

Constitution of the United States and to provide time for students to voluntarily participate in moral, philosophical or religious activity in the Public Schools of Delaware." Assigned to Education Committee.

Senator Hale introduced SB 273:

SB 273 — "An Act to amend Delaware Code, Title 14, Chapter 13, by providing for proportionate shares of salary for designated Administrative and Supervisory Personnel." Assigned to Education Committee.

Senator Adams introduced SB 274:

SB 274 — "An Act to amend Chapter 23, Title 10, Delaware Code, relating to the salary of Chief Deputy Prothonotaries." Assigned to Judiciary and Elections Committee.

Senator Hale introduced SS 1 for SB 194 which on his motion, was adopted in lieu of the Original Bill.

Senator Cicione introduced SA 1 to HB 134. Placed with the Bill.

Senator Manning introduced SA 1 to SB 164. Placed with the Bill.

Senator Elliott introduced SA 1 to SB 186. Placed with the Bill.

Senator Schlör introduced SA 1 to SB 256. Placed with the Bill.

The Chair introduced the following House Bills:

HB 224 w/ HA 1, 2 — "An Act to amend Chapter 43, Title 21, Delaware Code, prohibiting certain mechanical alterations of motor vehicles and setting penalties therefor." Assigned to Public Safety Committee.

HB 285 w/ HA 1 — "An Act to amend Chapter 50, Part IV, Title 15 of the Delaware Code relating to general elections and the number of voting machines to be supplied to each Election District." Assigned to Judiciary and Elections Committee.

HB 277 — "An Act to amend Chapter 588, Volume 58, Laws of Delaware, being an Act entitled "An Act to Amend Chapter 209, Volume 57, Laws of Delaware Being an Act entitled 'An Act to reincorporate the City of Delaware City' relating to borrowing power; bonded indebtedness; election qualifications; and providing for the office of a Vice-Mayor." Assigned to Community Affairs Committee.

On motion of Senator Hughes, **HB 120** was taken up for consideration and read by title only:

HB 120 — "An Act to amend Title 18, by amending Chapters 11 and 29 to increase the interest rate used for calculating minimum reserves for life insurance and annuity contracts, updating annuity mortality tables for computing such reserves, and increasing the interest rate used for calculating minimum nonforfeiture benefits under life insurance policies."

Senator Hughes moved that SA 1 to HB 120 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, Murphy, Schlor, Steele, Zimmerman — 16.

ABSENT: Senators Cicione, duPont, Jarvis, Manning, McCullough — 5.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Hughes, the privilege of the floor was extended to Bernard S. Dempsey, representing Continental American Life Insurance Company, and Robert A. Short, representing the Insurance Department, to speak on the Bill.

On motion of Senator Hughes, HB 120 w/ SA 1 was deferred.

On motion of Senator Cicione, HB 123 w/ HA 1 was taken up for consideration and read by title only:

HB 123 w/ HA 1 — "An Act to amend Chapters 5, 11, 13, 15 and 49 of Title 18, Delaware Code, relating to insurance company investments, deposits, and certain procedures."

At the request of Senator Cicione, the privilege of the floor was extended to Bernard S. Dempsey and Robert A. Short to speak on the Bill.

On motion of Senator Cicione, final consideration of the Bill was deferred.

On motion of Senator Murphy SB 213 was taken up for consideration and read by title only:

SB 213 — "An Act to amend Title 7, Delaware Code, to give the Department of Natural Resources and Environmental Control the power to eminent domain when necessary to carry out the purposes of Chapter 68."

At the request of Senator Murphy, the privilege of the floor was extended to N. C. Vasuki, representing the Department of Natural Resources and Environmental Control, to speak on the Bill.

On motion of Senator Murphy final consideration of the Bill was deferred.

On motion of Senator Murphy, SB 190 was taken up for consideration and read by title only:

SB 190 — "An Act to amend Chapter 1, Title 25, Delaware Code, by adding a New Subchapter to said Chapter to be designated as Subchapter V relating to a Special Power of Attorney for small property interests."

At the request of Senator Murphy, the privilege of the floor was extended to Maurice A. Hartnett, III, representing the National Conference of Commissioners on Uniform State Laws, to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Hale, Holloway, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 14.

NO: Senator Cordrey — 1.

NOT VOTING: Senators Cicione, Elliott, Hughes and Isaacs — 4.

ABSENT: Senators Jarvis and Manning — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Elliott, HB 196 was taken up for consideration and read by title only:

HB 196 — "An Act to amend Part IV, Article 9, Title 5A of the Delaware Code relating to the required filing fees for secured transactions under the uniform commercial code."

At the request of Senator Elliott, the privilege of the floor was extended to Representative Joseph Ambrosino to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Manning — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

At 4:18 p.m., on motion of Senator Isaacs, the Senate took a short recess.

The Senate reconvened at 4:38 p.m. with Senator Isaacs presiding.

The Chair introduced HB 174:

HB 174 — "An Act to amend Chapter 5, Title 28 of the Delaware Code relating to the tax on Pari-mutuel and totalizer pools, and providing for redistribution of the tax between the Delaware Standardbred development fund and the State of Delaware." Assigned to Executive Committee.

On motion of Senator Murphy, SB 213 which had been deferred, was again taken up for consideration.

Senator Zimmerman introduced SA 1 to SB 213 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 14.

NOT VOTING: Senators Castle, duPont and Hale — 3.

ABSENT: Senators Adams, Elliott, Jarvis and Manning —

So the Amendment, having received the required constitutional majority, was adopted.

Senator Murphy moved for the passage of SB 213 w/ SA 1.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senators duPont and Hale — 2.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Adams and Manning — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Elliott, HB 233 was taken up for consideration and read by title only:

HB 233 — "An Act to amend Chapter 79, Part VII, Title 29 of the Delaware Code relating to the Department of Health and Social Services, and providing for a Division of Aging."

On motion of Senator Elliott, final consideration of the Bill was deferred.

Senator Steele introduced SB 275:

SB 275 — "An Act to amend Subchapter 11, Chapter 83, Title II, Delaware Code, by revising the entire said Subchapter." Assigned to Highways, Transportation and Insurance Committee.

At 5:34 p.m., on motion of Senator Cook, the Senate recessed until 1:30 p.m. Tuesday, May 22, 1973.

The Senate reconvened at 2:09 p.m. Tuesday, May 22, 1973, Lt. Governor Bookhammer presiding.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: SB 269 — 1 Favorable, 2 Merits, 2 Unfavorable.

Senator Elliott introduced SB 276:

SB 276 — "An Act making a supplementary appropriation to the Division of Libraries of the Department of Community Affairs and Economic Development for the purpose of providing Bookmobile services to Kent and Sussex Counties." Assigned to Administrative Services Committee.

Senator Castle (Senator Holloway as co-sponsor) introduced SB 277:

SB 277 — "An Act to amend Chapter 92, Volume 23, Laws of Delaware, as amended by Chapter 572, Volume 57, Laws of Delaware, being "An Act to provide for the organization and control of the Public Schools of the City of Wilmington", relating to the membership of the Board of Public Education in the City of Wilmington." Assigned to Education Committee.

Senator Elliott introduced SA 1 to SB 122. Placed with the Bill.

Senator duPont introduced SA 1 to SB 259. Placed with the Bill.

Senator Holloway introduced SR 72:

SR 72 — "Urging the Delaware Authority for Regional Transit to initiate Bus Service from Northern New Castle County to Rehoboth Beach during the summer months."

On motion of Senator Holloway, consideration of the Resolution was deferred.

At 2:13 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 36th Day.

36th LEGISLATIVE DAY

The Senate was called to order at 2:13 p.m., Tuesday May 22, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:

5-22-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 316** and requests the concurrence of the Senate.

The Chair introduced **HB 316**:

HB 316 — "An Act to amend Chapter 4, Part I, Title 11 of the Delaware Code relating to the Delaware Criminal Code and intoxication as a defense against criminal liability." Assigned to Judiciary and Elections Committee.

On motion of Senator Isaacs, **SB 241** which had been deferred was again taken up for consideration.

Senator Isaacs moved that SA 3 to SB 241 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be :

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

NOT VOTING: Senator Elliott — 1.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Isaacs moved for the passage of **SB 241 w/ SA 3**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

NOT VOTING: Senator Elliott — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Schlör, SB 256 was taken up for consideration and read by title only:

SB 256 — "An Act to amend § 322(a), Title 22, Delaware Code, by allowing an authorized agent of a Mayor to sit for him on the Board of Adjustment."

Senator Schlör introduced SA 1 to SB 256 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Schlör moved for the passage of SB 256 w/ SA 1.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators Castle, Elliott, Hale — 3.

NOT VOTING: Senators duPont, Hughes, Jarvis, Steele — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At 2:45 p.m. on motion of Senator Isaacs, a short recess was taken.

The Senate reconvened at 3:45 p.m.

Senator Cook moved that no action be taken on House Bills until more action is taken on Senate Bills.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

So the motion, having received the required constitutional majority, was adopted.

On motion of Senator Manning, SB 226 was taken up for consideration and read by title only:

SB 226 — "An Act amending Title 11, Chapter 83, by adding a new paragraph relating to State Police Compensation."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, duPont, Manning, Steele — 5.

NO: Senators Cordrey, Jarvis, Kearns — 3.

NOT VOTING: Senators Castle, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

ABSENT: Senator Cicione — 1.

So the Bill, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Elliott, SB 186 final action on which had been deferred, was again taken up for consideration.

Senator Elliott moved that SA 1 to SB 186 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and duPont — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Elliott moved for passage of SB 186 w/ SA 1.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and duPont — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs, SJR 21 was taken up for consideration and read by title only:

SJR 21 — "Expressing regrets and condolences to the family and friends of Frank Moody."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator duPont — 1.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Berndt, SB 257 was taken up for consideration and read by title only:

SB 257 — "An Act to establish a Delaware Deepwater Oil Terminal Committee, and providing an appropriation therefore."

At the request of Senator Elliott, the privilege of the floor was extended to Mr. Sandback to speak on the Bill.

On motion of Senator Zimmerman, final consideration of the Bill was deferred.

On motion of Senator Kearns, SB 104 was taken up for consideration and read by title only:

SB 104 — "An Act to amend Title 26 of the Delaware Code with reference to payment by Public Utilities of compensation and expenses of appointed Legal Council, Experts and Assistants in rate proceedings."

Senator Kearns introduced SA 1 to SB 104 and moved that it be adopted.

On motion of Senator Kearns, the roll call on the adoption of the Amendment was tabled and final consideration of the Bill was deferred.

Senator Holloway introduced SR 72 and moved that it be adopted.

SR 72 — "Urging the Delaware Authority for Regional Transit to initiate Bus Service from Northern New Castle County to Rehoboth Beach during the summer months."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

NO: Senator Steele — 1.

ABSENT: Senator duPont — 1.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: SB 164 — 1 Favorable, 4 Merits; HB 277 — 2 Favorable, 3 Merits.

On motion of Senator Elliott, SA 1 and SA 3 to SB 7 were stricken.

On motion of Senator Isaacs, SA 4 to SB 7 was stricken.

On motion of Senator Isaacs, the roll call on s, SB 133 which had been tabled was lifted and announced to be:

YES: Senators Cicione, Cook, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Cordrey, duPont and Steele — 3.

NOT VOTING: Senators Adams, Berndt, Castle, Jarvis —

4.

ABSENT: Senators Hale and Manning — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At 5:53 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. May 23, 1973.

The Senate reconvened at 2:03 p.m., May 23, 1973, President Pro Tem Isaacs, presiding.

Senator Elliott introduced SA 5 to SB 7. Placed with the Bill.

Senator Elliott introduced SA 1 to HB 224. Placed with the Bill.

Senator Cook introduced SB 278:

SB 278 — "An Act making a supplementary appropriation to the Division of Highways of the Department of Highways and Transportation for mowing operations on secondary roads." Assigned to Finance Committee.

Senator Holloway introduced SB 279:

SB 279 — "An Act to amend Title 15, Chapter 51, Delaware Code, providing a prohibition of and penalties for the publication or distribution of political statements without name and address of publisher or distributor." Assigned to Judiciary and Election Committee.

Senator Elliott introduced SB 280:

SB 280 — "An Act to amend Chapter 47, Title 7, Delaware Code, relating to the issuance to State residents of an annual permit for camping facilities." Assigned to Natural Resources and Environmental Control Committee.

Senator McCullough introduced SB 281:

SB 281 — "An Act to amend Chapter 33, Title 19, Delaware Code relating to unemployment compensation." Assigned to Labor and Industrial Relations Committee.

Senator Elliott (co-sponsor Senator Kearns) introduced SB 282:

SB 282 — "An Act to amend Section 1322, Title 14, Delaware Code, by establishing a State supported salary schedule for School Cafeteria Workers." Assigned to Finance Committee.

Senator Holloway introduced SB 283

SB 283 — "An Act to amend Chapter 33, Title 19, Delaware Code, relating to unemployment compensation." Assigned to Labor and Industrial Relations Committee.

Senator Schlor introduced SB 284:

SB 284 — "An Act to amend Chapters 31 and 33, Title 19, Delaware Code, relating to unemployment compensation." Assigned to Labor and Industrial Relations Committee.

Senator Kearns introduced SB 285:

SB 285 — "An Act to amend Title 19 by creating a new Chapter to be designed as Chapter 14 to provide for the implementation of a State Occupational Safety and Health Act in accordance with the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970." Assigned to Labor and Industrial Relations Committee.

Senator Martin introduced SB 286:

SB 286 — "An Act to amend Chapter 33, Title 19, Delaware Code, relating to unemployment compensation." Assigned to Labor and Industrial Relations Committee.

Senator Cicione introduced SB 287:

SB 287 — "An Act to amend Chapter 23, Part 11, Title 19, of the Delaware Code, relating to workman's compensation." Assigned to Labor and Industrial Relations Committee.

Senator Hughes moved that **SB 287** be placed in the Highways, Transportation and Insurance Committee instead of the Labor Committee.

Senator Hughes moved that the roll call on the motion be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 10.

NO: Senators Cicione, Cook, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor — 9.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senator duPont — 1.

So the motion, having failed to receive the required constitutional majority, failed and the roll call to place **SB 287** in the Highways, Transportation and Insurance Committee was announced to be:

YES; Senators Adams, Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

NO: Senators Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor — 10.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senator duPont — 1.

So the motion, having failed to receive the required constitutional majority, failed and the Bill remained in the Labor Committee.

Senator McCullough introduced **SB 288:**

SB 288 — "An Act to amend Chapter 1, Title 19, Section 113(e) relating to Department of Labor and Industrial Relations." Assigned to Labor and Industrial Relations Committee.

Senator Holloway introduced **SB 289:**

SB 289 — "An Act to amend Chapter 7, Title 14, Delaware Code, relating to mandatory jail sentence for persons

physically assulting a Public School Official either intentionally or recklessly." Assigned to Education Committee.

At 2:15 p.m., on motion of Senator Cook, the Senate adjourned to immediately convene for the 37th Day.

37TH LEGISLATIVE DAY

The Senate was called to order by President Pro Tem Isaacs at 2:15 p.m. Wednesday, May 23, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:

5-22-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 36; HB 161 w/ HA 1; HB 184; HB 209; HB 249 w/ HA 1; HB 289 w/ HA1; HB 252 w/ HA 1 and requests the concurrence of the Senate.

The House also passed, SB 139 w/ SA 2, 3, HA 2 and is returning same to the Senate.

The Chair presented the following House Bills:

HB 252 w/ HA 1 — "An Act to amend an Act being Chapter 197, Volume 54, Laws of Delaware, as amended, entitled "An Act revising the prior Charter of the City of Rehoboth Beach and establishing a new charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" relating to the Alderman." Assigned to Community Affairs Committee.

HB 36 — "An Act to amend Title 6, Chapter 25, Delaware Code, by adding a new Subchapter VI dealing with pyramid or chain distribution schemes." Assigned to Judiciary and Elections Committee.

HB 161 w/ HA 1 — "An Act to amend Chapter 302, Volume 49, Laws of Delaware, as amended, entitled "An Act to incorporate the Town of Fenwick Island, Delaware", relating to elections; nominations to elective offices; qualifications of voters and meetings of the Town Council." Assigned to Community Affairs Committee.

HB 184 — "An Act to amend Subchapter 1 of Chapter 5, Title 7, Delaware Code pertaining to hunting, trapping and fishing licenses." Assigned to Natural Resources and Environmental Control Committee.

HB 209 — "An Act to amend Chapter 96, Title 9, Delaware Code, relating to recordation of instruments which contain provisions restricting the sale, gift, transfer, assignment,

conveyance, ownership, lease, rental, use or occupancy of real estate to individuals on the basis of race, color, creed, sex, national origin or ancestry." Assigned to Judiciary and Elections Committee.

HB 249 w/ HA 1 — "An Act to amend Chapter 159, Volume 43, Laws of Delaware, entitled: Act changing the corporate name of "The Commissioners of Camden" to "The Town of Camden" and establishing a charter therefor." Assigned to Community Affairs Committee.

HB 289 w/ HA 1 — "An Act to amend Chapter 1, Title 1 of the Delaware Code relating to the distribution of the Delaware Code." Assigned to Executive Committee.

Senator Holloway introduced **SR 73** and moved that it be adopted:

SR 73 — "Requesting the Senate Health and Social Services Committee to initiate an investigation into the Division of Vocational Rehabilitation."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 15.

NO: Senators Hale, Jarvis and Steele — 3.

