge. Referred to the Committee on Revised Statutes.

HB 910 — “An Act to Amend Title 21, Chapter 23, Section 2305, Delaware Code, Relating to Fees for Certificates of Titles for Vehicles”.

Introduced by Rep. Dodge. Referred to the Committee on Highways and Public Safety.

HB 911 — “An Act Proposing an Amendment to Article IV, Section 30, of the Constitution of The State of Delaware Relating to Justices of the Peace”.

Introduced by Rep. Quillen. Referred to the Committee on Joint Constitutional Revision.

**HB 912** — "An Act to Amend Title 30, Chapter 23, Delaware Code, Section 2301 (a) Relating to the Additional License Fee to be Paid by an Amusement Machine Owner".

Introduced by Rep. Quillen. Referred to the Committee on Revenue and Taxation.

**HB 913** — "An Act to Amend Title 28, Chapter 5, Delaware Code, Relating to the Delaware Standardbred Development Fund and Making an Appropriation".

Introduced by Reps. Billingsley and Jarvis. Referred to the Committee on Revenue and Taxation.

**HS 1 for HB 905** — "An Act to Amend Title 14, Delaware Code, Relating to Procedures for the Termination of Services for Professional Employees".

Introduced by Rep. Little. Referred to the Committee on Education.

**HR 120** — "Appropriating Money out of the General Fund of the State Treasury to pay Certain Expenses of the Present Session of the 125th General Assembly".

Introduced by Rep. Stabler. Adopted by voice vote.

**HR 122** — "Appropriating Money out of the General Fund of the State Treasury to Pay Certain Expenses of Members of the Joint Legislative Committee on Constitutional Revision".

Introduced by Rep. Hering. Adopted by voice vote.

**HA 1 to HB 176** — Introduced by Rep. Moerschel. Placed with bill.

**HA 1 to SB 571** — Introduced by Rep. Heckert. Placed with bill.

**HA 2 to HB 580** — Introduced by Rep. Riddagh. Placed with bill.

**HA 7 to HS 1 for HB 633** — Introduced by Rep. Hering. Placed with bill.

**HA 2 to HB 661** — Introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 836** — Introduced by Rep. Moerschel. Placed with bill.

**HA 1 to HB 860** — Introduced by Rep. Leshner. Placed with bill.

**HA 1 to HB 885** — Introduced by Rep. Seibel. Placed with bill.

#### Committee Reports:

Appropriations: **HB 728**, 2 favorable, 2 on merits; Financial Institutions: **HB 852**, 3 favorable, 1 on merits; **HB 906**, 4 on merits.

House recessed to Call of the Chair at 10:42 P.M.

## 40th LEGISLATIVE DAY

The Speaker called the House to order at 2:14 P.M., on May 25, 1970.

The House convened at 2:15 P.M., on Monday, May 25, 1970.

There was a prayer by the Chaplain The Reverend John Keene, Executive Director, Episcopal Church Home Foundation.

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

Roll Call revealed 37 present, 3 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

Absent: Butcher, Gray - 2.

Minutes of the previous legislative day were approved as posted.

Communication: The following letter to Rep. Quillen.

2 East Third St.  
New Castle, Del. 19720  
May 22, 1970

Rep. Geo. R. Quillen  
Dover, Del.

Dear Sir:

According to this morning's paper you and other representatives found the extinction of the alligator funny -- Considering the general concern for our ecology, it would seem that your hilarity was ill-timed.

The only time I've ever heard of Gov. Kirk of Florida doing ANYTHING forward-looking, the Delaware Legislature defeats a bill proposing to ban sales of alligator-hide products in this state.

It is any wonder many of us are more than a little disenchanted with politicians as a group?

Sincerely yours  
Mrs. Richard W. Nebel

#### Committee Reports:

Government Operations: HB 826, 1 favorable, 5 on merits;  
Health and Welfare: HB 877, 1 favorable, 4 on merits;  
Education: SB 662, 1 favorable, 5 on merits; SB 690, 1 favorable, 4 on merits; Executive Reorganization: HB 771, 2

favorable, 2 on merits; HB 825, 2 favorable, 2 on merits; HB 830, 2 favorable, 2 on merits; HB 827, 2 favorable, 2 on merits; HB 837, 2 favorable, 2 on merits; HB 900, 2 favorable, 2 on merits; Highways and Public Safety: HB 805, 4 on merits; HB 879, 4 on merits; HB 897, 4 on merits; SB 631, 4 on merits.

The following prefiled legislation was introduced:

HB 914 — "An Act to Amend Chapter 44, Title 21, Delaware Code, Relating to Abandoned Vehicles."

Introduced by Rep. Dodge. Referred to the Committee on Revised Statutes.

HB 915 — "An Act Relating to Liens of New Castle County Against Real Estate Within the County."

Introduced by Rep. Little (by request). Referred to the Committee on Commerce and Labor.

HB 916 — "An Act to Amend Title 9, Chapter 96, Delaware Code, Relating to Recorders."

Introduced by Rep. Little (by request). Referred to the Committee on Commerce and Labor.

HB 917 — "An Act to Amend Title 28, Section 555 and Section 556, Delaware Code, Relating to Harness Racing."

Introduced by Rep. Quillen. Referred to the Committee on Revenue and Taxation.

HS 1 for HB 806 — "An Act Making a Supplementary Appropriation in the Amount of \$2,464.50 to the State Board of Education for Certain Improvements and Repairs to School Buildings in Appoquinimink School District."

Introduced by Rep. Unruh. Referred to the Committee on Education.

HA 2 to HB 411 — Introduced by Rep. Seibel. Placed with bill.

HA 3 to HB 661 — Introduced by Rep. duPont. Placed with bill.

HA 3 to HB 711 — Introduced by Rep. Murphy. Placed with bill.

HA 4 to HB 711 — Introduced by Rep. Benson. Placed with bill.

HA 1 to HB 778 — Introduced by Rep. Unruh. Placed with bill.

HA 1 to HB 806 — Introduced by Rep. Unruh. Placed with bill.

HA 1 to HB 903 — Introduced by Rep. Leshner. Placed with bill.

HJR 21— "Relating to an Act to Amend Title 10, Section 3509, of Delaware Code, Which Prohibits Dismissal of an Employee When the Employer is Summoned as Garnishee."

Introduced by Rep. Kirk. Referred to the Committee on Commerce and Labor.

SA 1 to HB 638 — Introduced by Sen. Cicione. HB 638 with SA 1 was placed on the Speaker's Desk.

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

HB 777 — "An Act to Amend Chapter 31, Title 5, Delaware Code, Relating to Secondary Mortgage Loans by Providing for Certain Qualifications With Respect to Applicants for a License, the Conditions Upon Which a License Shall be Issued or Refused, the Authority of the Commissioner to Conduct Examinations and for an Increase in the License Fee."

Privilege of the floor was granted Mr. John Green, Banking Commissioner for the State of Delaware, to explain and outline the bill.

Roll Call on HB 777 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Dillman, Dodge, Frederick, Harrington, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Moerschel, Murphy, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 24.

NOT VOTING: Balick, Burt, duPont, Fonville, Hearn, Mears, Orth, Phillips, Quillen, Rawlins, Stansky, Wright, Zimmerman - 13.

ABSENT: Butcher, Gray - 2.

HB 777 having received a constitutional majority was declared passed by the House.

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

HB 728 — "An Act Making a Supplementary Appropriation to the Educational Contingency Fund to Meet Deficiencies in Regular Appropriations for Mandated Education Programs."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Gray - 2.

HB 728 having received a constitutional majority was declared passed by the House.

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

HB 767 — "An Act Authorizing the State Treasurer to Transfer the Balances in Certain Inactive Accounts of the State



Board of Education to the General Fund of the State of Delaware."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Gray - 2.

HB 767 having received a constitutional majority was declared passed by the House.

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

HB 831 — "An Act Making an Appropriation to the Caesar Rodney School District for the Purpose of Constructing Sidewalks and Acquiring the Necessary Rights - of - Way Therefor Within the School District at Specified Locations. "

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

NOT VOTING: Leshner - 1.

ABSENT: Butcher, Gray - 2.

HB 831 having received a constitutional majority was declared passed by the House.

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

HB 781 — "An Act to Amend Title 11, Delaware Code by Allowing the Use of Prior Statements as Affirmative Evidence in Criminal Prosecutions."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burton, Burton, Dillman, Dodge, duPont, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman - 35.

NOT VOTING: Fonville, Mr. Speaker Hering - 2.

ABSENT: Butcher, Gray - 2.

HB 781 having received a constitutional majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final

reading and placed before the House for consideration:

**HB 849** — "An Act Authorizing and Making a Supplementary Appropriation to the State Personnel Commission to Pay Certain Obligations Incurred in a Prior Fiscal Year and Waiving the State Bidding Code and Certain Other Financial Requirements."

Roll Call revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Fonville, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Riddagh, Seibrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 28.

**NAYS:** Mears - 1.

**NOT VOTING:** Frederick, Phillips, Quillen, Rawlins, Stansky, Wright, Zimmerman - 7.

**ABSENT:** Burt, Butcher, Gray - 3.

**HB 849** having received a constitutional majority was declared passed by the House.

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

**HB 861** — "An Act to Aid Certain Fire Companies Which are Organized to Extinguish Fires or Maintain Ambulances or Rescue Trucks, by Making Appropriations for Them."

Roll Call revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

**ABSENT:** Butcher, Gray - 2.

**HB 861** having received a constitutional majority was declared passed by the House.

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

**HB 862** — "An Act Authorizing the Incumbent State Treasurer to Transfer Certain Balances in Accounts of the State of Delaware to the Credit of the General Fund of the State of Delaware."

Rep. Moerschel stated that there was no enacting clause listed on the bill. Rep. Leshner moved to defer until an amendment could be drawn. Motion carried.

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

**SB 637** — "An Act Amending Titles 11, 16, 17, 20, 21 and 29, providing for amibus amendments and corrections relating

to the Department of Public Safety as provided in Title 29, Delaware Code, Chapter 82." Introduced by Sen. Hale.

Rep. Frederick moved that SB 637 be temporarily deferred until an amendment could be drawn. Motion carried.

Rep. Gray asked to be marked present.

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

HB 710 with HA 1 — "An Act to Amend Title 7, Delaware Code, By Creating a New Chapter to be Designated as Chapter 66 Relating to Liability for Damages Caused by Petroleum Products."

HA 1 to HB 710 — Rep. duPont moved that HA 1 be adopted by voice vote. Motion carried.

HA 2 to HB 710 — Introduced by Rep. duPont. On motion of Rep. duPont HA 2 was adopted by voice vote.

Rep. duPont moved that the roll call on HB 710 with HA 1 and 2 be tabled. Motion carried.

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

HB 838 — "An Act to Amend Title 6, Chapter 51, Delaware Code, Relating to Weights and Measures."

On motion of Rep. duPont, HB 838 was deferred.

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

HB 903 with HA 1 — "An Act to Amend Title 29, Chapter 79, Delaware Code, Relating to Drug Control and Making Supplementary Appropriations Therefor.

HA 1 to HB 903 — Rep. Leshner moved that HA 1 be adopted by voice vote. Motion carried.

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 33.

NOT VOTING: Quillen - 1.

ABSENT: Benson, Butcher, Mears, Sebrell, Unruh - 5.

HB 903 with HA 1 having received a constitutional majority was declared passed by the House.

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

HB 859 — "An Act to Amend Title 6, Delaware Code, by Adding a Chapter 52 Thereto Relating to Weighmasters."

Rep. duPont moved that HB 859 be deferred. Motion carried.

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

SB 643 — "An Act to Amend Chapter 5, Title 22, Delaware Code, Relating to Parking Authorities." Introduced by Sen. Castle.

Rep. duPont moved that SB 643 be deferred. Motion carried. House recessed at 3:56 P.M., reconvened at 4:47 P.M.

Mr. Stabler took the Chair as Acting Speaker.

Rep. Hering moved that the roll call on HS 1 for HB 633, as amended, be lifted from the table. Rep. Hering further moved that the roll call be retabled. Motion carried.

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

HB 835 — "An Act to Amend Title 28, Delaware Code, Chapter 5, Authorizing the Harness Racing Commission to Get Certain License Fees."

Roll Call on HB 835 revealed:

YEAS: Berndt, Billingsley, Burt, Dillman, Hering, Jarvis, Kirk, Leshner, Little, Seibel, Spence, Mr. Acting Speaker Stabler - 12.

NAYS: Boulden, Burton, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Quillen, Rawlins, Wright, Zimmerman - 12.

NOT VOTING: Balick, Dodge, duPont, Fonville, Gray, Heckert, Moerschel, Riddagh, Sebrell, Stabler, Unruh - 11.

ABSENT: Benson, Butcher, Murphy, Stansky - 4.

HB 835 not having received a constitutional majority was declared lost.

Mr. Speaker Hering returned to the Chair.

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

HB 839 — "An Act to Amend Title 30, Section 1185, Delaware Code, Relating to Disclosure of Returns by Officials."

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Benson, Butcher, Stansky - 3.

HB 839 having received a constitutional majority was declared passed by the House.

On motion of Rep. Billingsley the following was given a final

reading and placed before the House for consideration:

HB 841 — "An Act Relating to the Declaration of Estimated Income Tax."

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 32.

NAYS: Zimmerman - 1.

NOT VOTING: Fonville, Hearn, Rawlins - 3.

ABSENT: Benson, Butcher, Stansky - 3.

HB 841 having received a constitutional majority was declared passed by the House.

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

HB 842 — "An Act to Amend Section 4301, Chapter 43, Title 30, Delaware Code Relating to Use Tax on Leases of Tangible Personal Property to Include a Definition of 'Place of Business'."

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NOT VOTING: Rawlins - 1.

ABSENT: Benson, Butcher, Stansky - 3.

HB 842 having received a constitutional majority was declared passed by the House.

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

HB 843 — "An Act to Amend Title 30, Section 1101, Delaware Code, Relating to Definitions."

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NOT VOTING: Rawlins - 1.

ABSENT: Benson, Butcher, Stansky - 3.

HB 843 having received a constitutional majority was declared passed by the House.

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

**HB 844** — "An Act to Amend Title 30, Delaware Code Relating to Interest Rates on Unpaid Taxes and Refunds."

Roll Call revealed:

**YEAS:** Balick, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, Fonville, Frederick, Gray, Harrington, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Riddagh, Seibel, Spence, Stabler, Unruh, Wright - 26.

**NAYS:** Zimmerman - 1.

**NOT VOTING:** duPont, Hearn, Heckert, Phillips, Quillen, Rawlins, Seibrell, Mr. Speaker Hering - 8.

**ABSENT:** Benson, Burton, Butcher, Stansky - 4.

**HB 844** having received a constitutional majority was declared passed by the House.

Mr. Stabler took the Chair as Acting Speaker.

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

**HB 281** with **HA 1, 2, 3** "An Act to Amend Chapter 118, Volume 33, Laws of Delaware, as Amended, Entitled 'An Act Providing for a Fireman's Pension Fund for Members of the Bureau of Fire of the Department of Public Safety of the City of Wilmington' to Provide for an Increase in Pension Benefits."

**HA 1** to **HB 281** — Rep. Spence moved that **HA 1** be stricken. Motion carried.

**HA 2** to **HB 281** — Rep. Hering moved that **HA 2** be stricken. Motion carried.

**HA 3** to **HB 281** — Rep. Hering moved that **HA 3** be stricken. Motion carried.

**HA 4** to **HB 281** — Introduced by Rep. Hering. Rep. Hering moved that **HA 4** be adopted by voice vote. Motion carried.

Roll Call on **HB 281** with **HA 4** revealed:

**YEAS:** Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Spence, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler - 31.

**NOT VOTING:** McMahon, Orth - 2.

**ABSENT:** Benson, Butcher, Frederick, Jarvis, Kirk, Stansky - 6.

**HB 281** with **HA 4** having received a two-thirds majority was declared passed by the House.

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

**HB 282 with HA 1,2,3 — “An Act to Amend Chapter 113, Volume 32, Laws of Delaware, Entitled ‘An Act Providing for a Police Pension Fund: For Members of the Police force of the City of Wilmington’ to Provide for an Increase in Pension Benefits.”**

**HA 1 to HB 282 — Rep. Spence moved that HA 1 be stricken. Motion carried.**

**HA 2 to HB 282 — Rep. Hering moved that HA 2 be stricken. Motion carried.**

**HA 3 to HB 282 — Rep. Hering moved that HA 3 be stricken. Motion carried.**

**HA 4 to HB 282 — Introduced by Rep. Hering. Rep. Hering moved that HA 4 be adopted by voice vote. Motion carried.**

**Roll Call on HB 282 with HA 4 revealed:**

**YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.**

**ABSENT: Benson, Butcher, Stansky - 3.**

**HB 282 with HA 4 having received a two-thirds majority was declared passed by the House.**

#### **COMMITTEE REPORTS:**

**Education: HS 1 for HB 806, 1 favorable, 3 on merits; Natural Resources: SB 494, (which was recommitted) 5 on merits.**

**Mr. Speaker Hering returned to the Chair.**

**Rep. Dillman moved that HB 807 be stricken. Motion.**

**Rep. Quillen moved that the following bills be stricken: HB 71, HB 147, HB 351, HB 493, HB 636. Motion carried.**

**Rep. Murphy moved that the following bills be stricken: HB 6, HB 95, HB 212, HB 242, HB 461, HB 706. Motion carried.**

**House recessed to the Call of the Chair at 5:57 P.M.**

### **41ST LEGISLATIVE DAY**

**The Speaker called the House to order at 2:49 P.M., on May 26, 1970.**

**The House convened at 2:50 P.M., on Tuesday, May 26, 1970.**

**There was a prayer by the Chaplain Reverend John W. Dean, Rehoboth.**

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

**Roll Call revealed 37 members present, 2 absent.**

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

Absent: Butcher, Fonville - 2.

Minutes of the previous legislative day were approved as posted.

The Senate informed the House it had passed HB 491, HB 424, HS 1 for HB 541 with HA 1, 2, and SA 1, 2; and HJR 19.

Communications:

Legislative Advisory No. 41 from the Office of the Governor.

## OFFICE OF THE GOVERNOR

May 25, 1970

### LEGISLATIVE ADVISORY NO. 41

TO:

Rep. John G. S. Billingsley	Dr. Luna Mishoe
Rep. George R. Quillen	Dr. Charles A. McLaughlin
Rep. Pierre S. DuPont, IV	John C. Geuther
Rep. Jacob W. Zimmerman	Austin N. Heller
Rep. John F. Kirk, Jr.	G. Wallace Caulk
Rep. Lorin B. Sebrell	William M. Donahue
Rep. George C. Hering, III	William Warren
Rep. Robert J. Berndt,	George G. Thouron, Esquire
Rep. Herbert A. Leshner	Edmund N. Carpenter, II, Esquire
Rep. Ernest E. Spence, Jr.	Samuel R. Russell, Esquire
Sen. Margaret R. Manning	John B. Carson
Sen. Frank R. Grier	Earle M. Davis
Sen. J. Donald Isaac	John C. Bradford, Jr.
Sen. Dean C. Steele	Capt. Henry E. Snedeker
Sen. Michael N. Castle	Joseph T. Cashman
Sen. William F. Hart	Daniel J. Ross
The Hon. Daniel F. Wolcott	George W. Cripps
The Hon. Albert J. Stiffler	Eugene Bunting
The Hon. Crawford W. Carroll	Richard H. Caldwell
Col. Charles G. Lamb	Dr. Kenneth C. Madden
Chief William L. Spence	Christopher L. Perry
Chief John T. McCool	Daniel Enterline
Acting Chief William Birnerly	Gerald Sapienza
Dr. Albert Ingram	Secretary of the Senate
Dr. Floyd I. Hudson	Clerk of the House
Dee Lafferty	Legislative Council



FROM: Jerome O. Herlihy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

SB 503 — 5-11-70 relating to the prohibition of minors working in establishments where liquor is sold.

SB 504 — 5-11-70 — relating to certain age groups working in places where liquor is sold.

HB 617 — As Amended by H.A. 1 - 5-15-70 - relating to the purchase of beer kegs.

HB 637 As Amended by H.A. 1 and H.A. 2 — 5-16-70 - relating to the licensing of osteopathic physicians.

HB 671 — 5-16-70 - making certain amendments to the corporation code.

HB 542 — 5-16-70 - concerning various people who may fish without obtaining a fishing license.

HB 625 — 5-16-70 - requiring examinations for professional engineers.

HB 331 — 5-16-70 - allowing Chief Fire Officers to make fire escape examinations.

HB 690 — 5-16-70 - providing a new law covering property tax exemptions for certain persons over 65.

HB 577 5- 18 -70 - increasing the dollar amount of damages which require a report to the police of auto accidents.

HB 699 - 5-18-70 - approving money to the Secretary of State for the conversion of records to a data processing system.

HB 33 As Amended by H.A. 1 — 5-18-70 - allowing night time search warrants to be executed for three days after issuance.

HB 554 — 5-18-70 - appropriating \$2,000 to the Delaware Jaycees.

SS 1 for SB 585 As Amended by H.A. 1 - 5-18-70 - appropriating money to the Milford School District for sidewalk construction.

SB 462 As Amended by H.A. 1, 2 and 3 — 5-18-70 - relating to the display and purchase of State flags.

SB 43 — 5-18-70 - requiring the reporting of incidents of venereal disease.

SB 461 — 5-18-70 — authorizing mutual police aid agreements.

SB 565 — 5-18-70 - appropriating money to Delaware State College for employee salaries.

SB 587 — 5-18-70 - appropriating \$1500 to the Delaware Junior Miss Pageant.

SB 542 — 5-18-70 - increasing the interest ceiling on Delaware Turnpike bonds from five per cent to eight per cent.

JOH: mm

Legislative Advisory No. 42 from the Office of the Governor.

OFFICE OF THE GOVERNOR

May 25, 1970

LEGISLATIVE ADVISORY NO. 42

TO:

Sen. Andy Foltz	The Hon. David P. Buckson
Sen. Dean C. Steele	The Hon. William A. Slatcher
Sen. Thomas E. Hickman, Jr.	Robert A. Short
Sen. David H. Elliott	Robert L. Durkee
Rep. Lorin B. Sebrell	Rudolph Jass
Rep. John J. McMahon, Sr.	Peter Nolan, Esquire
Rep. Joseph R. Murphy	Austin N. Heller
Rep. Clarice U. Heckert	G. Wallace Caulk
Rep. Robert M. Dodge	Dr. Albert Ingram
Rep. George R. Quillen	Joseph T. Cashman
Rep. David S. Benson	Daniel J. Ross
H. Irving Buckson	George W. Cripps
Andrew Talley	Eugene Bunting
Elwood Rust	Richard H. Caldwell
James Kennedy	Dr. Kenneth C. Madden
John L. Briggs	Christopher L. Perry
John C. Geuther	Daniel Enterline
William Guthrie	Gerald Sapienza
H. James Conaway, Esquire	Dee Lafferty
Allen Rusten	Secretary of Senate
Legislative Council	Clerk of House

FROM: Jerome O. Herlighy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

SB 475 — 5-20-70 - creating the Delaware Insurance Guaranty Association.

SB 584 — 5-20-70 - relating to the use of certain school bond money.

SB 567 — 5-20-70 - redirecting bond money for the Delaware Technical and Community College.

SB 529 — 5-20-70 - making certain amendments to the law relating to school construction capital improvements.

SB 433 As Amended by H.A. 1 - 5-20-70 - amending the Seaford Town Charter to allow the establishment of a service charge.

