

five, the 200th year of the Independence of the United States of America.

Casimir S. Jonkiert  
Speaker of the House of Representatives  
and Presiding Officer

Receipt of the foregoing Writ of Election is hereby acknowledged this 6th day of August, 1975.

DEPARTMENT OF ELECTIONS FOR  
NEW CASTLE COUNTY  
By Betty M. Pond Director

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**HCR 44**, sponsored by Representatives Derrickson and Ferguson, was introduced and adopted by voice vote:

**HCR 44** — "Expressing the sympathy of the Delaware General Assembly over the death of Representative Francis M. Jornlin."

Representative Darling moved that the necessary rules be suspended for the introduction and consideration of **SJR 38** and the motion prevailed by voice vote:

**SJR 38** (sponsored by Senator Isaacs) — "Extending the reporting date of the Committee to study and report on the advantages of creating a Bicentennial Park on the plot known as Capitol Square bounded by Federal Street, Duke of York Street, William Penn Street and Legislative Avenue."

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Brady, Byrd, Cain, Clendaniel, Conner, Darling, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Minner, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 30.

**NOT VOTING:** Representatives Derrickson, Leshner, McKay, Powell, Smith — 5.

**ABSENT:** Representatives Billingsley, Boulden, George, Miller, Morris — 5.

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

Representative Worthen moved that the necessary rules be suspended for the introduction and consideration of **SJR 41**.

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

**YES:** Representatives Boulden, Brady, Byrd, Cain,

Clendaniel, Conner, Darling, Ferguson, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Minner, Plant, Riddagh, Ridings, Rispoli, Spence, Temple, Worthen, Jonkiert — 27.

NO: Representatives Seibel, Sincok, Smith — 3.

NOT VOTING: Representatives Arnold, Hebner, McKay and Powell — 4.

ABSENT: Representatives Ambrosino, Billingsley, Derrickson, George, Leshner, Miller, Morris — 7.

Therefore, the motion prevailed and the Resolution was read by title:

**SJR 41 w SA 1** (sponsored by Senators Holloway, Elliott, Hughes, Hale, Cicione, Isaacs, Cook, Adams, Martin, Castle, Murphy) — "Providing for the appointment of a Women's Coordinating Council and making an appropriation thereto."

Representative Worthen then moved that the Resolution be laid on the table and the motion prevailed by voice vote.

The House recessed at 2:42 p.m. and reconvened at 5:15 p.m.

**HCR 45**, sponsored by Representatives Connor and Boulden and Senator McCullough, was introduced from the floor and adopted by voice vote:

**HCR 45** — "Expressing congratulations to the managers, coaches, parents and team members of the New Castle Little League Girls (Major Division) All-star Team."

Representative Arnold moved that the necessary rules be suspended for the introduction and consideration of **SJR 43** and the motion prevailed by voice vote:

**SJR 43** (sponsored by Senator Sharp and Representative Arnold) "Congratulating the team representing Mill Creek, Delaware in the "Babe Ruth" Baseball League upon winning the 1975 Babe Ruth League Middle Atlantic Regional Tournament."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Mr. Speaker Jonkiert — 34.

ABSENT: Representatives Billingsley, George, Lynch,

Miller, Morris, Worthen — 6.

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

On motion of Representative McGinnis, **HB 693** — “An Act to amend Chapter 44 and Chapter 63, Title 9, Delaware Code, and Chapter 83, Title 16, Delaware Code, providing additional requirements prior to issuance of building permits.” w **HA 1** which had previously passed the House was again taken up for reconsideration as further amended by **SA 1**.

The roll call vote on **HB 693 w HA 1, SA 1** was then taken and revealed 35 Representatives voting YES and 5 (Billingsley, George, Miller, Morris and Worthen) ABSENT.

Therefore, the Bill as so amended, passed the House.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **HB 743** and the motion prevailed by voice vote:

**HB 743** (Sponsor: Representative McGinnis) — “An Act to amend Chapter 30, Title 30, Delaware Code, relating to the motor vehicle document fee.”

The roll call vote on the Bill was taken; however, before it was announced, Representative McGinnis moved that it be tabled and the motion prevailed by voice vote.

Representative Matushefske moved that the roll call on **SB 475** — “An Act to amend Chapter 15 of Title 13 and Chapter 9 of Title 10, Delaware Code, relating to Domestic Relations; and providing Sole Jurisdiction over Divorce and Annulment proceedings to the Family Court; and further providing a supplementary appropriation therefor.” be lifted and the motion prevailed by voice vote.

The roll call on **SB 475** was then announced:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Lynch, Matushefske, McGinnis, McKay, Miller, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 34.

NO: Representatives Ambrosino, Billingsley and Leshner — 3.

NOT VOTING: Representatives Connor, Jornlin and Maxwell — 3.

ABSENT: Representative Morris — 1.

Therefore, the Bill passed the House and was returned to the Senate.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **HB 744** and the motion prevailed by voice vote.

Representative McGinnis then moved that the Bill be laid on the table and the motion prevailed by voice vote.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **HB 745** and the motion prevailed by voice vote:

**HB 745** — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to registration of vehicles."

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

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Minner, Plant, Ridings, Rispoli, Temple, Worthen, Jonkiert — 24.

NO: Representatives Connor, Hebner, Leshner, Riddagh, Seibel, Sincok, Smith, Spence — 8.

NOT VOTING: Representatives Arnold, Derrickson, McKay and Powell — 4.

ABSENT: Representatives Billingsley, George, Miller and Morris — 4.

Therefore, the Bill passed the House and was sent to the Senate.

**HB 746** was introduced from the floor by Representative McGinnis and assigned to Revenue and Finance Committee:

**HB 746** — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to a tax on undistributed profits of tax-exempt foundations."

Representative Gordy moved that the necessary rules be suspended for the introduction and consideration of **HB 747** and the motion prevailed by voice vote:

**HB 747** — "An Act to amend Chapter 45, Title 21, Delaware Code, relating to size and weight of vehicles and loads."

Roll call was taken and revealed:

YES: Representatives Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Minner, Plant, Powell, Riddagh, Rispoli, Seibel, Sincok, Temple, Worthen, Mr. Speaker Jonkiert — 31.

NO: Representatives Ambrosino, Ridings, Smith, Spence — 4.

**ABSENT:** Representatives Billingsley, Derrickson, George, Miller, Morris — 5.

Therefore, the Bill passed the House and was sent to the Senate.

Representative Gordy moved that the necessary rules be suspended for the introduction and consideration of **HB 748** and the motion prevailed by voice vote:

**HB 748** — “An Act to amend Chapter 45, Title 21, Delaware Code, relating to size and weight of vehicles and loads and providing for penalties.”

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

**YES:** Representatives Boulden, Byrd, Cain, Darling, Ferguson, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 28.

**NO:** Representatives Connor and Leshner — 2.

**NOT VOTING:** Representatives Ambrosino, Arnold, Clendaniel, Derrickson, Hebner and McKay — 6.

**ABSENT:** Representatives Billingsley, George, Miller and Morris — 4.

Therefore, the Bill passed the House and was sent to the Senate.

Representative Worthen moved that the roll call on **SJR 41** be lifted and the motion prevailed by voice vote; however, before the roll call was announced, Representative Worthen moved that it be tabled again and the motion prevailed by voice vote.

The House recessed at 6:50 p.m. and reconvened at 9:22 p.m.

**HR 106**, sponsored by Representative Ferguson, was introduced from the floor and adopted by voice vote:

**HR 106** — “Offering the prayers and good wishes of the House of Representatives for the speedy return to good health of Mrs. Lois Matushefske, wife of Representative John Matushefske.”

**HR 107**, sponsored by Representative Ferguson and Derrickson, was introduced from the floor and adopted by voice vote:

**HR 107** — “Authorizing the Majority Party and the Minority Party of the House of Representatives of the 128th General Assembly to hire an Administrative Assistant on a full time basis, and establishing a salary for said Assistants.”

On motion of Representative Harrington, **SCR 49** was introduced and adopted by voice vote:

**SCR 49** (Sponsors: Senators Isaacs and Adams; Representatives Harrington and Derrickson) — "Commending the Milton Historical Society and the Town's citizens in recognition of their efforts to establish a Museum to preserve the Social and Cultural History of their Community."

Representative Sincock moved that the necessary rules be suspended for the introduction and consideration of **HB 749** and the motion prevailed by voice vote:

**HB 749** (Sponsors: Representatives Ambrosino, Derrickson and McKay) — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, the 1976 Budget Appropriation Act, originally designated **SB 431**."

Representative Sincock then moved that final consideration of the Bill be deferred and the motion prevailed on voice vote.

Representative Jonkiert moved that the necessary rules be suspended for the introduction and consideration of **HB 750**.

The house recessed at 9:13 p.m. and reconvened at 9:36 p.m.

Representative Jonkiert recalled his motion for suspension of rules which was before the House before the recess.

On motion of Representative Sincock the necessary rules were suspended by roll call for the consideration of **HB 749**.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Boulden, Cain, Clendaniel, Connor, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Kelly, LeGates, Leshner, Lynch, McGinnis, McKay, Minner, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 29.

**NO:** Representatives Byrd, Darling, Plant, Rispoli — 4.

**NOT VOTING:** Representatives Johnson, Matushefske — 2.

**ABSENT:** Representatives Billingsley, George, Maxwell, Miller, Morris — 5.

Therefore, the Bill passed the House and was sent to the Senate.

Representative Jonkiert moved that the necessary rules be suspended for the introduction and consideration of **HB 750** and the motion prevailed by voice vote:

**HB 750** (Sponsored by Representative Jonkiert) — "An Act authorizing the State of Delaware to borrow money and issue Bonds and Notes therefore, and appropriating the funds thus obtained to the Division of Highways of the Department of Highways and Transportation."

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

**YES:** Representatives Boulden, Byrd, Cain, Clendaniel, Ferguson, Gilligan, Harrington, Johnson, Jonkiert, Kelly, LeGates, Lynch, Maxwell, Plant, Rispoli, Temple, Worthen, McGinnis — 18.

**NO:** Representatives Darling, Hebner and Spence — 3.

**NOT VOTING:** Representatives Ambrosino, Arnold, Connor, Derrickson, Gordy, Leshner, Matushefske, McKay, Minner, Powell, Riddagh, Ridings, Seibel, Sincock, Smith — 15.

**ABSENT:** Representatives Billingsley, George, Miller and Morris — 4.

Therefore, the Bill was declared lost, not having received the required  $\frac{3}{4}$  majority.

Representative Worthen moved that the roll call on **SJR 41** be lifted and stricken and the motion prevailed by voice vote.

Therefore, a new roll call vote on **SJR 41** was taken and announced:

**YES:** Representatives Byrd, Cain, Darling, Ferguson, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Plant, Temple, Worthen, Jonkiert — 17.

**NO:** Representatives Ambrosino, Arnold, Boulden, Clendaniel, Connor, Gilligan, Leshner, Minner, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence — 16.

**NOT VOTING:** Representatives Derrickson, Hebner and McKay — 3.

**ABSENT:** Representatives Billingsley, George, Miller, Morris — 4.

Therefore, the Resolution was declared defeated.

Representative Ferguson moved that the necessary rules be suspended for consideration of **SJR 30**.

The House recessed at 9:56 p.m. and reconvened at 10:03 p.m.

Representative Ferguson withdrew his motion for suspension of rules.

Representative Matushefske moved that the necessary rules be suspended for consideration of **SB 285** — “An Act to amend Subchapter II of Chapter 2, Title 1, Delaware Code, relating to Annual Supplements to the Delaware Code.” and the motion prevailed by voice vote.

Roll call was taken and revealed:

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

**ABSENT:** Representatives Billingsley, George, McKay, Miller, Morris — 5.

Therefore the Bill passed the House and was returned to the Senate.

Representative Ferguson moved that the necessary rules be suspended for the introduction and consideration of **SJR 36** and the motion prevailed by voice vote:

**SJR 36** (Sponsor: Senator Cook) — “Providing for the establishment of a Committee to study the changes to the State Employees Pension Plan proposed by **HB 431** of the 128th General Assembly of the State of Delaware and directing such Committee to request the assistance of the Delaware State Pension Board in making such study.”

The roll call vote on the Resolution revealed:

**YES:** Representatives Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gordy, Harrington, Hebner, Johnson, LeGates, Leshner, McGinnis, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Jonkiert — 26.

**NO:** Representatives Ambrosino, Arnold, Gilligan, Kelly, Lynch, Maxwell — 6.

**NOT VOTING:** Representatives Cain, McKay and Smith — 3.

**ABSENT:** Representatives Billingsley, George, Matushefske, Miller and Morris — 5.

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

Representative McGinnis moved that the roll call on **HB 743** — “An Act to amend Chapter 30, Title 30, Delaware Code, relating to the Motor Vehicle Document Fee.” be lifted and the motion prevailed by voice vote.



The roll call was then announced:

**YES:** Representatives Boulden, Byrd, Cain, Darling, Ferguson, Gilligan, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Plant, Ridings, Rispoli, Temple, Worthen, Jonkiert — 19.

**NO:** Representatives Ambrosino, Arnold, Clendaniel, Connor, Derrickson, Harrington, Hebner, Leshner, McKay, Powell, Riddagh, Sincock, Spence — 13.

**NOT VOTING:** Representatives Gordy, Minner, Seibel and Smith — 4.

**ABSENT:** Representatives Billingsley, George, Miller and Morris — 4.

Therefore, the Bill was declared defeated.

On motion of Representative LeGates, **SB 259 w SA 1** was lifted for consideration and the roll call vote taken; however, before it was announced Representative LeGates moved that it be tabled and the motion prevailed by voice vote.

The House recessed at 10:20 p.m. and reconvened at 10:59 p.m.

Representative Plant moved that the necessary rules be suspended for the introduction of **HB 751** and the motion prevailed by voice vote:

**HB 751** (Sponsored by Representatives Ambrosino, Connor, Johnson, LeGates, Plant; Senators Holloway and Sharp) — "An Act to amend Chapter 113, Volume 60, Laws of Delaware the 1976 Budget Appropriation Act, originally designated **SB 431**." The Bill was assigned to Appropriations Committee.

Representative Darling moved that **HB 750** which had been defeated for passage be restored to the Calendar. The motion was seconded by Representative McGinnis and the roll call was taken and revealed:

**YES:** Representatives Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Worthen, Mr. Speaker Jonkiert — 30.

**NO:** Representatives Ambrosino, Arnold — 2.

**ABSENT:** Representatives Billingsley, Boulden, George, Lynch, Miller, Minner, Morris, Temple — 8.

Therefore, the motion prevailed and **HB 750** was restored to the Calendar and assigned to Appropriations Committee.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **HB 752** and the motion prevailed by voice vote.

**HB 752** (Sponsored by Representative McGinnis) — “An Act to amend Chapter 30, Title 30, Delaware Code, relating to the handling fee on sales of motor vehicles, trailers, truck tractors, motorcycles, and mobile homes.”

The privilege of the floor was extended to John Rich, House Attorney, to speak on the Bill after which the roll call vote was taken and announced:

**YES:** Representatives Boulden, Byrd, Cain, Darling, Ferguson, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Minner, Plant, Rispoli, Temple, Worthen, Jonkiert — 21.

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

**ABSENT:** Representatives Billingsley, George, Miller and Morris — 4.

Therefore, the Bill passed the House and was sent to the Senate.

Representative Gilligan moved that the necessary rules be suspended for the introduction and consideration of **HJR 29** and the motion prevailed by voice vote:

**HJR 29** (Sponsored by Representatives Gilligan, Maxwell, Connor, Ambrosino, Smith, Leshner, Arnold, Johnson, Ridings, Hebner, Powell; Senators Sharp, McCullough, Berndt and Schlor) — “Providing a supplementary appropriation to the Special Legislative Committee to study School desegregation proposals for the purpose of retaining the services of a Constitutional Attorney.”

Representative McGinnis moved that the House recess to the call of the Chair.

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

**YES:** Representatives Boulden, Byrd, Clendaniel, Darling, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, McGinnis, Minner, Plant, Rispoli, Temple, Worthen, Jonkiert — 18.

**NO:** Representatives Ambrosino, Arnold, Cain, Connor, Derrickson, Gilligan, Hebner, Leshner, Maxwell, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 17.

**ABSENT:** Representatives Billingsley, Ferguson, George, Miller, Morris — 5.

Therefor, having the majority vote, the House recessed to

the call of the chair at 11:53 p.m.

The Speaker called the House to order at 1:20 p.m. January 13, 1976 and on motion of the Majority Leader immediately adjourned the previous Legislative Day of the Special Session.

**128TH GENERAL ASSEMBLY  
SECOND SESSION  
1ST LEGISLATIVE DAY  
JANUARY 13, 1976**

The House convened at 1:22 p.m. January 13, 1976.

A Prayer was offered by Father Joseph Rebman, Chancellor of the Catholic Diocese of Wilmington.

Pledge of Allegiance to the Flag.

The roll call of Attendance was taken and revealed:

**PRESENT:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 36.

**ABSENT:** Representatives Hebner, Matushefske, Miller, Powell — 4.

Representative Harrington moved that the Certificate of Election presented by Thomas E. Brady be examined by a Committee of two Members. Representative Byrd seconded the motion and the motion prevailed by voice vote.

The Speaker appointed Representatives Derrickson and McGinnis as the Examining Committee.

The House recessed at 1:28 p.m. and reconvened at 1:47.

The following members were marked **PRESENT:** Powell, Hebner, Miller and Matushefske.

Representative McGinnis reported that the Certificate of Election presented by Thomas E. Brady was found to be in order and the Certificate was read by the Clerk of the House, Linda Mears.

On a motion made by Representative McGinnis and seconded by Representative Harrington and adopted by voice vote, the Speaker administered the Oath of Office to Thomas E. Brady.

Mr. Derrickson welcomed Mr. Brady to the House Membership on behalf of the other members.

U.S. Representative Pierre duPont, IV, was also

welcomed to the Chamber.

The Speaker then asked the Chief Clerk to call the permanent Roll of the House:

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

Representative McGinnis made a motion (seconded by Representative Harrington) that the Roll Call as just announced be adopted as the Permanent Roll Call of the House and the motion prevailed by voice vote.

The following pre-filed legislation was entered into the Calendar:

**HB 753** — “An Act to amend Chapter 13, Title 14, of the Delaware Code relating to the salaries of school employees; and providing salary schedules for Administrative Secretaries, Senior Secretaries, Secretaries and Clerks.” Sponsor: Representative Connor. Assigned to Appropriations Committee.

**HB 754** — “An Act to amend Chapter 13, Part I, Title 14 of the Delaware Code relating to Secretarial Classifications in the Public Schools of this State.” Sponsor: Representative Connor. Assigned to Education Committee.

**HB 755** — “An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and applying the Lifeline Concept to the rates, charges and classifications utilized in determining rates for residential consumers of energy.” Sponsor: Representative Ambrosino. Assigned to Administrative Services Committee.

**HB 756** — “An Act to amend Chapter 5, Title 31, Delaware Code, to assure that all people of the State receive Public Assistance without discrimination.” Sponsor: Representative Plant. Assigned to Health and Social Services Committee.

**HB 757** — “An Act to amend Chapter 25, Title 24 of the Delaware Code relating to the substitution of drugs; and providing for a Drug Product Selection Act.” Sponsors: Representatives Ferguson and Kelly. Assigned to Health and Social Services Committee.

**HB 758** — “An Act to amend Title 7 and Title 16 of the Delaware Code relating to the Public Health and Safety; and

providing for the regulation of Blood Banks." Sponsor: Representative Ambrosino. Assigned to Health and Social Services Committee.

**HB 759** — "An Act to amend Chapter 5, Title 1, Delaware Code, relating to Legal Holidays and establishing Martin Luther King's Birthday as a Legal Holiday." Sponsor: Representative Plant. Assigned to Judiciary Committee.

**HB 760** — "An Act to amend Chapter 5 of Title 13, Delaware Code, relating to the removal of restrictions on Public Assistance payments to employables between the ages of 18 and 54 years of age." Sponsor: Representative Plant. Assigned to Appropriations Committee.

**HB 761** — "An Act to amend Subchapter I of Chapter 49, Title 10 Delaware Code, relating to exemption and attachment of wages." Sponsor: Representative Plant. Assigned to Administrative Services Committee.

**HB 762** — "An Act proposing an Amendment to Article V, Section 4A of the Constitution of the State of Delaware to permit a registered voter to vote an Absentee Ballot if the voter is on vacation." Sponsor: Representative Gordy. Assigned to Constitution Revision Committee.

**HB 763** — "An Act to amend Part II, Chapter 11, Title 15, Delaware Code relating to registration dates in the Election Districts." Sponsor: Representative Gordy. Assigned to Judiciary Committee.

**HB 764** — "An Act to amend Chapter 9, Title 22, Delaware Code, relating to the Municipal User Tax." Sponsor: Representative Plant. Assigned to Revenue and Finance Committee.

**HB 765** — "An Act to amend Chapter 5 of Title 31, Delaware Code, relating to the establishment of a Standard of Need for recipients of General Assistance." Sponsor: Representative Plant. Assigned to Appropriations Committee.

**HJR 30** — "Establishing a Special Committee to study the present Electric Utility rate structures and investigate possible alternatives." Sponsor: Representative Ambrosino. Assigned to Administrative Services Committee.

**SB 422** — "An Act making a supplementary appropriation to the State Board of Education for the purpose of increasing the funds in support of Division III - Equalization for Delaware School Districts." Sponsors: Senator McCullough and Representative George. Assigned to Appropriations Committee.

**SB 437** — "An Act to amend Title 18, Delaware Code, relating to Insurance Premium financing." Sponsors: Senator Murphy and Representative Gordy. Assigned to Public Safety Committee.

**SB 467** — "An Act to amend Chapter 27, Title 21, of the Delaware Code relating to School Bus Driver Licenses." Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

**SB 502** — "An Act to amend Chapter 31 of Title 19, Delaware Code, relating to licensing the Regulating Employment Agencies." Sponsors: Senator Schlor; Representatives Maxwell and Jonkiert. Assigned to Administrative Services Committee.

**SB 508** — "An Act to aid certain Fire Companies who maintain rescue trucks and making an appropriation therefor." Sponsors: Senator Isaacs; Representatives George and Spence. Assigned to Appropriations Committee.

**SS 1 for SB 372** — "An Act to assign certain severely mentally retarded children to the jurisdiction of the Public School System and to provide an appropriation therefor." Sponsors: Senator Cicone and Representative Lynch. Assigned to Education Committee.

**SJR 37** — "Authorizing the Governor to designate the Secretary of State to negotiate the purchase of "Bellevue," the estate of the late William duPont, Jr., immediately on passage by the 128th General Assembly of the necessary appropriation therefor." Sponsors: Senators Hughes, McCullough, Holloway, Berndt and Steele; Representative McGinnis. Assigned to House Administration Committee.

**SJR 40** — "Establishing a Medical Injury Insurance Reparations Commission to provide prompt and equitable compensation to the victims of medical injury at reasonable cost." Sponsors: Senator Murphy and Representative Gilligan. Assigned to Health and Social Services Committee.

**HR 108**, sponsored by Representatives McGinnis and Harrington, was introduced and adopted by voice vote of the House:

**HR 108** — "Authorizing the Legislative Council to furnish postage for the Second Session of the 128th General Assembly."

**HCR 46**, sponsored by Representatives McGinnis, Jonkiert, Harrington, Derrickson and Sincock; Senators Isaacs, Cordrey, Kearns, Castle and Hughes, was introduced and adopted by voice vote:

**HCR 46** — "Providing that a Joint Session of the House of Representatives and the Senate be convened to commemorate the Bicentennial Year 1976."

On motion of Representative McGinnis, the necessary rules were suspended for the introduction and consideration of **HJR 31**:

**HJR 31** — "In reference to election of Officers."

The roll call vote on the Resolution was taken and revealed 40 Members voting YES and 1 (Darling) ABSENT. Therefore, the Resolution was adopted by the House and sent to the Senate.

**HR 109**, sponsored by Representative Maxwell, was introduced and adopted by voice vote:

**HR 109** — "Commending the Alexis I. duPont High School Volley Ball Team for winning the State Championship."

**HR 110**, sponsored by Representative Maxwell, was introduced and adopted by voice vote:

**HR 110** — "Commending the Alexis I. duPont High School Field Hockey Team for winning the State Championship."

**HR 111**, sponsored by Representatives Temple and Gordy, was introduced and adopted by voice vote:

**HR 111** — "Expressing the sorrow of the members of the House of Representatives at the death of former State Representative Granville T. Lowe."

**HR 112**, sponsored by Representative Kelly, was introduced and adopted by voice vote:

**HR 112** — "Congratulating Mother Mary Rita, a member of the Order of Ursuline, for sixty years in the Education Profession."

At 2:18 p.m. on motion of Representative McGinnis, the House recessed to convene for Joint Session with the Senate.

At 3:00 p.m. the Sergeant-at-Arms announced the President Pro Tempore and members of the Senate. They were admitted and seated. The Speaker invited President Pro Tempore Isaacs to a seat on the Rostrum.

### JOINT SESSION

Representative McGinnis moved that the Senate and House convene in Joint Session. The motion prevailed.

Representative McGinnis moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

Representative McGinnis moved that the Secretary of the

JOINT SESSION

Senate and Chief Clerk of the House act as Secretaries of the Joint Session. The motion prevailed.

The Speaker appointed the following Committee to escort the Governor to the Senate Chamber: Senators Kearns and Knox; Representatives Cain and Ambrosino.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

A Bicentennial Observance was offered by members of the Faculty and Student Body of the University of Delaware.

At 4:30 p.m. the previously named Committee escorted the Governor from the Chamber.

Representative McGinnis moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Representative McGinnis moved that the two Houses now separate to reconvene in their respective Chambers. The motion prevailed.

\* \* \* \* \*

The House reconvened at 4:33 p.m.

The following Bills were stricken from the Calendar at the request of Representative Ferguson: **HB 394; HB 393; HB 399.**

At 4:35 p.m. on motion of Representative McGinnis, the House recessed until 1:30 p.m. January 14, 1976.

The Speaker called the House to order at 1:48 p.m. January 14, 1976 and on motion of the Majority Leader adjourned to immediately convene for the 2nd Legislative Day.

## **2ND LEGISLATIVE DAY**

The House convened at 1:50 p.m. January 14, 1976.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, there were 32 Representatives **PRESENT** and 9 (Ambrosino, Boulden, Clendaniel, Conner, George, Hebner, Minner, Plant, Ridings) **ABSENT**.

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

Representatives George and Boulden were marked **PRESENT**.

**2ND LEGISLATIVE DAY**



The Clerk announced that a message from the Senate informed the House that it had passed:

**HCR 45; HB 126 w HA 2; HB 564; HB 745; HB 661; HB 630; HB 693 w SA 1, HA 1; HJR 27; HB 457 w HA 1, SA 1; HB 515; HCR 44; HB 516; HB 363; HB 487; HB 357; HB 336 w HA 2, 3; HB 539; HB 230; HB 288; HB 373; HB 392 w HA 1, 2; HB 679 w HA 1; HB 501 w HA 1; HB 741; HB 624; HB 737; HB 424; HB 712; HB 708; HB 478; HB 451; HB 151; HB 368; HB 713; HB 581 w HA 1, 2; HB 617; HB 672; HJR 24; HB 255 w HA 1; HB 625; HB 454; HB 590; HB 593; HB 597; HB 595; HB 598; HB 592; HB 603; HB 607 w SA 1; HB 657 w SA 1; HB 591; HB 205 w HA 1; HB 499 w HA 1; HB 297; HB 566; HB 310; HB 31 w HA 1; HB 448; HB 442; HB 43; HB 716; HB 582; HB 594 w SA 2; HB 203; HS 1 for HB 599; HB 545; HB 47; HB 706 w HA 1; HCR 46; HJR 31; HB 513 w HA 1; HB 304; HJR 26; HB 559; HB 714; HB 63 and HB 740.**

\* \* \* \* \*

Representative Clendaniel was marked PRESENT.

**HB 247** was stricken at the request of Representative Gordy.

Representative Minner was marked PRESENT.

**HB 332** was stricken at the request of Representative Worthen.

**HB 427** was stricken at the request of Representative Gordy.

On motion of Representative McGinnis the House recessed for Caucus at 2:00 p.m. and reconvened at 3:55 p.m.

Representatives Ridings, Plant and Ambrosino were marked PRESENT.

The following pre-filed legislation was entered in the Calendar:

**HB 766** — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to Public Utilities; and amending certain procedures in the hearing of rate changes, refund bonds, and determinations by the Public Service Commission." Sponsor: Representative George. Assigned to Administrative Services Committee.

**HB 767** — "An Act to amend Chapter 27, Part I, Title 18 of the Delaware Code relating to Insurance; and providing basic readability requirements for Automobile Insurance Policy Forms." Sponsor: Representative George. Assigned to Public Safety Committee.

**HB 768** — “An Act limiting the authorization of General Obligation Bonds of the State of Delaware.” Sponsors: Representatives Jonkiert, McGinnis and Harrington; Senators Isaacs, Cordrey and Kearns. Assigned to Appropriations Committee.

**HB 769** — “An Act to amend Section 2111, Title 5, Delaware Code, to remove the prohibition against postjudgement wage attachments and to bring the rate after judgement into agreement with Section 2301, Title 6, Delaware Code.” Sponsor: Representative Matushefske. Assigned to Administrative Services Committee.

**HB 770** — “An Act proposing an Amendment to Article VIII of the Constitution of the State of Delaware, relating to limitation on the authorization of General Obligation Bonds.” Sponsors: Representatives Jonkiert, McGinnis, Harrington; Senators Isaacs, Cordrey and Kearns. Assigned to Appropriations Committee.

**HB 771** — “An Act to amend Part II, Title 9 of the Delaware Code relating to New Castle County; and providing for political balance on appointive Boards of Commissions.” Sponsor: Representative Worthen. Assigned to Community Affairs Committee.

**HB 772** — “An Act to amend Subchapter II, Subpart B of Title 11, Delaware Code, relating to murder in the First Degree.” Sponsor: Representative Plant. Assigned to Judiciary Committee.

**HB 773** — “An Act to authorize and approve the transfer of certain Real Property by the State Board of Education to the Department of Administrative Services for sale to a Charitable Organization for a nominal price.” Sponsors: Representatives Minner and Morris. Assigned to Administrative Services Committee.

**HB 774** — “An Act to amend Chapter 96, Title 9, Delaware Code, relating to fees of the Recorder of Deeds for Kent County.” Sponsor: Representative Darling. Assigned to Community Affairs Committee.

**HB 775** — “An Act to provide a supplementary appropriation to the Insurance Commission providing for Workmen’s Compensation Insurance coverage to June 30, 1976.” Sponsors: Representatives McGinnis and Harrington. Assigned to Appropriations Committee.

**HB 776** — “An Act to amend Part II, Title 6 of the Delaware Code relating to Commerce and Trade; and providing for a Delaware Franchise Practices Act.” Sponsor:

Representative Riddagh. Assigned to Labor and Commerce Committee.

**HB 777** — "An Act to amend Title 9, Title 21, and Title 22 of the Delaware Code relating to certain minor motor vehicle violations; and providing a procedure for the collection of parking tickets." Sponsor: Representative Ridings. Assigned to Public Safety Committee.

**HB 778** — "An Act to amend Chapter 9, Title 4 of the Delaware Code relating to alcoholic liquors; and providing for the employment of persons thirteen years of age and older in taverns under certain circumstances." Sponsor: Representative Riddagh. Assigned to Administrative Services Committee.

**HB 779** — "An Act to amend Chapter 41, Chapter 42, and Chapter 43, Title 11 of the Delaware Code relating to crimes and criminal procedures; and providing for mandatory restitution under certain circumstances." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

**HA 1 to HB 70** was introduced by Representative Ambrosino and placed with the Bill.

**HA 1 to SB 236** was introduced by Representative Byrd and placed with the Bill.

**HA 2 to SS 1 for SB 247** was introduced by Representative Matushefske and placed with the Bill.

**HJR 32** — "Providing a method for determining an official Band for Delaware, when needed in Bicentennial Activities." Sponsor: Representative Arnold. Assigned to Community Affairs Committee.

**SCR 50** — "Extending congratulations to the Caesar Rodney High School Football Team and their coach, Joe Purzycki, on becoming the No. 1 Inter-scholastic Football Team in the State." Sponsors: Senators Murphy and Zimmerman; Representatives McGinnis, Morris, Darling and Minner.

**SJR 47** — "Directing the Acting Commissioner of the Department of Corrections to cease the letting of a formal contract for the construction of a Women's Prison until the Committee on Adult and Juvenile Corrections renders its final recommendations to the General Assembly. Sponsors: Senators Sharp, McCullough, Cicione, Cook, Hughes and Elliott. Assigned to Committee on Corrections.

**HR 113** was introduced by Representative McGinnis and adopted by voice vote:

**HR 113** — "Providing a supplementary appropriation to the House of Representatives to fund total salaries for Fiscal Year 1976."

**HR 114**, sponsored by Representatives Jonkiert and McGinnis, was introduced and adopted by voice vote:

**HR 114** — "Providing a supplemental appropriation to the House of Representatives to supply funds necessary to compensate an Administrative Assistant for the Majority Party and an Administrative Assistant for the Minority Party."

Representative Byrd moved that the necessary rules be suspended for introduction and consideration of **SJR 44** and the motion prevailed by voice vote:

**SJR 44** — "Memorializing each member of the Delaware Congressional Delegation to support and use the influence of their office in establishing a Branch Office of the Division of Unemployment Insurance in the Newark Area." Sponsors: Senators Isaacs, Sharp and Martin.

The roll call on the Resolution was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Kelly, LeGates, Leshner, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Jonkiert — 34.

**NO:** Representative McKay — 1.

**ABSENT:** Representatives Hebner, Johnson, Lynch, Matushefske, Sincock, and Worthen — 6.

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

**HCR 47**, sponsored by Representative Gordy and Senator Kearns, was introduced:

**HCR 47** — "Extending the reporting date of the Committee to Evaluate the Need for a Merit System for Employees of the Family Court of Delaware."

Representative Gordy moved that the Resolution be laid on the table and the motion prevailed by voice vote.

Representative George moved that all of the following Appropriation Bills which had been reported out of Committee be reassigned to the Committee: **HB 389 w HA 1; SB 249 w HA 1, 2; HB 525 w HA 1 thru 17; HB 623; HB 619; HB 573; HB 651; HB 654; HB 694; HB 21; HB 316; HB 690; SB 49; SB 183; SB 249; SB 279; SB 455; SB 220; SB 221; HB 244.**

The motion prevailed by voice vote and the Bills were reassigned to the Committee.

Representative Ridings moved that the necessary rules be suspended for the introduction and consideration of **SJR 48** and the motion prevailed by voice vote:

**SJR 48** — "Extending the reporting date of the Committee to study the changes to the State Employees' Pension Plan proposed by **HB 431** of the 128th General Assembly."

The roll call vote on the Resolution was taken and revealed 36 Representatives voting YES, 2 (Ambrosino and Spence) NOT VOTING and 3 (Hebner, Johnson and Temple) ABSENT. Therefore, the Resolution was adopted by the House and returned to the Senate.

**HB 522** was taken up for consideration on motion of Representative Boulden. "An Act to amend Chapter 27, Title 21, Delaware Code, relating to a fee for issuing a School Bus Driver's License."

The roll call vote taken and revealed:

YES: Representatives Ambrosino, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, McGinnis, McKay, Miller, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 34.

NO: Representatives Gilligan, Minner, and Morris — 3.

NOT VOTING: Representatives Arnold and Maxwell — 2.

ABSENT: Representatives Ferguson and Hebner — 2.

Therefore, the Bill passed the House and was sent to the Senate.

On motion of Representative Rispoli, **SB 243** was deferred to the end of the Agenda.

Representative Rispoli moved that the roll call on **SB 254** be lifted and the motion prevailed by voice vote. The roll call vote was then announced and revealed 36 Representatives voting YES, 3 (Ambrosino, Boulden and Leshner) voting NO and 2 (Hebner and Jornlin) NOT VOTING. Therefore, the Bill passed the House and was returned to the Senate.

Representative Rispoli moved that the roll call on **SB 403** be lifted and the motion prevailed by voice vote.

The roll call vote was then announced and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley,

Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 39.

NOT VOTING: Representative Jornlin — 1.

ABSENT: Representative Miller — 1.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Rispoli moved that the roll call on **SB 384** be lifted and the motion prevailed by voice vote.

Therefore, the roll call on the Bill was announced and revealed:

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

NOT VOTING: Representatives Jornlin and Spence — 2.

ABSENT: Representatives Hebner and Maxwell — 2.

Therefore, the Bill passed the House and was returned to the Senate.

Consideration of **HB 495** was deferred to the end of the Agenda at the request of Representative Plant.

Representative McGinnis moved that **SB 232** be recommitted to the Judiciary Committee and the motion prevailed by voice vote.

Representative McGinnis moved that **HB 260** be recommitted to the Judiciary Committee and the motion prevailed by voice vote.

Representative McGinnis moved that **HJR 12** be recommitted to Community Affairs Committee and the motion prevailed by voice vote.

On motion of Representative Plant, **HB 216** was deferred to the end of the Agenda.

**HB 311** was stricken at the request of Representative McGinnis.

Consideration of **SS 1** for **SB 247** was deferred on motion of Representative Gordy.

**HB 339** and **HB 197** were stricken at the request of

Representative Gilligan.

**HB 435** and **HB 268** were stricken at the request of Representative Matushefske.

**HB 562** was taken up for consideration on motion of Representative Gordy. "An Act to amend Chapter 21, Title 21, Delaware Code, relating to Requirement of Insurance for Motor Vehicles."

The roll call vote was taken and revealed:

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

**ABSENT:** Representatives Boulden and Johnson — 2.

Therefore, the Bill passed the House and was sent to the Senate.

Consideration of **HB 400** was deferred at the request of Representative Worthen.

Representative McGinnis moved that **HB 611** be recommitted to Revenue and Finance Committee and the motion prevailed by voice vote.

Consideration of **HB 560** was deferred to the end of the Agenda on motion of Representative Minner.

Representative LeGates moved that **SB 30** be recommitted to Natural Resources Committee and the motion prevailed by voice vote.

Consideration of **HB 370** was deferred at the request of Representative Powell.

Representative Matushefske moved that **HB 279** be recommitted to Revenue and Finance Committee and the motion prevailed by voice vote.

**HB 410** was taken up for consideration on motion of Representative Cain. "An Act to amend Chapter 17, Part III, Title 15 of the Delaware Code relating to the changing of party designation prior to the final primary election."

**HA 1** to the Bill was adopted by voice vote.

The roll call vote on **HB 410** and **HA 1** was then taken and revealed:

**YES:** Representatives Cain, George, Gordy, Harrington, Johnson, Kelly, LeGates, Maxwell, McGinnis, Minner, Plant, Jonkiert — 12.

NO: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Leshner, Lynch, McKay, Miller, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Worthen — 26.

NOT VOTING: Representative Temple — 1.

ABSENT: Representatives Hebner and Matushefske — 2.  
Therefore, the Bill was declared defeated.

**HB 649** was stricken at the request of Representative Clendaniel.

At 5:05 p.m., on motion of Representative Matushefske, the House recessed for Committee meetings.

The House reconvened at 5:07 p.m.

The following Committee reports were announced:

From the Administrative Services Committee: **HB 773** — 4 Favorable, 2 Merits.

From the Judiciary Committee: **HB 759** — 1 Favorable, 3 Merits.

At 5:30 p.m. on motion of Representative McGinnis the House recessed until 1:30 p.m. January 15, 1976.

The Speaker called the House to order at 1:47 p.m. January 15, 1976. On motion of the Majority Leader the House immediately adjourned thereby ending the 2nd Legislative Day.

### 3RD LEGISLATIVE DAY

The House convened at 1:48 p.m. January 15, 1976.

A Prayer was offered by Rev. Everett L. Britton.

Pledge of Allegiance to the Flag.

By roll call, there were 37 Representatives PRESENT and 4 (Ambrosino, Billingsley, Connor and Hebner) ABSENT.

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

**SJR 47** was reported out of Corrections Committee: 3 Favorable, 2 Merits.

The following pre-filed legislation was entered in the Calendar:

**HB 780** — "An Act to amend Part I, Title 18 of the Delaware Code relating to Insurance; and providing for Health Insurance to cover catastrophic illness." Sponsor: Representative Miller. Assigned to Health and Social Services Committee.

**HB 781** — "An Act to amend an Act being Chapter 197, Volume 54, Laws of Delaware, as amended entitled "An Act

3RD LEGISLATIVE DAY



revising the Prior Charter of the City of Rehoboth Beach and prescribing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" to provide for one-man one-vote voting in annexation elections, to provide for the use of voting machines in annexation elections, to provide for appeals from the assessments, to provide for notice of elections other than the annual Municipal Elections, to provide a new time for filing petitions for nomination, to provide a new time for review of petitions for nominations, to increase the amount that can be raised by taxation, to provide a procedure for payment of paving, guttering and curbing, to provide a procedure for borrowing money and Issuing Bonds." Sponsors: Representative Derrickson and Senator Cordrey. Assigned to Community Affairs Committee.

**HB 782** — "An Act to amend Chapter 5, Title 4 of the Delaware Code relating to refund of taxes paid by importers or wholesalers to the State on beer sold to an instrumentality of the Armed Forces of the United States." Sponsor: Representative Byrd. Assigned to Administrative Services Committee.

**HB 783** — "An Act to amend Chapter 31, Part III, Title 16 of the Delaware Code relating to the disclosure of vital statistics record." Sponsors: Representatives Connor, Rispoli, Morris. Assigned to Health and Social Services Committee.

**HB 784** — "An Act to authorize and direct the transfer of the property formerly used by the Department of Public Safety as an Inspection Lane in Georgetown to Sussex County." Sponsors: All Representatives and Senators from Sussex County. Assigned to Administrative Services Committee.

**HB 785** — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing for Senior Citizen rates for life-support utilities." Sponsors: Representatives Connor, Kelly and Gilligan. Assigned to Administrative Services Committee.

**HB 786** — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission, and the procedures requested for a rate change." Sponsors: Representatives Connor, LeGates and Gilligan. Assigned to Administrative Services Committee.

**HB 787** — "An Act to amend Chapter 39, Title 7, Delaware Code relating to annual appropriations to the Soil and Water Conservation Division." Sponsor: Representative Lynch. Assigned to Appropriations Committee.

**HB 788** — "An Act to authorize and direct the Board of Pension Trustees to grant Mrs. M. Catherine Lomax a survivor's pension under Chapter 55, Title 29 of the Delaware Code." Sponsor: Representative Spence. Assigned to Appropriations Committee.

**HB 789** — "An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code relating to the primitive weapons season; and prohibiting the attachment and use of telescopic sights on primitive hunting weapons during such season." Sponsor: Representative Minner. Assigned to Natural Resources and Environmental Control Committee.

**HB 790** — "An Act to amend Chapter 21, Part II, Title 21 of the Delaware Code relating to the priority of a claim of an insured person over the subrogation claims of an insurer; and arbitration rights as to losses to a motor vehicle." Sponsor: Representative LeGates. Assigned to Public Safety Committee.

**HB 791** — "An Act to provide a supplementary appropriation to the Division of Economic Development of the Department of Community Affairs and Economic Development." Sponsors: Representative Derrickson and Senator Sharp. Assigned to Appropriations Committee.

**HB 792** — "An Act to amend an Act being Chapter 197, Volume 54, Laws of Delaware, as amended entitled "An Act revising the Prior Charter of the City of Rehoboth Beach and prescribing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" to provide the manner of establishing the Fiscal Year." Sponsors: Representative Derrickson and Senator Cordrey. Assigned to Community Affairs Committee.

**HB 793** — "An Act to amend Subchapter I, Title 26, Delaware Code, relating to compensation of Public Service Commissioners." Sponsors: Representative George and Senator Martin. Assigned to Appropriations Committee.

**HB 794** — "An Act to amend Subchapter V, Chapter 5, Title 11, Delaware Code, relating to the definition of Public Servant." Sponsor: Representative McKay. Assigned to Judiciary Committee.

**HB 795** — "An Act to amend Chapter 21, Part II, Title 19, Delaware Code relating to the Industrial Accident Board by making the members of the Board fulltime employees and increasing the salary to \$18,000 a year." Sponsor: Representative Matushefske. Assigned to Appropriations

Committee.

**HB 796** — “An Act to amend Chapter 267, Volume 52, Laws of Delaware, relating to the town of Ocean View; and providing for a Town Council of five members.” Sponsors: Representative Derrickson and Senator Cordrey. Assigned to Community Affairs Committee.

**HR 115** — “Amending the rules of the House of Representatives to provide that each Bill must be considered by the Committee to which it has been assigned in an open Committee Hearing.” Sponsors: Representatives Connor, Maxwell, Minner. Assigned to Rules Committee.

**HA 1 to HB 731** was introduced by Representative Connor and placed with the Bill.

**HA 1 to HB 757** was introduced by Representative Ambrosino and placed with the Bill.

**SB 53** — “An Act to amend Subchapter I, Chapter 5, Title 13 of the Delaware Code relating to Domestic Relations; and providing for an extension of child support payments until the completion of the child’s education.” Sponsor: Senator Berndt. Assigned to Judiciary Committee.

**SB 371** — “An Act to amend Subchapter III, Chapter 5, Title 11, Delaware Code, establishing criminal offenses for the pirating of recordings and establishing penalties therefor.” Sponsor: Senator Zimmerman. Assigned to House Administration Committee.

**SCR 50**, sponsored by Senators Murphy, Zimmerman, Hughes and Hale; Representatives McGinnis, Morris, Darling and Minner, was introduced and considered for adoption on motion of Representative Morris:

**SCR 50** — “Extending congratulations to the Caesar Rodney High School Football Team and their coach, Joe Purzycki, on becoming the No. 1 Inter-scholastic Football Team in the State.”

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

**HB 753** was stricken at the request of Representative Connor.

**HB 742 w HA 1** was stricken at the request of Representative George.

**HB 652** was stricken at the request of Representative Byrd.

**HB 256** was stricken at the request of Representative Arnold.

**HB 568** and **HB 579** were stricken at the request of Representative Gordy.

At 1:59 p.m. on motion of Representative McGinnis the House recessed and reconvened at 4:03, Representative Cain Acting Speaker presiding.

**HCR 48**, sponsored by Representative Jonkiert and Senator Isaacs, was introduced and considered for adoption:

**HCR 48** — "Commending the University of Delaware Concert Choir on its superb performance in the House Chambers on the First day of the Second Session of the 128th General Assembly, January 13, 1976."

The Resolution was adopted by voice vote of the House and sent to the Senate.

On motion of Representative Gordy, consideration of **SS 1** for **SB 247** was deferred.

**HB 643** was taken up for consideration on motion of Representative Maxwell. "An Act to amend Subchapter II, Chapter 1, Title 26, Delaware Code, relating to jurisdiction and powers and for the purpose of preventing injury and protecting underground facilities of public utilities, requiring persons excavating near underground facilities of public utilities to provide certain information and to mark the horizontal location on the ground of underground facilities; and generally relating to underground facilities of public utilities."

**HA 1** to the Bill was introduced by Representative Maxwell and adopted by voice vote.

**HA 2** to the Bill was introduced by Representative Maxwell and adopted by voice vote.

On motion of Representative Maxwell, **HB 643 w HA 1, 2** was then laid on the table.

**HR 116**, sponsored by Representative Boulden, was introduced and adopted by voice vote:

**HR 116** — "Complimenting the Honorable John P. Ferguson upon attaining a pinnacle of golfing greatness."

Consideration of **HB 535** was deferred at the request of Representative Maxwell.

Consideration of **HB 628** was deferred at the request of Representative Maxwell.

**HB 773** was taken up for consideration on motion of Representative Minner. "An Act to authorize and approve the transfer of certain Real Property by the State Board of Education to the Department of Administrative Services for sale to a charitable organization for a nominal fee."

**HA 1** to the Bill was introduced by Representative Minner and adopted by voice vote.

The roll call vote on **HB 773 w HA 1** was then taken and revealed 39 Representatives voting YES and 2 (Hebner and Lynch) ABSENT. Therefore, the Bill passed the House and was sent to the Senate.

**HB 759** was taken up for consideration on motion of Representative Plant. "An Act to amend Chapter 5, Title 1, Delaware Code, relating to legal holidays and establishing Martin Luther King's birthday as a legal holiday."

The roll call vote on the Bill was then taken but Representative Plant moved that it be tabled before being announced and the motion prevailed by voice vote.

**HR 117** was introduced by Representative Gilligan and adopted by voice vote:

**HR 117** — "Commending John P. Ferguson and Ronald Darling for their dedication and service to their caucus, to their party, and to the House of Representatives."

The House recessed 5:39 p.m. for Committee hearings and reconvened at 5:44.

The following Bills were reported out of Administrative Services Committee: **HB 782** — 2 Favorable, 1 Merits, 1 Unfavorable; **HB 757** — 1 Favorable, 3 Merits, 1 Unfavorable.

At 5:45 p.m. the House recessed until January 20, 1976.

The Speaker called the House to order at 1:48 p.m. January 20, 1976.

On motion of Representative McGinnis, the House immediately adjourned, thereby ending the 3rd Legislative Day.

#### **4TH LEGISLATIVE DAY**

The House convened at 1:49 p.m. January 20, 1976, Representative Jonkiert, presiding.

A Prayer was offered by Rev. Bruce Cooke, St. George's United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call, there were 33 Representatives PRESENT and 8 (Ambrosino, Ferguson, Hebner, Kelly, Leshner, Powell, Smith and Spence) ABSENT.

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

The following pre-filed legislation was entered in the Calendar:

**HB 797** — "An Act to amend Chapter 43, Part II, Title 11

of the Delaware Code relating to crimes and criminal procedure; and providing for certain psychiatric examinations to be made prior to parole." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

**HB 798** — "An Act to amend Chapter 17, Part III, Title 15 of the Delaware Code relating to the changing of party designation prior to the final Primary Election." Sponsor: Representative Cain. Assigned to Judiciary Committee.

**HB 799** — "An Act to amend Title 11 and Title 21, Delaware Code, relating to public intoxication and walking on highways under the influence of drugs or liquors." Sponsor: Representative Clendaniel. Assigned to Public Safety Committee.

**HB 800** — "An Act to amend Chapter 46, Title 29 of the Delaware Code relating to the number of State-paid additional Attorneys authorized to represent a single indigent criminal defendant." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

**HB 801** — "An Act to amend Subchapter III, Subchapter IV and Subchapter VI, Chapter 25, Title 24 of the Delaware Code relating to the compiling, distribution and posting of the prices of the one hundred most commonly prescribed drugs." Sponsor: Representative Ambrosino. Assigned to Committee on Aging.