NOT VOTING: Senators Berndt, duPont and Manning — 3.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Jarvis introduced **SB 290:**

SB 290 — "An Act to amend Title 17 of the Delaware Code relating to highways and roads generally, and providing for coordination between the Division of Highways and the several Counties in future planning." Assigned to Highways, Transportation and Insurance Committee.

Senator Elliott introduced **SA 1 to SB 257**. Placed with the Bill.

Senator Kearns introduced **SA 1 to SB 137**. Placed with the Bill.

On motion of Senator Cicione, **SB 106** was taken up for consideration and read by title only:

SB 106 — "An Act to amend Chapter 8, Title 17 of the Delaware Code relating to Highways; and providing a method by which it can be determined whether or not a general contractor receiving money from the State has paid all subcontractors."

On motion of Senator Cicione, final consideration of the Bill was deferred.

On motion of Senator Kearns, **SB 149** was taken up for consideration and read by title only:

SB 149 — "An Act to amend Subchapter VI, Chapter 47, Title 16 of the Delaware Code providing for original jurisdiction in the Justice of the Peace Courts of violations of Subchapter IV, Chapter 47, Title 16, §

Senator Kearns moved that final consideration of SB 149 be deferred.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 10.

NO: Senators Adams, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 10.

ABSENT: Senator Cicione — 1.

So the motion, having received the required constitutional majority, prevailed.

The Chair ruled that consideration of SB 149 would be deferred.

Senator Kearns moved that SB 149 be again taken up for consideration.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cordrey, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 10.

NO: Senators Berndt, Castle, Cook, duPont, Hale, Hughes, Jarvis, Manning, Steele — 10.

NOT VOTING: Senator Holloway — 1.

So the motion, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Kearns, SJR 19 was taken up for consideration and read by title only:

SJR 19 — "Voicing the opposition of the 127th General Assembly of the State of Delaware and the citizens of Delaware to the termination of certificated Air Service in the State of Delaware by the Civil Aeronautics Board."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Manning — 1.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Zimmerman, SJR 22 was taken up for consideration and read by title only:

SJR 22 — "Establishing the Year 1974 as "Delaware Beautification Year."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 20.

NOT VOTING: Senator Steele — 1.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

At 3:04 p.m. on motion of Senator Zimmerman, the Senate recessed for a short period.

The Senate reconvened at 3:50 p.m., Lt. Governor Bookhammer presiding.

On motion of Senator Cicione, SS 1 for SB 93 was taken up for consideration and read by title only:

SS 1 for SB 93 — "An Act to repeal Chapter 40, Title 14, of the Delaware Code in its entirety and amend Chapter 13, Title 19 of the Delaware Code relating to collective bargaining procedures for certified Public School Employees."

At the request of Senator Cicione, the privilege of the floor was extended to Clifford B. Hearn, Jr., representing Delaware Federation of Teachers, to speak on the Bill.

On motion of Senator Cicione, final consideration of the Bill was deferred.

On motion of Senator Elliott, SB 195 final consideration of which had been deferred, was again taken up for consideration.

Senator Elliott moved that SA 1 to SB 195 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Cicione — 1.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Elliott, the privilege of the floor was extended to L. LeRoy Horne, Delaware Speech and Hearing Association, to speak on the Bill.

On motion of Senator Elliott, final consideration of the Bill was again deferred.

On motion of Senator Cordrey, SB 139 w/ SA 2, 3 which had previously passed the Senate was again taken up for reconsideration as further amended by HA 2.

Senator McCullough introduced SA 4 to SB 139 w/ SA 2, 3, HA 2 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES; Senators Berndt, Castle, Cicione, duPont, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Schlör, Zimmerman — 13.

NO: Senators Adams, Cordrey, Elliott — 3.

NOT VOTING: Senators Cook and Murphy — 2.

ABSENT: Senators Jarvis, Manning and Steele — 3.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Cordrey, the privilege of the floor was extended to Representative Harry Derrickson, to speak on the Bill.

Senator Cordrey moved for the passage of SB 139 w/ SA 2, 3, HA 2, SA 4.

On the question, "Shall the Bill (as so amended) pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Schlor, Zimmerman — 17.

ABSENT: Senators Jarvis, Manning, Murphy, Steele — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence in the Senate Amendment.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: SB 161 — 2 Favorable, 2 Merits; SB 170 — 2 Favorable, 3 Merits; SB 160 — 2 Favorable, 2 Merits; SB 227 — 2 Favorable, 3 Merits; HB 25 — 1 Favorable, 4 Merits; SB 19 — 1 Favorable, 3 Merits; SB 277 — 2 Favorable, 2 Merits; SS 1 for SB 194 — 1 Favorable, 3 Merits; SS 1 for SB 155 — 1 Favorable, 3 Merits; SB 258 — 3 Favorable, 2 Merits; HB 34 — 1 Favorable, 4 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: HB 249 — 5 Merits; HB 161 — 5 Merits; HB 252 — 5 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: — SB 264 — 5 Merits; SB 229 — 5 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: SB 279 — 4 Merits; HB 209 — 1 Favorable, 3 Merits.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate: SB 234 — 4 Merits.

Senator Cicone, Chairman of the Public Services Committee, reported back to the Senate: HB 224 — 5 Merits; SB 122 — 5 Merits; SB 87 — 5 Merits; SB 250 — 3 Favorable, 2 Merits; HB 168, — 5 Merits.

Senator Holloway introduced SB 291:

SB 291 — "An Act to amend Chapter 5, Title 4, Delaware Code, relating to the grounds for refusal of license." Assigned to Administrative Services Committee.

Senator Manning introduced SA 1 to SB 243. Placed with the Bill.

On motion of Senator McCullough, SA 5 to SB 139 was stricken.

Senator Hughes introduced SA 2 to SB 149. Placed with the Bill.

Senator Kearns introduced SA 3 to SB 149. Placed with the Bill.

Senator Zimmerman introduced SA 2 to SB 257. Placed with the Bill.

Senator Isaacs introduced SCR 23:

SCR 23 — "Relative to the Department of Highways and Transportation Delaying further action regarding the extension of Brownleaf Road in New Castle County."

On motion of Senator Isaacs, the Resolution was tabled.

Senator Martin introduced SCR 24:

SCR 24 — "Relative to the Department of Highways and Transportation delaying further action regarding the extension of Brownleaf Road in New Castle County."

WHEREAS, Brownleaf Road which presently bisects the developments of Foxchase (150 homes) and Birchwood Park (250 homes) near Newark was originally designed as a closed residential street leading to a dead end; and

WHEREAS, the new development, Sherwood Forest (proposed 238 homes) is presently being constructed just south and contiguous to Foxchase and Birchwood Park whereby Brownleaf Road will be continued south to Chopin Road; and

WHEREAS, Brownleaf Road will become a thoroughfare and no longer a self-contained residential community street; and

WHEREAS, the residents of these named areas have owned homes and property for years and fear depreciation of said properties; and

WHEREAS, the residents' children on Brownleaf Road play near their homes and near the street; and

WHEREAS, residents of the 150 homes of Foxchase must cross Brownleaf Road to use the only park in the neighborhood; and

WHEREAS, 98 percent of the present 35 homes in Sherwood Forest, 95 percent of residents in Birchwood Park and Foxchase have signed petitions indicating they do not wish Brownleaf Road to be opened from Route 273 (26,000 cars per day) to Chopin Road leading to numerous apartment complexes, Christiana High School, Salem Church Road and Route 40; and

WHEREAS, it is anticipated that Brownleaf Road will be used by non-residents to avoid traffic congestion spots as Ogletown and University Plaze Shopping Center; and

WHEREAS, residents of an established community should reserve the right to be the final judge of the best use of traffic patterns in their own neighborhood; and

WHEREAS, the present builder of Sherwood Forest has no objections to the purpose of this Resolution; and

WHEREAS, the residents of these areas face long, arduous and unnecessary expensive litigation in order to achieve their objectives.

NOW, THEREFORE,

BE IT RESOLVED BY THE Senate of the 127th General Assembly of the State of Delaware, the House of Representa-

tives concurring therein that the Department of Highways and Transportation is hereby requested to respect the wishes of 400 homeowners of Birchwood Park, Foxchase and Sherwood Forest by allowing Brownleaf Road to remain closed permanently.

BE IT FURTHER RESOLVED that the Department of Planning of New Castle County is hereby requested to respect the wishes of 400 homeowners of Birchwood Park, Foxchase and Sherwood Forest by allowing Brownleaf Road to remain closed permanently.

BE IT FURTHER RESOLVED that this Resolution be made a part of the Senate and House Journals and that a copy be forwarded to the Secretary of the Department of Highways and Transportation and the New Castle County Council."

* * * * *

Senator Martin moved that the Resolution be adopted.

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Schlör, Zimmerman — 18.

ABSENT: Senators Manning, Murphy and Steele — 3.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

Senator Elliott introduced SR 74 and moved that it be adopted.

SR 74 — "Requesting the Governor to ask the Delaware Supreme Court to render an advisory opinion on certain questions regarding the jurisdiction of Subaqueous Lands in the Delaware Rive and Bay, including those questions raised in Delaware Opinion of the Attorney General No. 70-087."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Elliott, Zimmerman — 3.

NO: Senators Berndt, Hale, Jarvis, Kearns, McCullough, Schlör — 6.

NOT VOTING: Senators Castle, Cicione, Cook, Cordrey, duPont, Holloway, Hughes, Isaacs — 8.

ABSENT: Senators Manning, Martin, Murphy and Steele — 4.

So the Resoluiton, having failed to receive the required constitutional majority, was defeated.

Senator Cicione introduced SR 75:

SR 75 — "Protesting the use of prison inmates in a collective bargaining dispute, and requesting an investigation."

On motion of Senator Cicione, the Resolution was deferred.

On motion of Senator Castle, SB 138 was stricken.

At 6:36 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m., May 24, 1973.

38TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:33 p.m. Thursday, May 24, 1973.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By-roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 20.

ABSENT: Senator Steele — 1.

The Journal was approved as far as read.

Senator Cicione introduced SR 75:

SR 75 — "Protesting the use of prison inmates in a collective bargaining dispute, and requesting an investigation."

On motion of Senator Cicione, the Resolution was tabled.

The Secretary read the following message from the House:

5-23-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 280 w/ HA 1, 2, 4, 5; HB 354; HB 340; HB 46 w/ HA 2, 3; HB 127 w/ HA 2, 3, 4, 6, 7; HB 300 and requests the concurrence of the Senate.

The House also passed SB 139 w/ SA 2, 3, HA 2, SA 4; SS 1 for SB 109; SCR 24; SCR 22 and is returning same to the Senate.

Senator Steele introduced SB 292:

SB 292 — "An Act authorizing the State of Delaware to Borrow money to be used for capital improvements and expenditures in the nature of capital investments and to issue bonds and notes therefor and appropriating the monies to various agencies of the State and to borrow money to be used for the local share of school construction programs and to issue bonds and notes therefor and appropriating the monies to the State Board of Education on behalf of local School Districts."

Assigned to Finance Committee.

Senator Schlör introduced SA 2 to SB 195. Placed with the Bill.

Senator Jarvis introduced SA 3 to SB 195. Placed with the Bill.

Senator Elliott introduced SA 4 to SB 195. Placed with the Bill.

The Chair introduced the following House Bills:

HB 280 w/ HA 1, 2, 4, 5 — "An Act to amend Chapter 47, Part IV, Title 16 of the Delaware Code relating to the Uniform Controlled Substances Act, and establishing a penalty for the manufacture, delivery or possession of certain drugs classified under Schedule I and Schedule II of the Act." Assigned to Judiciary and Elections Committee.

HB 340 — “An Act to amend Chapter 69 Title 29 of the Delaware Code relating to the procurement of materiel and the award of contracts for public works by State Agencies respecting the prevention of Environmental Pollution in the performance of Public Contracts and the risk of additional construction costs due to anti-pollution, conservation or environmental protection requirements enacted after the submission of bids.” Assigned to Highways, Transportation and Insurance Committee.

HB 46 w/ HA 2, 3 — “An Act to amend Title 6, Delaware Code, entitled “Commerce and Trade” by adding thereto a new chapter relating to home improvement contracts.” Assigned to Community Affairs Committee.

HB 354 — “An Act to amend Chapter 5, Title 1 of the Delaware Code relating to legal holidays, and designating May 30 as Memorial Day.” Assigned to Community Affairs Committee.

HB 127 w/ HA 2, 3, 4, 6, 7 — “An Act to amend Title 11 of the Delaware Code authorizing and providing for the compensation of persons injured by certain criminal acts, and making an appropriation therefor.” Assigned to Judiciary and Elections Committee.

HB 300 — “An Act to amend Title 7 of the Delaware Code, to repeal the provisions therein concerning stays pending the disposition of appeals from the Secretary of the Department of Natural Resources and Environmental Control of the Water and Air Resources Commission to the Superior Court of the State of Delaware, and to enact new provisions concerning stays with respect to such appeals.” Assigned to Natural Resources and Environmental Control Committee.

Senator duPont introduced SA 1 to SB 179. Placed with the Bill.

On motion of Senator Murphy, SB 144 was taken up for consideration and read by title only:

SB 144 — “An Act amending Chapter 14, Title 24, of the Delaware Code, relating to electrical Contractors.”

Senator Murphy moved that SA 1 to SB 144 which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 16.

ABSENT: Senators Cicione, duPont, Holloway, Manning, Steele — 5.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Murphy, the privilege of the floor was extended to Richard C. Austin, representing Delaware State Board of Electrical Examiners, to speak on the Bill.

Senator Murphy moved for the passage of SB 144 w/ SA 1.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, duPont, Elliott, Hale, Holloway, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators Cordrey, Hughes, Isaacs — 3.

NOT VOTING: Senator Jarvis — 1.

ABSENT: Senators Castle, Cook, Steele — 3.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Zimmerman, SB 234 was taken up for consideration and read by title only:

SB 234 — "An Act amending Section 101, Title 4, Delaware Code by adding a definition of the word "Cash."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

NO Senators Adams — 1.

ABSENT: Senators Castle and Steele — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: SB 265 — 1 Favorable; 4 Merits.

On motion of Senator Castle, SB 151 was taken up for consideration and read by title only:

SB 151 — "An Act to amend Title 25 of the Delaware Code relating to property and providing for a Federal Tax Lien Registration Law."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 20.

ABSENT: Senator Steele — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle, SB 189 was taken up for consideration and read by title only:

SB 189 — "An Act to amend Chapter 43, Title 10, Delaware Code, relating to evidence and witnesses by admending § 4302 thereof relating to competence of parties to testify as to transactions with or statements by the Testator, Intestate or

Ward, in action or proceedings by or against executors, administrators of guardians."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Zimmerman — 19.

ABSENT: Senators Schlör and Steele — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Kearns, SB 149 which had been deferred was again taken up for consideration.

Senator Kearns moved that SA 1 to SB 149 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Holloway, Jarvis, Kearns, Martin, McCullough, Murphy — 14.

NO: Senator Hughes — 1.

NOT VOTING: Senators Cook, Isaacs and Manning — 3.

ABSENT: Senators Schlör, Steele, Zimmerman — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Hughes introduced SA 2 to SB 149 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy — 16.

NOT VOTING: Senator Cook — 1.

ABSENT: Senators Cicione, Schlör, Steele, Zimmerman — 4.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Kearns introduced SA 3 to SB 149 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy — 17.

ABSENT: Senators Cicione, Schlör, Steele, Zimmerman — 4.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Kearns moved for the passage of SB 149 w/ SA 1, 2, 3.

On further motion of Senator Kearns, the roll call vote on the Bill was tabled.

On motion of Senator Berndt, SB 257 final consideration of which had been deferred, was lifted.

On motion of Senator Elliott, SA 1 to SB 257 was stricken.

Senator Zimmerman introduced SA 2 to SB 257. Placed with the Bill.

The roll call vote was taken for passage of the Bill was taken but before it was announced, the Senate recessed until 1:30 p.m., May 29, 1973, on motion of Senator Isaacs.

The Senate reconvened at 2:12 p.m. May 29, 1973, Lt. Governor Bookhammer presiding.

On motion of Senator Manning, the roll call vote on SB 257 was stricken.

On motion of Senator Berndt, further consideration of SB 257 was deferred.

At 2:15 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 39th Day.

39TH LEGISLATIVE DAY

The Senate was called to order at 2:15 p.m. Tuesday, May 29, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicone, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

ABSENT: Senators Cook, duPont and Steele — 3.

The Journal was approved as read.

The Secretary read the following message from the House:
5-24-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 8; HB 69 w/ HA 1 and requests the concurrence of the Senate.

The House also passed SB 38 w/ HA 1; SB 192 and is returning same to the Senate.

At the request of Senator Isaacs, the following message was read into the record:

HOUSE OF REPRESENTATIVES DOVER, DELAWARE

May 29, 1973

TO: My Friends in the Senate
FROM: Representative Amos McCluney

Dear Friends:

Many thanks for your thoughtful remembrances during my anxious hours of last week.

The Resolution introduced by Senator Holloway and approved by all of you, along with the beautiful flowers, touched me deeply.

Sincerely yours,

(Signed) Amos

* * * * *

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: SB 270 — 4 Merits.

On motion of Senator Isaacs, a short recess was taken because a quorum was not present in the Senate.

The Senate reconvened at 2:37 p.m.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: SB 274 — 5 Merits; SB 148 — 3 Merits.

Senator Holloway introduced SR 76:

SR 76 — "Extending the best wishes of the State Senate to Representative Amos B. McClouney, Jr for a rapid return to good health."

On motion of Senator Holloway, the Resolution was immediately stricken.