HB 277 — 5-20-70 - relating to insurance payments.

HB 682 As Amended by H.A. 1 — 5-20-70 - relating to the Wilmington Police pension fund.

HB 683 As Amended by H.A. 1 — 5-20-70 - relating to the Wilmington Fireman's pension fund.

HB 267 As Amended by S.A. 1 — 5-20-70 - concerning the UNIFORM ANATOMICAL GIFT ACT.

HB 553 — 5-20-70 - relating to the placement of pipes, conduits and wires.

HB 594 As Amended by H.A. 1 - 5-20-70 - relating to the sale of alcoholic beverages in dinner theaters.

HB 595 — 5-20-70 - providing a license fee for dinner theaters which sell alcoholic beverages.

HB 608 — 5-20-70 - amending the law regarding the eligibility of voters in sanitary sewer and water districts.

HB 611 — 5-20-70 - authorizing Fish and Wildlife and Parks wardens to arrest for littering.

HB 627 As Amended by H.A. 1 — 5-20-70 - exempting certain medical equipment from the tax on the lease of tangible personal property.

HB 704 As Amended by H.A. 1 — 5-20-70 - providing for the payment by the State of Delaware of witness fees.

JOH: mm

#### Committee Reports:

Elections: HB 732, 3 on merits, 1 unfavorable; HB 801, 3 on merits, 1 unfavorable, SB 616, 4 on merits; Judiciary: HB 696, 3 favorable, 1 on merits; HB 908, 4 on merits; Appropriations: HB 853, 1 favorable, 4 on merits.

The following prefiled legislation was introduced:

HB 918 — "An Act to Amend Title 9, Delaware Code, by Adding Thereto a New Chapter to be Designated as Chapter 88 Relating to Collection of Liens of New Castle County." Introduced by Rep. Little. Referred to the Committee on Commerce and Labor.

HA 1 to SB 460 — Introduced by Rep. Heckert. Placed with bill.

HA 1 to SB 604 — Introduced by Rep. Murphy. Placed with bill.

HA 1 to SB 608 — Introduced by Rep. Murphy. Placed with bill.

HA 8 to HS 1 for HB 633 — Introduced by Rep. Hering Placed with bill.

HA 1 to HB 814 — Introduced by Rep. Frederick. Placed with bill.

HA 1 to HB 828 — Introduced by Reps. Jarvis and Wright. Placed with bill.

HA 1 to HB 668 — Introduced by Rep. Billingsley. Placed with bill.

HA 1 to HB 854 — Introduced by Rep. Frederick. Placed with bill.

HA 1 to HB 862 — Introduced by Rep. Leshner. Placed with bill.

HA 1 to HB 866 — Introduced by Rep. Dodge. Placed with bill.

HA 1 to HB 873 — Introduced by Rep. Leshner. Placed with bill.

HA 1 to SB 637 — Introduced by Rep. Leshner. Placed with bill.

HA 2 to SB 637 — Introduced by Rep. Frederick. Placed with bill.

HA 1 to HB 827 — Introduced by Rep. Frederick. Placed with bill.

HA 1 to HB 837 — Introduced by Rep. Hering. Placed with bill.

HCR 42 — WHEREAS, the 125th General Assembly has passed the first leg of a Constitutional amendment which would permit legislative salaries and expenses to be set by statute, and

WHEREAS, it is difficult to objectively weigh one's own compensation as it relates to a legislator's total responsibility to his duties in Dover, as well as to his constituency within his district, and

WHEREAS, it may be helpful for citizens of Delaware, other than just legislators, to study, evaluate and recommend their considered opinion of what annual compensation and expense allowance legislators should be entitled to,

#### **NOW THEREFORE.**

BE IT RESOLVED, by the House of Representatives, the Senate concurring therein, that there be established a Legislative Pay Commission to study, evaluate and recommend to the 126th General Assembly salaries and expense allowances that legislators should receive for their services; and

BE IT FURTHER RESOLVED that said Commission be composed of ten members, five of whom shall be appointed by the Senate President Pro Tem and five appointed by the Speaker of the House, the chairman of which shall be chosen from among the Commission members; and

BE IT FURTHER RESOLVED that said Commission members shall be reimbursed for all out-of-pocket expenses and that said Commission make its report to the members of the General Assembly not later than February 1, 1971." Introduced by Rep. Murphy. Adopted by voice vote.

SB 481 — "An Act to Amend Title 29, Chapter 57 of the Delaware Code, Relating to Social Security." Introduced by

Sen. Cicione. Referred to the Committee on Appropriations.

SB 562 — "An Act Relating to a Pension For Edward Kirby, a Former Employee of the State of Delaware." Introduced by Sens. Isaacs and Robbins. Referred to the Committee on Appropriations.

SB 566 — "An Act to Amend Title 21, Delaware Code, Chapter 21, Subchapter I by Providing for Refunds of Fees Paid for Unused Registrations of Motor Vehicles by Persons Entering the Armed Forces of the United States or Persons 65 years of Age or Older Who Voluntarily Surrender their Operator's License." Introduced by Sen. Elliott. Referred to the Committee on Revised Statutes.

SB 610 with SA 1, 2 — "An Act to Amend Title 29, Delaware Code, by Creating a New Chapter to be Designated as Chapter 85 Relating to the Establishment of a Department of Labor, Defining its Organization, Powers, Duties and Functions and Providing for the Transfer of Materials and Equipment to Said Department from Various State Agencies and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of This Act." Introduced by Sen. duPont and Others. Referred to the Committee on Joint Executive Reorganization.

SB 650 — "An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations by Establishing a Pilot Program in Flexible Funding." Introduced by Sen. Steele. Referred to the Committee on Education.

SB 655 — "An Act to Amend Title 13, Delaware Code, Relating to Allowance or Division of Property Upon Divorce, Providing for Support and Expense Money on Decree of Divorce on Grounds of Incompatibility and Enforcement of Orders Therefor by Family Court." Introduced by Sen. Castle and Others. Referred to the Committee on Judiciary.

SB 661 — "An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, Permitting Paul Brooks, Jr., a Former Employee of the City of Wilmington, to Have Been Deemed Eligible for Disability Pension Benefits as Provided for Employees of the City of Wilmington." Introduced by Sen. Castle and duPont. Referred to the Committee on Appropriations.

SB 666 — "An Act Making a Supplementary Appropriation to the Department of Transportation for the Purchase and / or Construction of an Airport in Kent County." Introduced by Sen. Foltz. Referred to the Committee on Appropriations.

SB 676 — "An Act to Amend Chapter 3, Section 303, Title 3, Delaware Code, Entitled Bureau of Markets." Introduced by Sen. Isaacs. Referred to the Committee on Natural Resources.

**SB 693** — "An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to Consent of a Minor to Donate Blood Voluntarily Without the Necessity of Obtaining Parental Permission or Authorization." Introduced by Sen. Steele. Referred to the Committee on Revised Statutes.

**SB 731** — "An Act to Amend Title 19, Delaware Code, Chapter 1, Relating to Duties of Child Labor Inspectors." Introduced by Sen. Cicone. Referred to the Committee on Commerce and Labor.

**SS 1 for SB 556** — "An Act to Amend Chapter 9, Title 28, Delaware Code, Pertaining to Liability Insurance Required to be Purchased by Automobile Race Operators and Providing for Penalties for the Violation Thereof." Introduced by Sen. Elliott. Referred to the Committee on Financial Institutions.

The Senate informed the House that it had passed **HB 728**.

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

**SB 513** — "An Act to Amend Title 11, Delaware Code, Chapter 43, Abolishing Fixed Terms of Imprisonment, and Providing Indeterminate Sentences for Crime and Making a Supplementary Appropriation to the Division of Corrections of the Department of Health and Social Services to Carry Out the Act."

Introduced by Sen. Foltz and Others.

Privilege of the floor was granted Mr. Edmund N. Carpenter II, Chairman of the Delaware Agency to Reduce Crime; Judge Elwood F. Melson, Sr., formerly Judge of the Family Court for New Castle County for 20 years; and Mr. Joseph M. Dell'Olivo, Executive Director of the Correctional Council of Delaware, to explain and answer questions regarding the bill.

House recessed at 5:12 P.M., reconvened at 7:48 P. M.

Committee Reports:

Revised Statutes: **HB 881**, 5 on merits; **HB 914**, 5 on merits; **SB 645**, 5 on merits; Appropriations: **HB 752**, 1 favorable, 4 on merits; **HB 751**, 1 favorable, 4 on merits; **HB 798**, 1 favorable, 4 on merits; **HB 750**, 1 favorable, 4 on merits; **HB 749**, 1 favorable, 5 on merits; **HB 753**, 2 favorable, 4 on merits; **HB 873**, 2 favorable, 4 on merits; **HB 748**, 2 favorable, 4 on merits; **SB 380**, 1 favorable, 3 on merits; Commerce and Labor: **HB 915**, 5 on merits; **HB 916**, 5 on merits; **HB 918**, 5 on merits; **HJR 21**, 5 on merits; Joint Constitutional Revision: **HB 848**, 2 on merits, 2 unfavorable **SB 644**, 1 favorable, 3 on merits; Executive Reorganization: **SB 610**, 1 favorable, 3 on merits.

Mr. Stabler took the Chair as Acting Speaker.

On motion of Rep. Hering the following was given a final

reading and placed before the House for consideration:

HB 711 with HA 1, 2, 3, 4 — "An Act Proposing an Amendment to the Constitution of the State of Delaware."

HA 5 to HB 711 — Introduced by Rep. Zimmerman and Others.

Privilege of the floor was granted Mr. Peter Ross, Staff Member, who assisted the committee in writing the bill.

There was considerable discussion on HB 711, as amended.

Rep. Dillman moved that HB 674 and HS 1 for HB 125 be stricken. Motion carried.

Rep. Dodge moved that HB 741 be stricken. Motion carried.  
House recessed to Call of the Chair at 10:13 P.M.

#### 42ND LEGISLATIVE DAY

The Speaker Called the House to order at 2:43 P.M., on May 27, 1970.

The House convened at 2:44 P.M., on Wednesday, May 27, 1970.

There was a prayer by the Chaplain Reverend Alvin R. Lee, Holloway Terrace.

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

Roll Call revealed 38 members present, 1 absent.

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

ABSENT: Butcher - 1.

Minutes of the previous legislative day were approved as posted.

Communication:

Letter to Rep. Hering as follows:

12 Kings Highway  
Dover, Delaware  
May 19, 1970

Hon. George Hering  
Speaker of the  
House of Representatives  
125th General Assembly

Dover, Delaware

Dear Mr. Hering:

It was with deep appreciation that I received the Resolution passed by the House of Representatives of the 125th General Assembly of the State of Delaware, honoring the memory of my husband, George Ehinger.

The service that he was privileged to give in his community and state was a great joy to him.

The family of George Ehinger sincerely appreciates the Resolution of the House of Representatives of the 125th General Assembly of the State of Delaware honoring the life and service of George Ehinger and for the thoughtful expression of sympathy.

Sincerely  
Aline Ehinger  
(Mrs. George Ehinger)

#### Committee Reports:

Judiciary: SB 655, 2 favorable, 2 on merits; Education: SB 653, 5 on merits; SB 650, 5 on merits; SB 635, 1 favorable, 4 on merits; Revised Statutes: SB 693, 5 on merits; Natural Resources: SB 57 6 on merits; SB 60, 6 on merits; SB 62 6 on merits; SB 125, 2 favorable, 4 on merits; SB 429, 6 on merits; SB 434, 6 on merits; SS! for SB 457, 6 on merits; SB 490, 6 on merits; Highways and Public Safety; HB 867, 1 favorable, 3 on merits; HB 871, 4 on merits; HB 883, 4 on merits; HB 886, 1 favorable, 3 on merits; HB 910, 4 on merits.

The following prefiled legislation was introduced:

HB 919 — "An Act to Amend Chapter 183, Volume 22, Laws of Delaware, as Amended, Entitled, 'An Act to Incorporate the Town of Greenwood' to Provide Qualifications to Register and a Registration System for Voters and to Prescribe the Qualifications for Candidates." Introduced by Reps. Burton and Gray. Referred to the Committee on Government Operations.

HS 1 for HB 429 — "An Act Creating the Offices of a President Justice and Resident Justices for the Justices of the Peace Courts, Defining Their Duties with Respect to the Justices of the Peace Courts, and to Amend Title 10 Relating to the Duties of the Deputy Administrator for the Justices of the Peace Courts." Introduced by Rep. Moerschel. Referred to the Committee on Judiciary.



**HJR 22** — "Directing the State Board of Education to Establish a Program of Safety Education in the Elementary and Secondary Schools of This State." Introduced by Rep. Boulden. Referred to the Committee on Education.

**HA 1 to HB 321** — Introduced by Rep. Little. Placed with bill.

**HA 1 to HB 343** - Introduced by Rep. Leshner. Placed with bill.

**HA 5 to HB 397** — Introduced by Rep. Hering. Placed with bill.

**HA 2 to SB 494** — Introduced by Rep. Leshner. Placed with bill.

**HA 2 to SB 500** — Introduced by Rep. Burt. Placed with bill.

**HA 1 to SB 508** — Introduced by Rep. Unruh. Placed with bill.

**HA 2 to SB 508** — Introduced by Rep. Unruh. Placed with bill.

**HA 1 to SB 512** — Introduced by Rep. Unruh. Placed with bill.

**HA 2 to SB 513** — Introduced by Rep. Unruh. Placed with bill.

**HA 3 to SB 513** — Introduced by Rep. Unruh. Placed with bill.

**HA 4 to SB 513** — Introduced by Rep. Unruh. Placed with bill.

**HA 1 to SB 516** - Introduced by Reps. Leshner and Burt. Placed with bill.

**HA 1 to SB 651** — Introduced by Rep. Jarvis. Placed with bill.

**HA 6 to HB 711** — Introduced by Rep. Heckert. Placed with bill.

**HA 7 to HB 711** — Introduced by Rep. Heckert. Placed with bill.

**HA 8 to HB 711** — Introduced by Rep. Heckert. Placed with bill.

**HA 9 to HB 711** — Introduced by Rep. Heckert. Placed with bill.

**HA 10 to HB 711** — Introduced by Rep. Hering. Placed with bill.

**HA 11 to HB 711** — Introduced by Rep. Stansky. Placed with bill.

**HA 12 to HB 711** — Introduced by Rep. Stansky. Placed with bill.

**HA 12 to HB 711** — Introduced by Rep. Little. Placed with bill.

HA 1 to HB 799 — Introduced by Rep. Heckert. Placed with bill.

HA 1 to HB 838 — Introduced by Rep. duPont. Placed with bill.

HA 1 to HB 863 — Introduced by Rep. Dodge. Placed with bill.

HA 1 to HB 886 — Introduced by Rep. Billingsley. Placed with bill.

HA 1 to HB 895 — Introduced by Rep. Frederick. Placed with bill.

HA 3 to HB 887 — Introduced by Rep. Hearn. Placed with bill.

SB 190 — “An Act to Amend Subsection 1920, (e), Chapter 19, Title 24, Delaware Code, Relating to Exceptions from the Operation of Title 24, Nursing and Schools of Nursing, by Adding the Phrase ‘Under Adequate Nursing Supervision’. ” Introduced by Sen. Castle. Referred to the Committee on Health and Welfare.

SB 480 — “An Act to Amend Chapter 7, Title 24, Delaware Code, Relating to the Eligibility of Chiropractic Physicians for Compensation From Insurance, Group Hospital Services and Related Plans.” Introduced by Sens. Isaacs and Slawik. Referred to the Committee on Health and Welfare.

SB 623 with SA 1 - “An Act to Amend Title 29, Delaware Code, by Creating a New Chapter to be Designated as Chapter 87 Relating to the Establishment of a Department of State, Defining Its Organization, Powers, Duties and Functions and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of This Act.” Introduced by Sen. Foltz. Referred to the Joint Committee on Executive Reorganization.

SB 638 with SA 1 — “An Act to Amend Title 10, Delaware Code, Relating to Salaries of Justices of the Peace.” Introduced by Sen. Foltz and Others. Referred to the Committee on Judiciary.

SB 660 with SA 1 — “An Act Amending Titles 14, 19, and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of Labor as Provided in Title 29, Delaware Code, Chapter 85. ” Introduced by Sen. duPont. Referred to the Joint Committee on Executive Reorganization.

SB 668 to SA 1 - “An Act to Amend Title 24, Section 602, Delaware Code, Relating to Qualifications of Members of the State Board of Cosmetology.” Introduced by Sen. Foltz. Referred to the Committee on Revised Statutes.

SB 669 — “An Act Amending Title 7, Delaware Code, Providing for Amendments and Corrections to the Department

of Natural Resources and Environmental Control as Provided in Title 29, Delaware Code, Chapter 80." Introduced by Sen. Hart. Referred to the Joint Committee on Executive Reorganization.

SB 671 with SA 1 — "An Act Amending Titles 2, 17, 21 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of Highways and Transportation as Provided in Title 29, Delaware Code, Chapter 84." Introduced by Sen. Hart. Referred to the Joint Committee on Executive Reorganization.

SB 674 — "An Act Amending Titles 7 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of State as Provided in Title 29, Delaware Code, Chapter 87." Introduced by Sen. Foltz. Referred to the Joint Committee on Executive Reorganization.

SB 678 — "An Act to Amend Title 30, Delaware Code, Chapter 20, Relating to Neighborhood Assistance Tax Credit by Providing that the Provisions Thereof Include Day Care Centers." Introduced by Sen. Conner and Others. Referred to the Committee on Revenue and Taxation.

SB 685 — "An Act to Amend Section 5123, Title 16, Delaware Code, Relating to Voluntary Hospitalization and Discharge of Patients Under the Age of 21 at Delaware State Hospital." Introduced by Sen. Conner. Referred to the Committee on Health and Welfare.

SB 689 — "An Act to Amend Title 29, Delaware Code, Relating to Payment of Debts as a Condition of Employment by Providing that an Attachment of Wages Shall not Constitute Prima Facie Evidence of an Effort to Pay a Debt." Introduced by Sen. Foltz and Others. Referred to the Committee on Commerce and Labor.

SB 691 — "An Act Providing that the Superintendent of any Mental Health Institution May Consent on Behalf of any Patient Therein, Where Relative of Patient Cannot be Located to Surgical or Medical Therapeutic Procedure Needed by Patient." Introduced by Sen. Conner. Referred to the Committee on Health and Welfare.

SB 700 with SA 1 — "An Act Amending Titles 11, 16, 29 and 31, Delaware Code, Providing for Omnibus Amendments and Corrections Relating to the Department of Health and Social Services as Provided in Title 29, Delaware Code, Chapter 79." Introduced by Sen. Hale. Referred to the Joint Committee on Executive Reorganization.

SB 705 with SA 1 — "An Act to Amend Title 30, Chapter 23, Delaware Code, With Reference to the Tax Status of

Persons Engaged in the Business of Operating School Buses." Introduced by Sen. Elliott. Referred to the Committee on Revenue and Taxation.

SB 712 — "An Act Making an Appropriation to the State Board of Education for the Purpose of Purchasing, Installing and Equipping Two Portable Classroom Units Along with Other Equipment for the Middletown School District No. 60." Introduced by Sen. Isaacs. Referred to the Committee on Appropriations.

On motion of Rep. Dillman, HB 548 with HA 1 and SA 1,2 was placed before the House for consideration.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 33.

NOT VOTING: Mears - 1.

ABSENT: Boulden, Burton, Butcher, Little, Stabler - 5.

HB 548 with HA 1, SA 1, 2 having received a constitutional majority was declared passed by the House.

On motion of Rep. Frederick, HB 638 with HA 2 and SA 1 was placed before the House for consideration.

Roll Call revealed:

YEAS: Balick, Benson, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Heckert, Leshner, Little, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 25.

NOT VOTING: Berndt, Harrington, Hearn, Jarvis, Kirk, McMahon, Mears, Orth, Phillips, Sebrell, Seibel, Stansky, Zimmerman - 13.

ABSENT: Butcher - 1.

HB 638 with HA 2 and SA 1 having received a constitutional majority was declared passed by the House.

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

HS 1 for HB 806 — "An Act Making an Appropriation in the Amount of \$2,464.50 to the Appoquinimink School District for Certain Improvements and Repairs Made to School Buildings."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears,

Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

NOT VOTING: Hearn - 1.

ABSENT: Butcher, Fonville - 2.

HS 1 for HB 806 having received a constitutional majority was declared passed by the House.

Rep. Zimmerman moved that the roll call on HB 649 with HA 1 be lifted from the table. Motion carried.

Roll Call on HB 649 with HA 1 revealed:

YEAS: Balick, Benson, Berndt, Boulden, Burton, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 32.

NOT VOTING: Billingsley, Burt, Dodge, Leshner, Little, Spence - 6.

ABSENT: Butcher - 1.

HB 649 with HA 1 having received a two-thirds majority was declared passed by the House.

Rep. Little moved that HCR 39 be lifted from the Speaker's Desk. Motion carried.

Rep. Little moved that HCR 39 be placed before the House for consideration.

HCR 39 adopted by voice vote.

Rep. Leshner moved that HB 862 be lifted from the Speaker's desk. Motion carried.

HA 1 to HB 862 - Rep. Leshner moved for adoption by voice vote. Motion carried.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Gray - 2.

HB 862 with HA 1 having received a constitutional majority was declared passed by the House.

Rep. duPont moved that the roll call be lifted from the table on HB 710 with HA 1, 2. Motion carried.

Roll Call on HB 710 with HA 1, 2 revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Dillman, Dodge, duPont, Fonville, Frederick, Harrington, Hearn, Heckert, Mears, Moerschel, Orth, Riddagh, Sebrell, Seibel, Spence, Unruh, Zimmerman - 21.

NAYS: Benson, Burt, Burton, Leshner, McMahon, Phillips, Quillen, Rawlins, Mr. Speaker Hering - 9.

NOT VOTING: Gray, Jarvis, Kirk, Little, Murphy, Stansky, Wright - 7.

ABSENT: Butcher, Stabler - 2.

HB 710 with HA 1, 2 having received a constitutional majority was declared passed by the House.

Rep. Frederick moved that SB 637 with HA 1,2 be lifted from the table. Motion carried.

HA 1 to SB 637 — Rep. Leshner moved for adoption by voice vote. Motion carried.

Rep. Frederick moved that SB 637, as amended, be deferred. Motion carried.

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

HB 887 with HA 1, 2, 3 — “An Act to Amend Title 22, Delaware Code, Relating to Municipal Zoning Regulations.”

HA 1 to HB 887 — Rep. Billingsley moved for adoption by voice vote. Motion carried.

HA 2 to HB 887 — Rep. Hearn moved for adoption by roll call.

Roll Call on HA 2 to HB 887 revealed:

YEAS: Balick, Boulden, Fonville, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman - 13.

NAYS: Benson, Berndt, Billingsley, Burt, Burton, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 23.

NOT VOTING: Dillman, Seibrell - 2.

ABSENT: Butcher - 1.

HA 2 to HB 887 not having received a majority was declared lost.

HA 3 to HB 887 — Rep. Hearn moved for adoption by roll call.

Roll Call on HA 3 to HB 887 revealed:

YEAS: Balick, Berndt, Boulden, Fonville, Harrington, Hearn, McMahon, Mears, Orth, Phillips, Stansky, Wright, Zimmerman - 13.

NAYS: Benson, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibel, Spence, Stabler,

Unruh, Mr. Speaker Hering - 22.

NOT VOTING: Gray, Sebrell - 2.