**HB 802** — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to crimes and criminal procedure; and providing mandatory minimum sentences for certain crimes." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

**HB 803** — "An Act to amend Chapter 27, Part II, Title 10 of the Delaware Code relating to special constables for Railroad Companies." Sponsor: Representative Boulden. Assigned to Judiciary Committee.

**HB 804** — "An Act to amend Section 13, Paragraph 13 of the Charter of the City of Harrington to permit the City of Harrington to levy a separate Garbage Fee." Sponsor: Representative Darling. Assigned to Community Affairs Committee.

**HJR 33** — "Authorizing and creating a special Committee to study the feasibility of developing a Uniform State Pension Plan for all State employees." Sponsor: Representative Ambrosino. Assigned to Appropriations Committee.

**SB 511** — "An Act to provide for the transfer of certain funds originally allocated to the State Board of Education and the State Board for Vocational Education to the Marshallton-McKean School District." Sponsors: Senator Cicione, Representatives Maxwell and Gilligan. Assigned to Appropriations Committee.

**SB 520** — "An Act making a supplementary appropriation to the Bethany Beach Volunteer Fire Company for the maintenance of aerial or platform trucks." Sponsor: Senator Cordrey. Assigned to Appropriations Committee.

**SB 523** — "An Act to amend an Act being Chapter 143, Volume 57, Laws of Delaware, as amended entitled "An Act to Incorporate the Town of South Bethany." Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

**SB 524** — "An Act to amend Subchapter I of Chapter 27, Title 21, Delaware Code, relating to information on licenses." Sponsor: Senator Cordrey. Assigned to Public Safety Committee.

**HB 794** was stricken at the request of Representative McKay.

**SCR 48**, sponsored by Senators Kearns and Manning, was introduced and considered for adoption on motion of Representative McGinnis:

**SCR 48** — "Expressing thanks to the Delaware Commission on Interstate Cooperation on a successful conference and congratulating Representative Kenneth Boulden on being elected President of the Eastern Regional Conference of the Council of State Governments for 1975-76." The Resolution was adopted by voice vote and returned to the Senate.

**SCR 51** (Sponsored by Senators Murphy, Zimmerman and Cook) was introduced and considered for adoption on motion of Representative McGinnis:

**SCR 51** — "Appointing a Director on the part of the State of Delaware for the Farmers Bank of the State of Delaware to replace the late Julius E. Tudor." The Resolution was adopted by voice vote and returned to the Senate.

**HCR 50**, sponsored by Representative Plant, was introduced and considered for adoption:

**HCR 50** — "Calling attention to the fact that as we enter our Bicentennial Year Delaware's Black Minority is represented in both Houses of the General Assembly."

The roll call vote on the Resolution was taken and

revealed 32 Representatives voting YES, 1 (Brady) NOT VOTING and 8 (Ambrosino, Ferguson, Hebner, Leshner, Miller, Powell, Smith and Spence) ABSENT. Therefore, the Resolution was adopted by the House and sent to the Senate.

**HR 118**, sponsored by Representative Ridings, was introduced and adopted by voice vote of the House:

**HR 118** — "Congratulating Richard M. Walsh, Jr. of Concord High School on being selected as a Bicentennial Senior."

**HCR 49**, sponsored by Representative Gordy and Senator Kearns, was introduced and adopted by voice vote of the House and sent to the Senate:

**HCR 49** — "Extending the reporting date of the Committee to evaluate the need for a Merit System for employees of the Family Court of the State of Delaware."

At 2:10 p.m. on motion of Representative McGinnis, the House recessed for caucus and reconvened at 3:06 p.m.

**HCR 51** (Sponsored by Representatives McGinnis, Jonkiert and Harrington; Senators Isaacs, Cordrey and Kearns) was introduced and adopted by voice vote of the House and sent to the Senate:

**HCR 51** — "Providing for the establishment of a special Legislative Committee to study the function which the Legislature should assume in the desegregation case of Evans vs. Buchanan and further providing a supplementary appropriation therefor."

At 3:24 p.m. on motion of Representative McGinnis, the House recessed until 1:30 p.m. January 21, 1976.

The House reconvened at 1:48 p.m. January 21, 1976 and on motion of Representative McGinnis immediately adjourned.

### 5TH LEGISLATIVE DAY

The House convened at 1:49 p.m. January 21, 1976.

A Prayer was offered by Representative Temple.

Pledge of Allegiance to the Flag.

By roll call, there were 31 Representatives PRESENT and 10 (Ambrosino, Billingsley, Boulden, Clendaniel, George, Leshner, Plant, Powell, Ridings and Spence) ABSENT.

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

**HCR 52** (Sponsored by Representatives McGinnis, Jonkiert and Harrington; Senators Isaacs, Cordrey and Kearns) was introduced and adopted by voice vote of the House



and sent to the Senate:

**HCR 52** — “Providing that a Joint Session of the Senate and the House of Representatives be convened to hear the Governor’s annual State of the State address.”

Representative LeGates moved that the necessary rules be suspended for the introduction and consideration of **HJR 34** and the motion prevailed by voice vote:

**HJR 34** (Sponsored by Representative LeGates and Hebner) — “Declaring that the people shall have the right to alter or abolish State Government and Federal Government; and affirming that it is not only their right, but their duty, to throw off abusive and oppressive government.”

The roll call vote on the Resolution was taken and revealed 35 Representatives voting YES and 6 (Ambrosino, Billingsley, Boulden, Clendaniel, Leshner and Powell) ABSENT. Therefore, the Resolution was adopted by the House and sent to the Senate.

The following pre-filed legislation was entered in the Calendar:

**HB 805** — “An Act to amend Subchapter VI, Chapter 5, Title 11, Delaware Code relating to the definition of Public Servant.” Sponsor: Representative McKay. Assigned to Judiciary Committee.

**HB 806** — “An Act to amend Chapter 1, Part I, Title 16 of the Delaware Code relating to flouridation of a water supply; and providing that any fluoridation of water supply systems shall be optional and not mandatory.” Sponsor: Representative Ridings. Assigned to Health and Social Services Committee.

**HB 807** — “An Act to amend Chapter 11, Part II, Title 30 of the Delaware Code relating to modifications of personal license.” Sponsor: Representative Ridings. Assigned to Revenue and Finance Committee.

**HB 808** — “An Act to amend Subchapter I, Chapter 21, Title 21 of the Delaware Code relating to the requirement of insurance on motor vehicles.” Sponsors: Representatives Gilligan, Boulden and Gordy. Assigned to Public Safety Committee.

**HB 809** — “An Act to provide a pension for Margaret C. Harris, a former employee of the Conrad Area School District.” Sponsor: Representative Gilligan. Assigned to Appropriations Committee.

**SB 56** — “An Act proposing an Amendment to Article IV,

Sections 2, 3, and 12 of the Constitution of the State of Delaware by increasing the Supreme Court to five Justices and providing for a quorum of the Supreme Court." Sponsor: Senator Cook. Assigned to Constitutional Revision Committee.

**SB 331** — "An Act to amend Chapter 39, Part II, Title 11 of the Delaware Code relating to concurrent sentences and consecutive sentences." Sponsor: Senator Schlor. Assigned to Judiciary Committee.

**SB 536** — "An Act to amend Chapter 27, Title 21, Delaware Code, relating to fees for re-instatement of driver licenses." Sponsor: Senator Adams. Assigned to Public Safety Committee.

At 2:12 p.m. on motion of Representative McGinnis, the House recessed and reconvened at 3:35 p.m.

**HB 400** was deferred at the request of Representative Worthen who then yielded to Representative Byrd.

**HB 782** was taken up for consideration on motion of Representative Byrd. "An Act to amend Chapter 5, Title 4 of the Delaware Code relating to refund of taxes paid by importers or wholesalers to the State on beer sold to an instrumentality of the Armed Forces of the United States."

The privilege of the floor was extended to Mr. Wilson representing the Beer Wholesalers of Delaware.

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

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

**NO:** Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Derrickson, Hebner, McKay, Riddagh, Ridings, Seibel, Sincok, Smith, Spence — 14.

**ABSENT:** Representatives Boulden, Leshner and Powell — 3.

Therefore, the Bill passed the House and was sent to the Senate.

Representative Gordy moved that **SS 1** for **SB 247** be laid on the table and the motion prevailed by voice vote.

**HB 620** was deferred at the request of Representative Gordy who then yielded to Representative Ferguson.

Representative Ferguson moved that **HB 757** be laid on the table and the motion prevailed by voice vote.

**HB 621** was deferred at the request of Representative Gordy.

**SB 426** was taken up for consideration on motion of Representative Gordy and the privilege of the floor extended to House Attorney, John Rich, to speak on the Bill. Representative Gordy then moved that the Bill be laid on the table and the motion prevailed by voice vote.

The following Committee reports were announced:

From the Community Affairs Committee: **HB 796** — 2 Favorable, 3 Merits; **HB 804** — 2 Favorable, 4 Merits.

From the Public Safety Committee: **HB 808** — 4 Favorable; **HB 262** — 4 Merits.

From the Judiciary Committee: **SB 56** — 3 Favorable, 2 Merits; **SB 327** — 4 Merits; **SB 328** — 4 Merits; **HB 803** — 6 Merits; **HB 798** — 6 Merits; **HB 763** — 6 Merits; **HB 662** — 5 Merits; **SB 331** — 6 Merits.

From the Appropriations Committee: **HB 787** — 1 Favorable, 4 Merits; **SB 508** — 1 Favorable, 4 Merits; **SB 520** — 1 Favorable, 4 Merits; **SB 511** — 4 Merits; **HB 793** — 4 Favorable, 1 Merits.

From the Administrative Services Committee: **HB 784** — 2 Favorable, 2 Merits.

At 4:58 on motion of Representative McGinnis, the House recessed until 1:30 p.m. January 22, 1976.

The House reconvened at 1:44 p.m. January 22, 1976.

On motion of Representative McGinnis, the House immediately adjourned thereby ending the Fifth Legislative Day.

## 6TH LEGISLATIVE DAY

The House was called to order by Speaker Jonkiert at 1:45 p.m. January 22, 1976.

A Prayer was offered by the Rev. Fitzhugh of Grace Methodist Church, Georgetown, Delaware.

Pledge of Allegiance to the Flag.

By roll call, there were 31 Representatives PRESENT:

PRESENT: Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Darling, Derrickson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Minner, Morris, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 31.

ABSENT: Representatives Ambrosino, Clendaniel, Connor, Ferguson, Harrington, Leshar, Lynch, Miller, Plant,

Powell — 10.

The minutes of the previous day were approved as posted.

Representative McGinnis recognized and introduced to the House the 5th Grade from Holy Cross School, Dover.

Representative Kelly recognized and introduced to the House the representatives from the Older American's Coalition.

Representative Morris wished a Happy Birthday to Pam Kitchen, the Bill Clerk of the House.

The following pre-filed legislation was entered in the Calendar:

**HB 810** — "An Act to provide a supplementary appropriation to the Insurance Commission providing for Workmen's Compensation Insurance and Automobile Liability Coverages to June 30, 1976." Sponsors: Representatives McGinnis and Harrington. Assigned to Appropriations Committee.

**HB 811** — "An Act to amend Chapter 5, Title 4 of the Delaware Code relating to taxation of beer." Sponsor: Representative Billingsley. Assigned to Revenue and Finance Committee.

**HB 812** — "An Act to amend Chapter 5, Title 11, Delaware Code relating to licenses for the carrying of concealed deadly weapons." Sponsors: Representatives Jonkiert and George. Assigned to Judiciary Committee.

**HB 813** — "An Act relating to Public Works Contracts in certain cases, providing for prevailing wages, imposing duties upon the Department of Labor, and providing remedies and penalties." Sponsors: Representative Byrd and Senator Sharp. Assigned to Labor and Commerce Committee.

**HB 814** — "An Act to amend Chapter 42, Part II, Title 11 of the Delaware Code relating to conviction and punishment for first degree murder; and providing requirements concerning persons permitted to be present during execution of sentence." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

**HB 815** — "An Act to amend Chapter 23, Title 30, Delaware Code, relating to Occupational Licenses, to exempt certain incidental sales from the Retailer Licensing requirements." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 816** — "An Act to amend Chapter 21, Title 30, Delaware Code, relating to general provisions concerning

Occupational and Business Licenses, to provide for prorationing of fees, and for other purposes." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 817** — "An Act to amend Chapter 54, Title 30, Delaware Code, relating to the Realty Transfer Tax on leases." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 818** — "An Act to amend Chapter 53, Part IV, Title 30, Delaware Code, relating to Tobacco Products Tax licenses and fees." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HR 119** — "Requesting the support of the House of Representatives for the Constitutional Amendment adding two Justices to the Supreme Court of Delaware." Sponsor: Representative Plant. The Resolution was later stricken at the request of the Representative.

**SB 517** — "An Act to amend Chapter 61, Title 29, Delaware Code, relating to daily deposit of General Fund money." Sponsor: Senator Isaacs. Assigned to Appropriations Committee.

**SB 525** — "An Act to amend Chapter 7 of Title 29, Delaware Code, relating to the establishment of a Legislative Internship Program." Sponsor: Senator Isaacs. Assigned to House Administration Committee.

**HB 819** — "An Act to amend Chapter 23, Title 30, Delaware Code, relating to Occupational License for Mobile Home Parks." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HA 2 to HB 262** was introduced by Representative McGinnis and placed with the Bill.

\* \* \* \* \*

The Clerk of the House announced that Legislative Advisory No. 61 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor had approved the following legislation: **HCR 48** on January 15, 1976; **HB 249** and **HJR 31** on January 20, 1976.

\* \* \* \* \*

**HCR 53**, sponsored by Representatives Jonkiert and Sincok; Senator Hughes, was introduced and adopted by voice vote:

**HCR 53** — "Expressing the sorrow of the members of the

128th General Assembly at the death of former United States Marshal Edward J. Michaels."

**HB 535** was taken up for consideration on motion of Representative Maxwell and the privilege of the floor granted to Dr. Gliwa, Division of Public Health, to speak on the Bill.

The roll call vote on the Bill was taken; however Representative Maxwell moved that it be tabled before being announced:

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

**YES:** Representatives Arnold, Boulden, Byrd, Cain, Connor, George, Gilligan, Hebner, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 29.

**NO:** Representatives Billingsley, Brady, Darling, Derrickson, Gordy, Johnson — 6.

**ABSENT:** Representatives Ambrosino, Clendaniel, Ferguson, Harrington, Leshner, Lynch — 6.

Therefore, the motion prevailed and the roll call vote on **HB 535** was tabled.

**HB 418** was taken up for consideration on motion of Representative Matushefske. "An Act to amend Chapter 5, Part I, Title 11, Delaware Code, relating to Offenses Involving Obstruction of Governmental Operations."

**HA 1** to the Bill was stricken on motion of Representative Matushefske.

On motion of Representative Boulden, **HA 2** to the Bill was considered and adopted by voice vote.

Representative Boulden then moved that **HB 418** w **HA 2** be laid on the table and the motion prevailed by voice vote.

Representative Maxwell moved that **HB 337** be laid on the table and the motion was adopted by voice vote.

**HCR 54**, sponsored by Representatives Derrickson and Sincok, was introduced from the floor and assigned to House Administration Committee.

**HCR 54** — "Providing for the establishment of a Committee designated as "The Bond Review Committee" to review previous Bond Authorizations and report to the General Assembly on the results of such review."

Representative Byrd yielded to Representative Morris at whose request **SJR 9** was deferred.

**SJR 47** was taken up for consideration on motion of

Representative Morris.

**SJR 47** — "Directing the Acting Commissioner of the Department of Corrections to cease the letting of Formal Contract for the Construction of a Women's Prison until the Committee on Adult and Juvenile Corrections renders its final recommendations to the General Assembly."

The roll call vote on the Resolution was taken and tabled before being announced on motion of Representative Morris.

Representative Morris then moved that the roll call vote be lifted and the motion prevailed by voice vote.

Representative Morris then moved that the roll call be rescinded and the motion prevailed by voice vote.

The privilege of the floor was then extended to Senators Hughes and Sharp to speak on the Resolution.

A new roll call vote on the Resolution was then taken and announced:

**YES:** Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Lynch, Matushefske, McGinnis, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Spence, Temple, Jonkiert — 34.

**NO:** Representatives Billingsley, George, Miller, Seibel, Worthen — 5.

**ABSENT:** Representatives Leshner and Maxwell — 2.

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

Representative Byrd yielded to Representative George at whose request **HB 642** was deferred.

**SB 520** was taken up for consideration on motion of Representative George.

**SB 520** — "An Act making a supplementary appropriation to the Bethany Beach Volunteer Fire Company for the Maintenance of Aerial of Platform Trucks."

The roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**NOT VOTING:** Representative McKay — 1.

**ABSENT:** Representatives Leshner and Hebner — 2.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 553** was taken up for consideration on motion of Representative Matushefske.

**HB 553** — “An Act to amend Chapter 49, Title 10, Delaware Code, relating to Attachment of Wages.”

The roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 39.

**ABSENT:** Representatives Hebner and Leshner — 2.

Therefore, the Bill passed the House and was sent to the Senate.

**HB 554** was taken up for consideration on the motion of Representative Matushefske.

**HB 554** — “An Act to amend Chapter 95, Title 10, Delaware Code, concerning Garnishment Proceedings.”

The roll call was taken and revealed:

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

**ABSENT:** Representative Leshner — 1.

Therefore, the Bill passed the House and was sent to the Senate.

Representative LeGates moved that the roll call vote on **SB 259** be lifted and the motion prevailed by voice vote.

**SB 259** — “An Act to amend Chapters 9 and 19 through 27 of Title 7, Delaware Code relating to the Rules and Regulations concerning Shellfish.”

Representative LeGates then moved that the roll call be rescinded and the motion prevailed by voice vote.

Representative LeGates then moved that the Bill be reassigned to the Natural Resources and Environmental Control Committee and that motion prevailed by voice vote.



**SB 259** reassigned to Natural Resources and Environmental Control Committee.

Consideration of **HB 584** was deferred at the request of Representative Worthen who then yielded to Representative Darling.

**HB 804** was taken up for consideration on motion of Representative Darling.

**HB 804** — “An Act to amend Section 13, Paragraph 13 of the Charter of the City of Harrington to permit the City of Harrington to Levy a Separate Garbage Fee.”

**HA 1** to the Bill was introduced by Representative Darling and adopted by voice vote.

Representative Darling then moved that **HB 804 w HA 1** be laid on the table and the motion prevailed by voice vote.

**SB 346 w SA 1** was taken up for consideration on motion of Representative Matushefske.

**SB 346** — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to Crimes and Criminal Procedure; and changing Amounts Required in Certain Offenses to Constitute a Felony.”

**HA 1** to the Bill which had been placed with the Bill was adopted by voice vote on motion of Representative Matushefske.

The roll call vote on **SB 346 w SA 1, HA 1** was then taken. Representative Matushefske then moved that the roll call vote be tabled before it was announced and the motion prevailed by voice vote.

Representative Matushefske moved that **SB 132** be reassigned to Judiciary Committee and the motion prevailed by voice vote.

**SB 331** was taken up for consideration on motion of Representative Matushefske.

**SB 331** — “An Act to amend Chapter 39, Part II, Title 11 of the Delaware Code relating to Concurrent Sentences and Consecutive Sentences.”

The roll call vote was taken which revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gordy, Harrington, Hebner, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 36.

NO: Representatives Johnson and Plant — 2.

NOT VOTING: Representative Rispoli — 1.

ABSENT: Representatives Gilligan and Leshner — 2.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 588** was taken up for consideration on motion of Representative Cain.

**HB 588** — “An Act to amend Chapter 59, Title 29, Part V, of the Delaware Code relating to the Merit System of Personnel Administration; and providing for Veteran’s Preference under certain circumstances.”

The roll call vote was taken which revealed 38 Representatives voting YES:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

NO: Representative Hebner — 1.

ABSENT: Representatives Leshner and Lynch — 2.

Therefore, the Bill passed the House and was sent to the Senate.

Representative Seibel moved that **HB 359** be recommitted to House Administration Committee and the motion prevailed by voice vote.

Representative Seibel then yielded to Representative Derrickson who moved that **HB 796** be laid on the table and the motion prevailed by voice vote.

**HB 53** was deferred at the request of Representative McGinnis who then yielded to Representative Lynch.

**HB 787** was taken up for consideration on motion of Representative Lynch.

**HB 787** — “An Act to amend Chapter 39, Title 7, Delaware Code relating to Annual Appropriations to the Soil and Water Conservation Division.”

The roll call vote was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings,

Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Derrickson, Ferguson, Leshner — 3.

Therefore, the Bill passed the House and was sent to the Senate.

At 4:47 p.m. the House recessed for Committee meetings and reconvened at 5:52.

The following Committee reports were announced:

From the Public Safety Committee: **SB 31 — 4 Merits.**

From the Judiciary Committee: **SB 53 — 4 Merits.**

From the House Administration Committee: **HB 720 — 5 Favorable.**

**HR 119** was stricken at the request of Representative Plant.

**HCR 55** was introduced by Representative Plant and adopted by voice vote of the House and sent to the Senate:

**HCR 55** — "Commending Emma C. Durazzo for being the first winner of the Delaware National Guard's Distinguished Graduate Award."

At 5:00 p.m. on motion of Representative McGinnis, the House recessed until 12:30 p.m. January 27, 1976.

The House reconvened at 12:44 p.m. January 27, 1976 and on motion of Representative McGinnis immediately adjourned to convene for the 7th Legislative Day.

### **7TH LEGISLATIVE DAY**

The House convened at 12:45 p.m. January 27, 1976.

A Prayer was offered by Rev. K. Wayne Grier of the West Harrington Charge of the United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call there were 36 Representatives **PRESENT**.

**PRESENT:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, McGinnis, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 36.

**ABSENT:** Representatives George, Gilligan, Gordy, Maxwell, Miller — 5.

The minutes of the 6th Legislative Day were approved as posted.

**7TH LEGISLATIVE DAY**

At 1:52 p.m. on motion of Representative McGinnis, the House recessed to meet with the Senate in Joint Session.

### JOINT SESSION

The Sergeant-at-Arms announced the Senate members.

The Speaker invited the President Pro Tempore to be seated on the podium.

Representative McGinnis moved that the House and Senate convene in Joint Session and the motion prevailed.

Representative McGinnis moved that the Speaker of the House preside over the Joint Session and the motion prevailed.

Representative McGinnis moved that the Secretary of the Senate and Chief Clerk of the House act as Secretaries of the Joint Session and motion prevailed.

The Speaker appointed the following Committee to escort the Governor to the House Chamber: Representatives Byrd and Ridings; Senators Sharp and Hughes.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

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

Mr. Speaker, Mr. President, Mr. President Pro Tem, Mr. Chief Justice, Other Members of the Judiciary, Elected Constitutional Officers, Ladies and Gentlemen of the 128th General Assembly, Members of the Cabinet, Distinguished Guests, Fellow Delawareans:

✓ In the third year of a Governor's term, State of the State messages have historically been solemn recitations of problems, programs, and progress of Bills passed and buildings built.

While they have stood as informative year-end reviews, they did little to chart a fresh course for our State's future.

Not so, today.

We must begin preparations today for Delaware tomorrow.

And so I stand before you this afternoon with a detailed, dynamic, and workable program which will significantly alter State government as we know it - and better prepare State Government for the tests of tomorrow.

As Governor, I have had the frustrating task of running a Government that doesn't work.

And, I've spent three years patching it up.

JOINT SESSION

Before I became Chief Executive, as most of you will recall, the State couldn't even process a timely personal Income Tax Refund - or report its financial position within two or three weeks after the close of a month.

I have governed Delaware for three years. It has become apparent to me that a fundamental difficulty is that the table of governmental organization seems to encourage the growth of bureaucracy, instead of urging the streamlining of government.

And it fails to provide for proper controls of the very bureaucracy it is stimulating.

Throughout government, the "Bureaucratic Tree" blossomed.

For years, the prevailing opinion was that every problem could be solved by spending more money or hiring another employee.

This is not a recent pattern. It has continued unchecked for the past two decades.

It is not a pattern unique to Delaware. It has flourished at the Federal level, and in every State of the union.

We have all seen what can happen when such practices continuing unchecked, continuing beyond the point of reason. All we need to do is hear the latest chapter in the plight of New York City.

Only five years of executive level job freezes have prevented bureaucratic growth from getting totally out of hand and precipitating a financial fiasco that would destroy "The First State."

We must stop flirting with economic disaster in Delaware.

Positive action must be taken now or I foresee that our State will be in an impossible situation in another decade.

And I know my Cabinet Secretaries share my view.

They have lived with the system daily and know full well how unmanageable some of the Departments currently are; and they have openly expressed their concerns to me.

These Cabinet Secretaries, who are in this chamber today, should receive the highest commendation and appreciation from all of us for so sensibly handling their responsibilities.

They have operated under a system that—when designed—was thought to be viable. And it was, indeed, a good beginning. But we have learned, by working with that system, that it has many shortcomings.

The architect of reorganization—my predecessor as Chief

Executive—governed the State under the new system for just two years.

No doubt, in the early days, there were so many minor problems and details to be ironed out, that they were not aware, nor could they see at that early stage, the long-term flaw of the reorganization.

That flaw is the lack of a management control system. It is obvious to me, the Cabinet and especially the members of the Joint Finance Committee of the General Assembly, who try to wade through the budget every year.

As you members of the Legislature are well aware, an Executive or Legislative Mandate can become lost in the maze of our antiquated Budget System.

And this inefficiency and general lack of control ultimately leads to a lack of credibility on the part of the public towards almost all governmental activities and endeavors.

I know each of you members of the General Assembly is just as concerned as I am that Delaware remain a vital and attractive place for people to live and work, and for new business and industry to make their home.

Surely, one of government's duties is to attract the necessary business and industry to our State to provide new jobs and opportunities for our citizens.

Our patchwork government cannot meet this challenge.

So, today, to better plan for tomorrow, I am proposing a comprehensive restructuring of government—

This comprehensive program to meet these goals involves the reorganization of the Executive Branch of Government, the institution of several new management controls and the adoption of land use planning.

The budget I am submitting today totals \$447 million dollars—an increase of just \$32 million dollars (and 7.8%) over the budget of the current year. This is a tight budget.

Without all the changes I propose today, the State's Fiscal "77 budget would have had to total \$459 million dollars, at the very least.

You will find that as a direct result of my reorganization proposal, we are able to abolish 200 general fund positions and 80 special fund (ie: Highway) positions—all currently vacant—and 41 currently occupied positions.

The total reduction is projected to be 321 positions.

The total number of new positions created is 2, for a net reduction of 319.

If this plan is adopted, it will signal the first time in more than a decade that the State Government has entered a new fiscal year with fewer positions than in the previous fiscal year.

First-year dollar savings to the taxpayers due to this reorganization and the other measures outlined today, totals about 11 million dollars.

The changes I am suggesting today, when adopted, will improve the functioning of State Government and save Delaware taxpayers an estimated cumulative 350 million dollars over the coming decade.

As a result of the adoption of all these proposed changes, the FY '77 budget will be balanced.

As I have already stated, the key fault I have found with the current reorganization of our government is the lack of management control that the Chief Executive has over that government.

The premise of my program is that it is the government's responsibility to clean its own house.

The keystone to implementing that program will emerge in a moment.

While I am sure you legislators could suggest your own examples, let me give you a very few obvious manifestations of this lack of management control.

Our government is staffed by thousands of dedicated, hard-working employees, as most of you will readily agree.

However, many of these employees—be they planners, analysts, personnel people, or whatever—spend a great deal of their time pushing paper and grinding out reports, sometimes not paying much attention to any other Department's reports or paper-pushing. And there is no management control mechanism to stop this working at cross-purposes!

At times, some individuals are more concerned with insuring their own intra-Departmental Empire than with the over-all objectives of our State.

This ultimately breeds a kind of confusion that is only increased by the fact that some Divisions are in the wrong Departments.

Surely some of you veteran legislators can readily recall the willy-nilly procedure used to place certain Divisions in their Departments during the 1969-70 reorganization.

So what I am proposing today is a modification of the Cabinet based on our experience and aimed at efficiency.

Five Cabinet Departments are eliminated.

Three Departments are reorganized.

Three remain essentially unaltered.

And, in addition, around the nucleus of the Office of the Budget, the Office of the State Planner and the Office of State Personnel, is created a consolidated Management Agency for the Governor.

Let me elaborate.

Those eliminated are: (1) Administrative Services; (2) Community Affairs and Economic Development; (3) Highways and Transportation; (4) Public Safety; and (5) State.

Reorganized are: (1) Finance; (2) Health and Social Services; and (3) Natural Resources and Environmental Control.

Full details of this proposal are contained in a legislative package, including the Budget, which will be introduced today.

In general, however, here is what I propose.

## **CONSOLIDATED MANAGEMENT AGENCY**

Within the keystone Agency of the "Office of Administration," there are seven Divisions: (1) Administrative Services; (2) Budget; (3) Central Data Processing; (4) Economic Development; (5) Personnel; (6) Planning, and (7) Regulatory Boards and Commissions.

### **1. ADMINISTRATIVE SERVICES.**

Consolidated within this Division will be the existing Division of Graphics and Printing, Maintenance and Communication, Purchasing—all from the present Department of Administrative Services.

This will bring together service functions provided to all Agencies of Government.

Let me note that as we go along with the reorganization, if we find other instances where maintenance, printing, or purchasing services could be eliminated from the Departments, and consolidated in this new Division, we will perform the necessary restructuring at that time.

### **2. BUDGET**

The Division of the Budget retains its current staff responsibilities within the new "Office of Administration."

However, a major new responsibility will be added: development of a Management Analysis Section to assist all Agencies in achieving greater operational efficiencies and effectiveness. For this purpose, management analysts from various Departments—at the discretion of the Budget Director—will be assigned to the Budget Office. In the near



future, I intend to implement other improvements in Delaware's budgetary process, including program budgeting.

### **3.CENTRAL DATA PROCESSING**

A chronic governmental problem has been the constant bickering among State Agencies as to the setting of priorities for Central Data Processing. This reorganization allows the Governor, the Director of the Office of Administration, and the Director of the Division of Central Data Processing to consider rationally the various requests for service from all the line and staff Agencies, to set priorities, and to provide adequately for that service.

### **4. ECONOMIC DEVELOPMENT**

The Division of Economic Development, of the Department of Community Affairs and Economic Development, will become a Division under the Office of Administration. Also, under Economic Development will be two Offices - the Office of Minority Business Enterprise ("OMBE") and the Office of Economic Opportunity ("OEO").

I am taking this step to give greater executive control over the very important function of bringing new and vital business and industry to Delaware. All Delawareans will welcome clean and compatible industry to settle in "The First State." And it is my belief that the expansion of desirable industry in Delaware can be accelerated by this restructuring.

### **5. PERSONNEL**

The Division of Personnel remains an Executive Staff function, but its role is expanded by attaching to it all those employees in the Executive Departments and Agencies of State Government who bear a personnel title or perform a personnel function. It then will be the responsibility of the Director of the Division of Personnel to assign those employees in the most effective and efficient fashion in order to institute common personnel policies.

### **6. PLANNING**

The Division of State Planning retains its existing responsibilities. Added to it are the Delaware Agency to Reduce Crime; the Division of Facilities Management; the Division of Emergency Planning and Operations; the Planning, Research and Evaluation Offices from the Departments of Health and Social Services and Highways and Transportation, as well as all other planners in the Cabinet Departments and Independent Agencies. It will be the responsibility of the State Planner to sort out all of these individuals and to develop an

integrated and interrelated comprehensive planning program for the State.

Again, as in the Division of Personnel, a State employee may work for the Division of Planning, though not necessarily under Planning's roof; rather, the employee may be assigned to a specific Department or Agency of State Government.

## **7. REGULATORY BOARDS AND COMMISSIONS**

This Division will continue to function essentially as it has in the past.

Let me say the formation of a Consolidated Management Agency such as the "Office of Administration" is not unique to this proposal.

I and my Staff have looked at similar Agencies in many other States, studied their advantages and adopted the structure to fit our needs.

I firmly believe that proper management controls are basic to the efficient operation of Government structure.

And the Office of Administration is the tool needed to achieve this aim.

## **REORGANIZATION OF DEPARTMENTS**

Now, let's focus on the three reorganized Departments.

### **1. FINANCE**

Until our Secretary of Finance was able to initiate resolution of the monumental problems which my administration inherited in the Division of Revenue, it was impossible to put forth the changes I am proposing today for this Department.

Now that definite progress is being made, I propose that the three remaining major Revenue producing Agencies be moved as Divisions into the Department of Finance: (A) The Division of Corporations of the Department of State; and (B) The Division of Motor Vehicles and the Division on Motor Fuel Tax, both from the Department of Public Safety.

Once this action is completed, the Secretary of Finance will be responsible for the collection of over 90% of the State's General Fund Revenue. This is as it should be—rather than having several Cabinet Departments funneling revenue to the General Fund.

### **2. HEALTH AND SOCIAL SERVICES**

I am proposing two major changes in the Department of Health and Social Services, as well as two minor modifications.

First, the Divisions of Mental Health, Mental

Retardation, Public Health, and State Service Centers, are reorganized into two new Divisions: (A) The Division of Institutional Services, and (B) The Division of Outpatient and Community Health Services.

This step is important not only in making the entire Department of Health and Social Services more manageable by cutting down on the total number of Divisions, but I believe it will also make the related Services more "cost-effective" and improve their delivery to our citizens.

Let me expand for a moment on this change.

Putting all of the Department's Hospitals under a single Division Director and a single Citizens' Advisory Council will allow for a greater centralization of administrative activities such as personnel, purchasing, laundry and maintenance. Obviously, now those services are duplicated at the individual facilities.

Moreover, it would also make possible the much-discussed idea of having a Joint Screening Team of allied professionals to evaluate requests for admissions to all State Hospitals—and transfers between facilities—so that persons who really need hospitalization will, at all times, be placed in the appropriate institution under the over-all direction of a single Division.

Our Out-patient and Community Health Services have long suffered from a lack of coordination and integration among the various Health Specialties.

Unfortunately, this also has been the case within our State "Multi-Service" Centers where such services have been housed together, but operated separately.

By putting all Out-patient and Community Health Services under the direction of a single Health Administrator, and a single Citizens' Advisory Council, I am confident that we will be better able to provide a complete range of services at the community level, with minimum barriers caused by professional, locational, or organizational differences.

The flexibility of this new Division should allow new combinations of services across existing Agency and Program lines—to better respond to the problems experienced by an individual or family unit—rather than attacking the problem on a piecemeal approach.

Additionally, we will achieve proper methods of cost allocation, and we will achieve better sharing of personnel and better lines of authority with Program Specialties—especially within the Service Centers themselves.

Now—the two modifications within the Department of Health and Social Services are as follows—bringing the Division of Housing—and bring under the existing Division of Aging two Programs, “Foster Grandparents” and “Retired Senior Volunteer Program (RSVP)”, both of which are now in Department of Community Affairs and Economic Development.

### **3. NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

I propose consolidating this Department into two Divisions—the Division of Natural Resources and the Division of Environmental Control.

This should lead to increased administrative efficiency and minor manpower reductions.

### **CREATION OF INDEPENDENT AGENCIES**

Now, let me touch on three other important changes brought about as a result of my proposed reorganization.

#### **1. DELAWARE TRANSPORTATION AUTHORITY**

The Delaware Transportation Authority will contain the Delaware Authority for Regional Transportation (“DART”), the Delaware Authority for Specialized Transportation (“DAST”), and the current “Turnpike Division” of the existing Department of Highways and Transportation.

The Authority legislation has been drafted so that at some future time, the Port of Wilmington, as well as the airports throughout our State, could be included within the Authority’s framework. As the Delaware Tomorrow Commission draft report stated, our primary concern must be moving people rather than vehicles.

The Authority will have a 15-member Commission—8 appointed by the Governor, 2 by the Mayor of Wilmington, 3 by New Castle County Council, 1 each by Kent Levy Court and Sussex County Council. The Executive Director of the Authority will be responsible for the operations of the Authority, and funding for the Authority will come from retained earnings including the excess cash from the Turnpike after the bonds are rolled over.

This will be a forward step in furnishing the improved transportation services to our citizens. And it is a means of implementing several of the recommendations of the “Delaware Tomorrow Commission” draft report.

Additionally, it will relieve the General Fund of the burden of subsidizing mass transportation services in our

State.

First-year funding for the Authority will be in the form of a 5-year, interest-bearing loan from the Capital Divestiture Fund.

## **2. OFFICE OF HIGHWAY CONSTRUCTION AND MAINTENANCE**

Included in the Office of Highway Construction and Maintenance will be the Bureau of Administration, Bureau of Operations and the Bureau of the Highway Safety Coordinator, currently a function contained in the Executive Department.

The duties and responsibilities of this new Agency will be essentially limited to the design, construction, and maintenance of Highways in our State.

## **3. DELAWARE CULTURAL TRUST COMMISSION**

A third Independent Agency is the Delaware Cultural Trust Commission.

Among our State's most precious resources is its cultural heritage, including the archaeological evidences, significant buildings, objects, and documents left by those who built our State, as well as the ideas contained in our Art and Literature. These resources link us to our land and to our past. They can help us understand the present and direct us into the future. Taken together, these resources identify us as a people.

In order to preserve, maintain, and develop the evidences and expressions of the history and culture of the State of Delaware, I am proposing creation of the Delaware Cultural Trust Commission. The Trust would be composed of 25 appointed Trustees, charged with the responsibility for preserving, maintaining, and developing the evidences and expressions of the history and culture of the State of Delaware. All of the activities presently conducted by the Division of Historical and Cultural Affairs of the Department of State, the Division of Libraries of the Department of Community Affairs and Economic Development, and the Delaware State Arts Council are transferred to the Trust.

The Trust proposed its Program annually to the Governor and General Assembly, carries the Program out as funds are available, and reports back to the Governor and General Assembly on the results achieved.

The Trust, however, is specifically charged with reducing the cost to government for its Programs.

In some cases management arrangements with local

organizations can be developed to more economically operate historic sites and museums, while at the same time creating deeper citizen involvement in those institutions.

Other Programs, such as Records Management, are services to government and can be provided on a contract basis to those who utilize them—and only to the extent they utilize them. Yet other Programs can generate income by attaching fees for services and facilities.

However generated, all the income of the Trust, including income from services rendered, Special Funds, gifts, bequests, and endowments is to be retained in a Trust Fund and, in turn, is to be expended to reduce the annual General Fund appropriation to this body.

Today the people of Delaware are not involved directly enough in their own cultural Programs. The sources of funds for these Programs are not diverse enough, and their costs to government is far too high. We need new sources of income, new ideas, and the involvement of new people to better serve the cultural needs of all our people. I believe the Delaware Cultural Trust Commission achieves these purposes.

#### **4. HUMAN RELATIONS AND CONSUMER AFFAIRS**

The Divisions of Human Relations and Consumer Affairs will be relocated as Divisions within the Department of Justice. This is a logical placement of these Agencies, and both will directly profit from this new and closer relationship with the Justice Department. The end result, of course, will be improved service to our citizens. And that's a key goal running throughout my reorganization plans.

#### **5. STATE POLICE**

The State Police will become a free standing Agency, with the Colonel of the State Police reporting directly to the Governor.

Transferred to the new State Police supervision is the Division of Communications from the Department of Public Safety, and the responsibility for the enforcement of the Controlled Substances Act, which used to be under Health and Social Services.

#### **6. DIVISION OF BOILER SAFETY**

This Division, and its Council, are placed under the charge of the Fire Marshal.

Those complete Agency changes I am suggesting that the General Assembly consider.

## **COMMITTEE ON GOVERNMENT RESTRAINT**

In conjunction with this entire proposal—which will be submitted today to you members of the General Assembly—I am proposing a Committee on Government Restraint. It will include the Budget Director, the Personnel Director, the Planning Director, the Secretary of Finance, and the Secretary of the Department of Health and Social Services.

They are directed to assemble teams to immediately begin planning for the eventual implementation of my Program, to look for further efficiencies and refinements, and plan modifications—with two aims in mind.

First, to further conserve taxpayer dollars—and second, to maintain and improve the quality of service to our citizens.

The Committee shall submit a report to the Governor on the 15th day of each month (with the first report due February 15th) outlining the actions taken by the Committee, and including any recommendations for modification or refinement of the plan. Such reports will, of course, be submitted by the Chief Executive to the General Assembly and the Joint Finance Committee, to aid them in their deliberations on the new proposal.

Reorganization of the existing government, however, is not our only obligation. We must see to it that the Agencies of the State—however organized—operate on a financially sound basis.

Only recently have we begun to maintain the Pension System on a sound footing. We owe it not only to State employees who have given their careers to public service, but also to good financial management, to continue to move to place these funds on an actuarially sound base. Failure to do so also invites the New York City disease.

## **THE PENSION SYSTEM**

For the past six months I have been personally reviewing the State's funding and benefits of the State's Pension System. Since the pension appropriation, including Social Security, amounts to about 10-cents out of every tax dollar, I feel it is extremely important that the Governor become personally involved in a review from time to time.

I retained a firm of actuaries to look carefully at the funding of the system, including the system's unfunded liability and the level of benefits provided our employees.

Let me take a moment to pay personal tribute to three special citizens of our State: Senator Dean Steele; the former

Chairman of the Board of Trustees, Henry Ridgely; and the current Chairman of the Board, Spencer Thompson. Without their leadership over the years, the State might still be without a system to provide for unfunded liability costs.

I am pleased to be able to stand before you today and state that during my administration the Pension Fund has increased from \$27.9 million dollars to \$88.5 million dollars.

This increase—more than three-fold—is testament to the desire of this Governor and the General Assembly to build up the Fund on a current basis, as well as to cover the unfunded liability.

Today I submit a plan to continue providing for the unfunded liability, as well as a benefits package similar to that contained in House Bill 431. This plan has been reviewed by my actuaries—the Boards of Pension Trustees Actuaries—and by the Board itself.

Pushing forward with my plan in this area will keep these costs at a level that can be supported by the taxpayers and will effect a significant reduction in the dramatic cost spiral projected in the report prepared for the Delaware Tomorrow Commission.

Let us now turn to another major area of governmental spending—the Capital Improvement Program.

For many years, as you legislators and the press are aware, I have been a strong advocate of controlling our Capital Spending. This “Build-now-pay-later” program has reached the point where it costs our citizens 15-cents of every tax dollar.

The Delaware Tomorrow Commission, which I established in 1974 to chart a sensible course for our State’s future, had a study conducted which suggests that Debt Service will continually balloon.

Meanwhile, a separate study by the State Planning Office, done at my request, suggests the very same result.

Further complicating the problem is the disfavor exhibited by the Bond Market for excessive Capital Debt by State and Municipal governments.

Put simply, lack of bonding restraint could result in the lack of a Bond Market.

The findings of the Delaware Tomorrow Commission draft report indicates that our State Construction Program has nearly caught up with the pressure for development which was generated by the rapid growth between 1950 and 1970.

As you know, just recently I proposed my plan to limit



Capital Authorization to 75% of the prior year's principal retirement. The Delaware Tomorrow Commission's findings made my proposal seem all the more timely.

Conservatively estimated, this Program alone will save our taxpayers a quarter of a billion dollars on a cumulative basis over the next decade.

I must say, I was very gratified to see that the proposal received such immediate and widespread support—from fiscal watchdogs to business groups.

It would seem that with the adoption of the Program, all of our money market problems would be resolved. Not so.

Recently, at the request of Delaware's State Treasurer, Mary Jornlin, a Wall Street bond expert spoke in Wilmington. He had this to say:

"The State is engaging in revenue anticipation borrowing in growing amounts, often for the purpose of offsetting year-end deficits!"

Mrs. Jornlin was with me in New York City when we met with the Wall Street Bond Rating Companies last November. We heard the same complaints then.

The root of the problem is not the small deficits that we have incurred, but in the unevenness of our State's cash flow.

This—despite the fact that during my administration, several steps have been taken to improve cash flow.

Last year, you members of the General Assembly adopted my plan to put the Corporate Income Tax payments on a quarterly basis. Other changes in Tax Law mandated monthly, rather than quarterly, payments.

All the steps we have taken surely have helped.

But the task is not complete and the problem remains unresolved.

Today I propose a Program which will resolve this problem—and at the same time, will save the taxpayers \$900,000 a year in short-term interest expense.

I propose that all corporations paying \$5,000 or more per year in Franchise Tax will be required to make quarterly—rather than annual—payments: on June 12, September 1st, December 1st and the final payment on March 1st.

Changing the method of payment will affect less than 3% of the companies. But it will even out the State's cash flow—reduce the need for short-term revenue anticipation notes in June of every year—reduce short-term Debt Service costs—and make it clear to the Wall Street money markets that our State—

under my administration—has not hidden deficits, like New York City.

In all—these changes which I have outlined for our State, will save us more than a third of a billion dollars over the next decade.

Some of the immediate savings will have to be used to absorb the cost of several important Programs for which Federal funds have expired.

\$400,000 dollars will be used to continue a Program for Older Delawareans.

Also, the Kent-Sussex Detoxification Center is another example of the phase out of Federal funds which the State will continue during the next fiscal year.

It's the old familiar story of the carrot-and-the-stick.

The Federal government holds out a new Program in front of the eyes of the anxious State.

After a while, those Federal funds are withdrawn. This has been occurring more and more frequently, due to the sorry state of our national economy.

So then it becomes the burdensome task of the Governor and the General Assembly to determine the overall worth of the Programs, and magically find the State funding necessary to continue them—or wipe out these services that might be very helpful to our citizens.

In the future, our State would be well-advised to think twice before getting into this carrot-and-stick predicament.

A perfect example is the "Work Release" Program. Federal funding will expire this June 30th. In order that this Program can continue, I have appealed to the Delaware Agency to Reduce Crime—which is the clearing house for Federal Anti-Crime Funds coming to Delaware—for a continuation of the Program, in order that the cost burden need not be transmitted to the State.

Additionally, I propose to increase the ability of Department of Health and Social Services to respond to community needs for assistance—and at the same time, relieve part of the burden being borne by private agencies—this is done by doubling the funding for Emergency and Disaster Assistance.

I am also proposing to increase our support of AFDC to 100% of the 1968 Standard of Need.

I have had a review done by the Department of Health and Social Services. Their report indicates that the adoption of a

1974 Standard for AFDC, supported at the 100% level, could cost the State up to an additional \$35 million dollars a year. That cost figure includes AFDC, MEDICAID, Social Services, Day Care, and related costs. This is obviously beyond our current means.

In fact, unless there is the necessary comprehensive Federal reform of the total Welfare System—AFDC, Food Stamps, MEDICAID, and so on—further progress by the State will be limited. This is the reason I have supported so strongly the Bill pending in congress to increase Federal support for AFDC and MEDICAID to 75%.

Today I am also proposing to continue full funding for the cost-of-living adjustments for State employees. However, let me note that my F.Y. 77 Budget does not provide for any salary increase for State employees except cost of living. This is the correct procedure since the report from the Advisory Council on State Salary Administration is not due until March.

But even if we are able to get the house of the government in order, we must demand the cooperation of both business and individuals in keeping the Delaware economy strong.

I propose the establishment of a Commission to study Delaware's Personal Income Tax and Business Tax structure. This Commission will be charged to look at the three alternative methods of reforming the Delaware Personal Income Tax: (1) Piggy-backing on the Federal structure; (2) Modification of the existing rate structure; (3) A Gross Income Tax.

Also, this Commission will be charged with the responsibility to review the Capital Gains Tax structure, independently, and in concert with the three methods of reforming the Personal Income Tax already outlined.

Further, this Commission will be charged with a thorough review of taxation on business, industry and commerce in Delaware to determine whether or not the tax burden on Delaware business equals other States or not. And finally they will evaluate the balance between taxation on the individual and on business, as compared with other States.

Both of these studies represent logical extensions of Delaware Tomorrow Commission findings and implement recommendations contained in the report. This Personal Income and Business Tax Commission will be charged to complete its assignment and submit its report to the Governor and General Assembly by December 15, 1976.

But recognizing that even with prompt action on the Commission's recommendations, they could not be effective earlier than the tax year beginning January 1, 1978, I am resubmitting legislation to reduce the percentage of capital gains subject to the Delaware Personal Income Tax from 100% to 85% effective January 1, 1977.

This action signals to all of our citizens that this administration will move forward in this area in an orderly and positive fashion.

Government must, of course, respond quickly when a definite course is laid out. Understanding that the work of the Delaware Tomorrow Commission, specifically in regard to land use reform, deserves prompt action.

That Commission under the able leadership of its Chairman, O. Francis Biondi, has prepared a wide ranging report. The work of the Commission represents a landmark for our time. Literally, the Commission has "put it all together."

And while the Commission did not specifically recommend reorganizing government or restraining Capital expenditures, these steps I have proposed are clearly in line with the tenor and the recommendations of the Commission's draft report.

However, the achievement of the Commission was its proposal to resolve the long-standing, divisive controversy surrounding the 1971 Coastal Zone Law. Proposed as an alternative is comprehensive Land Use Legislation. This proposal I strongly support—and I hope soon to present a Draft Bill to the Commission for its review. I will also request of the Chairman that the Commission hold hearings on the proposed Bill. Upon completion of that process, I hope to see the legislation introduced and adopted during this session of the General Assembly.

I have deliberately left one important area separate from my report to this point: Education.

Let's look for a moment at the Public Education System.

Over the next decade, it is anticipated that enrollment in our system will decline by about 20,000.

Enrollment already has declined about 6,000 from the 1971 peak.

What are we doing today to plan for this gradual reduction?

What are we doing now to plan for the change in enrollment patterns?

Nothing. And because of the Evans vs. Buchanan Law suit, it will be difficult to plan realistically for some time to come. With sadness and deep frustration, I foresee a crisis for public education that will challenge our resources, our capabilities and our education system as we have known it. But clearly, there are no simple solutions at this time.

And what of Higher Education?

What are Delaware's Higher Education priorities?

How much money should the University of Delaware get in 1977? in 1985?

What about Delaware State College?

What about the four campuses of the Delaware Technical and Community College?

What Programs to support? What new ones to suggest? How heavily can—or should—650,000 people support Higher Education? And I could ask twenty more questions.

But the only answer we have right now is that three institutions with six campuses compete for as many dollars as they can get from Delaware's General Assembly. Even the most cursory glance shows that some of the funds are ill-spent. For example, in a State as compact as Delaware, we have six Nursing Programs in the institutions of Higher Learning. That strikes me as extremely wasteful of our limited financial resources.