Senator Adams introduced SA 5, SA 6 to SB 195. Both Amendments placed with the Bill.

Senator Manning introduced SA 2 to SB 164. Placed with the Bill.

Senator Manning introduced SA 1 to HB 46. Placed with the Bill.

Senator Kearns introduced SA 2 to SB 104. Placed with the Bill.

On motion of Senator Kearns, SA 1 to SB 104 was stricken.

Senator Cordrey introduced SA 1 to SB 136. Placed with the Bill.

Senator Cook introduced SB 293

SB 293 — "An Act to provide a supplemental appropriation to the Department of Finance to enable certain employees to receive portions of salaries previously earned." Assigned to Finance Committee.

Senator Cicone introduced SB 294:

SB 294 — "An Act to amend Chapter 65, Part IV, Title 11 of the Delaware Code relating to the employment of inmates, and prohibiting the use of inmates as strike-breakers." Assigned to Judiciary and Elections Committee.

Senator Cicone, moved that SB 294 be placed in the Labor and Industrial Relations Committee instead of the Judiciary and Elections Committee.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 10.

NO: Senators Adams, Berndt, Castle, Jarvis, Manning — 5.

NOT VOTING: Senators Elliott and Hughes — 2.

ABSENT: Senators Cook, duPont, Hale and Steele — 4.

So the motion, having failed to receive the required constitutional majority, failed and the Bill remained in the Judiciary and Elections Committee.

Senator Cook introduced SB 295:

SB 295 — "An Act to amend 58 Delaware Laws, Chapter 484, an Act entitled "An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1973", being House Bill No. 676, as amended, of the 127th General Assembly and also known as the 1973 Budget Appropriation Bill." Assigned to Finance Committee.

Senator Zimmerman (co-sponsors Cook and Murphy) introduced SB 296:

SB 296 — "An Act to amend § 5533, Title 29, Delaware Code, relating to adjustment of State Employee Pension benefits." Assigned to Finance Committee.

Senator Zimmerman (co-sponsors Cook, Hale and Jarvis) introduced SB 297:

SB 297 — "An Act to amend an Act entitled "An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments and for improvements to the Public School System of the State and to issue bonds and notes therefor and appropriating the money borrowed to various Agencies of the State", as the same appears in Chapter 384 of Volume 54 Laws of Delaware." Assigned to Finance Committee.

Senator Cicione introduced SB 298:

SB 298 — "An Act to amend Chapter 7, Title 4, Delaware Code, relating to the sale of alcoholic liquor on Sundays and Thanksgiving Day." Assigned to Administrative Services Committee.

Senator Cicione introduced SB 299:

SB 299 — "An Act to amend Chapter 33, Title 19, Delaware Code, relating to unemployment compensation." Assigned to Labor and Industrial Relations Committee.

Senator Isaacs introduced SB 300:

SB 300 — "An Act to amend Chapter 3, Title 9, Delaware Code relating to use of mobile homes on farms." Assigned to Community Affairs Committee.

Senator Isaacs introduced SB 301:

SB 301 — "An Act relating to the pension for G. Lester Cleaver, a former New Castle County and State Employee." Assigned to Community Affairs Committee.

Senator Jarvis introduced SS 1 for SB 197:

SS 1 for SB 197 — "An Act to amend Chapter 65, Part I, Title 18, Delaware Code, relating to insurance for the protection of the State of Delaware, and providing protection for elected and appointed officials and employees who receive no compensation for their services."

On motion of Senator Jarvis, the Substitute Bill was adopted in lieu of the Original and placed in the Highways, Transportation and Insurance Committee.

Senator Martin introduced SS 1 for SB 235 which, on his motion, was adopted in lieu of the Original.

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate HB 201 — 5 Merits.

The Chair introduced HB 8:

HB 8 — "An Act concurring in a proposed Amendment to the Constitution of the State of Delaware, relating to the elimination of prohibition against certain types of lotteries." Assigned to Judiciary and Elections Committee.

The Chair introduced HB 69 w/HA1:

HB 69 w/ HA 1 — "An Act to amend Chapter 5, Title 31, Delaware Code relating to the method of delivering assistance payments." Assigned to Health and Social Services Committee.

On motion of Senator Elliott, SB 195 w/ SA 1 which had been deferred, was again taken up for consideration.

At the request of Senator Elliott, the five following communications were read and made part of the record.

May 26, 1973

Senator David H. Elliott
Dover, Delaware 19901

Dear Senator Elliott:

I write to you to express my views concerning SB 195 dealing with the licensure of speech pathologists and audiologists. I am a Board certified otolaryngologist, a medical and surgical specialist in diseases of the ear, nose and throat. Very many of my patients have disease processes which lie in the particular field which is the concern of SB 195. The availability of highly trained specialists in the allied fields of audiology and speech pathology is a requisite for the proper care of such patients. Their expertise is essential in diagnosis and often largely determines the therapeutic approach, and evaluation of success of treatment, whether it be medical or surgical.

In other cases it is their skilled application of a wide variety of tests, in a proper testing environment, that determines I cannot offer a patient medical or surgical help. This is the hard of hearing group which may require sound amplification -- i.e., a hearing aid. Here again we need their professional expertise to determine whether a person can benefit from a hearing aid; what type suits him best; what situations he may

encounter which alter use of an aid. This information they can provide, being professionals in this field; hearing aids they do not provide -- they are professionals, not salesmen.

With such close alliance to my specialized branch of medicine, and our need to rely to such a degree on them, it is my opinion that it is certainly desirable, and almost imperative, that our highly qualified audiologists establish the standards for licensure for their profession in our state.

I understand there is opposition to this bill from some hearing aid dealers. There always has been. They are often aggressive businessmen, whose business is enhanced if they can portray themselves as specialists in hearing evaluation and hearing aid prescription.

They are not such specialists; they are businessmen - salesmen - Whose product and source of livelihood involves a medical electronic device needed by many people. But since they are businessmen and salesmen with no more than token so-called training at best, it is my opinion that their opinion regarding the subject of SB 195 is simply irrelevant. We are not trying to limit their legitimate business. We are trying to establish in our state legal standards for a professional license, to provide consumer protection for the citizens of our state.

It is possible to provide licensed identification of qualified specialists which in turn will provide consumer protection for the consumer who evinces any interest in seeking such protection. SB 195 will do this. SB 195 will also identify, for the medical profession and our state agencies, those individuals qualified to give us the accuracy of test results we depend on. I therefore urge passage of SB 195 without dilution of its strength -- for your and our sake.

Were it left to me alone to write and enact this bill, it would even be stronger. There would not be the caveat emptor factor now so highly operative, which results in many hard of hearing patients telling me of their unsatisfactory hearing aids laid quietly to rest in a dresser drawer -- investment of many hundreds of dollars; non-interest bearing; without a resale market; bought with many of their precious few dollars. There would be a level of dealer responsibility in my bill which would be felt.

I do not think anyone can legitimately tell you there is unjust treatment of his business activity in this bill -- that our elected representatives have been unjust in their passage of this bill. I do think lack of such a bill would be unjust to our residents, and a handicap to our state as broad national standards continue to evolve.

Sincerely,

(Signed) Lloyd B. Harrison, Jr., M.D.

* * * * *

May 29, 1973

Senator David H. Elliott
Dover, Delaware

Dear Senator Elliott:

I am writing in support of SB 195, licensing of Speech Pathologists and Audiologists, but only as this bill pretains to people of well recognized educational and training background and appropriate academic credentials. They render a truly professional service, and we use them in the teaching program of the Wilmington Medical Center for their own special area of expertise. They should not be confused with others of lesser educational background who are essentially salesmen, and might seek to capitalize on the prestige of this very excellent group.

Sincerely,
(Signed) E. Wayne Martz, M.D.

* * * * *

CHILD DIAGNOSTIC AND DEVELOPMENT CLINIC
of the
ALFRED I. duPont INSTITUTE

May 28, 1973

Senator David H. Elliott
Laurel, Delaware

Dear Senator Elliott:

As Director of a Clinic dealing with Handicapped Children, I should like to urge passage of SB 195 providing for a Board of Examiners and Licensing of Speech Pathologists and Audiologists.

It is most important to assure that Speech Pathologists and Audiologists working with the Handicapped are well trained in their professions. S.B. 195 will assure that professional Audiologists and Speech Pathologists only will be permitted to practice in Delaware.

The Medical Profession will appreciate your help in the establishing of standards for Speech Pathologists and Audiologists and to make licensing mandatory for the practice of these professions in Delaware.

Thank you for your consideration of this most important bill.

Very truly yours,
(Signed) Henry H. Stroud, M., Director

* * * * *

License Speech Correctionists

It's hard to believe but to this day the professions of speech pathology and audiology (people who deal with speech and hearing disorders) have not been subject to licensing in this state. Fortunately, in spite of this absence of regulation, quack speech and hearing therapists have not flourished, but there is a danger that they might. This hazard is increasing with the growing lure of financial gain via third-party payment by insurance companies that quite justifiably are including such items as speech therapy for stroke victims in their coverage.

A bill introduced by Sens. David H. Elliott, R-Laurel, and Calvin R. McCullough, D-Holloway Terrace, attempts to fill the void. S.B. 195 would set up a five-member board of examiners, specify the requirements that must be fulfilled before a license can be obtained, and make provision for penalties for violations.

The bill has many excellent features that recommend its prompt adoption. For instance, it guards against control of the board by any one clique by limiting service on the board to two three-year terms. It also specifies that all meetings of the board shall be open to the public, except when working on examinations or when dealing with an applicant who has been denied a license. Board actions may of course, be appealed to the proper court.

The schedule of license fees spelled out in the bill is reasonable; for example, \$25 for the initial license application, and \$10 for annual renewals. There is some question whether it is wise to include such specifics in a bill and whether it would not suffice to say that the fees should be reasonable and calculated so as to cover the expenses incurred by the board of examiners. In that way, new legislative action would not be necessary every time an adjustment in the fee structure is needed.

But this is only a minor point in a bill that has been skillfully drafted and shows equal concern for protecting those qualified to practice the professions of speech pathology and audiology and those who need the services that these professionals can offer.

The fact that the three states adjoining Delaware already have similar legislation on their books should give further impetus to the General Assembly's favorable consideration of this measure.

* * * * *

At the request of Senator Elliott, the following persons were granted the privilege of the floor to discuss the Bill and its various Amendments: William N. Duncan, M.D.; Thomas E. Weyant; Angelene K. Hobbs, R.N.; Linda S. Ferguson; Mr. Fisher.

At the request of Senator Adams, the privilege of the floor was extended to Sylvia Okes to speak on the Bill.

Senator Schlor moved that SA 2 to SB 195 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Zimmerman — 18.

ABSENT: Senators Cook, duPont and Steele — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Jarvis moved that SA 3 to SB 195 which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES; Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlor, Zimmerman — 17.

ABSENT: Senators Cook, duPont, Murphy, Steele — 4.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Elliott, SA 4 to SB 195 which had been placed with the Bill, was stricken.

Senator Adams introduced SA 5 to SB 195 and on his motion, was immediately stricken.

Senator Adams introduced SA 6 to SB 195 and moved that it be adopted.

Senator Elliott moved that SA 6 to SB 195 be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Elliott, Manning and McCullough — 4.

NO: Senators Adams, Castle, Cicione, Cordrey, Hale, Isaacs, Jarvis, Kearns, Martin, Murphy, Zimmerman — 11.

ABSENT: Senators Cook, duPont, Holloway, Hughes, Schlor and Steele — 6.

So the motion, having failed to receive the required constitutional majority, failed.

Senator Jarvis moved that SB 195 w/ SA 1, 2 3 be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Cicione, Elliott, Isaacs, McCullough — 5.

NO: Senators Adams, Castle, Cordrey, Holloway, Jarvis, Kearns, Manning, Martin, Murphy, Zimmerman — 10.

NOT VOTING: Senator Hale — 1.

ABSENT: Senators Cook, duPont, Hughes, Schlor, Steele — 5.

So the motion, having failed to receive the required constitutional majority, was defeated.

Senator Jarvis moved that SB 195 w/ SA 1, 2, 3 be

deferred.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Hughes, Isaacs, Jarvis, Murphy, Zimmerman — 6.

NO: Senators Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Kearns, Manning, Martin, McCullough, Schlör — 11.

NOT VOTING: Senator Cicione — 1.

ABSENT: Senators Cook, duPont and Steele — 3.

So the motion, having failed to receive the required constitutional majority, was defeated.

Senator Adams moved that SA 6 to SB 195 be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Isaacs, Jarvis — 4.

NO: Senators Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

NOT VOTING: Senator Hughes — 1.

ABSENT: Senators Cook, duPont and Steele — 3.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Elliott introduced SA 7 to SB 195 and on motion of Senator Elliott, was immediately stricken.

Senator Elliott introduced SA 8 to SB 195 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, — 16.

ABSENT: Senators Cicione, Cook, duPont, Steele, Zimmerman — 5.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Elliott introduced SA 9 to SB 195 and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör — 16.

ABSENT: Senators Cicione, Cook, duPont, Steele, Zimmerman — 5.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Adams introduced SA 10 to SB 195 and moved

that it be adopted.

On the question "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cordrey, Isaacs, Jarvis, Murphy — 5.

NO: Senators Berndt, Castle, Elliott, Hale, Holloway, Hughes, Kearns, Manning, Martin, McCullough, Schlor — 11.

ABSENT: Senators Cicione, Cook, duPont, Steele, Zimmerman — 5.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Hughes moved that final consideration of **SB 195 w/ SA 1, 2, 3, 8, 9** be deferred.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Hughes, Isaacs, Martin, Murphy, Schlor — 7.

NO: Senators Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, McCullough — 10.

ABSENT: Senators Cook, duPont, Steele, Zimmerman — 4.

So the motion, having failed to receive the required constitutional majority, was defeated.

Senator Elliott moved for the passage of **SB 195 w/ SA 1, 2, 3, 8, 9**.

On further motion of Senator Elliott, the roll call vote on the Bill was tabled.

On motion of Senator Manning, **SB 243** was taken up for consideration and read by title only:

SB 243 — "An Act to amend Chapter 23, Title 29, Delaware Code relating to the use of the Great Seal."

Senator Manning moved that **SA 1 to SB 243** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Zimmerman — 17.

ABSENT: Senators Cook, duPont, Holloway, Steele — 4.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Manning moved for the passage of **SB 243 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Hale, Jarvis, Kearns, Manning — 5.

NO: Senators Adams, Castle, Cicione, Cordrey, Isaacs, Zimmerman — 6.

NOT VOTING: Senators Elliott, Hughes, Martin, McCullough, Murphy, Schlör — 6.

ABSENT: Senators Cook, duPont, Holloway, Steele — 4.

So the Bill, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering **HB 231** due to the absence of Senator Steele.

HB 231 — “An Act making a supplemental appropriation to the various divisions within the Department of Community Affairs and Economic Development, for operational expenses.”

At the request of Senator Hughes, the privilege of the floor was extended to Representative Sincock to speak on the Bill.

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

ABSENT: Senators Cook, duPont and Steele — 3.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Kearns, the roll call vote of **SB 149 w/ SA 1, 2, 3** was lifted and announced to be:

YES: Senators Adams, Berndt, Cicione, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators Castle, Cook, Cordrey, duPont, Hale, Manning — 6.

ABSENT: Senator Steele — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Isaacs (co-sponsors Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman) introduced **SR 77** and moved that it be adopted.

SR 77 — “Expressing Get Well wishes to Senator Dean C. Steele from his Senate colleagues.”

On the question, “Shall the Resolution be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

ABSENT: Senators Cook, duPont and Steele — 3.

So the Resolution, having received the required constitutional majority, was adopted.

At 5:42 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. May 30, 1973.

40TH LEGISLATIVE DAY

The Senate convened at 2:03 p.m., Wednesday, May 30, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 20.

ABSENT: Senator Steele — 1.

The Journal was approved as read.

The Secretary read the following message from the House:

5—29—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 276 w/ HA 2, 3; HB 302; HB 317; HB 321 w/ HA 2; HB 234; HB 187 w/ HA 1; HB 334 w/ HA 1, 2; HB 381; HB 432** and requests the concurrence of the Senate.

The House also passed **SB 200** and is returning same to the Senate.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SS 1 for SB 235 — 3 Merits; SB 300 — 3 Merits; SB 301 — 3 Merits; HB 46 — 1 Favorable, 2 Merits.**

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 215 — 1 Favorable, 4 Merits; HB 285 — 1 Favorable, 4 Merits; HB 8 — 2 Favorable, 3 Merits; HB 316 — 1 Favorable, 4 Merits.**

The Chair introduced the following House Bills:

HB 334 w/ HA 1, 2 — “An Act to amend Chapter 5, Chapter 7 and Chapter 13, Title 13 of the Delaware Code establishing civil and criminal actions concerning desertion and support and conferring exclusive original jurisdiction over all such actions upon the Family Court of the State of Delaware, conferring certain rights of appeal, and repealing certain other statutes.” Assigned to Judiciary and Elections Committee.

HB 187 w/ HA 1 — “An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporation Income Tax.” Assigned to Finance Committee.

HB 234 — “An Act to amend Title 11 of the Delaware Code, Chapter 34, relating to the Delaware Police Training

Program." Assigned to Public Safety Committee.

HB 276 w/ HA 2, 3 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the Board of Parole." Assigned to Judiciary and Elections Committee.

HB 302 — "An Act to amend Section 3923, Chapter 39, Title 10, Delaware Code, relating to recovery of damages from parents for malicious destruction of property by minors." Assigned to Judiciary and Elections Committee.