ABSENT: Butcher, Rawlins - 2.

HA 3 to HB 887 not having received a constitutional majority was declared lost.

Roll Call on HB 887 with HA 1 revealed:

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

NAYS: Balick, Boulden, Fonville, Hearn, McMahon, Mears, Orth, Phillips, Stansky, Wright - 10.

NOT VOTING: Harrington - 1.

ABSENT: Butcher, Rawlins, Zimmerman - 3.

HB 887 with HA 1 having received a constitutional majority was declared passed by the House.

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

HB 855 - "An Act to Amend Title 30, Delaware Code, Chapter 11, Relating to Income Tax."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Mr. Speaker Hering - 35.

ABSENT: Butcher, Rawlins, Unruh, Zimmerman - 4.

HB 855 having received a constitutional majority was declared passed by the House.

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

HB 891 with HA 1 - "An Act Amending Title 7, Chapter 45. Delaware Code, Relating to the Sale of Public Land."

HA 1 to HB 891 - Rep. Unruh moved for adoption by voice vote. Motion carried.

Roll Call on HB 891 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 28.

NAYS: Fonville, Hearn, McMahon, Mears - 4.

NOT VOTING: Balick, Phillips - 2.

ABSENT: Burton, Butcher, Rawlins, Spence, Zimmerman - 5.

HB 891 with HA 1 having received a constitutional majority was declared passed by the House.

Rep. Frederick took the Chair as Acting Speaker.

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

SB 633 with SA 1 — “An Act to Amend Section 4527 ( b), Chapter 45, Title 31, Delaware Code Relating to Disposal of Property in Redevelopment Project to Public, Quasi - Public, Charitable and Religious Corporations.” Introduced by Sen. Castle.

On motion of Rep. Kirk, SB 633 as amended, was deferred.

Rep. Hering moved that the roll call on HS 1 for HB 633 be lifted from the table.

Motion carried. Rep. Hering moved to rescind the roll call. Motion carried.

HA 7 to HS 1 for HB 633 — Rep. Hering moved that HA 7 be stricken. Motion carried.

HA 8 to HS 1 for HB 633 — Rep. Hering moved for adoption of HA 8 by voice vote.

Motion carried.

Roll Call on HS 1 for HB 633 with HA 1, 2, 4, 6, 8 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 33.

NOT VOTING: duPont, Quillen, Spence - 3.

ABSENT: Butcher, Rawlins, Riddagh - 3.

HS 1 for HB 633 with HA 1, 2, 4, 6, 8 having received a two-thirds majority was declared passed by the House.

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

HB 868 — “An Act to Amend Title 7, Delaware Code, Sections 3902 and 3909, Relating to Soil Conservation Districts by Providing for the Definition of a “Cooperator” and Making Services, Materials and Equipment Available on Request to a Cooperator.”

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Gray, Harrington, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 34.



NOT VOTING: Hearn - 1.

ABSENT: Benson, Butcher, Fonville, Rawlins - 4.

HB 868 having received a constitutional majority was declared passed by the House.

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

HB 411 with HA 1,2 — "An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to consent of a Minor Living Separate and Apart From His or Her Parents or Legal Guardian to Diagnostic and Lawful Therapeutic Procedures, Medical or Surgical Care and Treatment Including X-ray Examination and Anesthesia by a Physician, Dentist, Hospital and Public Clinic."

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, Gray, Harrington, Hearn, Hering, Jarvis, Leshner, Little, McMahon, Mears, Moerschel, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Zimmerman, Mr. Acting Speaker Frederick - 25.

NAYS: Boulden, Fonville, Kirk - 3.

NOT VOTING: Benson, Heckert, Phillips, Rawlins, Wright - 5.

ABSENT: Butcher, Leshner, Murphy, Orth, Stansky, Unruh - 6.

HB 411 with HA 1, 2 having received a constitutional majority was declared passed by the House.

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

HB 828 with HA 1 — "An Act Making a Supplementary Appropriation to the Stanton School District for the Purpose of Constructing Sidewalks and Acquiring the Necessary Rights-of-Way Therefor Within the School District."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Snence, Stabler, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 37.

ABSENT: Butcher, Stansky - 2.

HB 828 with HA 1 having received a three-fourths majority was declared passed by the House.

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

HB 823 - "An Act to Amend Title 26, Delaware Code, Entitled "Public Utilities" by Including Within the Definition of "Public Utility" Any Person, Corporation or Legal Entity

That Now Operates or Hereafter May Operate Within this State Any Heating Oil Service System, Plant or Equipment Where the Heating Oil is Delivered Directly to Residences by Means of a Pipeline for Residential Consumption and by Granting Authority to the Public Service Commission to Issue a Certificate of Public Convenience and Necessity to Any Such Person, Corporation or Legal Entity Engaged in Such Operation on the Effective Date of this Act and by Establishing the Procedure for the Issuance of Such Certificate and the Filing of an Application Therefor."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 36.

ABSENT: Butcher, Leshner, Stabler - 3.

HB 823 having received a constitutional majority was declared passed by the House.

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

HB 863 with HA 1 — "An Act to Amend Title 11, Chapter 35, Delaware Code, Relating to Evidence of Possession of a Certain Amount of Drugs Creating a Rebuttable Presumption of Possession With the Intent to Sell.

HA 1 to HB 863 — Rep. Dodge moved that HA 1 be stricken.

HA 2 to HB 863 — Introduced by Rep. Dodge.

On motion of Rep. Dodge, HB 863, as amended, was deferred until the next legislation day.

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

HB 799 with HA 1 — "An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Units of Pupils."

HA 1 to HB 799 — Rep. Heckert moved for adoption of HA 1 by voice vote.

Motion carried.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 33.

ABSENT: Boulden, Burton, Butcher, Fonville, Lesh, Stansky - 6.

HB 799 with HA 1 having received a constitutional majority was declared passed by the House.

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

HB 668 with HA 1 — "An Act to Amend Title 17, Delaware Code, Chapter 1, Relating to the Preservation of Land for Future Highway Rights of Way Requirements; Title 9, Delaware Code, Sections 1154, 4809 and 6809 Relating to Maps of New Castle, Kent and Sussex Counties Requiring the Counties to Advise the State Highway Department of the Location of Future Highway Rights of Way; Title 9, Delaware Code, Sections 3005, 4816 and 6302 Relating to the Issuance of Building Permits in New Castle, Kent and Sussex Counties for Construction within the Lines of Any Future Highway Rights of Way.

HA 1 to HB 668 — Rep. Billingsley moved for adoption by voice vote. Motion carried.

HA 2 to HB 668 — Introduced by Rep. Billingsley. Adopted by voice vote.

Roll Call on HB 668 with HA 1, 2 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Heckert, Hering, Jarvis, Kirk, Little, McMahon, Moerschel, Murphy, Phillips, Quillen, Riddagh, Seibell, Seibel, Stabler, Stansky, Wright, Mr. Acting Speaker Frederick - 30.

NOT VOTING: Hearn, Mears, Rawlins, Zimmerman - 4.

ABSENT: Butcher, Lesh, Orth, Spence, Unruh - 5.

HB 668 with HA 1, 2 having received a constitutional majority was declared passed by the House.

Mr. Speaker Hering returned to the Chair.

Prefiled:

HA 1 to SB 458 — Introduced by Rep. Burt. Placed with bill.

HA 4 to HB 661 — Introduced by Rep. duPont. Placed with bill.

HA 4 to HB 709 — Introduced by Rep. Lesh. Placed with bill.

HA 4 to HB 779 — Introduced by Rep. Jarvis. Placed with bill.

HA 1 to HB 822 — Introduced by Rep. Berndt. Placed with bill.

HR 123 — "Relating to the Continuing Complaints of the Residents of the Glasgow Trailer Court Concerning the Inferior Supply of Water." Introduced by Rep. Kirk. Adopted by voice vote.

House recessed to Call of the Chair at 5:57 P.M.

## 43rd LEGISLATIVE DAY

The Speaker called the House to order at 2:22 P.M., on May 28, 1970.

The House convened at 2:23 P.M., on Thursday, May 28, 1970.

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

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

Roll Call revealed 35 members present, 4 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Lesh, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Hearn - 2.

Minutes of the previous legislative day were approved as posted.

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

HB 853 — "An Act Making a Supplementary Appropriation to the 'Freedoms Foundation at Valley Forge' for a Memorial Acre at Valley Forge."

Roll Call revealed:

YEAS: Balick, Benson, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Lesh, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 34.

ABSENT: Berndt, Burton, Hearn, Little, Unruh - 5.

HB 853 having received a three-fourths majority was declared passed by the House.

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

SB 693 — "An Act to Amend Chapter 7, Title 13, Delaware Code, relating to consent of a minor to donate blood voluntarily without the necessity of obtaining parental permission authorization." Introduced by Sen. Steele.

Roll Call revealed:

YEAS: Balick, Benson, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Lesh, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel,

Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 32.  
NOT VOTING: Burton, Mears - 2.

ABSENT: Berndt, Butcher, Hearn, Spence, Unruh - 5.

SB 693 having received a constitutional majority was declared passed by the House.

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

SB 500 — "An Act to Establish a Family Court for the State of Delaware by Merging into one Court the Family Court of the State of Delaware in and for New Castle County and the Family Court of Kent and Sussex Counties and to Provide for its Organization, Duties, Powers, Jurisdiction and Procedures."

HA 1 to SB 500 — Rep. Leshner moved that HA 1 be stricken. Motion carried.

HA 2 to SB 500 — Rep. Burt moved for adoption by voice vote. Motion carried.

HA 3 to SB 500 — Introduced by Rep. Balick.

Privilege of the floor was granted Mr. Richard Weir, practicing attorney and Deputy Attorney General for the State of Delaware, but not acting in that capacity, but speaking because interested in the Family Court, children and this type of legislation: Messrs. Michael Goldman and Ben Castle representing the Delaware Bar; and Victor Battaglia, City Solicitor for the City of Wilmington.

House recessed at 5:06 P.M., reconvened at 5:20 P.M.

Rep. Frederick took the Chair as Acting Speaker. Rep. Hearn present.

Privilege of the floor was granted Mrs. W. N. duPont, representing the council of children and youth agencies; Mr. Roosevelt Franklin, President of the Wilmington Branch of the NAACP.

Committee Reports:

Commerce and Labor: SB 478, 1 favorable, 5 on merits; SB 731, 6 on merits; Executive Reorganization: SB 623, 2 favorable, 2 on merits; SB 660, 2 favorable, 2 on merits; SB 669, 2 favorable, 2 on merits; SB 671, 2 favorable, 2 on merits; SB 674, 2 favorable, 2 on merits; SB 700, 2 favorable, 2 on merits; Revised Statutes: SB 668, 4 on merits; HB 909, 4 on merits; Government Operations: HB 919, 1 favorable, 3 on merits; Education: HJR 22, 1 favorable, 3 on merits; Appropriations: HB 860, 2 favorable, 2 on merits.

The Senate informed the House it had passed HB 853; HS 1 for HB 512 with HA 1, 2; HB 764; HB 281 with HA 4; HB 282 with HA 4; HB 681; HB 133; HS 1 for HB 733; HB 774 with HA 1; HB 720, HB 532; HB 800; HB 808; HS 2 for HB 510 with SA 1, SA 2; and HB 489 lost in the Senate.

The House recessed to the Call of the Chair at 6:10 P.M.

## 44th LEGISLATIVE DAY

The Speaker called the House to order at 1:58 P.M., on June 1, 1970.

The House convened at 1:59 P.M., on Monday, June 1, 1970.

There was a prayer by Representative Dodge.

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

Roll Call revealed 38 members present, 1 absent.

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

Absent: Butcher - 1.

Rep. Stabler requested privilege of the floor for Mr. Thomas B. Evans, Director of the State Development Department to show a film. Motion carried.

Minutes of the previous legislative day were approved as posted.

Mr. Dodge took the Chair as Acting Speaker.

Communication:

Letter from Consulate General of Israel

Consulate General of Israel  
707 Lewis Tower  
225 South 15th Street  
Philadelphia, Pa. 19102  
Tel. 546-5556

Iyar 21, 5730  
May 27, 1970

103.1

The Honorable Speaker of the  
House of Representatives  
Dover, Delaware

Dear Mr. Speaker:

The House Concurrent Resolution, No. 37 relating to the United States support of Israel was brought to my attention this morning.

On behalf of the Government and people of Israel, I want to extend to you my heartfelt sense of gratitude. It is because of American leaders like you and all other members of the Delaware House of Representatives that we continue to have faith in the strong ties which unite the people of Israel and the people of the United States.

I shall greatly appreciate your conveying my words of thanks to all members of the House.

Sincerely yours,  
Moshe Yegar  
Consul General

MY: jg

The Senate informed the House it had passed **HB 769** with **HA 1, SA 1, HB 740, HB 780, HB 903** with **HA 1, HB 730** with **HA 1, HB 842, HB 849, HB 839, HB 744, HB 727, HS 1** for **HB 644** and **HCR 39**.

Committee Reports:

Judiciary: **SB 638**, 2 favorable, 4 on merits; Appropriations: **SB 593**, 5 on merits; Revenue and Taxation: **HS 1** for **HB 882**, 1 favorable, 3 on merits.

The following prefiled legislation was introduced:

**HS 2** for **HB 240** — “An Act to Abolish the New Castle County Department of Police and to Transfer the Functions, Records, Equipment and Such Qualified Personnel Thereof as Meet the Standards of the Delaware State Police to the Delaware State Police and to Make a Supplementary Appropriation Therefor.” Introduced by Reps. Leshner and Spence. Referred to the Committee on Highways and Public Safety.

**HS 1** for **HB 610** — “An Act to Amend Title 3, Delaware Code, Part 2, by Adding a Chapter 12 Thereto Relating to the Distribution, Sale, or Transportation of Insecticides, Fungicides, Rodenticides, Defoliants, Desiccants, Plant Regulators, Nematocides, Miticides and Other Pesticides and Regulating Traffic Therein; Providing for Registration and Examination of Such Materials, Imposing Penalties, and for Other Purposes, and Making a Supplementary Appropriation to Carry Out the Provisions of This Act.” Introduced by Rep. Seibel. Referred to the Committee on Natural Resources.

**HS 1** for **HB 642** — “An Act to Amend Title 14, Section 4304, Delaware Code, With Reference to the Duties and Powers of the State Educational Television Board, and Making a Supplemental Appropriation Therefor.” Introduced by Rep. Kirk and Others. Referred to the Committee on Education.

**HS 1** for **HB 882** — “An Act to Amend Title 30, Delaware

Code, Relating to State Tax Board and State Tax Commissioner and Title 12, Delaware Code, as Related to State Tax Board." Introduced by Rep. Hering. Referred to the Committee on Revenue and Taxation.

HS 1 for HB 821 — "An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors by Providing for Monthly Reports by Persons Licensed to Sell Alcoholic Liquor." Introduced by Rep. Hering. Referred to the Committee on Revised Statutes.

HA 6 to HB 397 — Introduced by Rep. Hering. Placed with bill.

HA 1 to SB 480 — Introduced by Rep. Leshner. Placed with bill.

Mr. Speaker Hering returned to the Chair.

HA 5 to HB 709 — Introduced by Rep. Hering. Placed with bill.

HA 13 to HB 711 — Introduced by Rep. Billingsley. Placed with bill.

HA 2 to HB 822 — Introduced by Rep. Berndt. Placed with bill.

HA 1 to HB 825 — Introduced by Rep. Frederick. Placed with bill

HA 1 to HB 879 - Introduced by Rep. Sebrell. Placed with bill.

HA 2 to HB 837 — Introduced by Rep. Hering. Placed with bill.

HA 1 to HB 909 — Introduced by Rep. Dodge. Placed with bill.

HA 1 to HB 914 — Introduced by Rep. Dodge. Placed with bill.

Rep. Sebrell moved that HS 2 for HB 510, as amended, with SA 1, SA 2 be placed before the House for consideration.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

NOT VOTING: Fonville, Hearn - 2.

ABSENT: Butcher - 1.

HS 2 for HB 510 with SA 1 and 2 having received a constitutional majority was declared passed by the House.

Rep. Murphy moved that HB 769 with HA 1 and SA 1 be placed before the House for consideration.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray,



Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Little - 2.

HB 769 with HA 1 and SA 1 having received a constitutional majority was declared passed by the House.

SB 260 — "An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Equipment of Motor Vehicles." Introduced by Sen. Cicione and Others. Referred to the Committee on Highways and Public Safety.

SB 570 with SA 1 — "An Act to Amend Titles 17 and 26, Delaware Code, Conferring Upon the Public Service Commission Exclusive Jurisdiction Over the Inspection, Location, Construction, Improvement, Protection and Abolition of Railroad and Railway Crossings; Removing Certain Authority From the Delaware State Highway Department; Increasing the Penalties for Non-Compliance with Orders of the Public Service Commission and Making a Supplementary Appropriation to Public Service Commission." Introduced by Sen. Hart. Referred to the Committee on Highways and Public Safety.

SB 581 — "An Act to Amend Title 9, Sections 1120, 1442, and 1451 Requiring the Consent of the County Council for the Removal or Suspension by the County Executive." Introduced by Sen. Isaacs. Referred to the Committee on Government Operations.

SB 629 — "An Act to Amend Title 21, Chapter 41, Delaware Code by Adding a New Section 4135 Relating to Entering or Crossing a Divided Highway." Introduced by Sens. Cicione and Slawik. Referred to the Committee on Highways and Public Safety.

SB 639 — "An Act Making a Supplementary Appropriation to the Department of Mental Health to be Used for Surfacing and Other Improvements of Entrance Road and Parking Area at the Hospital for the Mentally Retarded." Introduced by Sen. Elliott. Referred to the Committee on Appropriations.

SB 649 with SA 2 — "An Act to Amend Title 24, Delaware Code, Chapter 19, Relating to Nursing and the Regulation Thereof." Introduced by Sen. Conner. Referred to the Committee on Health and Welfare.

SB 673 — "An Act to Amend Section 4648, Title 9, Delaware Code, Relating to the Issuance of Bonds by the Levy Court of Kent County to Finance Sewage Improvements." Introduced by Sen. Foltz. Referred to the Committee on Government Operations.

SB 677 with SA 2 — "An Act Making a Supplementary

Appropriation to the Respective Departments of Elections for New Castle, Kent and Sussex Counties for Additional Mobile Registration." Introduced by Sens. Castle and Holloway. Referred to the Committee on Elections.

**SB 696** — "An Act to Amend Title 8 of the Delaware Code Relating to Corporations by Making Certain Changes in Sections 142 and 160." Introduced by Sen. Hart. Referred to the Committee on Commerce and Labor.

**SB 709** — "An Act to Amend Title 21, Chapter 41, Delaware Code, Section 4176 (a) of the Revised Code by Designating a Blood Alcohol Level at Which Driving or Physical Control of a Motor Vehicle is Unlawful." Introduced by Sen. Castle. Referred to the Committee on Revised Statutes.

**SB 720** — "An Act to Amend Chapter 7, Title 17, Delaware Code, by Prohibiting Every Railroad Company in This State from Erecting, Planting, and/or Maintaining Certain Hedges, Shrubs, Trees, Solid Fences and Other Large Solid Objects from Its Property or Right of Way and Providing Procedures Where Railroad Company Fails to Comply." Introduced by Sen. Isaacs. Referred to the Committee on Highways and Public Safety.

**SB 732 with SA 1** — "An Act to Amend Section 4522, Title 31, Delaware Code, Relating to the Approval of Certain Redevelopment Plans by a Referendum Prior to the Recommendation of the Authority to the Governing Body." Introduced by Sen. Hart and Others. Referred to the Committee on Public Buildings and Lands.

**SJR 15** — "Requesting the Governor to Direct the Department of Health and Social Services to Hold Hearings and Conduct a Study into the Problems of Housing, Treating and Rehabilitating Certain 16 to 20 Year Old Persons Convicted of Crimes and Report to the Governor and Members of the General Assembly Its Findings and Recommendations." Introduced by Sen. Holloway. Referred to the Committee on Judiciary.

**SB 633 with SA 1** having had its final was again before the House for consideration, on motion of Rep. Kirk. On motion of Rep. Kirk, **SB 633 with SA 1** was placed on the Speaker's Desk.

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

**HB 822** — "An Act Relating to the Reclamation of Solid Waste: Authorizing the State of Delaware to Borrow Money to be Used for the Planning and Engineering Design for a Pilot System or Process for Reclamation of Solid Waste and to Issue Bonds and Notes Therefor; and Empowering the Department of Health and Social Services to Administer, Regulate and

Distribute Such Funds, and Appropriating the Money Borrowed to the Department of Health and Social Services.”

(Accompanied by debt statement)

Telegrams read as follows:

#### WESTERN UNION TELEGRAM

Rep. Robert J. Berndt, Chairman  
Governor's Committee on Solid Waste Disposal  
Legislative Hall  
Dover, Del.

I want to join Senator Boggs in congratulating you on your efforts to find solutions to Delaware's Solid Waste Problems. Hearings this year by the Subcommittee on Air and Water Pollution indicate that most useful constructive methods for dealing with solid waste will be found in development of resource recovery and recycling techniques.

Edmund S. Muskie  
USS Chairman Subcommittee on Air and  
Water Pollution.

#### WESTERN UNION TELEGRAM

Rep. Robert J. Berndt, Chairman  
Governor's Committee on Solid Waste  
Disposal (DLY 75)  
Legislative Hall,  
Dover, Del.

Congratulations on the progress in the effort to find a solution to solid waste problems. Reclamation and recycling appears to be the most productive answer to this problem. All efforts should be made to stimulate modern solid waste technology.

J. Caleb Boggs

Rep. Dodge took the Chair as Acting Speaker.

HA 1 to HB 822 — Rep. Berndt moved for adoption by voice vote. Motion carried.

HA 2 to HB 822 — Rep. Berndt moved for adoption by voice vote. Motion carried.

Roll Call on HB 822 with HA 1 and 2 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, duPont, Fonville, Frederick, Gray, Harrington,

Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Dodge - 37.

NOT VOTING: Sebrell - 1.

ABSENT: Butcher - 1.

HB 822 with HA 1, 2, having received a three-fourths majority was declared passed by the House.

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

HB 661 with HA 1, 2, 3, 4, — "An Act to Amend Chapter 87, Title 3, Delaware Code, Relating to Inspection of Retail Meat and Poultry Stores."

HA 1 to HB 661 — Rep. duPont moved that HA 1 be stricken. Motion carried.

HA 2 to HB 661 — Rep. Leshner moved for adoption of HA 2 by voice vote. HA 2 lost.

HA 3 to HB 661 — Rep. duPont moved that HA 3 be stricken. Motion be carried.

HA 4 to HB 661 — Rep. duPont moved for adoption of HA 4 by voice vote. Motion carried.

Roll Call on HB 661 with HA 4 revealed:

YEAS: Billingsley, Dillman, duPont, Frederick, Hering, Moerschel, Quillen, Riddagh, Spence, Stabler, Unruh, Mr. Acting Speaker Dodge - 12.

NAYS: Balick, Little, McMahon, Mears, Orth, Phillips, Stansky - 7.

NOT VOTING: Benson, Berndt, Boulden, Burt, Fonville, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Murphy, Seibel, Wright - 15.

ABSENT: Burton, Butcher, Rawlins, Sebrell, Zimmerman - 5.

HB 661 with HA 4 not having received a constitutional majority was declared lost.