Right now, Higher Education receives 10-cents out of every tax dollar. I submit this represents too large an expenditure to make without any more definite priorities than the casual claim that "It is good to support Higher Education." Intelligent support is one thing; aimless subsidizing is another.

I propose a broad-based, short-term Commission to study Higher Education, to establish priorities for support, to set guidelines on tuition fees for the various institutions, while recognizing the funding limitations of Delaware's population and tax base as pointed out by the Delaware Tomorrow Commission. This Commission will be established by Executive Order, and will report its findings to the Governor and the General Assembly by December 15, 1976.

I am well aware that this State of the State message contains much new material which will take long, hard thought and reasoned debate. But there are few startling new ideas, and nothing impossible to accomplish on the road to a restrained and responsible State government.

You, as members of the legislature, and I, have talked

about many of these ideas on more than one occasion. And over the past 20 years, we have worked together to try to best prepare Delaware for its future, in a sensible and financially-sound manner.

In addition, my conversations with the citizens of Delaware over the past three years as Governor, and over the past two decades of my public career, have tended in this direction.

Since I feel strongly that the changes which I have proposed have merit, I have suggested them to you today.

But no Governor can claim final, absolute knowledge in public affairs.

Thus, I also want to inform you that I intend to put these suggestions on the line, not only with you, but with the citizens of the State directly.

Over the next 60 days, while you are considering the merits of these proposals, I intend to meet with various groups of citizens around the State, to explain these ideas. Then I will listen to their thoughts about State government and how it should be organized to better serve them. I will transmit the results of these citizens' assemblies to you as I receive them.

I think that this is particularly important.

We are all joined, citizens, interest groups, legislature and myself, in a system of government which many of us feel does not work as it should. Thus, we should all join in finding the way to make it work better.

I am sure you will join me in agreeing that this is not a partisan matter. The interest in getting government off our backs and out of our pockets is neither a Democratic nor a Republican interest, it belongs to all of us. And I want to make absolutely sure that we are all agreed on the need for this kind of restraint and reorganization.

Now that I draw near the end of this message, I want to take a moment to discuss briefly two more subjects.

First, I want to thank all the legislators who joined with me to give the Delaware Lottery a second chance.

Acting Lottery Director Peter Simmons advises me that by the end of this month, the State's 30% share of the lottery gross will have reached almost a half-million dollars.

Not bad for three months of operation!

Late last Friday, Mr. Simmons called me and informed me that a fifth qualifier has been identified and our second \$100,000 drawing will be held shortly.

Next, I want to announce that I will be naming my "Commission on Commissions" this week.

It is evident that many Task Forces, Boards, Councils and Commissions overlap.

My reorganization legislation provides for the merger or the elimination of several Councils. And now that we are involved in a comprehensive reorganization, the time is right to perform the task in its entirety.

I have no doubt in my mind that a thorough weeding out of Boards, Councils and Commissions will improve the interrelationship between the people and their government, and will streamline our government.

Now, my friends, today I have talked long and you have listened well. I thank you.

Working together we can make 1976 an exciting year as we prepare today for a better Delaware tomorrow. Thank you.

\* \* \* \* \*

The previously named Committee escorted the Governor from the Chamber.

Representative McGinnis moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals.

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

The Speaker declared the Joint Session ended and the two Houses separated to reconvene in their respective Chambers.

\* \* \* \* \*

The House reconvened at 4:23 p.m.

Representative Darling moved that **HB 804 w HA 1** be lifted for consideration and the motion prevailed by voice vote.

**HB 804** — "An Act to amend Section 13, Paragraph 13 of the Charter of the City of Harrington to permit the City of Harrington to Levy a Separate Garbage Fee."

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

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

NO: Representative Connor — 1.

ABSENT: Representative Ambrosino — 1.

Therefore, the Bill passed the House and was sent to the Senate.

The following Memo from Representative Derrickson, Minority Leader, was read:

**HOUSE OF REPRESENTATIVES  
DOVER, DELAWARE  
MEMO**

January 27, 1976

TO: SPEAKER CASIMIR S. JONKIERT

RE: H.C.R. No. 51

Pursuant to H.C.R. No. 51, I am submitting the following names as members for the Minority Caucus: Representatives Arnold, Ridings, Jr., Sincok, Byrd, Worthen, Maxwell.

Harry E. Derrickson  
Minority Leader

\* \* \* \* \*

On motion of Representative Derrickson, **HB 796** was taken up for consideration.

**HB 796** — "An Act to amend Chapter 267, Volume 52, Laws of Delaware relating to the Town of Ocean View; and providing for a Town Council of Five Members."

The House recessed at 4:32 and reconvened at 5:35 p.m.

**HB 796** was still before the House and the roll call was then taken which revealed:

YES: Representatives Arnold, Billingsley, Boulden, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 37.

ABSENT: Representatives Ambrosino, Byrd, Ferguson, Miller — 4.

Therefore, the Bill passed the House and was sent to the Senate.

**HB 42** was deferred at the request of Representative McGinnis who then yielded to Representative George.

**SB 511** was taken up for consideration on motion of Representative George and the roll call vote taken and announced:



**YES:** Representatives Ambrosino, Arnold, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Sincock, Spence, Temple, Jonkiert — 32.

**NO:** Representatives Billingsley, Brady, Hebner, McKay, Ridings, Seibel, Worthen — 7.

**NOT VOTING:** Representatives Leshner and Smith — 2.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Lynch moved that the necessary rules be suspended for the introduction and consideration of **HJR 36** and the motion prevailed by voice vote.

**HJR 36** (Sponsored by Representatives Lynch, Riddagh, Worthen, Derrickson, Gilligan, George; Senators Holloway, Hale, Steele, McCullough, Cook and Zimmerman) — "Providing for an extension of time for the Committee to study administration and operation of the Public School System in this State."

The roll call vote on the Resolution was taken and revealed 41 Representatives voting YES. Therefore, the Resolution was adopted by the House and sent to the Senate.

**HB 348** was deferred on motion of Representative Ambrosino.

**HB 216** was deferred on motion of Representative Powell.

**HB 327** was deferred on motion of Representative McGinnis.

Representative McGinnis moved that the necessary rules be suspended for the consideration of **HB 810** and the motion prevailed by voice vote.

**HB 810** — "An Act to provide a supplementary appropriation to the Insurance Commission providing for Workman's Compensation Insurance and Automobile Liability Coverages to June 30, 1976."

Representative McGinnis then moved that the Bill be placed on the table and the motion prevailed by voice vote.

**HB 198** was deferred on motion of Representative Clendaniel who then yielded to Representative George.

**SB 508** was taken up for consideration on motion of Representative George and the roll call vote taken which revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley,

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

NO: Representative McKay — 1.

Therefore, the Bill passed the House and was returned to the Senate.

Representative Gilligan moved that the necessary rules be suspended for the introduction and consideration of **HB 828** and the motion prevailed by voice vote:

**HB 828** — “An Act to amend Chapter 103, Volume 60, Laws of Delaware, entitled “An Act to amend Part V of Chapter 83, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police Officers assisting State Police.” Sponsors: Representatives Boulden, Byrd, Cain, Gilligan, Kelly, LeGates, Matushefske, Maxwell and Worthen.

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

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

NOT VOTING: Representative Ferguson — 1.

ABSENT: Representative Derrickson — 1.

Therefore, the Bill passed the House and was sent to the Senate.

Representative McGinnis moved to lift **HB 810** from the table for consideration and the motion prevailed by voice vote.

The roll call vote on the Bill was then taken and revealed:

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

NOT VOTING: Representative McKay — 1.

Therefore, the Bill passed the House and was sent to the Senate.

Representative McGinnis moved that **HB 86 w HA 1, 2** be removed from the table and the motion prevailed by voice vote.

**HB 101** was stricken on motion of Representative Plant.

Representative Derrickson moved that **HB 278** be lifted from the table and reassigned to Administrative Services Committee. The motion prevailed by voice vote.

**HB 337** was stricken at the request of Representative Maxwell.

Representative Byrd moved that **SB 164** be lifted and reassigned to Labor and Commerce Committee and the motion prevailed by voice vote.

**HB 789** was stricken at the request of Representative Minner.

**HB 829** was introduced by Representative George and assigned to Appropriations Committee:

**HB 829** — "An Act amending Titles 1, 2, 3, 5, 7, 9, 11, 16, 17, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, and 31 of the Delaware Code providing for reorganization of State Government and making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1977."

**SB 524** was reported out of the Public Safety Committee — 4 Merits.

At 6:38 p.m. on motion of Representative McGinnis, the House recessed to January 28, 1976.

The House reconvened at 2:10 p.m. January 28, 1976. On motion of Representative McGinnis immediately adjourned to end the 7th Legislative Day.

### 8TH LEGISLATIVE DAY

The House convened at 2:11 p.m. January 28, 1976.

A Prayer was offered by Rev. William J. Garrett, United Methodist Church in Hartly.

Pledge of Allegiance to the Flag.

By roll call there were 40 Representatives PRESENT with 1 (Lynch) ABSENT.

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

Representative McGinnis requested that **HB 53** and **HB 42** be reassigned to Administrative Services Committee.

**SCR 57** (sponsored by Senators Murphy, Zimmerman and Cook) was introduced and considered for adoption on motion of Representative McGinnis:

**SCR 57** — "Expressing congratulations to the Dover

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Chamber of Commerce on its National Accreditation achievement."

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

**SCR 58** (Sponsored by Senator Holloway) was introduced and considered for adoption on motion of Representative Plant:

**SCR 58** — "Joining in the commendation for William C. Lewis, the 1976 winner of the Josiah Marvel Cup presented by the Delaware State Chamber of Commerce for Community Service."

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

**SCR 55** (Sponsored by Senator Holloway) was introduced and considered for adoption on motion of Representative Plant:

**SCR 55** — "Commending the Wilmington Sportswriters and Broadcasters Association for selecting Judy Johnson as the athlete of the year."

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

**HR 121** was introduced by Representative Ambrosino and adopted by voice vote of the House:

**HR 121** — "Congratulating Denise (Dee Dee) Ritter of Mount Pleasant High School upon being chosen Delaware's Junior Miss for 1976."

**HR 122** was introduced by Representative Ambrosino and adopted by voice vote:

**HR 122** — "Congratulating James W. (Chico) Hjar on his selection by the Wilmington Jaycees as their Young Man of the Year."

**HB 757** was taken up for consideration on motion of Representative Ferguson. "An Act to amend Chapter 25, Title 24; Delaware Code relating to the substitution of drugs; and providing for a Drug Product Selection Act."

Representative Ambrosino moved that **HA 1** to the Bill be tabled and the motion prevailed by voice vote.

Representative Byrd moved that **HA 2** to the Bill be stricken and the motion prevailed by voice vote.

Representative Byrd moved that **HA 3** to the Bill be tabled and the motion prevailed by voice vote.

**HA 4** to the Bill was introduced by Representative Darling (by request) and the privilege of the floor was extended

to Dr. Vincent G. J. Lobo, to speak on the Amendment.

Representative Darling then moved that HA 4 be tabled and the motion prevailed by voice vote.

HA 5 to the Bill was introduced by Representative Ambrosino who moved that it be tabled. The motion prevailed by voice vote.

HA 6 to the Bill was introduced by Representative Smith who moved that it be tabled. The motion prevailed by voice vote.

HA 7 to the Bill was introduced by Representative Smith who moved that it be tabled and the motion was adopted by voice vote.

HA 8 to the Bill was introduced by Representative Kelly who moved that the Amendment be tabled and the motion prevailed by voice vote.

HA 9 to the Bill was introduced by Representative Connor and the privilege of the floor granted to John Rich, House Attorney, to speak on the Amendment. Representative Ferguson moved that the Amendment be tabled and the motion prevailed by voice vote.

At the request of Representative Kelly, the privilege of the floor was extended to Paul Potocki, Pharmacist of the City of Wilmington, concerning the Bill.

At 4:47 p.m. on motion of Representative McGinnis, the House recessed for caucus.

The following pre-filed legislation was included in the Calendar:

**HB 820** — "An Act to amend Chapter 2, Part I, Title 11 of the Delaware Code relating to time limitations; and providing a Statute of Limitations for unclassified misdemeanors." Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

**HB 821** — "An Act to amend Chapter 13, Part I, Title 14 of the Delaware Code relating to the salaries of school employees; and providing salary schedules for Administrative Secretaries, Senior Secretaries, Secretaries and Clerks." Sponsor: Representative Connor. Assigned to Appropriations Committee.

**HB 822** — "An Act to provide a supplementary appropriation to the Stanton School District for the purpose of assisting William J. Ciminello who has been selected to be a member of the American Youth Jazz Band of Delaware which will render concerts in France, Luxembourg, West Germany,

Holland and Scotland." Sponsor: Representative Gilligan. Assigned to Appropriations Committee.

**HB 823** — "An Act to amend Chapter 3, Part I, Title 31 of the Delaware Code relating to boarding homes for children; and providing certain exemptions." Sponsor: Representative Spence. Assigned to Health and Social Services Committee.

**HB 824** — "An Act to amend Chapter 7, Title 29, of the Delaware Code relating to the compensation of members of the General Assembly and the Lieutenant Governor." Sponsor: Representative McKay. Assigned to Appropriations Committee.

**HB 825** — "An Act to amend Subchapter I of Chapter 23, Title 19, Delaware Code, relating to Workmen's Compensation." Sponsor: Representative McKay. Assigned to Labor Committee.

**HB 826** — "An Act to amend Chapter 7, Title 7, Delaware Code, relating to the fine for trespassing with gun or dog." Sponsor: Representative McKay. Assigned to Natural Resources and Environmental Control Committee.

**HB 827** — "An Act to amend Title 9, Title 14, Title 22, and Title 29 of the Delaware Code relating to Municipal, County, State and School Bond issues; and providing an opportunity for individuals to participate." Sponsor: Representative Riddagh. Assigned to Education Committee.

**HB 830** — "An Act to amend Chapter 63, Title 29, Delaware Code relating to the manner of General Assembly consideration of the Budget Appropriation Bill." Sponsors: Representatives Gilligan, Byrd, Worthen, Lynch, Morris, LeGates, McGinnis, Kelly, Cain, Matushefske, Maxwell, Temple, Clendaniel, Gordy, Ferguson, Sincok, Derrickson, Seibel, Billingsley, Riddagh, Powell, Brady, Arnold, Hebner, Smith, Connor, Ridings, McKay; Senator Manning. Assigned to Appropriations Committee.

**HB 831** — "An Act to amend Chapter 4, Part I, Title 11 of the Delaware Code relating to voluntary intoxication as a defense against criminal liability." Sponsors: Representatives Morris and Riddagh. Assigned to Judiciary Committee.

**HB 832** — "An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code relating to the primitive weapons season; and prohibiting the attachment and use of telescopic sights on muzzle-loading rifles during such season." Sponsor: Representative Minner. Assigned to Natural Resources and Environmental Control Committee.

**HB 833** — "An Act to amend Part II, Chapter 11, Title 30, Delaware Code, relating to Personal Income Tax." Sponsors: Representatives McGinnis and Harrington. Assigned to Revenue and Finance Committee.

**HB 834** — "An Act to amend Title 8, Delaware Code, relating to the Corporation Franchise Tax." Sponsors: Representatives McGinnis and Harrington. Assigned to Revenue and Finance Committee.

**HA 4 to HB 42** was introduced by Representative Riddagh and placed with the Bill.

**HA 1 to SB 56** (Sponsored by Representatives Connor, Spence, Ambrosino and Arnold) was introduced and placed with the Bill.

**HA 3 to HB 418**, sponsored by Representative Boulden, was introduced and placed with the Bill.

**HA 1 to HB 684** was introduced by Representative Morris and placed with the Bill.

**HA 2 to HB 757** (Sponsored by Representatives Byrd, Worthen, Ambrosino and McKay) was introduced and placed with the Bill.

**HA 3 to HB 757** (Sponsored by Representatives Byrd, Worthen, Brady, Darling and McKay) was introduced and placed with the Bill.

**HA 4 to HB 757** (Sponsored by Representatives Darling, Gordy, Clendaniel, Brady) was introduced and placed with the Bill.

**HA 5 to HB 757** was introduced by Representative Ambrosino and placed with the Bill.

**HA 6 and HA 7 to HB 757** were introduced by Representative Smith and placed with the Bill.

**HR 120** — "Establishing a House Committee to investigate pre-paid dental care for State employees." Sponsor: Representative Riddagh.

**HJR 35** — "Directing the Department of Corrections to adopt Affirmative Action and make it a Departmentwide Policy." Sponsor: Representative Plant. Assigned to Adult and Juvenile Corrections Committee.

**HJR 37** — "Providing that the Executive Branch of Government prepare Annual Operating Budgets using Zero Base Budgeting Techniques." Sponsor: Representative Ridings. Assigned to Appropriations Committee.

**SB 317** — "An Act to amend Part V, Title 11 of the Delaware Code relating to State Law Enforcement Agencies;

and providing for a separate Planning Agency." Sponsor: Senator Isaacs. Assigned to Community Affairs Committee.

**SB 533** — "An Act to amend Chapter 6, Title 31, Delaware Code, relating to the misuse of Food Stamps." Sponsor: Senator Adams. Assigned to Health and Social Services Committee.

**SB 515** — "An Act to amend Chapter 49, Title 15, Delaware Code, relating to the custody of voting machines." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

**SB 516** — "An Act to amend Chapter 33, Title 15, Delaware Code, relating to Party Titles." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

**SB 538** — "An Act to amend Chapter 237, Volume 60, Laws of Delaware, by authorizing an additional use for the funds appropriated therein." Sponsor: Senator Cordrey. Assigned to Appropriations Committee.

**SB 542** — "An Act to authorize certain persons to apply to the State of Delaware for sums due them by law and to make an appropriation therefor." Sponsor: Senator Isaacs. Assigned to Appropriations Committee.

\* \* \* \* \*

The House reconvened at 5:25 p.m.

**HB 757** was again taken up for discussion and at the request of Representative Rispoli the following communication is included in this record:

**St. Peter's Adult Center  
Wilmington, Delaware**

January 23, 1976

Mr. Marcello Rispoli  
1412 West 7th Street  
Wilmington, Delaware

Dear Mr. Rispoli,

St. Peter's Adult Center is very anxious that the Generic Bill be passed. As you know many of our people are on limited income and medicine is a must for every one of them.

We will appreciate your efforts in voting for this measure.

Sincerely yours,  
Sister Germaine

P.S. Our Senior Citizens want to be recognized, so they signed their names —

The letter was signed by 34 persons.

\* \* \* \* \*



Representative Byrd moved that HA 3 be lifted for consideration and the motion prevailed by voice vote.

The roll call vote on HA 3 was taken and announced:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen — 37.

NO: Representatives Ferguson and Jonkiert — 2.

NOT VOTING: Representative Kelly — 1.

ABSENT: Representative Lynch — 1.

Therefore, the Amendment was declared adopted.

Representative Darling moved that HA 4 be lifted for consideration and the motion prevailed by voice vote. The Amendment was then adopted by voice vote.

On motion of Representative Ferguson the roll call vote on HB 757 w HA 3, 4 was then taken and revealed 39 Representatives voting YES, 1 (Hebner) NOT VOTING and 1 (Lynch) ABSENT. Therefore, the Bill passed the House and was sent to the Senate.

SB 471 was reported back from the Appropriations Committee — 5 Merits.

On motion of Representative McGinnis, the House recessed at 5:39 p.m. until 1:30 p.m. January 29, 1976.

The House reconvened at 1:55 p.m. January 29, 1976 and on motion of Representative McGinnis immediately adjourned to convene for the 9th Legislative Day.

### 9TH LEGISLATIVE DAY

The House convened at 1:56 p.m. January 29, 1976.

A Prayer was offered by Rev. Wayne Grier of the Trinity United Methodist Church, Harrington, Delaware.

Pledge of Allegiance to the Flag.

By roll call there were 39 Representatives PRESENT with 2 (Ambrosino and Lynch) ABSENT.

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

The Clerk announced that a message from the Senate informed the House that it had passed: HCR 48; HCR 51; HCR 52; HCR 55; HJR 34; HB 249; HB 178 w HA 1; HB 217 w HA 1; HB 773 w HA 1; HB 782; HB 413; HB 469; HCR 49; HCR 50; HB 346 w HA 1; HCR 53.

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**HR 123**, sponsored by Representative Temple, was introduced and adopted by voice vote:

**HR 123** — "Congratulating Representative John P. Ferguson and his lovely and patient wife, Marie, on the 39th Anniversary of their wedding."

**HCR 56**, sponsored by Representative Derrickson, was introduced and adopted by voice vote:

**HCR 56** — "Memorializing and urging the Delaware Congressional Delegation to take action to stop the Environmental Protection Agency from reissuing a temporary permit to the City of Philadelphia to allow dumping of sludge in the Atlantic Ocean off the Delaware Coast and to investigate the propriety of the E.P.A. issuing of temporary permit already in existence allowing the cities of Philadelphia and Camden to dump sludge off the Delaware Coast."

**HCR 57**, sponsored by Representatives Ferguson and Jonkiert; Senators Cicione and Hughes, was introduced and adopted by voice vote:

**HCR 57** — "Requesting an investigation by the Federal Bureau of Investigation of alleged violations of the Civil rights of present and former officers and employees of the Delaware Correctional System."

**HR 120** was stricken on motion of Representative Riddagh.

The House recessed for caucus at 2:37 p.m. and reconvened at 4:53 p.m.

On motion of Representative McGinnis, the Agenda was dispensed with and Bills were considered as recognized.

Representative George moved that the necessary rules be suspended for consideration of **SB 552** and the motion prevailed by voice vote and the Bill was read by title only:

**SB 552** — "An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying jurors." Sponsors: Senators Cicione and Isaacs.

**HA 1** to the Bill was introduced by Representative George and adopted by voice vote.

The roll call vote on **SB 552 w HA 1** was then taken and announced:

**YES:** Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli,

Seibel, Sincock, Smith, Temple, Worthen, Jonkiert — 36.

NOT VOTING: Representative McKay — 1.

ABSENT: Representatives Billingsley, Lynch, Matushefske and Spence — 4.

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

On motion of Representative Rispoli, **SB 296 w SA 1**, sponsored by Senator McCullough, was taken up for consideration and read by title only:

**SB 296 w SA 1** — “An Act to repeal Chapter 233, Volume 51, Laws of Delaware and to amend Chapter 216, Volume 27, Laws of Delaware entitled: “An Act amending, revising and consolidating the Charter of the City of New Castle.”

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

YES: Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

ABSENT: Representatives Billingsley, Lynch and Matushefske — 3.

Therefore, the Bill passed the House and was returned to the Senate.

On motion of Representative Morris, **HB 692** was taken up for consideration and read by title only:

**HB 692** — “An Act to amend Chapter 1, Title 31, Delaware Code, relating to the burial of the remains of an indigent person by the State.”

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

YES: Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Jonkiert — 36.

ABSENT: Representatives Billingsley, Derrickson, Ferguson, Lynch, Spence — 5.

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

On motion of Representative Morris, **HB 684** was taken

up for consideration and read by title only:

**HB 684** — “An Act to amend Title 29, §4710, Delaware Code, relating to the Burial of certain deceased persons by the State.”

**HA 1** to the Bill was introduced by Representative Morris and adopted by voice vote.

The roll call vote on **HB 684 w HA 1** was then taken and announced:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Jonkiert — 37.

**ABSENT:** Representatives Lynch, Maxwell, McGinnis and Spence — 4.

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

**SB 471**, sponsored by Senator Steele, was taken up for consideration on motion of Representative George and read by title only:

**SB 471** — “An Act to permit the Board of Education of the Alfred I. duPont School District to transfer certain funds from its Local Debt Service Account to a Special Construction Fund Account.”

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Jonkiert — 39.

**ABSENT:** Representatives Lynch and Spence — 2.

Therefore, the Bill passed the House and was returned to the Senate.

**SB 243**, sponsored by Senator Zimmerman, was taken up for consideration on motion of Representative Rispoli and read by title only:

**SB 243** — “An Act to amend Volume 36, Laws of Delaware, Chapter 158 entitled an Act changing the name of the Town of Dover to the City of Dover and establishing a

Charter therefor by changing the method of filling vacancies for Council by submitting the same to Special Election."

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

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

**ABSENT:** Representatives Lynch and Matushefske — 2.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 793** was taken up for consideration on motion of Representative George and read by title only:

**HB 793** — "An Act to amend Subchapter I, Title 26, Delaware Code, relating to compensation of Public Service Commissioners."

The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Bill after which the roll call vote was taken.

Before the roll call was announced on the Bill, Representative George, moved that it be tabled and the motion prevailed by voice vote.

Representative Gordy moved that the necessary rules be suspended for consideration of **SB 538** and the motion prevailed by voice vote. The Bill was then read by title only:

**SB 538** (sponsored by Senator Cordrey) — "An Act to amend Chapter 237, Volume 60, Laws of Delaware, by authorizing an additional use for the funds appropriated therein."

The House recessed at 4:52 and reconvened at 4:58 p.m.

**SB 538** was still before the House and the roll call vote was then taken on the Bill which revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**NOT VOTING:** Representative McKay — 1.

**ABSENT:** Representatives Cain and Lynch — 2.

Therefore, the Bill passed the House and was returned to the Senate.

The following pre-filed legislation was entered in the Calendar:

**HB 835** — "An Act making a supplemental appropriation to the Department of Community Affairs and Economic Development for the purpose of hiring a State Librarian." Sponsor: Representative Worthen. Assigned to Appropriations Committee.

**HB 836** — "An Act to amend Chapters 83 and 87 of Title 29, Delaware Code, Title 8 and Title 6, Delaware Code, relating to Department of Finance and State, the General Corporation Law and Commerce and Trade." Sponsors: Representatives McGinnis and Harrington. Assigned to Labor and Commerce Committee.

**HB 837** — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing utility consumers with a Bill of Rights." Sponsor: Representative Ambrosino. Assigned to Administrative Services Committee.

**HB 838** — "An Act to amend Chapter 5, Title 1 of the Delaware Code relating to Legal Holidays, and designating May 30 as Memorial Day." Sponsors: Representatives Gilligan and Riddagh. Assigned to Federal and State Relations Committee.

**HB 839** — "An Act to amend Chapter 3, Title 29 of the Delaware Code relating to the State Flag; and providing for the addition of a single gold star." Sponsor: Representative Leshner. Assigned to Federal and State Relations Committee.

**HB 840** — "An Act to amend Chapter 55, Part V, Title 29, of the Delaware Code relating to the State Employee's Pension Plan; and providing for the method of computation of pension benefits for persons who have served both as State Employees and as Elected Officials." Sponsors: Representatives Gordy, Cain and Connor. Assigned to Appropriations Committee.

**HB 841** — "An Act to provide for a supplementary appropriation to the Delaware Arts Council for the purpose of assisting Francis Bartkowski, who has been selected to be a member of the American Youth Jazz Band of Delaware which will render concerts in France, Luxembourg, West Germany, Holland, and Scotland." Sponsor: Representative Jonkiert. Assigned to Appropriations Committee.

**HB 842** — "An Act to amend Title 24 of the Delaware

Code relating to the registration and licensing of Marriage Counselors." Sponsor: Representative Leshner. Assigned to Administrative Services Committee.

**HS 1 for HB 431** — "An Act to amend Chapter 55 of Title 29 and Chapter 39 of Title 14, Delaware Code, relating to State Employee's Pension Plans and Teachers' Retirement and Disability Pensions." Sponsors: Representative Ferguson and Gordy. Assigned to Education Committee.

**HA 2 to HB 53** was introduced by Representative McGinnis and placed with the Bill.

**HJR 38** — "Authorizing and creating a Select Committee to study the feasibility of establishing a Public Authority for the Production and Distribution of Energy." Sponsor: Representative Ambrosino. Assigned to Administrative Services.

**SB 477 w SA 1** — "An Act making a supplementary appropriation to the Department of Health and Social Services for the administration of a Program to determine the immune status for rebella among high risk groups of women of childbearing age and to present and control the disease." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

**SB 554** — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, it being the 1976 Budget Appropriation Act, originally designated as **SB 431** of the 128th General Assembly, as amended by Chapter 289, Volume 60, Laws of Delaware." Sponsors: Senators Cicione and Sharp. Assigned to Appropriations Committee.

**SB 569**, sponsored by Senators Isaacs, Adams and Kearns, was taken up for consideration on motion of Representative Gilligan and read by title only:

**SB 569** — "An Act to amend Chapter 284, Volume 60, Laws of Delaware, entitled "An Act to amend Chapter 103, Volume 60, Laws of Delaware, entitled "An Act to amend Part V of Chapter 83, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police officers assisting State Police."

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell,

Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

ABSENT: Representatives Cain, Ferguson and Lynch — 3.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 808** was taken up for consideration on motion of Representative Gilligan and read by title only:

**HB 808** — "An Act to amend Subchapter I, Chapter 21, Title 21 of the Delaware Code relating to the requirement of insurance on motor vehicles."

The roll call on the Bill was taken and announced:

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

ABSENT: Representatives Byrd, Lynch, Matushefske and Plant — 4.

Therefore, the Bill passed the House and was sent to the Senate.

Representative George moved that the necessary rules be suspended for the consideration of **SB 183** and the motion prevailed by voice vote. The Bill was read by title only:

**SB 183** (Sponsored by Senator Sharp) — "An Act to amend Chapter 71, Title 29, Delaware Code, relating to mileage rates for privately owned vehicles."

Representative McGinnis moved that the requirement of a Fiscal Note be waived on the Bill and the motion prevailed by voice vote.

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**NOT VOTING:** Representative McKay — 1.

ABSENT: Representatives Lynch and Seibel — 2.



Therefore, the Bill passed the House and was returned to the Senate.

Representative George moved that the necessary rules be suspended for consideration of **SB 517** and the motion prevailed by voice vote. The Bill was then read by title only:

**SB 517** (sponsored by Senator Isaacs) — "An Act to amend Chapter 6, Title 29, Delaware Code, relating to daily deposit of General Fund money."

The House recessed at 5:19 p.m. and reconvened at 5:25 p.m.

**SB 517** was still before the House and Representative George moved that the Bill be laid on the table and the motion prevailed by voice vote.

Representative LeGates moved that the necessary rules be suspended for consideration of **SB 546** and the motion prevailed by voice vote. The Bill was then read by title only:

**SB 546** (sponsored by Senators Isaacs and Berndt) — "An Act to amend Chapter 36, of Title 24, Delaware Code by providing for certain registration exemptions of Geologists."

The privilege of the floor was extended to Secretary of the Department of Natural Resources, John C. Bryson, to speak on the Bill. The roll call vote on the Bill was then taken and announced:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Byrd, Lynch and Maxwell — 3.

Therefore, the Bill passed the House and was returned to the Senate.

**HR 124** was introduced by Representative Worthen and adopted by voice vote of the House:

**HR 124** — "Urging Delaware Public School Districts to modify curricular offerings and adjust budget priorities so as to provide for improved instruction needed by the children of our State and requesting the State Board of Education to continue the assessment and testing program and to consider its expansion for the purpose of measuring student achievement in the basic skills."

**HB 843**, sponsored by Representative Matushefske, was introduced from the floor and assigned to Community Affairs Committee:

**HB 843** — "An Act to amend Subchapter III, of Chapter 13, Title 9, Delaware Code by permitting the New Castle County to pay members of the Planning Board."

**HB 844**, sponsored by Representative Matushefske, was introduced from the floor and assigned to Judiciary Committee.

**HB 844** — "An Act to amend Chapter 49, Title 10, of the Delaware Code relating to exemption and attachment of wages."

**HB 845**, sponsored by Representative Matushefske, was introduced from the floor and assigned to Judiciary Committee:

**HB 845** — "An Act to amend Part IV, Chapter 21, Title 5, Delaware Code, to remove the prohibition against postjudgment wage attachments."

**HB 846**, sponsored by Representative Matushefske, was introduced from the floor and assigned to Judiciary Committee:

**HB 846** — "An Act to amend Chapter 50, Title 15, Delaware Code, relating to voting machines."

**HB 42** was removed from the Agenda on motion of Representative McGinnis and reassigned to House Administration Committee.

**HB 53** was removed from the Agenda on motion of Representative McGinnis and reassigned to House Administration Committee.

The House recessed for caucus at 5:53 p.m. and reconvened at 6:10 p.m.

Representative Gordy moved that **SB 31** be laid on the table and the motion prevailed by voice vote.

**SCR 56**, sponsored by Senator Murphy, was introduced and adopted by the House by voice vote on motion of Representative Gordy:

**SCR 56** — "EXPRESSING VEHEMENT CONSTERNATION AND DISAPPROVAL OVER THE RECENTLY ANNOUNCED RATE INCREASE OF TWENTY-FIVE PERCENT BY BLUE CROSS AND BLUE SHIELD OF DELAWARE, INC."

WHEREAS, members of the 128th General Assembly of the State of Delaware have recently learned that Blue Cross

and Blue Shield of Delaware have announced a twenty-five percent rate increase for its subscribers effective April, 1976; and

WHEREAS, it is recognized that health care cost is undoubtedly increasing by virtue of the economic inflationary spiral we're presently undergoing; nevertheless, to ask for such a substantial increase as twenty-five percent, which is substantially above the inflationary level of health care cost is also reflective of poor and inefficient management practices; and

WHEREAS, the members of the General Assembly should investigate the idea of establishing an Advisory Council to the State Insurance Commissioner to review such rate increases; and

WHEREAS, it is also perhaps time that the General Assembly seriously consider the passage of SB 31 which would regulate and control rate increases of health carriers.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware, the House of Representatives concurring therein, that Blue Cross and Blue Shield of Delaware, Inc. is hereby vehemently chastised and criticized for its recent announcement that it would increase rates by twenty-five percent to its subscribers effective April, 1976. The members further disapprove of such a substantial increase especially at a time when subscribers, particularly the elderly, can ill afford such an increase.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate and House Journals and that a copy be forwarded to the Executive Director of Blue Cross and Blue Shield, Inc. of Delaware as well as to the members of the Board of Trustees of the organization."

\* \* \* \* \*

At 6:25 p.m. on motion of Representative Harrington, the House recessed to the call of the Chair.

The House reconvened at 1:56 p.m. March 16, 1976 and on motion of Representative McGinnis immediately adjourned to convene for the 10th Legislative Day.

### 10TH LEGISLATIVE DAY

The Speaker called the House to order at 1:57 p.m. March 16, 1976.

10TH LEGISLATIVE DAY

A Prayer was offered by Rev. C. Jackson Robinson of the New Castle United Methodist Church.

Pledge of Allegiance to the Flag.

The roll call was taken and revealed:

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

**ABSENT:** Representative Lynch — 1.

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

**HR 125**, sponsored by Representatives Sincok, Derrickson, McGinnis, Harrington and Jonkiert, was introduced and adopted by voice vote:

**HR 125** — "Commending Henry R. Folsom, Jr., on his choice of John F. Kirk, Jr., as Acting President of the New Castle County Council."

**HR 126**, sponsored by Representative Plant, was introduced and adopted by voice vote:

**HR 126** — "Commending the 35 clergymen who inspected the Delaware Correctional Center at Smyrna on March 10."

**HCR 58**, sponsored by Representative Derrickson and Senator Cordrey, was introduced and adopted by voice vote:

**HCR 58** — "Commending the Cape Henlopen High School Vikings for winning the Delaware State High School Basketball tournament for the second year in a row."

**HCR 59**, sponsored by Representative Clendaniel, was introduced and adopted by voice vote:

**HCR 59** — "Commending Delaware's Agriculture Industry for its contributions to the continued growth of the First State."

Representative McGinnis commended Ruth Haggerty, Assistant Clerk of the House, for 17 years of service with the legislature.

At 2:22 p.m. on motion of Representative McGinnis, the House recessed for caucus and reconvened at 5:20 p.m.

At 5:20 p.m. on motion of Representative Jonkiert, the House recessed until 1:30 p.m. March 17, 1976.

The House reconvened at 2:50 p.m. March 17, 1976 and on

motion of Representative McGinnis immediately adjourned to convene for the 11th Legislative Day.

### 11TH LEGISLATIVE DAY

The House convened at 2:51 p.m. March 17, 1976.

A Prayer was offered by Rev. C. Jackson Robinson of New Castle United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call, there were 41 Representatives PRESENT.

The minutes of the previous day were approved as posted.

The following pre-filed legislation was entered in the Calendar:

**HB 847** — "An Act to amend Chapter 50, Title 15, Delaware Code relating to voting machines." Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

**HB 848** — "An Act to amend Chapter 59, Title 29, Delaware Code, by placing certain employees of the Justice of the Peace Courts in the Merit System." Sponsor: Representative Matushefske. Assigned to House Administration Committee.

**HB 849** — "An Act amending Title 30, Chapter 13, of the Delaware Code by repealing and revising certain laws relating to Inheritance Tax." Sponsors: Representatives Cain and Sincok. Assigned to Revenue and Finance Committee.

**HB 850** — "An Act to amend Chapter 5, Title 11 of the Delaware Code relating to offenses involving public indecency; and prohibiting the distribution of certain motion pictures." Sponsor: Representative Maxwell. Assigned to Judiciary Committee.

**HB 851** — "An Act to amend Chapter 6, Title 24, Delaware Code relating to Electrologists." Sponsor: Representative McGinnis. Assigned to Administrative Services Committee.

**HB 852** — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Department of Natural Resources and Environmental Control, to be utilized in the construction of wells and for drainage of Silver Lake, Rehoboth Beach, Delaware." Sponsors: Representative Derrickson and Senator Cordrey. Assigned to Appropriations Committee.

**HB 853** — "An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code relating to prohibited hunting and trapping

devices and methods." Sponsor: Representative Minner. Assigned to Natural Resources and Environmental Control Committee.

**HB 854** — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to burglary in the first degree; and providing that a mandatory sentence of imprisonment for one year be imposed upon conviction." Sponsor: Representative Connor. Assigned to Judiciary Committee.

**HB 855** — "An Act authorizing the State of Delaware to borrow money and issue Notes and Bonds therefor; and appropriating the funds thus obtained to the Department of Highways and Transportation, to be utilized in the resurfacing and reconstruction of streets in Bay Vista." Sponsors: Representative Derrickson and Senator Cordrey. Assigned to Appropriations Committee.

**HB 856** — "An Act to amend Chapter 13, Chapter 70 and Chapter 83, Title 9 of the Delaware Code relating to the County Assessments of all assessable property and persons." Sponsor: Representative Connor. Assigned to Community Affairs Committee.

**HB 857** — "An Act to amend Chapter 51 and Chapter 53, Title 3, Delaware Code, relating to the promotion of apples and the Apple Tax." Sponsor: Representative Clendaniel. Assigned to Revenue and Finance Committee.

**HB 858** — "An Act to amend Title 4 and Title 31 of the Delaware Code relating to funds expended for State Alcoholism Programs; and providing for an Alcoholism Treatment Fund." Sponsor: Representative Connor. Assigned to Revenue and Finance Committee.

**HB 859** — "An Act to make an appropriation to the Georgetown Volunteer Fire Company for maintaining and operating a Rescue Truck." Sponsor: Representative Clendaniel. Assigned to Appropriations Committee.

**HB 860** — "An Act to provide a pension for Herman Roach, a former employee of the Division of Highways." Sponsor: Representative Clendaniel. Assigned to Appropriations Committee.

**HB 861** — "An Act to amend Chapter 166, Volume 43, Laws of Delaware, as Amended, to authorize the Town of Georgetown to borrow money in anticipation of revenues." Sponsor: Representative Clendaniel. Assigned to Community Affairs Committee.

**HB 862** — "An Act to amend Chapter 9, Part I, Title 10 of

the Delaware Code relating to adult proceedings within the Family Court." Sponsor: Representative Connor. Assigned to Judiciary Committee.

**HB 863** — "An Act to amend Chapter 75, Part V, Title 15 of the Delaware Code relating to Town and City Elections; and providing for a reduction in the amount of time polls must stay open when there is only one candidate for each office." Sponsors: Representatives Riddagh, Morris, Harrington, Miller, Darling; Senator Cook. Assigned to Judiciary Committee.

**HB 864** — "An Act to amend Chapter 9, Title 22, of the Delaware Code relating to the Municipal User Tax; and providing for the repeal of such Tax." Sponsor: Representative Ferguson. Assigned to Community Affairs Committee.

**HB 865** — "An Act to amend Chapter 35, Part II, Title 11 of the Delaware Code relating to the evidence of alcohol in the blood of persons accused of operating motor vehicles under the influence of liquor; and providing for the admissibility of certain affidavits." Sponsor: Representative Morris. Assigned to Public Safety Committee.

**HB 866** — "An Act to amend Chapter 11, Title 30, Delaware Code, relating to modifications in adjusted Gross Income for Personal Income Tax." Sponsors: Representatives Gilligan and Cain. Assigned to Revenue and Finance Committee.

**HB 867** — "An Act to amend Title 6 of the Delaware Code relating to Commerce and Trade; and providing for a Uniform State Anti-Trust Act." Sponsor: Representative George. Assigned to Labor and Commerce Committee.

**HB 868** — "An Act to amend Chapter 23, Title 30, Delaware Code, by providing clarification of the meaning of Holding Company in Title 30, Delaware Code." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 869** — "An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utility Taxes, and Chapter 43, Title 30, Delaware Code, relating to Use Tax on leases of tangible personal property, to change the due dates for filing returns." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 870** — "An Act to amend Part IV, Title 12 of the Delaware Code relating to Fiduciary Relationships; and providing for a Uniform Supervision of Trustees for Charitable

Purposes Act." Sponsor: Representative Maxwell. Assigned to Judiciary Committee.

**HB 871** — "An Act to amend Chapter 23, Part III, Title 30 of the Delaware Code relating to Occupational Taxes and Fees, and levying a Gross Receipts Tax on Massage Parlors." Sponsor: Representative Maxwell. Assigned to Revenue and Finance Committee.

**HB 872** — "An Act to amend Chapter 5, Title 28, Delaware Code, relating to State Taxes and Licensee's Commissions on contributions to Pari-mutuel and Totalizator Pools at Harness Racing Meets." Sponsor: Representative Matushefske. Assigned to Administrative Services Committee.

**HA 1 to HB 797** was introduced by Representative Riddagh and placed with the Bill.

**HJR 39** — "Adopting the World Wheelchair Symbol as the Wheelchair-User Symbol for the State of Delaware." Sponsor: Representative LeGates. Assigned to Health and Social Services Committee.

**HJR 40** — "Encouraging the State Board of Education to develop a High School Test of survival skills which can be added to the Delaware Educational Assessment Program." Sponsor: Representative Gilligan. Assigned to Education Committee.

**SB 114** — "An Act to amend Chapter 23 of Title 19, Delaware Code, relating to the maximum amount of compensation for partial disability and certain permanent injuries." Sponsor: Senator Isaacs. Assigned to Labor and Commerce Committee.

**SB 375** — "An Act to amend Chapter 21 of Title 10, Delaware Code, relating to furnishing vehicles to Sheriffs for performance of official duties." Sponsor: Senator Kearns. Assigned to Community Affairs Committee.

**SB 527** — "An Act to amend Chapter 50 of Title 15, Delaware Code, pertaining to the preparation of voting machines." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

**SB 565 w SA 1** — "An Act to amend Chapter 3, Part I, Title 13 of the Delaware Code relating to Boarding Homes for Children and providing certain exemptions." Sponsors: Senator Isaacs and Representative Spence. Assigned to Health and Social Services Committee.

**SB 579** — "An Act to provide a supplementary



appropriation to the Division of Highways and Transportation to be utilized for the establishment of a Bicentennial Memorial Park in Capitol Square." Sponsors: Senators Zimmerman, Isaacs, Elliott; Representatives Gordy, Darling and Hebner. Assigned to Appropriations Committee.

**HA 1 to SB 537** was introduced by Representative Plant and placed with the Bill.

**HA 1 to SB 31** was introduced by Representative Gordy and placed with the Bill.

**SJR 45** — "Providing for the call of a United States Constitutional Convention for the purpose of proposing an Amendment to prohibit busing of Public School pupils." Sponsors: Senators Isaacs, Cordrey, Kearns; Representatives McGinnis and Harrington. Assigned to House Administration Committee.

**SJR 49** — "Providing for the establishment of a Committee to study the Governor's proposals and recommendations on the reorganization of State Government." Sponsor: Senators Isaacs, Cordrey, Kearns; Representatives Jonkiert, McGinnis and Harrington. Assigned to House Administration Committee.

**SCR 59 w SA 1** — "Providing that the Legislative Council be responsible for and provide management of the Snack Bar in Legislative Hall." Sponsors: Senators Steele, Holloway, Hale and Manning. Assigned to Appropriations Committee.

**HR 128**, sponsored by Representative Connor, was introduced and adopted by voice vote:

**HR 128** — "Extending congratulations to the William Penn Girls' Basketball Team better known as the "Colonials" for having won the 1975-76 Girls' State Basketball Championship."

**SCR 61**, sponsored by Senator Holloway and all the Senators, was introduced and on motion of Representative McGinnis was adopted by voice vote:

**SCR 61** — "Expressing the sorrow of the members of the 128th General Assembly at the passing of Walter S. Carpenter, Jr. of Wilmington, a national industrial leader."

**HB 834** was reported out of the Revenue and Finance Committee: 3 Favorable, 1 Merits.

At 3:04 p.m. on motion of Representative McGinnis, the House recessed for caucus and reconvened at 4:39 p.m.

At 4:40 p.m. on motion of Representative McGinnis, the

House recessed until March 18, 1976.

The House reconvened at 1:52 p.m. March 18, 1976 and on motion of Representative McGinnis immediately adjourned thereby ending the 11th Legislative Day.

### 12TH LEGISLATIVE DAY

The House convened at 1:53 p.m. March 18, 1976.

A Prayer was offered by Rev. John T. Randolph, Wyoming United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call, there were 40 Representatives PRESENT and 1 (Ridings) ABSENT.

The minutes of the previous day were approved as posted.

HCR 60, sponsored by Representative Gordy, was introduced:

HCR 60 — "Relating to the mileage rate paid to members of the Delaware General Assembly."

Representative Ferguson moved that the Resolution be tabled to be studied in caucus. The roll call vote on the motion was taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Ferguson, George, Gilligan, Johnson, Kelly, Matushefske, Maxwell, Miller, Plant, Rispoli, Jonkiert — 14.

NO: Representatives Arnold, Brady, Clendaniel, Connor, Darling, Derrickson, Gordy, Harrington, Hebner, LeGates, Leshner, Lynch, McGinnis, McKay, Minner, Morris, Powell, Riddagh, Seibel, Sincok, Smith, Spence, Temple, Worthen — 24.

NOT VOTING: Representative Billingsley — 1.

ABSENT: Representatives Ambrosino and Ridings — 2.

Therefore, the motion was defeated.

Representative Gordy then moved that the Resolution be laid on the table and the motion prevailed by voice vote.

HCR 61, sponsored by Representatives Connor, Cain, Matushefske, Spence and Ferguson; Senators Isaacs, Kearns and McCullough, was introduced and adopted by voice vote:

HCR 61 — "Welcoming the Montreal West High School Band to Delaware and expressing Best Wishes during their tour of Delaware and their concert performances on April 9th."

HCR 62, sponsored by Representative Gilligan; Senators Manning and Sharp, was introduced and adopted by voice vote:

HCR 62 — "Commending Joseph H. Mullins, of the Cedars, for his outstanding service in the development of

Volunteer Fire-fighting in Delaware."

**HR 129**, sponsored by Representative McKay and Billingsley, was introduced and adopted by voice vote:

**HR 129** — "Extending congratulations to Norman A. Copeland upon his selection as Delaware's Outstanding Engineer for 1976."

**SCR 63**, sponsored by Senator Hughes and all the Senators, was introduced and adopted by voice vote on motion of Representative McGinnis:

**SCR 63** — "Congratulating Florence E. Lednum Scott, Delaware's first woman Probation Officer, on reaching her 100th Birthday."

The House recessed at 2:30 p.m. and reconvened at 3:16 p.m.

On motion of Representative McGinnis, the House Agenda Rules were suspended in order to consider **HB 834**:

**HB 834** — "An Act to amend Title 8, Delaware Code, relating to the Corporation Income Tax."

**HA 1** to the Bill was introduced by Representative McGinnis and adopted by voice vote.

**HA 2** to the Bill was introduced by Representative Connor who moved for its adoption. The roll call vote on the Amendment was taken and announced:

**YES:** Representatives Ambrosino, Arnold, Brady, Connor, Hebner, Smith, Spence — 7.

**NO:** Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Jonkiert — 25.

**NOT VOTING:** Representatives Billingsley, Derrickson, Leshner, McKay, Powell, Riddagh, Seibel, Sincock — 8.

**ABSENT:** Representative Ridings — 1.

Therefore, the Amendment was declared defeated.

The roll call vote on **HB 834 w HA 1** was then taken and revealed:

**YES:** Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, McGinnis, Miller, Minner, Plant, Rispoli, Temple, Worthen, Jonkiert — 23.

**NO:** Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Derrickson, Hebner, Leshner, Maxwell, McKay,

Morris, Powell, Riddagh, Seibel, Sincock, Smith, Spence — 17.

ABSENT: Representative Ridings — 1.

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

**HB 216** was deferred on motion of Representative Powell.

**HB 150** was taken up for consideration on motion of Representative Riddagh and read by title only:

**HB 150** — “An Act to amend Chapter 5, Title 1 of the Delaware Code relating to Legal Holidays, and providing for the celebration of a holiday or birthday on its true or traditional date in certain instances.”

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

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Smith, Spence, Temple, Worthen, Jonkiert — 38.

ABSENT: Representatives Powell, Ridings and Sincock — 3.

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

Representative George moved that the roll call vote on **HB 793** be lifted and the motion prevailed by voice vote. Therefore, the roll call was announced:

YES: Representatives Byrd, Cain, Clendaniel, Darling, George, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Seibel, Temple, Worthen, Jonkiert — 21.

NO: Representatives Billingsley, Connor, Gilligan, Hebner, Leshner, McGinnis, McKay, Riddagh, Ridings, Sincock, Smith, Spence — 12.

NOT VOTING: Representatives Ambrosino, Arnold, Boulden, Brady, Derrickson, Ferguson, Powell — 7.

ABSENT: Representative Maxwell — 1.

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

**HB 290** was deferred on motion of Representative George who then yielded to Representative Gordy.

**SB 524** was taken up for consideration on motion of Representative Gordy and read by title only:

**SB 524** — “An Act to amend Subchapter I of Chapter 27,

Title 21, Delaware Code, relating to information on license."