HB 317 — "An Act to amend Chapter 5, Title 1 of the Delaware Code relating to legal holidays, and designating November 11 as Veterans' Day." Assigned to Judiciary and Elections Committee.

HB 321 w/ HA 2 — "An Act to amend Chapter 54, Title 30, Delaware Code, to exempt volunteer fire companies from the Realty Transfer Tax." Assigned to Finance Committee.

HB 381 — "An Act to amend an Act entitled: "An Act to incorporate the town of Bethany Beach, and giving it authority to issue bonds." Assigned to Community Affairs Committee.

HB 432 — "An Act to amend Chapter 11, Title 30, Delaware Code, relating to the cancellation, abatement and refunding of income taxes of members of the Armed Forces on death." Assigned to Finance Committee.

Senator Jarvis introduced **SA 3 to SB 164**. Placed with the Bill.

Senator Isaacs introduced **SA 1 to SB 182**. Placed with the Bill.

Senator Cicione introduced **SA 1 to SB 271**. Placed with the Bill.

Senator Kearns introduced **SA 1 to SB 233**. Placed with the Bill.

Senator Hughes introduced **SA 4 to SB 164**. Placed with the Bill.

Senator Cicione introduced **SB 302**:

SB 302 — "An Act to amend Chapter 23, Title 7, Delaware Code, relating to commercial crabbing tributary waters." Assigned to Natural Resources and Environmental Control Committee.

Senator Cook(co-sponsor Senator Elliott) introduced **SB 303**:

SB 303 — "An Act to amend Title 5A of the Delaware Code relating to the Uniform Commercial Code by amending §9—404 thereof, relating to termination statements." Assigned to Administrative Services Committee.

Senator Isaacs introduced **SR 78** and moved that it be adopted.

SR 78 — "Providing an appropriation to the Executive Secretary of the Senate to finish out Fiscal Year 1973."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Zimmerman — 16.

ABSENT: Senators duPont, Hale, Manning, Schlör, Steele — 5.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Elliott (co-sponsors Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman) introduced **SR 79:**

SR 79 — "Expressing deepest sympathies of the Senate upon learning of the Death of Lorenzo B. Brittingham, former Sussex County Register in Chancery.

WHEREAS, the Senate of the 127th General Assembly was deeply saddened to learn of the death of Lorenzo B. Brittingham of Hitchens Crossroads, near Laurel; and

WHEREAS, Mr. Brittingham was actively involved in community affairs throughout his 81 years, serving his town, county and state with distinction; and

WHEREAS, Mr. Brittingham's greatest contribution was in the area of county government, serving from 1945—1953 as Sussex County Comptroller and from 1968—1972 as Sussex County Register in Chancery; and

WHEREAS, Lorenzo B. Brittingham also donated his time and energy as the Director of the Delaware State Fair and served on the State Forestry Commission for 4 years; and

WHEREAS, the community spirit of Mr. Brittingham also manifested itself in many other areas including his at-large membership on the Laurel Town Council, and his membership in Trinity United Methodist Church and the Broadneck Grange; and

WHEREAS, Lorenzo B. Brittingham was credited by many as being the man more responsible than any other for successfully promoting the candidacy of Delaware's great former Senator John M. Williams; and

WHEREAS, Lorenzo B. Brittingham will be deeply missed by his family, friends and co-workers.

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that the members convey their deepest condolences to the family of Lorenzo B. Brittingham, a devoted Sussex County public servant.

BE IT FURTHER RESOLVED that the text of this

Resolution be made a part of the Senate Journal of the 127th General Assembly and that copies be forwarded to Mr. Brittingham's son, Mr. Philip B. Brittingham of Laurel and two daughters, Mrs. Henry W. Chipman and Mrs. William L. Henry, also of Laurel."

* * * * *

Senator Elliott moved that the Resolution be adopted.

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Zimmerman — 17.

ABSENT: Senators duPont, Hale, Schlor, Steele — 4.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Elliott (co-sponsors Senators Holloway and Kearns) introduced **SR 80** and moved that it be adopted.

SR 80 — "Expressing the deep and sincere sympathy of the Senate to the family of the late Francis E.B. McCann, Sr."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Zimmerman — 17.

ABSENT: Senators duPont, Hale, Schlor, Steele — 4.

So the Resolution, having received the required constitutional majority, was adopted.

On motion of Senator Cicione, **HB 134 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 134 w/ HA 1, 2 — "An Act to amend Title 4 of the Delaware Code relating to alcoholic liquors."

At the request of Senator Cicione, the privilege of the floor was extended to Rufus W. Peckham, Jr., and Representative Billingsley, to speak on the Bill.

Senator Cicione moved that **SA 1 to HB 134 w/ HA 1, 2** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, duPont, Hughes, Kearns, Martin, McCullough, Schlor — 9.

NO: Senators Berndt, Elliott, Hale, Holloway, Isaacs, Jarvis, Martin, Murphy, Zimmerman — 9.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Manning and Steele — 2.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Adams, the Bill was tabled.

On motion of Senator Elliott, **HB 180** was taken up for consideration and read by title only:

HB 180 — "An Act to amend Chapter 33, Part III, Title 19 of the Delaware Code relating to unemployment compensation, and excluding real estate agents and real estate solicitors from its provisions."

Senator McCullough moved that final action on the Bill be deferred.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Zimmerman — 11.

NO: Senators Berndt, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 7.

ABSENT: Senators Castle, Schlör and Steele — 3.

So the motion, having received the required constitutional majority, prevailed and the Bill was deferred.

On motion of Senator Kearns, **HB 53** was taken up for consideration and read by title only:

HB 53 — "An Act relating to Terrence S. Truitt, deceased, a former active member of the Delaware State Police, and the eligibility of his widow and children for a pension."

On motion of Senator Kearns, the roll call vote on the Bill was tabled.

On motion of Senator Manning, **HB 254** was taken up for consideration and read by title only:

HB 254 — "An Act to provide for a uniform tax rate on properties in the Smyrna School District."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

ABSENT: Senators Cicione and Steele — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Jarvis, **SB 164** was taken up for consideration and read by title only:

SB 164 — "An Act establishing a Freedom of Information Act, requiring all meetings of the governing bodies of Municipalities, Counties, School Districts and all other Boards, Bureaus, Commissions or organizations supported wholly or in part by public funds to be open to any citizen of the State of Delaware; and all records of the Governing Bodies of Municipalities, Counties, and School Districts and all other

Boards, Bureaus, Commissions or organizations supported wholly or in part by public funds or expending public funds, shall be public and open to personal inspection by any citizen of the State of Delaware."

On motion of Senator Manning, **SA 1 to SB 164** which had been placed with the Bill, was stricken.

Senator Manning moved that **SA 2 to SB 164** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 17.

NO: Senator Cordrey — 1.

ABSENT: Senators Cicione, Holloway and Steele — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Jarvis introduced **SA 3 to SB 164** and moved that it be adopted.

At the request of Senator Jarvis, the privilege of the floor was extended to G. Thomas Sandback, to speak on the Amendment.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

ABSENT: Senators Cicione and Steele — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Hughes introduced **SA 4 to SB 164** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Manning, McCullough, Schlör — 10.

NO: Senators Berndt, Castle, duPont, Elliott, Holloway, Jarvis, Murphy, Zimmerman — 8.

NOT VOTING: Senator Martin — 1.

ABSENT: Senators Cicione and Steele — 2.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Elliott introduced **SA 5 to SB 164** and moved that consideration of the Amendment be deferred.

On motion of Senator Jarvis, final consideration of **SB 164 w/ SA 2, 3** was deferred.

At 5:58 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. May 31, 1973.

41ST LEGISLATIVE DAY

The Senate was called to order at 1:55 p.m. Thursday, May 31, 1973 by President Pro Tem Isaacs.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 20.

ABSENT: Senator Steele — 1.

The Journal was approved as read.

The Secretary read the following message from the House:
5-30-73

Mr. President:

The house wishes to inform the Senate that it has passed **HB 265; HB 275 HB 278; HB 322** and requests the concurrence of the Senate.

On motion of Senator Kearns, the roll call on **HB 53** was lifted and announced to be:

YES: Senators Cicione, Cook, Elliott, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senator duPont — 1.

NOT VOTING: Senators Adams, Berndt, Castle, Cordrey, Hale, Jarvis — 6.

ABSENT: Senators Hughes, Manning and Steele — 3.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **HB 318** — 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 302** — 1 Favorable, 3 Merits, **HB 276** — 4 Merits; **HB 334** — 4 Merits.

Senator Castle, introduced **SB 304**:

SB 304 — "An Act to provide a supplementary appropriation to the Department of Health and Social Services to be used for salary reimbursement for an employee of the Delaware State Hospital, Emily Crossland, R.N." Assigned to Finance Committee.

Senator Isaacs introduced **SB 305**:

SB 305 — "An Act to provide a supplementary appropriation to the Supreme Court for the purchase of **DELAWARE REPORTS**." Assigned to Finance Committee.

Senator Adams introduced **SA 2 to HB 134**. Placed with the Bill.

Senator Elliott introduced **SA 3 to HB 61**. Placed with the Bill.

Senator Cordrey (co-sponsor Senator Cook and Honorary co-sponsor Representative Derrickson) introduced **SJR 23**:

SJR 23 — "Directing the Secretary of the Department of Natural Resources and Environmental Control to provide for lifeguards and other facilities at Dewey Beach and Fenwick Island for the Summer 1973 Season." Assigned to Natural Resources and Environmental Control Committee.

Senator Cicione introduced **SA 1 to SB 106**. Placed with the Bill.

Senator Elliott introduced **SA 6 to SB 164**. Placed with the Bill.

The Chair introduced the following House Bills:

HB 278 — "An Act to amend Chapter 17 of Title 6 of the Delaware Code with reference to limited partnerships." Assigned to Judiciary and Elections Committee.

HB 275 — "An Act to amend Chapter 1, Title 8, Delaware Code, relating to the General Corporation Law." Assigned to Judiciary and Elections Committee.

HB 265 — "An Act to amend Title 10, Delaware Code, by amending Sections 3504(a) and 3904 thereof relating to certain suits, judgments and attachments by and against unincorporated associations including partnerships." Assigned to Judiciary and Elections Committee.

HB 322 — "An Act to amend Chapter 25, Title 24 of the Delaware Code establishing immunity to individuals serving on the Board of Pharmacy, and Committees of Pharmaceutical Societies." Assigned to Health and Social Services Committee.

Senator Adams, (co-sponsors Castle and Jarvis) introduced **SA 3 to HB 134** Placed with the Bill.

On motion of Senator Elliott, the roll call vote on **SB 195 w/ SA 1, 2, 3, 8, 9** which was tabled, was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

NO: Senator Cordrey — 1.

NOT VOTING: Senator Cicione — 1.

ABSENT: Senator Steele — 1.

So the Bill, having the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Holloway, **SB 243** which had been defeated in the Senate, was returned to the Calendar.

Senator Manning moved that the necessary rules be suspended to act on the House Bills which were on the Agenda of the previous day but which were passed over.

On the question, "Shall the motion prevail?", the roll call

vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Kearns, Manning, Martin, Murphy — 14.

NO: Senators duPont, Jarvis, McCullough, Zimmerman — 4.

ABSENT: Senators Holloway, Schlör, Steele — 3.

So the motion, having the required constitutional majority, prevailed.

On motion of Senator Elliott, **HB 180** was taken up for consideration and read by title only:

HB 180— “An Act to amend Chapter 33, Part III, Title 19 of the Delaware Code relating to unemployment compensation, and excluding real estate agents and real estate solicitors from its provisions.”

At the request of Senator Elliott, the privilege of the floor was extended to Representative Derrickson, to speak on the Bill.

Senator Zimmerman moved that final action on **HB 180** be deferred.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Cicione, McCullough, Murphy, Schlör, Zimmerman — 5.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin — 14.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senator Steele — 1.

So the motion, having failed to receive the required constitutional majority, was defeated.

At the request of Senator Cicione, the following communication was read into the record:

**STATE OF DELAWARE
DEPARTMENT OF LABOR**

Division of Unemployment Insurance

April 11, 1973

The Honorable Harry E. Derrickson

House of Representatives

Dover, Delaware

Dear Representative Derrickson:

This is in regard to House Bill 180 excluding real estate agents, who as individuals perform services for an employer solely by the way of commissions. This Department has no strong objections to this bill; however, we would like to make the following comments:

A. An employer-employee relationship exists between a real estate agent or solicitor because of the following circumstances:

1. A real estate agent or solicitor is employed by a specific

real estate agency and can sell real estate under the agency's name and in accordance with these specific instructions. His services therefore are directed and controlled by his employer.

2. The services of a real estate agent or solicitor are such as are usually performed by employees of a real estate agency in that he is soliciting sales of properties or other real estate.

3. Finally, an agent cannot perform independently as an employee of a Real Estate Agency. He cannot therefore be engaged in an occupation or profession of the same nature as that involved in services performed for the Real Estate Agency.

It should be remembered that an employer is required to pay the taxes due under the Federal Unemployment Tax Act. A credit can be taken for the amount paid to a State for unemployment compensation tax. To exempt the real estate agent or solicitor paid by commissions would prohibit the employer from receiving full credit against the Federal Unemployment Tax.

The insurance agent or solicitor presently exempted in subsection II (J) of Section 3302 is one who is engaged primarily in the sale of insurance to new policy holders and does not collect insurance premiums which are paid by the policy holder directly to the company. Such an agent usually has a wide and unrestricted area of permissible activities, and is possessed with knowledge of a considerable variety of insurance contracts and is qualified to advise prospective policy holders as to the best policies actual to their needs. He is therefore free from directive control by the company for whom he sells insurance.

We are deeply concerned that further exemptions may exclude deserving individuals from the receipt of unemployment insurance when laid off, i.e., if this were carried to the extreme — such as automobile salesmen, etc.

I bring this to your attention so that you may be aware of what can or may happen.

Very truly yours,

(Signed) J. Thomas Schranck,
Secretary

Senator Elliott moved for the passage of **HB 180**.

On further motion of Senator Elliott, the roll call vote on the Bill was tabled.

On motion of Senator Manning, **HB 161 w/ HA 1** was taken up for consideration and read by title only:

HB 161 w/ HA 1 — "An Act to amend Chapter 302, Volume 49, Laws of Delaware, as amended, entitled "An Act to incorporate the Town of Fenwick Island, Delaware", relating to elections; nominations to elective offices; qualifications of

voters and meetings of the Town Council.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 18.

NOT VOTING: Senators Cicione and McCullough — 2.

ABSENT: Senator Steele — 1.

So the Bill, having the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Manning, **HB 252 w/ HA 1** was taken up for consideration and read by title only:

HB 252 w/ HA1 — “An Act to amend an Act being Chapter 197, Volume 54, Laws of Delaware, as amended, entitled, “An Act revising the prior Charter of the City of Rehoboth Beach and establishing a new charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach” relating to the Alderman.”

At the request of Senator Manning, the privilege of the floor was granted to Representative Derrickson to speak on the Bill.

On motion of Senator Manning, the Bill was tabled.

On motion of Senator Manning, **HB 277** was taken up for consideration and read by title only:

HB 277 — “An Act to amend Chapter 588, Volume 58, Laws of Delaware, being an Act entitled “An Act to amend Chapter 209, Volume 57, Laws of Delaware being an Act entitled ‘An Act to reincorporate the City of Delaware City’ relating to borrowing power; bonded indebtedness; election qualifications; and providing for the office of a Vice-Mayor.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 18.

NO: Senator McCullough — 1.

ABSENT: Senators Jarvis and Steele — 2.

So the Bill, having the required constitutional majority, passed the Senate and was ordered back to the House.

Senator Cicione moved that the necessary rules be suspended to take up consideration of **HB 134 w/ HA 1, 2** which had been tabled.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, — 14.

NO: Senators Hale, Jarvis and McCullough — 3.

NOT VOTING: Senators Castle, Elliott and Zimmerman

— 3.

ABSENT: Senator Steele — 1.

So the motion, having the required constitutional majority, prevailed and the Bill was taken up for consideration.

Senator Adams introduced **SA 2 to HB 134 w/ HA 1, 2** and on his motion, the Amendment was immediately stricken.

Senator Adams introduced **SA 3 to HB 134 / HA 1, 2** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

NO: Senator Hale — 1.

ABSENT: Senator Steele — 1.

So the Amendment, having the required constitutional majority, was adopted.

Senator Hughes introduced **SA 4 to HB 134 w/ HA 1, 2** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Cook, Cordrey, duPont, Holloway, Hughes, Kearns, Manning, McCullough — 9.

NO: Senators Castle, Elliott, Hale, Isaacs, Jarvis, Murphy, Schlör, Zimmerman — 9.

NOT VOTING: Senator Berndt, — 1.

ABSENT: Senators Martin and Steele — 2.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Cicione moved that the Senate recess for a ten-minute period.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Cook, Cordrey, duPont, Holloway, Hughes, Kearns, McCullough — 8.

NO: Senators Adams, Berndt, Castle, Elliott, Hale, Isaacs, Jarvis, Manning, Murphy — 9.

NOT VOTING: Senators Schlör and Zimmerman — 2.

ABSENT: Senators Martin and Steele — 2.

So the motion, having failed to receive the required constitutional majority was defeated.

Senator Isaacs introduced **SA 5 to HB 134 / HA 1, 2** and on his motion, the Amendment was immediately stricken.

On motion of Senator Cicione, the Bill was then tabled.

On motion of Senator Manning, **HB 252 / HA 1** which had been tabled, was again taken up for consideration.

Senator Manning introduced **SA 1 to HB 252 / HA 1** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?" the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 20.