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

HB 709 with HA 1, 2, 3, 4, 5, 6 — "An Act to Amend Title 29, Delaware Code, by Creating a New Chapter to be Designated as Chapter 86 Relating to the Establishment of a Department of Community Affairs and Economic Development, Defining Its Organization, Powers, Duties and Functions and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of This Act."

Privilege of the floor was granted Mr. Jerome Herlihy to explain the bill and amendments.

Rep. Billingsley moved for adoption of HA 1 to HB 709 by roll call.

Roll Call on HA 1 to HB 709 revealed:

YEAS: Benson, Billingsley, Boulden, Heckert, Jarvis, Leshner, McMahon, Riddagh, Sebrell, Spence, Unruh - 11.

NAYS: Berndt, Burt, Burton, Dillman, duPont, Frederick, Gray, Harrington, Hearn, Kirk, Little, Mears, Moerschel, Quillen, Seibel, Stabler, Wright, Mr. Acting Speaker Dodge - 18.

NOT VOTING: Balick, Fonville, Hering, Murphy, Orth, Stansky - 6.

ABSENT: Butcher, Phillips, Rawlins, Zimmerman - 4.

HA 1 to HB 709 not having received a majority was declared lost.

HA 2 to HB 709 — Rep. Frederick moved ( for Rep. Dodge ) that HA 2 be adopted by voice vote. Motion carried.

HA 3 to HB 709 — Rep. Unruh moved that HA 3 be adopted by voice vote. Motion carried.

HA 4 to HB 709 — Rep. Leshner moved that HA 4 be adopted by voice vote. Motion carried..

HA 5 to HB 709 — Rep. Hering moved for adoption by voice vote. Rep. Frederick moved for roll call.

Roll Call on HA 5 to HB 709 revealed:

YEAS: Hering, Jarvis, Quillen, Riddagh, Sebrell - 5.

NAYS: Frederick, Kirk, Rawlins, Stansky, Unruh - 5.

NOT VOTING: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, duPont, Fonville. Gray, Harrington, Hearn, Heckert, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Seibel, Stabler, Wright, Zimmerman, Mr. Acting Speaker Dodge - 26.

ABSENT: Butcher, Dillman, Spence - 3.

HA 5 to HB 709 not having received a majority was declared lost.

HA 6 to HB 709 — Rep. Hering moved for adoption by voice vote. Motion carried.

HB 709, as amended, was placed on the table pending an amendment.

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

HB 768 — “An Act to Amend Title 4, Chapter 5, Delaware Code, Relating to Grounds for Refusal of License.”

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Gray, Harrington, Heckert, Hering, Jarvis, McMahon, Moerschel, Quillen, Riddagh, Sebrell, Seibel, Stansky - 20.

NAYS: Frederick, Kirk, Rawlins, Unruh - 4.

NOT VOTING: duPont, Fonville, Hearn, Little, Mears,

Murphy, Orth, Phillips, Stabler, Wright, Mr. Acting Speaker Dodge - 11.

ABSENT: Butcher, Leshner, Spence, Zimmerman - 4.

HB 768 having received a constitutional majority was declared passed by the House.

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

SB 600 with SA 1 — "An Act to Amend Title 21, Chapter 41, Section 4178, Delaware Code, Relating to Stopping, Standing and Parking." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Berndt, Billingsley, Boulden, Burt, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Rawlins, Riddagh, Seibell, Seibel, Stabler, Unruh, Mr. Acting Speaker Dodge - 29.

NOT VOTING: Balick, Stansky, Wright - 3.

ABSENT: Benson, Burton, Butcher, Leshner, Quillen, Spence, Zimmerman - 7.

SB 600 with SA 1 having received a constitutional majority was declared passed by the House.

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

SB 601 — "An Act to Amend Title 21, Chapter 45, Delaware Code, by Enacting a New Section 4508, Relating to Law Enforcement Weighing Equipment, Weighing Procedures." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Dodge - 35.

ABSENT: Burton, Butcher, Leshner, Spence - 4.

SB 601 having received a constitutional majority was declared passed by the House.

Mr. Speaker Hering returned to the Chair.

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

SB 602 with SA 1 — "An Act to Amend Title 21, Chapter 45, Section 4506, Delaware Code, Relating to Police Officers Authority to Weigh Vehicles and Require Removal of Excess Leads." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Billingsley, Boulden, Burt, Dillman, Dodge, duPont,

Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 25.

NOT VOTING: Benson, Berndt, Fonville, Hearn, Orth, Phillips, Quillen, Rawlins, Zimmerman - 9.

ABSENT: Balick, Burton, Butcher, Leshner, Spence - 5.

SB 602 with SA 1 having received a constitutional majority was declared passed by the House.

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

SB 603 — "An Act to Amend Title 21, Chapter 67, Section 6705, Delaware Code, Relating to Alterations of Engine or Serial Number or Sale of Vehicle With Altered Numbers." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Butcher, Leshner, Spence - 3.

SB 603 having received a constitutional majority was declared passed by the House.

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

SB 604 — "An Act to Amend Title 21, Chapter 45, Delaware Code, by Adding a New Section 4358 Relating to Carrying of Flares or Other Emergency Lights in Certain Vehicles; Use Thereof in Event Vehicle Becomes Disabled." Introduced by Sens. Cicione and Slawik.

On motion of Rep. Murphy SB 604 was laid on the Speaker's desk.

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

SB 605 — "An Act to Amend Title 21, Chapter 43, Section 4309, Delaware Code, Relating to Obstruction to View or Windshields or Windows." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Berndt, Billingsley, Burton, Murphy, Quillen, Rawlins, Sebrell, Stabler - 8.

NAYS: Benson, Boulden, Burt, Dodge, Fonville, Frederick, Gray, Hearn, Heckert, Little, McMahon, Mears, Moerschel, Phillips, Riddagh, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 20.

NOT VOTING: Dillman, duPont, Harrington, Jarvis, Kirk, Leshner, Orth, Seibel, - 8.

ABSENT: Balick, Butcher, Spence - 3.

SB 605 not having received a constitutional majority was declared lost.

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

SB 606 — "An Act to Amend Title 21, Chapter 67, Section 6706, Delaware Code, Relating to Seizure of Vehicle Where Number is Altered or Removed." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Spence - 2.

SB 606 having received a constitutional majority was declared passed by the House.

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

SB 607 — "An Act to Amend Title 21, Chapter 67, Section 6704, Delaware Code, Relating to Receiving or Transferring Stolen Vehicle." Introduced by Sen. Cicione.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Spence - 2.

SB 607 having received a constitutional majority was declared passed by the House.

Rep. Little moved that HB 689 be stricken. Motion carried.

Rep. Murphy moved that SB 604 be lifted from the Speaker's desk. Motion carried.

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Spence - 2.



SB 604 having received a constitutional majority was declared passed by the House.

Rep. Little moved to rescind the roll call on HB 321. Motion carried.

HA 1 to HB 321 — Introduced by Rep. Little. Adopted by voice vote.

Roll Call on HB 321 with HA 1 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Riddagh, Seibell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 33.

NAYS: Jarvis - 1.

ABSENT: Butcher, McMahon, Orth, Rawlins, Spence - 5.

House recessed at 5:37 P.M., reconvened at 7:55 P.M.

Rep. Frederick took the Chair as Acting Speaker.

The Senate informed the House it had passed HB 783, HB 784, HB 736, HB 781, HB 724 and HB 861.

Committee Reports:

Revised Statutes: HS 1 for HB 821, 5 on merits; SB 709, 1 favorable, 4 on merits; Highways and Public Safety: SB 570, 1 favorable, 3 on merits; Natural Resources: SB 676, 1 favorable, 5 on merits.

HB 711, as amended, having had its final reading was again before the House for consideration, on motion of Rep. Hering.

HA 1 to HB 711 — Rep. Seibel moved for roll call vote on

Roll Call on HA 1 to HB 711 revealed:

YEAS: Balick, Berndt, Billingsley, Burt, Burton, Dillman, Fonville, Hearn, Heckert, Hering, Jarvis, Kirk, Little, Mears, Murphy, Quillen, Rawlins, Riddagh, Seibel, Wright, Zimmerman, Mr. Acting Speaker Frederick - 22.

NAYS: Boulden, Leshner, Seibell, Unruh - 4.

NOT VOTING: Benson, Gray, Harrington, Moerschel, Phillips - 5.

ABSENT: Butcher, Dodge, duPont, McMahon, Orth, Spence, Stabler, Stansky - 8.

HA 1 to HB 711 having received a majority was declared adopted by the House.

HA 14 to HB 711 — Introduced by Rep. Zimmerman. Placed with bill.

HA 2 to HB 711 — Rep. Murphy moved that HA 2 to HB 711 be adopted by roll call.

Rep. Jarvis moved that HA 2 be tabled.

Roll Call on the motion to table HA 2 to HB 711 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Poulden, Burt,

Burton, Dillman, Dodge, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Phillips, Quillen, Riddagh, Sebrell, Seibel, Unruh, Mr. Acting Speaker Frederick - 28.

NAYS: Murphy, Rawlins - 2.

NOT VOTING: Wright, Zimmerman - 2.

ABSENT: Butcher, duPont, McMahon, Orth, Spence, Stabler, Stansky - 7.

The tabling motion having received a majority, HA 2 to HB 711 was declared tabled.

HA 3 to HB 711 — Rep. Murphy moved for adoption by roll call.

Roll Call on HA 3 to HB 711 revealed:

YEAS: Murphy, Zimmerman - 2.

NAYS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Unruh, Wright, Mr. Acting Speaker Frederick - 29.

ABSENT: Burton, Butcher, duPont, McMahon, Orth, Spence, Stabler, Stansky - 8.

HA 3 to HB 711 not having received a majority was declared lost.

HA 4 to HB 711 — Rep. Benson moved that HA 4 be adopted by roll call.

Roll Call on HA 4 to HB 711 revealed:

YEAS: Benson, Gray, Harrington, Kirk, Moerschel, Rawlins, Riddagh, Sebrell, Unruh - 9.

NAYS: Balick, Burt, Hearn, Hering, Jarvis, Leshner, Little, Mears, Phillips, Seibel, Wright, Mr. Acting Speaker Frederick - 12.

NOT VOTING: Berndt, Billingsley, Boulden, Dillman, Dodge, Fonville, Heckert, Murphy, Zimmerman - 9.

ABSENT: Burton, Butcher, duPont, McMahon, Orth, Quillen, Spence, Stabler, Stansky - 9.

HA 4 to HB 711 not having received a majority was declared lost.

HA 5 to HB 711 — Rep. Zimmerman moved that HA 5 be laid on the Speaker's desk. Motion carried.

HA 6 to HB 711— Rep. Heckert moved for adoption of HA 6 by roll call.

Roll Call on HA 6 to HB 711 revealed:

YEAS: Heckert - 1.

NAYS: Balick, Billingsley, Boulden, Burt, Dillman, Dodge, Fonville, Gray, Harrington, Hearn, Hering, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins,

Riddagh, Sebrell, Seibel, Unruh, Wright, Zimmerman, Mr. Acting Speaker Frederick - 28.

NOT VOTING: Benson - 1.

ABSENT: Berndt, Burton, Butcher, duPont, McMahon, Orth, Spence, Stabler, Stansky - 9.

HA 6 to HB 711 not having received a constitutional majority was declared lost.

HA 7 to HB 711 — Rep. Heckert moved for adoption of HA 7 by roll call.

Roll Call on HA 7 to HB 711 revealed:

YEAS: Benson, Berndt, Dillman, Dodge, Gray, Heckert, Hering, Leshner, Moerschel, Quillen, Riddagh, Sebrell, Unruh - 13.

NAYS: Balick, Boulden, Burt, Fonville, Harrington, Hearn, Jarvis, Kirk, Little, Mears, Murphy, Phillips, Rawlins, Wright, Zimmerman, Mr. Acting Speaker Frederick - 16.

ABSENT: Billingsley, Burton, Butcher, duPont, McMahon, Orth, Seibel, Spence, Stabler, Stansky - 10.

HA 7 to HB 711 not having received a constitutional majority was declared lost.

HA 8 to HB 711 — Rep. Heckert moved that HA 8 be stricken. Motion carried.

HA 9 to HB 711 — Rep. Heckert moved for adoption of HA 8 by roll call.

Rep. Heckert moved that the roll call be tabled:

Roll Call on the motion to table HA 9 revealed:

YEAS: Benson, Boulden, Dillman, Dodge, Heckert, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Sebrell, Unruh - 15.

NAYS: Balick, Burt, Fonville, Gray, Hearn, Hering, Jarvis, Mears, Phillips, Wright, Zimmerman, Mr. Acting Speaker Frederick - 12.

ABSENT: Berndt, Billingsley, Burton, Butcher, duPont, Harrington, McMahon, Orth, Seibel, Spence, Stabler, Stansky - 12.

The motion to table having received a majority vote of the members present, roll call on HA 9 was declared tabled.

Rep. Hering moved that HB 711, as amended, be deferred until the next legislative day. Motion carried.

House recessed at 9:35 P.M., reconvened at 9:40 P.M.

Mr. Speaker Hering presiding.

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

HB 778 with HA 1 — “An Act to Amend Title 11, Chapter 3, Subchapter V of the Delaware Code Relating to Crimes, by

Making any Intentional Burning a Crime if Committed on an Educational Site During, or as a Result of, a Demonstration."

HA 1 to HB 778 — Rep. Unruh moved for adoption of HA 1 by voice vote. Motion carried.

Rep. Unruh moved that the Roll Call on HB 778 with HA 1 be tabled. Motion carried.

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

HB 573 — "An Act to Amend An Act Being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled, 'An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach' to Permit the Taxation of Mobile Homes.

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

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

SB 151 — "An Act to Amend Section 4974, Title 10, Delaware Code Relating to Place for Public Sale of Real Estate." Introduced by Sen. Castle.

Roll Call revealed:

YEAS: Burt, Quillen, Riddagh, Mr. Speaker Hering - 4.

NAYS: Benson, Berndt, Boulden, Burton, Fonville, Frederick, Kirk, Little, Mears, Moerschel, Phillips, Rawlins, Sebrell, Unruh - 14.

NOT VOTING: Balick, Dillman, Dodge, Gray, Harrington, Hearn, Heckert, Jarvis, Leshner, Murphy, Wright, Zimmerman - 12.

ABSENT: Billingsley, Butcher, duPont, McMahon, Orth, Seibel, Spence, Stabler, Stansky - 9.

SB 151 not having received a constitutional majority was declared lost.

House recessed to Call of the Chair at 8:16 P.M.

#### 45th LEGISLATIVE DAY

The Speaker called the House to order at 1:51 P.M., on June 2, 1970.

The House convened at 1:52 P.M., on Tuesday, June 2, 1970.

There was a prayer by the Chaplain Reverend Gilbert J. Ward, Westminster Presbyterian Church, Wilmington.

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

Roll Call revealed 36 members present, 3 absent.

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

ABSENT: Butcher, Fonville, Rawlins - 3.

Minutes of the previous legislative day were approved as posted.

Communications: Legislative Advisory No. 43

# OFFICE OF THE GOVERNOR

May 27, 1970

## LEGISLATIVE ADVISORY NO. 43

### TO:

Sen. William F. Hart  
Rep. John G.S. Billingsley  
Rep. Joseph R. Murphy  
Rep. George R. Quillen  
Rep. W. Neal Moerschel  
Rep. Warren B. Burt  
Rep. David S. Benson  
Rep. Clarice U. Heckert  
John Geuther  
Rudolph Jass  
Joseph R. Pittard  
Earle M. Davis  
General Fred W. Vetter  
William Torbert  
The Hon. Albert J. Stiftel  
The Hon. Daniel F. Wolcott  
H. Irving Buckson  
Andrew Talley  
Elwood Rust

The Hon. David Buckson  
Det. John J. Clarke, Jr.  
Austin N. Heller  
G. Wallace Caulk  
Dr. Albert Ingram  
Joseph T. Cashman  
Daniel J. Ross  
George W. Cripps  
Eugene Bunting  
Richard H. Caldwell  
Dr. Kenneth C. Madden  
Christopher L. Perry  
Daniel Enterline  
Gerald Sapienza  
Dee Lafferty  
Secretary of the Senate  
Clerk of the House  
Legislative Council

FROM: Jerome O. Herlihy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

HB 775 — 5-22-70 - giving authority to the Alcoholic Beverage Control Commission to fine violators of the liquor laws.

HB 430 "As Amended by H.A. 1 — 5-22-70 - making

numerous amendments to the law dealing with public contracts."

HB 605 — 5-22-70 - giving 200 aggregate racing days for Kent and Sussex County.

HB 340 "As Amended by H.A. 1 — 5-22-70 - making it unlawful to evade payment of tolls on the Delaware Turnpike.

SJR 19 — 5-25-70 - proclaiming the month of May as Older Americans Month.

HB 575 — 5-25-70 - classifying the Bryant fox-squirrel as protected wildlife.

HB 626 — 5-25-70 - providing a mechanism for obtaining lighting in the unincorporated areas of Kent County.

HB 495 — 5-25-70 - providing for interlocutory appeals from the Superior Court.

HB 496 — 5-25-70 - providing for 30 days in which an interlocutory appeal can be taken from the Superior Court.

HB 498 — 5-25-70 - providing for 15 additional days for the filing of a cross-appeal.

HB 659 "As Amended by H.A. 1 — 5-25-70 - changing the renewal procedure for licenses to carry concealed deadly weapons.

HB 728 — 5-26-70 - appropriating \$637,000 to the Educational Contingency Fund.

JOH:mm

Legislative Advisory No. 44

# OFFICE OF THE GOVERNOR

June 1, 1970

## LEGISLATIVE ADVISORY NO. 44

TO:

Sen. Dean C. Steele  
Sen. J. Donald Isaacs  
Sen. Thomas E. Hickman, Jr.  
Rep. John A. Dillman  
Rep. Warren B. Burt  
Rep. Robert M. Dodge  
Rep. W. Laird Stabler, Jr.  
Rep. Lewis B. Harrington  
Rep. George R. Quillen  
Rep. W. Neal Moerschel  
Rep. Jacob W. Zimmerman  
Rep. Joseph R. Murphy  
Rep. Lorin B. Sebrell

Dr. Robert T. Rasmussen  
Dr. Kenneth C. Madden  
Dr. Albert Ingram  
Gen. Fred W. Vetter  
Austin N. Heller  
G. Wallace Caulk  
H. Irving Buckson  
Andrew Talley  
Elwood Rust  
William Torbert  
Richard Andrews  
Clifton E. Morris  
Joseph T. Cashman

Rep. George C. Hering, III	Daniel J. Ross
Rep. Clarice U. Heckert	George W. Cripps
Rep. Marion I. Seibel	Eugene Bunting
Rep. Thomas L. Little	Richard H. Caldwell
The Hon. Daniel F. Wolcott	Christopher L. Perry
The Hon. Albert J. Stiffl	Daniel Enterline
The Hon. William Duffy, Jr.	Gerald Sapienza
The Hon. Crawford W. Carroll	Edward Campbell
The Hon. Francis A. Reardon	C. Edward Duffy, Esquire
The Hon. David P. Buckson	Jeanette B. Marsilli
The Hon. John J. McNeilly	Dee Lafferty
Col. Charles G. Lamb	Secretary of the Senate
Legislative Council	Clerk of the House

FROM: Jerome O. Herlihy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

SB 693 — 5-28-70 - allowing certain minors to give consent for blood donations.

SB 358 "As Amended by H.A. 1 — 5-28-70 - relating to mobile homes on farms.

SB 626 "As Amended by H.A. 1 — 5-28-70 - regulating outdoor musical festivals.

HB 853 — 5-28-70 - making a grant-in-aid of \$10,000 to the Freedoms Foundations at Valley Forge.

HB 522 "As Amended by H.A. 1 — 5-28-70 - changing the law so as to permit certain misdemeanor trials in Kent and Sussex Superior Courts.

HB 527 — 5-28-70 - outlawing the growing and manufacturing of dangerous or narcotic drugs.

HB 680 — 5-28-70 - relating to the tax paid by racetracks.

HB 746 — 5-28-70 - relating to Court record keeping in Sussex County.

HB 698 — 5-31-70 - exempting seeing eye and certain other dogs from the license fee.

HCR 36 — 6-1-70 - relating to the Delaware Technical and Community College.

HB 722 — 6-1-70 - appropriating certain funds to the Secretary of State to pay an outstanding bill.

HB 687 — 6-1-70 - increasing the renewal fee for architects.

HB 569 — 6-1-70 - authorizing the issuance of only one building permit in certain areas in Kent County.

HB 701 — 6-1-70 - transferring \$46,800 to the construction fund account of the Capital School District.

HB 445 - 6-1-70 - appropriating \$7,500 for certain expenses to Delaware Code Supplements.

**HB 476 — 6-1-70** - appropriating \$2,000 for a new printing of Volume 13 of the Delaware Code.

**HB 551 As Amended by S.A. 1 — 6-1-70** - authorizing Registers in Chancery to invest certain funds.

**HS 1 for HB 628 — 6-1-70** - defining vocational or occupational units.

**HB 677 — 6-1-70** - relating to the selling of magazines and other items by certain minors.

**HB 640 — 6-1-70** - authorizing certain other persons to sign vouchers within departments that are headed by one person.

**HB 618 — 6-1-70** - increasing certain fees for criminal cases.

JOH:mm

#### Committee Reports:

Public Buildings and Lands: **SB 732**, 5 on merits; **SB 354**, 6 on merits; **HB 876**, 1 favorable, 5 on merits; Health and ' Welfare: **SB 480**, 1 favorable, 3 on merits.

The following prefiled legislation was introduced:

**HS 3 for HB 240 —** "An Act to Abolish the New Castle County Department of Police and to Transfer the Functions, Records, Equipment and such Qualified Personnel Thereof as Meet the Standards of the Delaware State Police to the Delaware State Police." Introduced by Rep. Leshner. Referred to the Committee on Highways and Public Safety.

**HS 1 for HB 866 —** "An Act Making a Supplementary Appropriation to the Department of Natural Resources and Environmental Control to Map, Survey and Classify Wetlands." Introduced by Rep. Dodge. Referred to the Committee on Natural Resources.

**HA 1 to HB 546 —** Introduced by Rep. duPont. Placed with bill.

**HA 1 to HB 547 —** Introduced by Rep. duPont. Placed with bill.

**HA 7 to HB 709 —** Introduced by Rep. Frederick. Placed with bill.

**HA 15 to HB 711 —** Introduced by Reps. Zimmerman and Billingsley. Placed with bill.

**HA 16 to HB 711 —** Introduced by Reps. Billingsley and Zimmerman. Placed with bill.

**HA 17 to HB 711 —** Introduced by Rep. Moerschel. Placed with bill.

**HA 18 to HB 711 —** Introduced by Rep. Moerschel. Placed with bill.

**HA 19 to HB 711 —** Introduced by Rep. Balick. Placed with bill.



**HA 20 to HB 711** — Introduced by Rep. Benson. Placed with bill.

**HA 21 to HB 711** — Introduced by Rep. Benson. Placed with bill.

**HA 22 to HB 711** — Introduced by Rep. Murphy. Placed with bill.

**HA 5 to HB 779** — Introduced by Rep. Leshner. Placed with bill.

**HA 2 to HB 825** — Introduced by Rep. Dodge. Placed with bill.

**HA 2 to HB 827** — Introduced by Rep. Berndt. Placed with bill.

**HA 1 to HB 840** — Introduced by Reps. Billingsley and Jarvis. Placed with bill.

**HA 2 to SB 460** — Introduced by Rep. Leshner. Placed with bill.

**HA 4 to SB 500** — Introduced by Rep. Burt. Placed with bill.

**HA 3 to SB 583** — Introduced by Rep. Billingsley. Placed with bill.

**HA 1 to SB 610** — Introduced by Rep. Leshner. Placed with bill.

**HA 1 to SB 623** — Introduced by Rep. Leshner. Placed with bill.

**SS 1 for SB 483 with SA 1** — “An Act to Amend Chapter 55, Title 29, Delaware Code, Entitled ‘State Employees’ Pension Plan,’ by Revising the entire said Chapter 55.” Introduced by Sen. Steele. Referred to the Committee on Appropriations.