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Derrickson, Powell and Ridings — 3.

Therefore, the Bill passed the House and was returned to the Senate.

**SB 158** was deferred on motion of Representative Boulden who then yielded to Representative Plant.

**HB 772** was then taken up for consideration on motion of Representative Plant:

**HB 772** — "An Act to amend Subchapter II, Subpart B of Title 11, Delaware Code, relating to murder in the first degree."

The privilege of the floor was extended to House Attorney, John Rich, to speak on the Bill.

Representative Plant then moved that the Bill be laid on the table and the motion prevailed by voice vote.

The following pre-filed legislation was entered in the Calendar:

**HB 873** — "An Act authorizing and directing the Board of Pension Trustees to process and grant a disability pension for Edward Levin Jones for his year of service with the Department of Corrections." Sponsor: Representative Lynch. Assigned to Appropriations Committee.

**HB 874** — "An Act to amend Chapter 51 of Title 30, Delaware Code, relating to refunds of Motor Fuel Taxes." Sponsor: Representative Gordy. Assigned to Revenue and Finance Committee.

**HB 875** — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to Public Utilities; and amending certain procedures in the hearing of rate changes, refund bonds, and determinations by the Public Service Commission." Sponsor: Representative George. Assigned to Administrative Services Committee.

**HB 876** — "An Act to amend Subchapter I, Chapter 47, Title 7, Delaware Code, relating to fees chargeable by the Division of Parks and Recreation for use of its facilities."

Sponsor: Representative Lynch. Assigned to Natural Resources and Environmental Control Committee.

**HB 877** — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan; and providing for an Elected Officials' Retirement Fund." Sponsor: Representative Connor. Assigned to Appropriations Committee.

**HB 878** — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan; and providing pension benefits for former County employees under certain circumstances." Sponsor: Representative Connor. Assigned to Appropriations Committee.

**HB 879** — "An Act to amend Chapter 15, Title 13 of the Delaware Code relating to divorce and annulment; and providing for alimony under certain circumstances." Sponsor: Representative Miller. Assigned to Judiciary Committee.

**HB 880** — "An Act proposing the Amendment of Article II, Article III, Article IV, Article VI, Article VIII, Article IX and Article XVI of the Constitution of the State of Delaware." Sponsor: Representative Cain. Assigned to Constitution Revision Committee.

**HB 881** — "An Act to amend Chapter 3, Part I, Title 29 of the Delaware Code relating to an Official State Poem." Sponsors: Representative Riddagh and Senator Isaacs. Assigned to House Administration Committee.

**HB 882** — "An Act to amend Chapter 21, Part II, Title 25 of the Delaware Code relating to mortgages on real estate; and providing for interest payment on escrow funds." Sponsor: Representative George. Assigned to Administrative Services Committee.

**HB 883** — "An Act authorizing the New Castle-Gunning Bedford School District to transfer funds formerly allocated under the Annual Capital Improvement Act of 1972." Sponsors: Representatives Connor, Boulden, Matushefske, Cain, Spence and Ferguson; Senators McCullough, Isaacs and Kearns. Assigned to Appropriations Committee.

**HA 1 to HB 434** was introduced by Representative LeGates and placed with the Bill.

**SB 18 w SA 1, 2** — "An Act to amend Subchapter I of Chapter 1, Title 26, Delaware Code, relating to disqualifications for serving as a member of the Public Service Commission." Sponsor: Senator Isaacs. Assigned to

Administrative Services Committee.

**SB 558 w SA 1** — "An Act to amend Chapter 42 and Chapter 43, Title 11 of the Delaware Code relating to eligibility for a parole." Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

**HA 4** and **HA 5** to **SB 259** were introduced by Representative LeGates and placed with the Bill.

**SJR 4** — "Relating to the repair of December, 1974, storm damage to private beaches." Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

**SB 561** — "An Act to provide a supplementary appropriation to the Department of Correction to reimburse three State employees for expenses and other payments in the settlement of Federal litigation." Sponsors: Senators Sharp and McCullough. Assigned to Appropriation Committee.

**HCR 63**, sponsored by Representatives George, Rispoli, Lynch and Temple, was introduced and adopted by voice vote:

**HCR 63** — "Expressing the sorrow of the members of the 128th General Assembly of the State of Delaware over the death of Benjamin Ableman."

**HB 636** was deferred on motion of Representative Boulden.

**HB 612** was deferred on motion of Representative Boulden.

**HB 281** was deferred on motion of Representative Arnold.

**HB 602** was deferred on motion of Representative Matushefske.

**SB 53** was taken up for consideration on motion of Representative Matushefske:

**SB 53** — "An Act to amend Subchapter I, Chapter 5, Title 13 of the Delaware Code relating to Domestic Relations; and providing for an extension of child support payments until the completion of the child's education."

**HA 1** to the Bill, sponsored by Representative Matushefske and Senator Berndt, was introduced and adopted by voice vote.

The roll call vote on **SB 53 w HA 1** was then taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner,

Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Derrickson, Powell and Ridings — 3.

Therefore, the Bill passed the House and was returned to the Senate for concurrence in the House Amendment.

**SB 192** was deferred on motion of Representative Clendaniel who then yielded to Representative Gordy.

**HB 763** was taken up for consideration on motion of Representative Gordy:

**HB 763** — "An Act to amend Part II, Chapter 11, Title 15, Delaware Code relating to the registration dates in the Election Districts."

Representative Gordy moved that the Bill be tabled and the motion prevailed by voice vote.

Representative Boulden moved that **HB 418 w HA 2** be lifted for consideration and the motion prevailed by voice vote.

**HA 3** to the Bill was introduced by Representative Boulden and adopted by voice vote.

The privilege of the floor was extended to House Attorney, John Rich, to speak on the Bill.

The roll call vote on **HB 418 w HA 2, 3** was then taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Plant, Powell and Ridings — 3.

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

The House recessed at 5:52 p.m. and reconvened at 5:59 p.m.

The following Committee reports were announced:

From the Corrections Committee: **HJR 35** — 2 Merits, 2 Unfavorable.

From the Health and Social Services Committee: **SB 477** — 1 Favorable, 4 Merits.



From the Labor and Commerce Committee: **HB 813** — 3 Favorable, 1 Merits.

At 6:00 p.m. the House recessed to the call of the Chair.

The House reconvened at 1:49 p.m. March 23, 1976.

The following Bills were reported out of the Community Affairs Committee: **HB 774** — 1 Favorable, 5 Merits; **HB 861** — 1 Favorable, 3 Merits.

At 1:50 p.m. on motion of Representative McGinnis the House adjourned to immediately convene for the 13th Legislative Day.

### 13TH LEGISLATIVE DAY

The House convened at 1:50 p.m. March 23, 1976.

A Prayer was offered by Rev. Charles M. Moyer, Whatcoat United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call, there were 40 Representatives PRESENT and 1 (LeGates) ABSENT.

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

On motion of Representative McGinnis, the necessary rules were suspended for the introduction and consideration of **SJR 50**:

**SJR 50** (sponsored by Senators Manning and Cook and all the Senators; Representatives Worthen, Seibel, Johnson, Leshner, Smith, Spence, Miller, Minner and all the Representatives) — "Relative to the observance of Secretaries Week."

The roll call vote on the Resolution was taken and revealed:

**YES:** Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 35.

**ABSENT:** Representatives Ambrosino, Derrickson, LeGates, Lynch, Matushefske, Plant — 6.

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

**HCR 64**, sponsored by Representatives Byrd, Maxwell, and Kelly; Senator Cicione, was introduced and adopted by voice vote:

**HCR 64** — "Extending congratulations to the

Bicentennial Committee of the Town of Elsmere for the successful Bicentennial Celebration held on March 13, 1976."

Representative Worthen introduced from the floor **HB 892**:

**HB 892** (sponsored by Representatives Worthen, Seibel and Miller) — "An Act to amend Subchapter II, Chapter 3, Title 31, Delaware Code, relating to Child Care Licensing." The Bill was assigned to Health and Social Services Committee.

At 2:19 p.m. on motion of Representative McGinnis, the House recessed for caucus and reconvened at 3:12 p.m.

The following pre-filed legislation was entered in the Calendar:

**HB 884** — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code, relating to fuel cost adjustment clauses and the use of such clauses in determining the charge to be made to the consumer." Sponsor: Representative Connor. Assigned to Administrative Services Committee.

**HB 885** — "An Act to amend Chapter 45, Part IV, Title 15 of the Delaware Code relating to the form and designation of Ballots; and providing for a rejection on "None of the Above" voting choice." Sponsor: Representative Miller. Assigned to Judiciary Committee.

**HB 886** — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to increases in rates charged by Public Utilities." Sponsor: Representative Connor. Assigned to Administrative Services Committee.

**HB 887** — "An Act to amend Part III, Title 25 of the Delaware Code relating to the Landlord-Tenant Code." Sponsors: Representatives Rispoli, Ambrosino, LeGates, Darling, Hebner. Assigned to Judiciary Committee.

**HB 888** — "An Act to permit the Board of Education of the Delmar School District to transfer certain funds from the Debt Service Account to the Current Expense Account." Sponsors: Representative Gordy and Senator Elliott. Assigned to Appropriations Committee.

**HB 889** — "An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to the procurement of material and award of contracts for public works by State Agencies; and placing a limit on bidding requirements under the Consultant's Competitive Negotiation Act." Sponsor: Representative Connor. Assigned to Judiciary Committee.

**HB 890** — "An Act to amend Title 11 and Title 29 of the Delaware Code relating to crimes and criminal procedure; and

providing for independent counsel for the prosecution of criminal matters." Sponsor: Representative Connor. Assigned to Judiciary Committee.

**HB 891** — "An Act to amend Chapter 27, Part III, Title 30 of the Delaware Code relating to the Manufacturer's License Requirements and Taxes; and providing for an Excise Tax on the processing of crude petroleum." Sponsor: Representative Connor. Assigned to Revenue and Finance Committee.

**HA 1 to HB 829** was introduced by Representative Billingsley and placed with the Bill.

**HB 636** was recommitted to the Public Safety Committee on motion of Representative Boulden.

**SB 477 w SA 1** was taken up for consideration on motion of Representative Gilligan:

**SB 477 w SA 1** — "An Act making a supplementary appropriation to the Department of Health and Social Services for the administration of a Program to determine the immune status for rebella among high risk groups of women of childbearing age and to prevent and control the disease."

The roll call vote on the Bill revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Connor, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 34.

ABSENT: Representatives Clendaniel, Darling, Gordy, LeGates, Matushefske, Plant and Riddagh — 7.

Therefore, the Bill passed the House and was returned to the Senate.

On motion of Representative Miller, **HB 445** was recommitted to Administrative Services Committee.

Representative Darling moved that the necessary rules be suspended for consideration of **SB 579** and the motion prevailed by voice vote:

**SB 579** — "An Act to provide a supplementary appropriation to the Division of Highways of the Department of Highways and Transportation to be utilized for the establishment of a Bicentennial Memorial Park in Capitol Square."

At the request of Representative Darling, the privilege of the floor was extended to Harry Terry, House Attorney, to speak on the Bill after which the Bill was laid on the table on

motion of Representative Darling.

**HB 144** was deferred on motion of Representative Clendaniel.

**HB 521** was taken up for consideration on motion of Representative McGinnis who pointed out to the membership that the Bill was originally introduced "By Request."

**HB 521** — "An Act to amend Chapter 5, Title 4, Delaware Code, to permit taprooms and taverns to charge a cover charge when live entertainment is provided."

The roll call vote on the Bill was taken; however, before it was announced Representative McGinnis moved that it be tabled and the motion prevailed by voice vote.

**HB 432** was taken up for consideration on motion of Representative McGinnis:

**HB 432** — "An Act to amend Chapter 7, Title 4, Delaware Code relating to the sale of alcoholic liquor."

The roll call vote on the Bill was taken but before it was announced, Representative McGinnis moved that it be tabled and the motion prevailed by voice vote.

**HB 695** was taken up for consideration on motion of Representative Rispoli:

**HB 695** — "An Act to amend Chapter 55, Title 25, Delaware Code, relating to Security Deposits paid by tenants to landlords."

The roll call vote on the Bill was taken but before it was announced Representative Rispoli moved that it be tabled and the motion prevailed by voice vote.

Representative Rispoli moved that **SB 396** be laid on the table and the motion prevailed by voice vote.

**SB 402** was taken up for consideration on motion of Representative Gordy:

**SB 402** — "An Act to amend Chapter 647, Volume 57, Laws of Delaware, providing for the use of State-owned helicopters."

The roll call vote on the Bill revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Byrd, Ferguson and LeGates

— 3.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 610** was deferred on motion of Representative Gordy who then yielded to Representative Plant.

**HJR 35** was taken up for consideration on motion of Representative Plant:

**HJR 35** — “Directing the Department of Corrections to adopt affirmative action and make it Departmentwide Policy.”

The roll call vote on the Resolution was taken but before it was announced, Representative Plant moved that it be tabled and the motion prevailed by voice vote.

The roll call vote on **HB 521** was lifted on motion of Representative McGinnis and announced:

**YES:** Representatives Billingsley, Byrd, Cain, Clendaniel, Darling, Derrickson, Gordy, Harrington, Johnson, Lynch, Matushefske, McGinnis, McKay, Miller, Plant, Powell, Ridings, Rispoli, Seibel, Sincok, Temple, Worthen — 22.

**NO:** Representatives Ambrosino, Boulden, Brady, Connor, Ferguson, George, Gilligan, Hebner, Kelly, Leshner, Maxwell, Minner, Morris, Riddagh, Smith, Spence, Jonkiert — 17.

**NOT VOTING:** Representative Arnold — 1.

**ABSENT:** Representative LeGates — 1.

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

Representative Darling moved that **SB 579** be lifted from the table for consideration and the motion prevailed by voice vote.

The privilege of the floor was extended to John Rich, House Attorney, to speak on the Bill.

Representative Darling moved that the requirement of a Fiscal Note be waived on the Bill and the motion prevailed by voice vote.

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Ridings, Rispoli, Seibel, Sincok, Temple, Worthen, Jonkiert — 34.

**NO:** Representatives Brady, Riddagh, Smith and Spence

— 4.

**ABSENT:** Representatives Cain, Ferguson, LeGates — 3.  
Therefore, the Bill passed the House and was returned to the Senate.

**HB 459** was stricken on motion of Representative Clendaniel.

**SB 427** was taken up for consideration on motion of Representative Boulden:

**SB 427** — “An Act to amend Chapter 7, Title 17, Delaware Code, relating to railroad crossings over highways.”

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

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

**ABSENT:** Representatives Ferguson, George, LeGates and Matushefske — 4.

Therefore, the Bill passed the House and was returned to the Senate.

**SB 253** was taken up for consideration on motion of Representative Gordy:

**SB 253** — “An Act to amend Chapter 27, Title 21, Delaware Code, relating to assessing a fee for changing type or general class driver’s license.”

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Boulden, LeGates and Matushefske — 3.

Therefore, the Bill passed the House and was returned to the Senate.

**SS 1** for **SB 438** was taken up for consideration:

**SS 1** for **SB 438** — “An Act to amend Chapter 13, Title 13, of the Delaware Code relating to investments of Domestic Insurers and revising the Ownership requirements as to their

investments in Insurance Subsidiaries and other business corporations."

The following communication was read into the record in regards to the Bill:

**Law Offices  
BAYARD, BRILL & HANDELMAN  
Wilmington, Delaware**

January 28, 1976

Honorable William M. Murphy, Jr.  
Legislative Hall  
Dover, Delaware 19901

**Re: SS 1 for SB 438**

Dear Bill:

Since I was unable to get with you while down in Dover yesterday and since I cannot get down today, I am attaching hereto a brief memo explaining Senate Substitute 1 for Senate Bill 438 in case you do get called in on it over in the House. I hope this will satisfy your needs and I should have the other items we discussed at the end of the meeting the other day for you on Friday.

Sincerely,  
William G. Campbell

\* \* \* \* \*

TO: HONORABLE WILLIAM M. MURPHY, JR.  
FROM: WILLIAM G. CAMPBELL  
RE: SS 1 for SB 438  
DATE: JANUARY 28, 1976

Senate Substitute 1 for Senate Bill 438 has two aspects. The more important one is the second section of the Bill which amends §1313 of Title 18 of Delaware Code. This amendment is done to conform to the practice which has been forced upon insurance companies in many foreign countries whereby those countries have demanded that the subsidiary insurance companies run by the major U.S. insurance companies there be at least partially owned by citizens of that foreign country, i.e., a subsidiary of INA in Mexico in effect was forced to bring Mexican citizens in as owners of the company as part of the nationalism movement of these countries. This started as a small percentage and was no problem under our Code but has now reached the point where these countries are requiring that a majority of the stock of the subsidiaries be owned by nationals of that country and the insurance companies have

been forced to comply and are satisfied with the system they have worked up to provide for such majority ownership by the citizens of the country in question. However, this puts them in violation of the investment law of most of the states in that these laws were designed without such thoughts in mind and do not allow what is really still a subsidiary to be owned less than 50% by the insurance company. Accordingly, most of the states have changed their investment laws and Delaware needs to make a similar change which is what is accomplished by §1313 as rewritten in Section 2 of the Bill. The reason we need to make the change promptly is that it has been done elsewhere and the major insurance companies presently domiciled in Delaware and those that are looking at Delaware will tend to have to change that domicile since this is a major portion of their operations.

The first section of the Bill corrects a situation where an insurance company goes into a joint venture with another business and owns less than 50% of the voting stock of the joint venture business which is becoming quite common especially in electronic data processing centers in foreign countries and other things of this nature which are necessary parts of the insurance company's operations but which for various federal reasons are kept separate from the main operation. What this change does is to modify §1305(2) to allow such investments where the insurance company owns less than 50% in a non-insurance area to permit these which are again allowed by most other insurance codes today. There is, however, a limitation to make sure that insurance companies do not go too deeply into such ventures even though they are generally related businesses which is that the aggregate value of all stock acquired and held under those particular sections cannot exceed 20% of the insurer's assets which is put in as a safety valve provision. This is probably permitted under a construction of the current law since §1320(a) permits any other investments up to 10% of assets now with no restrictions such as we have here but this will clarify a question that has been missed by some of the major insurance carriers and not give them any reason to feel that they cannot rely upon our law and have to go elsewhere.

\* \* \* \* \*

During discussion of the Bill, the privilege of the floor was extended to Senator Murphy and George Hudson, House Attorney, to speak on the Bill.



The roll call vote on the Bill was then taken and revealed:

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

**NOT VOTING:** Representatives Ambrosino and Connor — 2.

**ABSENT:** Representatives Johnson and LeGates — 2.

Therefore, the Bill passed the House and was returned to the Senate.

**SB 419** was taken up for consideration on motion of Representative Boulden:

**SB 419** — "An Act to amend Chapter 1, Title 17, Delaware Code, relating to highways and the powers and duties of the Department of Highways and Transportation."

The privilege of the floor was extended to Berl McCoy of the Department of Highways and Transportation to speak on the Bill.

Representative Boulden then moved that the Bill be laid on the table and the motion prevailed by voice vote.

**HR 130** was introduced by Representative McGinnis and adopted by voice vote:

**HR 130** — "Relating to compensation for Chaplains rendering services to the House of Representatives."

On motion of Representative Boulden, **SB 443** and **SB 449** were deferred.

On motion of Representative Plant, **HB 495** and **HB 215** were deferred.

On motion of Representative Minner, **HB 560** was deferred.

**HB 848** was stricken on motion of Representative Matushefske.

**HB 893** was introduced by Representative Matushefske from the floor and assigned to House Administration Committee:

**HB 893** — "An Act to amend Chapter 59, Title 29, Delaware Code, by placing certain employees of the Justice of the Peace Courts in the Merit System."

The House recessed at 5:17 p.m. for Committee Hearings and reconvened at 5:44 p.m.

The following Committee Reports were announced:

From the Revenue and Finance Committee: HB 871 — 1 Favorable, 3 Merits, 1 Unfavorable; HB 833 — 4 Merits; HB 816 — 4 Merits; HB 819 — 5 Merits; HB 815 — 5 Merits; HB 869 — 3 Merits, 1 Unfavorable; HB 868 — 5 Merits.

At 5:47 p.m. on motion of Representative McGinnis the House recessed until 1:30 p.m. March 24, 1976.

The House reconvened at 1:43 p.m. March 24, 1976.

SB 371 was reported back to the House from the Administrative Services Committee: 4 Merits.

At 1:44 p.m. on motion of Representative McGinnis, the House adjourned to immediately convene for the 14th Legislative Day.

### 14TH LEGISLATIVE DAY

The House convened at 1:44 p.m. March 24, 1976.

A Prayer was offered by Rev. John T. Randolph, Wyoming United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call, there were 39 Representatives PRESENT and 2 (George and LeGates) ABSENT.

The minutes of the 13th Day were approved as posted.

The Clerk announced that a message from the Senate informed the House that it had passed: HB 214 w HA 1, SA 1, 2; HB 804 w HA 1; HB 305; HB 796; HB 401 w HA 1; HB 588; HJR 36; HB 810; HB 171; HCR 56; HB 787; HB 704; HCR 57; HB 757 w HA 3, 4; HB 461; HCR 58; HCR 59; HB 606; HCR 61; HB 605; HB 618; HCR 63; HB 571.

The following Resolution of the City Council of Wilmington was read into the record:

### Wilmington, Delaware

March 18, 1976

WHEREAS, light, power and heat bills have escalated in the past few years beyond even the general rate of inflation; and

WHEREAS, any utility that engages in the production, conveyance, transmission, delivery or furnishing of light, power or heat, is permitted to impose rate increases without adequate public notice, full review, or approval of the Public Service Commission so long as a refund bond is posted with such increase; and

WHEREAS, such procedures should be altered to allow the Public Service Commission to have jurisdiction over such increases prior to their implementation; and

14TH LEGISLATIVE DAY

WHEREAS, there is currently pending in the Delaware General Assembly legislation that would eliminate any such increases prior to full review and approval by the Public Service Commission and that would also increase the investigatory authority of the Commission over public utilities in Delaware.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON That this Council urge the General Assembly to act favorably on House Bill 786 which seeks to amend the Delaware Code relating to the Public Service Commission and the procedures required for public utility rate charges.

FURTHER RESOLVED That the City Clerk be and he is hereby authorized to send copies of this resolution to the leaders of the House and Senate of the General Assembly of the State of Delaware, members of the Public Service Commission and all public utilities in Delaware.

Passed by City Council, March 18, 1976

ATTEST: Leo L. Marshall, City Clerk

Approved as to form

March 16, 1976

John R. Sheridan

Assistant City Solicitor

\* \* \* \* \*

SCR 62 (Sponsored by Senators Cordrey, Elliott and Adams) was introduced and adopted by voice vote on motion of Representative McGinnis:

SCR 62 — "Memorializing the Delaware Congressional Delegation to request the United States Army Corp of Engineers to dredge Indian River and Indian River Bay."

Representative McGinnis moved that the roll call vote on HB 432 be lifted and the motion prevailed by voice vote.

HB 432 — "An Act to amend Chapter 7, Title 4, Delaware Code, relating to the sale of alcoholic liquor."

The roll call vote on HB 432 was therefore announced:

YES: Representatives Billingsley, Brady, Byrd, Cain, Derrickson, Ferguson, Harrington, Hebner, Johnson, Kelly, Matushefske, McGinnis, Miller, Plant, Powell, Ridings, Rispoli, Seibel, Sincock, Temple, Worthen — 21.

NO: Representatives Ambrosino, Arnold, Boulden, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Leshner, Lynch, Maxwell, McKay, Minner, Morris, Riddagh, Smith, Spence, Jonkiert — 19.

**ABSENT:** Representative LeGates — 1.

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

At 2:05 on motion of Representative McGinnis, the House recessed for caucus and reconvened at 3:42 p.m.

**HB 612** was recommitted to the Public Safety Committee at the request of Representative Boulden.

**SB 443** was taken up for consideration on motion of Representative Boulden.

**SB 443** — “An Act to amend Title 29, Delaware Code, relating to the method of payment of State officials and employees.”

The privilege of the floor was extended to Secretary of Finance, John Malarkey, to speak on the Bill.

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Derrickson, George and LeGates — 3.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 495** was taken up for consideration on motion of Representative Plant:

**HB 495** — “An Act to amend Chapter 42, Title 11, Delaware Code, by abolishing the death penalty and substituting life imprisonment for first degree murder.”

On motion of Representative Plant, **HA 1** to the Bill which had been placed with the Bill was considered and adopted by voice vote.

The roll call vote on **HB 495 w HA 1** was then taken and announced:

**YES:** Representatives Billingsley, Johnson, Miller, Plant, Seibel, Smith, Worthen — 7.

**NO:** Representatives Ambrosino, Arnold, Boulden, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Kelly, Leshner, Lynch, Maxwell, McGinnis, McKay, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Sincock, Spence, Temple, Jonkiert — 30.

**NOT VOTING:** Representative Byrd — 1.

**ABSENT:** Representatives George, LeGates and Matushefske — 3.

Therefore, the Bill was declared lost.

Representative Maxwell moved that **HB 628** be placed on the table and the motion prevailed by voice vote.

**HB 101** and **HB 141** were stricken at the request of Representative Clendaniel who then yielded to Representative Derrickson.

**HB 214 w HA 1** which had formerly passed the House was again taken up for reconsideration on motion of Representative Derrickson as now further amended by **SA 1, 2**.

Representative Derrickson moved that the requirement of a Fiscal Note for the Bill be waived and the motion prevailed by voice vote.

The roll call vote on **HB 214 w HA 1, SA 1, 2** was then taken and announced:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Brady, George, and Legates — 3.

Therefore, the Bill (as so amended) passed the House.

At the request of Representative Gordy, **HB 610** was recommitted to Community Affairs Committee.

**HB 215** was stricken at the request of Representative Plant.

**HB 452** was deferred at the request of Representative Gilligan.

**HB 560** was recommitted to Revenue and Finance Committee at the request of Representative Minner.

The following pre-filed legislation was entered in the Calendar:

**HB 894** — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and prohibiting Security Deposit requirements by Utilities." Sponsor: Representative Ambrosino. Assigned to Administrative Services Committee.

**HB 895** — “An Act to amend Chapter 63, Part VI, Title 29 of the Delaware Code relating to Programs which are funded in whole or in part by the Federal Government.” Sponsor: Representative Ferguson. Assigned to Federal and State Relations Committee.

**HB 896** — “An Act to amend Part VI, Chapter 61, Title 29 Delaware Code, relating to certain tuition payments collected by Delaware Technical and Community College.” Sponsor: Representative McGinnis. Assigned to Appropriations Committee.

**HB 897** — “An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing for the Lifeline Concept for residential consumers of energy.” Sponsor: Representative Ambrosino. Assigned to Administrative Services Committee.

**HB 898** — “An Act to amend Chapter 15, Title 13, Delaware Code, by replacing the Sheriffs as Process Servers in Divorce and Annulment Actions in Family Court with Family Court Process Servers and by providing an appropriation for their salaries and expenses.” Sponsor: Representative Gordy. Assigned to Judiciary Committee.

**HB 899** — “An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing statutory restrictions on utility expenditures for advertising and other matters.” Sponsor: Representative Ambrosino. Assigned to Administrative Services Committee.

**HA 4 and HA 5 to HS 1 for HB 431** were introduced by Representative Gordy and placed with the Bill.

**HA 1 to HB 763**, sponsored by Representatives Arnold and Smith, was introduced and placed with the Bill.

**SB 506** — “An Act to relieve certain employees of the State of Delaware from the obligation of repaying to the State certain excess salary payments unknowingly received by such employees.” Sponsor: Senator Cook. Assigned to Appropriations Committee.

**SB 507** — “An Act making a supplementary appropriation to the Department of Administrative Services for the purpose of paying employees who failed to receive their annual increment.” Sponsor: Senator Cook. Assigned to Appropriations Committee.

**SB 601** — “An Act authorizing the State of Delaware to borrow money to be used for the purpose of making renovations and repairs to the Sussex Correctional Institute, and to issue

Bonds and Notes therefor and appropriating the monies to the Department of Corrections." Sponsor: Senator Cordrey. Assigned to Appropriations Committee.

**HB 620** was recommitted to Revenue and Finance Committee at the request of Representative Gordy.

Representative Gordy moved that **HB 621** be tabled and the motion prevailed by voice vote.

**SB 56** was deferred on motion of Representative Worthen.

Representative Gordy moved that **HB 784** be laid on the table and the motion prevailed by voice vote.

**HB 262** was taken up for consideration on motion of Representative McGinnis:

**HB 262** — "An Act to amend Chapter 21, Title 21 of the Delaware Code relating to vehicle registration by non-residents."

**HA 1** to the Bill which had been placed with the Bill was considered on motion of Representative McGinnis and adopted by voice vote.

**HA 2** to the Bill which had been placed with the Bill was considered on motion of Representative McGinnis and adopted by voice vote.

**HA 3** to the Bill was introduced by Representative McGinnis and adopted by voice vote.

Representative McGinnis then moved that **HB 262 w HA 1, 2, 3** be laid on the table and the motion prevailed by voice vote.

**SJR 9** was recommitted to Labor and Commerce at the request of Representative Byrd.

**HB 642** was deferred at the request of Mr. Byrd.

**HB 720** was deferred at the request of Representative Gordy.

Representative Ambrosino moved that **HB 348** be laid on the table and the motion prevailed by voice vote.

**HB 327** was recommitted to Revenue and Finance Committee at the request of Representative McGinnis.

**HB 198** was deferred at the request of Representative Clendaniel.

**HB 861** was taken up for consideration on motion of Representative Clendaniel.

**HB 861** — "An Act to amend Chapter 166, Volume 43, Laws of Delaware, as amended, to authorize the Town of Georgetown to borrow money in anticipation of revenues."

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

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

**NOT VOTING:** Representative McKay — 1.

**ABSENT:** Representatives George, LeGates and Miller —

3.

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

**HB 199** was deferred at the request of Representative Gilligan.

**HB 216** was stricken at the request of Representative Powell.

At 5:34 p.m. the House recessed for Committee hearings and reconvened at 5:50 p.m.

The following Committee reports were announced:

From the Judiciary Committee: **SB 19** — 5 Merits; **SB 527** — 5 Merits; **SB 558** — 5 Merits; **SB 297** — 5 Merits.

From the Administrative Services Committee: **HB 872** — 4 Merits; **HJR 30** — 4 Merits.

From the Constitution Revision Committee: **HB 762** — 5 Merits; **SB 5** — 3 Favorable, 2 Merits.

From the Judiciary Committee: **HB 698** — 2 Favorable, 3 Merits; **HB 844** — 5 Merits; **HB 845** — 5 Merits; **HB 846** — 4 Merits; **HB 847** — 4 Merits; **HB 820** — 1 Favorable, 4 Merits; **HB 723** — 3 Merits, 1 Unfavorable; **HB 246** — 6 Unfavorable; **HB 146** — 4 Merits, 1 Unfavorable; **HB 467** — 5 Merits; **HB 727** — 4 Merits, 1 Unfavorable; **HB 831** — 5 Merits; **HB 850** — 5 Merits; **HB 863** — 3 Favorable, 2 Merits; **HB 870** — 5 Merits; **HB 885** — 5 Merits; **HB 879** — 5 Merits; **HB 887** — 4 Merits; **HB 101** — 2 Favorable, 2 Merits, 1 Unfavorable; **SB 516** — 5 Merits; **SB 205** — 5 Merits; **SB 127** — 5 Merits; **SB 26** — 5 Merits; **SB 515** — 4 Merits.

The Speaker directed that the record show that **HB 260** is not officially out of Committee.

At 5:59 p.m. the Speaker recessed the House until March 25, 1976 at 1:30 p.m.

The House reconvened at 1:57 p.m. March 25, 1976.

On motion of Representative McGinnis, the House immediately adjourned to convene for the 15th Legislative Day.



### 15TH LEGISLATIVE DAY

The House convened at 1:58 p.m. March 25, 1976.

A Prayer was offered by Rev. William C. Melnick of Holy Cross Church, Dover.

Pledge of Allegiance to the Flag.

By roll there were 40 members PRESENT and 1 (LeGates) ABSENT.

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

Representative McGinnis recognized and introduced to the House Alan Kramer who was running as Speaker in the Y.M.C.A. He was invited to join Speaker Jonkiert on the podium.

The following communication was read into the record at the request of Representative Plant:

### HOUSE OF REPRESENTATIVES DOVER, DELAWARE

March 25, 1976

Mr. Ronald E. Lankford  
State Personnel Director  
Townsend Building  
Dover, Delaware

Dear Sir:

The merit system that was adopted in 1968, and the Affirmative Action Program which became a part of the merit system three years ago, have done very little, if anything at all, in the area of black and other minority hiring in the managerial positions with the State Agencies.

My feeling is that it is your Department's responsibility to bring this managerial, and other important non-managerial job areas, into line. It is not my plan to waste valuable time debating this matter. If it becomes necessary to bring about federal action, I am prepared to do so. However, I hope your office will act on these matters very soon. I hope the adult Smyrna prison system will be at the top of your list.

Sincerely,  
Al O. Plant, Representative  
2nd Representative District  
Chairman, NAACP Labor and Industry  
Committee

\* \* \* \* \*

HJR 35 was stricken at the request of Representative

15TH LEGISLATIVE DAY

Plant.

**HR 131** (sponsored by Representatives Connor and Ambrosino) was introduced and adopted by voice vote:

**HR 131** — "Congratulating Walter (Bill) Kearney on being selected by his professional colleagues as Delaware's Counselor of the Year."

The Chair announced that **SB 449** was reassigned to the Highways and Transportation Committee.

**HB 86 w HA 1, 2** which had been laid on the table was again taken up for consideration on motion of Representative McGinnis.

**HB 86** — "An Act to amend Chapter 31, Title 15 of the Delaware Code relating to Primary Elections and Nominations of Candidates and providing for a Direct Primary."

Representative McGinnis introduced **HA 3** to the Bill and on his motion was adopted by voice vote.

**HA 4** to the Bill was introduced by Representative Brady who then moved that the Amendment be laid on the table and the motion carried by voice vote.

The roll call vote on **HB 86 w HA 1, 2, 3** was then taken and announced:

**YES:** Representatives Arnold, Billingsley, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence, Temple, Worthen — 34.

**NO:** Representatives Boulden, Byrd, Rispoli and Jonkiert — 4.

**ABSENT:** Representatives Ambrosino, LeGates and Plant — 3.

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

At the request of Representative George, **HB 290** was recommitted to Public Safety Committee.

**SB 158** was taken up for consideration on motion of Representative Boulden:

**SB 158** — "An Act to amend Title 17, Chapter 13, Delaware Code relating to the vacating of public roads and bridges."

The privilege of the floor was extended to John Rich, House Attorney and Richard Bernstein, Assistant Attorney

General, to speak on the Bill.

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

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

**ABSENT:** Representatives LeGates and Spence — 2.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 602** was stricken at the request of Representative Matushefske.

The House recessed at 3:00 p.m. for caucus and reconvened at 4:45 p.m.

**HB 831** was taken up for consideration on motion of Representative Morris:

**HB 831** — "An Act to amend Chapter 4, Part I, Title 11 of the Delaware Code relating to voluntary intoxication as a defense against criminal liability."

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Connor, Darling, Derrickson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 36.

**ABSENT:** Representatives Clendaniel, Ferguson, Harrington, LeGates, Lynch — 5.

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

**SCR 65** (sponsored by Senators Kearns and Holloway) was introduced and assigned to State and Federal Relations Committee:

**SCR 65** — "Memorializing the Delaware Congressional Delegation to oppose the proposed change in Federal regulations governing the use and distribution of Food Stamps."

The following pre-filed legislation was introduced:

**HB 900** — "An Act to authorize the transfer of State property in Christiana Hundred to New Castle County." Sponsors: Representative Gilligan and Senator Cicione.

Assigned to Community Affairs Committee.

**HB 901** — "An Act to amend Chapter 27, Title 30, Delaware Code, relating to Manufacturers' License requirements and taxes." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 902** — "An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries for substitute teachers." Sponsors: Representatives Gilligan and Billingsley. Assigned to Education Committee.

**HB 903** — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to issuance of a vehicle registration expiration notice for a fee." Sponsors: Representatives Boulden and Billingsley. Assigned to Public Safety Committee.

**HB 904** — "An Act to amend Chapter 9, Part I, Delaware Code, relating to the Family Court of the State of Delaware; and permitting a party to an action to be accompanied by a person not connected with the litigation." Sponsors: Representative Ambrosino; Senators Holloway and Berndt. Assigned to Judiciary Committee.

**HB 905** — "An Act relating to a pension for Kathryn Prettyman Wilkins, a former Sussex County employee." Sponsor: Representative Clendaniel. Assigned to Appropriations Committee.

**HB 906** — "An Act directing the Board of Pension Trustees to permit Joseph J. Conte, a Teacher, to pay into the Pension Fund a sum based on his salary during 38 months of disability." Sponsors: Representative Sincock and Senator Berndt. Assigned to Appropriations Committee.

**HB 907** — "An Act to amend Chapter 15, Part I, Title 14, Delaware Code, relating to Education; and providing for a limitation upon the use of Tax Revenues." Sponsor: Representative Ambrosino. Assigned to Education Committee.

**HB 908** — "An Act to amend Chapter 11, Part II, Title 30, Delaware Code relating to State Taxes; and providing for a graduated Percentage Personal Income Tax." Sponsor: Representative Ambrosino. Assigned to Revenue and Finance Committee.

**HA 1 to HB 720** was introduced by Representative Gordy and placed with the Bill.

**HA 1 to HB 887** was introduced by Representative Arnold and placed with the Bill.

**SB 571** — "An Act directing the Secretary of State to execute and deliver deeds to certain persons for land in Baltimore Hundred, Sussex County, Delaware." Sponsor: Senator Cordrey. Assigned to House Administration Committee.

**SB 573** — "An Act to provide a supplementary appropriation to the Delaware State College, which funds shall be used to complete a Sewage Treatment Project." Sponsor: Senator Zimmerman. Assigned to Appropriations Committee.

**SB 591** — "An Act to amend Chapter 51, Title 25, Delaware Code, relating to Landlord-Tenant." Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

**SB 594** — "An Act to amend Title 29, Delaware Code, relating to the Department of Corrections and other State Agencies; and providing for a reorganization of said Department." Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

**SB 597** — "An Act to amend Chapter 27, Title 21, Delaware Code, relating to suspension of Drivers' Licenses." Sponsor: Senator Adams. Assigned to Public Safety Committee.

**SB 598** — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to issuance of License Plates." Sponsor: Senator Adams. Assigned to Public Safety Committee.

Representative McGinnis moved that **HB 262 w HA 1, 2, 3** which had been laid on the table be lifted for further consideration and the motion prevailed by voice vote.

**HA 4** to the Bill was introduced by Representative McGinnis who then moved that the Bill and the Amendment be again laid on the table and the motion prevailed by voice vote.

**HB 813** was laid on the table on motion of Representative Byrd.

The Chair announced that **HB 629** was recommitted to the Highways and Transportation Committee.

**HB 774** was laid on the table on motion of Representative Darling.

**HB 872** was taken up for consideration on motion of Representative Matushefske:

**HB 872** — "An Act to amend Chapter 5, Title 28, Delaware Code relating to State Taxes and Licensee's Commissions on contributions to Pari-mutuel and Totalizator Pools at Harness Racing meets."

The privilege of the floor was extended to John Rich, House Attorney, to speak on the Bill.

Representative Matushefske then moved that the Bill be laid on the table and the motion prevailed by voice vote.

The following Committee reports were announced:

From the Judiciary Committee: **HB 821** — 4 Merits; **HB 898** — 4 Merits.

From the Public Safety Committee: **HB 544** — 2 Merits, 2 Unfavorable; **SB 536** — 3 Favorable, 1 Merits; **SB 437** — 4 Merits.

The House recessed at 5:41 until March 31, 1976.

The House reconvened at 2:58 p.m. March 31, 1976.

On motion of Representative McGinnis, the House immediately adjourned to convene for the 16th Legislative Day.

### 16TH LEGISLATIVE DAY

The House convened at 3:00 p.m. March 31, 1976.

A Prayer was offered by Rev. James Alves, St. Phillip's Episcopal Church, Laurel.

Pledge of Allegiance to the Flag.

By roll call there were 41 Representatives PRESENT.

Legislative Advisories No. 66 and 67 received from William C. Bradley, Jr., Counsel to the Governor informed the House that the Governor approved on March 26, 1976: **HB 461**; **HB 757 w HA 3, 4**; **HCR 58**; **HCR 59**. On March 29, 1976, the Governor approved: **HB 605**; **HB 606**; **HB 618**; **HCR 62**; **HCR 61**.

The following Committee Reports were announced:

From the Public Safety Committee: **HB 790** — 5 Merits; **HB 767** — 5 Merits; **HB 903** — 1 Favorable, 3 Merits; **HB 650** — 5 Merits; **SB 598** — 1 Favorable, 5 Merits; **SB 567** — 4 Merits; **HB 544** — 1 Favorable, 2 Merits, 2 Unfavorable.

From the Revenue and Finance Committee: **HB 857** — 5 Merits.

From the Labor and Commerce Committee: **SB 209** — 4 Merits.

From the Appropriations Committee: **HB 690** — 5 Merits; **HB 619** — 4 Merits; **HB 888** — 5 Merits; **HB 859** — 4 Merits; **SB 455** — 5 Merits; **SB 220** — 5 Merits; **SB 221** — 5 Merits; **SB 507** — 5 Merits; **SB 49** — 6 Merits.

**HCR 66** was introduced by Representative Clendaniel and adopted by voice vote:

**HCR 66** — "Congratulating Herm Bastianelli on his

retirement as Wrestling Coach at Sussex Central High School."

**HCR 65** (Sponsored by Representative Gilligan; Senators Manning and Sharp) was introduced and adopted by voice vote:

**HCR 65** — "Congratulating Thomas McKean High School winners in the Twentieth Annual Delaware State D.E.C.A. Leadership Conference."

**SCR 67** (Sponsored by Senators Isaacs, Kearns, Cordrey and all the Representatives) was introduced and adopted by voice vote on motion of Representative McGinnis:

**SCR 67** — "Expressing Best Wishes, and reluctantly saying Goodbye, to Susan Winters of Legislative Council on her new job assignment."

**HR 132** was introduced by Representative Brady and adopted by voice vote:

**HR 132** — "Expressing sincere Best Wishes of the members of the House of Representatives of the 128th General Assembly to Lydia Barnes Vaughn on the occasion of her 100th Birthday."

**HB 841** was stricken on motion of Representative Jonkiert.

**HB 822** was stricken on motion of Representative Gilligan.

The following pre-filed legislation was entered in the Calendar:

**HB 909** — "An Act to permit the DeLaWarr School District to transfer certain funds from its Debt Service and Tuition Accounts to its Current Operating Account." Sponsor: Representative Boulden. Assigned to Education Committee.

**HB 910** — "An Act to amend Chapter 86, Title 9, Delaware Code relating to delinquent Real Estate Taxes which are no longer liens against any Real Estate." Sponsor: Representative Boulden. Assigned to Community Affairs Committee.

**HB 911** — "An Act to amend Title 5 of the Delaware Code relating to Banking; creating the Delaware State Bank Corporation, authorizing and directing said Corporation to apply, either directly or through a wholly owned subsidiary corporation, for permission to establish and operate a Public Bank under the Banking Laws of the State of Delaware, and providing for financial transactions to implement this Act." Sponsor: Representative Ambrosino. Assigned to

**Administrative Services Committee.**

**HB 912** — "An Act making a supplementary appropriation to the State Board of Education for the purpose of adjusting the formula for reimbursement to the School Bus Contractors and the School Districts for the transportation of public school pupils during the Fiscal Year ending June 30, 1976." Sponsor: Representative Temple. Assigned to Appropriations Committee.

**HB 913** — "An Act authorizing the Judicial Branch through the Chief Justice to transfer between all lines and Courts of the State of Delaware." Sponsor: Representative George. Assigned to Appropriations Committee.

**HB 917** — "An Act to provide a supplemental appropriation to the Division of Public Health and Social Services for continuance of the Adolescent Program." Sponsor: Representative Johnson. Assigned to Appropriations Committee.

**HB 914** — "An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying jurors." Sponsor: Representative George. Assigned to Appropriations Committee.

**HB 915** — "An Act to amend Chapter 29, Part III, Title 30 of the Delaware Code by requiring a special license for a transient retailer and providing for an additional fee on aggregate Gross Receipts." Sponsor: Representative Cain. Assigned to Revenue and Finance Committee.

**HB 916** — "An Act to amend Chapter 1, Title 8, Delaware Code, relating to the General Corporation Law." Sponsors: Representatives McGinnis, Derrickson, Cain and Billingsley. Assigned to Administrative Services Committee.

**HA 1 to HB 784** was introduced by Representative Gordy and placed with the Bill.

**HJR 41** — "Requesting Blue Cross and Blue Shield of Delaware, Inc., to study the costs of an additional plan which would lower the costs of protection for certain family clients." Sponsor: Representative George. Assigned to Public Safety Committee.

**SS 1 for SB 526** — "An Act to amend Chapters 1, 13, 19, 31, 45, 49, and 55, Title 15 of the Delaware Code relating to Registration Records, supplies, and places; registration for members of Military Forces and related organizations, Primary Elections and nominations, poll lists, grounds for refusing to admit to Voting Machine, residency of voter, and



absentee voting." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

**SB 555** — "An Act to amend Chapter 1 and Chapter 3, Title 15 of the Delaware Code relating to the definition of "Party" of "Political Party" and of "Primary Election"; and providing for the supplying of voter lists to Political Party Chairmen and other persons." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

**SB 556 w SA 1** — "An Act to amend Chapter 33, Title 15 of the Delaware Code relating to the Nominations of Candidates by Parties; and providing a supplementary appropriation to various Departments of Election." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

**SB 562** — "An Act to amend Title 15, Chapter 1, relating to Departments of Elections and directing such State Departments to hold referenda on the Question of Busing to achieve racial equality in State Schools." Sponsor: Senator Steele. Assigned to Education Committee.

**SB 568** — "An Act to provide that a Referendum be held in the November 1976 General Election on the Question of Slot Machines in Delaware." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

At 3:20 p.m. the House recessed for caucus and reconvened at 5:50 p.m.

**HB 918** (Sponsored by Representatives Ferguson and Riddagh) was introduced and assigned to Appropriations Committee:

**HB 918** — "An Act to amend Chapter 65, Part IV, Title 11, Delaware Code, relating to the retirement of certain persons within the Division of Adult Corrections by delaying the effective date of such Amended Sections."

**HJR 39** was reported out of the Health and Social Services Committee: 2 Favorable, 2 Merits.

At 5:55 p.m. the House recessed until 1:30 p.m. April 1, 1976.

The House reconvened at 1:57 p.m. April 1, 1976.

On motion of Representative McGinnis, the House immediately adjourned to convene for the 17th Legislative Day.

### 17TH LEGISLATIVE DAY

The House convened at 1:58 p.m. April 1, 1976.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

17TH LEGISLATIVE DAY

By roll call, there were 41 Representatives PRESENT.

The minutes of the 16th Day were approved as posted.

The Clerk announced that a message from the Senate informed the House that it had passed **HB 600; HCR 56; HCR 66; HB 834 w HA 1**.

**HCR 67** (Sponsored by Representatives Jonkiert, McGinnis and Harrington; Senators Isaacs, Cordrey and Kearns) was introduced and adopted by voice vote on motion of Representative McGinnis:

**HCR 67** — "Welcoming United States Senator Frank Church of Idaho to the First State of Delaware on his appearance as Guest Speaker at the Annual Jefferson-Jackson Day Dinner."

Representative Ferguson moved that the necessary rules be suspended for consideration of **HB 918** and the motion prevailed by voice vote.

**HB 918** — "An Act to amend Chapter 65, Part IV, Title 11, Delaware Code, relating to the retirement of certain persons within the Division of Adult Corrections by delaying the effective date of such Amended Sections."

**HA 1** to the Bill was introduced by Representative Riddagh and adopted by voice vote.

The roll call vote on **HB 918 w HA 1** was then taken and announced:

**YES:** Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Jonkiert — 38.

**ABSENT:** Representatives Ambrosino, George and Worthen — 3.

Therefore, the Bill was declared passed by the House and sent to the Senate.

The House recessed for caucus at 2:18 p.m. and reconvened at 7:29 p.m.

The following pre-filed legislation was entered in the Calendar:

**HB 920** — "An Act to amend Chapter 21, Title 24 of the Delaware Code relating to Optometry." Sponsor: Representative Lynch. Assigned to Administrative Services Committee.

**HB 921** — "An Act making a supplementary appropriation to the Department of Public Safety for the purpose of paying an employee who failed to receive her annual increment." Sponsor: Representative Gordy. Assigned to Appropriations Committee.

**HB 922** — "An Act to amend Chapter 17, Part I, Title 14 of the Delaware Code relating to the determination of units of pupils for purposes of State appropriations to Free Public Schools." Sponsor: Representative Ambrosino. Assigned to Education Committee.

**HB 923** — "An Act relating to a pension for Esther Stevens, an employee of the Wilmington Public School District, and a former employee for New Castle County." Sponsor: Representative Sincock. Assigned to Appropriations Committee.

**HB 924** — "An Act to amend Title 10 and Title 25 of the Delaware Code relating to Landlord-Tenant relationships." Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

**HB 925** — "An Act to amend Chapter 55, Part III, Title 25 of the Delaware Code relating to tenant obligations and landlord remedies." Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

**HB 926** — "An Act to amend Chapter 55, Part III, Title 25 of the Delaware Code relating to the Landlord-Tenant Code; and providing limitations upon the amount of which may be demanded as a Security Deposit." Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

**HB 927** — "An Act to amend Chapter 55, Part III, Title 25 of the Delaware Code relating to access by a landlord or tenant to a rental unit." Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

**HB 928** — "An Act to amend Chapter 86, Part VIII, Title 29 of the Delaware Code relating to the Division of Consumer Affairs of the Department of Community Affairs and Economic Development." Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

**HB 929** — "An Act to amend Chapter 79, Title 29, Delaware Code, relating to the Department of Correction and providing qualifications for the Chief of the Bureau of Adult Correction and the Chief of the Bureau of Juvenile Correction." Sponsor: Representative Clendaniel. Assigned to Corrections Committee.

**HB 930** — "An Act to amend Chapter 75, Part V, Title 15 of the Delaware Code relating to Municipal and Town Elections by providing that the Polls need not remain open when there is only one candidate for each Office." Sponsor: Representative Lynch. Assigned to Judiciary Committee.