ABSENT: Senator Steele — 1.

So the Amendment, having the required constitutional majority, was adopted.

Senator Manning moved for the passage of **HB 252 w/ HA 1, SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör — 16.

NO: Senators Isaacs, McCullough and Zimmerman — 3.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senator Steele — 1.

So the Bill, having the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

On motion of Senator Castle, **SB 277** was taken up for consideration and read by title only:

SB 277 — "An Act to amend Chapter 92, Volume 23, Laws of Delaware, as amended by Chapter 572, Volume 57, Laws of Delaware, being "An Act to provide for the organization and control of the Public Schools of the City of Wilmington", relating to the membership of the Board of Public Education in the City of Wilmington.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

ABSENT: Senators Cicione and Steele — 2.

So the Bill, having the required constitutional majority, passed the Senate and was ordered to the House for Concurrence.

On motion of Senator Castle, **SB 38** which had previously passed the Senate, was taken up for reconsideration as further amended by **HA 1**.

On the question, "Shall the Bill (as so amended) pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns,

Manning, Martin, McCullough, Murphy, Schlor, Zimmerman — 19.

ABSENT: Senators duPont and Steele — 2.

So the Bill, having the required constitutional majority, passed the Senate.

On motion of Senator Zimmerman, **SB 265** was taken up for consideration and read by title only:

SB 265 — “An Act to amend Chapter 5, Subchapter 1, Title 9 of the Delaware Code, relating to Suburban Communities improvements with regard to streets.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Zimmerman — 19.

ABSENT: Senators Hughes and Steele — 2.

So the Bill, having the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Manning, **SB 264** was taken up for consideration and read by title only:

SB 264 — “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 the protection of physically handicapped persons.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlor, Zimmerman — 19.

ABSENT: Senators Martin and Steele — 2.

So the Bill, having the required constitutional majority, passed and was ordered back to the House for concurrence.

Senator Cook (co-sponsor Senator Isaacs) introduced **SCR 25**:

SCR 25 — “Providing the means to correct an improper and probably illegal agreement to purchase between the Division of Data Processing and Mohawk Data Sciences Corporation as reported to the General Assembly by Acting Secretary of Finance, Clifford B. Edwards, May 10, 1973.”

At the request of Senator Cook, the privilege of the floor was extended to Duane Olsen, Controller General, and Horace E. Bunting of the Central Data Processing Division to speak on the Resolution.

On motion of Senator Cook, the Resolution was tabled.

On motion of Senator Cicione, **HB 134 w/ HA 1, 2** which had been tabled, was again taken up for consideration.

Senator Cicione introduced **SA 6 to HB 134 w/ HA 1, 2** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Cordrey, duPont, Holloway, Hughes, Kearns, Manning, Schlör — 8.

NO: Senators Adams, Berndt, Hale, Isaacs, Jarvis, Martin, Murphy, Zimmerman — 8.

NOT VOTING: Senators Castle and McCullough — 2.

ABSENT: Senators Cook, Elliott and Steele — 3.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Isaacs introduced **SA 7 to HB 134 w/ HA 1, 2** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Zimmerman — 16.

NO: Senators duPont and Murphy — 2.

ABSENT: Senators Cook, Elliott, Steele — 3.

So the Amendment, having the required constitutional majority, was adopted.

Senator Hughes introduced **SA 8 to HB 134 w/ HA 1, 2** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicione, Cook, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlör, Zimmerman — 16.

NO: Senators Adams and Cordrey — 2.

ABSENT: Senators Elliott, Martin and Steele — 3.

So the Amendment, having the required constitutional majority, was adopted.

Senator Cicione moved for passage of **HB 134 w/ HA 1, 2, SA 3, 7, 8**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicione, Cook, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlör, Zimmerman — 15.

NO: Senators Adams and Cordrey — 2.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Elliott, Martin and Steele — 3.

So the Bill, having the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendments.

On motion of Senator Manning, **SB 229** was taken up for consideration and read by title only:

SB 229 — "An Act to amend Chapter 35, Title 24 of the Delaware Code and Chapter 380, Volume 58, Laws of Delaware, relating to the general requirements for the licensing of Psychologist, and increasing funds previously appropriated."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, McCullough, Murphy, Schlör, Zimmerman — 16.

NOT VOTING: Senators Castle and Isaacs — 2.

ABSENT: Senators Cicione, Martin and Steele — 3.

So the Bill, having the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, **SB 257** was taken up for consideration and read by title only:

SB 257 - "An Act to establish a Delaware Deepwater Oil Terminal Committee, and providing an appropriation therefore."

Senator Zimmerman moved that **SA 2** to the Bill, which had been placed with the Bill, now be adopted.

At the request of Senator Zimmerman, the privilege of the floor was extended to Myron Steele, Senate Attorney and William J. Miller, Jr., representing Delaware River and Bay Authority, to speak on the Amendment.

Senator Zimmerman moved that the roll call vote on the adoption of the Amendment be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman - 12.

NO: Senators Berndt, duPont, Hale, Hughes, Jarvis, Manning - 6.

NOT VOTING: Senator Castle - 1.

ABSENT: Senators Cicione and Steele - 2.

So the motion, having received the required constitutional majority, prevailed and the roll call vote on the Amendment was tabled.

At the request of Senator Murphy, the following communication was read into the record:

ENVIRONMENTAL COMMITTEE OF COMMON CAUSE OF DELAWARE

May 25, 1973

The Honorable Sherman W. Tribbitt
Governor of the State of Delaware
Dear Governor Tribbitt:

SUPERPORT

In view of your announced opposition to superports in or

near Delaware waters, we hope you will be in agreement with the four steps recommended in the enclosed advanced copy of our letter to the editor "Too Early for an Oil Port Feasibility Study", and that you are in a position to implement the recommendations. If I or our Committee can be of help in the implementation, we would be pleased to be asked.

We congratulate you on your excellent Environmental Message to the General Assembly, and on your forceful statement on February 26 to a sub-committee of the Senate's Interior Committee with your presentation of the "landside impacts of a superport in Delaware".

Yours for a livable world,

(Signed) Ernest W. Thorn,
Co-Chairman

* * * * *

104 Cambridge Drive
Wilmington, Delaware
May 23, 1973

Mr. John G. Craig, Jr.
Vice President & Executive Editor
The Evening Journal
Wilmington, Delaware
To the Editor:

Too Early for an Oil Port Feasibility Study

We, the Environmental Committee of Common Cause of Delaware, commend you for your editorial of May 17 with its excellent reasons for deferring action on Senator Robert J. Berndt's SB 257 requesting \$97,000 for a "Phase II" study of the merits and methods of constructing a state-owned oil port in the Bay. For current meaningful action, our Committee recommends the following four steps to the General Assembly and to Governor Sherman W. Tribbitt:

1). Establishment of a complete program to regulate lightering activities as called for in SB 219 and HB 274, with modifications to:

A). insure the use of oil spill containment devices during lightering operations;

B). strengthen the private property owner's right to recover both direct and indirect damages incurred from spilled oil, along the lines called for in the Florida Oil Spill and Pollution Act, including unlimited liability.

2). Establishment of a joint regional committee for Delaware, New Jersey and New York, at Delaware's invitation, to determine the optimum location or locations - if absolutely needed - of oil ports from both environmental and economic viewpoints.

3). Passage of a resolution urging President Nixon and our Congressmen to establish a high priority agency to implement the energy conservation measures that the President's Office of Emergency Preparedness has reported could reduce our oil im-

ports by the year 1980 by over 7 million barrels a day. This would result in a 57% reduction in oil imports and, equally important, an international balance of payments savings of \$11 billion annually. As a significant start toward nationwide energy conservation, the President and Congress should effect the following changes:

A). turn around the utility rate structure to encourage conservation by large users;

B). place a tax on the horse-power of our automobiles.

4). Passage of a resolution urging President Nixon and our Congressmen to establish as a top national priority the development and production of alternate domestic sources of clean energy, as called for in Senator Henry M. Jackson's bill S. 1283 "National Energy Research & Development Policy Act of 1973". S. 1283 desirably provides for expenditures of up to \$4 billion over five years. Among other things, it provides initially for five development corporations which appear to be heavily weighted toward fossil fuels. We urge the addition of a sixth development corporation for solar energy.

Our Environmental Committee considers it fiscally irresponsible to rely on increased oil imports at a time when the U.S. dollar faces threats of continuing devaluation. A reduction in nationwide energy consumption and a substitution of domestic sources of energy will alleviate the pressures on the dollar. Furthermore, in the interest of environmental protection itself, our Committee believes that these steps, properly taken, will very probably eliminate the necessity for an oil port in the Delaware Bay or off Delaware's shores.

Sincerely yours,

(signed) Ernest W. Thorn,

Co-Chairman

* * * * *

At the request of Senator Elliott, the following communication was read into the record:

THE DELAWARE RIVER AND BAY AUTHORITY

May 25, 1973

Senator David H. Elliott

Dover, Delaware 19901

Dear Senator Elliott:

This letter relates to our May 25, 1973 conversation concerning Senate Bill 257 now under consideration by the Delaware State Senate. It is my understanding that Senate Bill 257 would appropriate funds and authorize a study to determine whether or not a terminal should be built in the Delaware River or Bay.

In this regard, I would like to call to your attention the provisions contained in the Delaware-New Jersey Compact approved by the Congress in 1963 after the States of Delaware and New Jersey established the Delaware River and Bay Authority for the development of the area in both States bordering the

said Delaware River and Bay.

Article IV entitled ESTABLISHMENT OF AGENCY; PURPOSES reads as follows:

The two States agree that there shall be created and they do hereby create a body politic, to be known as "The Delaware River and Bay Authority" (for brevity hereinafter referred to as the "Authority"), which shall constitute an agency of government of the State of Delaware and the State of New Jersey for the following general public purposes, and which shall be deemed to be exercising essential governmental functions in effectuating such purposes, to wit:

(b) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any transportation or terminal facility within those areas of both States which border on or are adjacent to the Delaware River or Bay south of the aforesaid line and which in the judgment of the States is required for the sound economic development of the area; and

(c) The performance of such other functions as may be hereafter entrusted to the Authority by concurrent legislation expressly in implementation hereof.

The Authority shall not undertake any project or part thereof, other than a crossing, without having first secured approval thereof by concurrent legislation of the two States expressly in implementation hereof.

It is the opinion of the members of the Authority that the planning, financing, development, construction and operation of any transportation or terminal facility including the regulation and control of petroleum transfer operations in the Delaware River and Delaware Bay is a regional problem and should, under the terms of the Bi-State Compact between the States of Delaware and New Jersey, be the sole responsibility of the Delaware River and Bay Authority.

Very truly yours,

(Signed) William J. Miller, Jr.

Director

* * * * *

At the request of Senator Elliott, the privilege of the floor was extended to William J. Miller, Jr., to speak on the Bill.

Senator Berndt moved for the passage of **SB 257**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, duPont, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Schlor — 12.

NO: Senators Castle, Cordrey, Elliott, Jarvis, Martin, McCullough, Murphy, Zimmerman — 8.

ABSENT: Senator Steele — 1.

So the Bill, having received the required constitutional

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

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **SJR 23** — 3 Favorable, 1 Merits.

Senator Isaacs introduced **SR 81**:

SR 8 — "To debit Senate Travel Account for legislators' mileage of the present session of the 127th General Assembly."

Senator Isaacs moved that the Resolution be adopted.

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 18.

NO: Senator McCullough — 1.

ABSENT: Senators Elliott and Steele — 2.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Isaacs introduced **SR 82** and moved that it be adopted.

SR 82 — "Authorizing payments for services rendered by the staff of the Senate for the 127th General Assembly."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 17.

NO: Senator McCullough — 1.

ABSENT: Senators Cicione, Elliott and Steele — 3.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Cook (co-sponsor Senator Isaacs) introduced **SB 306**:

SB 306 — "An Act to provide the means to correct an improper and probably illegal agreement to purchase between the Division of Data Processing and Mohawk Data Sciences Corporation."

At the request of Senator Cook, the necessary rules were suspended for the purpose of considering the Bill.

Therefore, on the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 15.

NO: Senators Castle and Jarvis — 2.

NOT VOTING: Senators duPont and Hale — 2.

ABSENT: Senators Elliott and Steele — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for

concurrence.

Senator Schlör moved that the Senate recess for a ten-minute period.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Berndt, Castle, duPont, Hale, Hughes, Jarvis, Manning — 7.

ABSENT: Senators Elliott and Steele — 2.

So the motion prevailed and at 7:10 p.m. the Senate recessed for a short time.

The Senate reconvened at 7:34 p.m.

Senator Hughes moved that the Senate recess until Tuesday, June 5, 1973.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Hughes, Manning — 4.

NO: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 12.

ABSENT: Senators duPont, Hale, Jarvis, McCullough, Steele — 5.

So the motion, having failed to receive the required constitutional majority, was defeated.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 278** — 4 Merits; **HB 275** — 4 Merits; **HB 265** — 4 Merits; **SB 294** — 1 Favorable, 3 Merits.

Senator Elliott (co-sponsor Senator Holloway) introduced **SR 83** and moved that it be adopted.

SR 83 — "Expressing shock and indignation over the apparent murder of Sheree Lynn Wilson and extending condolences to her family and friends."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 16.

ABSENT: Senators duPont, Hale, Jarvis, McCullough and Steele — 5.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Holloway introduced **SS 1 for SB 45** and on his motion, was adopted in lieu of the Original.

Senator Holloway introduced **SCR 26**:

SCR 26 — "Memorializing the Delaware Congressional Delegation to support House Resolution 8024, concerning the

rights of persons to be appraised of records being kept on them."

Senator Berndt moved that **SCR 26** be put into Committee.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Hughes — 5.

NO: Senators Cicone, Cordrey, Elliott, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 11.

ABSENT: Senators duPont, Hale, Jarvis, McCullough and Steele — 5.

So the motion, having failed to receive the required constitutional majority, was defeated.

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicone, Cook, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Elliott and Hughes — 2.

NOT VOTING: Senators Berndt, Castle, Cordrey — 3.

ABSENT: Senators duPont, Hale, Jarvis, McCullough, Steele — 5.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

At 7:58 p.m., on motion of Senator Cook, the Senate recessed until 1:30 p.m. June 5, 1973.

The Senate reconvened at 2:03 p.m., Tuesday, June 5, 1973, Lt. Governor Bookhammer presiding.

Senator Isaacs introduced **SA 1 to SB 250**. Placed with the Bill.

Senator Holloway introduced **SA 1 to SB 255**. Placed with the Bill.

Senator Zimmerman introduced **SA 2, SA 3 to HB 120**. Both Amendments placed with the Bill.

Senator Cook introduced **SA 1 to SS 1 for SB 219**. Placed with the Bill.

Senator Martin introduced **SJR 24**:

SJR 24 — "Urging the Department of Public Instruction to establish a course in Delaware History and Government in each High School in this State." Assigned to Education Committee.

Senator Murphy introduced **SB 307**:

SB 307 — "An Act providing for an additional discretionary disposition following adjudication of delinquency in the Family Court relating to driver's licenses and insurance." Assigned to Judiciary and Elections Committee.

Senator Berndt (co-sponsor Senator Holloway) introduced **SB 308**:

SB 308 — "An Act to amend Chapter 21, Title 25,

Delaware Code, relating to mortgages and other instruments securing optional future advances and to accord lien priority to such mortgages and other instruments." Assigned to Judiciary and Elections Committee.

Senator Kearns (co-sponsor Senator Schlör) introduced **SB 309**:

SB 309 — "An Act creating "The Court of Common Pleas for the State of Delaware": prescribing the powers and jurisdiction of said Court: providing for the appointment, number and term of the Judges of said Court, and the salaries and payment of the judges and other officers and employees' of said Court: providing for a seal and rules: providing for the service of process and trial procedures in civil and criminal cases: providing for the transfer of certain causes from the Superior Court to the Court of Common Pleas: providing for the validity of certain judgements which may exceed the jurisdiction of the Court: providing for the disposition of pending cases in the Courts of Common pleas for the respective Counties: repealing Chapter 13, 15 and 16 of Title 10, Chapters 53, 55 and 56 of Title 11, Delaware Code of 1953, amending section 2701 of Title 11, Delaware Code of 1953; preserving employee rights, and transferring appropriations." Assigned to Judiciary and Elections Committee.

Senator Cordrey (honorary co-sponsor Representative Derrickson) introduced **SB 310**:

SB 310 — "An Act to authorize the Division of Highways to install a traffic light at the intersection of Route 26 and 84 in Cedar Neck, Sussex County and appropriating the necessary funds for the installation thereof." Assigned to Highways, Transportation and Insurance Committee.

Senator Kearns introduced **SB 311**:

SB 311 — "An Act providing for the franchising and regulation of new and existing cable communications systems or community antenna television systems by county governments and providing for use of public ways and condemnation of private and public lands and waterways for easement purposes, criminal penalties, judicial review and enforcement." Assigned to Judiciary and Elections Committee.

Senator Hughes introduced **SCR 27**:

SCR 27 — "Requesting the Attorney General of the State of Delaware to conduct an investigation into the alleged misuse of funds by Geriatric Services of Delaware, Inc."

Senator Zimmerman moved that **SCR 27** be deferred.

Senator Hughes moved that the roll call on the motion to defer action on the Resolution be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, duPont, Elliott, Hale,

Hughes, Jarvis, Manning, Steele — 9.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

So the motion, having failed to receive the required constitutional majority, was defeated.

Therefore the roll call vote on the motion to defer action on the Resolution was announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, duPont, Hale, Hughes, Jarvis, Manning, Steele — 7.