**SB 659** — “An Act to Amend Section 704, Paragraph (c), Title 7, Delaware Code, Relating to Prohibited Hunting Methods.” Introduced by Sen. Castle. Referred to the Committee on Natural Resources.

**SB 694 with SA 1** — “An Act to Amend Title 9, Delaware Code, Allowing Counties to Permit Elected Officeholders to Employ and Set the Salary of a Chief Deputy in the Several County Offices in New Castle County.” Introduced by Sen. duPont. Referred to the Committee on Government Operations.

**SB 665** — “An Act to Amend Title 26, Chapter 9, Delaware Code, with Reference to the Location of Telegraph, Telephone and Electric Utility Lines.” Introduced by Sen. Isaacs. Referred to the Committee on Commerce and Labor.

On motion of Rep. Hering, **HB 711**, as amended, was again placed before the House for consideration.

**HA 10 to HB 711** - Rep. Hering moved that **HA 10** be adopted by voice vote. Motion carried.

HA 11 to HB 711 — Rep. Stansky moved for adoption by roll call. Roll call revealed:

YEAS: Boulden, Harrington, Kirk, McMahon, Orth, Stansky, Zimmerman - 7.

NAYS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Hearn, Heckert, Hering, Jarvis, Leshner, Little, Mears, Moerschel, Murphy, Quillen, Riddagh, Seibrel, Seibel, Spence, Unruh, Mr. Acting Speaker Stabler - 27.

NOT VOTING: Phillips, Wright - 2.

ABSENT: Butcher, Fonville, Rawlins - 3.

HA 11 to HB 711 not having received a majority was declared lost.

HA 12 to HB 711 — Rep. Little moved that HA 12 be stricken. Motion carried.

On motion of Rep. Heckert, HA 9 to HB 711 was lifted from the table. Rep. Heckert moved that HA 9 be retabled. Motion carried.

HA 13 to HB 711 — Rep. Billingsley moved that HA 13 be stricken. Motion carried.

HA 14 to HB 711 — Rep. Zimmerman moved for adoption of HA 14 by roll call.

Roll Call on HA 14 to HB 711 revealed:

YEAS: Balick, Billingsley, Hearn, Little, McMahon, Murphy, Orth, Phillips, Stabler, Stansky, Wright, Zimmerman - 12.

NAYS: Benson, Berndt, Boulden, Burt, Burton, Dodge, Frederick, Gray, Harrington, Heckert, Jarvis, Leshner, Mears, Moerschel, Quillen, Riddagh, Seibrel, Seibel, Spence, Unruh, Mr. Speaker Hering - 21.

NOT VOTING: Dillman, duPont, Kirk - 3.

ABSENT: Butcher, Fonville, Rawlins - 3.

HA 14 to HB 711 not having received a majority was declared lost.

HA 15 to HB 711 — Rep. Zimmerman moved for adoption by roll call.

Roll Call on HA 15 to HB 711 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NAYS: Leshner - 1.

ABSENT: Butcher, Rawlins - 3.

HA 15 to HB 711 having received a constitutional majority was declared adopted.

Rep. Stabler took the Chair as Acting Speaker.

HA 16 to HB 711 — Rep. Billingsley moved for adoption of HA 16 by roll call.

Roll Call on HA 16 to HB 711 revealed:

YEAS: Billingsley, Seibel, Wright, Zimmerman - 4.

NAYS: Balick, Benson, Berndt, Boulden, Burt, Dillman, duPont, Frederick, Harrington, Jarvis, Leshner, Little, McMahon, Mears, Orth, Phillips, Quillen, Riddagh, Spence, Unruh, Mr. Acting Speaker Stabler - 21.

NOT VOTING: Dodge, Gray, Hearn, Heckert, Hering, Kirk, Moerschel, Murphy, Seibrell, Stansky - 10.

ABSENT: Burton, Butcher, Fonville, Rawlins - 4.

HA 16 to HB 711 not having received a constitutional majority was declared lost.

HA 17 to HB 711 — Rep. Moerschel moved for adoption of HA 17 by roll call.

Roll Call on HA 17 to HB 711 revealed:

YEAS: Benson, Boulden, Burton, Gray, Harrington, Kirk, Moerschel, Murphy, Quillen, Riddagh, Spence, Unruh, Zimmerman - 13.

NAYS: Balick, Berndt, Burt, duPont, Hearn, Jarvis, Leshner, Little, Mears, Orth, Phillips, Seibrell, Seibel, Stansky, Wright - 15.

NOT VOTING: Dillman, Dodge, Frederick, Heckert, Hering, McMahon, Mr. Acting Speaker Stabler - 7.

ABSENT: Billingsley, Butcher, Fonville, Rawlins - 4.

HA 17 to HB 711 not having received a constitutional majority was declared lost.

HA 18 to HB 711 — Rep. Moerschel moved that HA 18 be stricken. Motion carried.

HA 19 to HB 711 — Rep. Balick moved for adoption of HA 19 by roll call.

Roll Call on HA 19 to HB 711 revealed:

YEAS: Balick, Benson, Billingsley, Boulden, Burt, Dillman, duPont, Frederick, Gray, Hearn, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Seibrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Stabler - 27.

NAYS: Berndt, Heckert, Hering, Quillen, Riddagh - 5.

NOT VOTING: Burton, Dodge, Jarvis - 3.

ABSENT: Butcher, Fonville, Harrington, Rawlins - 4.

HA 19 to HB 711 having received a majority was declared adopted.

HA 20 to HB 711 — Rep. Benson moved that HA 20 be stricken. Motion carried.

HA 21 to HB 711 — Rep. Benson moved that HA 21 be

stricken. Motion carried.

HA 22 to HB 711 — Rep. Murphy moved for adoption of HA 22. Rep. Hering moved to table HA 22.

Roll Call on motion to table HA 22 revealed:

YEAS: Dodge, Hering, Jarvis, Leshner, Mears, Sebrell - 6.

NAYS: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Little, Moerschel, Murphy, Quillen, Riddagh, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman - 23.

NOT VOTING: Balick, Dillman, duPont, Phillips, Mr. Acting Speaker Stabler - 5.

ABSENT: Butcher, Fonville, McMahon, Orth, Rawlins - 5.

Motion to table HA 22 to HB 711 was declared lost.

Roll Call on HA 22 to HB 711 revealed:

YEAS: McMahon, Murphy, Stansky, Zimmerman - 4.

NAYS: Benson, Berndt, Billingsley, Burt, Burton, Dodge, Frederick, Gray, Harrington, Leshner, Little, Mears, Phillips, Quillen, Sebrell, Seibel, Unruh - 17.

NOT VOTING: Balick, Boulden, Dillman, duPont, Hearn, Heckert, Hering, Jarvis, Kirk, Moerschel, Orth, Riddagh, Spence, Wright, Mr. Acting Speaker Stabler - 15.

ABSENT: Butcher, Fonville, Rawlins - 3.

HA 22 to HB 711 not having received a majority was declared lost.

HA 23 to HB 711 — Rep. Billingsley moved that HA 23 be adopted by roll call.

Roll Call on HA 23 to HB 711 revealed:

YEAS: Billingsley - 1.

NAYS: Balick, Benson, Berndt, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 33.

ABSENT: Butcher, Fonville, Heckert, Rawlins, Zimmerman - 5.

HA 23 to HB 711 not having received a constitutional majority was declared lost.

HA 24 to HB 711 — Rep. Little moved that HA 24 be adopted by roll call.

Roll Call on HA 24 to HB 711 revealed:

YEAS: Boulden, Kirk, Little, Stansky - 4.

NAYS: Benson, Berndt, Billingsley, Burt, Burton, duPont, Harrington, Hearn, Heckert, Hering, Leshner, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Unruh, Zimmerman - 23.

NOT VOTING: Balick, Dodge, Frederick, Gray, Jarvis,

McMahon, Wright, Mr. Acting Speaker Stabler - 8.

ABSENT: Butcher, Dillman, Fonville, Rawlins - 4.

HA 24 to HB 711 not having received a majority was declared lost.

Roll Call on HB 711 with HA 1, 10, 15 and 19 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 35.

NAYS: Unruh - 1.

ABSENT: Butcher, Fonville, Rawlins - 3.

HB 711 with HA 1, 10, 15, 19 having received a two-thirds majority was declared passed by the House.

House recessed at 4:25, reconvened at 4:55 P.M.

On motion of Rep. Kirk, SB 633 with SA 1 having had its final reading, was again before the House for consideration.

Roll Call on SB 633 with SA 1 revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman - 33.

NAYS: Benson - 1.

NOT VOTING: Burton - 1.

ABSENT: Butcher, Fonville, Rawlins, Mr. Speaker Hering - 4.

SB 633 with SA 1 having received a constitutional majority was declared passed by the House.

On motion of Rep. Kirk SB 634 with SA 1 was lifted from the table.

Roll Call on SB 634 with SA 1 revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 34.

NAYS: Benson - 1.

ABSENT: Butcher, Fonville, Rawlins, Zimmerman - 4.

SB 634 with SA 1 having received a constitutional majority was declared passed by the House.

HA 8 to HB 709 — Introduced by Rep. Frederick. Placed with bill.

Rep. Frederick moved that HA 7 to HB 709 be stricken.  
Motion carried.

On motion of Rep. Heckert the roll was called to defer HB 709 with HA 2, 3, 4, 6 in order to have time to consider HA 8 to HB 709.

Roll Call on the motion revealed:

YEAS: Benson, Billingsley, Boulden, Burt, Burton, Dillman, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Sebrell, Spence, Stansky, Unruh, Wright - 23.

NAYS: Berndt, duPont, Frederick, Jarvis, Little, Riddagh, Seibel, Stabler - 8.

NOT VOTING: Balick, Dodge, Phillips, Zimmerman, Mr. Speaker Hering - 5.

ABSENT: Butcher, Fonville, Rawlins - 3.

HB 709 with HA 2, 3, 4, 6 was deferred.

On motion of Rep. Leshner, SB 583 with SA 1, 2, 3 was lifted from the table.

HA 1 to SB 583 — Introduced by Rep. Frederick. Adopted by voice vote.

HA 2 to SB 583 — Introduced by Rep. Leshner. Adopted by voice vote.

HA 3 to SB 583 — Introduced by Rep. Billingsley. Adopted by voice vote.

Roll Call on SB 583 with SA 1 and HA 1, 2, 3 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 34.

NOT VOTING: Burton, Gray - 2.

ABSENT: Butcher, Fonville, Rawlins - 3.

SB 583 with SA 1, HA 1, 2, 3, having received a three-quarter majority was declared passed by the House.

House recessed at 6:40 P.M., and reconvened at 7:55 P.M.

Committee Reports:

Highways and Public Safety: HS 3 to HB 240, 1 favorable, 3 on merits;; Health and Welfare:

SB 649, 5 on merits; Elections: SB 677, 4 on merits; Government Operations: HB 907, 5 on merits; SB 673, 5 on merits; Commerce and Labor: SB 696, 6 on merits; Revenue and Taxation: HB 872, 5 on merits; HB 875, 4 on merits; HB 888, 1 favorable, 3 on merits.

The following prefiled amendments were introduced:

HA 1 to HB 826 — Introduced by Rep. Harrington. Placed with bill.

HA 1 to HB 902 — Introduced by Rep. duPont. Placed with bill.

HA 3 to SB 494 — Introduced by Rep. Phillips. Placed with bill.

HA 4 to SB 494 — Introduced by Rep. Phillips. Placed with bill.

HA 2 to SB 616 — Introduced by Rep. Hering. Placed with bill.

HA 1 to SB 732 — Introduced by Rep. Kirk. Placed with bill.

The Senate informed the House it had passed HB 321 with HA 1 and SA 1; HB 392, HB 394 with HA 1, 2, 3; HB 543, HS 1 for HB 633 with HA 1, 2, 4, 6, 8; HB 670; HB 772 with HA 2, SA 3; HB 799 with HA 1, SA 1; HS 1 for HB 806; HB 843; HB 855; HB 862 with HA 1.

On motion of Rep. duPont, HB 772 with HA 2 and SA 3 was before the House for consideration.

Roll Call on HB 772 with HA 2 and SA 3 revealed:

YEAS: Balick, Berndt, Boulden, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Leshner, McMahon, Moerschel, Orth, Phillips, Quillen, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 26.

NAYS: Benson, Burton, Mears - 3.

ABSENT: Billingsley, Burt, Butcher, Fonville, Jarvis, Kirk, Little, Murphy; Rawlins, Seibel - 10.

HB 772 with HA 2 and SA 3 having received a constitutional majority was declared passed by the House.

On motion of Rep. Unruh, HB 778 with HA 1 was lifted from the table.

Roll Call on HB 778 with HA 1 revealed:

YEAS: Benson, Berndt, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stansky, Unruh, Mr. Speaker Hering - 28.

NOT VOTING: Balick, Fonville, Hearn, Jarvis, Phillips, Wright, Zimmerman - 7.

ABSENT: Billingsley, Butcher, Seibel, Stabler - 4.

HB 778 with HA 1 having received a two-thirds majority was declared passed by the House.

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

HB 799 with SA 1 — "An Act to Amend Chapter 17, Title

14, Delaware Code, Relating to State Appropriations for Units of Pupils."

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 30.

NAYS: Zimmerman - 1.

NOT VOTING: Balick, Hearn, Phillips - 3.

ABSENT: Burt, Butcher, Fonville, Little, Rawlins - 5.

HB 799 with SA 1 having received a constitutional majority was declared passed by the House.

SB 599 — "An Act Proposing an Amendment to Section 11, Article 4 of the Constitution Relating to Jurisdiction of the Supreme Court in Criminal Cases." Introduced by Senator Hale. Referred to the Committee on Judiciary.

SB 665 with SA 1 — "An Act to Amend Title 26, Chapter 9, Delaware Code, with Reference to the Location of Telegraph, Telephone and Electric Utility Lines." Introduced by Senator Isaacs. Referred to the Committee on Commerce and Labor.

SCR 33 — "Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware." Introduced by Sen. Foltz. Laid on the table.

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

HB 840 with HA 1 — "An Act to Revise the Rate of Commission Paid to Cigarette Stamp Affixing Agents."

Roll Call on HB 840 with HA 1 revealed:

YEAS: Benson, Berndt, Billingsley, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 23.

NAYS: Balick, Boulden, Harrington, Hearn, McMahon, Phillips, Stansky, Wright, Zimmerman - 9.

NOT VOTING: Mears, Orth, Sebrell - 3.

ABSENT: Burt, Butcher, Fonville, Rawlins - 4.

HB 840 with HA 1 having received a constitutional majority was declared passed by the House.

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

SB 610 with SA 1, 2 and HA 1, 2 — "An Act to Amend Title 29, Delaware Code, by creating a New Chapter to be designated as Chapter 85 Relating to the Establishment of a Department of Labor, defining its Organization, Powers, Duties and Functions and Providing for the Transfer of Materials and Equipment to



said department from Various State Agencies and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of this Act."

On motion of Rep. Leshner, HA 1 to SB 610 was adopted by voice vote.

On motion of Rep. duPont, SB 610, as amended, was deferred until the next legislative day.

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

HB 919 — "An Act to Amend Chapter 183, Volume 22, Laws of Delaware, as Amended, Entitled 'An Act to Incorporate the Town of Greenwood' to Provide Qualifications to Register and a Registration System for Voters and to Prescribe the qualifications for candidates."

Roll Call on HB 919 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Butcher, Dillman, Fonville, Rawlins - 4.

HB 919 having received a two-thirds majority was declared passed by the House.

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

HB 176 with HA 1 - 'An Act providing for warranties in the sale of dwellings.

HA 1 to HB 176 — Introduced by Rep. Moerschel. Adopted by voice vote.

On motion of Rep. Moerschel, HB 176 with HA 1 was deferred.

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

SB 655 — "An Act to Amend Title 30, Chapter 11, Delaware Code, Section 1186, by Authorizing the Tax Commissioner to Permit the Finance Officer of Any Municipality of this State Levying Wage or Income Tax to Inspect the Income Tax Return of any Individual, Company or Corporation."

HA 1 to SB 655 — Introduced by Rep. Moerschel. On motion of Rep. Moerschel HA 1 was stricken.

Roll Call on SB 655 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Orth, Quillen, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky,

Unruh, Wright, Zimmerman, Mr. Speaker Hering - 32.

NOT VOTING: Dillman - 1.

ABSENT: Burton, Butcher, Fonville, Murphy, Phillips, Rawlins - 6.

SB 655 having received a two-thirds majority was declared passed by the House.

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

HB 580 — "An Act to Amend Title 11, Delaware Code, Relating to the Right of a Person to be Free From Prosecution for Acts of Self-Defense or in Aid of Others and to Provide for Indemnification and Reimbursement."

On motion of Rep. Riddagh, HA 1 to HB 580 was stricken.

On motion of Rep. Riddagh, HA 2 to HB 580 was placed on the table.

On further motion of Rep. Riddagh, HB 580, as amended, was deferred.

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

HS 1 for HB 821 — "An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors by Providing for Monthly Reports by Persons Licensed to Sell Alcoholic Liquor."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Butcher, Fonville, Phillips, Rawlins - 4.

HS 1 for HB 821 having received a constitutional majority was declared passed by the House.

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

HB 432 — "An Act to Amend Chapter 53, Title 11, Delaware Code, Relating to Criminal Procedures in the Court of Common Pleas for New Castle County."

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burt, Dillman, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 24.

NOT VOTING: Balick, Harrington, Hearn, McMahon, Mears, Orth, Stansky, Wright, Zimmerman, - 9.

ABSENT: Burton, Butcher, Dodge, Fonville, Phillips, Rawlins - 6.

HB 432 having received a constitutional majority was declared passed by the House.

On motion of Rep. Moerschel HB 176, as amended, was again brought before the House for consideration.

On motion of Rep. Moerschel, HA 2 to HB 176 was adopted by voice vote.

On further motion of Rep. Moerschel, HB 176 as amended, was laid on the table.

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

HB 876 — "An Act to Amend Volume 56, Laws of Delaware, Chapter 397, Providing that the Sum Appropriated Thereby Shall not Revert Until June 30, 1972.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 33.

ABSENT: Burton, Butcher, Fonville, McMahon, Phillips, Rawlins - 6.

HB 876 having received a constitutional majority was declared passed by the House.

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

HB 870 — "An Act to Amend Chapter 43, Title 30, Delaware Code, Relating to the Use Tax on Licenses of Tangible Personal Property."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 34.

ABSENT: Burton, Butcher, Fonville, Phillips, Rawlins - 5.

HB 870 having received a constitutional majority was declared passed by the House.

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

HB 899 — "An Act to Amend Chapter 81, Title 9, Delaware Code, Entitled 'Limitations Upon Taxing Power' by Adding a New Subchapter Thereto Relating to Exemptions from County Taxation on Real Property of Swim Clubs."

Roll Call revealed:

YEAS: Balick, Berndt, Boulden, Burt, Dillman, Dodge,

Harrington, Jarvis, Little, Murphy, Quillen, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 20.

NAYS: Burton, Hearn, Mears, Seibel - 4.

NOT VOTING: Benson, Billingsley, duPont, Frederick, Gray, Heckert, Kirk, Leshner, McMahon, Moerschel, Orth - 11.

ABSENT: Butcher, Fonville, Phillips, Rawlins - 4.

HB 899 having received a constitutional majority was declared passed by the House.

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

SB 502 — “An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of Lewes Senior Citizens Center, Incorporated from Assessment and Taxation.” Introduced by Sen. Hickman.

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, Mears, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 27.

NOT VOTING: Benson, duPont, Frederick, Leshner, McMahon, Orth, Seibel - 7.

ABSENT: Butcher, Fonville, Phillips, Rawlins, Spence - 5.

SB 502 having received a constitutional majority was declared passed by the House.

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

HS 1 for HB 743 — “An Act to Amend Title 30, Delaware Code, Relating to Income Tax Refunds to be Applied to Delinquent Support Payment.”

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Butcher, Fonville, Phillips, Rawlins - 4.

HS 1 for HB 743 having received a constitutional majority was declared passed by the House.

The House recessed to call of the chair at 10:40 P.M.

## 46TH LEGISLATIVE DAY

The Speaker called the House to order at 2:10 P.M., on June 3, 1970.

The House convened at 2:11 P.M., on Wednesday, June 3, 1970.

There was a prayer by the Chaplain Reverend C. Frederick Mathias, Westminster Presbyterian Church, Wilmington.

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

Roll Call revealed 36 members present, 3 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Butcher, Fonville, Heckert - 3.

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

The Senate informed the House it had passed HB 180 with HA 1, SA 3; HB 599, HS 1 for HB 536, with SA 1; HB 694; HB 767; HB 776 with SA 4; HB 891 with HA 1 and HCR 40.

The following prefiled legislation was introduced:

HA 3 to HB 176 — Introduced by Rep. Moerschel. Placed with bill.

HA 3 to HB 580 — Introduced by Rep. Riddagh. Placed with bill.

HA 4 to HB 580 — Introduced by Rep. Leshner. Placed with bill.

HA 6 to HB 779 — Introduced by Rep. Frederick. Placed with bill.

HA 1 to HB 785 — Introduced by Rep. Frederick. Placed with bill.

HA 2 to SB 623 — Introduced by Rep. Frederick. Placed with bill.

SA 3 to HB 180 — Introduced by Sen. Isaacs. Placed with bill.

Rep. Benson moved that HB 180 with SA 3 be brought before the House for consideration.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NOT VOTING: Mears - 1.

ABSENT: Butcher, Fonville, Heckert - 3.

HB 180 with SA 3 having received a constitutional majority was declared passed by the House.

Rep. Rawlins moved that HS 1 for HB 536 with SA 1 be brought before the House for consideration.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Butcher, Fonville, Heckert - 3.

HS 1 for HB 536 with SA 1 having received a constitutional majority was declared passed by the House.

SA 4 to HB 776 — Introduced by Sen. Steele. Placed with bill. Rep. Hering moved that HB 776, as amended, be laid on the table. Motion carried.

SB 716 — “An Act Amending Part II, Title 9, Delaware Code, by the Addition Thereof Sec. 3031 Providing an Exclusion to the Provisions Thereof.” Introduced by Sen. Isaacs. Referred to the Committee on Revised Statutes.

SCR 34 — “Expressing Congratulations and Continued Success to the University of Delaware Baseball Team on Its Championship Season.” Introduced by Sen. Castle and Others. Adopted by voice vote.

Committee Reports:

Appropriations: HB 869, 1 favorable, 5 on merits; SS 1 for SB 483, 5 on merits; SS 1 for SB 545, 5 on merits.

Rep. Heckert asked to be marked present.

Rep. Moerschel moved that HB 176 as amended, be lifted from the table. Motion carried.

HA 2 to HB 176 — Rep. Moerschel moved for adoption of HA 2 by voice vote. Motion carried.

HA 3 to HB 176 — Rep. Moerschel moved for adoption of HA 3 by voice vote. Motion carried.