**HB 931** — "An Act to authorize the transfer of property in Christiana Hundred to New Castle County." Sponsors: Representative Gilligan and Senator Cicone. Assigned to Community Affairs Committee.

**HB 919** — "An Act to amend Chapter 51, Part V, Title 29 of the Delaware Code relating to Pension Plan payments by State employees." Sponsor: Representative Ambrosino. Assigned to Appropriations Committee.

**HA 1 to HB 862** was introduced by Representative Connor and placed with the Bill.

**HA 1 to HB 893** was introduced by Representative Matushefske and placed with the Bill.

**HA 1 to HB 898** was introduced by Representative Gordy and placed with the Bill.

**HA 1 to SB 317** (Sponsored by Representative Rispoli and Senator Isaacs) was introduced and placed with the Bill.

**HB 932** (Sponsored by Representatives Jonkiert and George) was introduced from the floor and assigned to Judiciary Committee:

**HB 932** — "An Act to amend Title 10 and Title 31 of the Delaware Code relating to mandatory commitment of minors who have been adjudicated delinquent by Family Court for having committed certain designated acts."

Representative McGinnis moved that the Agenda be suspended and the motion prevailed by voice vote.

Representative George moved that the necessary rules be suspended for consideration of **HB 913** and the motion prevailed by voice vote:

**HB 913** — "An Act authorizing the Judicial Branch through the Chief Justice to transfer between all lines and Courts of the State of Delaware."

The roll call vote on the Bill revealed 41 Representatives voting YES. Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative Clendaniel moved that the necessary rules be suspended for consideration of **SB 601** and the motion prevailed by voice vote:

**SB 601** — "An Act authorizing the State of Delaware to

borrow money to be used for the purpose of making renovations and repairs to the Sussex Correctional Institute, and to issue Bonds and Notes therefor and appropriating the monies to the Department of Corrections."

The roll call vote on the Bill revealed:

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

NO: Representative Spence — 1.

Therefore, the Bill was declared passed by the House and returned to the Senate.

Representative George moved that the necessary rules be suspended for consideration of **HB 914** and the motion prevailed by voice vote:

**HB 914** — "An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying jurors."

The roll call vote on the Bill was taken and revealed 41 Representatives voting YES. Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative Matushefske moved that **HB 872** be lifted from the table for consideration and the motion prevailed by voice vote.

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

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Sincok, Spence, Temple, Jonkiert — 27.

NO: Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Hebner, LeGates, Leshner, McKay, Seibel, Smith and Worthen — 12.

NOT VOTING: Representatives Powell and Ridings — 2.

Therefore, the Bill was declared passed by the House and sent to the Senate.

**HB 844** was taken up for consideration on motion of Representative Matushefske:

**HB 844** — "An Act to amend Chapter 49, Title 10, of the

Delaware Code relating to exemption and attachment of wages."

The roll call vote was taken; however before it was announced, Representative Matushefske moved that it be tabled and the motion prevailed by voice vote.

**HB 845** was taken up for consideration on motion of Representative Matushefske:

**HB 845** — "An Act to amend Part IV, Chapter 21, Title 5, Delaware Code, to remove the prohibition against post-judgment wage attachments."

The roll call vote on the Bill revealed:

**YES:** Representatives Ambrosino, Arnold, Boulden, Brady, Cain, Clendaniel, Connor, Darling, George, Gilligan, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, McGinnis, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Spence, Temple, Jonkiert — 27.

**NO:** Representatives Billingsley and Byrd — 2.

**NOT VOTING:** Representatives Derrickson, Ferguson, Gordy, Hebner, Leshner, Maxwell, Miller, Seibel, Sincok, Smith, Worthen — 11.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative Johnson moved that the necessary rules be suspended for consideration of **HB 917** and the motion prevailed by voice vote."

**HB 917** — "An Act to provide a supplemental appropriation to the Division of Public Health and Social Services for continuance of the Adolescent Program."

The roll call vote on the Bill revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Ridings, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Jonkiert — 37.

**NO:** Representatives Riddagh and Spence — 2.

**NOT VOTING:** Representative Harrington — 1.

**ABSENT:** Representative Minner — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative George moved that the roll call vote on **SB 219** be lifted and the motion prevailed by voice vote.

Therefore, the roll call vote on **SB 219** was announced:

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

**NO:** Representatives Billingsley, Connor, Jornlin — 3.

**NOT VOTING:** Representative Cain — 1.

Therefore, the Bill was declared passed by the House and returned to the Senate.

**SB 220** was taken up for consideration on motion of Representative George:

**SB 220** — "An Act to amend Volume 57, Chapter 299, Laws of Delaware, entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefore and appropriating the monies to various Agencies of the State" by extending the date on sales of the Bonds and Notes."

The roll call vote on the Bill revealed:

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

**ABSENT:** Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and returned to the Senate.

**SB 221** was taken up for consideration on motion of Representative George:

**SB 221** — "An Act to amend Volume 57, Chapter 736, Laws of Delaware entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State" by extending the date on sales of the Bonds and Notes."

The roll call vote on the Bill revealed:

**YES:** Representatives Ambrosino, Arnold, Boulden,

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

ABSENT: Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and returned to the Senate.

Representative McGinnis moved for suspension of rules for introduction and consideration of **HB 933** and the motion prevailed by voice vote:

**HB 933** — “An Act to amend an Act entitled: “An Act to establish a Bank, and Incorporate a Company, under the name of the Farmers’ Bank of the State of Delaware; (Volume 4, Laws of Delaware, Chapter 39)” relating to stockholders ‘voting’ rights.”

Representative McGinnis then moved that the Bill be laid on the table and the motion prevailed by voice vote.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 934** and the motion prevailed by voice vote:

**HB 934** — “An Act to amend Subchapter I, Title 5, Delaware Code, relating to Banking.” Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincock.

The roll call vote on the Bill revealed:

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

NOT VOTING: Representative Cain — 1.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative Jonkiert moved that the necessary rules be suspended for introduction and consideration of **HB 935** and the motion prevailed by voice vote:

**HB 935** — “An Act to amend Chapter VII, Title 5, Delaware Code, relating to Banking.” Sponsors:



Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

The roll call vote on the Bill revealed:

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

**NOT VOTING:** Representative Cain — 1.

**ABSENT:** Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **HB 936** and the motion prevailed by voice vote:

**HB 936** — “An Act to amend Title 5, Delaware Code, relating to the establishment of the Farmers Bank Commission.” Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

The roll call vote on the Bill revealed:

**YES:** Representatives Ambrosino, Arnold, Brady, Byrd, Cain, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 34.

**NO:** Representatives Boulden, Ferguson and Morris — 3.

**NOT VOTING:** Representatives Clendaniel, Lynch and Minner — 3.

**ABSENT:** Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 937** and the motion prevailed by voice vote:

**HB 937** — “An Act relating to the Charter of the Farmers Bank of the State of Delaware.” Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

The roll call vote on the Bill revealed:

**YES:** Representatives Ambrosino, Arnold, Brady, Byrd, Connor, Darling, Derrickson, George, Gilligan, Gordy,

Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 36.

NO: Representative Boulden — 1.

NOT VOTING: Representatives Cain, Clendaniel and Derrickson — 3.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 938** and the motion prevailed by voice vote:

**HB 938** — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor and appropriate the funds thus obtained to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok.

The roll call vote on the Bill revealed:

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

NO: Representative Brady — 1.

NOT VOTING: Representatives Cain and Hebner — 2.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 939** and the motion prevailed by voice vote:

**HB 939** — "An Act ratifying the loan of money by the General Fund to Special Funds of the State and confirming the authority of the State to fund such loan from the proceeds of Bonds." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

The roll call vote on the Bill revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson,

Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

NOT VOTING: Representatives Cain and McKay — 2.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 940** and the motion prevailed by voice vote:

**HB 940** — "An Act authorizing the State Treasurer of the State of Delaware to appropriate unused proceeds of Bonds and Notes in State Bond Reversion Accounts and money in the State Capital Investment Fund to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

The roll call vote on the Bill revealed:

YES: Representatives Ambrosino, Arnold, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 36.

NO: Representatives Boulden and Brady — 2.

NOT VOTING: Representatives Cain and Minner — 2.

ABSENT: Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 941** and the motion prevailed by voice vote:

**HB 941** — "An Act to amend Chapters 62 and 91, Title 29 of the Delaware Code, relating to the Capital Investment Fund and Advanced Land Acquisition Fund reducing those Funds and appropriating a portion of the funds released to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

The roll call vote on the Bill revealed:

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

**NO:** Representatives Brady and McKay — 2.

**NOT VOTING:** Representative Cain — 1.

**ABSENT:** Representative Billingsley — 1.

Therefore, the Bill was declared passed by the House and sent to the Senate.

**HB 932** was reported out of the Judiciary Committee: 4 Merits.

At 2:04 a.m. April 2 the House recessed to the call of the Chair.

The House reconvened at 2:10 p.m. April 6, 1976.

On motion of Representative McGinnis, the House immediately adjourned to convene for the 18th Legislative Day.

### **18TH LEGISLATIVE DAY**

The House convened at 2:11 p.m. April 6, 1976.

A Prayer was offered by Rev. Larry Cornell of the First Baptist Church of Milford.

Pledge of Allegiance to the Flag.

By roll call, there were 41 members **PRESENT**.

The minutes of the 17th Day were approved as posted.

The following pre-filed legislation was entered in the Calendar:

**HB 942** — "An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to public works and construction projects; and providing for public hearings." Sponsor: Representative LeGates. Assigned to Highways and Transportation Committee.

**HB 943** — "An Act to amend Title 29 of the Delaware Code relating to the minimum pension of a Judge." Sponsor: Representative Matushefske. Assigned to Appropriations Committee.

**HB 944** — "An Act to amend Chapter 20, Title 16 of the Delaware Code relating to Hearing Aid Dealers." Sponsor: Representative Worthen. Assigned to Health and Social Services Committee.

**HB 945** — "An Act to authorize a survivor's pension for

the widow of Stanley J. Lewandowski, a former employee of the Department of Highways and Transportation, who was injured in an on-job accident." Sponsor: Representative Kelly. Assigned to Appropriations Committee.

**HB 946** — "An Act to provide a pension for Joseph H. Hultberg, an employee of the Division of State Police." Sponsor: Representative Matushefske. Assigned to Appropriations Committee.

**HA 1 to HB 629** was introduced by Representative Worthen and placed with the Bill.

**HA 1 to HB 819** was introduced by Representative Cain and placed with the Bill.

**HA 1 to HB 846** was introduced by Representative Matushefske and placed with the Bill.

**HA 1 to HB 916** was introduced by Representative McGinnis and placed with the Bill.

**SB 602** — "An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase Bellevue Manor Estate, Brandywine Hundred, New Castle County, Wilmington, Delaware." Sponsors: Senators McCullough and Steele. Assigned to Judiciary Committee.

**SB 624** — "An Act to permit the Capital School District to transfer certain funds from its Debt Service Account to its Capital Improvement Account." Sponsor: Senator Zimmerman. Assigned to Appropriations Committee.

**SB 638** — "An Act to amend Subchapter I, Title 5, Delaware Code, relating to Banking." Sponsors: Senators Isaacs, Cordrey, Hughes and Murphy; Representatives Jonkiert, McGinnis, Derrickson, Sincok. Assigned to Administrative Services Committee.

**SB 639** — "An Act to amend Chapter VII, Title 5, Delaware Code relating to Banking." Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes and Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok. Assigned to Administrative Services Committee.

The following Bills were reported out of the Community Affairs Committee: **HB 843** — 5 Merits; **HB 910** — 5 Merits.

**SR 140** which requested the House to return **SB 523** for further consideration was presented and considered for adoption on motion of Representative Rispoli:

The roll call vote on returning **SB 523** to the Senate was taken and announced:

YES: Representatives Arnold, Boulden, Brady, Byrd,

Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Jonkiert — 36.

**ABSENT:** Representatives Ambrosino, Billingsley, Cain, Matushefske and Spence — 5.

Therefore, the motion prevailed and **SB 523** was ordered back to the Senate.

At 2:29 p.m. on motion of Representative McGinnis, the House recessed for caucus and reconvened at 4:19 p.m.

**HCR 68** (Sponsored by Representatives Sincock and Derrickson; Senator Murphy) was introduced from the floor and adopted by voice vote:

**HCR 68** — “Expressing the gratitude of the 128th General Assembly to Robert A. Short for his outstanding service to this State as Insurance Commissioner.”

**HB 199** was recommitted to House Administration Committee on motion of Representative Gilligan.

Representative Gilligan yielded to Representative Ferguson on whose motion **HB 267** was taken up for consideration:

**HB 267** — “An Act to amend Chapter 51, Title 29, Delaware Code, relating to residency requirements of employees of the State of Delaware.”

**HA 1** to the Bill which had been placed with the Bill was adopted by voice vote of the House on motion of Representative Ferguson.

The roll call vote on **HB 267 w HA 1** was taken but before being announced was tabled on the motion of Representative Ferguson.

At 4:50 p.m. on motion of Representative McGinnis, the House recessed until 1:00 p.m. April 7, 1976.

The House reconvened at 1:25 p.m. April 7, 1976.

On motion of Representative McGinnis, the House immediately adjourned to convene for the 19th Legislative Day.

### 19TH LEGISLATIVE DAY

The House was called to order at 1:26 p.m. April 7, 1976 by the Speaker, Representative Jonkiert.

A Prayer was offered by Rev. Jesse Walker, Mt. Joy Methodist Church, Wilmington.

Pledge of Allegiance to the Flag.

By roll call, there were 40 Representatives **PRESENT** and 1 (Ferguson) **ABSENT**.

The minutes of the 18th Day were approved as posted.

The Clerk announced that a message from the Senate informed the House that it had passed: **HB 934; HB 935; HB 938; HB 939; HB 940; HB 941; HB 937; HCR 67.**

**HB 866** was reported out of Revenue and Finance Committee: 2 Favorable, 1 Merits, 1 Unfavorable.

**HCR 69** (Sponsored by Representatives McGinnis, Jonkiert and Harrington; Senators Isaacs, Cordrey and Kearns) was introduced and adopted by voice vote:

**HCR 69** — “Welcoming Caron Carter, Daughter-in-law to Presidential Candidate Jimmy Carter, to the First State.”

**SCR 70** (Sponsored by Senator Zimmerman) was introduced and adopted by voice vote on motion of Representative McGinnis:

**SCR 70** — “MEMORIALIZING AND URGING THE DELAWARE CONGRESSIONAL DELEGATION TO USE THE INFLUENCE OF THEIR RESPECTIVE OFFICES IN RESTORING THE PORT MAHON LIGHTHOUSE AT THE ENTRANCE OF PORT MAHON RIVER FROM THE DELAWARE BAY.”

WHEREAS, the Port Mahon Lighthouse is one of the few lighthouses remaining along the Delaware Bay which remains to date in a state of disrepair; and

WHEREAS, the Port Mahon Lighthouse is located at the entrance of Port Mahon River from the Delaware Bay; and

WHEREAS, the Port Mahon Lighthouse has not been in use for several years; and

WHEREAS, the Port Mahon Lighthouse is a historical landmark and is worthy of restoration during our Bicentennial anniversary; and

WHEREAS, the restoration of the Port Mahon Lighthouse will be a legacy to remind future generations of Delaware’s navigational history.

NOW THEREFORE,

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Delaware Congressional Delegation use the influence of their respective offices in helping to restore the Port Mahon Lighthouse, located at the entrance of Port Mahon River from the Delaware Bay.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate and House Journals and that upon passage the Secretary of the Senate forward copies to the Washington, D.C. offices of each member of the Delaware Congressional Delegation.

\* \* \* \* \*

**HB 452** was deferred on motion of Representative Gilligan.

**HB 434** was taken up for consideration on motion of Representative LeGates:

**HB 434** — "An Act to amend Chapter 9, Title 7, Delaware Code, relating to carp fishing."

**HA 1** to the Bill which had been placed with the Bill was taken up on motion of Representative LeGates and adopted by voice vote.

The roll call on **HB 434 w HA 1** was then taken; however, before it was announced, Representative LeGates moved that it be tabled and the motion prevailed by voice vote.

At 1:53 p.m. on motion of Representative McGinnis the House recessed for caucus and reconvened at 2:31 p.m.

Consideration of **HB 452** was again deferred at the request of Representative Gilligan.

Representative Gilligan moved that the necessary rules be suspended for consideration of **HB 931** and the motion prevailed by voice vote:

**HB 931** — "An Act to authorize the transfer of property in Christiana Hundred to New Castle County."

The roll call vote on the Bill revealed:

**YES:** Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 37.

**ABSENT:** Representatives Ambrosino, Ferguson, Hebner and Lynch — 4.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative Gordy moved that **HB 784** be lifted from the table for consideration and the motion prevailed by voice vote.

**HA 1** to the Bill which had been placed with the Bill was



taken up for consideration on motion of Representative Gordy and adopted by voice vote.

The roll call vote on **HB 784 w HA 1** was then taken and revealed:

**YES:** Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Ambrosino, Ferguson and Hebner — 3.

Therefore, the Bill was declared passed by the House and sent to the Senate.

**HB 869** was taken up for consideration on motion of Representative Cain:

**HB 869** — “An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utility Taxes, and Chapter 43, Delaware Code, relating to Use Tax on leases of tangible personal property, to change the due dates for filing returns.”

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Connor, Darling, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 34.

**NOT VOTING:** Representative Derrickson — 1.

**ABSENT:** Representatives Clendaniel, Ferguson, Hebner, Matushefske, Miller, Rispoli — 6.

Therefore, the Bill was declared passed by the House and sent to the Senate.

**HB 815** was taken up for consideration on motion of Representative Cain:

**HB 815** — “An Act to amend Chapter 23, Title 30, Delaware Code, relating to Occupational Licenses to exempt certain incidental sales from the Retailer Licensing requirements.”

At the request of Representative Billingsley, the privilege of the floor was extended to Secretary of Finance, John Malarkey, to speak on the Bill.

Representative Cain then moved that the Bill be laid on

the table and the motion prevailed by voice vote.

**HB 819** was taken up for consideration on motion of Representative Cain:

**HB 819** — “An Act to amend Chapter 23, Title 30, Delaware Code, relating to Occupational License for Mobile Home Parks.”

**HA 1** to the Bill which had been placed with the Bill was taken up for consideration on motion of Representative Cain and adopted by voice vote.

Representative Cain then moved that **HB 819 w HA 1** be laid on the table and the motion prevailed by voice vote.

**HB 816** was taken up for consideration on motion of Representative Cain:

**HB 816** — “An Act to amend Chapter 21, Title 30, Delaware Code, relating to general provisions concerning Occupational and Business Licenses, to provide for prorationing of fees, and for other purposes.”

**HA 1** to the Bill was introduced by Representative Cain and adopted by voice vote.

The privilege of the floor was extended to Harry Terry, House Attorney, to speak on the Bill.

Representative Cain then moved that the Bill be laid on the table and the motion prevailed by voice vote.

Consideration of **HB 833** was deferred on motion of Representative McGinnis.

Representative Miller moved that the necessary rules be suspended for consideration of **SB 624** and the motion prevailed by voice vote.

**SB 624** — “An Act to permit the Capital School District to transfer certain funds from its Debt Service Account to its Capital Improvement Account.”

**HA 1** to the Bill was introduced by Representative Miller and considered for adoption. The roll call vote on the Amendment was taken and revealed:

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

**NO:** Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Derrickson, McKay, Powell, Ridings, Seibel, Sincok, Smith, Spence — 13.

**ABSENT:** Representatives Ferguson, Hebner, Leshner and Matushefske — 4.

Therefore, the Amendment was declared adopted.

On motion of Representative Miller, the roll call vote on **SB 624 w HA 1** was then taken and revealed:

**YES:** Representatives Boulden, Byrd, Cain, Clendaniel, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Jonkiert — 23.

**NO:** Representatives Billingsley and Darling — 2.

**NOT VOTING:** Representatives Ambrosino, Arnold, Brady, Connor, Derrickson, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 13.

**ABSENT:** Representatives Ferguson, Hebner and Leshner — 3.

Therefore, the Bill was declared passed by the House and returned to the Senate for concurrence in the House Amendment.

Representative Maxwell moved that the roll call vote on **SB 126 w SA 1, 2, 3** be lifted. The motion prevailed by voice vote and the roll call was announced:

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

**NO:** Representative Hebner — 1.

**NOT VOTING:** Representatives Ambrosino, Arnold, Billingsley, Connor, Derrickson, Jorlin, Leshner, McKay, Powell, Ridings, Seibel, Sincock, Smith — 13.

Therefore, the Bill was declared lost since a 2/3 vote was needed for its passage.

The following pre-filed legislation was entered in the Calendar:

**HB 947** — “An Act to amend Chapter 65, Part VI, Title 29 of the Delaware Code relating to cost-of-living salary supplements; and providing for a definition of “Employee.” Sponsor: Representative Connor. Assigned to Appropriations Committee.

**HB 948** — “An Act to provide a supplementary appropriation to the Delaware National Guard to pay prior year obligations.” Sponsor: Representative George. Assigned to Appropriations Committee.

**HB 949** — “An Act to amend Chapter 7, Title 4 of the Delaware Code relating to regulatory provisions concerning

alcoholic liquors." Sponsor: Representative Maxwell. Assigned to Administrative Services Committee.

**HB 950** — "An Act to amend Chapter 55, Part III, Title 25 of the Delaware Code relating to the Landlord-tenant Code; and requiring a written reason for eviction, termination or failure to renew." Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

**HB 951** — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, the 1976 Budget Appropriation Act originally designated **SB 431**." Sponsor: Representative George. Assigned to Appropriations Committee.

**HB 952** — "An Act to amend Chapter 65, Part IV, Title 11 of the Delaware Code relating to prisons and prisoners; and granting certain employment powers to the Department of Correction." Sponsors: Representatives Morris and Riddagh. Assigned to Corrections Committee.

**HS 1 to HB 921** — "An Act making a supplementary appropriation to the Department of Public Safety for the purpose of paying an employee who failed to receive her annual increment." Sponsor: Representative Gordy. Assigned to Public Safety Committee.

**HA 1 to HB 850** was introduced by Representative Ambrosino and placed with the Bill.

**HA 1 to HB 886** was introduced by Representative Connor and placed with the Bill.

**HA 1 to HB 903** was introduced by Representative Billingsley and placed with the Bill.

**HA 1 to SB 502** was introduced by Representative Jonkiert and placed with the Bill.

**HA 4 to SB 259** was introduced by Representative LeGates and placed with the Bill.

**HA 1 to HB 735** was introduced by Representative Worthen and placed with the Bill.

**HB 871** was taken up for consideration on motion of Representative Maxwell:

**HB 871** — "An Act to amend Chapter 23, Part III, Title 30 of the Delaware Code relating to Occupational Taxes and Fees, and levying a Gross Receipts Tax on Massage Parlors."

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell,

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

ABSENT: Representatives Ferguson and Hebner — 2.

Therefore, the Bill passed the House and was sent to the Senate.

**HR 133** was introduced by Representative Spence and adopted by voice vote:

**HR 133** — “Commending the Members of the National Honor Society of Middletown High School upon their achievement.”

Consideration of **SB 56** was deferred on motion of Representative Worthen who then yielded to Representative McGinnis.

Representative McGinnis moved that the necessary rules be suspended for the introduction and consideration of **SB 576** and the motion prevailed by voice vote:

**SB 576** — “An Act relating to the name of the Kent Campus of Delaware Technical and Community College.”

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

YES: Representatives Ambrosino, Arnold, Billingsley, Bouliden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lesh, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Jonkiert — 38.

ABSENT: Representatives Ferguson, Hebner and Matushefske — 3.

Therefore, the Bill passed the House and was returned to the Senate.

**HCR 70** (Sponsored by Representatives Spence and Ridings) was introduced:

**HCR 70** — “Providing for the designation of a day for the members of the General Assembly to express their tribute and gratitude to the Delaware Constitutional Delegates.”

Representative McGinnis moved that the Resolution be laid on the table and the motion prevailed by voice vote.

**HB 909** was reported out of Education Committee: 5 Merits.

At 4:13 p.m. on motion of Representative McGinnis, the House recessed to the call of the Chair.

The House reconvened at 2:02 p.m. April 8, 1976,

Representative Jonkiert presiding.

On motion of Representative McGinnis, the House immediately adjourned to convene for the 20th Legislative Day.

### 20TH LEGISLATIVE DAY

The House convened at 2:03 p.m. April 20, 1976.

A Prayer was offered by Rev. Jesse Walker, Mt. Joy United Methodist Church.

Pledge of Allegiance to the Flag.

By roll call, there were 41 Representatives PRESENT.

The minutes of the 19th Legislative Day were approved as posted.

Representatives Sincock and Plant introduced and welcomed a group of students from Lancashire School in Brandywine Hundred to the House.

The following pre-filed legislation was entered in the Calendar:

**HB 953** — "An Act to amend Chapter 212, Volume 25, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethany Beach and giving it authority to issue Bonds," as amended, and related to qualifications and filing for the Office of Commissioner, to qualifications of voters to Election Day to the removal of Election Officials to the procedure for conducting Municipal Elections and to the procedure for enacting Ordinances." Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

**HB 954** — "An Act to amend Title 6 of the Delaware Code relating to Commerce and Trade; and providing for a Delaware Restraint of Trade Act." Sponsor: Representative Miller. Assigned to Labor and Commerce Committee.

**HB 955** — "An Act to amend Chapter 21, Part II, Title 25 of the Delaware Code relating to mortgages and other liens; and providing that interest be paid on funds held in escrow for the payment of Taxes and Insurance." Sponsors: Representatives Ambrosino and Spence. Assigned to Community Affairs Committee.

**HB 956** — "An Act to provide a supplemental appropriation to the Newark School District for the implementation of a one year Model Program for the Vocational Education of Handicapped Persons." Sponsors: Representatives Gilligan, Maxwell, Byrd, Kelly, LeGates, Miller, Darling, Temple, Ambrosino, Smith, Connor, Arnold, Powell, Billingsley, Rispoli, Cain; Senators Holloway, Berndt,

Hughes, Knox, Hale, Elliott, Cicione, Kearns, Martin, Isaacs. Assigned to Education Committee.

**HA 5 to HB 262** was introduced by Representative McGinnis and placed with the Bill.

**HA 2 to HB 829** was introduced by Representative Maxwell and placed with the Bill.

**HA 1 to HB 888** was introduced by Representative Gordy and placed with the Bill.

**SB 469 w SA 1** — “An Act to amend Chapters 21 and 29, Title 21, Delaware Code, relating to motor vehicles and providing for self-insurance in certain instances.” Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

**SB 577** — “An Act to amend Title 10, Title 11, Title 14 and Title 31 of the Delaware Code relating to parents and children; and providing criteria in certain cases for the definition of truant behavior and truancy.” Sponsor: Senator Cicione. Assigned to Education Committee.

**SB 606** — “An Act to amend Chapter 27, Title 21 of the Delaware Code, relating to Driver’s Licenses.” Sponsor: Senator Adams. Assigned to Public Safety Committee.

**SB 613** — “An Act to amend §9801 (1) (A), Chapter 98, Title 10 of the Delaware Code, relating to the establishment of a new rate.” Sponsor: Senator McCullough. Assigned to Judiciary Committee.

**SJR 52** — “Requesting the Insurance Commissioner to report to the General Assembly regarding voluntary adoption by insurers of readable policies.” Sponsors: Senators Murphy and Hughes; Representatives Gordy and Sincock. Assigned to Appropriations Committee.

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At 2:22 p.m. on motion of Representative McGinnis, the House recessed for caucus and reconvened at 4:15 p.m.

**HB 642** was recommitted to House Administration Committee on motion of Representative Byrd.

**SB 209 w SA 2, 3, 4** was taken up for consideration on motion of Representative Byrd:

**SB 209 w SA 2, 3, 4** — “An Act to amend Chapter 33, Part II, Title 6 of the Delaware Code relating to Commerce and Trade; and providing for the registration and protection of trademarks, brands and labels.”

Representative Byrd moved that the Bill be laid on the table and the motion prevailed by voice vote.

**HB 720** was recommitted to the House Administration Committee on motion of Representative Gordy.

Representative Gordy moved that **HB 763** be lifted for consideration and the motion prevailed by voice vote.

**HA 1** to the Bill which had been placed with the Bill was laid on the table on motion of Representative Arnold.

**HA 2** to the Bill was introduced by Representative Gordy and adopted by voice vote.

The privilege of the floor was extended to Duane Olsen, Controller General, and John Rich, House Attorney, to speak on the Bill.

The roll call vote on the Bill was then taken on motion of Representative Gordy and announced:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**NO:** Representative Cain — 1.

**ABSENT:** Representatives McGinnis and Powell — 2.

Therefore, the Bill was declared passed by the House and sent to the Senate.

Representative Byrd moved that **SB 209** be lifted for consideration and the motion prevailed by voice vote.

The privilege of the floor was extended to Senator Manning to speak on the Bill.

Representative Byrd then moved that the Bill be again laid on the table and the motion prevailed by voice vote.

**HB 198** was recommitted to House Administration Committee on motion of Representative Clendaniel.

**HB 859** was taken up for consideration on motion of Representative Clendaniel:

**HB 859** — "An Act to make an appropriation to the Georgetown Volunteer Fire Company for maintaining and operating a rescue truck."

The roll call vote on the Bill was taken; however, before it was announced Representative Clendaniel moved that it be tabled and the motion prevailed by voice vote.

**SB 371** was deferred on motion of Representative McGinnis who then yielded to Representative George.

**SB 455** was taken up for consideration on motion of



Representative George:

**SB 455** — "An Act to restore funds eliminated from the F.Y. 1976 Budget of the Public Service Commission for its regulatory operations."

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

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

**ABSENT:** Representative Derrickson — 1.

Therefore, the Bill passed the House and was returned to the Senate.

**HB 762** was taken up for consideration on motion of Representative Gordy:

**HB 762** — "An Act proposing an Amendment to Article V, Section 4A of the Constitution of the State of Delaware to permit a registered voter to vote an Absentee Ballot if the voter is on vacation."

The roll call vote on the Bill was taken; however, before it was announced Representative Gordy moved that it be tabled and the motion prevailed by voice vote.

At 5:13 p.m. the Speaker recessed the House and reconvened it at 5:17 p.m.

**HB 698** was taken up for consideration on motion of Representative Matushefske:

**HB 698** — "An Act to amend Chapter 5, Title 13, Delaware Code, relating to Support Orders and enforcement thereof."

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

**YES:** Representatives Ambrosino, Arnold, Boulden, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Kelly, LeGates, Leshner, Lynch, Matushefske, McGinnis, McKay, Miller, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Jonkiert — 34.

**NO:** Representatives Billingsley, Minner and Worthen — 3.

**NOT VOTING:** Representative Johnson — 1.

**ABSENT:** Representatives Byrd, Maxwell and Powell — 3.

Therefore, the Bill passed the House and was sent to the Senate.

**HB 846** was deferred on motion of Representative Matushefske who then yielded to Representative Boulden.

**HB 903** was taken up for consideration on motion of Representative Boulden:

**HB 903** — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to issuance of a vehicle registration expiration notice for a fee."

**HA 1** to the Bill which had been placed with the Bill was taken up for consideration on motion of Representative Billingsley and adopted by voice vote.

The roll call vote on **HB 903 w HA 1** was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 39.

**ABSENT:** Representatives McGinnis and Powell — 2.

Therefore, the Bill passed the House and was sent to the Senate.

**HB 847** was deferred on motion of Representative Matushefske.

**HB 820** was taken up for consideration on motion of Representative Matushefske:

**HB 820** — "An Act to amend Chapter 2, Part I, Title 11 of the Delaware Code relating to time limitations; and providing for unclassified misdemeanors."

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Seibel, Sincok, Smith, Spence, Temple, Worthen, Jonkiert — 38.

**ABSENT:** Representatives Cain, Powell and Rispoli — 3.

Therefore, the Bill passed the House and was sent to the Senate.

**HB 723** was taken up for consideration on motion of

Representative Matushefske:

**HB 723** — “An Act to amend Chapter 41, Title 29, Delaware Code, relating to notary fees of Justices of the Peace.”

Representative Matushefske then moved that the Bill be laid on the table and the motion prevailed by voice vote.

**SB 516** was taken up for consideration on motion of Representative Matushefske:

**SB 516** — “An Act to amend Chapter 33, Title 15, Delaware Code, relating to Party Titles.”

Representative Matushefske then moved that the Bill be laid on the table and the motion prevailed by voice vote.

**SB 515** was deferred on motion of Representative Matushefske who then yielded to Representative McGinnis.

Representative McGinnis moved that the necessary rules be suspended for introduction and consideration of **HB 957** and the motion prevailed by voice vote:

**HB 957** (Sponsored by Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock) — “An Act relating to the Charter of the Farmers Bank of the State of Delaware.”

The roll call vote on the Bill was taken; however, before it was announced, Representative McGinnis moved that it be tabled and the motion prevailed by voice vote.

Consideration of **SB 205** was deferred on motion of Representative Matushefske.

Consideration of **SB 127** was deferred on motion of Representative Matushefske.

**SB 26** was deferred on motion of Representative Matushefske.

**SB 19** was deferred on motion of Representative Matushefske.

**SB 527** was deferred on motion of Representative Matushefske.

The following Bills were reported out of the Administrative Services Committee: **SB 502** — 4 Merits; **HB 916** — 1 Favorable, 3 Merits.

**HB 467** was recommitted to the Judiciary Committee on motion of Representative Maxwell.

**HB 574** was stricken on motion of Representative LeGates.

**HB 900** was stricken on motion of Representative Gilligan.

At 6:06 p.m. on motion of Representative McGinnis, the House recessed until 1:30 p.m. April 13, 1976.

The Speaker called the House to order at 3:47 p.m. April 13, 1976.

The Majority Leader moved adjourn at 3:48 p.m., thereby ending the previous Legislative Day.

### 21ST LEGISLATIVE DAY

The House reconvened at 3:49 p.m.

A Prayer was offered by Representative Morris.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representatives Connor and Plant — 2.

By roll call there were 39 Representatives **PRESENT**, and 2 **ABSENT**.

The minutes of the 19th Day were approved as posted.

The following pre-filed legislation was introduced:

**HB 958** — "An Act to amend Chapter 31, Title 14, Delaware Code, relating to Exceptional Children by requiring the State to provide an Educational Program for Certain Handicapped Persons and providing an appropriation therefor." Assigned to Education Committee. Introduced by Representative Lynch.

**HB 959** — "An Act to amend Chapter 21, Title 21, of the Delaware Code relating to Inspection of Small Trailers." Introduced by Representative LeGates. Assigned to Public Safety Committee.

**HB 960** — "An Act to amend Chapter 11, Title 16, Delaware Code relating to Restricted Licenses for Sanatoria Rest Homes, Boarding Homes, and related institutions." Introduced by Representatives Darling and Temple. Assigned to Health and Social Services Committee.

**HB 961** — "An Act to amend Part V, Title 29 of the Delaware Code relating to Public Officers and Employees; and providing for a Uniform System of Job Evaluation and Compensation." Introduced by Representatives Arnold, Temple, Cain. Assigned to Federal and State Relations

Committee.

**HB 962** — "An Act to amend Chapter 10, Part I, Title 14 of the Delaware Code relating to the Right to Appeal a decision of the School Board of a Reorganized School District." Introduced by Representative Ambrosino. Assigned to Education Committee.

**HB 963** — "An Act to amend Title 11 and Title 29, Delaware Code, relating to Pension Benefits for Corrections Officers." Introduced by Representatives Ferguson, Riddagh, Morris. Assigned to Appropriations Committee.

**HB 964** — "An Act making a supplemental appropriation to the Department of Finance for the purpose of continuing to fund the Delaware Econometric Model for the remainder of Fiscal Year 1976." Assigned to Appropriations Committee. Introduced by Representatives Sincok, Worthen; Senator Berndt.

**HB 965** — "An Act to amend Chapter 17, Title 14 of the Delaware Code to include Severely Mentally Handicapped Children under the jurisdiction of the Public School System and to provide an appropriation therefor." Introduced by Representative Lynch. Assigned to Education Committee.

**HB 966** — "An Act to amend Chapter 11 of Title 16, Delaware Code, relating to the number of aged, infirmed Chronically Ill or convalescent persons in Rest Homes, Nursing Homes, Boarding Homes and related institutions." Introduced by Representative Maxwell. Assigned to Health and Social Services Committee.

**HB 967** — "An Act to provide a supplementary appropriation to the Town of Bowers Beach for repayment to the State Recreation Assistance Fund." Introduced by Representative Minner and Senator Murphy. Assigned to Appropriations Committee.

**HB 968** — "An Act authorizing the issuing of Officers of the State of Delaware to sell Bonds of the State at public or private sale." Introduced by Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok. Assigned to Appropriations Committee.

**HA 1 to HB 167** was introduced by Representative LeGates, and placed with the Bill.

**HA 7 to SB 259** was introduced by Representative LeGates, and placed with the Bill.

**HA 8 to SB 259** was introduced by Representative LeGates, and placed with the Bill.

**SB 618** — “An Act to amend Part III, Chapter 31, Title 15, Delaware Code, relating to the required percentage of votes cast in Political Convention to become eligible to certify for a Primary Election.” Introduced by Senator Zimmerman. Assigned to Community Affairs Committee.

Mr. Arnold introduced Scout Troop 30 from Stanton, Delaware, and asked the privilege of the floor for their Troop Leader Bryan Barney, who presented and read the “Horizons Document” memorialized in **HR 134**.

**HR 134** — “Commending the Troop 30 Scouts of Stanton, Delaware Scouting, and the Scouting Movement and sharing the concept of the “Horizons Document” with the members of the House of Representatives.” Introduced by Representative Arnold. Adopted by voice vote.

Legislative Advisory No. 68 received from William C. Bradley, Jr., Counsel to the Governor informed the House that the Governor approved on April 2, 1976: **HB 577; HB 600; HB 808; SB 158; SB 253; SB 402; SB 443; SB 477; SB 579; SB 524; HCR 63; HCR 64; SCR 62; SCR 63; SJR 50**.

Legislative Advisory No. 69 received from William C. Bradley, Jr., Counsel to the Governor informed the House that the Governor approved on April 6, 1976: **HB 872; HB 214; SS 1 to SB 438; SB 601**.

Legislative Advisory No. 70 received from William C. Bradley, Jr., Counsel to the Governor informed the House that the Governor approved on April 7, 1976: **HB 934; HB 935; HB 937; HB 939**.

Legislative Advisory No. 71 received from William C. Bradley, Jr., Counsel to the Governor informed the House that the Governor approved on April 12, 1976: **HB 834; SB 624; HB 917; HCR 65; HCR 66; SCR 67**.

The following Committee Report was announced:

From Natural Resources and Environmental Control, **HB 832** — 2 Favorable, 3 Merits.

**HB 969** was introduced from the floor by Representative Byrd, and assigned to Labor Committee.

**HB 969** — “An Act to amend Chapter 13, Part I, Title 19 of the Delaware Code relating to the right of public employees to organize for purposes of Collective Bargaining.”

**HB 970** was introduced from the floor by Representative Gilligan, and assigned to Revenue and Finance Committee.

**HB 970** — “An Act to amend Chapter 3, Title 28, Delaware Code, relating to racing dates, rules of racing, tax on

admissions, and the Commissions on Pari-Mutuel and Totalizator Pools at Horse Racing Tracks.”

**HB 971** was introduced from the floor by Representative Arnold, and assigned to Revenue and Finance Committee.

**HB 971** — “An Act to amend Title 9, Title 22, and Title 30 of the Delaware Code relating to State and County Taxes; and providing tax adjustments to encourage the installation of energy conservation improvements.”

**HB 972** was introduced from the floor by Representative Hebner, and assigned to Administrative Services.

**HB 972** — “An Act to amend Subchapter I of Chapter 1, Title 26, Delaware Code, relating to discontinuance of gas, water, or electric service by public utilities.”

**HB 973** was introduced from the floor by Representative George, and assigned to Appropriations Committee.

**HB 973** — “An Act authorizing the State of Delaware to borrow money to be used for certain Capital Improvements and Expenditures and to Issue Bonds and Notes therefor and appropriating the funds thus obtained to the Division of Highways of the Department of Highways and Transportation.”

**HB 847** was deferred on motion of Representative Matushefske who then yielded to Representative McGinnis.

**SB 371** was taken up for consideration on motion of Representative McGinnis.

**SB 371** — “An Act to amend Subchapter III, Chapter V, Title 11, Delaware Code, establishing criminal offenses for the pirating of recordings and establishing penalties therefor.”

**HA 1** to the Bill was introduced from the floor by Representative McGinnis, and adopted by voice vote.

At the request of Representative McGinnis, personal privilege of the floor was extended for Mr. Mace Broide of DeHart and Broide, Inc. Public Affairs Counsel, 1505 22nd Street, N.W. Washington, D.C. 20037.

Representative McGinnis moved **SB 371** be placed on the Speaker’s Table. Motion adopted by voice vote.

**HB 916** was taken up for consideration on motion of Representative McGinnis.

**HB 916** — “An Act to amend Chapter 1, Title 8, Delaware Code, relating to the General Corporation Law.”

**HA 1** to the Bill was introduced by Representative McGinnis, and adopted by voice vote.

Representative McGinnis requested personal privilege of

the floor for Mr. Charles Crompton Chairman of the Corporation Law Committee for the Delaware Bar Association.

Roll call vote on **HB 916** was taken and revealed:

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

**ABSENT:** Representatives Connor, Plant — 2.

Therefore, the Bill was declared passed by the House.

At 7:10 p.m. on a motion of Representative McGinnis, the House recessed, to be called to order at 10:03 p.m.

At 10:04 p.m. on the motion of Representative McGinnis, the House recessed to the call of the Chair at 1:00 p.m. Wednesday, April 14, 1976.

The Speaker called the House to order at 1:44 p.m.

The Majority Leader moved to adjourn at 1:45 p.m., thereby ending the previous Legislative Day.

## **22ND LEGISLATIVE DAY**

The House reconvened at 1:45 p.m.

A Prayer was offered by Representative Temple.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representatives Connor, Plant — 2.

The minutes of the 21st Day were approved as posted.

The following pre-filed legislation was introduced:

**HB 974** — "An Act to amend Title 31, Delaware Code, relating to the establishment of a Private Day Care Licensing Act." Introduced by Representatives Morris, Riddagh. Assigned to Health and Social Services Committee.

**HB 975** — "An Act to amend Chapter 5, Part I, Title 31 of the Delaware Code relating to the protection of certain adults, over a certain age, who are limited in their ability to live safely



and satisfactorily." Introduced by Representative Leshner. Assigned to Health and Social Services Committee.

**HB 976** — "An Act authorizing the State of Delaware to borrow money and to Issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Department of Highways and Transportation, to Finance certain Capitol Improvements and Expenditures." Introduced by Representative McKay, Senator Steele. Assigned to Appropriations Committee.

**HB 977** — "An Act to amend Chapter 7, Title 19 of the Delaware Code relating to employment practices; and prohibiting the hiring of illegal Aliens." Introduced by Representative LeGates. Assigned to Labor Committee.

**HB 978** — "An Act to amend Subchapter I, Chapter 5, Title 7 of the Delaware Code relating to the tagging of metal traps." Introduced by Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HB 979** — "An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code relating to Regulations and Prohibitions concerning Game and Fish." Introduced by Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HB 980** — "An Act authorizing the State of Delaware to borrow money and Issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Department of Highways and Transportation to Finance certain Capitol Improvements and Expenditures." Introduced by Representatives McKay, Worthen; Senator Knox. Assigned to Appropriations Committee.

**HB 981** — "An Act to amend Chapter 9, Subchapter I, Title 10, of the Delaware Code relating to the Organization, Administration and Operation of the Family Court of the State of Delaware." Introduced by Representative Gordy. Assigned to Judiciary Committee.

**HB 982** — "An Act to Grant Approval to the Department of Natural Resources and Environmental Control to purchase a tract of land located within the Woodland Beach Wildlife Area, located near Smyrna, Kent County, Delaware." Introduced by Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HA 2 to SB 502** was introduced by Representative Jonkiert, and placed with the Bill.

**HA 1 to SB 558** was introduced by Representative Matushefske, and placed with the Bill.

**HA 1 to SB 578** was introduced by Representative Ambrosino, and placed with the Bill.

**SS 1 to SB 523** — "An Act to amend An Act being Chapter 143, Volume 57, Laws of Delaware, as amended, entitled "An Act to Incorporate the Town of South Bethany." Introduced by Senator Cordrey, and assigned to Community Affairs.

**SB 593 w SA 1** — "An Act to permit the Board of Education of the Woodbridge School District to transfer certain Funds from its Local Minor Capital Improvement Program Funds Account to Advance Land Acquisition Fund." Introduced by Senator Adams, and assigned to Appropriations Committee.

**SB 610** — "An Act to provide a supplementary appropriation to the Division of Economic Development of the Department of Community Affairs and Economic Development. Introduced by Senator Sharp and Representative Derrickson, and assigned to Appropriations Committee.

**SB 614** — "An Act to repeal Chapter 312, Volume 60, Laws of Delaware and to amend Chapter 216, Volume 27, Laws of Delaware, entitled "An Act amending, revising and consolidating the Charter of the City of New Castle." Introduced by Senator McCullough and assigned to Community Affairs Committee.

**SJR 55** — "Directing the Division of Highways of the Department of Highways and Transportation to immediately begin the initial Planning and Engineering Stages for the Construction of the Newport Water Tower." Introduced by Senator Sharp, and assigned to Highways and Transportation Committee.

**HR 135** was introduced from the floor by Representative Ambrosino, and adopted by voice vote.

**HR 135** — "Commending Debbie Brand, Senior at Mt. Pleasant High School, for having been chosen as a participant in the all Delaware Valley Girl's Basketball Team."

**HR 136** was introduced from the floor by Representative Powell and adopted by voice vote.

**HR 136** — "Expressing the Sincere Congratulations of the House of Representatives of the 128th General Assembly on the occasion of the 50th Wedding Anniversary of Harry K.

and Madalyn S. Powell.”

**HR 137** was introduced from the floor by Representative Billingsley, however, Representative Sincock moved that the Resolution be assigned to House Administration Committee. The motion was adopted by voice vote.

**HR 137** — “To change 2/3 vote requirements in the House of Representatives to accommodate the Majority Party as a gesture of Good Will during this Easter Season.”

At 2:03 p.m. on the motion of Representative McGinnis, the House recessed for Caucus, and reconvened at 4:52 p.m.

Representative Ferguson introduced from the floor **HCR 71** which was adopted by voice vote.

**HCR 71** — “Commending Patrolman James P. Hetherton, of the Wilmington Bureau of Police, for his bravery and outstanding service.”

Representative McGinnis moved that the necessary rules be suspended for consideration of **HB 983**, and the motion prevailed by voice vote.

**HB 983** — “An Act to advance funds to the Department of Administrative Services, Division of Maintenance and Communications, to operate the State Mail System.”

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

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Connor, Lynch and Plant — 3.

Therefore, the Bill was declared passed by the House.

Representative McGinnis moved that **HB 957** be lifted from the table for consideration. The motion prevailed by voice vote.

**HB 957** — “An Act relating to the Charter of the Farmers Bank of the State of Delaware.”

The roll call vote on **HB 957** was then taken, and revealed:

**YES:** Representatives Arnold, Boulden, Brady, Byrd, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock,

Smith, Spence, Worthen, Mr. Speaker Jonkiert — 34.

NO: Representative Ridings — 1.

NOT VOTING: Representatives Ambrosino, Billingsley, Cain, Clendaniel, McKay, Temple — 6.

Therefore, the Bill was declared passed by the House.

**HB 984** was introduced from the floor by Representative Seibel, and assigned to Education Committee.

**HB 984** — “An Act to amend Chapter 17, Title 14, of the Delaware Code and relating to the procedure for certification of pupil units by the State Board of Education.”

Representative Clendaniel moved that **HB 859** be lifted from the table. Motion prevailed by voice vote.

**HB 859** — “An Act to make an appropriation to the Georgetown Volunteer Fire Company for maintaining and operating a rescue truck.”

The roll call vote was then taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

NO: Representative Plant — 1.

NOT VOTING: Representatives Billingsley, Connor — 2.

Therefore, the Bill was declared passed by the House.

Representative Gordy moved that the necessary rules be suspended for consideration of **HB 888**. Motion prevailed by voice vote.

**HB 888** — “An Act to permit the Board of Education of the Delmar School District to transfer certain funds from the Debt Service Account to the Current Expense Account.”

**HA 1** to the Bill, which had been placed with the Bill was taken up for consideration on motion of Representative Gordy, and adopted by voice vote.

Roll call vote was then taken and revealed:

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

**ABSENT:** Representatives Connor, Derrickson, McGinnis, Plant — 4.

Therefore, the Bill was declared passed by the House.

Representative Miller moved that the necessary rules be suspended for the purpose of introducing and acting on SB 578.

**SB 578** — “An Act to amend Title 18, Delaware Code, relating to Health Care Malpractice Insurance and Litigation and Title 10, Delaware Code, relating to the revision of various aspects of the Judicial Process pertaining to Health Care Malpractice claims and providing an appropriation for implementing malpractice review panels and requiring the establishment of the Delaware Health Care Injury Insurance Study Commission.”

The privilege of the floor was requested by Representative Miller for Mr. Duane Olsen, Controller General, State of Delaware.

**HA 1** to the Bill, which had been placed with the Bill was taken up for consideration on motion of Representative Ambrosino.

\*For Roll Call, See Omissions Section.

Therefore, **HA 1** to **SB 578** was declared defeated by the House.

**HA 2** to the Bill **SB 578**, was introduced from the floor by Representative George, who then moved it be placed on the Speaker's table. Motion prevailed by voice vote.

Representative Ambrosino introduced from the floor **HA 3** to **SB 578**, and requested the privilege of the floor for Mr. John Babiarz, Jr., Member of Delaware Trial Lawyers Association. Also, a member of the Governor's Medical Malpractice Study Commission.

Representative Ambrosino requested the privilege of the floor for House Attorney John Rich.

Representative Ambrosino, and Representative Miller again requested the privilege of the floor for Mr. John Babiarz.

Roll call vote on **HA 3** to **SB 578** revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley —

3.

**NO:** Representatives Boulden, Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, McKay, Miller, Minner, Morris, Powell, Riddagh, Rispoli, Seibel,

Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 30.

ABSENT: Representatives Byrd, Connor, Derrickson, Matushefske, Maxwell, McGinnis, Plant, Ridings — 8.

Therefore, **HA 3** was declared defeated by the House.