NOT VOTING: Senators Castle, Elliott, Isaacs — 3.

So the motion, having received the required constitutional majority, prevailed and **SCR 27** was deferred.

At 2:18 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 42nd Day.

42ND LEGISLATIVE DAY

The Senate convened at 2:18 p.m., Tuesday, June 5, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:
5—31—73

Mr. President:

The House wishes to inform the Senate that it has passed **SB 306; SB 24** and is returning same to the Senate.

The Secretary announced that Legislative Advisories received from the Office of the Governor indicated that the Governor approved the following legislation:

SB 2 w/ SA 1, HA 3 — 1-31-73; HCR 3 — 3-9-73; SB 34 — 3-13-73; SCR 2 — 3-16-73; SCR 3 — 3-16-73; SCR 4 — 3-16-73; SCR 5 — 3-16-73; SCR 6 — 3-16-73; SCR 9 — 3-16-73; HCR 2 — 3-20-73; SB 100 w/ HA 1 — 3-20-73; HB 20 — 3-22-73; SB 33 w/ SA 1 — 3-29-73; SB 37 — 3-29-73; SB 3 — 3-29-73; HJR 4 — 3-29-73; SCR 8 — 4-2-73; HB 54 — 4-3-73; SB 59 — 4-4-73; SB 21 — 4-6-73; SJR 5 — 4-6-73; SS1 for SJR 6 — 4-6-73; HCR 1 w/ HA 1, 2 — 4-6-73; HCR 5 — 4-6-73; HCR 7 — 4-10-73; HB 142 — 4-10-73; HB 75 w/ HA 1 — 4-11-73; HB 162 w/ HA 1, 2, 4 — 4-

12-73; **HB 39 w/ HA 1, 2** — 4-12-73; **HB 85** — 4-12-73; **HB 99 w/ HA 1** — 4-12-73; **SCR 10** — 4-12-73; **HB 140 w/ HA 1** — 4-13-73; **HB 77** — 4-16-73; **HB 96 w/ HA 1** — 4-16-73; **SJR 10** — 4-17-73; **HJR 6** — 4-17-73; **HJR 2** — 4-18-73; **SB 117** — 4-19-73; **SS 1 for SB 29** — 4-19-73; **SB 18 w/ HA 1** — 4-19-73; **SB 42** — 4-19-73; **HB 130** — 4-19-73; **HCR 10** — 4-19-73; **HB 221** — 4-19-73; **SB 95** — 4-25-73; **SJR 14** — 4-25-73; **SB 121** — 4-26-73; **SB 25** — 4-26-73; **SB 14 w/ HA 1** — 4-26-73; **HS 1 for HB 104** — 4-26-73; cr 9 — 4-26-73; **HB 131** — 4-26-73; **HB 172** — 4-26-73; **HB 133** — 4-26-73; **HB 222** — 4-27-73; **B 236 w/ HA 1** — 4-28-73; **HS 1 for HB 1** — 4-30-73; **SB 173** — 5-1-73; **SB 57** — 5-1-73; **HB 68** — 5-2-73; **HB 152** — 5-2-73; **HCR 8** — 5-2-73; **HB 112 w/ HA 1, 3, 4, 5** — 5-1-73; **SJR 13** — 5-7-73; **HCR 14** — 5-10-73; **SB 187** — 5-11-73; **HB 228** — 5-11-73; **HB 170 w/ HA 1** — 5-14-73; **HB 210** — 5-14-73; **SB 13 w/ SA 1** — 5-15-73; **SJR 3** — 5-15-73; **HJR 10** — 5-15-73; **HCR 12** — 5-15-73; **HB 182** — 5-15-73; **HJR 12** — 5-17-73; **SB 225 w/ SA 1, HA 1** — 5-17-73; **SCR 20** — 5-17-73; **HB 230 w/ HA 1** — 5-17-73; **HB 238 w/ HA 1** — 5-17-73; **HB 191 w/ SA 1** — 5-18-73; **HS 2 for HB 26 w/ HA 1, SA 1** — 5-21-73; **HS 2 for HB 6 w/ HA 1** — 5-21-73; **SB 4** — 5-21-73; **SB 92 w/ HA 1** — 5-21-73; **SCR 18** — 5-24-73; **HJR 7** — 5-24-73; **SB 209** — 5-29-73; **SB 120 w/ SA 1** — 5-29-73; **HB 202** — 5-29-73; **HB 196** — 5-31-73.

The Governor vetoed **SB 72 w/ SA 1** on 4-25-73; and **SB 162** and **SB 16 w/ SA 2** became law without the Governor's signature.

* * * * *

At the request of Senator Murphy **SB 208** was stricken.

On motion of Senator Hughes, **HB 120 w/ SA 1** which had been deferred, was again taken up for consideration.

At the request of Senator Zimmerman, **SA 2 to HB 120** was stricken.

Senator Zimmerman introduced **SA 3 to HB 120** and moved that it be adopted.

At the request of Senator Zimmerman, the privilege of the floor was extended to Bernard S. Dempsey to speak on the Amendment.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NO: Senators duPont and Hale — 2.

NOT VOTING: Senators Elliott and Isaacs — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Hughes moved for the passage of **HB 120 w/ SA 1, 3.**

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendments.

On motion of Senator Cicione, **HB 123 w/ HA 1** was taken up for consideration and read by title only:

HB 123 w/ HA 1 — "An Act to amend Chapters 5, 11, 13, 15 and 49 of Title 18, Delaware Code, relating to insurance company investments, deposits, and certain procedures."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator duPont — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Elliott, **SB 122** was taken up for consideration and read by title only:

SB 122 — "An Act to amend Subchapter 1 of Chapter 21, Title 21, Delaware Code, relating to the registration of foreign vehicles by non-residents."

At the request of Senator Elliott, the following communication was read and made part of the record:

DELAWARE MOTOR TRANSPORT ASSOCIATION, INC.

The Honorable David H. Elliott, Senator
Dover, Delaware

April 2, 1973

My dear Senator Elliott,

The Legislative Committee of the Delaware Motor Transport Association, Inc. directed the undersigned to advise you of their support of Senator Bill 122 which you recently introduced in the Senate.

Surrounding states have such a law and it has put Delaware based truckers at a distinct disadvantage in competing for business in those states. At the same time, truckers from those states have had a free ride in Delaware low these many years.

It is difficult to estimate how much added revenue this will mean for Delaware but it is reasonable to assume it will mean some.

Thank you for your continued support of such legislation. If our Association can be of any assistance to in the future, please do not hesitate to contact the undersigned.

Sincerely,
(Signed) W. H. Nick McFadden
General Manager

* * * * *

At the request of Senator Elliott, the privilege of the floor was extended to the Motor Commissioner.

Senator Elliott moved that **SA 1 to SB 122** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?" the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Manning — 1.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Elliott, final consideration of the Bill was deferred.

On motion of Senator duPont, the roll call vote on **SB 179** which had been tabled, was rescinded.

Senator duPont introduced **SA 1 to SB 179** and moved that it be adopted.

On motion of Senator duPont, the roll call vote on the Amendment was tabled.

On motion of Senator Cicione, **SS 1 for SB 155** which had been deferred was again taken up for consideration.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NO: Senator Jarvis — 1.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Cook and Elliott — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cicione, **SB 250** was taken up for consideration and read by title only:

SB 250 — “An Act to amend § 4185 Chapter 41, Title 21, Delaware Code, relating to vehicles following ambulances or rescue squads.”

Senator Cicione introduced **SA 1** and moved that it be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 18.

ABSENT: Senators Cook, Elliott and Zimmerman — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Cicione moved for the passage of **SB 250 w/ SA 1**.

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 17.

ABSENT: Senators Cook, Elliott, Hale and Zimmerman — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Schlör, **SB 148** was taken up for consideration and read by title only:

SB 148—“An Act to amend Chapter 43, Part 111, Title 31 of the Delaware Code relating to the Wilmington Housing Authority.”

At 3:46 p.m., on motion of Senator Isaacs, the Senate took a ten-minute recess.

The Senate reconvened at 4:11 p.m., President Pro Tem Isaacs presiding.

At the request of Senator Schlör, the privilege of the floor was extended to Thomas Shiels, of Legislative Council, to speak on the Bill.

Senator Schlör moved the roll call vote on the passage of the Bill be tabled.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Castle, duPont, Hale, Hughes, Jarvis, Manning, McCullough, Steele — 9.

NOT VOTING: Senator Elliott — 1.

So the motion, having received the required constitutional

majority, prevailed and the roll call vote on the Bill was tabled.

On motion of Senator Manning, **HB 249 w/ HA 1** was taken up for consideration and read by title only:

HB 249 w/ HA 1 — "An Act to amend Chapter 159, Volume 43, Laws of Delaware, entitled: Act changing the corporate name of "The Commissioners of Camden" to "The Town of Camden" and establishing a charter therefor."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Hughes — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Hale, **SB 258** was taken up for consideration and read by title only:

SB 258 — "An Act authorizing the transfer of local funds previously approved for purchase of Gauger Middle School Site to be expended for the repayment to the advanced land acquisition fund for the purchase of the Glasgow High School Site,"

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 18.

NO: Senator McCullough — 1.

ABSENT: Senators Cicione and Hughes — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hale **HB 34 w/ HA 1** was taken up for consideration and read by title only:

HB 34 w/ HA 1 — "An Act to amend Chapter 1, Chapter 27 and Chapter 21, Title 14 of the Delaware Code relating to education; and providing for the deletion of certain obsolete sections pertaining to the conduct of schools."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Hughes — 2.

So the Bill, having received the required constitutional

majority, passed the Senate and was ordered back to the House.

On motion of Senator Hale, **SB 124** was taken up for consideration and read by title only:

SB 124 — “An Act to amend Title 29 of the Delaware Code by adding a new chapter providing for the more effectual regulation of the conduct of officers and employees of the the State of Delaware, establikshing standards therefore, and providing for disciplinary action and criminal penalties for violation thereof.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Manning, Martin, Steele — 11.

NO: Senator McCullough — 1.

NOT VOTING: Senators Adams, Cook, Cordrey, Isaacs, Kearns, Murphy, Schlör, Zimmerman — 8.

ABSENT: Senator Cicione — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On Motion of Senator Manning, **SB 1** consideration of which had been deferred, was again taken up for consideration.

At the request of Senator Zimmerman the following Statement was read and made part of the record:

May 23, 1973

TO THE MEMBERS OF THE DELAWARE GENERAL ASSEMBLY

The attached statement voices our opposition to the revision of the Delaware State Constitution as presently proposed.

We urge that a new “first leg” be enacted which would correct the defects discussed within.

The second leg could then be passed in 1975.

The delay of approximately 18 months in modifying a constitution under which we have lived for 76 years, is a small price to pay compared to the grave problems created by the presently proposed constitutional revisions.

SIDNEY BALICK, Esq.

JAMES F. KIPP, Esq.

ALFRED J. LINDH, Esq.

ARLEN B. MEKLER, Esq.

KARL J. PARRISH, Esq.

RICHARD ALLEN PAUL, Esq.

LOUIS L. REDDING, Esq.

JOSEPH A. ROSENTHAL, Esq.

CARL SCHNEE, Esq.

HENRY A. WISE, JR., Esq

We oppose the proposed Amendment to the Delaware Constitution which would reduce the jury from 12 to 6 in all criminal cases, except capital cases. We urge the Delaware General Assembly to vote down this radical proposal for the following reasons:

Trial by Jury of Twelve has been one of the fundamental institutions of this country since it was founded. Before that, it was one of the fundamental guarantees of English liberty.

Jury trial was no less expensive or time consuming hundreds of years ago than it is today. Yet Anglo/American law has always considered it indispensable. In fact, it is indispensable to make meaningful the rule that a man accused of crime must be proved guilty beyond a reasonable doubt.

The smaller the number of people on the jury, the smaller the chance that one or more persons will find a reasonable doubt of the defendant's guilt. Requiring the unanimous verdict of 12 people that a man is guilty beyond a reasonable doubt is a practical and long proven way to insure individual liberty.

The 6 member jury is a novel experiment favored by certain theoreticians. It is unjustified to experiment with this fundamental institution of American and English liberty when in fact the traditional jury system works as well today as it did hundreds of years ago.

The number 12 is important for many reasons. It is rooted in ancient Judeo-Christian and Western culture. It is seen in the 12 tribes of Israel, the 12 Apostles and the 12 month calendar, as well as the ancient custom of the 12 member jury. Since the jury represents the conscience of the community, it should not be reduced in number to make it less representative. Long tradition and experience indicate that this is the appropriate number to fairly represent the diversity of the community.

No one wants to see a man accused of crime be found guilty unless his guilt is established beyond a reasonable doubt. For centuries, this standard has been effectively insured by requiring a unanimous verdict of 12 jurors. If even one juror believes there is a reasonable doubt there may be no conviction. By reducing the jury from 12 to 6 members, we would reduce from 1/12 to 1/6 the likelihood that at least one juror will see that a reasonable doubt exists. It is not unknown for the first vote of a jury to be 11 to 1 for conviction and the second vote to be 12-0 for acquittal because one juror clearly sees something important which the others at first miss.

The dissatisfaction of some with the criminal justice system is not directed at the jury. No one has claimed that our juries, who, after all, are the people, are "soft on crime". To the extent that remedies are needed, they are needed elsewhere in the judicial system. We should not tamper with the one institution where the people have a direct voice — the American jury.

Some argue the dubious proposition that the 6-member jury will save money. In fact, the entire cost of administering criminal justice is a modest part of the State budget and the cost of the jury a smaller part of this cost. And because of general administrative costs, the 6-member jury is still no great saving over the 12-member jury. More importantly, reducing jury size to save costs would be like limiting medical attention to reduce hospital costs.

Some will argue that there is no magic in the number 12. However, once the 12-member jury is abandoned, the theoreticians may next decide to eliminate the remaining 6 jurors. Then the administration of criminal justice will be removed completely from the hands of the people and placed wholly in the hands of appointed and elected political officials. This is a dangerous course. We oppose it.

We also believe that the proposed Amendment to the Constitution are defective for failure to guarantee the right to a preliminary hearing for the following reasons:

The proposed Constitutional Amendment would also eliminate the need for indictment by Grand Jury in serious criminal cases and in its stead permit the Attorney General, an elected political official, to lodge charges against anyone without the need to show probable cause that a crime has been committed.

The person charged by the Attorney General may then be arrested, held either in jail or on bail, if he can make bail until his trial is held, perhaps many months later. This procedure opens the door to terrible abuse, especially where the charges are politically inspired. An Attorney General of one political party might be persuaded that certain political activities of persons of another political party violate a law. He could charge such person with a crime and cause him to be immediately arrested and jailed. Yet, no Grand Jury and no judicial official would have any right to decide whether there was even a reasonable basis to believe that the person to be arrested might be guilty. The unfortunate defendant who might require months of time and considerable expense to prepare a defense and secure witnesses would have no opportunity to show that the charge was absolutely baseless until trial. Much, if not all the damage to his reputation, his finances and his liberty would have already been done.

The Attorney General should be required to sign a complaint based upon his investigation of the facts alleged, setting forth probable cause to believe that an offense has been committed and secure the approval of a judicial officer before he may file charges against a presumptively innocent citizen.

When arrested for a serious charge, a person should have the right to demand a Preliminary Hearing in accordance with the traditional American legal practice of requiring the At-

torney General to produce sufficient evidence that there is a reasonable basis (probable cause) for holding him for trial. All experienced trial lawyers and judges know that preliminary hearings have the desirable effect of eliminating baseless criminal charges at an early stage before greater harm is done the accused.

Concomitant with the abolition of the Grand Jury should be the elevation of a Preliminary Hearing into a protected constitutional right. The case of **Coleman v. Alabama** 399 US 1 (1970) while not establishing the right to a preliminary hearing as a matter of due process of law, certainly indicated its very important procedural function in the criminal justice system. The Supreme Court recognized the defendant's right to an attorney at preliminary hearing.

The undersigned Delaware trial attorneys are concerned with prospective Amendments to the Delaware State Constitution which, along with many desirable changes, would have the unfortunate effect of emasculating our jury system in criminal cases and would open the door to unwarranted trials of persons charged for politically inspired purposes and on insufficient grounds.

Sidney Balick, Esq.
James F. Kipp, Esq.
Alfred J. Lindh, Esq.
Arlen B. Mekler, Esq.
Karl J. Parrish, Esq.
Richard Allen Paul, Esq.
Louis L. Redding, Esq.
Joseph A. Rosenthal, Esq.
Carl Schnee, Esq.
Henry A. Wise, Jr., Esq.

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At the request of Senator Manning, the following communication was read into the record:

DELAWARE STATE BAR ASSOCIATION

June 1, 1973

The Honorable Margaret R. Manning
Dover, Delaware 19901

Dear Senator Manning:

The Morning News for Friday, May 25, 1973 (page 25) contains a story about the opposition of ten "New Castle County trial lawyers" to certain provisions of the proposed new Constitution for the State of Delaware (S.B. 1). I trust that the members of the Legislature are aware of the fact that the Delaware State Bar Association at two of its regularly scheduled meetings endorsed by a large majority the proposed new State Constitution.

During the administration of Edmund N. Carpenter, II, as President of the Delaware State Bar Association he appointed a special committee to study and report on the new Constitution. This Committee made its report to the regular meeting of the Association on February 24, 1973 and after considerable debate it approved (by a large majority) the new Constitution and recommended its adoption by the General Assembly.