Roll Call on HB 176 with HA 1,2,3 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Fonville - 2.

HB 176 with HA 1, 2, 3 having received a constitutional

majority was declared passed by the House.

Rep. Riddagh moved that HB 580 with HA 2, 3, 4 be lifted from the table. Motion carried.

Rep. Riddagh further moved that HB 580, as amended, be placed back on the table.

Mr. Dodge took the Chair as Acting Speaker.

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

HB 660 with HA 1, 2 — “An Act to Amend Title 9, Delaware Code, Chapter 81 Relating to Limitations Upon Taxing Power in the State of Delaware by Providing That Any County, Municipality or any Other Political Subdivision of this State, May Exempt from Taxation any Structure Used by the Public for the Parking of Automobiles Off the Streets Under Certain Conditions.”

HA 1 to HB 660 — Rep. Hearn moved that HA 1 be stricken. Motion carried.

HA 2 to HB 660 — Rep. duPont moved for adoption of HA 2 by voice vote. Motion carried.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Dillman, duPont, Harrington, Hearn, Hering, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Acting Speaker Dodge - 27.

NAYS: Boulden, Burton - 2.

NOT VOTING: Frederick, Gray, Heckert, Jarvis, Kirk, Stansky, Wright - 7.

ABSENT: Butcher, Fonville, Zimmerman - 3.

HB 660 with HA 2 having received a constitutional majority was declared passed by the House.

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

HB 673 with HA 1 — “An Act Relating to Mileage Payments to County Officers and Employees .”

HA 1 to HB 673 — Rep. Sebrell moved for adoption of HA 1 by roll call.

Roll Call on HA 1 to HB 673 revealed:

YEAS: Benson, Boulden, Burt, Burton, Dillman, Gray, Harrington, Kirk, Leshner, McMahon, Quillen, Riddagh, Sebrell, Seibel - 14.

NAYS: Frederick, Heckert, Mears, Orth, Phillips - 5.

NOT VOTING: Berndt, Billingsley, duPont, Hearn, Hering, Jarvis, Little, Moerschel, Rawlins, Spence, Stansky, Wright, Mr. Acting Speaker Dodge - 13.

ABSENT: Balick, Butcher, Fonville, Murphy, Stabler, Unruh, Zimmerman - 7.

HA 1 to HB 673 not having received a constitutional majority was declared lost.

Rep. Berndt moved that the roll call on HB 673 be tabled. Motion lost.

Roll Call on HB 673 revealed:

YEAS: Benson, Berndt, Billingsley, Burt, duPont, Hering, Leshner, Mr. Acting Speaker Dodge - 8.

NAYS: Boulden, Dillman, Frederick, Harrington, Hearn, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Stansky, Wright - 19.

NOT VOTING: Burton, Gray, Heckert, Seibel, Spence - 5.

ABSENT: Balick, Butcher, Fonville, Murphy, Stabler, Unruh, Zimmerman - 7.

HB 673 not having received a constitutional majority was declared lost.

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

SB 516 with HA 1 — "An Act to Amend Title 11, Delaware Code, Chapter 43, Relating to the Composition and Powers of the Board of Parole and Making a Supplementary Appropriation to the Board to Implement the Act." Introduced by Sen. Foltz.

HA 1 to HB 516 — Rep. Burt moved for adoption by voice vote. Motion carried.

Roll Call on HB 516 with HA 1 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Burton, Butcher, Fonville, Unruh - 4.

SB 516 with HA 1 having received a constitutional majority was declared passed by the House.

Rep. Burt moved that SB 517 with SA 1 be placed on the table. Motion carried.

Rep. Little moved that SB 616, as amended, be placed on the table. Motion carried.

Rep. Jarvis moved that the following be given a final reading and placed before the House for consideration:

HB 657 — "An Act to Amend Title 16, Section 122, Delaware Code, Relating to the Powers of the State Board of Health."

Rep. Jarvis moved that HB 657 be deferred. Motion carried.



Mr. Speaker Hering returned to the Chair.

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

**HB 902 with HA 1** — “An Act to Amend Title 17, Delaware Code, Chapter 5, Relating to Highways, Roads and Bridges Generally.”

On motion of Rep. duPont, **HB 902**, as amended, was deferred.

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

**HB 580 with HA 2,3,4,5**, — “An Act to Amend Title 11, Delaware Code, Relating to the Right of a Person to be Free From Prosecution for Acts of Self-Defense or in Aid of Others and to Provide for Indemnification and Reimbursement.”

**HA 2 to HB 580** — Rep. Riddagh moved for adoption by voice vote. Motion carried.

**HA 3 to HB 580** — Rep. Riddagh moved for adoption by voice vote. Motion carried.

**HA 4 to HB 580** — Rep. Leshner moved for adoption by voice vote. Motion carried.

**HA 5 to HB 580** — Rep. Riddagh moved for adoption by voice vote. Motion carried.

**HB 580**, as amended, was laid on the table pending a substitute bill.

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

**SB 512, HA 1,2** — “An Act to Amend Title 11, Chapter 43, Delaware Code, Relating to Paroles and Providing Psychiatric Examinations.” Introduced by Sen. Foltz.

**HA 1 to SB 512** — Rep. Unruh moved for adoption by voice vote. Motion carried.

**HA 2 to SB 512** — Rep. Burt moved that **HA 2** be stricken. Motion carried.

**HA 3 to SB 512** — Introduced by Rep. Burt. Rep. Burt moved for adoption by voice vote. Motion carried.

Roll Call on **SB 512** with **HA 1**, and **3** revealed:

**YEAS:** Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Orth, Phillips, Quillen, Rawlins, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 32.

**ABSENT:** Balick, Butcher, Fonville, Harrington, Murphy, Riddagh, Zimmerman - 7.

**SB 512 with HA 1**, and **3** having received a constitutional majority was declared passed by the House.

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

SB 508 with SA 1, 2, HA 1, 2, 3 — "An Act to Amend Title 11, Chapter 43, Delaware Code, Relating to Pardons and Commutation of Sentences and Providing Psychiatric Examinations." Introduced by Sen. Foltz.

HA 1 to SB 508 — Rep. Unruh moved that HA 1 be stricken.

HA 2 to SB 508 — Rep. Unruh moved for adoption by voice vote. Motion carried.

HA 3 to SB 508 — Introduced by Rep. Burt. Adopted by voice vote.

Roll Call on SB 508, as amended, revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 35.

ABSENT: Balick, Butcher, Fonville, Zimmerman - 4.

SB 508 with SA 1, 2 and HA 2, 3 having received a constitutional majority was declared passed by the House.

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

SB 507 with SA 1 — "An Act to Amend Title 16, Chapter 51, Delaware Code, Relating to Pardons and Commutation of Sentences and Requiring Psychiatric Examinations." Introduced by Sen. Foltz.

HA 1 to SB 507 — Introduced by Rep. Burt. Adopted by voice vote.

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 32.

ABSENT: Balick, Burton, Butcher, Fonville, Rawlins, Riddagh, Zimmerman - 7.

SB 507 with SA 1, HA 1 having received a constitutional majority was declared passed by the House.

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

SB 510 with SA 1, 2 — "An Act to Amend Title 11, Chapter 43, Delaware Code, Relating to Pardons and Commutation of Sentences and Providing Use of Services of Board of Parole." Introduced by Sen. Foltz.

HA 1 to SB 510 — Introduced by Rep. Burt. Adopted by voice vote.

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 34.

ABSENT: Balick, Butcher, Fonville, Rawlins, Zimmerman - 5.

SB 510 with SA 1, 2, and HA 1 having received a constitutional majority was declared passed by the House.

Committee Reports:

Highways and Public Safety: SB 629, 1 favorable, 3 on merits; Financial Institutions; SS 1 for SB 556, 4 on merits; Appropriations: HB 695, 1 favorable, 4 on merits; HB 846, 3 favorable, 2 on merits; Revenue and Taxation: SB 705, 4 on merits; Health and Welfare: SB 190, 4 on merits.

House recessed to Call of the Chair at 5:37 P.M.

#### 47TH LEGISLATIVE DAY

The Speaker called the House to order at 1:48 P.M., on June 4, 1970.

The House convened at 1:49 P.M., on Thursday, June 4, 1970.

There was a prayer by the Chaplain Reverend James R. Bennett, III, Westminster Church, Wilmington.

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

Roll Call revealed 37 members present, 2 absent.

Members present: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshar, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 37.

ABSENT: Butcher, Fonville - 2.

Minutes of the previous legislative day were approved as posted.

The Senate informed the House it had passed HB 41 with SA 1, HB 583, HB 737 with HA 1, and HB 786 with HA 1.

The following prefiled legislation was introduced:

HA 1 to HS 3 to HB 240 — Introduced by Boulden and Stansky. Placed with bill.

HA 1 to HB 343 — Introduced by Rep. Leshner. Placed with bill.

HA 2 to HB 343 — Introduced by Rep. Leshner. Placed with bill.

HA 3 to HB 343 — Introduced by Rep. Leshner. Placed with bill.

HA 1 to HB 830 — Introduced by Rep. Frederick. Placed with bill.

HR 124 — “Memorializing the Governor to Appoint a Commission to Prepare a Bill to Establish a Family Court with Statewide Jurisdiction.”

WHEREAS, a Family Court is vital to conservation of the peace and dignity of the State of Delaware, and to the health and well-being of its citizens; and

WHEREAS, the growth and population of this State, which changes the needs of the people, the great increase in the number and complexity of problems which beset children and families, and the safety and well-being of the people of this State, require a revision and expansion of the functions of the Family Court of this State; and

WHEREAS, it is most desirable to establish a single Family Court of statewide jurisdiction which will be adequate in personnel and facilities to fulfill the aforesaid growing needs of the people; and

WHEREAS, the unique nature of the subject matter and problems over which the statewide Family Court will have jurisdiction, and the most specialized knowledge and experience in law, and behavioral science which will be involved in the function of the court make it vital that the expertise of persons who are most knowledgeable and experienced in the law, the problems, and the functions which are involved in Family Court operations be utilized in the preparation of a statute establishing a Family Court of statewide jurisdiction;

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware that His Excellency, the Governor, is hereby memorialized to appoint a Commission, which will utilize the expertise and services of persons and organizations familiar with the Family Court system and matters which are within the Court's jurisdiction to prepare and draft legislation which will provide for the establishment of a Family Court having statewide jurisdiction for introduction into the General Assembly at the earliest feasible time.

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

the House of Representatives of the 125th General Assembly of the State of Delaware, and that a copy of this resolution be forwarded to the Honorable Russell W. Peterson, Governor of the State of Delaware." Introduced by Reps. Balick and Little.

Rep. Burt moved to table HR 124. Rep. Balick moved for a roll call on the tabling motion.

Roll Call on the motion to table HR 124 revealed:

YEAS: Benson, Berdnt, Billingsley, Burt, Dillman, Dodge, Frederick, Heckert, Leshner, Murphy, Quillen, Riddagh, Seibrel, Seibel, Spence, Stabler, Unruh - 17.

NAYS: Balick, Boulden, Burton, duPont, Gray, Harrington, Hearn, Jarvis, Kirk, Little, McMahon, Mears, Moerschel, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 20

ABSENT: Butcher, Fonville - 2.

The motion to table, not having received a majority, was declared lost.

Rep. Balick moved that HR 124 be deferred. Motion carried.

HCR 43 - "Relating to an Act to Amend Title 9, Chapter 26, Delaware Code, with Reference to Zoning Regulations Applying to Trailer Parks." Introduced by Rep. Unruh. Adopted by voice vote.

HCR 44 - "Relative to House Bill No. 843." Introduced by Rep. Billingsley. Adopted by voice vote.

HA 2 to SB 651 - Introduced by Rep. Jarvis. Placed with bill.

SA 1 to HB 41 - Introduced by Sen. Conner. Placed with bill.

Rep. Heckert moved that HB 41 with SA 1 be laid on the table in the absence of Rep. Zimmerman. Motion carried.

SS 1 for SB 640 with SA 2 - "An Act to Amend Chapter 11, Title 17 of the Delaware Code Relating to Outdoor Advertising and the Control Thereof in Areas Adjacent to the Public Highways and Public Lands of This State." Introduced by Sens. Hart and Elliott. Referred to the Committee on Highways and Public Safety.

SB 686 - "An act to Amend Subchapter II of Title 13, Delaware Code, Concerning Examinations and Tests Pursuant to This Subchapter, Which are Taken in Another state." Introduced by Sens. Holloway and Manning. Referred to the Committee on Health and Welfare.

SB 692 with SA 1 - "An Act Making a Supplementary Appropriation to the Department of Health and Social Services." Introduced by Sen. Hart. Referred to the Committee on Health and Welfare.

SB 733 - "An Act to Amend Title 28, Delaware Code,

Chapter 9, Relating to Outdoor Musical Festivals." Introduced by Sen. Hickman. Referred to the Committee on Revised Statutes.

Committee Report:

Judiciary: SJR 15, 4 favorable, 2 on merits.

Rep. Fonville asked to be marked present.

Rep. Zimmerman moved that HB 41 with SA 1 be placed before the House for consideration.

Roll Call on HB 41 with SA 1 revealed:

YEAS: Balick, Berndt, Boulden, Burt, Burton, Dillman, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman - 31.

NAYS: Frederick - 1.

NOT VOTING: Benson, Dodge, Mr. Speaker Hering - 3.

ABSENT: Billingsley, Butcher, Jarvis, Stansky - 4.

HB 41 with SA 1 having received a constitutional majority was declared passed by the House.

HB 709, as amended, having had its final reading was again before the House for consideration.

HA 8 to HB 709, Rep. Frederick moved for adoption of HA 8 by voice vote. Motion carried.

Roll Call on HB 709, as amended, revealed:

YEAS: Balick, Berndt, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 27.

NAYS: Benson, Billingsley, Boulden, Harrington, Jarvis, Orth, Stansky - 7.

NOT VOTING: Mears, Phillips, Rawlins - 3.

ABSENT: Butcher, Zimmerman - 2.

HB 709 with HA 2,3,4,6, 8 having received a constitutional majority was declared passed by the House.

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

HB 779 with HA 1,2,3, 4,5,6,7 — "An Act to Amend Title 29, Delaware Code, by Creating a New Chapter to be Designated as Chapter 88 Relating to the Establishment of a Department of Administrative Services, Defining Its Organization, Powers, Duties and Functions and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of This Act."

HA 1 to HB 779 — Rep. Unruh moved that HA 1 be stricken. Motion carried.

HA 2 to HB 779 — Rep. Billingsley moved that HA 2 be stricken. Motion carried.

HA 3 to HB 779 — Rep. Frederick moved that HA 3 be adopted by voice vote. Motion carried.

HA 4 to HB 779 — Rep. Jarvis moved that HA 4 be stricken. Motion carried.

HA 5 to HB 779 — Rep. Leshner moved that HA 5 be adopted by voice vote. Motion carried.

HA 6 to HB 779 — Rep. Frederick moved that HA 6 be stricken. Motion carried.

HA 7 to HB 779 — Rep. Frederick moved for adoption of HA 7 by voice vote. Motion carried.

HA 8 to HB 779 — Introduced by Rep. Benson. Lost by voice vote.

Roll Call on HB 779, as amended, revealed:

YEAS: Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 21.

NAYS: Boulden, Orth, Rawlins, Stansky - 4.

NOT VOTING: Balick, Benson, Burton, Fonville, Gray, Harrington, Hearn, McMahon, Mears, Phillips, Sebrell, Wright, Zimmerman - 13.

ABSENT: Butcher - 1.

HB 779 with HA 3, 5, 7, having received a constitutional majority was declared passed by the House.

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

HB 785 with HA 1 — “An Act Amending Title 29, Delaware Code, Chapters 49, 59, 62, and 63 Providing for the Reorganization of the Delaware Planning Act, the Personnel Commission, the Personnel Director, the Capital Investment Fund and the Budget Commission.”

HA 1 to HB 785 — Rep. Frederick moved for adoption by voice vote. Motion carried.

Roll Call on HB 785 with HA 1 revealed:

YEAS: Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Riddagh, Seibel, Spence, Unruh, Mr. Speaker Hering - 21.

NAYS: Harrington, Orth, Rawlins, Stansky, Zimmerman - 5.

NOT VOTING: Balick, Benson, Boulden, Fonville, Hearn, McMahon, Mears, Phillips, Quillen, Sebrell, Wright - 11.

ABSENT: Butcher, Stabler - 2.

HB 785 with HA 1 having received a constitutional majority was declared passed by the House.

SB 610 as amended, having had its final reading was again before the House for consideration.

HA 2 to SB 610 — Rep. Frederick moved for adoption by voice vote. Motion carried.

Roll Call on SB 610, as amended, revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Seibrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 25.

NAYS: Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Zimmerman - 9.

NOT VOTING: Balick, Boulden, Fonville, Wright - 4.

ABSENT: Butcher - 1.

SB 610 with SA 1,2, and HA 1,2, having received a constitutional majority was declared passed by the House.

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

SB 623 with SA 1, and HA 1,2 — “An Act to Amend Title 29, Delaware Code, by Creating a New Chapter to be Designated as Chapter 87 Relating to the Establishment of a Department of State, Defining Its Organization, Powers, Duties and Functions and Providing a Supplementary Appropriation to the Governor to Implement the Provisions of This Act.”

HA 1 to SB 623 — Rep. Leshner moved for adoption of HA 1 by voice vote. Motion carried.

HA 2 to SB 623 — Rep. Frederick moved for adoption of HA 2 by voice vote. Motion carried.

Roll Call on SB 623, as amended, revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Riddagh, Seibrell, Seibel, Spence, Stabler, Unruh - 23.

NAYS: Harrington, Orth, Phillips, Quillen, Rawlins, Stansky, Zimmerman - 7.

NOT VOTING: Balick, Fonville, Hearn, McMahon, Mears, Wright, Mr. Speaker Hering - 7.

ABSENT: Boulden, Butcher - 2.

SB 623 with SA 1, HA 1, 2 having received a constitutional majority was declared passed by the House.

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

HB 827 with HA 1, 2 — “An Act Amending Titles 7, 16, 23, and 29, Delaware Code, Providing for Omnibus Amendments and Corrections Relating to the Department of Natural



Resources and Environmental Control as Provided in Title 29, Delaware Code, Chapter 80.

HA 1 to HB 827 — Rep. Frederick moved that HA 1 be stricken. Motion carried.

HA 2 to HB 827 — Rep. Berndt moved that HA 2 be adopted by voice vote. Motion carried.

HA 3 to HB 827 — Introduced by Rep. Frederick. Adopted by voice vote.

HA 4 to HB 827 — Introduced by Rep. Frederick. Adopted by voice vote.

Rep. Frederick moved that the roll call on HB 827 with HA 2,3,4 be tabled. Motion carried.

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

HB 837 with HA 1,2, — “An Act Amending Titles 4, 11, 12, 14, 19, 20, 24, 29 and 30 and Volume 56, Laws of Delaware, Chapter 250 Providing for Omnibus Amendments and Corrections Relating to the Department of Finance as Provided in Title 29, Delaware Code, Chapter 83.”

HA 1 to HB 837 — Rep. Frederick moved that HA 1 be stricken. Motion carried.

HA 2 to HB 837 — Rep. Frederick moved that HA 2 be adopted by voice vote. Motion carried.

HA 3 to HB 837 — Introduced by Rep. Frederick. Adopted by voice vote.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 30.

NAYS: Boulden, Harrington, Orth, Rawlins, Wright, Zimmerman - 6.

NOT VOTING: Phillips, Stansky - 2.

ABSENT: Butcher - 1.

HB 837 with HA 2, 3 having received a constitutional majority was declared passed by the House.

Rep. Stabler took the Chair as Acting Speaker.

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

HS 1 for HB 882 — “An Act to Amend Title 30, Delaware Code. by Repealing Subchapter II, Chapter 3, Thereof and Substituting a New Subchapter II, Chapter 3, Title 30, Delaware Code, Providing for the State Tax Board.”

HA 1 to HS 1 for HB 882 — Introduced by Rep. Hering.

Rep. Hering moved that HB 882 with HA 1 be deferred. Motion carried.

Mr. Dodge took the Chair as Acting Speaker.

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

HB 872 — "An Act to Amend Section 2521 (a), Title 12, Delaware Code, Relating to Charges of the Registers of Wills."

Privilege of the floor was granted Mr. Lawrence Sullivan, Register of Wills of New Castle County to explain the bill.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Dillman, Fonville, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Dodge - 29.

NOT VOTING: Burton, Heckert, Rawlins, Sebrell - 4.

ABSENT: Butcher, duPont, Hering, McMahon, Seibel, Stabler - 6.

HB 872 having received a constitutional majority was declared passed by the House.

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

SB 616 with 2,4,5, HA 1,2 — "An Act to Amend Title 15, Delaware Code, Relating to a Portion of the Election Laws of the State of Delaware by Amending Chapters 1,3, 11, 13, 15, 17, 31, 33, 45, 49, 50, 55, and 57 and Making Certain Changes in the Provisions Pertaining to the Departments of Election, State Election Commissioner. Registration of Voters, Registration Officers, Registration Procedures, Primary Elections and Nomination of Candidates, Ballots, Election Supplies, the Conduct of Elections, Voting Machines, Absentee Voting and Canvass of the Vote and Proclamation of Results of Elections." Introduced by Sen. Castle.

HA 1 to SB 616 — Rep. Little moved for adoption of HA 1 by voice vote. Motion carried.

HA 2 to SB 616 — Rep. Hering moved for adoption of HA 2 by voice vote. Motion carried.

HA 3 to SB 616 — Introduced by Rep. Hering. Rep. Little moved to table HA 3 to SB 616.

Roll Call on the motion to table HA 3 to SB 616 revealed:

YEAS: Burt, Dillman, duPont, Frederick, Little, Murphy, Stabler, Stansky, Zimmerman - 9.

NAYS: Benson, Berndt, Billingsley, Boulden, Burton, Fonville, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, McMahon, Mears, Moerschel, Orth, Phillips, Quillen,

Rawlins, Riddagh, Sebrell, Seibel, Unruh, Wright, Mr. Acting Speaker Dodge - 27.

NOT VOTING: Balick - 1.

ABSENT: Butcher, Spence - 2.

The tabling motion not having received a majority was declared lost.

Roll Call on HA 3 to SB 616, as amended, revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burton, Fonville, Gray, Hearn, Heckert, Hering, Leshner, Mears, Orth, Quillen, Riddagh, Sebrell, Unruh, Mr. Acting Speaker Dodge - 18.

NAYS: Boulden, Burt, Dillman, duPont, Harrington, Jarvis, Kirk, Little, Moerschel, Murphy, Rawlins, Seibel, Spence, Stansky, Wright, Zimmerman - 16.

NOT VOTING: Frederick, McMahon, Stabler - 3.

ABSENT: Butcher, Phillips - 2.

HA 3 to SB 616 not having received a constitutional majority was declared lost.

Roll Call on SB 616, as amended, revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Hering, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Dodge - 30.

NAYS: Rawlins, Sebrell - 2.

NOT VOTING: Heckert, McMahon, Mears, Orth - 4.

ABSENT: Butcher, Phillips, Quillen - 3.

SB 616 with SA 2, 4, 5 and HA 1, 2 having received a constitutional majority was declared passed by the House.

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

SB 705 with SA 1 — "An Act to Amend Title 30, Chapter 23, Delaware Code, With Reference to the Tax Status of Persons Engaged in the Business of Operating School Buses." Introduced by Sen. Elliott.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Dodge - 37.