**HA 4** to **SB 578**, was introduced from the floor by Representative Ambrosino.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Riddagh — 2.

NO: Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, McKay, Miller, Minner, Morris, Powell, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 33.

ABSENT: Representatives Connor, Derrickson, Matushefske, Maxwell, McGinnis, Plant, — 6.

Therefore, **HA 4** to **SB 578** was declared defeated by the House.

**HA 5** to **SB 578**, was introduced from the floor by Representative Brady.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Brady, Clendaniel, Derrickson, Hebner, Leshner, Matushefske, Maxwell, McKay, Powell, Ridings, Seibel, Sincock, Smith, Spence, Mr. Speaker Jonkiert — 18.

NO: Representatives Boulden, Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Miller, Minner, Morris, Rispoli, Temple, Worthen — 19.

ABSENT: Representatives Connor, McGinnis, Plant, Riddagh — 4.

Therefore, **HA 5** was declared defeated by the House.

**HA 6** to **SB 578**, was introduced from the floor by Representative Matushefske.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Brady, Derrickson, Hebner, Matushefske, McKay, Powell, Seibel, Sincock, Smith, Spence — 12.

NO: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, Miller, Minner, Morris, Ridings, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 24.

ABSENT: Representatives Billingsley, Connor, McGinnis, Plant, Riddagh — 5.

**HA 7 to SB 578** was introduced from the floor by Representative Brady.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Brady, Derrickson, McKay, Seibel, Sincock, Smith, Spence, Mr. Speaker Jonkiert — 10.

**NO:** Representatives Boulden, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Powell, Ridings, Rispoli, Temple, Worthen — 22.

**ABSENT:** Representatives Billingsley, Byrd, Connor, Gordy, Harrington, McGinnis, Plant, Riddagh — 8.

Representative Temple made a motion to restore **HA 5 to SB 578** to the Calendar. Representative Matushefske seconded the motion.

Roll call was taken and revealed:

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

**ABSENT:** Representatives Billingsley, Connor, Plant, Riddagh — 4.

Therefore, **HA 5 to SB 578** was restored.

Representative Brady made a motion to rescind roll call on **HA 5**. Motion adopted by voice vote.

Representative Ambrosino requested the privilege of the floor for Attorney Mr. Clifford Hearne, Member of Governor's Malpractice Study Commission.

**HA 5** was adopted by voice vote.

**HA 8 to SB 578**, was introduced from the floor by Representative Ambrosino.

Representative Brady, requested the privilege of the floor for Mr. Clifford Hearne.

Representative Ambrosino requested roll call on **HA 8**.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Boulden, Brady, Byrd, Clendaniel, Derrickson, Hebner, Leshner, McKay, Powell, Seibel, Sincock, Smith, Spence, Mr. Speaker Jonkiert — 15.

**NO:** Representatives Darling, George, Gilligan, Gordy, Harrington, Johnson, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Rispoli, Temple, Worthen —

17.

**ABSENT:** Representatives Billingsley, Byrd, Cain, Connor, Ferguson, Kelly, Plant, Riddagh, Ridings — 9.

Therefore, **HA 8** was declared defeated by the House.

Representative Miller requested roll call on **SB 578**.

Roll call taken and revealed:

**YES:** Representatives Boulden, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Ridings, Rispoli, Sincok, Temple, Worthen, Mr. Speaker Jonkiert — 29.

**NO:** Representatives Ambrosino, Brady, Hebner, Smith, Spence — 5.

**NOT VOTING:** Representatives Arnold, Derrickson, Seibel — 3.

**ABSENT:** Representatives Billingsley, Connor, Plant, Riddagh — 4.

Therefore, **SB 578 w SA 1, 2 and HA 5** was declared passed by the House.

Representative McGinnis made a motion to recess at 8:00 p.m.

House reconvened at 12:05 a.m.

Representative Matushefske moved that the necessary rules be suspended for the purpose of acting on **SB 602**. Motion was adopted by voice vote.

**SB 602** — "An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase Bellevue Manor Estates, Brandywine Hundred, New Castle, Wilmington, Delaware."

Roll call was then taken, and revealed:

**YES:** Representatives Ambrosino, Arnold, Byrd, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Powell, Ridings, Rispoli, Sincok, Smith, Worthen — 23.

**NO:** Representatives Boulden, Cain, Clendaniel, Darling, Ferguson, Kelly, LeGates, Minner, Morris, Riddagh, Seibel, Spence, Temple, Mr. Speaker Jonkiert — 14.

**NOT VOTING:** Representative Brady — 1.

**ABSENT:** Representatives Billingsley, Connor, Plant —

3.

Therefore, **SB 602** was declared passed by the House.

Representative Gordy moved that the necessary rules be suspended for the purpose of introducing and acting on **SB 661**. Motion was adopted by voice vote.



**SB 661** — “An Act authorizing the State Treasurer of the State of Delaware to appropriate unused proceeds of Bonds and Notes in Agency Bonds Reversion Account for the purpose of completing the needed repairs and renovations to State Police Troop No. 2 barracks.”

Roll call was then taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Billingsley, Connor, Plant —

3.

Therefore, **SB 661** was declared passed by the House.

Mr. Speaker, recessed at 12:19 a.m. Called the House to order at 12:20 a.m.

Representative McGinnis moved that the necessary rules be suspended to introduce and act on **HB 985**. Motion was adopted by voice vote.

**HB 985** — “An Act to amend Chapter 74, Title 29 of the Delaware Code authorizing the issuing officers of the State of Delaware to sell Bonds of the State at public or private sale for a limited period of time.”

Roll call was then taken, and revealed:

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

**NO:** Representative Ridings — 1.

**ABSENT:** Representatives Billingsley, Connor, Plant —

3.

Therefore, the Bill was declared passed by the House.

Representative McGinnis made a motion to recess at 12:20 a.m. To reconvene at 1:30 p.m. on Tuesday April 27, 1976.

The Speaker called the House to order at 2:07 p.m. April 27, 1976.

Representative McGinnis made a motion to suspend the necessary rules for the purpose of acting on **SB 126**. Motion adopted by voice vote.

**SB 126** — "An Act to amend Subchapter I of Chapter 1, Title 26, Delaware Code, relating to discontinuance of gas water, or electric service by Public Utilities."

Roll call was then taken.

Representative McGinnis moved to lay the roll call on the Table. Motion adopted by voice vote.

**SB 554** was reported out of Appropriation Committee on 4 Merits.

Representative McGinnis moved to adjourn at 2:12 p.m., thereby ending the previous Legislative Day.

### **23RD LEGISLATIVE DAY**

The House reconvened at 2:12 p.m.

A Prayer was offered by Rev. C. J. Robinson of United Methodist Church of New Castle.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representative Powell — 1.

The minutes of the 22nd Day were approved as posted.

The following pre-filed legislation was introduced:

**HB 986** — "An Act to amend Subchapter I of Chapter 1, Title 26, Delaware Code relating to discontinuance of gas, water, or electric service by public utilities." Introduced by Representative Minner, Senator Isaacs. Assigned to Community Affairs Committee.

**HB 987** — "An Act making a supplementary appropriation to the Judicial Department to pay automobile repair costs incurred by two Constables in the Line-of-Duty." Introduced by Representative Matushefske. Assigned to Appropriations Committee.

**HB 988** — "An Act to amend Chapter 90, Title 11, Delaware Code relating to the Violent Crimes Compensation Board." Introduced by Representatives Riddagh and Matushefske. Assigned to Judiciary Committee.

**HB 989** — "An Act to amend Chapter 51, Title, 30, Delaware Code, relating to report due date of Distributors and Special Fuel Users and Dealers." Introduced by Representative Minner. Assigned to Public Safety Committee.

**23RD LEGISLATIVE DAY**

**HJR 42** — "Providing that each State Agency be requested to Study Metrication and Prepare a Report relating to such Agency's Controversion to the Metric System of Weights and Measures by 1978." Introduced by Representative Lynch. Assigned to Agriculture Committee.

**HA 2 to SB 371** was introduced by Representative McGinnis and placed with the Bill.

**HA 3 to SB 371** was introduced by Representative McGinnis and placed with the Bill.

**SB 656** — "An Act to amend Chapter 9, Title 5 of the Delaware Code relating to the Farmers Bank Commission." Introduced by Senators Zimmerman and Murphy. Assigned to Administrative Services Committee.

**SB 660** — "An Act to amend Part I and Part II, Title 9 of the Delaware Code relating to the Construction of Hospitals in New Castle County." Introduced by Senators Sharp, Cicione, Hughes and Others. Assigned to Community Affairs Committee.

Representative McGinnis moved to suspend the necessary rules to introduce and Act on **SJR 56**. Motion was adopted by voice vote.

**SJR 56** — "Congratulating Hattye Mae Biddle, of Dover, upon her selection as Delaware's Mother of the Year."

Roll call was then taken, and revealed:

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

Representatives Ambrosino, Billingsley, Brady, Powell, Worthen — 5.

Therefore, **SJR 56** was declared passed by the House.

Representative McGinnis made motion to recess at 2:25 p.m.

The Speaker called the House to order at 4:22 p.m.

At 4:25 p.m. the House recessed for two minutes.

Mr. Speaker called the House to order at 4:27 p.m.

Representative Rispoli moved to suspend the necessary rules for the purpose of introducing and acting on **SB 660**.

**SB 660** — "An Act to amend Part I and Part II, Title 9 of the Delaware Code relating to the Construction of Hospitals in New Castle County."

Representative Rispoli then yielded **SB 660** to one of the Sponsors, Mr. Ferguson.

Mr. Speaker recessed at 4:44 p.m.

Mr. Speaker called the House to order at 5:56 p.m.

Representative Rispoli moved to reassign **SB 660** to Committee.

Roll call on the motion was then taken, and revealed:

**YES:** Representatives Ambrosino, Brady, Byrd, George, Leshner, Ridings, Rispoli, Sincock, Mr. Speaker Jonkiert — 9.

**NO:** Representatives Arnold, Billingsley, Boulden, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, Gilligan, Gordy, Harrington, Hebner, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Seibel, Spence, Temple, Worthen — 28.

**NOT VOTING:** Representatives McKay, Smith — 2.

**ABSENT:** Representatives Johnson, Powell — 2.

Therefore, the House declared the motion lost.

Representative Sincock made a motion to lay the Bill on the Table. However, he withdrew the above Motion.

Representative Ferguson made the motion to lay the Bill on the Table. Motion was adopted by voice vote.

**SB 205** was deferred on motion of Representative Matushefske, for consideration of **HB 847**.

Mr. Speaker, Representative Jonkiert, assigned **SB 205** to House Administration Committee.

**HB 847** — "An Act to amend Chapter 50, Title 15, Delaware Code, relating to voting machines."

Representative Matushefske made a motion to table roll call on **HB 847**. Motion prevailed by voice vote.

**SB 558** was deferred on motion of Representative Matushefske, who then yielded to Representative McGinnis.

Representative McGinnis moved that **HB 262**, as amended, be lifted from the table, and the motion prevailed by voice vote.

**HB 262** — "An Act to amend Chapter 21, Title 21 of Delaware Code relating to vehicle registration by non-residents."

**HA 5** to **HB 262** was introduced by Representative McGinnis, and was adopted by voice vote.

Representative McGinnis moved that **HB 262** be laid on the Speakers Table. Motion adopted by voice vote.

Representative Ambrosino moved that **HJR 30** be placed on the Speakers Table. Motion adopted by voice vote.

**HJR 30** — "Establishing a special Committee to study the present electric utility rate structures and investigate

possible alternatives.”

**HB 727** was deferred until Thursday April 30, 1976 on motion of Representative Maxwell.

**HB 870** was deferred to the end of the Agenda, on a motion of Representative Maxwell, who then yielded to Representative Gilligan.

Representative Gilligan introduced **HB 866**, to be taken up for consideration.

**HB 866** — “An Act to amend Chapter 11, Title 30, Delaware Code, relating to modifications in Adjusted Gross Income for Personal Income Tax.”

Representative McGinnis moved that **HB 866** be laid on the Speakers Table.

Roll call vote was taken, and revealed:

**YES:** Representatives Billingsley, Boulden, Brady, yrd, Clendaniel, George, Gordy, Harrington, Johnson, Kelly, Lynch, Matushefske, McGinnis, McKay, Minner, Ridings, Rispoli, Seibel, Smith, Temple, Mr. Speaker Jonkiert — 21.

**NO:** Representatives Ambrosino, Arnold, Cain, Connor, Darling, Derrickson, Ferguson, Gilligan, Hebner, LeGates, Leshar, Maxwell, Morris, Plant, Riddagh, Sincock, Spence, Worthen — 18.

**NOT VOTING:** Representative Miller — 1.

**ABSENT:** Representative Powell — 1.

Therefore, **HB 866** was placed on the Speakers Table.

Representative Clendaniel moved that **SB 192** be deferred to the end of the Agenda.

Representative Jonkiert assigned **SB 192** to House Administration Committee.

**HB 857** was taken up for consideration on motion of Representative Clendaniel.

**HB 857** — “An Act to amend Chapter 51 and Chapter 53, Title 3, Delaware Code, relating to the promotion of apples and the apple tax.”

Roll call vote was taken and revealed:

**YES:** Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, Leshar, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 37.

**NO:** Representatives Ambrosino, Connor — 2.

**ABSENT:** Representatives LeGates, Powell — 2.

Therefore, the Bill was declared passed by the House.

**HB 868** was deferred to end of Agenda on a motion of Representative Cain, who then yielded to Representative George.

Representative Jonkiert then assigned **HB 868** to House Administration Committee.

**SB 554** was taken up for consideration on motion of Representative George.

**SB 554** — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, it being the 1976 Budget Appropriation Act, originally designated as **SB 431** of the 128th General Assembly, as amended by Chapter 289, Volume 60, Laws of Delaware."

Roll call vote was taken and revealed:

**YES:** Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Plant, Ridings, Rispoi, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 27.

**NO:** Representatives Billingsley, Brady, Hebner, Leshner, McKay, Morris, Riddagh, Sincock, Smith — 9.

**NOT VOTING:** Representatives Arnold, Derrickson, Seibel — 3.

**ABSENT:** Representatives LeGates, Powell — 2.

Therefore, the Bill was declared passed by the House.

**HB 812** was taken up for consideration on a motion by Representative George.

**HB 812** — "An Act to amend Chapter 5, Title 11, Delaware Code, relating to licenses for the carrying of concealed deadly weapons."

Roll call vote was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Cain, Matushefske, Powell — 3.

Therefore, the Bill was declared passed by the House.

Mr. Speaker then recessed at 5:52 p.m. for a Committee meeting.

Mr. Speaker called the House to order at 6:09 p.m.

**HB 970** was reported out of Revenue and Finance Committee on 2 Favorable and 3 Merits.

**SB 7** was reported out of committee on 4 Merits.

Representative McGinnis made a motion to recess at 6:10 p.m.

The Speaker called the house to order at 1:15 p.m., on April 28, 1976.

The Majority moved to adjourn at 1:15 p.m., thereby ending the previous Legislative Day.

### 24TH LEGISLATIVE DAY

The House reconvened at 1:16 p.m.

The Prayer was offered by Reverend Robinson.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

The minutes of the 23rd Day were approved as posted.

The following pre-filed legislation was introduced:

**HB 990** — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to Medicine, Surgery, and Osteopathy; and providing for a Delaware Medical Practices Act." Introduced by Representative Gilligan. Assigned to Health and Social Services Committee.

**HB 991** — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the definition of sexual intercourse as it applies to sexual offenses." Introduced by Representative Ambrosino. Assigned to Judiciary Committee.

**HB 992** — "An Act to amend Chapter 5, Title 1, Delaware Code, to provide that Return Day shall be a Legal Holiday in 1976 as part of the Statewide Observance of the Bicentennial Year." Introduced by Representative Clendaniel. Assigned to the House Administration Committee.

**HB 993** — "An Act to amend Chapter 7, Title 7, Delaware Code, relating to Regulations and Prohibitions concerning Game and Fish permitting the use of a single shot muzzle loading pistol under certain circumstances." Introduced by Representative Minner. Assigned to the National Resources

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and Environmental Control Committee.

**HB 994** — "An Act to amend Chapter 7, Title 19, of the Delaware Code, relating to employment practices; and prohibiting the hiring of illegal Aliens." Introduced by Representative LeGates. Assigned to the Labor Committee.

**HB 995** — "An Act to provide a supplementary appropriation to the Public Defender of the State of Delaware." Introduced by Representative Plant. Assigned to the Appropriations Committee.

**HB 996** — "An Act to amend Chapter 31, Title 19, of the Delaware Code, relating to the regulation of employment Agencies." Introduced by Representative Plant. Assigned to the Administration Services Committee.

**HB 997** — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, being the 1975 Budget Appropriation Act, originally designated **HB 750** as amended by Chapter 523, Volume 59, Laws of Delaware being the Omnibus Amendment to the 1975 Budget Appropriation Act originally designated **HB 1113** relating to the Revision of Funds from the Delaware Agency to Reduce Crime." Introduced by Representative Worthen. Assigned to the Appropriation Committee.

**HB 998** — "An Act to amend Chapter 142, Volume 59, Laws of Delaware, being the 1974 Budget Appropriation Act, originally designated **SB 392** as amended by **SA 1** and as further amended by Chapter 222, Volume 59, Laws of Delaware relating to the Revision of Funds from the Delaware Agency to Reduce Crime." Introduced by Representative Worthen. Assigned to the Appropriation Committee.

**HB 999** — "An Act to amend Subchapter I, Chapter 17, Title 7 of the Delaware Code relating to the payment of Animal Kill and Injury Claims and the Killing of Dogs Molesting Livestock and Poultry." Introduced by Representatives Worthen and LeGates. Assigned to the National Resources and Environmental Control Committee.

**HB 1000** — "An Act to amend Chapter 27, Title 25, Delaware Code, relating to Mechanics Liens." Introduced by Representative McGinnis. Assigned to Judiciary Committee.

**HB 1001** — "An Act to amend Chapter 1, Title 13 of the Delaware Code relating to Domestic Relations; and providing for certain changes in the Laws pertaining to Marriage. Introduced by Representative Minner. Assigned to Judiciary Committee.

**HB 1002** — "An Act to amend Subchapter I, Chapter 17,



Title 7 of the Delaware Code relating to Dogs running at large." Introduced by Representatives Worthen and LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HB 1003** — "An Act to amend Subchapter I, Chapter 7, Title 7 of the Delaware Code relating to Hunting or Shooting from various vehicles." Introduced by Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HS 1 for HB 896** — "An Act to amend Part VI, Chapter 61, Title 29, Delaware Code, relating to certain Tuition Payments collected by Delaware Technical and Community College." Introduced by Representative McGinnis. Assigned to Appropriation Committee.

**HA 1 to HB 73** — Introduced by Representatives Connor, and Ambrosino, and placed with the Bill.

**HA 1 to HB 727** — Introduced by Representative Maxwell, and placed with the Bill.

**HA 2 to HB 898** — Introduced by Representative Gordy, and placed with the Bill.

**HA 1 to HB 977** — Introduced by Representative LeGates, and placed with the Bill.

**SS 1 for SB 235** — "An Act to amend Title 10, Title 11 and Title 29 of the Delaware Code relating to Court Practice and Procedure; and providing Legal Representation for Public Officers and Employees under certain circumstances." Introduced by Senator Kearns. Assigned to Judiciary Committee.

**SB 634** — "An Act to amend Chapter 347, Volume 58, Laws of Delaware, entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to Issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State." Introduced by Senator McCullough, Representative Connor and Others. Assigned to Appropriations.

**SB 648 w SA 1** — "An Act to amend Chapter 5, Title 7, Delaware Code, relating to requirements for Fishing Licenses." Introduced by Representative LeGates, and Senator Manning. Assigned to Natural Resources and Environmental Control Committee.

**HA 1 to SB 7** — Introduced by Representative Minner, and placed with the Bill.

The Chief Clerk announced that a message from the Senate informed the House that it had passed; **SB 577; SJR 52; HB 444; SB 469 w SA 1; SB 606; HB 936; HCR 69; SCR 70; HCR 68; HB 903 w HA 1; HB 358; HB 398; HB 517 w HA 1; HB 957; HCR 67; HB 34 w HA 1; HB 291 w HA 1; HB 938; HB 940; HB 941.**

Representative McGinnis moved to recess for Caucus at 1:27 p.m.

Mr. Speaker called the House to order at 4:19 p.m.

**SB 660** was recommitted to Community Affairs Committee at the request of Representative Ferguson. Motion adopted by voice vote.

Representative Morris requested **HB 684 w SA 1**, which was sent over from the Senate, be taken up for consideration. Motion adopted by voice vote.

**HB 684** — "An Act to amend Title 29, §4710, Delaware Code, relating to the burial of certain deceased persons by the State."

**HA 2** was introduced by Representative Morris, to be taken up for consideration. Motion adopted by voice vote.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Ferguson, Powell, Smith — 3.

Therefore **HB 684** with **SA 1** and **HA 1** were passed by the House and sent back to the Senate.

Representative Morris requested **HB 692 w SA 1**, which had been sent over by the Senate, to be taken up for consideration. Motion adopted by voice vote.

**HB 692** — "An Act to amend Chapter 1, Title 31, Delaware Code, relating to the burial of the remains of an indigent person by the State."

**HA 1** was introduced by Representative Morris to be taken up for consideration. Amendment adopted by voice vote.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner,

Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 39.

ABSENT: Representatives Derrickson, Powell — 2.

Therefore, the Bill was declared passed by the House and sent back to the Senate.

Representative Gordy moved that **HB 898** be placed on the Speakers Table. Motion prevailed by voice vote.

Representative Gordy moved that **SB 31** be lifted from the Speakers Table. Motion prevailed by voice vote.

**SB 31** — “An Act to amend Title 18, Delaware Code, providing for Health Insurance, Group Health Insurance, Blanket Health Insurance, and Health Services Corporations to be subject to the provisions of Chapter 25, Title 18, Delaware Code, regarding rates and rating organizations.”

**HA 1** was introduced by Representative Gordy to be taken up for consideration. Motion prevailed by voice vote.

Roll call was taken and revealed:

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

ABSENT: Representatives Matushefske, Powell — 2.

Therefore **SB 31** was declared passed by the House and returned to the Senate for concurrence of **HA 1**.

**SB 536** was introduced from the floor by Representative Gordy.

**SB 536** — “An Act to amend Chapter 27, Title 21, Delaware Code, relating to fees for reinstatement of Drivers Licenses.”

Roll call taken and revealed:

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

ABSENT: Representatives Matushefske, Powell — 2.

Therefore, **SB 536** was declared passed by the House and returned to the Senate.

Representative Gordy introduced **SB 437** from the floor to be taken up for consideration. Motion adopted by voice vote.

**SB 437** — “An Act to amend Title 18, Delaware Code, relating to Insurance Premium Financing.”

Representative Gordy requested the privilege of the floor for Mr. Joseph Moran, Chairman of Delaware Banker's Association Legislative Committee.

Privilege of the floor was requested by Representative Gordy for Mr. Lewis Darling, Legal Counsel for the Insurance Office.

Representative Gordy introduced **HA 1** to be taken up for consideration. Motion adopted by voice vote.

Representative Gordy introduced **HA 2** to be taken up for consideration.

Privilege of the floor was requested for Bruce Ralston, representing the Finance Companies.

Roll call vote was taken and revealed:

**YES:** Representatives Cain, Darling, Gordy, Harrington, Johnson, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Sincock, Mr. Speaker Jonkiert — 13.

**NO:** Representatives Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Ferguson, Gilligan, Hebner, Kelly, LeGates, Leshner, Lynch, Maxwell, McKay, Riddagh, Ridings, Rispoli, Seibel, Smith, Spence, Temple, Worthen — 23.

**NOT VOTING:** Representatives Arnold, Derrickson, George — 3.

**ABSENT:** Representatives Ambrosino, Powell — 2.

Therefore, **HA 2** was declared defeated by the House.

Roll call was taken on **SB 437**, and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Connor, Powell, Smith — 3.

Therefore, the Bill was declared passed by the House.

**HR 138** was introduced by Representative Gilligan to be taken up for consideration. “Commending Eleanor Shaw,

Chief of the Dover Bureau, for her outstanding work as a Correspondent and Reporter of Legislative Business." Motion adopted by voice vote.

Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok presented the Resolution to Eleanor Shaw.

**HB 790** was deferred to April 29, 1976, on the motion of Representative LeGates.

**HB 650** was deferred to the end of the Agenda by Representative Gordy, who then yielded to Representative Matushefske.

Representative Matushefske moved that the necessary rules be suspended for the purpose of introducing and acting on **SB 568**. Motion prevailed by voice vote.

**SB 568** — "An Act providing that a referendum be held in the November 1976 General Election on the question of slot machines in Delaware."

Representative Matushefske requested the privilege of the floor for Senator Holloway.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Morris, Plant, Riddagh, Ridings, Rispoli, Mr. Speaker Jonkiert — 22.

**NO:** Representatives Arnold, Billingsley, Boulden, Brady, Clendaniel, Derrickson, Harrington, Hebner, Leshner, Lynch, McKay, Minner, Seibel, Sincok, Smith, Spence, Worthen — 17.

**ABSENT:** Representatives Powell, Temple — 2.

Therefore, **SB 568** was declared passed by the House.

**SB 598** was taken up for consideration on motion of Representative Gordy.

**SB 598** — "An Act to amend Chapter 21, Title 21 of the Delaware Code relating to issuance of license plates."

**HA 1** was introduced by Representative Gordy and adopted by voice vote.

Roll call on the Bill as amended was taken, however, before being announced it was tabled on the motion of Representative Gordy.

**SB 571** was reported out of House Administrative Committee with 4 Merits.

**HB 720** was reported out of Committee with 4 Merits.

**HB 979** was reported out of Natural Resources and

Environmental Control Committee with 4 Favorable, 2 Merits.

**HS 1** for **HB 896** was reported out of Committee with 1 Favorable, 4 Merits, 1 Unfavorable.

House Bills reported out of Appropriations Committee as follows: **HB 968** — 3 Favorable, 3 Merits; **HB 979** — 4 Favorable, 2 Merits; **HB 951** — 3 Favorable, 3 Merits.

**HB 851** was reported out of Administrative Services Committee with 4 Merits.

**HB 682** was reported out with 2 Favorable, 2 Merits.

Bills reported out of Judiciary Committee as follows:

**HB 100** — 6 Merits; **SB 556** — 6 Merits; **SS 1** to **SB 526** — 6 Merits; **SB 555** — 6 Merits.

House Bills reported out of Natural Resources and Environmental Control Committee as follows: **HB 982** — 1 Favorable, 4 Merits; **HB 999** — 1 Favorable, 4 Merits; **HB 1002** — 1 Favorable, 3 Merits, 1 Unfavorable; **HB 1003** — 2 Favorable, 3 Merits; **HB 944** — 5 Merits; **HB 735** — 2 Favorable, 3 Merits; **HB 960** — 1 Favorable, 3 Merits.

Representative McGinnis moved to recess at 6:21 p.m. to the Call of the Chair.

The Speaker called the House to order at 1:59 p.m. April 29, 1976.

**HJR 41** was reported out of Public Safety Committee with 4 Merits.

Representative George requested **HJR 41** be put on the Agenda.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous Legislative Day.

### 25TH LEGISLATIVE DAY

The House reconvened at 2:00 p.m. April 29, 1976.

A Prayer was offered by Rev. James V. O'Neill, of St. Anthony's Parish Church in Wilmington.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representative Powell — 1.

The following pre-filed legislation was introduced:

**HB 1004** — "An Act to amend Chapter 80, Title 29, Delaware Code, relating to hiring of seasonal employees by the Department of Natural Resources and Environmental Control." Introduced by Representative Kelly. Assigned to Natural Resources and Environmental Control Committee.

**HB 1005** — "An Act to amend Part VI, Title 16 and Title 21 of the Delaware Code relating to the regulations of Bicycles, Mopeds and Similar Vehicles." Introduced by Representatives Gordy, Ridings, and Senator Adams. Assigned to Public Safety Committee.

**HB 1006** — "An Act to amend Title 4 of the Delaware Code relating to Licenses for Colleges and Universities and to License for Caterers." Introduced by Representatives Byrd, and Worthen. Assigned to Labor and Commerce Committee.

**HB 1007** — "An Act to amend Chapter 25, Subchapter IV, Title 6 of the Delaware Code relating to Credit Cards." Introduced by Representatives Gilligan and Matushefske. Assigned to Labor and Commerce Committee.

**HB 1008** — "An Act to amend Chapter 25, Title 24 of the Delaware Code relating to the Drug Product Selection Act; and providing for the obtaining of information concerning the Price Effects of Said Act, if any." Introduced by Representative Miller. Assigned to Health and Social Services Committee.

**HB 1009** — "An Act to amend Chapter 26, Title 6, Delaware Code, relating to the minimum price for Cigarettes at Retail." Introduced by Representative Matushefske. Assigned to Labor and Commerce Committee.

**HA 1 to HB 882** — Introduced by Representative George, and placed with the Bill.

**HA 1 to HJR 30** — Introduced by Representative Ambrosino, and placed with the Bill.

**HR 139** — "Commending the Mount Pleasant High School Choir and the Director, Mrs. Susan J. Bruerton, for recent accolades." Introduced by Representative Ambrosino.

**HR 140** — "Congratulating Joseph Grey for his outstanding Career as a student at St. Mark's High School." Introduced by Representative Kelly.

**SB 563** — "An Act to amend Chapter 20, Title 15 of the Delaware Code relating to Voter Registration." Introduced by Senator Kearns, and Representative Byrd. Assigned to Judiciary Committee.

**SB 615** — "An Act to amend Title 17 and 21, Delaware Code, relating to Omnibus Changes in the Department of Highways and Transportation and the Department of Public Safety." Introduced by Senator Adams. Assigned to Highway and Transportation Committee.

**SB 619** — "An Act to amend Title 17 and 21, Delaware Code, relating to Omnibus Changes in the Department of Highways and Transportation and the Department of Public Safety." Introduced by Senator Adams. Assigned to Highways and Transportation Committee.

**SJR 57** — "Authorizing the Establishment of an Advisory Council on the Port-Penn Augustine Beach Project to serve in an Advisory capacity until completion of the Project, and naming the members thereto." Introduced by Senator Isaacs. Assigned to House Administration Committee.

**HA 1 to SB 634** — Introduced by Representative Ferguson, and placed with the Bill.

**HA 1 to SB 660** — Introduced by Representatives Ferguson, Arnold, Kelly, LeGates, Boulden and Matushefske, and placed with the Bill.

**SB 648** was reported out of Natural Resources and Environmental Control Committee with 2 Favorable, 3 Merits.

**HB 973** with 5 Merits, and **SB 593** with 5 Merits, were reported out of Appropriations Committee.

Representative Kelly introduced **HR 140** from the floor, to be taken up for consideration and adopted by voice vote.

**HR 140** — "Congratulating Joseph Grey for his outstanding career as a student at St. Mark's High School."

Representative McGinnis introduced **HB 1010**, **HB 1011**, **HB 1012** from the floor, to be assigned to committee.

Mr. Speaker assigned **HB 1010**, **HB 1011**, **HB 1012** to House Administration Committee.

**HB 727** was taken up for consideration on motion of Representative Maxwell.

**HB 727** — "An Act to amend §9210, Title 10, Delaware Code, by providing for attendance at State Institutions by Justices of the Peace."

**HA 1** was introduced and defeated by voice vote.

Representative Maxwell moved to table **HB 727**. Motion adopted by voice vote.

Representative McGinnis moved that the necessary rules be suspended for the purpose of introducing, and acting on **HB 1010**. The motion was adopted by voice vote.



**HB 1010** — "An Act to amend Title 5, Delaware Code, relating to the authority of Banks colateralizing public funds."

Roll call was taken, and revealed:

**YES:** Representatives Boulden, Byrd, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 31.

**NO:** Representatives Ambrosino, Billingsley, Connor — 3.

**NOT VOTING:** Representatives Brady, Cain, McKay, Seibel, Arnold — 5.

**ABSENT:** Representatives Plant and Powell — 2.

Therefore the Bill was declared passed by the House.

Representative McGinnis moved that the necessary rules be suspended for the purpose of acting on **HB 1011**. The motion was adopted by voice vote.

**HB 1011** — "An Act requiring the State to secure its funds and authorizing the investment of such funds not secured."

Roll call was taken and revealed:

**YES:** Representatives Boulden, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 23.

**NO:** Representatives Ambrosino, Billingsley, Connor, Hebner, Leshner, Riddagh, Spence — 7.

**NOT VOTING:** Representatives Arnold, Brady, Cain, Derrickson, McKay, Ridings, Seibel, Sincok, Smith — 9.

**ABSENT:** Representatives Plant, Powell — 2.

Therefore the Bill was declared passed by the House.

Representative McGinnis moved that the necessary rules be suspended for the purpose of acting on **HB 1012**. Motion adopted by voice vote.

**HB 1012** — "An Act to amend Title 5, Delaware Code, relating to the appointment of a receiver of a Bank or Trust Company."

Roll call taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington,

Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

NO: Representative Ridings — 1.

NOT VOTING: Representative Cain — 1.

ABSENT: Representative Powell — 1.

Therefore the Bill was declared passed by the House.

Representative LeGates introduced **HB 790** from the floor to be taken up for consideration.

**HB 790** — “An Act to amend Chapter 21, Part II, Title 21 of the Delaware Code relating to the priority of a claim of an insured person over the Subrogation Claims of an insurer and arbitration rights as to losses to a motor vehicle.”

Personal privilege of the floor was requested by Representative LeGates for Mr. Lewis Darling, of the Insurance Commissioner's Office.

Roll call was taken on **HB 790**, and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, McKay, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 33.

ABSENT: Representatives Cain, Gordy, Matushefske, McGinnis, Miller, Powell, Ridings, Spence — 8.

Therefore the Bill was declared passed by the House.

Representative George introduced **HB 767** from the floor to be taken up for consideration.

**HB 767** — “An Act to amend Chapter 27, Part I, Title 18, Delaware Code, relating to Insurance; and providing basic readability requirements for Automobile Insurance Policy Forms.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Ridings, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 35.

ABSENT: Representatives Billingsley, Ferguson, Gordy, Powell, Riddagh, Rispoli — 6.

Therefore the Bill was declared passed by the House.

Representative George introduced from the floor SB 49 to be taken up for consideration.

**SB 49** — "An Act to amend Title 18 of the Delaware Code relating to Line-of-Duty Death Benefits to certain public employees, including Volunteer Firemen."

Privilege of the floor was requested by Representative George, for Senator Bill Murphy.

Mr. Speaker recessed the House at 4:45 p.m.

At 4:47 p.m. Mr. Speaker called the House to order.

Roll call was taken on SB 49, and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Lynch, McGinnis, Minner, Morris, Riddagh, Rispoli, Sincok, Smith, Spence, Temple, Mr. Speaker Jonkiert — 26.

**NO:** Representatives Brady, Byrd, Cain, Clendaniel, Hebner, McKay, Miller, Plant, Ridings, Seibel, Worthen — 11.

**ABSENT:** Representatives Ferguson, Maxwell, Matushefske, Powell — 4.

Therefore the Bill was declared passed by the House.

Representative LeGates moved that the necessary rules be suspended for the purpose of introducing and acting on SB 657. Motion adopted by voice vote.

**SB 657** — "An Act to amend Chapter 284, Volume 60, Laws of Delaware entitled "An Act to amend Chapter 103, Volume 60, Laws of Delaware, entitled "An Act to amend Part V of Chapter 83, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police officers assisting State Police."

A motion was made by Representative Ferguson to table SB 657. Motion was seconded by Representative Ridings. A motion was made for roll call.

Representative Ferguson moved that the roll call be tabled. Motion was defeated by voice vote.

Roll call was taken and revealed:

**YES:** Representatives Ferguson, Gordy, Ridings — 3.

**NO:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Connor, Darling, Derrickson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Seibel, Sincok, Smith, Spence, Worthen, Mr. Speaker Jonkiert — 32.

NOT VOTING: Representatives Clendaniel and Temple — 2.

ABSENT: Representatives Lynch, Matushefske, Maxwell and Powell — 4.

Therefore the motion was defeated.

Roll call was taken on **SB 657** and revealed:

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

NOT VOTING: Representative Ferguson — 1.

ABSENT: Representatives Kelly, Matushefske, Maxwell, Powell — 4.

Therefore the Bill was declared passed by the House.

Representative Gordy moved that the necessary rules be suspended for the introduction of **HB 1013**.

Mr. Speaker assigned **HB 1013** to Community Affairs Committee.

Representative Gordy moved that the necessary rules be suspended for the sole purpose of introducing and acting on **SB 682**. Motion adopted by voice vote.

**SB 682** — "An Act making a supplemental appropriation to the State Treasurer for revenue refunds."

Roll call was taken and revealed:

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

ABSENT: Representatives Cain and Powell — 2.

Therefore the Bill was declared passed by the House.

Representative George made a motion to place **SB 507** on the Speakers table. Motion was adopted by voice vote.

Representative LeGates introduced **HJR 39** from the floor to be taken up for consideration. Motion adopted by voice vote.

**HJR 39** — "Adopting the World Wheelchair Symbol as the Wheelchair User Symbol for the State of Delaware."

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Cain, Gordy, Plant — 3.

Therefore the Bill was declared passed by the House.

Representative George moved that **HB 932** be deferred to the end of the Agenda.

Representative Ferguson moved that the necessary rules be suspended for the purpose of acting on **SB 634**. Motion was adopted by voice vote.

**SB 634** — "An Act to amend Chapter 347, Volume 58, Laws of Delaware entitled, "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and therefor and appropriating the monies to various Agencies of the State."

**HA 1** to **SB 634** was introduced by Representative Ferguson and adopted by voice vote, to be placed with the Bill.

Roll call was taken and revealed:

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

**ABSENT:** Representatives Byrd and Powell — 2.

Therefore the Bill was declared passed by the House.

Representative Gordy introduced from the floor **SB 467** to be taken up for consideration. Motion to suspend rules was adopted by voice vote.

**SB 467** — "An Act to amend Chapter 27, Title 21, of the Delaware Code relating to school bus driver licenses."

Roll call was taken and revealed:

**YES:** Representatives Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis,

McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 37.

**ABSENT:** Representatives Ambrosino, Darling, Powell and Spence — 4.

Therefore the Bill was declared passed by the House.

Representative McGinnis made the motion to recess at 5:43 p.m. to the call of the Chair.

The Speaker called the House to order at 2:24 p.m. May 4, 1976.

The Majority Leader moved to adjourn at 2:24 p.m., thereby ending the previous Legislative Day.

### **26TH LEGISLATIVE DAY**

The House reconvened at 2:25 p.m.

A Prayer was offered by Representative Thomas Temple.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representatives Hebner and Leshner — 2.

The minutes of the 25th Legislative Day were approved as posted.

The Clerk announced that a message from the Senate informed the House that it had passed: **HB 1010, HB 1011, HB 1012, HB 345 w HA 1, SS 1 for SB 631, HB 149, and HB 793.**

The Clerk announced a message from William C. Bradley, Jr., Counsel to the Governor: Legislative Advisory No. 75 — The Governor vetoed the following legislation on the indicated date: **SB 427 — 4/2/76.** The Governor approved the following legislation on the indicated date: **HB 1010, HB 1011, HB 1012 — 4/29/76.**

**SB 563** was reported out of Judiciary Committee with 1 Favorable, 3 Merits.

The following pre-filed legislation was introduced:

**HB 1014 — "An Act making a supplementary appropriation to the Department of State for the purpose of paying employees who failed to receive their proper Annual**

Salaries." Introduced by Representative Darling. Assigned to Appropriations Committee.

**HB 1015** — "An Act to amend Chapter 21, Title 21, of the Delaware Code, relating to "PC" License Plates." Introduced by Representatives Boulden and Billingsley. Assigned to Public Safety Committee.

**HB 1016** — "An Act to provide a supplemental appropriation to the Department of Labor for the payment of Unemployment Benefits to State Employees." Introduced by Representative Byrd. Assigned to Appropriations Committee.

**HB 1017** — "An Act making a supplemental appropriation to the Delaware National Guard for the relief of Dominick E. Scatasti, injured while on duty." Introduced by Representative Matushefske. Assigned to Appropriations Committee.

**HB 1018** — "An Act to amend Title 4 of the Delaware Code relating to Licenses for Colleges and Universities and to License for Caterers." Introduced by Representative Maxwell. Assigned to Labor and Commerce Committee.

**HB 1019** — "An Act to amend Title 10 and Title 25 of the Delaware Code relating to Landlord-Tenant Relationships." Introduced by Representative Rispoli. Assigned to Community Affairs Committee.

**HCR 72** — "Congratulating the Vista Volunteers on their dedicated and seemingly limitless efforts to alleviate the problems of poverty and improve the quality of life for the residents of Delaware." Introduced by Representative Johnson.

**HA 1 to HB 682** — Introduced by Representative Worthen, and placed with the Bill.

**HA 2 to HB 735** — Introduced by Representative Worthen, and placed with the Bill.

**HA 1 to HB 953** — Introduced by Representative Derrickson, and placed with the Bill.

**HA 1 to HB 984** — Introduced by Representatives Spence and Ambrosino, and placed with the Bill.

**SB 548** — "An Act authorizing a supplemental appropriation to the State Board of Examiners and Registration of Architects, Division of Business and Occupational Regulation, Department of Administrative Services, for the purpose of reimbursement for the expenses of the 1974 Middle Atlantic Regional Conference of the National Council of Architectural Registration Boards." Introduced by Senator Murphy. Assigned to Appropriations Committee.

**SB 609** — "An Act to amend Chapter 1 of Title 17, Delaware Code, relating to general Jurisdiction of the Department of Highways and Transportation." Introduced by Senator Murphy. Assigned to Highways and Transportation Committee.

**SB 628** — "An Act to amend Title 17, Chapter 6, Section 612 providing for an exemption from Delaware Turnpike Tolls for persons issued Special Plates for Handicapped Persons who pay a fee of five dollars." Introduced by Senators Manning and Martin. Assigned to House Administration Committee.

**SS 1 for SB 631** — "An Act to amend Chapter 1, Title 7 of the Delaware Code relating to the Protection of Wildlife." Introduced by Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

**HA 1 to SS 1 for SB 372** — Introduced by Representatives Connor, Arnold, Leshner and Smith, and placed with the Bill.

**SA 2 to SS 1 for SB 372** — Introduced by Representatives Connor, Arnold, Leshner and Smith, and placed with the Bill.

Representative McGinnis introduced from the floor **SCR 71** to be taken up for consideration. "Commending the Claymont High School Flaming Arrow Band for an Outstanding Performance at the 49th Shenadoah Apple Blossom Festival." Motion adopted by voice vote.

Representative McGinnis introduced from the floor **HR 141** — "Pertaining to the Introduction of Legislation during the First Session of the 128th General Assembly." A motion came from the floor to have **HR 141** stricken, due to an error. This was so ordered by the Speaker.

Representative Johnson moved to adopt **HCR 72** — "Congratulating the Vista Volunteers on their dedicated and seemingly limitless efforts to alleviate the problems of poverty and improve the quality of life for the residents of Delaware." Motion adopted by voice vote.

**HB 544** was deferred until May 11 on a motion by Representative Worthen.

Representative Gilligan requested **HB 452** be deferred until the end of the Agenda. He then yielded to Representative McGinnis. Mr. Speaker assigned **HB 452** to the House Administration Committee.

Representative McGinnis introduced **HS 1 for HB 896**, from the floor to be taken up for consideration.

**HS 1 for HB 896** — "An Act to amend Part VI, Chapter



61, Title 29, Delaware Code, relating to certain Tuition Payments collected by Delaware Technical and Community College."

Privilege of the floor was requested by Representative Ridings for Mr. Garry Gaukler, from the Controller's Office.

Representative Billingsley again requested privilege of the floor for Mr. Gaukler.

Roll call was then taken on **HS 1** for **HB 896**, and revealed:

**YES:** Representatives Ambrosino, Arnold, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

**NO:** Representatives Billingsley and McKay — 2.

**ABSENT:** Representatives Hebner, Leshner, Maxwell — 3.

Therefore the **HS 1** for **HB 896** was declared passed by the House.

Representative McGinnis introduced **HR 142** from the floor. "Pertaining to the introduction of Legislation during the Second Session of the 128th General Assembly." Motion adopted by voice vote.

Representative Ambrosino moved for the adoption of **HR 139** from the floor. "Commending the Mount Pleasant High School Choir and the Director, Mrs. Susan J. Bruerton, for recent accolades." Motion was adopted by voice vote.

Representative Ambrosino moved that the necessary rules be suspended for the purpose of acting on **HB 991**. Motion was adopted by voice vote.

**HB 991** — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the definition of sexual intercourse as it applies to sexual offenses."

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Hebner, Leshner, Matushefske

— 3.

Therefore the Bill was declared passed by the House.

Representative Boulden introduced **HB 910** from the floor to be taken up for consideration.

**HB 910** — “An Act to amend Chapter 86, Title 9, Delaware Code, relating to delinquent Real Estate Taxes which are no longer liens against any Real Estate.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Maxwell, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

**ABSENT:** Representatives Hebner, Leshner, Matushefske, McGinnis, Miller — 5.

Representative Worthen introduced **SB 56 w HA 1**, with co-sponsors Connor, Ambrosino, Spence.

**SB 56** — “An Act proposing an amendment to Article IV, Section 2, 3, and 12 of the Constitution of the State of Delaware by increasing the Supreme Court to five Justices and providing for a quorum of the Supreme Court.”

Representative Matushefske made a motion to table **HA 1** to **SB 56**.

Roll call was taken on the motion and revealed:

**YES:** Representatives Billingsley, Byrd, Cain, Ferguson, George, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Plant, Rispoli, Seibel, Worthen, Mr. Speaker Jonkiert — 21.

**NO:** Representatives Ambrosino, Arnold, Boulden, Brady, Connor, Darling, Derrickson, Gilligan, McKay, Powell, Riddagh, Ridings, Sincok, Smith, Spence, Temple — 16.

**ABSENT:** Representatives Clendaniel, Hebner, Leshner, Minner — 4.

**HA 1** was tabled.

Representative Worthen requested that a letter be read in from Chief Justice Herrmann.

January 16, 1976

Honorable Sherman W. Tribbitt  
Governor of Delaware  
Dover, Delaware 19901

Hon. J. Donald Isaacs  
 Pres. Pro Tem of the Senate  
 Legislative Hall  
 Dover, Delaware 19901  
 Hon. Michael N. Castle  
 Legislative Hall  
 Dover, Delaware 19901

Hon. Casimir S. Jonkiert  
 Speaker of the House  
 Legislative Hall  
 Dover, Delaware 19901  
 Hon. Harry F. Derrickson  
 Legislative Hall  
 Dover, Delaware 19901

Gentlemen:

I address you on a subject of a crucial importance to the State:

The need for the enlargement of the Delaware Supreme Court at the earliest possible time.

The Supreme Court as we now know it was created in 1951, consisting of three members. Today, a quarter of a century later, the Court still consists of only three members, the last and only State Supreme Court in the Nation with less than five members.

The caseload of the Delaware Supreme Court has multiplied over the years, increasing from less than 50 appeals filed per year in the early 1950's, to 93 cases filed in 1966, to 205 in 1970, to 281 in 1974, to 336 in 1975—all without any increase in judicial manpower. This steady growth in caseload has been the result of increased litigation of all categories in all the Courts and Administrative Agencies of the State from which appeals are taken to the Supreme Court. The rapid growth in litigation has developed for many reasons including new legislation, the trend toward constitutional challenge the acceleration of the fight against the increasing crime rate by expanded law enforcement agencies, and the mounting tendency toward use of the Courts for the solution of more and more of our society's ills and controversies.

This steady climb in the work of the Supreme Court will unquestionably continue in the years ahead: there is no reason to think otherwise. The projection is that, based upon the rate of growth over the past few years, the Supreme Court will be confronted with an annual caseload of more than 400 appeals within the very near future. About 40 opinions per Appellate Judge per year is considered a fair and average workload on national standards. Obviously, a three member Court cannot be expected to handle 300 to 400 appeals per year and still maintain the high standards to which the Delaware Supreme Court has traditionally adhered. Furthermore, it has become

necessary, more and more frequently, to call upon Trial Judges to sit in the Supreme Court in place of disqualified Supreme Court Justices—thus interfering unduly with the overincreasing work of the Trial Courts, to the detriment of the efficiency of the entire system.

The quality of the work of the Supreme Court is of utmost importance not only to the people of our State, but also to the corporations which look to the Courts of our State for continued excellence in the solution of problems arising under the Delaware Corporation Law.

For the foregoing reasons, I write to urge most earnestly the prompt passage of the "first leg" of a constitutional amendment which would enlarge the Supreme Court to five members, with authority to sit in panels of three. It is submitted that the need for this action has become so critical that it should not be endangered by involvement with any other statute or constitutional change that may come under consideration.

It is the unanimous opinion of the entire State Judiciary that of all the basic problems confronting the court system at this time, this need is the most important and the most deserving of top priority. I take the liberty of sending copy of this letter to each member of the General Assembly so that all concerned may be informed of the urgency of the situation.

I stand ready, of course, to furnish any further information that may be needed in support of this recommendation.

Respectfully,  
D. L. Herrmann

DLH: jo  
cc: The Members of the General Assembly

Roll call was taken but before being announced, Representative Worthen moved to table the roll call. Motion was adopted by voice vote.

Representative George introduced from the floor HB 913 w SA 1, which came over from the Senate, to be taken up for consideration.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Billingsley, Boulden, Brady, Cain, Connor, Darling, Ferguson, George, Gilligan, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske,

Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Rispoli, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 29.

NO: Representatives Arnold, Riddagh and Spence — 3.

NOT VOTING: Representatives Derrickson, Gordy, Ridings, Seibel and Sincock — 5.

ABSENT: Representatives Byrd, Clendaniel, Hebner and Leshner — 4.

Therefore the Bill was declared passed by the House.

Representative McGinnis moved to recess for Caucus at 4:05 p.m.

The House was called to order by the Speaker at 5:32 p.m.

Representative Byrd requested HB 813 be lifted from the Speakers table.

HB 813 — "An Act relating to public works contracts in certain cases, providing for prevailing wages, imposing duties upon the Department of Labor, and providing remedies and penalties."

Representative Harrington requested a roll call on the motion.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Connor, Derrickson, Ferguson, George, Gilligan, Johnson, Kelly, LeGates, Matushefske, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Spence, Mr. Speaker Jonkiert — 24.

NO: Representatives Clendaniel, Darling, Gordy, Harrington, McKay, Morris, Smith and Temple — 8.