After the passage of the proposed new Constitution for the State of Delaware by the 126th General Assembly Senate Bill 1 was introduced into the 127th General Assembly. At the meeting of the Delaware State Bar Association held on January 25, 1973 after an interim report of the Long Range Courts Planning Committee a motion was made to again go on record in favor of the proposed new Constitution of the State of Delaware incorporated in Senate Bill 1. A motion was made to table this resolution in support of the revised Constitution and this Motion to table was defeated by a very substantial majority. Following the defeat of the motion to table, the resolution in favor of the proposed new Constitution for the State of Delaware was adopted by a very substantial majority.

I believe this action of the Delaware State Bar Association at its regular meetings on two separate occasions should clearly demonstrate that the lawyers listed in the Morning News story of May 25 in opposition to the new Constitution clearly express the viewpoint of a very small minority.

Respectfully,
(Signed) William Poole

Senator Zimmerman moved that **SA 4 to SB 1** which had been placed with the Bill, now be adopted.

On motion of Senator Zimmerman, the roll call vote on the adoption of **SA 4** was tabled.

Senator Zimmerman moved that **SA 3 to SB 1** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Isaacs, Kearns, Murphy, Zimmerman — 4.

NO: Senators Adams, Berndt, Castle, Cordrey, duPont, Hale, Manning, McCullough, Steele — 9.

NOT VOTING: Senators Cook, Elliott, Martin, Schlor — 4.

ABSENT: Senators Cicione, Holloway, Hughes and Jarvis — 4.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Kearns moved that **SA 7 to SB 1**, which had been placed with the Bill, now be adopted.

On motion of Senator Kearns, the roll call vote on the adoption of the Amendment was tabled.

Senator Elliott moved that **SA 6 to SB 1**, which had been placed with the Bill, now be adopted.

On motion of Senator Elliott, the roll call vote on adoption of the Amendment was tabled.

On motion of Senator Kearns, the roll call vote on **SA 7 to SB 1** which had been tabled was lifted and announced to be:

YES: Senators Adams, Cicione, Cordrey, Elliott, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman —

11. NO: Senators Berndt, Castle, duPont, Hale, Holloway, Manning, Steele — 7.

NOT VOTING: Senator Cook — 1.

ABSENT: Senators Hughes and Jarvis — 2.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Manning, **SB 1** was tabled.

On motion of Senator Kearns, **SB 150**, which had been deferred, was again taken up for consideration.

Senator Kearns moved that **SA 1 to SB 150**, which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlör, Steele, Zimmerman —

19. NO: Senator Martin — 1.

NOT VOTING: Senator Hughes — 1.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Kearns moved for the passage of **SB 150w/ SA**

1.

Senator Kearns then moved that the roll call vote on the Bill be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cordrey, Holloway, Isaacs, Kearns, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senators Castle, duPont, Hale, Hughes, Manning —

5.

NOT VOTING: Senators Cook, Elliott, Martin and Steele

— 4.

ABSENT: Senator Jarvis — 1.

So the motion, having received the required constitutional majority, prevailed and the roll call on **SB 150 w/ SA 1** was tabled.

On motion of Senator Martin, **SS 1 for SB 235** was taken up for consideration and read by title only:

SS 1 for SB 235 — “An Act to amend Part 11, Title 6, Delaware Code, by creating a new Chapter to be designated as Chapter 22, relating to consumer unit price information.”

Senator Martin moved that the roll call vote on the Bill be tabled.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 16.

NO: Senators duPont and Manning — 2.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Elliott and Hale — 2.

So the motion, having received the required constitutional majority, prevailed and the roll call vote on the Bill was tabled.

At 6:15 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 6, 1973.

43RD LEGISLATIVE DAY

The Senate was called to order at 2:08 p.m. June 6, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:

6—5—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 120 w/ SA 1, 3, HA 1; HB 333 w/ HA 1; HB 134 w/ HA 1, 2, SA 3, 7, 8; HB 3** and requests the concurrence of the Senate.

The House also passed **SB 63; SB 174 w/ SA 2; SB 201 w/ HA 1** and is returning same to the Senate.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: **SB 5** — 1 Favorable, 3 Merits; **SB 198** — 2 Favorable, 3 Merits; **SB 223** — 1 Favorable, 3 Merits; **SB 261** — 2 Favorable, 2 Merits; **SB 267** — 1 Favorable, 3 Merits; **HB 81** — 1 Favorable, 4 Merits.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate: **SB 266** — 3 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 187** — 4 Merits; **SB 292** — 5 Merits; **SB 304** — 5 Merits; **SB 305** — 5 Merits; **HB 321** — 4 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 322 — 4 Merits.**

Senator Holloway introduced **SR 84** and moved that it be adopted:

SR 84 — "Increasing the per mile rate by which the President and members of the Senate are reimbursed for traveling expenses."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Cook, Holloway, Kearns, Manning, McCullough, Schlör — 7.

NO: Senators Adams, Castle, Cordrey, duPont, Elliott, Hale, Jarvis, Martin, Steele — 9.

NOT VOTING: Senators Berndt, Hughes, Murphy, Zimmerman — 4.

ABSENT: Senator Isaacs — 1.

So the Resolution, having failed to receive the required constitutional majority, failed.

Senator Cicione introduced **SR 85** and moved that it be adopted.

SR 85 — "Extending the designated time when the Committee to study liquor prices shall make its report."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senators Manning, Martin, McCullough — 3.

ABSENT: Senator Isaacs — 1.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Holloway introduced **SB 312**:

SB 312 — "An Act to amend Chapter 17, Title 10, Delaware Code, relating to powers of the judge of the Municipal Court for the City of Wilmington."

Assigned to Judiciary and Elections Committee.

Senator Cook (honorary co-sponsor Representative Robbins) introduced **SB 313**:

SB 313 — "An Act amending Subchapter 11, Chapter 19, Title 14 of the Delaware Code relating to tax on mobile homes." Assigned to Finance Committee.

Senator Murphy (honorary co-sponsor Representative Morris) introduced **SB 314**:

SB 314 — "An Act to amend Title 7, Delaware Code, Section 4703 relating to entrance fees to State Parks and Recreation Areas for senior citizens over 65 years of age."

Assigned to Community Affairs Committee.

Senator Martin introduced **SB 315**:

SB 315 — "An Act to amend Chapter 23, Title 6, Delaware Code, relating to interest on revolving credit accounts."

Assigned to Community Affairs Committee.

Senator McCullough introduced **SB 316**:

SB 316 — "An Act to amend Title 14 of the Delaware Code relating to aid to needy students."

Assigned to Education Committee.

Senator Cordrey introduced **SB 317**:

SB 317 — "An Act authorizing the State of Delaware to borrow money to be used for local Park development and Parkland acquisition assistance, and to issue bonds and notes therefor and appropriating the money borrowed to the Department of Natural Resources and Environmental Control."

Assigned to Finance Committee.

Senator Cordrey (co-sponsor Senator Zimmerman) introduced **SB 318**:

SB 318 — "An Act making an appropriation to improve recreational boating and to fill Spent Borrow Pits in Rehoboth Bay."

Assigned to Finance Committee.

Senator Cook (co-sponsor Senator Elliott) introduced **SS 1 for SB 303** which on his motion was adopted in lieu of the Original Bill.

Senator Adams introduced **SA 1 to SB 274**. Placed with the Bill.

Senator Adams introduced **SA 1 to SB 267**. Placed with the Bill.

Senator Cicione introduced **SA 2 to SB 106**. Placed with the Bill.

Senator duPont introduced **SA 1 to SB 86**. Placed with the Bill.

The Chair introduced **HB 333 w/ HA 1**:

HB 333 w/ HA 1 — "An Act to amend Title 16, Delaware Code by adding a new Chapter 48 thereto relating to the licensing of drug abuse prevention, control, treatment and education programs."

Assigned to Health and Social Services Committee.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **HB 286** — 5 Merits; **HB 184** — 5 Merits; **SB 218** — 4 Merits; **SS 1 for SB 219** — 4 Merits; **SB 217** — 1 Favorable, 4 Merits.

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate: **HB 234** — 5 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **SS**

1 for SB 197 — 5 Merits.

On motion of Senator Elliott, the roll call vote on **HB 180** which had been tabled, was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Holloway, Isaacs, Jarvis, Kearns, Manning, Steele, Zimmerman — 14.

NO: Senators Cicione, Hale, Martin, McCullough and Schlor — 5.

NOT VOTING: Senators Hughes and Murphy — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Cicione, **HB 134 w/ HA 1, 2, SA 3, 7, 8** which had previously passed the Senate, was again taken up for reconsideration as further amendment by **HA 3**.

On the question, "Shall the Bill (as so amended) pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicione, Cook, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Murphy, Schlor, Steele, Zimmerman — 15.

NO: Senators Adams, Cordrey, Elliott, McCullough — 4.

NOT VOTING: Senators duPont and Martin — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Berndt, the roll call vote on **HB 115 w/ SA 1** was lifted from the table and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, McCullough, Schlor, Steele — 11.

NO: Senators Castle, Hale, Holloway, Jarvis, Kearns, Martin, Murphy — 7.

NOT VOTING: Senators duPont and Manning — 2.

ABSENT: Senator Zimmerman — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

On motion of Senator Adams, **SB 274** was taken up for consideration and read by title only:

SB 274 — "An Act to amend Chapter 23, Title 10, Delaware Code, relating to the salary of Chief Deputy Prothonotaries."

Senator Adams introduced **SA 1 to SB 274** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor — 19.

NOT VOTING: Senator Steele — 1.

ABSENT: Senator Zimmerman — 1.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Adams, the privilege of the floor was extended to Myron Steele to speak on the Bill.

On motion of Senator Adams, the Bill was laid on the table.

On motion of Senator Jarvis, **SB 156** was taken up for consideration and read by title only:

SB 156 — “An Act to amend Chapter 13, Part 11, Title 9 of the Delaware Code relating to New Castle County, and the compensation received by each member of the Board of Adjustment.”

At the request of Senator Jarvis, the following communication was made part of the record:

RESOLUTION NO. 73—110

(Including Amendment)

A RESOLUTION RECOMMENDING THE ENACTMENT BY THE GENERAL ASSEMBLY OF AN AMENDMENT OF TITLE 9, SECTION 1350, CONCERNING THE BOARD OF ADJUSTMENT

WHEREAS, the above Section of the Delaware Code stipulates the compensation to be paid members of the Board of Adjustment; and

WHEREAS, the cost of providing this compensation is underwritten with County funds under the control of County Council; and

WHEREAS, the concept of Home Rule has received steadily increased recognition in the actions of the General Assembly over the past decade; and

WHEREAS, County Council presently establishes the rate of pay for the Board of Assessment Review, according to power granted Council by the General Assembly;

THEREFORE, BE IT RESOLVED: That the County Council recommends to the General Assembly the elimination of the following sentence in the last paragraph of the Reference Code:

“The members shall be entitled to compensation of \$50.00 per meeting.” and the substitution in lieu thereof the following sentence:

“The compensation of the members of the Board of Adjustment shall be determined by the County Council of New Castle County.”

AND BE IT FURTHER RESOLVED: That if the above Statute is adopted that compensation for the Board of Adjust-ment shall remain at \$50.00 per meeting.

Adopted by County Council
of New Castle County on
5/22/73

(Signed) Henry R. Folsom, Jr.
President of County Council of New Castle
County

* * * * *

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 20.

NO: Senator McCullough — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At the request of Senator Holloway, **SB 108** was stricken.

On motion of Senator Holloway, **SB 153** was taken up for consideration and read by title only:

SB 153 — "An Act to amend Subchapter VI, Chapter 5, Title 11 of the Delaware Code relating to the Delaware Criminal Code, with specific reference to fraud perpetrated against a Public Agency."

On motion of Senator Holloway, final consideration of the Bill was deferred.

On motion of Senator Holloway, **SB 183** was taken up for consideration and read by title only:

SB 183 — "An Act to amend Chapter 59, Part V, Title 29 of the Delaware Code relating to the Merit System of Personnel Administration."

Senator Holloway introduced **SA 1** to **SB 183** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Zimmerman — 16.

NO: Senators Cordrey, Schlör and Steele — 3.

NOT VOTING: Senators McCullough and Murphy — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Schlör moved that **SB 183 w/ SA 1** be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senator Schlör — 1.

NO: Senators Adams, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 19.

NOT VOTING: Senator Berndt — 1.

So the motion, having failed to receive the required constitutional majority, was defeated.

Senator Holloway moved for passage of **SB 183 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Zimmerman — 18.

NO: Senators Jarvis and Steele — 2.

NOT VOTING: Senator Schlor — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Adams, **SB 274 w/ SA 1** which had been laid on the table, was again taken up for consideration.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Huges, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 20.

NOT VOTING: Senator McCullough — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, **HB 36** was taken up for consideration and read by title only:

HB 36 — "An Act to amend Title 6, Chapter 25, Delaware Code, by adding a new Subchapter VI dealing with pyramid or chain distribution schemes."

At the request of Senator Berndt, the privilege of the floor was extended to Representative Sincock to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Kearns, Murphy, Steele, Zimmerman — 14.

ABSENT: Senators Cicione, Hughes, Jarvis, Manning, Martin, McCullough, Schlor — 7.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Berndt, **HB 209** was taken up for consideration and read by title only:

HB 209 — “An Act to amend Chapter 96, Title 9, Delaware Code, relating to recordation of instruments which contain provisions restricting the sale, gift, transfer, assignment, conveyance, ownership, lease, rental, use or occupancy of real estate to individuals on the basis of race, color, creed, sex, national origin or ancestry.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 16.

ABSENT: Senators Cicione, Hughes, Jarvis, McCullough, Schlör — 5.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Manning, **HB 381** was taken up for consideration and read by title only:

HB 381 — “An Act to amend an Act entitled: An Act to incorporate the town of Bethany Beach, and giving it authority to issue bonds.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Kearns, Manning, Martin, Schlör, Steele, Zimmerman — 17.

ABSENT: Senators Hughes, Jarvis, McCullough and Murphy — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Cicione, **SB 106** was taken up for consideration and read by title only:

SB 106 — “An Act to amend Chapter 8, Title 17 of the Delaware Code relating to highways; and providing a method by which it can be determined whether or not a General Contractor receiving money from the State has paid all Subcontractors.”

Senator Cicione moved that **SA 1** to **SB 106** which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Cicione moved for passage of **SB 106 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

NOT VOTING: Senator duPont — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cordrey, **SJR 23** was taken up for consideration and read by title only:

SJR 23 — "Directing the Secretary of the Department of Natural Resources and Environmental Control to provide for lifeguards and other facilities at Dewey Beach and Fenwick Island for the Summer 1973 Season."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

NO: Senator Steele — 1.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

At the request of Senator Hughes, **SB 113** was stricken.

On motion of Senator Hughes, **SB 118** was taken up for consideration and read by title only:

SB 118 — "An Act to amend §1606(7), Chapter 16, Title 2, Delaware Code by authorizing a local transportation authority to provide Charter Service, special service, or other for-hire transportation of passengers within and outside of its area of operation."

Senator Hughes moved that **SA 1 to SB 118** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Jarvis, Kearn, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

NOT VOTING: Senators Holloway and Isaacs — 2.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Hughes, the privilege of the floor was extended to E. Powell Smith, representing Delaware

Authority for Regional Transit, to speak on the Bill.

Senator Hughes moved for passage of **SB 118 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Manning, Martin, Schlör — 11.

NO: Senators Cordrey, duPont, Elliott, Isaacs, Jarvis, McCullough, Murphy, Steele, Zimmerman — 9.

NOT VOTING: Senator Adams — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hughes, **SB 211** was taken up for consideration and read by title only:

SB 211 — "An Act to amend Chapter 1, Title 7, Delaware Code, relating to the protection of wildlife."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 17.

NO: Senators Cook and Holloway — 2.

ABSENT: Senators Cordrey and Steele — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hale, **SB 161** was taken up for consideration and read by title only:

SB 161 — "An Act to amend Delaware Code, Title 14 relating to education of pre-school children whose hearing is impaired."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

NO: Senator Steele — 1.

ABSENT: Senator Cordrey — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hughes, **HB 120 w/ HA 1, SA 1, 3** which had been deferred was taken up for final consideration.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 18.

NOT VOTING: Senators McCullough and Steele — 2.

ABSENT: Senator Cordrey — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendments.

On motion of Senator Cicione, **SB 294** was tabled.

At 6:34 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 7, 1973.

44TH LEGISLATIVE DAY

The Senate met at 2:32 p.m. Thursday, June 7, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:
6—6—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 418; HB 429 w/ HA 1** and requests the concurrence of the Senate.

The House also passed **SB 132 w/ SA 1; SB 188; SB 177** and is returning same to the Senate.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate: **SS 1 for SB 303** — 1 Favorable, 4 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SB 314** — 3 Favorable.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: **SB 316** — 2 Favorable, 3 Merits.

Senator Murphy introduced **SR 86** and moved that it be adopted.

SR 86 — "Saluting Trooper Lee Vincent of the Delaware State Police for his exceptional alertness."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cordrey and Elliott — 2.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Murphy introduced **SR 87** and moved that it be adopted.

SR 87 — “Commending Corporal Daniel Simpson of the Delaware State Police for exceptional courage in the line of duty.”

On the question, “Shall the Resolution be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 20.

ABSENT: Senator Elliott — 1.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Martin introduced **SCR 28** and moved that it be adopted.

SCR 28 — “Urging the management of the Penn Central Transportation Company to take all necessary steps to insure that the property and equipment owned by the Company in the State of Delaware be properly maintained.”

On the question, “Shall the Resolution be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Zimmerman — 20.