ABSENT: Butcher, Fonville - 2.

SB 705 with SA 1 having received a constitutional majority was declared passed by the House.

Mr. Speaker Hering returned to the Chair.

SB 643 having had its final reading was again before the

House for consideration on motion of Rep. duPont.

Roll Call on SB 643 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Fonville, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 34.

NOT VOTING: Burton - 1.

ABSENT: Boulden, Butcher, Frederick, Zimmerman - 4.

SB 643 having received a constitutional majority was declared passed by the House.

Rep. Billingsley moved to rescind the roll call on HB 843. Motion carried.

HA 1 to HB 843 — introduced by Rep. Billingsley. Adopted by voice vote.

Roll Call on HB 843 revealed:

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

ABSENT: Butcher, McMahon, Wright - 3.

HB 843 with HA 1 having received a constitutional majority was declared passed by the House.

House recessed at 5:12 P.M., reconvened at 7:57 P.M.

HR 125 — "Authorizing Payment for Services Rendered by the Legislative Staff of the House of Representatives of the 125th General Assembly." Introduced by Rep. Stabler. Adopted by voice vote

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

HB 832 with HA 1 — "An Act to Amend Volume 43, Chapter 189, Laws of Delaware Relating to the Charter for the Town of Wyoming."

HA 1 to HB 832 — Rep. Moerschel moved for adoption of HA 1 by voice vote. Motion carried.

Roll Call on HB 832 with HA 1 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burt, Burton, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Orth, Phillips, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Mr. Speaker Hering - 28.

ABSENT: Balick, Butcher, Dillman, Dodge, Fonville, Hearn, McMahon, Quillen, Rawlins, Wright, Zimmerman - 11.

HB 832 with HA 1 having received a two-thirds majority was declared passed by the House.

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

HB 836 with HA 1 — "An Act to Amend Title 9, Chapter 41, Delaware Code, by Adding Thereto a New Subchapter, Relating to the Appointment of a Parks and Recreation Commission, a Director of Parks and Recreation and the Issuance of Bonds for the Purchase of Land to be Used for Parks and Recreation by the Levy Court of Kent County."

HA 1 to HB 836 — Rep. Moerschel moved for adoption of HA 1 by voice vote. Motion carried.

Communication read as follows:

May 26, 1970

Hon. Neal Moerschel  
Legislative Hall  
Dover, Delaware 19901

Dear Sir:

At its regular meeting held on Tuesday, May 26, 1970, the Kent County Levy Court took the following action:

Motion by Mr. James E. Turner, Sr., seconded by Mr. John T. McKenna, carried with a majority, to endorse and support House Bill No. 836, as amended, relating to the appointment of a parks and recreation commission, a director of parks and recreation and the issuance of bonds for the purchase of land to be used for parks and recreation by the Levy Court of Kent County.

Very truly yours,  
Elizabeth T. McFadden  
Clerk of the Peace

Roll Call on HB 836 with HA 1 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Orth, Phillips, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Mr. Speaker Hering - 29.

ABSENT: Butcher, Dillman, Dodge, Fonville, McMahon, Murphy, Quillen, Rawlins, Wright, Zimmerman - 10.

HB 836 with HA 1 having received a two-thirds majority was declared passed by the House.

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

**SB 540** — “An Act Making a Supplementary Appropriation to the State Fire Prevention Commission, Office of the State Fire Marshal, for Operation of the Office Ending June 30, 1970.” Introduced by Sen. Cook.

Roll Call revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 33.

**ABSENT:** Butcher, Dillman, McMahon, Murphy, Rawlins, Zimmerman - 6.

**SB 540** having received a constitutional majority was declared passed by the House.

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

**SB 595** — “An Act Providing for the Appropriation of Money to James Day Wallace, a Veteran Eligible for the Bonus Paid by the State Pursuant to the Veteran’s Military Pay Act No. II, Who Did Not Receive His Bonus.” Introduced by Sen. Foltz.

Roll Call revealed:

**YEAS:** Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 33.

**ABSENT:** Butcher, Dillman, McMahon, Murphy, Rawlins, Zimmerman - 6.

**SB 595** having received a three-fourths majority was declared passed by the House.

Rep. Riddagh moved that the roll call be lifted on **HB 580**. Motion carried.

**HA 6 to HB 580** — Rep. Riddagh moved for adoption of **HA 6**.

Roll Call on **HA 6 to HB 580** revealed:

**YEAS:** Benson, Billingsley, Boulden, Burton, Frederick, Gray, Harrington, Kirk, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Spence, Unruh - 16.

**NAYS:** Balick, Berndt, Burt, Dodge, duPont, Fonville, Hearn, Heckert, Jarvis, Leshner, Mears, Orth, Phillips, Seibel, Stabler, Stansky, Wright, Mr. Speaker Hering - 18.

**ABSENT:** Butcher, Dillman, McMahon, Rawlins, Zimmerman - 5.

**HA 6 to HB 580**, as amended, not having received a constitutional majority was declared lost.

Rep. Riddagh moved that HB 580, as amended, be deferred. Motion carried.

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

HB 847 — “An Act to Amend Title 11, Chapter 21, Delaware Code, With Reference to Conviction for Crime Committed While on Bail.”

On motion of Rep. Unruh HB 847 was laid on the table.

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

HB 765— “An Act to Amend Section 6603, Title 16, Delaware Code, Relating to Enforcement of Regulations by the State Fire Prevention Commission.”

Roll Call revealed:

YEAS: Berndt, Billingsley, Boulden, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 31.

NAYS: Benson, Sebrell - 2.

NOT VOTING: Fonville - 1.

ABSENT: Balick, Butcher, McMahon, Orth, Zimmerman - 5.

HB 765 having received a constitutional majority was declared passed by the House.

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

HB 901 — “An Act to Amend Section 8105, Title 9, Delaware Code, by Adding B’Nai B’Rith Lodge 470 to the List of Organizations Exempt from Real Property Taxation.”

Roll Call revealed:

YEAS: Benson, Berndt, Boulden, Burton, Dillman, Dodge, Fonville, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 28.

NAYS: Leshner, Seibel - 2.

NOT VOTING: Balick, Billingsley, Burt, duPont, Frederick - 5.

ABSENT: Butcher, McMahon, Orth, Zimmerman - 4.

HB 901 having received a constitutional majority was declared passed by the House.

Mr. Dodge took the Chair as Acting Speaker.

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

SB 653 — “An Act to Amend Chapter 92, Volume 23, Laws

of Delaware, as Amended, Being 'An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington' by Providing that the Board of Public Education in the City of Wilmington Consist of Seven (7) Members, Four (4) of Whom Shall be Appointed by the Governor and Three (3) of Whom Shall be Appointed by the Mayor of the City of Wilmington." Introduced by Sen. Castle.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Boulden, Burt, Burton, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Stabler, Stansky, Unruh, Wright, Mr. Acting Speaker Dodge - 34.

ABSENT: Butcher, McMahon, Orth, Spence, Zimmerman - 5.

SB 653 having received a two-thirds majority was declared passed by the House.

Mr. Speaker Hering returned to the Chair.

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

SB 690 — "An Act to Validate the Bond Refendum Held in the Alexis I. DuPont School District on May 16, 1970." Introduced by Sen. Steele.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Seibrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 35.

ABSENT: Butcher, McMahon, Orth, Zimmerman - 4.

SB 690 having received a constitutional majority was declared passed by the House.

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

SB 354 — "An Act to Repeal Chapter 47, Section 4721, Title 7, Delaware Code Relating to the Jurisdiction of the State Park Commission Concerning Brandywine Springs Park and Authorizing and Directing the State Park Commission on Behalf of the State of Delaware to Convey Brandywine Springs Park to the County Council of New Castle County for Public Park and Recreational Purposes." Introduced by Sen. Steele.

On motion of Rep. Kirk, SB 354 was laid on the table.

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



**HB 864** — “An Act to Amend Subchapter II, Chapter 39, Title 7, Delaware Code, Relating to Soil and Water Conservation Districts by Changing Amount of Appropriations and Use of Appropriated Money in Kent County and to Reflect Changes in Governmental Units Affected by State Reorganization.”

Rep. Quillen moved that the roll call on **HB 864** be tabled. Motion carried.

Mr. Stabler took the Chair as Acting Speaker.

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

**HB 893** — “An Act to Amend Title 7, Delaware Coa. Section 4703 Relating to Powers and Duties of the Department of Natural Resources and Environmental Control as Related to the State Park Commission.”

Roll Call revealed:

YEAS: Balick, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Hering, Jarvis, Leshner, Little, Moerschel, Murphy, Phillips, Quillen, Riddagh, Seibel, Spence, Unruh, Wright, Mr. Acting Speaker Stabler - 24.

NAYS: Burton, Harrington, Kirk, Mears - 4.

NOT VOTING: Benson, Fonville, Hearn, Rawlins, Sebrell, Stansky - 6.

ABSENT: Boulden, Butcher, McMahon, Orth, Zimmerman - 5.

**HB 893** having received a constitutional majority was declared passed by the House.

**HS 1** for **HB 882** with **HA 1** having had its final reading was again before the House for consideration:

**HA 1** to **HS 1** for **HB 882** — Rep. Hering moved for adoption by voice vote. Motion carried.

**HA 2** to **HS 1** for **HB 882** — Introduced by Rep. Hering. Adopted by voice vote.

Roll Call on **HS 1** for **HB 882**, as amended, revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 34.

ABSENT: Boulden, Butcher, McMahon, Orth, Zimmerman - 5.

**HS 1** for **HB 882** with **HA 1, 2** having received a constitutional majority was declared passed by the House.

Rep. Frederick moved that the roll call on **HB 827** as amended be lifted from the table.

Motion carried.

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Heckert, Jarvis, Kirk, Leshner, Little, Murphy, Sebrell, Seibel, Spence, Stabler, Mr. Speaker Hering - 20.

NAYS: Harrington, Hearn, McMahon, Mears, Orth, Phillips, Rawlins, Stansky, Wright, Zimmerman - 10.

NOT VOTING: Balick, Fonville, Gray, Moerschel, Riddagh, Unruh - 6.

ABSENT: Boulden, Butcher, Quillen - 3.

HB 827 with HA 2, 3, 4, having received a constitutional majority was declared passed by the House.

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

HB 830 with HA 1 — "An Act Amending Titles 4, 5, 19, 23, 24, 26, 28 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of Administrative Services as Provided in Title 29, Delaware Code, Chapter 88."

HA 1 to HB 830 — Rep. Frederick moved for adoption of HA 1 by voice vote. Motion carried.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 28.

NAYS: Harrington - 1.

NOT VOTING: Mears, Phillips, Stansky - 3.

ABSENT: Boulden, Butcher, Gray, McMahon, Orth, Quillen, Zimmerman - 7.

HB 830 with HA 1 having received a constitutional majority was declared passed by the House.

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

HB 771 with HA 1 — "An Act to Amend Titles 3, 6, 16 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of Agriculture as Provided in Title 29, Delaware Code, Chapter 81."

HA 1 to HB 771 — Rep. Frederick moved for adoption by voice vote. Motion carried.

Roll Call on HB 771 with HA 1 revealed:

YEAS: Balick, Benson, Berndt, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Rid-

dagh, Sebrell, Seibel, Spence, Unruh, Wright, Mr. Speaker Hering - 27.

NAYS: Harrington, Rawlins, Zimmerman - 3.

NOT VOTING: Mears, Phillips, Stansky - 3.

ABSENT: Billingsley, Boulden, Butcher, McMahon, Orth, Stabler - 6.

HB 771 with HA 1 having received a constitutional majority was declared passed by the House.

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

HB 825 with HA 1, 2 — "An Act Amending Titles 6, 14, 29 and 31 Providing for Omnibus Amendments and Corrections Relating to the Department of Community Affairs and Economic Development as Provided in Title 29, Delaware Code, Chapter 86.

HA 1 to HB 825 — Rep. Frederick moved that HA 1 be stricken. Motion carried.

HA 2 to HB 825 — Rep. Dodge moved that HA 2 be adopted by voice vote. Motion carried.

Roll Call on HB 825 with HA 2 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 29.

NAYS: Harrington, Rawlins, Stansky, Zimmerman - 4.

ABSENT: Boulden, Butcher, Fonville, McMahon, Orth, Phillips - 6.

Hb 825 with HA 2 having received a constitutional majority was declared passed by the House.

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

SB 660 with SA 1 — "An Act Amending Titles 14, 19 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of Labor as Provided in Title 29, Delaware Code, Chapter 85." Introduced by Sen. duPont.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Riddagh, Sebrell, Spence, Unruh, Mr. Speaker Hering - 23.

NAYS: Harrington, Hearn, Mears, Rawlins, Zimmerman - 5.

NOT VOTING: Boulden, Quillen, Wright - 3.

ABSENT: Butcher, Fonville, McMahon, Orth, Phillips, Seibel, Stabler, Stansky - 8.

SB 660 with SA 1 having received a constitutional majority was declared passed by the House.

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

SB 671 — “An Act Amending Titles 2, 17, 21 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of Highways and Transportation as Provided in Title 29, Delaware Code, Chapter 84.” Introduced by Sen. Hart.

HA 1 to SB 671 — Introduced by Rep. Frederick. Adopted by voice vote.

Roll Call on SB 671 with HA 1 revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Seibrel, Seibel, Spence, Stabler, Unruh, Mr. Speaker Hering - 25.

NAYS: Harrington, Rawlins, Zimmerman - 3.

NOT VOTING: Quillen, Wright - 2.

ABSENT: Boulden, Butcher, Fonville, McMahon, Mears, Orth, Phillips, Riddag, Stansky - 9.

SB 671 with HA 1 having received a constitutional majority was declared passed by the House.

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

SB 669 — “An Act Amending Title 7, Delaware Code, providing for amendments and corrections to the Department of Natural Resources and Environmental Control as Provided in Title 29, Delaware Code, Chapter 80.” Introduced by Sen. Hart.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Billingsley, Burt, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Jarvis, Kirk, Leshner, Little, Moerschel, Riddag, Seibrel, Spence, Unruh, Wright, Mr. Speaker Hering - 23.

NAYS: Harrington, Mears, Rawlins, Zimmerman - 4.

NOT VOTING: Burton, Heckert, Quillen - 3.

ABSENT: Boulden, Butcher, McMahon, Murphy, Orth, Phillips, Seibel, Stabler, Stansky - 9.

SB 669 having received a constitutional majority was declared passed by the House.

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

SB 674 — “An Act Amending Titles 7 and 29 Providing for Omnibus Amendments and Corrections Relating to the Department of State as Provided in Title 29, Delaware Code, Chapter 87.” Introduced by Sen. Foltz.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddag, Sebrell, Spence, Stabler, Unruh, Mr. Speaker Hering - 26.

NAYS: Harrington, Mears, Rawlins, Stansky, Zimmerman - 5.

ABSENT: Billingsley, Boulden, Butcher, McMahon, Orth, Phillips, Seibel, Wright - 8.

SB 674 having received a constitutional majority was declared passed by the House.

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

SB 700 with SA 1 — "An Act Amending Titles 11, 16, 29, and 31, Delaware Code, Providing for Omnibus Amendments and Corrections Relating to the Department of Health and Social Services as Provided in Title 29, Delaware Code, Chapter 79." Introduced by Sen. Hale.

HA 1 to SB 700 — Introduced by Rep. Frederick. On motion of Rep. Frederick, HA 1 was stricken.

HA 2 to SB 700 — Introduced by Rep. Frederick. Adopted by voice vote.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Burt, Burton, Dillman, Dodge, duPont, Frederick, Gray, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Riddag, Sebrell, Spence, Stabler, Unruh, Mr. Speaker Hering - 23.

NAYS: Harrington, Hearn, Mears, Rawlins, Zimmerman - 5.

NOT VOTING: Fonville, Wright - 2.

ABSENT: Billingsley, Boulden, Butcher, McMahon, Orth, Phillips, Quillen, Seibel, Stansky - 9.

SB 700 with SA 1 and HA 2 having received a constitutional majority was declared passed by the House.

SB 637 with HA 1 having had its final reading was again before the House for consideration, on motion of Rep. Frederick.

HA 2 to SB 637 — Rep. Frederick moved for adoption by voice vote. Motion carried.

HA 3 to SB 637 — Introduced by Rep. Frederick. Adopted by voice vote.

Roll Call on SB 637 with HA 1,2,3 revealed:

YEAS: Balick, Benson, Berndt, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Moerschel, Murphy, Quillen, Riddag, Sebrell, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 28.

NAYS: Harrington, Mears, Rawlins, Stansky, Zimmerman -

5.

ABSENT: Billingsley, Butcher, McMahon, Orth, Phillips, Seibel - 6.

SB 637 with HA 1, 2, 3 having received a constitutional majority was declared passed by the House.

Rep. Burt moved that HB 355 and HB 443 be stricken. Motion carried.

Rep. Kirk moved that SB 354 be lifted from the table. Motion carried.

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Spence, Stabler, Unruh, Wright, Mr. Speaker Hering - 29.

NOT VOTING: Stansky, Zimmerman - 2.

ABSENT: Billingsley, Butcher, Harrington, McMahon, Orth, Phillips, Seibrell, Seibel - 8.

SB 354 having received a constitutional majority was declared passed by the House.

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

**HJR 22** — "Directing the State Board of Education to Establish a Program of Safety Education in the Elementary and Secondary Schools of This State."

Roll Call revealed:

YEAS: Balick, Benson, Berndt, Boulden, Burt, Burton, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Quillen, Rawlins, Riddagh, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 31.

ABSENT: Billingsley, Butcher, Harrington, McMahon, Orth, Phillips, Seibrell, Seibel - 8.

**HJR 22** having received a constitutional majority was declared adopted by the House.

Committee Reports:

Natural Resources: SB 659, 6 on merits; Highways and Public Safety: SS 1 for SB 640, 3 on merits, 1 unfavorable; Government Operations: SB 581, 5 on merits; Revenue and Taxation: SB 521, 4 on merits; Revised Statutes: SB 733, 5 on merits.

House recessed to call of the chair at 10:38 P.M.

## 48th LEGISLATIVE DAY

The Speaker called the House to order at 1:44 P.M., on June 17, 1970

The House convened at 1:45 P.M., on June 17, 1970.

There was a prayer by the Chaplain Reverend Frank L. Moon, St. Paul's Episcopal Church, Lewes.

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

Roll Call revealed 37 members present, 2 absent.

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

ABSENT: Balick, Burt - 2.

Minutes of the previous legislative day were approved as posted.

Mr. Speaker Hering recognized the Representatives of Boys' State.

The Senate informed the House it had passed HB 785 with HA 1, HB 709 with HA 2, 3, 4, 6 and 8; HB 779 with HA 3,5,7; HB 828 with HA 1; HB 882 with HA 1, 2; HB 630; HB 650 with HA 1; HB 699 with HA 1, 2 and HB 721.

Communications:

Veto Message from the Governor dated June 8th:

June 8, 1970

To the House of Representatives  
of the 125th General Assembly  
of the State of Delaware

On May 28, 1970, I received House Bill No. 278, As Amended by House Amendment 1 entitled:

"An Act to Amend Section 8118, Title 10, Delaware Code, Relating to the Limitation of Actions for Personal Injuries"

I am returning the bill without my signature for the following reason:

I understand that the original intent of this measure was to protect doctors and other medical persons from malpractice suits many years after the original wrong was committed. However, I believe that this bill, as a result of House Amendment No. 1, goes too far in that direction and would, in effect, overturn a 1968 Delaware Supreme Court opinion interpreting our present law. I think that opinion was correct, fair, and just. Reversing the Supreme Court case would cause injustice in some cases.

The original House Bill No. 278, before amendment, provided an acceptable middle ground between protecting the rights of injured patients and protecting doctors and medical personnel from old and sometime fraudulent malpractice suits.

Respectfully submitted,

Russell W. Peterson  
Governor

OFFICE OF THE GOVERNOR  
LEGISLATIVE ADVISORY NO. 45 June 8, 1970

TO:

Rep. George C. Hering, III  
Rep. Robert W. Riddagh  
Rep. Robert J. Berndt  
Rep. George Jarvis  
Rep. George R. Quillen  
Rep. Robert M. Dodge  
Rep. Lorin B. Sebrell  
Rep. William L. Frederick  
Rep. Thomas L. Little  
Rep. George Edward Gray  
Rep. John F. Kirk, Jr.  
Rep. Clarice U. Heckert  
Rep. Pierre S. duPont, IV  
Rep. Joseph R. Murphy  
Sen. Anthony J. Cicione  
Sen. Margaret R. Manning  
Sen. Allen J. Cook  
Sen. David H. Elliott  
The Hon. Daniel F. Wolcott  
The Hon. Albert J. Stiffler  
Col. Charles G. Lamb  
Sanford Leech

John C. Geuther  
William Warren  
John Highland, Jr.  
Ernest J. Camoirano, Jr.  
Ernest A. Davidson  
Joseph R. Kleckner  
Dr. Kenneth C. Madden  
Dr. Albert Ingram  
Brig. Gen. Fred W. Vetter  
Austin N. Heller  
G. Wallace Caulk  
Joseph T. Cashman  
Daniel J. Ross  
George W. Cripps  
Eugene Bunting  
Richard H. Caldwell  
Christopher L. Perry  
Daniel Enterline  
Gerald Sapienza  
Dee Lafferty  
Secretary of the Senate  
Clerk of the House  
Legislative Council

FROM: Jerome O. Herlihy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

HB 520 As Amended by H.A. 1 — 6-3-70 - amending Title 17, Chapter 19 relating to certain additional relocation expenses.

HB 681 — 6-3-70 - Amending Title 7, Chapter 17 concerning disposition procedure of impounded dogs.



HB 692 As Amended by S.A. 1 — 6-3-70 - authorizing transfer of certain funds to the school construction account in the New Castle - Gunning Bedford School District.

HB 720 — 6-3-70 - authorizing the Secretary of State to purchase a new State Seal.

HB 600 As Amended by H.A. 1 — 6-3-70 - creating a new Chapter 22 in Title 29 to be known as the Governor-Elect Transitional Fund.

HB 800 — 6-3-70 - amending Title 16, Section 3137 relating to fees charged by the Board of Health.

HB 764 — 6-3-70 - creating a new Chapter 32, Title 14 relating to the Vocational Youth Organizations and appropriating \$5,000.

HB 808 — 6-3-70 - amending Title 31, Section 503 relating to aid to families with dependent children.

HS 1 FOR HB 276 — 6-3-70 - amending Title 24, Chapter 17 creating immunity for certain medical persons under certain circumstances.

HB 734 — 6-3-70 - amending Title 11, Chapter 83 creating a Crime Reduction Fund.

HB 424 — 6-3-70 - amending Title 4, Chapter 3 concerning the powers of the Alcoholic Beverage Control Commission over certain recreational equipment.

HB 503 As Amended by H.A. 1 — 6-3-70 - amending Title 21, Chapter 27 concerning the procedure for obtaining drivers licenses and amending Chapter 61 regarding financial responsibility.

HB 393 As Amended by H.A. 1, 2, 3 and S.A. 1, 2, 4 and 5 — 6-3-70 - amending Title 30 creating a new Chapter 52 imposing a motor carriers fuel purchase tax.

HB 385 As Amended by S.A. 1 and H.A. 2 — 6-3-70 - appropriating \$28,918 to the State Highway Department for the administration of the motor carriers fuel purchase law.

HB 491 — 6-3-70 - amending Title 25, Chapter 27 creating immunity from mechanics liens for home owners who have paid contractors.