NOT VOTING: Representatives McGinnis, Miller, Minner and Worthen — 4.

ABSENT: Representatives Hebner, Leshner, Lynch, Maxwell and Ridings — 5.

Therefore the Bill was lifted from the Speakers table.

Roll call was taken but before being announced Representative Byrd, made a motion to table the roll call. Motion was passed by voice vote.

Mr. Speaker recessed at 5:45 p.m.

Mr. Speaker called the House to order at 6:07 p.m.

HB 1013 was reported out of Community Affairs with 4 Merits.

HJR 40 was reported out of Education Committee with 4 Favorable, 1 Merits.

HB 990 was reported out of Health and Social Services

Committee with 2 Favorable, 3 Merits.

**HB 1008** was reported out of Health and Social Services Committee with 1 Favorable, 3 Merits.

A motion was made to recess at 6:10 p.m. to the call of the Chair.

The Speaker called the House to order at 2:05 p.m., May 5, 1976.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous Legislative Day.

### **27TH LEGISLATIVE DAY**

The House reconvened at 2:06 p.m.

A Prayer was offered by the Chaplain J. T. Randolph.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representatives Leshner and Seibel — 2.

The minutes of the 26th Legislative Day were approved as posted.

The following pre-filed legislation was introduced.

**HB 1020** — "An Act to amend Chapter 11, Part II, Title 30 of the Delaware Code relating to Personal Exemptions permitted by the Delaware Personal Income Tax." Introduced by Representatives Ferguson and Temple. Assigned to Revenue and Finance Committee.

**HB 1021** — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to retention of Special Fuel Records." Introduced by Representative Gordy. Assigned to Public Safety Committee.

**HB 1022** — "An Act to amend Title 26 of the Delaware Code relating to Public Utilities and limiting their ability to Increase Rates until a final determination by the Public Service Commission." Introduced by Representative Maxwell. Assigned to Administration Services Committee.

**HB 1023** — "An Act to amend Title 14 of the Delaware Code relating to the Supervision of Nonpublic Elementary and Secondary Schools and providing an appropriation therefor." Introduced by Representative Gordy. Assigned to Education

Committee.

**HB 1024** — "An Act to amend Chapter 5, Title 13, of the Delaware Code relating to Jurisdiction of the Family Court over Support Agreements." Introduced by Representative Gordy. Assigned to Judiciary Committee.

**HB 1025** — "An Act to amend Section 938, Title 10, Delaware Code, to allow the Family Court to proceed against an 18 year old as an adult even though charged with the offense while a juvenile." Introduced by Representative Gordy. Assigned to Judiciary Committee.

**HB 1026** — "An Act to amend Section 961, Title 10, Delaware Code to provide for a Direct Appeals from the Family Court to the Supreme Court in Custody and Visitation of Children Cases."

**HB 1027** — "An Act to amend Chapter 27, Title 21, Delaware Code, relating to application by minor for an Operator's License." Introduced by Representative Gordy. Assigned to Public Safety Committee.

**HB 1028** — "An Act making a supplementary appropriation to the Division of Public Health of the Department of Health and social Services for Influenza Vaccination." Introduced by Representatives Gilligan and Matushefske. Assigned to Appropriations Committee.

**HA 1 to HB 965** introduced by Representative Lynch, and placed with the Bill.

**HCR 73** — "Memorializing the Congress of the United States to continue the General Revenue Sharing Program." Introduced by Representative Gilligan.

**HCR 74** — "Expressing the support of the 128th General Assembly for the proposals adopted by the Parent-Teachers Association at the 65th Annual Convention of that Organization." Introduced by Representatives Connor, Arnold and Ambrosino.

**HA 1 to HJR 30** introduced by Representative Ambrosino, and placed with the Bill.

**SCR 72** — "Extending Congratulations to the Sussex Central Junior High School Band for having been designated the Delaware Bicentennial Band to represent the State of Delaware in Bicentennial Celebrations in Philadelphia on July 4, 1976."

Representative McGinnis paid tribute to Representative Matushefske on his Birthday.

**HCR 73** was introduced by Representative Gilligan,

"Memorializing the Congress of the United States to continue the General Revenue Sharing Program." Motion was adopted by voice vote.

**HCR 74** was introduced by Representative Connor, "Expressing the support of the 128th General Assembly for the proposals adopted by the Parent-Teachers Association at the 65th Annual Convention of that Organization." Motion adopted by voice vote.

**HCR 75** was introduced by Representative Smith, "Requesting the Controller General to assess the possible increase in Unplanned State Expenditures if Plan Omega becomes a reality."

Representative Gilligan moved to table **HCR 75**. Motion seconded by Representative Matushefske.

Representative Smith requested a roll call on the motion to table.

Roll call was taken and revealed:

**YES:** Representatives Arnold, Billingsley, Boulden, Byrd, Cain, Darling, Ferguson, Gilligan, Hebner, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Powell, Riddagh, Sincok, Spence, Worthen — 22.

**NO:** Representatives Brady, George, Johnson, Plant, Ridings, Rispoli, Smith, Mr. Speaker Jonkiert — 8.

**NOT VOTING:** Representatives Derrickson, Harrington, Lynch, McKay — 4.

**ABSENT:** Representatives Ambrosino, Clendaniel, Connor, Gordy, LeGates, Seibel, Temple — 7.

Therefore **HCR 75** was declared tabled by the House.

Representative McGinnis moved to Recess for Caucus at 2:41 p.m.

Mr. Speaker called the House to order at 4:00 p.m.

Representative Boulden introduced **HB 1029** from the floor to be assigned to Committee.

Mr. Speaker assigned **HB 1029** to Education Committee.

Representative McGinnis moved for the adoption of **SCR 72** and it was adopted by voice vote.

**SCR 72** — "Extending Congratulations to the Sussex Central Junior High School Band for having been designated the Delaware Bicentennial Band to represent the State of Delaware in Bicentennial Celebrations in Philadelphia on July 4, 1976."

Representative McGinnis moved for suspension of Agenda rules. Motion was adopted by voice vote.



**SB 571** was introduced by Representative McGinnis.

**SB 571** — “An Act directing the Secretary of State to Execute and Deliver Deeds to certain persons for land in Baltimore Hundred, Sussex County, Delaware.”

Privilege of the floor was requested by Representative McGinnis, for State Senator Richard Cordrey of Millsboro.

Senator Cordrey requested privilege of the floor for Senate Attorney, Mr. Eberly.

Privilege of the floor was requested by Representative Smith for Mrs. June J. McCarter, Legal Counsel to Department of Natural Resources.

Representative Gordy requested the privilege of the floor for Senator Cordrey.

Representative McGinnis requested roll call on **SB 571**.

Roll call was taken and revealed:

**YES:** Representatives Boulden, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Matushefske, McGinnis, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Sincock, Spence, Temple, Mr. Speaker Jonkiert — 26.

**NO:** Representatives Arnold, Billingsley, Brady, Connor, Smith — 5.

**NOT VOTING:** Representatives Ambrosino, Hebner, Maxwell, McKay, Ridings, Worthen — 6.

**ABSENT:** Representatives Byrd, Leshner, Lynch, Seibel — 4.

Therefore, the Bill was declared passed by the House.

Representative Matushefske introduced **SB 515**.

**SB 515** — “An Act to amend Chapter 49, Title 15, Delaware Code, relating to the custody of voting machines.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 36.

**ABSENT:** Representatives Gordy, Leshner, Lynch, Seibel, Spence — 5.

Therefore the Bill was declared passed by the House.

Representative Matushefske introduced **SB 556**.

**SB 556** — “An Act to amend Chapter 33, Title 15 of the

Delaware Code relating to the Nominations of Candidates by Parties; and providing a supplementary appropriation to various Departments of Elections."

Privilege of the floor was requested by Representative Matushefske, for Mrs. Betty Pond, Commissioner of Elections, New Castle County.

Representative Matushefske made a motion to place the Bill on the Speakers table. Motion adopted by voice vote.

Representative Matushefske introduced SS 1 for SB 526.

SS 1 for SB 526 — "An Act to amend Chapters 13, 19, 31, 45, 49, and 55 of Title 15, Delaware Code, relating to registration records, supplies, and places, registration for members of Military Forces and related organizations, sample Ballots for Primary Elections, poll lists for Primary Elections, poll lists for General Elections, grounds for refusing to accept a Ballot, and Absentee Voting."

A motion was made by Representative Matushefske to lay SS 1 for SB 526 on the table. Motion was adopted by voice vote.

Representative Matushefske introduced SB 327.

SB 327 — "An Act to amend Title 15, Chapter 41, Delaware Code, pertaining to the maximum number of registered voters in an Election District."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Lynch, Leshner, Seibel — 3.

Therefore the Bill was declared passed by the House.

Representative Matushefske introduced SB 328 w HA 1 to be taken up for consideration. Motion adopted by voice vote.

SB 328 — "An Act to amend Title 15, Chapter 33, Delaware Code, pertaining to the filing of certificates of nomination and supplemental certificates of nomination."

Representative Matushefske requested the privilege of the floor for Mrs. Pond.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling,

Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Leshner, Lynch, Seibel — 3.

Therefore, the Bill was declared passed by the House.

Representative Matushefske introduced **SB 527**.

**SB 527** — “An Act to amend Chapter 50 of Title 15, Delaware Code, pertaining to the preparation of voting machines.”

Roll call was taken and revealed:

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

ABSENT: Representatives Ferguson, Leshner, Lynch, Seibel — 4.

Therefore, the Bill was declared passed by the House.

Representative Matushefske made a motion that **SS 1** for **SB 526** be lifted from the Speakers Table. Motion was adopted by voice vote.

**HA 1** was introduced from the floor by Representative Clendaniel, and adopted by voice vote.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Sincok, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

NO: Representative Powell — 1.

ABSENT: Representatives Leshner, Lynch, Seibel, Smith — 4.

Therefore the Bill was declared passed by the House.

Representative Byrd introduced **SB 563**.

**SB 563** — “An Act to amend Chapter 20, Title 15 of the Delaware Code relating to voter registration.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Boulden, Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Harrington,

Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Rispoli, Worthen, Mr. Speaker Jonkiert — 23.

NO: Representatives Arnold, Brady, Clendaniel, Derrickson, Hebner, McKay, Powell, Ridings, Sincock, Smith, Spence, Temple — 12.

NOT VOTING: Representatives Billingsley, Connor — 2.

ABSENT: Representatives Leshner, Lynch, Riddagh, Seibel — 4.

Therefore the Bill was declared passed by the House.

Representative George introduced **HB 951**.

**HB 951** — "An Act to amend Chapter 118, Volume 60, Laws of Delaware, the 1976 Budget Appropriation Act originally designated **SB 431**."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Ridings, Rispoli, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 34.

ABSENT: Representatives Byrd, Cain, Harrington, Leshner, Lynch, Riddagh, Seibel — 7.

Therefore, the Bill was declared passed by the House.

Representative McGinnis made a motion to go back on the Agenda.

Representative McGinnis requested **HB 833** be deferred until a day certain, May 6, 1976.

Representative Matushefske requested **HB 846** be deferred to end of Agenda. Mr. Speaker assigned the Bill to House Administration Committee.

Representative Maxwell requested **SB 502** be deferred until a day certain, May 6, 1976.

Representative Boulden requested **HB 909** be stricken, and yielded to Mr. Rispoli.

Representative Rispoli moved that **SB 396** be lifted from the table.

**SB 396** — "An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to public works by State Agencies and providing certain standards of construction for protection of Physically Handicapped Persons."

Motion was adopted by voice vote.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Rispoli, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

**NOT VOTING:** Representative Ridings — 1.

**ABSENT:** Representatives Leshar, Lynch, Riddagh, Seibel — 4.

Therefore the Bill was declared passed by the House.

Representative Boulden requested **HB 803** be deferred to end of Agenda, who then yielded to Representative LeGates.

Representative LeGates introduced **SB 648 w SA 1**.

**SB 648** — “An Act to amend Chapter 5, Title 7, Delaware Code, relating to requirements for Fishing Licenses.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Kelly, LeGates, McGinnis, McKay, Miller, Powell, Ridings, Rispoli, Worthen, Mr. Speaker Jonkiert — 25.

**NO:** Representatives Derrickson, Hebner, Johnson, Minner, Morris, Plant, Sincock, Smith, Spence, Temple — 10.

**ABSENT:** Representatives Leshar, Lynch, Matushefske, Maxwell, Riddagh, Seibel — 6.

Therefore the Bill was declared passed by the House.

Representative Boulden introduced **HB 629**. Motion was adopted by voice vote.

**HB 629** — “An Act to amend Subchapter III, Chapter 1, Title 17 of the Delaware Code, relating to Highways and providing for control of entrances and exits onto State Maintained Highways, streets and roads and to provide for penalties for violations thereof.”

**HA 1** was introduced by Representative Worthen, and adopted by voice vote.

Roll call was taken, however, Representative Boulden moved to table the roll call. Motion was adopted by voice vote.

**HB 1018** was reassigned to Labor Commerce Committee.

**HB 1029** was reassigned to Education Committee.

**HB 677** was reported out of Labor Committee with 2 Favorable, 2 Merits.

**HB 994** was reported out of Labor Committee with 1

Favorable, 3 Merits.

**HB 1029** was reported out of Appropriations Committee with 4 Merits.

**SB 573** was reported out of Appropriations Committee with 4 Merits.

**HB 868** was reported out of Revenue and Finance Committee with 5 Merits.

**HB 42** was reported out of House Administration Committee with 1 Favorable, 4 Merits.

**HB 988** was reported out of Judiciary Committee with 4 Merits.

Representative Arnold moved to strike **HB 317**.

Representative Gordy moved that **HB 1024** be stricken.

Representative Gilligan moved the following be stricken:

**HB 93, HB 147, HB 199, HB 347, and HB 575.**

Representative Maxwell moved that **HB 850** be stricken.

Representative McGinnis moved to recess at 6:15 p.m. to the call of the Chair.

The Speaker called the House to order at 1:55 p.m. May 6, 1976.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous Legislative Day.

## 28TH LEGISLATIVE DAY

A Prayer was offered by Reverend William Melnick, of Holy Cross Catholic Church.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representative Matushefske — 1.

Representative LeGates explained an error in the minutes for the 27th Legislative Day.

Mr. Speaker stated, the minutes of the previous day are posted. They have been approved as corrected.

Representative Kelly expressed regrets of the departure of his Attache, Eileen Gallucio from the staff, and presented her with a gift.

The following pre-filed Legislation was introduced.

## 28TH LEGISLATIVE DAY

**HB 1030** — "An Act to permit the Board of Public Education of the Mount Pleasant Reorganized School District to transfer Certain Funds from its Local Debt Service Funds Account to Current Operating Funds Account." Sponsored by Representatives George, Ambrosino, Hebner, Leshner, Smith, Sincock; Senators Berndt, Hughes. Assigned to Appropriations Committee.

**HB 1031** — "An Act to amend Chapters 11, Title 12, Delaware Code, relating to abandoned Property Funds resulting from Escheats." Introduced by Representative Cain. Assigned to Judiciary Committee.

**HB 1032** — "An Act to amend Subchapter III, Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and prohibiting Advance Payments." Introduced by Representative Ambrosino. Assigned to Appropriations Committee.

**HB 1033** — "An Act to amend Chapter 9, Part II, Title 29 of the Delaware Code relating to the General Assembly; and providing that each Bill be accompanied by an Impact Statement." Introduced by Representative Ambrosino. Assigned to Appropriations Committee.

**HB 1034** — "An Act to amend Chapter 7, Part I, Title 19 of the Delaware Code relating to Liability for Inspection of Places of Employment." Sponsored by Representatives Byrd and Powell, Senators Murphy and Hughes. Assigned to Labor and Commerce Committee.

**HB 1035** — "An Act to amend Chapter 23, Title 30, Delaware Code, relating to Occupational License Requirements and Fees, to require Lessors of Commercial Property to be Licensed thereunder, and to repeal the provision in Chapter 54, Title 30, Delaware Code, relating to the Realty Transfer Tax on Leases."

**HB 1036** introduced by Representative Cain. Assigned to Revenue and Finance Committee.

**HB 1036** — "An Act to amend Chapter 23, Part III, Title 30 of the Delaware Code relating to Occupational and Business Licenses and Taxes; and providing a Gross Receipts Fee Exemption for Certain Nursing Homes." Introduced by Representative Maxwell. Assigned to Revenue and Finance Committee.

**HS 1 for HB 915** — "An Act to amend Chapter 29, Part III, Title 30 of the Delaware Code by requiring a Special License for a Transient Retailer and providing for an additional Fee on Aggregate Gross Receipts." Introduced by

Representatives Cain and Sincock. Assigned to Revenue and Finance Committee.

**HA 3 to HS 1 for HB 431** introduced by Representative Ferguson, and placed with the Bill.

**HA 2 to HB 682** was introduced by Representative Worthen, and placed with the Bill.

**HA 1 to HB 978** introduced by Representative LeGates, and placed with the Bill.

**HA 2 to HJR 30** introduced by Representative Ambrosino, and placed with the Bill.

**SB 530** — "An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to the Procurement of Material and Award of Contracts for Public Works by State Agencies." Introduced by Senator Cicione, and assigned to Appropriations Committee.

**SCR 66 w SA 1** — Expressing the concern of the General Assembly over the Report by the Unique Hazards Committee of the Department of Public Instruction, relating to Constructions Projects to eliminate hazards and reduce busing; and directing that the Present Moratorium be extended for one year." Sponsored by Senators Cicione, Sharp, Berndt, Elliott and Representatives Byrd, Gilligan, Kelly, Maxwell. Assigned to Education Committee.

**HB 920** was reported out of Administrative Services Committee with 5 Merits.

Representative McGinnis requested that **HB 833** be deferred to end of agenda, and brough **HB 851** before the House for consideration.

**HB 851** — "An Act to amend Chapter 6, Title 24, Delaware Code relating to Electrologists."

Roll call was taken and revealed:

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

**ABSENT:** Representatives Ambrosino, Ferguson, Matushefske, Smith — 4.

Therefore, the Bill was declared passed by the House.

Representative Maxwell requested **SB 502** be deferred to end of Agenda, and yielded to Representative Boulden.

Representative Boulden brought **HB 1029** before the House for consideration.



**HB 1029** — "An Act to permit the DeLaWarr School District to transfer certain funds from its Debt Service, tuition, and minor Capital Improvements Program Accounts to its Current Operating Account."

Roll call was taken and revealed:

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

**ABSENT:** Representatives Ambrosino, Ferguson, Matushefske, Smith — 4.

Therefore the Bill was declared passed by the House.

**HB 853** was brought before the House for consideration by Representative Darling.

**HB 853** — "An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code relating to prohibited hunting and trapping devices and methods."

Mr. Speaker Conversed with House Attorney, Harry Terry, who said that **HB 853** requires a 2/3 Majority vote to pass, and is therefore inaccurate as written.

Representative Darling requested that **HB 853** be stricken. This was so ordered by Mr. Speaker.

Representative Morris moved that the necessary rules be suspended for the purpose of introducing and acting on **SJR 58**. Motion adopted by voice vote.

**SJR 58** — "Providing for the establishment of a special Advisory Committee to review the Prisoners' Bill of Rights with the objective of assuring that the document conforms with prisoners' basic Constitutional Rights and that the Prison Administration can adequately and safely deal with discipline and security in the most expedient manner possible."

Roll call was taken and revealed:

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

**ABSENT:** Representatives Ambrosino, Ferguson, Kelly,

Matushefske, Smith — 5.

Representative McGinnis moved to suspend the Agenda rules for consideration of **SB 502 w HA 1-2**.

Representative Jonkiert moved to strike **HA 1**. Motion adopted by voice vote.

Privilege of the floor was requested for Mr. Robert Marshall, Director of Division of Business and Occupational Services of Department of Administration Services. Sponsored by Representative Jonkiert.

**HA 2** was adopted by voice vote.

Representative Maxwell requested the privilege of the floor for Mr. Marshall.

Representative Maxwell requested the privilege of the floor for House Attorney Mr. John Rich.

Representative Ridings moved that **SB 502** be placed on the Speaker's Table. Motion adopted by voice vote.

**SB 502** — "An Act to amend Chapter 31 of Title 19, Delaware Code relating to licensing the regulating Employment Agencies."

Mr. Speaker recessed the House at 3:15 p.m.

Mr. Speaker called the House to order at 3:50 p.m.

Representative McGinnis introduced **HCR 76** to be taken up for consideration. "Welcoming the Executive Committee of the National Conference of Lieutenant Governors to Delaware and Expressing Sincere Hope for a Successful Meeting." Motion adopted by voice vote.

Representative Boulden moved that the necessary rules be suspended for the purpose of introducing and acting on **SJR 59**. Motion adopted by voice vote.

**SJR 59** — "In respect to a Delaware Bicentenary Separation Day Session of the Members and Officers of the 128th General Assembly of the State of Delaware."

Roll call was taken and revealed:

Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 34.

NO: Representatives Johnson, Miller, Minner, Plant — 4.

ABSENT: Representatives Derrickson, Hebner, Matushefske — 3.

Therefore the Bill was declared passed by the House.

Mr. Speaker assigned **SB 558** to House Administration Committee.

Representative Worthen brought **SB 5** before the House for consideration.

**SB 5** — "An Act concurring in a proposed amendment to Article VIII of the Constitution of the State of Delaware, relating to the uniformity of taxes; assessment and taxation of land devoted to Agriculture and Forest use; collection under general laws; exemption for public welfare purposes."

Representative Derrickson made a motion that **SB 5** be placed on the Speakers Table. Motion was adopted by voice vote.

Representative Brady introduced **HR 143**. Mr. Speaker assigned **HR 143** to Appropriations Committee.

Representative Maxwell requested **HB 870** be deferred to end of Agenda, and yielded to Representative George.

Representative George brought **HB 973** before the House for consideration.

**HB 973** — "An Act authorizing the State of Delaware to borrow money to be used for certain Capital Improvements and Expenditures and to Issue Bonds and Notes therefor and appropriating the funds thus obtained to the Division of Highways of the Department of Highways and Transportation."

Roll call was tabled on motion of Representative George, and adopted by voice vote.

Representative Gilligan requested **HB 970** be deferred until a day certain May 11, 1976.

Representative Gordy requested **HB 650** be taken up for consideration.

**HB 650** — "An Act to amend Chapter 69, Title 21, Delaware Code, relating to the removal of motor vehicles from public highways by police."

Representative Gordy requested privilege of the floor for Lieutenant Vignola and Sergeant Roman of the Delaware State Police.

Representative Plant moved to table **HB 650**. Motion adopted by voice vote.

Representative Gordy requested **HB 720** be taken up for consideration.

**HB 720** — "An Act to amend Chapter 1, Title 1, Delaware Code, relating to distribution of the Code and Supplements."

Representative Gordy brought up **HA 1** for consideration.

Motion was adopted by voice vote.

Representative Gordy moved to lay **HB 720** on the Speakers Table. Motion was adopted by voice vote.

Representative Brady moved to suspend all rules for the purpose of bringing **HR 143** out of Committee for consideration before the House.

Roll call was requested on the motion, and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Derrickson, Leshner, McKay, Powell, Riddagh, Ridings, Seibel, Sincock, Smith, Spence — 15.

**NO:** Representatives Byrd, Darling, George, Gordy, Harrington, Johnson, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 14.

**NOT VOTING:** Representatives Cain, Clendaniel, Ferguson, Gilligan, Kelly, LeGates, Lynch, Maxwell — 8.

**ABSENT:** Representatives Boulden, Hebner, Matushefske, McGinnis — 4.

Therefore the motion was declared lost, and **HR 143** remained in Committee.

Representative Gordy moved that **HB 720** be lifted from the Speakers Table.

**HB 720** — “An Act to amend Chapter 1, Title 1, Delaware Code, relating to distribution of the Code and Supplements.”

Representative Billingsley introduced **HA 2** from the floor. Amendment adopted by voice vote.

Roll call was taken and revealed:

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

**ABSENT:** Representatives Boulden, Derrickson, Hebner, Matushefske, McGinnis — 5.

Therefore the Bill was declared passed by the House.

The following were reported out of Environmental Control Committee: **SB 259** with 6 Merits; **HB 993** with 4 Merits; **HB 1004** with 1 Favorable, 3 Merits.

**HB 1030** was reported out of Appropriations Committee with 1 Favorable, 4 Merits.

The following were reported out of Public Safety Committee: **HB 989** with 1 Favorable, 3 Merits; **HB 1015** with 4 Merits; **HB 959** with 4 Merits; **HB 799** with 3 Merits, 1

Unfavorable; **SR 606** with 4 Merits; **HB 1021** with 4 Merits; **HB 1005** with 4 Merits; **SB 469** with 4 Merits.

**SB 502** was reported out of Administration Services Committee with 4 Merits.

Representative Harrington moved to recess at 5:21 p.m. to the call of the Chair.

The Speaker called the House to order at 2:04 p.m. May 11, 1976.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous Legislative Day.

### **29TH LEGISLATIVE DAY**

The House reconvened at 2:05 p.m.

A Prayer was offered by Reverend Donald Clendaniel of Roxanna E. Sound Methodist Church.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representatives Powell and Seibel — 2.

The Clerk announced that a message from the Senate informed the House that it had passed: **HB 763 w HA 2; HB 646; HB 859; HB 417; HB 913 w SA 1; SJR 59; HCR 73, 74.**

From the Office of Counsel to the Governor, Legislative Advisory No. 78; **HB 913 w SA 1** approved 5/11/76; **HCR 76** approved 5/11/76.

Legislative Advisory No. 77: The Governor approved the following : On 5/6/76 **HB 903 w HA 1; HB 517 w HA 1; HB 793; HB 358; HB 398; HB 422 w HA 1 and 2; HCR 71.**

The following pre-filed legislation was introduced:

**HB 1037** — "An Act to amend Chapter 27, Title 21, of the Delaware Code relating to Driver License Permits for those under 18 years of age." Introduced by Representative Lynch. Assigned to Public Safety Committee.

**HB 1038** — "An Act to amend Chapter 51, Part III, Title 25 of the Delaware Code relating to the Landlord-Tenant Code; and prohibiting any demand by Landlords for extra money

payments.” Introduced by Representative Ambrosino. Assigned to Community Affairs Committee.

**HB 1039** — “An Act to amend Subchapter II, Chapter 3, Title 31, Delaware Code relating to Boarding Homes for Children and providing Certain Exemptions.” Introduced by Representatives Minner, Spence; Senator Isaacs. Assigned to Health and Social Services Committee.

**HB 1040** — “An Act to amend Chapter 1, Title 1 of the Delaware Code relating to the Distribution of the Delaware Code and its Supplements to the State Police.” Introduced by Representative Ambrosino. Assigned to House Administration Committee.

**HB 1041** — “An Act to amend Chapter 33, Title 19, Delaware Code, relating to Unemployment Compensation.” Introduced by Representative Byrd. Assigned to Labor and Commerce Committee.

**HB 1042** — “An Act to amend Chapter 41, Title 11, Delaware Code, relating to the Hourly Rate of Payment Allowable to Defendants towards Payment of Fines and Costs.” Introduced by Representative Minner. Assigned to Judiciary Committee.

**HB 1043** — “An Act to amend Part II, Title 29 of the Delaware Code relating to the General Assembly, and providing for the Registration of Lobbyists.” Introduced by Representative Ambrosino. Assigned to House Administration Committee.

**HB 1044** — “An Act to amend Chapter 33, Title 19, Delaware Code, relating to Unemployment Compensation.” Introduced by Representative Byrd. Assigned to Labor and Commerce Committee.

**HA 1 to HB 190**, introduced by Representative Ambrosino and placed with the Bill.

**HA 1 to HB 833**, introduced by Representative Billingsley, and placed with the Bill.

**HA 1 to HB 849**, introduced by Representatives Cain and Sincok, and placed with the Bill.

**HA 1 to HB 990**, introduced by Representative Ambrosino, and placed with the Bill.

**HA 1 to HB 1030**, introduced by Representatives George and Ambrosino, and placed with the Bill.

**SB 574 w SA 1** — “An Act to amend Chapter 113, Volume 60, Laws of Delaware, it being the 1976 Budget Appropriation Act, originally designated as SB 431 of the 128th General

Assembly, as amended by Chapter 289, Volume 60, Laws of Delaware." Introduced by Senator Holloway. Assigned to Appropriations Committee.

**SB 671** — "An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to Motor Vehicles; and providing for a Rebuttable Presumption in Instances involving the Unlawful Passing of a School Bus." Introduced by Senator Isaacs. Assigned to Public Safety Committee.

**SB 673** — "An Act to amend Title 16 of the Delaware Code by adding a New Chapter relating to the Littering of Public or Private Property and the Depositing of Refuse in Navigable Waters." Introduced by Senator Sharp. Assigned to Community Affairs.

**HA 3 to SB 501** introduced by Representative Byrd, and placed with the Bill.

Mr. Speaker deferred **HB 970** to end of Agenda.

Mr. Speaker deferred **SB 7 w SA 1** to end of Agenda.

Mr. Speaker deferred **SB 555** to end of the Agenda.

Representative McGinnis requested **HB 1000** be taken up for consideration.

**HB 1000** — "An Act to amend Chapter 27, Title 25, Delaware Code, relating to mechanics' liens."

Roll call was taken and revealed:

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

**ABSENT:** Representatives Ambrosino, Billingsley, Plant, Powell, Seibel — 5.

Therefore, the Bill was declared passed by the House.

Representative LeGates requested **HB 978** be deferred to the end of the Agenda, and then brought up **SB 259**.

**SB 259** — "An Act to amend Chapter 9 and 19 through 27 of Title 7, Delaware Code relating to the rules and regulations concerning Shellfish."

**HA 4** to the Bill was stricken.

**HA 5** to the Bill was adopted by voice vote.

Privilege of the floor was requested by Representative LeGates for Mr. Darrell Louder, Division of Fish and Wildlife, Department of Natural Resources.

**HA 6 and HA 7** were adopted by voice vote.

Representative LeGates requested personal privilege of the floor again for Mr. Louder.

Representative LeGates requested the privilege of the floor for Mr. Robert Beck, Division of Fish and Wildlife.

**HA 8** was adopted by voice vote.

Representative Ambrosino moved to rescind the roll call and was seconded by Representative Sincok. The motion was adopted by voice vote.

Representative LeGates requested personal privilege of the floor for Mr. Beck.

Roll call was taken on **HA 2 to SB 259** and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Clendaniel, Connor, Hebner, Leshner, McKay, Powell, Ridings, Rispoli, Sincok, Smith, Temple — 16.

**NO:** Representatives Byrd, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Morris, Plant, Riddagh, Spence, Worthen, Mr. Speaker Jonkiert — 23.

**ABSENT:** Representatives Cain and Seibel — 2.

Therefore, **HA 2 to SB 259** was declared lost by the House.

Roll call on **SB 259** was taken.

Representative LeGates moved to table the roll call on **SB 259**. Motion was adopted by voice vote.

Representative LeGates moved that **HB 979** be placed on the Speakers Table. Motion was adopted by voice vote.

Representative LeGates brought up **HB 982** before the House for consideration.

**HB 982** — “An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase a tract of land located within the Woodland Beach Wildlife area located near Smyrna, Kent County, Delaware.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 30.

**NO:** Representative Morris — 1.

**NOT VOTING:** Representatives Billingsley, Boulden,



Brady, Derrickson, Hebner, Leshner, McKay, Seibel — 8.

ABSENT: Representatives Ferguson and Seibel — 2.

Therefore the Bill was declared passed by the House.

Representative LeGates requested **HB 999** deferred to the end of the Agenda, and yielded to Representative George.

Representative George brought **SB 593 w SA 1** up before the House for consideration.

**SB 593** — “An Act to permit the Board of Education of the Woodbridge School District to transfer certain funds from its Local Minor Capital Improvement Program Funds Account to advance Land Acquisition Fund.”

Roll call was taken and revealed:

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

ABSENT: Representative Seibel — 1.

Therefore the Bill was declared passed by the House.

Representative LeGates brought **HB 1002** before the House for consideration.

**HB 1002** — “An Act to amend Subchapter I, Chapter 17, Title 7 of the Delaware Code relating to dogs running at large.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Connor, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, McKay, Plant, Powell, Riddagh, Ridings, Rispoli, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 30.

NO: Representatives Boulden, Darling, Derrickson, Lynch, Minner, Morris, Sincock, Spence — 8.

NOT VOTING: Representative Clendaniel — 1.

ABSENT: Representatives Miller and Seibel — 2.

Therefore the Bill was declared passed by the House.

Representative LeGates requested **HB 1003** be deferred to the end of the Agenda, and yielded to Representative George.

**HB 1030** was introduced from the floor by Representative George.

**HB 1030** — “An Act to permit the Board of Public Education of the Mount Pleasant Reorganized School District

to transfer certain funds from its Local Debt Service Funds Account to Current Operating Funds Account."

**HA 1** was introduced from the floor by Representative Ambrosino.

Roll call on **HB 1030** was taken but was tabled on a motion by voice vote.

Representative McGinnis moved to recess at 3:35 p.m.

Mr. Speaker called the House to order at 4:47 p.m.

Representative McGinnis requested **HB 968** be deferred to the end of the Agenda, and yielded to Representative George.

Representative George introduced **HB 1045**. Mr. Speaker assigned the Bill to Appropriations Committee.

Representative George introduced **HB 1046**, and it was assigned to Appropriations Committee.

Representative George brought **SB 573 w SA 1** before the House for consideration.

**SB 573** — "An Act to provide a supplementary appropriation to the Delaware State College, which funds shall be used to complete a Sewage Treatment Project."

Representative George requested privilege of the floor for Mr. Duane Olsen Controller General, State of Delaware.

Privilege of the floor was requested by Representative George, for House Attorney John Rich.

Representative Ridings requested the privilege of the floor for Mr. Rich.

Roll call was taken and revealed:

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

**NO:** Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Hebner, Ridings, Smith — 8.

**NOT VOTING:** Representatives Derrickson, Leshner, McKay, Powell, Sincock — 5.

**ABSENT:** Representatives Boulden, Cain, Morris, Seibel — 4.

Therefore the Bill was declared passed by the House.

Representative Worthen brought **HB 682 w HA 1, HA 2**, before the House for consideration.

**HB 682** — "An Act to establish the Delaware State Compensation Commission."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Connor, Derrickson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Plant, Powell, Ridings, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 32.

NO: Representatives Clendaniel, Darling, Ferguson, Riddagh, Spence — 5.

ABSENT: Representatives Boulden, Kelly, Morris, Seibel — 4.

Therefore the Bill was declared passed by the House.

Representative Worthen brought **HB 735 w HA 1 and HA 2** before the House to be taken up for consideration.

**HB 735** — “An Act to amend Chapter 11, Title 24, of the Delaware Code relating to Dentistry and Oral Hygiene.”

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Connor, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Plant, Powell, Ridings, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 33.

NO: Representatives Clendaniel, Darling, Riddagh, Spence — 4.

ABSENT: Representatives Boulden, Kelly, Morris, Seibel — 4.

Therefore the Bill was declared passed by the House.

Representative Worthen requested **HB 944** be deferred to the end of the Agenda, then yielded to Representative Matushefske.

Representative Matushefske brought **HB 988** before the House for consideration.

**HB 988** — “An Act to amend Chapter 90, Title 11, Delaware Code relating to the Violent Crimes Compensation Board.”

Representative Matushefske requested the privilege of the floor for Mr. Clifford Hearn, Chairman of the Violent Crimes Compensation Board.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, LeGates, Leshner, Matushefske, Maxwell, McGinnis,

Miller, Minner, Plant, Powell, Riddagh, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Jonkiert — 33.

NO: Representatives Lynch, McKay, Ridings, Spence — 4.

ABSENT: Representatives Boulden, Kelly, Morris, Seibel — 4.

Therefore the Bill was declared passed by the House.

Mr. Speaker recessed the House at 6:01 p.m. for Committee Hearings.

Mr. Speaker called the House to order at 6:08 p.m.

The following were reported out of Highway and Transportation Committee: **SB 449** — 4 Merits; **SB 609** — 4 Merits; **SB 418** — 5 Merits.

Reported out of Natural Resources and Environmental Control Committee: **HB 729** — 5 Merits; **SJR 4** — 5 Merits; **SB 392** — 5 Merits.

Reported out of Appropriations Committee are as follows: **SB 279** — 5 Merits; **HB 1016** — 6 Merits; **HB 1014** — 6 Merits; **HB 998** — 6 Merits; **HB 997** — 6 Merits; **HB 995** — 6 Merits; **HB 987** — 6 Merits; **HB 967** — 6 Merits; **HB 948** — 6 Merits; **HB 921** — 6 Merits; **HB 1045** — 4 Merits; **HB 1046** — 4 Merits; **HB 1017** — 1 Favorable, 3 Merits.

Representative McGinnis moved to recess at 6:11 p.m. to the call of the Chair.

The Speaker called the House to order at 1:45 p.m. May 12, 1976.

Representative McGinnis moved to suspend all rules for the purpose of introducing and acting on **HJR 45**. Motion was adopted by voice vote.

**HJR 45** — "Authorizing the Governor to enter into a contract with F.D.I.C. and Farmers Bank."

Roll call was taken and revealed:

YES: Representatives Boulden, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, Miller, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 21.

NO: Representatives Arnold, Billingsley, Brady, Derrickson, Hebner, Leshner, McKay, Ridings, Sincok — 9.

NOT VOTING: Representative Riddagh — 1.

ABSENT: Representatives Ambrosino, Connor, Ferguson, Harrington, Lynch, Minner, Powell, Seibel, Smith, Spence — 10.

Therefore, the Bill was declared passed by the House.

The Majority Leader moved to adjourn at 1:51 p.m., thereby ending the previous Legislative Day.

### 30TH LEGISLATIVE DAY

The House reconvened at 1:51 p.m.

A Prayer was offered by Reverend Donald Clendaniel.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representative Seibel — 1.

The following pre-filed legislation was introduced:

**HB 1047** — “An Act to amend Chapter 69, Part VI, Title 29, of the Delaware Code relating to the Procurement of Material and Award of Contracts for Public Works by State Agencies.” Introduced by Representative Darling. Assigned to Appropriations Committee.

**HB 1048** — “An Act to provide a supplemental appropriation to the State Treasurer for Interest Due on Obligations through June 30, 1976.” Introduced by Representative George. Assigned to Appropriations Committee.

**HB 1049** — “An Act to amend Chapter 11, Part II, Title 30, Delaware Code relating to Modifications of Personal Income for purposes of Personal Income Taxes.” Introduced by Representatives McGinnis and Cain. Assigned to Revenue and Finance Committee.

**HB 1050** — “An Act to amend Title 7 of the Delaware Code relating to Falconry Licensing and the creation of a Falconry Advisory Board.” Introduced by Representatives Byrd and Sincock. Assigned to Natural Resources and Environmental Control Committee.

**HB 1051** — “An Act making a supplementary appropriation to the Department of Health and Social Services for operating expenses of the Southbridge Medical Activities Center.” Introduced by Representative Johnson. Assigned to Appropriations Committee.

**HB 1052** — “An Act to amend Chapter 1, Title 24 of the Delaware Code relating to Certified Public Accountants; and

removing the full-time public practice of accountancy as a requirement for the Waiver of Examination." Introduced by Representative Worthen, and assigned to Administrative Service Committee.

**HB 1053** — "An Act to amend Chapter 68, Part VI, Title 29 of the Delaware Code relating to the powers and duties of the Division of Purchasing of the Department of Administrative Services." Introduced by Representative Darling, and assigned to Administrative Services.

**HB 1054** — "An Act to amend Chapter 89, Part VI, Title 10 of the Delaware Code relating to Fees and Costs; and providing for fees paid to witnesses." Introduced by Representative Darling, and assigned to Judiciary Committee.

**HB 1055** — "An Act to provide a supplemental appropriation to the Department of Administrative Services, for operational costs of Fiscal Year 1976." Introduced by Representative George, and assigned to Appropriations Committee.

**HB 1056** — "An Act to provide a supplementary appropriation to the Division of Highways, Department of Highways and Transportation, for cost of snow removal expenses." Introduced by Representative Boulden, and assigned to Appropriations Committee.

**HB 1057** — "An Act to amend Chapter 75, Part V, Title 15 of the Delaware Code relating to Municipal and Town Elections; and providing for a reduction in the amount of time polls must stay open when there is only one Candidate for each Office." Introduced by Representatives Riddagh, Morris, Harrington, Miller, Darling; Senator Cook. Assigned to Judiciary Committee.

**HB 1058** — "An Act to amend Title 3, Delaware Code, relating to the duties and powers of the Department of Agriculture with respect to Domestic Animals." Introduced by Representatives Gilligan and Clendaniel. Assigned to Agriculture Committee.

**HA 2 to HB 819** was introduced by Representative Cain, and placed with the Bill.

**HA 1 to HB 942** was introduced by Representatives Sincock, Ridings, Lynch; Senators Berndt, Adams, and placed with the Bill.

**HA 1 to HB 979** was introduced by Representative LeGates, and placed with the Bill.

**HS 1 for HB 647** — "An Act to amend Chapter 60, Title 7

of the Delaware Code relating to water allocation by the Secretary of the Department of Natural Resources and Environmental Control." Introduced by Representative Worthen, and assigned to Natural Resources and Environmental Control Committee.

**HCR 77** — "Requesting the State Personnel Commission to hold its Hearings in various Cities throughout the State to ease travel problems for State Employees." Introduced by Representative Plant.

**HJR 43** — "Memorializing the Congress of the United States to call a Congressional Convention for the purpose of proposing an Amendment to the Constitution of the United States." Introduced by Representatives Morris, Riddagh, Arnold, Boulden and Others. Assigned to Constitution Revision.

**HJR 44** — "Commending the participants and organizers of the 1976 Delaware Special Olympics." Introduced by Representative Riddagh. Assigned to Health and Social Services Committee.

**SB 485 w SA 1** — "An Act relating to a pension for Edward Carpenter." Introduced by Senators Isaacs and Hughes, and assigned to Appropriations Committee.

**SB 622 w SA 1** — "An Act to amend Part II, Title 16, Delaware Code by adding a new Chapter to be designated as Chapter 6, to provide assistance for the operation of a program to detect and treat Streptococcal Infections; and to provide a supplemental appropriation to implement the provisions of this Act." Introduced by Senator Holloway, and assigned to Health and Social Services Committee.

**SS 2 for SB 256 w SA 1, 2 and 5** — "An Act to amend Title 29 of the Delaware Code by adding a new Part relating to Freedom of Information and requiring that meetings of public bodies and records of public bodies be open to personal inspection by any citizen of the State of Delaware." Introduced by Senator Holloway, and assigned to Community Affairs Committee.

**SCR 74** — "Memorializing the Congress of the United States to support Legislation providing Federal Death Benefits for survivors of Firefighters and Policemen killed on duty." Introduced by Senator Hughes, and assigned to Federal and State Relations Committee.

Representative Sincok brought **HR 144** before the House for consideration. "Commending the League of Women

Voters of Delaware on the publication of "Delaware Government—All You Ever Wanted To Know About Government and Didn't Know Where To Ask." Motion was adopted by voice vote.

Representative Morris brought **HR 145** before the House for consideration. "Commending Harry G. Neese, Jr. M.D. for his Outstanding Service to the Community of Camden-Wyoming and Wishing Him and his wife, Katherine, a Happy Retirement." Adopted by voice vote.

Representative McGinnis moved that **HB 66** be lifted from the Speakers Table. Motion adopted by voice vote.

Mr. Speaker reassigned **HB 66** to Administrative Services Committee.

Representative McGinnis requested **HB 333** be stricken.

Representative McGinnis moved that **HB 933** be lifted from the Speakers Table. Motion adopted by voice vote.

**HB 933** was stricken on motion of Representative McGinnis.

Representative McGinnis moved that **SB 371** be lifted from the Speakers Table. Motion was adopted by voice vote.

Representative McGinnis moved that **SB 371** be placed on the Agenda. This was so ordered by Mr. Speaker.

Representative Morris moved that **SB 213** be lifted from the Speakers Table. Motion adopted by voice vote.

Mr. Speaker reassigned **SB 213** to Health and Social Services.

Representative Maxwell moved that **HB 628** be lifted from the Speakers Table. Motion was adopted by voice vote, and Mr. Speaker reassigned the Bill to Administrative Services Committee.

Representative Maxwell moved that **HB 727** be lifted from the Speakers Table. Motion was adopted by voice vote.

Representative Maxwell requested **HB 727** be stricken.

Representative George requested **HB 932** be deferred to the end of the Agenda, and brought up **HB 1045** before the House for consideration.

**HB 1045** — "An Act to provide a supplemental appropriation to the Department of Health and Social Services for the fiscal year ending June 30, 1976, and prior year's expense."

The House recessed at 2:25 p.m. by Mr. Speaker.

Mr. Speaker called the House to order at 2:27 p.m.

Roll call was then taken on **HB 1045**, and revealed:



**YES:** Representatives Boulden, Brady, Byrd, Cain, Connor, Darling, George, Gilligan, Harrington, Hebner, Kelly, LeGates, Lynch, Maxwell, McGinnis, Miller, Minner, Plant, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 22.

**NO:** Representatives Arnold, Clendaniel, Gordy, Morris, Riddagh, Ridings, Spence — 7.

**NOT VOTING:** Representatives Billingsley, Derrickson, Leshar, McKay, Powell, Sincok — 6.

**ABSENT:** Representatives Ambrosino, Ferguson, Johnson, Matushefske, Seibel, Smith — 6.

Therefore the Bill was declared passed by the House.

Representative George brought **HJR 41** before the House for consideration.

**HJR 41** — "Requesting Blue Cross and Blue Shield of Delaware, Inc., to study the costs of protection for certain family clients."

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshar, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Sincok, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

**ABSENT:** Representatives Cain, Matushefske, Rispoli, Seibel, Smith — 5.

Therefore the Bill was declared passed by the House.

Representative Gilligan brought **HJR 40** before the House for consideration.

**HJR 40** — "Encouraging the State Board of Education to develop a High School test of survival skills which can be added to the Delaware Education and assessment program."

**HA 1** was brought up for consideration. Motion was adopted by voice vote, and Representative Gilligan moved to place the Bill on the Speakers Table. Motion was adopted by voice vote.

The Reading clerk read into the record, the portion of Rule 41, of the Rules of the House of Representatives of the State of Delaware, which concerns Joint Resolutions.

**Joint Resolutions:** A joint resolution is the most formal type of resolution, and is addressed to matters which are not internal affairs of either House individually, nor the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and signed by the

Governor. Although a joint resolution is not a law, it is employed to provide for temporary measures and has the force of law while in effect for a wide variety of limited purposes, including subpoena power. The requirement of the Governor's signature for joint resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the Legislature and Governor combined."

Representative McGinnis moved to recess for Caucus at 3:01 p.m.

Mr. Speaker called the House to order at 5:23 p.m.

Representative Gordy brought **HB 1013** before the House for consideration.

**HB 1013** — "An Act to amend Chapter 182, Section 1, Volume 45, Laws of Delaware, as amended, relating to the Town of Delmar, by providing a method for annexation."

Roll call was taken but before being revealed Representative Gordy moved that it be tabled and was adopted by voice vote.

Representative Miller moved that **HB 1008** be placed on the Speakers Table. Motion was adopted by voice vote.

Representative Gilligan requested **HB 990** be deferred until a Day Certain May 19, 1976.

Representative Boulden made a motion to place **HB 803** on the Speakers Table. Motion adopted by voice vote.

Representative Cain deferred **HB 868** to the end of the Agenda, and yielded to Representative Maxwell.

Representative Maxwell brought **SB 7 w HA 1** before the House for consideration. Motion adopted by voice vote.

**SB 7** — "An Act to amend Section 303, Chapter 397, Volume 59, Laws of Delaware to require public hearings on applications to change the fuel adjustment rate."

**HA 1** was brought up by Representative Minner, and adopted by voice vote.

Roll call was taken and revealed:

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

NOT VOTING: Representative McKay — 1.

ABSENT: Representatives Derrickson, Johnson, Seibel  
— 3.

Therefore the Bill was declared passed by the House.

Representative Billingsley requested HB 653 be stricken.

Representative Cain requested HB 817 be stricken.

HB 724 was reported out of Constitution Revenue Committee with 5 Merits.

Representative McGinnis moved to Recess at 5:58 p.m. to the Call of the Chair.

The Speaker called the House to order at 2:02 p.m. May 13, 1976.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the previous Legislative Day.

### 31ST LEGISLATIVE DAY

The House reconvened at 2:03 p.m.

A Prayer was offered by Reverend Marvin Hummell, of the Church of the Nativity, Manor Park, New Castle.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

The minutes of the 30th Legislative Day were approved as posted.

The following pre-filed legislation was introduced:

HB 1059 — "An Act to amend Chapter 2, Title 24, Delaware Code relating to Landscape Architects." Introduced by Representative Maxwell, and assigned to Administrative Services Committee.

HB 1060 — "An Act to amend Chapter 45, of Title 21, Delaware Code relating to Law Enforcement Weighing Procedures." Introduced by Representative Gordy, and assigned to Public Safety Committee.

HB 1061 — "An Act to amend Title 9, relating to Counties to Correct Editorial Errors in the Delaware Code Annotated." Introduced by Representatives Gilligan and Sincok. Assigned to Community Affairs Committee.

HB 1062 — "An Act to amend Title 6 of the Delaware

31ST LEGISLATIVE DAY

Code relating to Commerce and Trade; and providing for a Prohibition Against "Flip-Tops," and Certain Other Containers which are constructed so that a part of the Container is Severable when the Container is opened." Introduced by Representative George, and assigned to Labor and Commerce Committee.

**HB 1063** — "An Act making a supplementary appropriation to the Department of Highways and Transportation to pay the Automobile Repair Cost incurred by Eskol Mariner, Jr., as the result of an Accident on the Poplar Street Bridge at Laurel, Delaware." Introduced by Representative Gordy, and assigned to Appropriations Committee.

**HB 1064** — "An Act to amend Title 28 of the Delaware Code relating to Delaware Standard-Bred Development Fund." Introduced by Representative Billingsley, and assigned to Administrative Services Committee.

**HB 1065** — "An Act to amend Chapter 92, Part VII, Title 10 of the Delaware Code relating to Justices of the Peace; and providing for their Continuing Legal Education." Introduced by Representative Maxwell, and assigned to Judiciary Committee.

**HB 1066** — "An Act to amend Chapter 43, Title 21, Delaware Code relating to Motor Vehicles, used by Railroad Companies to Transport Employees." Introduced by Representative Boulden. Assigned to Public Safety Committee.