HB 532 — 6-3-70 - amending Title 6, Chapter 25 authorizing treble damages in deceptive trade practices suits.

HJR 19 — 6-3-70 - relating to an investigation for safety devices in regard to metroliners.

SB 492 As Amended by H.A. 1 — 6-3-70 - amending Title 3, Chapter 87 concerning inspection of meat and poultry products.

SB 569 — 6-3-70 - amending Title 31, Chapter 3 creating a new interstate compact on the placement of children.

SB 592 — 6-3-70 - amending Title 19, Chapter 5 empowering

certain additional people to issue employment certificates for minors.

SB 493 — 6-3-70 - amending Title 3, Chapter 31 concerning inspection of milk products.

JOH:mm

# OFFICE OF THE GOVERNOR

June 8, 1970

## LEGISLATIVE ADVISORY NO. 46

TO:

Rep. George C. Hering, III  
Rep. Ernest S. Spence, Jr.  
Rep. Louis W. Burton  
Rep. Thomas L. Little  
Rep. W. Neal Moerschel  
Rep. Joseph R. Murphy  
Sen. Thomas E. Hickman, Jr.  
Sen. David H. Elliott  
Sen. Everette Hale  
Sen. William F. Hart  
The Hon. Daniel F. Wolcott  
The Hon. Albert J. Stiffler  
The Hon. William Duffy, Jr.  
The Hon. David P. Buckson  
Larry Sullivan, Esquire  
William Warren  
Robert L. Halbrook, Jr.  
Thomas B. Evans, Jr.

Allen Rusten  
Dr. Kenneth C. Madden  
Dr. Albert Ingram  
Brig. Gen. Fred W. Vetter  
Austin N. Heller  
G. Wallace Caulk  
Joseph T. Cashman  
Daniel J. Ross  
George W. Cripps  
Eugene Bunting  
Richard H. Caldwell  
Christopher L. Perry  
Daniel Enterline  
Gerald Sapienza  
Dee Lafferty  
Secretary of the Senate  
Clerk of the House  
Legislative Council

FROM: Jerome O. Herlihy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

SB 476 As Amended by S.A. 1 and H.A. 1 — 6-4-70 - incorporating Henlopen Acres.

HB 281 As Amended by H.A. 4 — 6-4-70 - concerning the pension for Wilmington firemen.

HB 282 As Amended by H.A. 4 — 6-4-70 - concerning the pension for Wilmington policemen.

HS 1 FOR HB 633 As Amended by H.A. 1, 2, 4, 6, and 8 — 6-4-70 - amending Title 16 by creating a new Chapter 12 to regulate sanatoria, rest homes, nursing homes, boarding homes and related institutions.

SB 550 — 6-5-70 - amending Title 11, Chapter 41 providing for the attachment of wages for non-payment of criminal fines.

SB 551 As Amended by H.A. 2 — 6-5-70 - amending Title 11, Chapter 41 authorizing imprisonment in lieu of fines in certain cases.

SB 552 — 6-5-70 - amending Title 11, Chapter 4 concerning power of the Justices of the Peace to punish for contempt.

SB 553 — 6-5-70 - amending Title 11, Chapter 95 authorizing Justices of the Peace to punish for civil contempt.

SB 554 — 6-5-70 - amending Title 21, Chapter 27 authorizing the suspension of drivers licenses for non-payment of fines.

SB 555 — 6-5-70 - amending Title 11, Chapter 41 making certain technical amendments to HB 400 of the 125th General Assembly.

SB 547 As Amended by S.A. 1,3,4 and 6 and H.A. 1 — 6-5-70 - amending Title 29 creating a new Chapter 84 setting up a new Department of Highways and Transportation.

SB 563 As Amended by H.A. 1 — 6-5-70 - creating a Governor's Action Force on School Construction Costs.

HB 702 As Amended by H.A. 1 — 6-5-70 - appropriating \$65,000 to the State Development Department for airport construction in Sussex County.

HB 643 As Amended by H.A. 1 — 6-5-70 - appropriating \$175,000 for the Summer Youth Employment Program.

HS 1 FOR HB 541 As Amended by H.A. 1 and 2 and S.A. 1 and 2 — 6-5-70 - amending Title 11, Chapter 4 regulating distribution of obscene matter to minors.

HB 196 As Amended by S.A. 2 and 3 and H.A. 1 — 6-5-70 - amending Title 9, Chapter 15 and Chapter 91 concerning the powers of certain elected county officers in New Castle County to select their own chief deputies.

JOH:mm

## OFFICE OF THE GOVERNOR

June 12, 1970

### LEGISLATIVE ADVISORY NO. 47

TO:

Sen. Margaret R. Manning  
 Sen. J. Donald Isaacs  
 Sen. Michael N. Castle  
 Sen. Anthony J. Cicione  
 Sen. Everette Hale  
 Rep. Joseph R. Murphy  
 Rep. Jerome N. Unruh  
 Rep. John G.S. Billingsley  
 Rep. George Jarvis  
 Rep. Thomas L. Little  
 Rep. W. Laird Stabler, Jr.  
 Rep. David S. Benson  
 Rep. Edward S. Stansky  
 Rep. Robert J. Berndt

James Kennedy  
 Col. Charles G. Lamb  
 Ralph Baynard  
 William F. Spotswood  
 Dr. Kenneth C. Madden  
 Dr. Albert Ingram  
 Brig. Gen. Fred W. Vetter  
 Austin N. Heller  
 G. Wallace Caulk  
 Joseph T. Cashman  
 Daniel J. Ross  
 George W. Cripps  
 Eugene Bunting  
 Richard H. Caldwell

Rep. Clarice U. Heckert  
 Rep. George R. Quillen  
 Rep. Lorin B. Sebrell  
 Rep. Louis W. Burton  
 Rep. Herbert A. Leshner  
 Rep. Robert M. Dodge  
 The Hon. Albert J. Stiffler  
 James T. McKinstry, Esquire

Christopher L. Perry  
 Daniel Enterline  
 Gerald Sapienza  
 Dee Lafferty  
 Secretary of the Senate  
 Clerk of the House  
 Legislative Council

FROM: Jerome O. Herlihy, Counsel to the Governor

The Governor approved the following legislation on the indicated dates:

**SJR 18 — 6-8-70** - creating a committee to review the "Rules of the Road".

**SB 49 As Amended by H.A. 2 — 6-8-70** - amending Chapter 23, Title 19 relating to workman's compensation benefits.

**HS 1 FOR HB 733 — 6-8-70** - amending Chapter 33, Title 19 making certain amendments to the law on amounts of unemployment compensation.

**HS 1 FOR HB 806 — 6-8-70** - appropriating \$2,464.50 to the State Board of Education.

**HB 842 — 6-8-70** - amending Section 4301, Title 30 defining place of business.

**HB 321 As Amended by S.A. 1 and H.A. 1 — 6-8-70** - appropriating \$4,000 to the Development Department for Delaware's share of the Bicentennial.

**HB 781 — 6-8-70** - amending Title 11, Chapter 35 relating to prior statements.

**HB 780 — 6-8-70** - amending Section 4176, Title 21 relating to operating while under the influence of an intoxicating liquor or drug.

**HB 787 — 6-9-70** - declaring a moratorium on dyking, dumping and other activities along the foreshore of the Delaware River and Bay.

**HB 839 — 6-9-70** - amending Section 1185, Title 30, Delaware Code relating to employees of the State Computer Center handling tax records.

**HB 736 — 6-9-70** - amending Section 1403, Chapter 14 relating to compensation of military service in regard to termination of professional employees.

**HB 392 — 6-9-70** - appropriating \$8,000 to the Commission of Shell Fisheries for boat rental.

**HB 783 — 6-9-70** - amending Section 8312, Title 9 relating to appeals of the Board of Assessment for Kent County.

**HB 784 — 6-9-70** - amending Section 8311, Title 9 relating to inspection of assessments in Kent County.

**HB 543** — 6-9-70 - amending Section 1903, Title 30 relating to deductions on corporate income.

**HB 670** — 6-9-70 - amending Chapter 65, Title 7 increasing the interest allowable on Delaware River Basin Commission bonds from 6% to 8%.

**HB 849** — 6-9-70 - appropriating \$3,339.99 to the Personnel Commission to pay a back billl.

**HB 861** — 6-9-70 - making a grant-in-aid to various volunteer fire companies, ambulance companies and the Wilmington Bureau of Fire.

**HB 862** As Amended by H.A. 1 — 6-9-70 - transferring certain funds from inactive accounts to the General Fund.

**HB 855** — 6-9-70 - amending Chapter 11, Title 30 relating to State income tax forms and Federal tax payments.

**HB 730** As Amended by H.A. 1 — 6-9-70 - amending Section 4730, Title 16 creating conditional discharge in certain drug cases.

**HCR 40** — 6-9-70 - congratulating the Claymont High School Band.

**SB 655** — 6-9-70 - amending Chapter 15 and Chapter 5 of Title 13 providing for alimony in incompatibility divorce cases.

**SB 600** As Amended by S.A. 1 — 6-9-70 - amending Section 4178, Title 21 relating to parking, standing and stopping.

**SB 601** — 6-9-70 - amending Chapter 45, Title 21 relating to weighing procedures and law enforcement weighing equipment.

**SB 602** As Amended by S.A. 1 — 6-9-70 - amending Section 4506, Title 21 relating to the authority of police officers to weigh vehicles.

**SB 603** — 6-9-70 - amending Section 6705, Title 21 relating to alterations of serial numbers on motor vehicles.

**SB 604** As Amended by H.A. 1 — 6-9-70 - amending Chapter 45, Title 21 relating to the use of flares for disabled vehicles.

**SB 606** — 6-9-70 - amending Section 6706, Title 21 relating to seizure of vehicles where serial numbers have been altered or removed.

**SB 607** — 6-9-70 - amending Section 6704, Title 21 relating to stolen vehicles.

**SS 1 FOR SB 324** As Amended by H.A. 1 — 6-10-70 - relating to privileged communications and confidential school records.  
JOH:mm

The following prefiled legislation was introduced.

**HA 7 to HB 397** — Introduced by Hering and Billingsley.  
Placed with bill.

HA 2 to HB 810 — Introduced by Rep. Jarvis. Placed with bill.

HA 1 to HB 864 — Introduced by Rep. Quillen. Placed with bill.

HA 2 to SB 480 — Introduced by Rep. Leshner. Placed with bill.

HA 3 to SB 480 — Introduced by Rep. Leshner. Placed with bill.

HA 4 to SB 480 — Introduced by Rep. Leshner. Placed with bill.

HA 3 to SB 651 — Introduced by Rep. Hearn. Placed with bill.

HR 126 — Urging the Honorable United States Senators John J. Williams and J. Caleb Boggs and the Honorable United States Representative William V. Roth, Jr. to Request of James M. Henderson, Special Assistant to Postmaster General Winton M. Blount, and the Citizens Advisory Committee that a Commemorative Stamp Commemorating the Fiftieth Anniversary of the Disabled American Veterans be Designed and Printed.

WHEREAS, it has come to the attention of the members of the House of Representatives of the 125th General Assembly of the State of Delaware that the Disabled American Veterans is celebrating its fiftieth anniversary; and

WHEREAS, the Disabled American Veterans was organized in 1920 for the purpose of serving and assisting wartime disabled veterans, their widows and orphans; and

WHEREAS, the Citizens' Stamp Advisory Committee headed by the Special Assistant to the Postmaster General is responsible for the Department's stamp program; and

WHEREAS, the members of the House of Representatives are desirous of having a commemorative stamp commemorating the fiftieth anniversary of the Disabled American Veterans printed by the United States Post Office Department;

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware that the Honorable United States Senators John J. Williams and J. Caleb Boggs and the Honorable United States Representative William V. Roth, Jr. are hereby urged to request of James M. Henderson, Special Assistant to Postmaster General Winton M. Blount, and the Citizens' Advisory Committee that a commemorative stamp commemorating the fiftieth anniversary of the Disabled American Veterans be designed and printed.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to United States Senators John J. Williams

and J. Caleb Boggs and United States Representative William V. Roth, Jr.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Journal of the House of Representatives of the 125th General Assembly of the State of Delaware. Introduced by Rep. Dillman. Adopted by voice vote.

SS 1 for SB 150 — “An Act to Amend Section 5, Chapter 159, Volume 51, Laws of Delaware, As Amended, Entitled ‘City of Wilmington Residents.’ Retirement Act” by Increasing the Pension Benefits.” Introduced by Sen. Schlör. Assigned to the Committee on Appropriations.

SB 611 with SA 1, 2 — “An Act to Amend Section 122, Subchapter II, Chapter 1, Title 26, Delaware Code, Relating to Jurisdiction of Public Service Commission Over Municipally Owned Public Utilities, by Authorizing the Public Service Commission to Supervise or Regulate Rates and Charges for Water and Electricity Supplied Non-Residents. Introduced by Sen. McCullough. Referred to the Committee on Commerce and Labor.

SB 630 — “An Act to Amend Title 21, Chapter 43, Delaware Code, by Enacting a New Section 4359, Relating to Vehicle Rear Wheel Flaps and Shields.” Introduced by Sens. Cicone and Slawik. Referred to the Committee on Highways and Public Safety.

SB 636 — “An Act to Amend Chapter 21, Title 14, Delaware Code, Relating to Local School Bonds by Providing for Temporary Use of School Funds for Capital Improvements.” Introduced by Sen. Steele. Referred to the Committee on Education.

SB 672 — “An Act Making a Supplementary Appropriation to the Highway Department - Motor Vehicle Division.” Introduced by Sen. Hart. Referred to the Committee on Highways and Public Safety.

SB 710 — “An Act Making a Supplementary Appropriation to the Wilmington School District.” Introduced by Sens. Holloway and Castle. Referred to the Committee on Education.

SB 723 — “An Act to Amend Section 1908, Title 7, Delaware Code, by Adding the Areas of Delaware Bay to the Leasing Jurisdiction of the Delaware Commission of Shell Fisheries.” Introduced by Sen. Isaacs. Referred to the Committee on Natural Resources.

SB 729 — “An Act to Amend Title 16, Delaware Code, Requiring the Establishment of County Plans for Solid Waste Management, Appropriating Funds for Such Planning, and Empowering the Division of Physical Health of the Department of Health and Social Services to Administer, Regulate and

Distribute Such Funds." Introduced by Sen. Hickman. Referred to the Committee on Health and Welfare.

Mr. Dodge took the chair as acting Speaker.

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

**HB 797** — "An Act to Purchase and Provide a Helicopter to the State Police Division of the Department of Public Safety and Providing a Supplementary Appropriation Therefor."

Roll Call on **HB 797** revealed:

Yeas: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Acting Speaker Dodge - 37.

ABSENT: Balick, Burt. - 2

**HB 797** having received a constitutional majority was declared passed by the House.

Rep. Stabler took the Chair as Acting Speaker.

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

**HB 852** — "An Act to Amend Chapter 7, Title 18, Delaware Code Relating to the Special Tax on Gross Premiums for Benefit of Firemen and Fire Companies."

Privilege of the floor was granted Mr. Robert Short, Insurance Commissioner, to explain the bill.

On motion of Rep. Dodge, **HB 852** was deferred.

Mr. Speaker Hering returned to the Chair.

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

**HB 546** with **HA 1** — "An Act to Amend Section 4311, Title 6, Delaware Code Relating to Restrictions on Retail Installment Contracts."

**HA 1** to **HB 546** — Rep. duPont moved for adoption by voice vote. Motion carried.

Roll Call on **HB 546** with **HA 1** revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

NAYS: Burton - 1.

NOT VOTING: Butcher - 1.

ABSENT: Balick, Burt - 2.

**HB 546** with **HA 1** having received a constitutional majority



was declared passed by the House.

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

HB 547 with HA 1 — “An Act to Amend Section 4312, Title 6, Delaware Code Relating to Restrictions on Retail Installment Contracts.”

HA 1 to HB 547 — On motion of Rep. duPont, HA 1 was adopted by voice vote.

Roll Call on HB 547 with HA 1 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright - 31.

NAYS: Burton - 1.

NOT VOTING: Butcher, Mears, Rawlins, Mr. Speaker Hering - 4.

ABSENT: Balick, Burt, Zimmerman - 3.

HB 547 with HA 1 having received a constitutional majority was declared passed by the House.

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

SB 598 — “An Act to Amend Title 24, Delaware Code, Section 1424, Relating to Bonds Required of Master Electricians.” Introduced by Sen. Grier.

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Mr. Speaker Hering - 33.

NOT VOTING: Butcher, McMahon - 2.

ABSENT: Balick, Burt, Fonville, Zimmerman - 4.

SB 598 having received a constitutional majority was declared passed by the House.

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

SB 662 — “An Act to Validate Certain Proceedings at Referenda of School Districts, and any Bonds or Other Obligations Issued or to be Issued Pursuant to Such Proceedings.

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little,

McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 35.

ABSENT: Balick, Burt, Rawlins, Spence - 4.

SB 662 having received a constitutional majority was declared passed by the House.

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

SB 631 with SA 2 — "An Act to Amend Title 17, Delaware Code, Relating to Highways by Providing that Highway Construction Payments Received by a Contractor are Trust Funds and Further Providing for Violations and Penalties for the Use or Appropriation of such Funds by the Contractor Prior to Paying Persons Furnishing Labor or Material in the Construction of the Highway." Introduced by Sen. Manning.

Roll Call on SB 631 with SA 2 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Riddagh, Sebrell, Seibel, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 34.

ABSENT: Balick, Burt, Rawlins, Spence, Stabler - 5.

SB 631 with SA 2 having received a constitutional majority was declared passed by the House.

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

HB 897 — "An Act to Amend Title 17, Delaware Code, Relating to Powers and Duties of the Department of Highways and Transportation as Related to the State Highway Department."

Rep. duPont moved that HB 897 be deferred until the next legislative day. Motion carried.

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

SB 733 — "An Act to Amend Title 28, Delaware Code, Chapter 9, relating to outdoor music festivals." Introduced by Sen. Hickman.

Roll Call revealed:

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

ABSENT: Balick, Burt - 2.

SB 733 having received a constitutional majority was declared passed by the House.

House recessed at 3:40 P.M., reconvened at 4:00 P.M.

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

HB 896 — "An Act to Amend Chapter 299, Volume 57, Laws of Delaware, by Redesignating the Use of Certain Funds Appropriated to the Water and Air Resources Commission so as to Provide Financial Assistance to Kent County Sewage Disposal District No. 1."

Privilege of the floor was granted Mr. N. Maxon Terry, Jr., to explain the bill.

Rep. Rawlins moved that the roll call on HB 896 be tabled. Motion carried.

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

HB 752 — "An Act Making an Appropriation to Big Brothers Association of Northern Delaware, Inc.."

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Sebrell, Seibel, Spence, Stabler, Stansky, Wright, Zimmerman, Mr. Speaker Hering - 34.

NAYS: Riddagh, Unruh - 2.

NOT VOTING: Jarvis - 1.

ABSENT: Balick, Burt - 2.

HB 752 having received a three-fourths majority was declared passed by the House.

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

HB 751 — "An Act to Aid Organizations Maintaining Residential Facilities by Making Appropriations Thereto."

Roll Call revealed:

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

ABSENT: Balick, Burt - 2.

HB 751 having received a three-fourths majority was declared passed by the House.

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

HB 750 — “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.”

Roll Call revealed:

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

NOT VOTING: Jarvis - 1.

ABSENT: Balick, Burt - 2.

HB 750 having received a three-fourths majority was declared passed by the House.

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

HB 749 — “An Act to Aid Certain Civic Organizations Which Maintain Emergency Vehicles by Making Appropriations Therefor.”

Roll Call revealed:

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

ABSENT: Balick, Burt - 2.

HB 749 having received a three-fourths majority was declared passed by the House.

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

HB 753 — “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.”

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Butcher, Dillman, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Sebrell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 34.

NOT VOTING: Burton, Dodge, Mears - 3.

ABSENT: Balick, Burt - 2.

HB 753 having received a three-fourths majority was declared passed by the House.

On motion of Rep. Leshner the following was given a final

reading and placed before the House for consideration:

HB 748 — "An Act Relating to Education of the Citizens of Delaware by Making an Appropriation to the "Delaware State Fair, Inc."

Roll Call revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

NOT VOTING: Jarvis - 1.

ABSENT: Balick, Burt - 2.

HB 748 having received a three-fourths majority was declared passed by the House.

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

SB 380 with HA 1 — "An Act making a supplementary appropriation to the Governor's Committee on Employment of the Handicapped." Introduced by Sens. Cicone and Slawik.

HA 1 to SB 380 — Rep. Leshner moved for adoption by voice vote. Motion carried.

Roll Call on SB 380 with HA 1 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibell, Seibel, Spence, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 36.

ABSENT: Balick, Burt, Jarvis - 3.

SB 380 with HA 1 having received a constitutional majority was declared passed by the House.

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

HJR 21 — "Relating to An Act to Amend Title 10, Section 3509, of Delaware Code, which Prohibits Dismissal of an Employee When the Employer is Summoned a Garnishee."

Roll Call revealed:

YEAS: Billingsley, Boulden, Butcher, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Hearn, Jarvis, Kirk, Leshner, Little, McMahon, Moerschel, Murphy, Orth, Quillen, Riddagh, Seibel, Stabler, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Hering - 27.

NAYS: Burton, Mears, Phillips - 3.

NOT VOTING: Benson, Berndt, Fonville, Heckert, Rawlins, Seibell - 6.

ABSENT: Balick, Burt, Spence - 3.

HJR 21 having received a constitutional majority was declared adopted.

Mr. Stabler took the Chair as Acting Speaker.

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

SB 644 — "An Act Proposing An Amendment to the Constitution of the State of Delaware."

HA 1 to SB 644 — Introduced by Rep. Hering. Adopted by voice vote.

Roll Call on SB 644 with HA 1 revealed:

YEAS: Benson, Berndt, Billingsley, Boulden, Burton, Butcher, Dillman, Dodge, duPont, Fonville, Frederick, Gray, Harrington, Hearn, Heckert, Hering, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Phillips, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stansky, Unruh, Wright, Zimmerman, Mr. Speaker Stabler - 37.

ABSENT: Balick, Burt - 2.

SB 644 with HA 1 having received a constitutional majority was declared passed by the House.

Mr. Speaker Hering returned to the Chair.

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

HB 914 — "An Act to Amend Chapter 44, Title 21, Delaware Code, Relating to Abandoned Vehicles."

HA 1 to HB 914 — Rep. Dodge moved for adoption by voice vote. Motion carried.

Privilege of the floor was granted Mr. Donald J. Hickman, Outdoor Advertising and Junk Car Dept., State Highway Dept., to answer questions regarding the bill.

Roll Call on HB 914 with HA 1 revealed:

YEAS: Berndt, Boulden, Burton, Dillman, Dodge, duPont, Frederick, Gray, Harrington, Heckert, Jarvis, Kirk, Leshner, Little, McMahon, Mears, Moerschel, Murphy, Orth, Quillen, Rawlins, Riddagh, Seibrel, Seibel, Spence, Stabler, Stansky, Unruh, Zimmerman, Mr. Speaker Hering - 30.

NOT VOTING: Benson, Billingsley, Butcher, Fonville, Hearn, Phillips - 6.

ABSENT: Balick, Burt, Wright - 3.

HB 914 with HA 1 having received a constitutional majority was declared passed by the House.

Rep. Hering welcomed Rep. Boulden's wife, daughter and sister.

Rep. Dodge moved that HB 910 be stricken. Motion carried.

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