**HB 1067** — "An Act to amend Chapter 13, Title 14, Delaware Code, to provide for Interpreters and or Tutors for Students with Impaired Hearing." Introduced by Representatives LeGates, Worthen, Billingsley, Seibel. Assigned to Education Committee.

**HB 1068** — "An Act to amend Title 9 of the Delaware Code relating to the Jurisdiction and Authority of County and Municipal Governments." Introduced by Representatives Billingsley and Seibel. Assigned to Community Affairs Committee.

**HA 3 to HB 833** was introduced by Representative Ridings and placed with the Bill.

**SB 454 w SA 1** — "An Act to amend an Act, being Chapter 63, Volume 12, Laws of Delaware, entitled "An Act to Incorporate the Artisans Savings Bank" passed at Dover on February 28, 1861, as the same has since been renewed

amended, and changed, by amending Section 3 thereof to provide that the Savings Bank may make Unsecured Loans, and to provide further that the Savings Bank be permitted to conduct generally Checking Account Services." Introduced by Senators Holloway, Schlor, Berndt and Others. Assigned to Administrative Services Committee.

**SB 575 w SA 1** — "An Act to amend Chapter 26 of Title 14, Delaware Code, relating to Vocational School Tax Funds." Introduced by Senator Holloway, Hale, Schlor. Assigned to Education Committee.

**SB 635** — "An Act to amend Part VI, Chapter 61, Title 29, Delaware Code, relating to Funds received from State Operated Housing Projects under the auspices of the Delaware State Housing Authority or the Department of Community Affairs and Economic Development." Introduced by Senator Isaacs. Assigned to Community Affairs Committee.

**SB 662** — "An Act to amend Chapter 7, Title 21, of the Delaware Code relating to the Jurisdiction of Offenses." Introduced by Senators McCullough, Cordrey, Adams. Assigned to Judiciary Committee.

**SB 681 w SA 1** — "An Act to amend Subchapter I of Chapter 7, Title 7, Delaware Code relating to Game Animals." Introduced by Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

Representative John Ferguson resigned from The Farmer's Bank Board, before the Members of the House of Representatives.

The Letter of resignation was read by the Reading Clerk: Mr. Speaker and Members of the House:

In March 1975 by a Concurrent Resolution approved by both Houses of the General Assembly, I was one of several members of the Board of Directors of the Farmer's Bank of Delaware appointed by the General Assembly.

I looked forward to serving as a director and was proud that my colleagues in the General Assembly had given me this opportunity. It is still my opinion that State-appointed members of the Board are necessary and can make a useful contribution to the bank.

In recent months, however, as the affairs of the Farmer's Bank became more and more entangled and the public confidence in the bank dwindled until it has become just about nonexistent, I have had the feeling that much important, even vital, information about the bank has been concealed from the

State-appointed members.

I might add here that other State-appointed members feel the same way. Whether they choose to say so publicly is in their discretion.

From my point of view it is essential that I make my feelings known because of the announcement I shall make in a minute or two.

In addition to this sense of concealment of significant information about the internal affairs of the Farmer's Bank, I feel also that the Administration has refused to cooperate with the State-appointed directors by taking them into the Confidence of the Administration with respect to problems, discussions, and recommendations.

The State-appointed directors have been treated as outcasts and outsiders during this period. Yet, the State-appointed directors have contributed valuably of their own time and money trying to reach answers and solutions without the vital facts that the Administration could have given to them.

I want to thank the State-appointed members of the Board who have served so well and I want again to thank my colleagues for electing me to the Board a year ago in March. But I can no longer serve as a member of the board under these circumstances and, Mr. Speaker, I hereby resign as a member of the Board of the Farmer's Bank of Delaware and ask that you consider this my formal resignation and accept it as such.

Representative John P. Ferguson

May 13, 1976

Representative McGinnis brought HB 42 w HA 1, 2, 3, 4 before the House for consideration.

HB 42 — "An Act to amend Part III, Title 9 of the Delaware Code relating to Kent County Home Rule and the granting of additional powers to Kent County."

HA 1 was brought up before the House by Representative McGinnis.

Representative McGinnis requested the privilege of the floor for Mr. Hartnett, Attorney, Representing Kent County Levy Court.

HA 1 was adopted by voice vote.

HA 2 was brought before the House by Representative McGinnis.

Representative Darling moved to table HA 2. Motion was adopted by voice vote.

Representative McGinnis moved to Strike **HA 3**.

**HA 4** was brought up for consideration by Representative Riddagh.

Roll call was taken and revealed:

**YES:** Representatives Arnold, Billingsley, Brady, Cain, Connor, Darling, Derrickson, Ferguson, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Maxwell, McKay, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Mr. Speaker Jonkiert — 27.

**NO:** Representatives McGinnis, Miller, Minner, Plant — 4.

**NOT VOTING:** Representatives Boulden, Byrd, Clendaniel, Gordy, Lynch, Temple, Worthen — 7.

**ABSENT:** Representatives Ambrosino, George, Matushefske — 3.

Therefore **HA 4** was declared passed by the House.

Representative Minner moved to table **HB 42**. The motion was seconded by Representative Harrington. However, the motion was defeated by voice vote.

Mr. Speaker asked to hear again the voice vote on the motion, as a member voted who had not as yet been marked present. The motion was defeated by voice vote.

Representative Minner moved to place the Bill on the Speakers Table. A voice vote was requested on the motion. A roll call was then requested by the Speaker on the motion.

Roll call was taken and revealed:

**YES:** Representatives Byrd, Cain, Connor, Gordy, Harrington, Johnson, Kelly, Leshner, McGinnis, Miller, Minner, Plant, Ridings, Seibel, Smith, Worthen, Mr. Speaker Jonkiert — 17.

**NO:** Representatives Ambrosino, Arnold, Billingsley, Darling, Hebner, Morris, Temple — 7.

**NOT VOTING:** Representatives Boulden, Brady, Clendaniel, Derrickson, Ferguson, Gilligan, LeGates, Lynch, Maxwell, McKay, Powell, Riddagh, Sincok, Spence — 14.

**ABSENT:** Representatives George, Matushefske, Rispoli — 3.

Motion was declared lost. **HB 42** remained before the House.

Roll call on **HB 42** was requested by Representative McGinnis. Representative McGinnis moved to table roll call. Motion was adopted by voice vote.

Representative Ferguson requested that **HB 677** be

deferred until May 18, 1976.

Representative McGinnis made a motion to recess for caucus at 2:58 p.m.

Mr. Speaker called the House to order at 4:25 p.m.

Mr. Speaker assigned **HB 833** to House Administration Committee.

Representative Worthen moved that **SB 5** be lifted from the Speakers Table. Motion adopted by voice vote.

**SB 5** — "An Act concurring in a proposed Amendment to Article VIII of the Constitution of the State of Delaware, relating to the uniformity of taxes; assessment and taxation of land devoted to agriculture and forest use; collection under general laws; exemption for public welfare purposes."

Roll call was taken and revealed:

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

**NO:** Representative Billingsley — 1.

**NOT VOTING:** Representatives Brady and Leshner — 2.

**ABSENT:** Representatives Boulden and Matushefske — 2.

Therefore the Bill was declared passed by the House.

Representative Maxwell requested **HB 870** be deferred, and yielded to Representative Kelly.

**HB 870** was assigned to House Administrative Committee by Mr. Speaker.

Representative Kelly brought **HB 1004** before the House for consideration.

**HB 1004** — "An Act to amend Chapter 80, Title 29, Delaware Code, relating to hiring of seasonal employees by the Department of Natural Resources and Environmental Control."

Representative Kelly requested the privilege of the floor for, Secretary Bryson, Secretary of State Department of Natural Resources.

Roll call was then taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly,



LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Boulden, Connor, Matushefske — 3.

Therefore the Bill was declared passed by the House.

**HB 920** was brought before the House for consideration by Representative Lynch.

**HB 920** — “An Act to amend Chapter 21, Title 24 of the Delaware Code relating to optometry.”

**HA 1** was brought up by Representative Lynch, and adopted by voice vote.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Boulden, Kelly, Matushefske — 3.

Therefore the Bill was declared passed by the House.

Representative Gordy brought **SB 606** before the House for consideration.

**SB 606** — “An Act to amend Chapter 27, Title 21 of the Delaware Code, relating to drivers licenses.”

**HA 1** to the Bill was brought before the House by Representative Gordy. Adopted by voice vote.

Representative Gordy moved to table roll call on **SB 606**. Motion was adopted by voice.

Representative Gordy brought **HB 1021** before the House for consideration.

**HB 1021** — “An Act to amend Chapter 51, Title 30, Delaware Code relating to retention of special fuel records.”

Roll call was taken and revealed:

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

Jonkiert — 37.

NO: Representative Sincock — 1.

ABSENT: Representatives Boulden, Matushefske, Rispoli — 3.

Therefore the Bill was declared passed by the House.

Representative Gordy requested HB 1005 be deferred indefinitely. So ordered by Mr. Speaker.

Representative Gordy requested SB 469 be brought up for consideration.

SB 469 — "An Act to amend Chapters 21 and 29, Title 21, Delaware Code, relating to motor vehicles and providing for self-insurance in certain instances."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

ABSENT: Representatives Boulden, Matushefske, Minner — 3.

Therefore the Bill was declared passed by the House.

Representative Minner brought HB 989 before the House for consideration.

HB 989 — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to report due date of distributors and special fuel users and dealers."

Roll call was taken and revealed:

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

ABSENT: Representatives Boulden, Matushefske — 2.

Therefore the Bill was declared passed by the House.

Representative LeGates brought HB 959 before the House for consideration.

HB 959 — "An Act to amend Chapter 21, Title 21 of the Delaware Code relating to inspection of small trailers."

HA 1 to the Bill was brought before the House by

Representative LeGates, and adopted by voice vote.

Roll call was taken and revealed:

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

ABSENT: Representatives Boulden, Matushefske — 2.

Therefore the Bill was declared passed by the House.

Representative Minner brought **HB 832** before the House for consideration, and requested the privilege of the floor for Secretary Bryson.

**HB 832** — “An Act to amend Chapter 7, Part I, Title 7, of the Delaware Code relating to primitive weapons season; and prohibiting the attachment and use of telescopic sights on muzzle-loading rifles during such seasons.”

Roll call was taken and revealed:

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

NO: Representative Billingsley — 1.

NOT VOTING: Representatives Ambrosino, Arnold — 2.

ABSENT: Representatives Boulden, Matushefske — 2.

Therefore the Bill was declared passed by the House.

Representative Minner brought **HB 993** before the House for consideration.

**HB 993** — “An Act to amend Chapter 7, Title 7, Delaware Code, relating to regulations and prohibitions concerning game and fish permitting the use of a single shot muzzle loading pistol under certain circumstances.”

Roll call was taken and revealed:

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

**ABSENT:** Representatives Boulden, Ferguson, Matushefske, Worthen — 4.

Therefore the Bill was declared passed by the House.

Representative Miller brought **HB 690** before the House for consideration.

**HB 690** — “An Act to amend Chapter 27 and Chapter 65, Title 29, Delaware Code, relating to the requirements for approval of vouchers by the Secretary of Finance and issuance of checks by the Treasurer.”

Roll call was taken and revealed:

**YES:** Representatives Byrd, Clendaniel, Darling, George, Gilligan, Harrington, Johnson, Kelly, LeGates, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 23.

**NO:** Representatives Ambrosino, Arnold, Billingsley, Brady, Connor, Sincok — 6.

**NOT VOTING:** Representatives Derrickson, Hebner, Leshar, Powell, Ridings, Seibel, Smith — 7.

**ABSENT:** Representatives Boulden, Cain, Ferguson, Gordy, Matushefske — 5.

Therefore the Bill was declared passed by the House.

Representative Gilligan moved to strike **HB 347**, and **HJR 40 w HA 1**.

Representative Gilligan moved that **HB 242** be lifted from the Speakers Table. Motion was adopted by voice vote. Representative Gilligan requested the Bill be reassigned to Judiciary Committee. This was so ordered by Mr. Speaker.

Representative George moved that **HCR 75** be lifted from the Speakers Table. Motion was adopted by voice vote.

Representative George requested the Bill be reassigned to House Administration Committee. So ordered by Mr. Speaker.

Representative George moved that **SB 517** be lifted from the Speakers Table. Motion adopted by voice vote.

**SB 517** — “An Act to amend Chapter 61, Title 29, Delaware Code, relating to daily deposit of general fund money.”

Roll Call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshar, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh,

Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker — 39.

ABSENT: Representatives Boulden and Matushefske —

2.

Therefore the Bill was declared passed by the House.

Representative Darling moved that **HB 774** be lifted from the Speakers Table. Motion was adopted by voice vote. Representative Darling requested the Bill be recommitted to Community Affairs Committee. This was so order by Mr. Speaker.

Representative LeGates moved that **HB 979** be lifted from the Speakers Table. Motion was adopted by voice vote.

**HB 979** — “An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code relating to regulations and prohibitions concerning game and fish.”

**HA 1** to the Bill was brought up by Representative LeGates, and adopted by voice vote.

The roll call on the Bill as amended was taken however; before being announced was tabled on the motion of Representative LeGates.

Representative Gordy moved that **HB 1023**, and **HCR 47** be stricken.

Representative Gordy moved that **SB 426** be lifted from the Speakers Table. Motion was adopted by voice vote.

**SB 426** — “An Act to amend Chapter 7, Title 21, Delaware Code, relating to disposition of fines and costs collected for violations of this Title.”

Privilege of the floor was requested for John Rich, House Attorney, by Representative Gordy.

Roll Call was taken and revealed:

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

ABSENT: Representatives Boulden and Matushefske —

2.

Therefore the Bill was declared passed by the House.

Representative Gordy moved that **HB 650** be lifted from the Speakers Table. Motion was adopted by voice vote.

**HB 650** — “An Act to amend Chapter 69, Title 21,

Delaware Code, relating to the removal of motor vehicles from public highways by police."

Representatives Smith and Plant brought up **HA 1** for consideration.

Representative Gordy moved to table **HA 1**. Motion was adopted by voice vote.

**HA 2** was brought before the House by Representatives Smith and Plant.

Representative Gordy moved that **HA 2** be tabled. Motion was adopted by voice vote.

Representative Gordy moved that **HB 650** be placed on the Speakers Table. Motion was adopted by voice vote.

Representative Gordy made a motion to lift **SS 1 - SB 247** from the Speakers Table. Motion was adopted by voice vote.

**SS 1 for SB 247** — "An Act to amend Titles 21 and 30 of the Delaware Code relating to certain penalty assessments payable by mail."

Representative Gordy moved the Bill be placed on the Speakers Table. This was so ordered by Mr. Speaker.

Representative Minner moved that **HB 853** be stricken.

Representative Brady requested **HCR 78** be brought before the House for consideration. "Commending the Delaware Friends of Guatemala and the Sister Cities of Wilmington Inc. for their efforts on behalf of the Victims of the Disastrous Earthquake in San Juan, Sacatepequez, Guatemala." Resolution was adopted by voice vote.

Representative McGinnis moved to strike **HB 744** and **HB 968**.

House Bills reported out of Labor Committee as follows: **HB 954** — 1 Unfavorable, 3 Merits; **HB 1041** — 4 Merits; **HB 1006** — 4 Merits.

Reported out of Community Affairs Committee are as follows: **SB 614** — 4 Merits; **HB 792** — 6 Merits; **HB 781** — 6 Merits; **SB 451** — 4 Merits.

Representative McGinnis recessed to the call of the Chair until 1:30 p.m. Tuesday.

The Speaker called the House to order at 1:45 p.m., May 18, 1976.

The Majority Leader moved to adjourn at 1:45 p.m., thereby ending the previous Legislative Day.

### **32ND LEGISLATIVE DAY**

The House reconvened at 1:46 p.m.

A Prayer was offered by Representative Ed Morris.

**32ND LEGISLATIVE DAY**

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

The minutes of the 31st Legislative Day were approved as posted.

The following pre-filed legislation was introduced:

**HB 1069** — “An Act to amend Chapter 21, Title 21 of the Delaware Code, relating to Farm Trucks.” Introduced by Representatives Minner and Darling; Senators Zimmerman and Murphy, and assigned to Agriculture Committee.

**HB 1070** — “An Act to amend Chapter 25, Title 24 of the Delaware Code relating to the Compiling, Distributing and Posting of the prices of the one hundred most commonly Prescribed Drugs.” Introduced by Representatives Kelly, Ambrosino and Johnson, and assigned to Aging Committee.

**HB 1071** — “An Act authorizing the State of Delaware to Borrow Money to be used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bond and Notes therefor and appropriating the Monies to the State Board of Education and to borrow money to be used for the Local Share of Lake Forest School District School Construction Program and to Issue Bonds and Notes therefor and appropriating the Monies to the State Board of Education on behalf of the Lake Forest School District.” Introduced by Representatives Darling and Minner; Senator Cook. Assigned to Appropriations Committee.

**HB 1072** — “An Act to amend Chapter 3, Title 21, Delaware Code relating to Fees for Certified Records.” Introduced by Representative Gordy. Assigned to Public Safety Committee.

**HB 1073** — “An Act to amend Chapter 60 A, Title 29 of the Delaware Code and relating to the deferred Compensation Program for Public Employees of the State of Delaware.” Introduced by Representative Ridings. Assigned to House Administrative Committee.

**HB 1074** — “An Act to amend Chapter 51, Title 30,

Delaware Code, relating to Penalties for failure to File Report of Pay Tax when due." Introduced by Representative Minner. Assigned to Revenue and Finance Committee.

**HB 1075** — "An Act to amend Subchapter I, Chapter 11, Title 30, of the Delaware Code, relating to Personal Income Tax with respect to Individuals, Trust, Estates and Certain Corporations and to Incorporate by Reference the Federal Income Tax Statutes, Rules and Regulations, and to provide for improved Administration and Enforcement." Introduced by Representatives McGinnis, Harrington. Assigned to Revenue and Finance Committee.

**HA 1 to HB 799** introduced by Representative Clendaniel, and placed with the Bill.

**HA 1 to HB 833** introduced by Representative Smith, and placed with the Bill.

**HA 1 to HB 858** introduced by Representative Connor, and placed with the Bill.

**HA 1 to HB 1063** introduced by Representative Gordy, and placed with the Bill.

**HJR 46** — "Providing for the Establishment of a Committee on Student Discipline in the Public Schools of the State." Introduced by Representative George. Assigned to Education Committee.

**SB 531** — "An Act to amend Chapter 34, Volume 58, Laws of Delaware, being an Act entitled "An Act to Reincorporate the Town of Blades" relating to Provisions for Voting in an Annexation Election." Introduced by Senator Elliott and Representative Temple. Assigned to Community Affairs Committee.

**SB 686** — "An Act to amend Volume 36, Laws of Delaware, Chapter 158, 1929 entitled an Act changing the name of "The Town of Dover" to "The City of Dover" and establishing a Charter concerning the Designation of Boundaries of the City therein; changing the Hours that the Polls shall remain open for Municipal Elections and the place of Holding Elections; changing the Elections Rules concerning a Tie Vote in Municipal Elections, changing the Provisions for a Quorum and Provisions for Special Elections; abolishing the Right of the Mayor to Vote and providing that members of the Planning Commission cannot hold Elected City Offices at the same time and making other changes to the Charter." Introduced by Senator Zimmerman and Representatives McGinnis, Miller. Assigned to Community Affairs Committee.



**SB 700** — “An Act to provide a supplemental appropriation to the Division of State Police of the Department of Public Safety for the remainder of Fiscal Year ending June 30, 1976.” Introduced by Senator Adams and Representative Gordy. Assigned to Appropriations Committee.

**SJR 55** was reported out of Highway and Transportation Committee with 5 Merits.

Representative Plant brought **HCR 77** before the House for consideration.

**HCR 77** — “Requesting the State Personnel Commission to hold its hearings in various cities throughout the State to ease travel problems for State Employees.”

**HCR 77** was adopted by voice vote.

Representative McGinnis moved to recess for Caucus at 1:59 p.m.

Mr. Speaker called the House to order at 3:40 p.m.

Representative Worthen requested **HB 544** be deferred to the end of the Agenda.

Representative Worthen brought **HB 944** before the House for consideration.

**HB 944** — “An Act to amend Chapter 20, Title 16 of the Delaware Code relating to Hearing Aid Dealers.

Roll call was taken and revealed:

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

**ABSENT:** Representatives Gordy and Matushefske — 2.

Therefore, the Bill was declared passed by the House.

Mr. Speaker informed the House that a New Committee had been formed:

As per Letter from: Speaker of the House, Casimir S. Jonkiert

Subject: House Committee—Banking and Insurance

Pursuant to the authority vested in me as Speaker, I hereby appoint the following members of the House of Representatives to serve on the above mentioned committee:

Representative William Gordy      **CHAIRMAN**  
Representative Orlando George

Representative Sandra Worthen  
 Representative James McGinnis  
 Representative Thomas E. Brady  
 Representative C. Leslie Ridings

Representative Ferguson brought **HB 677** before the House for consideration. Representative Ferguson moved that **HB 677** be placed on the Speakers Table. Motion was adopted by voice vote.

**HB 677** — “An Act to amend Chapter 44, Part II, Title 6 of the Delaware Code relating to Solicitations and amending said Chapter to provide for a new Subchapter regulating Charitable Solicitations.

Representative George moved that all rules be suspended to consider **SB 700**. Motion was adopted by voice vote.

**SB 700** — “An Act to provide a supplemental appropriation to the Division of State Police of the Department of Public Safety for the remainder of the Fiscal Year ending June 30, 1976.”

Mr. Speaker recessed the House at 3:58 p.m.

Mr. Speaker called the House to order at 3:59 p.m.

Roll call was taken on **SB 700** and revealed:

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

**ABSENT:** Representative Arnold — 1.

Therefore the Bill was declared passed the House.

Representative Ferguson moved that **HB 677** be lifted from the Speakers Table. Motion was adopted by voice vote.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Brady, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 38.

**ABSENT:** Representatives Boulden, Byrd, Gordy — 3.

Therefore the Bill was declared passed by the House.

Representative Boulden brought **HB 1015** before the

House for consideration. Motion was adopted by voice vote.

**HB 1015** — “An Act to amend Chapter 21, Title 21, Delaware Code relating to “PC” License Plates.”

Representative Boulden moved that **HB 1015** be placed on the Speakers Table. Motion was adopted by voice vote.

Representative Clendaniel requested **HB 799** be deferred to May 19, 1976.

Representative Gilligan brought **HB 970 w HA 1** before the House for consideration. **HA 1** was sponsored by Representative Gilligan, and adopted by voice vote. “An Act to amend Chapter 3, Title 28, Delaware Code, relating to Racing Dates, Rules of Racing, Tax on Admission, and the Commissions on Pari-Mutuel and Totalizator Pools at Horse Racing Tracks.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Byrd, Cain, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, McKay, Miller, Minner, Plant, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincock, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 35.

**NO:** Representatives Brady, Clendaniel, Morris — 3.

**NOT VOTING:** Representatives Hebner, Leshner — 2.

**ABSENT:** Representative Gordy — 1.

Therefore the Bill was declared passed by the House.

Representative Matushefske brought **SB 555** before the House for consideration.

**SB 555** — “An Act to amend Chapter 1 and Chapter 3, Title 15 of the Delaware Code relating to the Definitions of “Party” or “Political Party” and of “Primary Election”; and providing a supplementary appropriation to various Departments of Election.”

Representative Matushefske requested the privilege of the floor for Mrs. Betty Pons, of the Department of Elections. Motion to table roll call by Representative Matushefske was adopted by voice vote.

Representative LeGates brought **HB 978 w HA 1** before the House for consideration.

**HB 978** — “An Act to amend Subchapter I, Chapter 5, Title 7 of the Delaware Code relating to the Tagging of Metal Traps.”

**HA 1** sponsored by Representative LeGates was adopted

by voice vote.

Representative LeGates moved to Table roll call on **HB 978**. Motion adopted by voice vote.

Representative LeGates brought **HB 999** before the House for consideration.

**HB 999** — “An Act to amend Subchapter I, Chapter 17, Title 7 of the Delaware Code relating to the Payment of Animal Kill and Injury Claims and the Killing of Dogs Molesting Livestock.”

**HA 1** to the Bill was brought before the House, and adopted by voice vote. Motion to table the roll call was made by Representative LeGates. Motion adopted by voice vote.

Representative LeGates brought **HB 1003 w HA 1** before the House for consideration. **HA 1** sponsored by Representative LeGates was adopted by voice vote.

**HB 1003** — “An Act to amend Subchapter I, Chapter 7, Title 7 of the Delaware Code relating to Hunting or Shooting from Vehicles.”

Representative LeGates moved to table roll call on **HB 1003**. Motion adopted by voice vote.

Representative LeGates moved that **HB 994** be deferred until May 26, 1976.

Representative Minner brought **HB 967** before the House for consideration.

**HB 967** — “An Act to provide a supplementary appropriation to the Town of Bowers Beach for repayment to the State Recreation Assistance Fund.”

Representative Minner moved to table roll call. Motion was adopted by voice vote.

Representative George brought **HB 948** before the House for consideration.

**HB 948** — “An Act to provide a supplementary appropriation to the Delaware National Guard to pay prior year obligations.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Boulden, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Lynch, Matushefske, Maxwell, McGinnis, Miller, Morris, Rispoli, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 26.

**NO:** Representatives Billingsley, Brady, Hebner, Leshner, Riddagh, Seibel — 6.

**NOT VOTING:** Representatives Arnold, Derrickson, McKay, Powell, Ridings, Sincok, Smith — 7.

ABSENT: Representatives Minner, Plant — 2.

Therefore the Bill was declared passed by the House.

Representative Matushefske moved that the roll call on **SB 555** be lifted. Motion was adopted by voice vote.

Representative Matushefske made a motion to rescind roll call on **SB 555**. Motion was adopted by voice vote.

**HA 1** was brought before the House by Representative Matushefske. Amendment was adopted by voice vote.

**SB 555 w HA 1** was brought before the House for consideration by Representative Matushefske.

Roll call was taken and revealed:

YES: Representatives Billingsley, Boulden, Brady, Byrd, Cain, Connor, Darling, Ferguson, Gilligan, Harrington, Johnson, Kelly, LeGates, Matushefske, Maxwell, McGinnis, McKay, Miller, Morris, Plant, Ridings, Rispoli, Worthen, Mr. Speaker Jonkiert — 24.

NO: Representatives Ambrosino, Arnold, Clendaniel, George, Hebner, Leshner, Lynch, Powell, Riddagh, Seibel, Sincok, Spence, Temple — 13.

NOT VOTING: Representative Smith — 1.

ABSENT: Representatives Derrickson, Gordy, Minner —

3.

Therefore the Bill was declared passed by the House.

Representative Gordy moved that **HB 621** be lifted from the Speakers Table. Motion was adopted by voice vote.

**HB 621** — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to Uniform Reciprocal Enforcement of Support."

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Lynch, Maxwell, McGinnis, McKay, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Smith, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 34.

NO: Representatives Connor, Seibel, Sincok — 3.

NOT VOTING: Representatives Derrickson, Leshner, Powell — 3.

ABSENT: Representative Matushefske — 1.

Therefore the Bill was declared passed by the House.

Mr. Speaker recessed the House at 5:25 p.m. for Committee Hearings.

Mr. Speaker called the House to order at 5:53 p.m.

Representative Matushefske moved that **SB 556** be lifted from the Speakers Table. Motion was adopted by voice vote.

**SB 556** — “An Act to amend Chapter 33, Title 15 of the Delaware Code relating to the Nominations of Candidates by Parties; and providing a supplementary appropriation to various Departments of Election.”

**HA 1** to the Bill was brought before the House by Representative Maxwell. Amendment was adopted by voice vote.

Mr. Speaker consulted with House Attorney Harry Terry who stated that the Title of the Bill was correct as written.

Roll call was taken and revealed:

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

**ABSENT:** Representative Sincock — 1.

Therefore the Bill was declared passed by the House.

Representative McGinnis moved that all rules be suspended for the purpose of introducing and acting on **HB 1076**.

**HB 1076** — “An Act to amend Chapter 7, Title 5, Delaware Code, relating to payment of Dividends by Banks and Trust Companies.”

Representative McGinnis moved that **HB 1076** be placed on the Speakers Table. Motion was adopted by voice vote.

**HJR 44** was reported out of Health and Social Services Committee with 5 Merits.

**SB 686** was reported out of Community Affairs Committee with 5 Merits.

**SB 531** was reported out of Community Affairs Committee with 5 Merits.

**HB 1061** was reported out of Community Affairs Committee with 2 Favorable, 4 Merits.

**HS 1** for **HB 647** was reported out of Natural Resources and Environmental Control Committee with 1 Favorable, 4 Merits.

The following were reported out of Judiciary Committee:

**HB 1057** — 6 Merits; **HB 1042** — 6 Merits; **HB 1031** — 6 Merits; **HB 1026** — 6 Merits, **HB 1024** — 6 Merits, **HB 1025** —

6 Merits; **SB 662** — 1 Favorable, 5 Merits; **SS 1** for **SB 235** — 6 Merits.

Representative Ferguson moved to strike **HB 697** and **HB 182**. This was so ordered by Mr. Speaker.

Representative McGinnis moved to recess at 6:18 p.m. to the call of the Chair.

The Speaker called the House to order at 1:58 p.m., May 19, 1976.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous Legislative Day.

### 33RD LEGISLATIVE DAY

The House reconvened at 1:59 p.m.

A Prayer was offered by Reverend R. Gordon Given, of Trinity United Methodist Church.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

The minutes were read and approved as posted.

The following pre-filed legislation was introduced:

**HB 1077** — "An Act making a supplemental appropriation to the Department of Natural Resources and Environmental Control to support a Rabbit-Rearing Project." Introduced by Representative Gordy. Assigned to Appropriations Committee.

**HB 1078** — "An Act to provide a supplemental appropriation to the State Board of Education for the purpose of providing Additional Operating Funds to School Districts." Introduced by Representative Harrington. Assigned to Appropriation Committee.

**HB 1079** — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing Traffic Signal Control Equipment at the Roxanna Volunteer Fire Company Roxanna, Delaware." Introduced by Representative Lynch. Assigned to Appropriations Committee.

**HB 1080** — "An Act to amend Chapter 50, Title 15, of the Delaware Code to limit the number of Parties appearing on a Voting Machine." Introduced by Representative Lynch. Assigned to Judiciary Committee.

**HB 1081** — "An Act to require the County Council of Sussex County to pay \$7,500 to the Soil and Water Conservation Division of the Department of Natural Resources and Environmental Control to match the County's Share of Funds appropriated by the State for Tax Ditch Work in Fiscal 1975." Introduced by Representative Lynch. Assigned to Community Affairs Committee.

**HB 1082** — "An Act making a supplementary appropriation to the Alexis I. DuPont School District for the purpose of assisting the High School A Cappella Choir in a Summer Tour of France." Introduced by Representative Maxwell. Assigned to Appropriations Committee.

**HB 1083** — "An Act making a supplementary appropriation to the State Treasurer for Operations." Introduced by Representative Cain. Assigned to Appropriations Committee.

**HB 1084** — "An Act relating to a Pension for Inez Roach, a former State Employee." Introduced by Representative Clendaniel. Assigned to Appropriations Committee.

**HB 1085** — "An Act to amend Chapter 67, Title 10, Delaware Code relating to Filing Fees Payable to the Prothonotary in Civil Proceedings." Introduced by Representative Jonkiert. Assigned to Judiciary Committee.

**HB 1086** — "An Act to amend Chapter 17, Title 14, of the Delaware Code relating to the Certification of Classroom Units." Introduced by Representative Lynch. Assigned to Education Committee.

**HB 1087** — "An Act to amend Chapter 27, Title 24, Delaware Code, relating to Professional Land Surveyors." Introduced by Representative Lynch. Assigned to Administrative Services Committee.

**HB 1088** — "An Act to amend Title 10, and Title 13 of the Delaware Code relating to Civil and Criminal Appeals in the Family Court." Introduced by Representatives Miller, LeGates, Plant, Rispoli, Ambrosino, Powell, Maxwell, Johnson, Minner; Senators Holloway, Steel, Cicione, Schlor, Sharp. Assigned to Judiciary Committee.

**HS 1 for HB 544** — "An Act to amend Title 21, Delaware Code, relating to Motor Vehicles and requiring the



Registration and Control of Off-Highways Vehicles and providing a supplementary appropriation therefor." Introduced by Representative Worthen. Assigned to Public Safety Committee.

**HA 1 to HB 733** introduced by Representative Worthen and placed with the Bill.

**HA 1 to HS 1 for HB 921** introduced by Representative Gordy, and placed with the Bill.

**HA 2 to HB 990** introduced by Representative Gilligan, and placed with the Bill.

**HA 1 to HB 995** introduced by Representative Plant, and placed with the Bill.

**HA 1 to HB 1016** introduced by Representative Byrd, and placed with the Bill.

**HA 1 to SB 209** introduced by Representative Billingsley, and placed with the Bill.

**HA 1 to SB 485** introduced by Representative Ferguson, and placed with the Bill.

**HA 1 to SB 575** introduced by Representative Matushefske and placed with the Bill.

**SB 675 w SA 2 and 4** — "An Act to amend Chapter 41, of Title 21, Delaware Code relating to Omnibus Changes in the Department of Public Safety." Introduced by Senators Zimmerman and Hughes. Assigned to Public Safety Committee.

**SB 702** — "An Act to reincorporate the Town of Millsboro." Introduced by Senator Cordrey. Assigned to Community Affairs Committee.

The Clerk announced that the Senate wishes to inform the House that **HCR 77** had been defeated on 5/18/76.

The Clerk announced that the Senate wishes to inform the House that the following had passed: **HB 991**, 5/11/76; **SB 485 w SA 1**, **HB 861**, **HB 812**, 5/12/76; **HB 784 w HA 1**, **HJR 45**, **HB 951**, **HS 1 for HB 896**, **HB 627**, **HB 615**, **HB 335 w HA 1**, **HCR 78**, **SB 702**, **HB 988**, 5/18/76.

Representative Gilligan brought **HB 990 w HA 1**, **HA 2**, **HA 3** before the House for consideration.

**HB 990** — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to medicine, surgery and osteopathy; and providing for a Delaware Medical Practices Act."

**HA 2** was introduced by Representative Gilligan and brought before the House for consideration. **HA 2** was adopted by voice vote.

**HA 3** was introduced by Representative Gilligan, and brought before the House for consideration. **HA 3** was adopted by voice vote.

**HA 4** was introduced by Representative Brady, and brought before the House for consideration, and adopted by voice vote.

Representative Gilligan requested the privilege of the floor for Dr. Calvin Hearne, President of the Medical Society of Delaware.

Representative Connor moved to place **HB 990** on the Speakers Table. The Motion was seconded by Representative Sincock, and adopted by voice vote.

Representative Plant brought **HR 146** before the House for consideration. **HR 146** was adopted by voice vote. "Requesting the State Personnel Commission to hold its hearings throughout the State to ease Travel Problems for State Employees.

Representative Arnold brought **HCR 79** before the House for consideration. "Supporting recent appeals to the Supreme Court from Federal Court forced Busing Orders." Adopted by voice vote.

Representative Ferguson brought **SCR 75** before the House for consideration and adopted by voice vote.

**SCR 75** — "According accolades to all who made the 1976 open golf tournament and banquet a glowing success."

Mr. Speaker recessed the House at 2:53 p.m.

Mr. Speaker called the House to order at 2:57 p.m.

Representative McGinnis moved to recess for Caucus at 2:57 p.m.

Mr. Speaker called the House to order at 5:10 p.m.

Representative Gilligan made a motion to lift **HB 990 w HA 1, HA 2, HA 3, HA 4**. Motion was adopted by voice vote.

**HB 990** — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to medicine, surgery and osteopathy; and providing for a Delaware Medical Practices Act."

Representative Ambrosino brought **HA 1** before the House for consideration.

Roll call was taken and revealed:

YES: Representatives Ambrosino, Arnold, Cain, Connor, Derrickson, Hebner, Kelly, Leshner, McKay, Plant, Powell, Riddagh, Sincock, Smith, Spence — 15.

NO: Representatives Boulden, Brady, Byrd, Darling, Ferguson, Gilligan, Gordy, Harrington, Lynch, McGinnis, Miller, Minner, Morris, Ridings, Rispoli, Worthen, Mr. Speaker Jonkiert — 17.

NOT VOTING: Representatives Clendaniel, Johnson, LeGates, Maxwell, Seibel, Temple — 6.

ABSENT: Representatives Billingsley, George, Matushefske — 3.

Therefore **HA 1** was declared lost by the House.

Roll call was taken on **HB 990 w HA 2, HA 3, HA 4.**

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

ABSENT: Representative Matushefske — 1.

Therefore **HB 990 w HA 2, HA 3, HA 4**, was declared passed by the House.

Representative Kelly made a motion that **SB 4** be lifted from the Speakers Table. Motion was adopted by voice vote.

**SB 4** — “An Act to amend Subchapter 11 of Chapter 81, Title 9, Delaware Code, relating to annual application for tax exemption for the elderly.”

Roll call was taken and revealed:

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

ABSENT: Representatives Lynch and Spence — 2.

Therefore the Bill was declared passed by the House.

Representative Clendaniel brought **HB 99** before the House for consideration.

Motion was made to place the Bill on the Speakers Table by Representative Clendaniel. Motion was adopted by voice vote.

Representative George brought **SB 279** before the House for consideration.

**SB 279** — “An Act to provide a supplementary appropriation to the Division of Adult Corrections of the Department of Health and Social Services for payment of a portion of salary earned by promotion.”

Representative George made the motion to place **SB 279**

on the Speakers Table. Motion was adopted by voice vote.

**HS 1 for HB 921** was brought before the House for consideration by Representative Gordy.

**HS 1 for HB 921** — “An Act making a supplementary appropriation to the Department of Public Safety for the purpose of paying an employee who failed to receive her annual increment.”

**HA 1** was introduced and brought before the House for consideration by Representative Gordy. Motion was adopted by voice vote.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Johnson, Kelly, LeGates, Leshner, McGinnis, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Seibel, Sincock, Spence, Temple, Worthen, Mr. Speaker Jonkiert — 36.

**ABSENT:** Representatives Lynch, Matushefske, Maxwell, Ridings, Smith — 5.

Therefore the Bill was declared passed by the House.

Representative Spence introduced **HB 1090**. Mr. Speaker assigned **HB 1090** to the Appropriations Committee.

Representative George brought **HB 1046** before the House for consideration.

**HB 1046** — “An Act authorizing a supplemental appropriation to the Department of Health and Social Services for the fiscal year ending June 30, 1976, and prior year’s expense.”

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, Miller, Minner, Plant, Powell, Rispoli, Temple, Worthen, Mr. Speaker Jonkiert — 29.

**NO:** Representatives Hebner, McKay, Morris, Riddagh, Ridings, Seibel, Sincock, Smith — 8.

**ABSENT:** Representatives Boulden, Brady, Lynch, Spence — 4.

Therefore the Bill was passed by the House.

Representative Byrd brought **HB 1016** before the House for consideration.

**HB 1016** — “An Act to provide a supplemental

appropriation to the Department of Labor for the payment of unemployment benefits to state employees."

**HA 1** sponsored by Representative Byrd was brought up and was adopted by voice vote.

Roll call was taken and revealed:

**YES:** Representatives Ambrosino, Arnold, Billingsley, Boulden, Brady, Byrd, Cain, Clendaniel, Connor, Darling, Derrickson, George, Gilligan, Gordy, Harrington, Johnson, Kelly, LeGates, Leshner, Matushefske, Maxwell, McGinnis, Miller, Minner, Plant, Powell, Rispoli, Sincock, Temple, Worthen, Mr. Speaker Jonkiert — 31.

**NO:** Representatives Hebner, Morris, Riddagh, Ridings, Seibel — 5.

**NOT VOTING:** Representatives McKay and Smith — 2.

**ABSENT:** Representatives Ferguson, Lynch, Spence — 3.

Therefore the Bill was declared passed by the House.

Mr. Speaker recessed for Committee Hearings at 6:01 p.m.

Mr. Speaker called the House to order at 6:15 p.m.

**HB 1066** was reported out of Public Safety Committee with 4 Merits.

**HB 1037** was reported out of Public Safety Committee with 4 Merits.

**HB 1070** was reported out of Aging Committee with 2 Favorable, 3 Merits.

**HB 1052** was reported out of Administrative Services Committee with 4 Merits.

Reported out of Public Safety Committee are as follows: **SB 671** — 4 Merits; **SB 619** — 4 Merits; **HB 1072** — 4 Merits.

Reported out of Community Affairs Committee are as follows: **SB 635** — 5 Merits; **HB 986** — 5 Merits.

Representative Arnold requested **HB 193** be stricken.

Representative Gordy requested **HB 1026** be stricken.

Representative Harrington moved to recess at 6:17 p.m. to the Call of the Chair.

The Speaker called the House to order at 1:45 p.m. May 20, 1976.

**HB 952** was reported out of Corrections Committee with 3 Favorable, 1 Merits.

**HJR 43** was reported out of Constitution Revenue Committee with 2 Merits, 2 Unfavorable.

The Majority Leader moved to adjourn at 1:46 p.m., thereby ending te previous Legislative Day.

**34TH LEGISLATIVE DAY**

**34TH LEGISLATIVE DAY**

The House reconvened at 1:47 p.m.

A Prayer was offered by Reverend J. Gordon Givens, Trinity United Methodist Church, Frederica, Delaware.

The Speaker led those present in a Pledge of Allegiance to the Flag.

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

**ABSENT:** Representative Johnson — 1.

The Minutes were read and approved as posted.

From the Office of the Counsel to the Governor: Legislative Advisory No. 80. The Governor approved the following legislation on the indicated date, 5/17/76: **SB 396; SB 515; SB 527; SB 327; SB 437 w HA 1; SCR 72; SJR 58; SJR 59.**

The following pre-filed legislation was introduced:

**HB 1091** — “An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase a tract of land located within the Woodland Beach Wildlife Area, located near Smyrna, Kent County, Delaware.” Introduced by Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HB 1092** — “An Act to amend Chapter 41, Title 21, Delaware Code, relating to the Speed Limit for Motor Vehicles.” Introduced by Representative Gilligan. Assigned to Public Safety Committee.

**HB 1093** — “An Act to amend Chapter 19, Title 14, of the Delaware Code relating to the Form of Ballot used in School Tax Referenda.” Introduced by Representative Lynch. Assigned to Education Committee.

**HB 1094** — “An Act to amend an Act entitled “An Act amending revising and consolidating the Charter of the City of Seaford” to increase the amount which may be borrowed by the City of Seaford in anticipation of Revenues.” Introduced by Representative Temple and Senator Elliott. Assigned to Community Affairs Committee.

**HB 1095** — “An Act to amend Chapter 7, Title 4, Delaware Code by providing for the Issuance of a Special License to a Retailer to sell Alcoholic Liquors on Sundays.”

Introduced by Representatives Cain and Byrd. Assigned to Labor and Commerce Committee.

**HB 1096** — "An Act to amend Chapter 13, Title 14, of the Delaware Code relating to Salary Schedules for certain School Employees." Introduced by Representative Lynch. Assigned to Education Committee.

**HB 1097** — "An Act to amend Chapter 7, Title 4, Delaware Code to permit Retailers to use signs to advertise the price of Alcoholic Liquors." Introduced by Representatives Cain and Byrd. Assigned to Labor and Commerce Committee.

**HB 1098** — "An Act to amend Chapter 11, Title 30, Delaware Code relating to the Limitation on Itemized Deductions and Personal Exemptions." Introduced by Representative Cain. Assigned to Revenue and Finance Committee.

**HB 1099** — "An Act proposing an amendment to Article 4, Section 2 of the Constitution of the State of Delaware relating to Active Judicial Duty by retired Judges." Introduced by Representative Boulden. Assigned to Constitution Revenue Committee.

**HB 1100** — "An Act to amend Chapter 43, Title 11, Delaware Code relating to the Creation of Pre-Sentence Investigators for the Court of Common Pleas of the State of Delaware." Introduced by Representative Matushefske. Assigned to Judiciary Committee.

**HB 1101** — "An Act to amend Chapter 13, Title 10, Delaware Code relating to the Administrative Procedure of the Court of Common Pleas of the State of Delaware." Introduced by Representative Matushefske. Assigned to Judiciary Committee.

**HB 1102** — "An Act to amend Title 10 and Title 25 of the Delaware Code relating to Landlord-Tenant Relationships." Introduced by Representative Matushefske. Assigned to Community Affairs Committee.

**HB 1103** — "An Act to amend Chapter 13, Title 10, Delaware Code relating to the Administrative Procedure of the Court of Common Pleas of the State of Delaware." Introduced by Representative Matushefske. Assigned to Judiciary Committee.

**HB 1104** — "An Act to amend Title 7 of the Delaware Code, authorizing the designation of certain Rivers within this State as Scenic Rivers, and to authorize the Protection of Rivers so designated." Introduced by Representative LeGates.

Assigned to Natural Resources and Environmental Control Committee.

**HB 1105** — “An Act to amend Chapter 5, Title 17, Delaware Code relating to dedication of New Road to the Public: Approval Required ‘Bond’ Penalties.” Introduced by Representatives Worthen, Cain, Maxwell, Sincock, McKay. Assigned to Highway and Transportation Committee.

**HB 1106** — “An Act to amend Subchapter I, Chapter 5, Title 7 of the Delaware Code relating to the Tagging of Metal or Box-Type Traps.” Introduced by Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

**HB 1107** — “An Act to amend Title 29, Delaware Code, by repealing Chapter 59, entitled, “Merit System of Personnel Administration.” Introduced by Representative Gordy. Assigned to Banking Insurance Committee.

**HB 1108** — “An Act to amend Chapter 11, Title 9, of the Delaware Code to provide that Members of the New Castle County Council and the President of the Said Council shall serve full time.” Introduced by Representative Matushefske. Assigned to Community Affairs Committee.

**HB 1109** — “An Act to amend Chapter 41, Title 14, Delaware Code relating to Manufacturing or Duplication of Keys to Buildings or Structures on Real Estate owned or leased by Schools wholly or partially supported by the State of Delaware.” Introduced by Representative Worthen. Assigned to Education Committee.

**HB 1110** — “An Act to amend Section 13, Paragraph 13 of the Charter of the City of Harrington to permit the City of Harrington to collect their separate Garbage Fee in certain ways.” Introduced by Representative Darling. Assigned to Community Affairs Committee.

**HB 1111** — “An Act to amend Chapter 9, Title 16, Delaware Code, so as to Improve and Expand Procedures for reporting Incidents of Child Abuse to appropriate State Agencies.” Introduced by Representative Worthen. Assigned to Health and Social Services Committee.

**HB 1112** — “An Act to amend Title 6, of the Delaware Code relating to Commerce and Trade; and providing for a Retirement Community Full Disclosure Act.” Introduced by Representatives Kelly and Jonkiert. Assigned to Aging Committee.

**HB 1113** — “An Act to amend Chapter 11, Part XI, Title



16 of the Delaware Code relating to Sanatoria, Rest Homes, Boarding Homes and Related Institutions." Introduced by Representatives Kelly and Jonkiert. Assigned to Aging Committee.

**HA 1 to HB 1071** introduced by Representative Darling, and placed with the Bill.

**HA 1 to SCR 66** introduced by Representative Temple, and placed with the Bill.

**SB 441 w SA 1** — "An Act to amend Part I, Title 7 of the Delaware Code providing Restrictions and Prohibitions against the Killing of Red Foxes." Introduced by Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

**SB 678 w SA 1** — "An Act to permit the Capitol School District to utilize unused portions of its Major Capital Improvements Fund for further Capital Improvements." Introduced by Senator Zimmerman, Representatives McGinnis and Miller. Assigned to Appropriations Committee.

**SB 718** — "An Act directing the Secretary of State to Execute and Deliver Deeds to certain persons for Land in Baltimore Hundred, Sussex County, Delaware." Introduced by Senator Cordrey. Assigned to Administrative Services Committee.

**HA 1 to HB 891** introduced by Representative Connor, and placed with the Bill.

**SCR 76** was introduced and brought before the House for consideration by Representative Riddagh. **SCR 16** was adopted by voice vote.

**SCR 76** — "Expressing appreciation, best wishes and a continued active life to William E. Matthews Jr., a former State Senator as the Citizens of the Communities of Smyrna and Clayton, Delaware on this Special occasion reflect upon the many contributions and services Mr. Matthews has rendered to his Community, State and Nation the past years."

Representative Kelly introduced **HR 148** and brought it before the House for consideration. **HR 148** was adopted by voice vote.

**HR 148** — "Commending Frank N. Broujos, of Westview, for his contribution to the Development of Public Education in the Newport-Conrad Area."

Representative Miller brought **HR 147** before the House for consideration, and was adopted by voice vote.

**HR 147** — "Congratulating Bishop L. T. Blackshear, upon his Seventeenth Anniversary of outstanding work and

service to the Delaware Members of the Church of God in Christ as a Pastor and as their Bishop."

Representative Plant brought **HR 149** before the House for consideration.

**HR 149** — "Requesting the House Committee of Adult and Juvenile Corrections to probe the conditions which led to the escape of seven prisoners from the Delaware Correctional Center on May 19, 1976."

Representative Plant requested **HR 149** be stricken.

Representative Worthen brought **HB 997** before the House for consideration.

**HB 997** — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, being the 1975 Budget Appropriation Act, originally designated **HB 750** as amended by Chapter 523, Volume 59, Laws of Delaware being the Omnibus Amendment to the 1975 Budget Appropriation Act originally designated **HB 1113** relating to the Reversion of Funds from the Delaware Agency to reduce crime."

Representative Worthen moved to place **HB 997** on the Speakers Table. Motion adopted by voice vote.

The Clerk read the following Communication from the Governor:

May 20, 1976

The Honorable Casimir S. Jonkiert

Speaker of the House

Legislative Hall

Dover, Del. 19901

Dear Mr. Speaker:

I respectfully request you announce from the rostrum that I have just executed the agreement with F.D.I.C. relative to the Farmers Bank as per authority invested in House Joint Resolution No. 45 with the legal language having the approval of Attorney General Wier.

Of course, the document was also executed today by Mr. Edward Hagemeyer, Chief Executive Officer of the Farmers Bank, by the authority given him by the Board of Directors; and, of course, the agreement was executed by Mr. Robert Barnett of F.D.I.C., by the authority of his Board.

F.D.I.C. only provided us with one copy. It is a 52-page document. I will have this document prepared so that I can provide all four caucuses of the General Assembly with a copy.

Sincerely,  
Sherman W. Tribbitt  
Governor