NOT VOTING: Senator Steele — 1.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

The Chair introduced **HB 418**:

HB 418 — “An Act to amend an Act being Chapter 504, Volume 57, Laws of Delaware, as amended, entitled “An Act to incorporate the town of Henlopen Acres” to provide a procedure for annexation.”

Assigned to Community Affairs Committee.

The Chair introduced **HB 429 w/ Ha 1**:

HB 429 w/ HA 1 — “An Act to amend Chapter 5 and Chapter 42, Title 11 of the Delaware Code relating to murder in the first degree and punishment for murder in the first degree.” Assigned to Judiciary and Elections Committee.

Senator Holloway introduced **SS 1 for SB 255** which, on his motion, was adopted in lieu of the Original Bill.

Senator Hughes (co-sponsor Senator duPont and

honorary co-sponsor Representative Poulterer) introduced **SB 319**:

SB 319 — “An Act to amend Subchapter X, Chapter 41, Part III, Title 21, Delaware Code, relating to the designation of areas where vehicles shall not be parked or stopped.”
Assigned to Public Safety Committee.

Senator Hale (honorary co-sponsor Representative Ridgah) introduced **SB 320**:

SB 320 — “An Act to amend Chapter 17, Title 24 of the Delaware Code, relating to medicine, surgery and osteopathy; and providing for a Delaware Medical Practices Act.”
Assigned to Health and Social Services Committee.

Senator Berndt (co-sponsor Senator Hughes and honorary co-sponsor Representative Spence) introduced **SB 321**:

SB 321 — “An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to the lawful speed limits for motor vehicles.”
Assigned to Highways, Transportation and Insurance Committee.

Senator Castle introduced **SB 322**:

SB 322 — “An Act to amend Part III, Chapter 23, Title 30 of the Delaware Code relating to occupational and business licenses and taxes.”
Assigned to Finance Committee.

Senator Adams introduced **SB 323**:

SB 323 — “An Act authorizing the Governor and the Secretary of State to convey to Gary W. Lawson certain lands and interest in lands of the State of Delaware.”
Assigned to Judiciary and Elections Committee.

Senator Zimmerman (co-sponsor Senator Isaacs and honorary co-sponsor Representative Gruwell) introduced **SB 324**:

SB 324 — “An Act to provide additional funds to the Department of Natural Resources and Environmental Control to carry out “Watch Boat” functions as so specified in Delaware Code, Title 7, Section 2343.”
Assigned to Natural Resources and Environmental Control Committee.

Senator Cicone introduced **SB 325**:

SB 325 — “An Act to amend Part V, Title 29 of the Delaware Code relating to disability insurance coverage for State employees, and authorizing agencies to elect independent plans in the absence of a comprehensive statute covering State employees.”
Assigned to Finance Committee.

Senator Berndt introduced **SA 1 to SB 171**. Placed with the Bill.

Senator Cicone introduced **SA 1 to SB 294**. Placed with the Bill.

Senator Elliott introduced **SA 1 to HB 111**. Placed with the Bill.

Senator Murphy introduced **SA 1 to SB 307**. Placed with the Bill.

Senator Cook introduced **SA 2 to SB 218**. Placed with the Bill.

Senator Cicione moved that **SB 294** be lifted from the table.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Cook, Cordrey, Holloway, Kearns, Murphy, Schlör — 7.

NO: Senators Adams, Berndt, Castle, duPont, Hughes, Manning, Steele — 7.

NOT VOTING: Senators Elliott, Hale, Isaacs, Martin, McCullough — 5.

ABSENT: Senators Jarvis and Zimmerman — 2.

So the motion, having failed to receive the required constitutional majority, was defeated and **SB 294** was not lifted.

On motion of Senator Hale, **SB 160** was taken up for consideration and read by title only.

SB 160 — "An Act to amend Delaware Code, Title 14, Chapter 17 as that Chapter relates to units of pupil when the pupils are partially deaf or hard of hearing."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 20.

ABSENT: Senator Schlör — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Elliotts, **SB 122**, which had been deferred, was again taken up for consideration.

Senator Elliott moved that **SA 1 to SB 122** be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 20.

ABSENT: Senator Schlör — 1.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Elliott moved for the passage of **SB 122 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Cordrey — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Isaacs (co-sponsors Cook, Hughes and Manning; honorary co-sponsors Representatives Derrickson, Gruwell, Harrington, Kirk and Weiss) introduced **SCR 29** and, on his motion, the necessary rules were suspended for consideration of the Resolution.

SCR 29 — "Calling a meeting of the leadership of the Senate and the House of Representatives with the Joint Finance Committee to discuss the present fiscal crisis."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 21.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Adams, **SB 267** was taken up for consideration and read by title only:

SB 267 — "An Act making a supplementary appropriation to the State Board of Education for the purpose of purchasing, installing and equipping one portable classroom unit along with other equipment for the Woodridge School District."

Senator Adams introduced **SA 1** to the Bill and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 21.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Adams moved for passage of **SB 267 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis,

Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 20.

ABSENT: Senator Zimmerman — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hale, **SS 1 for SB 194** was taken up for consideration and read by title only:

SS 1 for SB 194 — "An Act to amend Title 14, and Title 29, Delaware Code, annotated as the same refer to school construction, capital improvements and space, and the duties of the State Board of Education and the State Department of Administrative Services with reference thereto."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 19.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Castle — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At 5:07 p.m., on motion of Senator Isaacs, the Senate recessed until Tuesday, June 12, 1973.

The Senate reconvened at 2:02 p.m., June 12, 1973, Lt. Governor Bookhammer presiding.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **SB 321** — 1 Favorable, 4 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate **HB 418** — 2 Favorable, 1 Merits.

The Chair introduced the following House Bills:

HB 374 w/ HA 1 — "An Act to amend Chapter 68, Part VI, Title 16 of the Delaware Code relating to the exemption of owners of agricultural lands from civil liability to uninvited persons."

Assigned to Judiciary and Elections Committee.

HB 306 — "An Act to amend Title 29, Delaware Code, Section 5943 relating to the enforcement of this Chapter by legal action."

Assigned to Finance Committee.

HB 312 — "An Act to amend Title 10, Delaware Code, entitled "Courts and Judicial Procedure" by adding to Chapter 31 thereof, entitled "Commencement of Actions", a new Subsection to Section 3103 providing for service of summons on the

State or on Officers of the State by service upon the Attorney General or the State Solicitor or the Chief Deputy Attorney General." Assigned to Judiciary and Elections Committee.

HB 320 — "An Act to amend Chapter 89, Volume 58, Laws of Delaware relating to an appropriation to the Department of Highways and Transportation to correct drainage problems along State Highway Route 14."
Assigned to Finance Committee.

HB 356 — "An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to litter on State Highways and roads, and providing a rebuttable presumption in instances where glass and other litter is thrown or deposited on the road; and providing a penalty therefor."
Assigned to Judiciary and Elections Committee.

HB 438 — "An Act to amend Chapter 3, Title 30, Delaware Code relating to Department of Finance."
Assigned to Finance Committee.

Senator Zimmerman (honorary co-sponsors Representatives Gruwell and McGinnis) introduced **SB 326**:

SB 326 — "An Act authorizing the State of Delaware to borrow money to be used for a drainage ditch at Schoolview in the city of Dover and Town Point in the City of Dover, and to issue Bonds and Notes therefore and appropriating the money borrowed to the Department of Highways and Transportation."
Assigned to Finance Committee.

Senator Castle introduced **SB 327**:

SB 327 — "An Act to amend Title 6, Delaware Code, creating a new Subchapter VI of Chapter 25 relating to beverage containers and providing penalties for non-refundability."
Assigned to Judiciary and Elections Committee.

Senator Cicione introduced **SB 328**:

SB 328 — "An Act to amend Chapter 60, Title 29, Delaware Code relating to the change of classification of the Deputy Auditor."
Assigned to Finance Committee.

Senator Cicione introduced **SB 329**:

SB 329 — "An Act to amend Chapter 29, Title 29, Delaware Code, relating to the salary of the Auditor of Accounts."
Assigned to Finance Committee.

Senator Hughes introduced **SB 330**:

SB 330 — "An Act to amend Part 11, Title 2, Delaware Code, relating to the establishment of a Statewide Specialized Transportation Authority."
Assigned to Highways, Transportation and Insurance Committee.

Senator Holloway introduced **SB 331**:

SB 331 — "An Act to amend Title 15, of the Delaware Code by adding a new part to be designated as Part VI, relating to campaign disclosure."

Assigned to Judiciary and Elections Committee.

Senator Berndt introduced **SB 332**:

SB 332 — "An Act to amend Chapter 61, Part IV, Title 10 of the Delaware Code relating to fees of Counsel and experts in condemnation cases."

Assigned to Judiciary and Elections Committee.

Senator Hughes introduced **SB 333**:

SB 333 — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to disclosure of laboratory costs on patient's bills."

Assigned to Health and Social Services Committee.

Senator Adams introduced **SA 8 to SB 1**. Placed with the Bill.

Senator Castle introduced **SA 1 to SB 327**. Placed with the Bill.

Senator Murphy introduced **SS 1 for SB 217**. The Substitute Bill was adopted in lieu of the Original and assigned to Natural Resources and Environmental Control Committee.

Senator Cicione, Chairman of the Labor and Industrial Relations Committee, reported back to the Senate:

SB 287 — 4 Merits; **SB 288** — 4 Merits; **SB 286** — 4 Merits; **SB 283** — 4 Merits; **SB 281** — 4 Merits; **SB 284** — 4 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **SB 290** — 2 Favorable, 3 Merits; **SB 216** — 5 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **HB 340** — 5 Merits.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: **SB 136** — 1 Unfavorable, 4 Merits.

Senator Castle introduced **SB 334**:

SB 334 — "An Act to amend Chapter 25, Title 29, Delaware Code relating to the power to authorize certain local policemen to have Statewide police powers."

Assigned to Judiciary and Elections Committee.

Senator Castle introduced **SB 335**:

SB 335 — "An Act to amend Chapter 27, Title 21, Delaware Code, relating to the use of certificate to prove the propriety of taking blood alcohol tests."

Assigned to Public Safety Committee.

At 2:22 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 45th Day.

45TH LEGISLATIVE DAY

The Senate convened at 2:22 p.m., June 12, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:
6—7—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 374 w/ HA 1; HB 306; HB 312; HB 356; HB 438; HB 320** and requests the concurrence of the Senate.

The House also passed **SB 184 w/ SA 1; SCR 29; SJR 11 w/ HA 1; SJR 19; SJR 21; SJR 22** and is returning same to the Senate.

The Secretary announced that Legislative Advisory 13 received from the Governor's Office, indicated that the Governor signed the following Legislation:

SB 130 w/ SA 1 — 6-1-73; SB 306 — 6-1-73; HB 246 w/ SA 1 — 6-1-73; HB 161 w/ HA 1 — 6-1-73; HB 254 — 6-5-73; SB 192 — 6-5-73; SS 1 for SB 109 — 6-5-73; SCR 22 — 6-5-73; SCR 24 — 6-5-73.

Senator Elliott introduced **SB 336:**

SB 336 — "An Act to amend Chapter 5, Title 9, Delaware Code, relating to the definition of Suburban Communities." Assigned to Community Affairs Committee.

Senator Cook (co-sponsor Senator Isaacs) introduced **SB 337;**

SB 337 — "An Act to amend Chapter 578, 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."

Assigned to Finance Committee.

Senator Elliott introduced **SR 88:**

SR 88 — "Memorializing the Delaware Congressional Delegation to explore the reasons for the high Social Security disability benefit denial rate in Delaware."

On motion of Senator Elliott, consideration of the Resolution was deferred.

On motion of Senator Hale, **SB 126** was taken up for consideration and read by title only:

SB 126 — “An Act amending Title 29, Delaware Code, acknowledging the rights and defining the limitations of Legislative Office, establishing a code of Legislative conduct, and establishing a Joint Committee on Legislative conduct in the General Assembly.”

Senator Hale moved that the roll call vote on the Bill be tabled.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Steele, Zimmerman — 17.

NO: Senators McCullough and Schlör — 2.

ABSENT: Senators Cicione and Manning — 2.

So the motion, having received the required constitutional majority, prevailed and the roll call vote on **SB 126** was tabled.

On motion of Senator Steele, **HB 47 w/ HA 1** was taken up for consideration and read by title only:

HB 47 w/ HA 1 — “An Act to amend Chapter 29, Title 29, Delaware Code relating to the distribution of written post audit reports to members of the General Assembly, and providing an appropriation therefor.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, duPont and Jarvis — 4.

NO: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 15.

NOT VOTING: Senators Hughes and Manning — 2.

So the Bill, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Steele, **HB 235 w/ HA 1** was taken up for consideration and read by title only:

HB 235 w/ HA 1 — “An Act to provide a supplemental appropriation to the Department of Health and Social Services to be used to pay obligations incurred in prior fiscal years.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Isaacs — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Steele, **HCR 13** was taken up for

consideration and read by title only:

HCR 13 — "Memorializing the Delaware Congressional Delegation favorably consider a measure now pending in the United States Congress which extends the Railroad Retirement Annuities Program."

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Hale and Holloway — 2.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered back to the House.

On motion of Senator duPont, **SB 86** was laid on the table. Senator duPont moved that the roll call vote on **SA 1** to **SB 179** be lifted.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 19.

NO: Senator Zimmerman — 1.

NOT VOTING: Senator Cicione — 1.

So the motion, having received the required constitutional majority, prevailed and roll call vote on **SA 1** to **SB 179** was lifted and announced to be:

YES: Senators Berndt, Castle, Cook, Cordrey, duPont, Holloway, Hughes, Jarvis, Manning, McCullough, Schlör, Steele — 12.

NO: Senators Cicione, Isaacs, Zimmerman — 3.

NOT VOTING: Senators Adams, Elliott, Hale, Martin and Murphy — 5.

ABSENT: Senator Kearns — 1.

So the Amendment, having received the required constitutional majority, was adopted.

Senator duPont moved that the necessary rules be suspended for the purpose of considering **SB 179 w/ SA 1**.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, duPont, Hale, Hughes, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cordrey, Elliott, Jarvis, Kearns, McCullough, Murphy, Zimmerman — 8.

NOT VOTING: Senators Cook, Elliott, Holloway, Isaacs, Martin, Schlör — 6.

So the motion, having failed to receive the required constitutional majority, was defeated and consideration of **SB 179 w/ SA 1** was deferred.

On motion of Senator Hughes, **HB 35 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 35 w/ HA 1, 2 — “An Act to amend Chapters 1 and 21, Title 21, Delaware Code, authorizing the Director of the Division of Motor Vehicles to allow franchised automotive dealers to conduct official inspections of vehicles under certain circumstances.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators duPont, Hughes and Jarvis — 3.

NO: Senators Adams, Castle, Cicione, Cook, Elliott, Hale, Isaacs, Kearns, Manning, Martin, Murphy, Zimmerman — 12.

NOT VOTING: Senators Berndt, Cordrey, Holloway, McCullough, Schlor — 5.

ABSENT: Senator Steele — 1.

So the Bill, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Berndt, **HB 285 w/ HA 1** was taken up for consideration and read by title only:

HB 285 w/ HA 1 — “An Act to amend Chapter 50, Part IV, Title 15 of the Delaware Code relating to general elections and the number of voting machines to be supplied to each Election District.”

At the request of Senator Berndt, the privilege of the floor was extended to Representative Riddagh, to speak on the Bill.

On motion of Senator Berndt, the Bill was then laid on the table.

On motion of Senator Berndt, **HB 316** was taken up for consideration and read by title only:

HB 316 — “An Act to amend Chapter 4, Part 1, Title 11 of the Delaware Code relating to the Delaware Criminal Code and intoxication as a defense against criminal liability.”

At the request of Senator Holloway, the privilege of the floor was extended to Myron Steele, to speak on the Bill.

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 15.

NOT VOTING: Senators Castle, Cicione, duPont, Hale, Holloway, Kearns — 6.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

At 4:45 p.m. on motion of Senator Isaacs, the Senate

recessed for a 15-minute period.

The Senate reconvened at 5:25 p.m.

On motion of Senator Berndt, **HB 285 w/ HA 1**, which had been deferred was again taken up for consideration.

Senator Castle introduced **SA 1 to HB 285 w/ HA 1** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator McCullough — 1.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Berndt, moved for the passage of **HB 285 w/ HA 1, SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator McCullough — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

At 5:37 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 13, 1973.

46TH LEGISLATIVE DAY

The Senate convened at 2:01 p.m. June 13, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

At the request of Senator Isaacs, the following communication was read into the record:

June 7, 1973

State Senate
Legislative Hall
Dover, Delaware
Gentlemen:

Our 27th Annual Pushmobile Derby will be held at Milford Crossroads on Saturday, August 25, 1973. The officers and members of the Delaware Association of Police wish to extend to you a very cordial invitation to be a guest of honor on that day.

The first race should get under way around 10:00 a.m. after the parade, and the last race should be over by 5:00 p.m.

We hope you will be able to attend some time during the day.

Very truly yours,
(Signed) Jay E. Daniello
Chairman
1973 Pushmobile Derby

* * * * *

The Secretary read the following message from the House:
6-12-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 63; HB 327; HB 389 w/ HA 1; HB 194; HB 386 w/ HA 1; HB 390 w/ HA 1, 2; HB 453 w/ HA 1; HB 468; HB 324** and requests the concurrence of the Senate.

The House also passed **SB 176 w/ SA 1; SJR 8 w/ HA 1** and is returning same to the Senate.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 334** — 2 Favorable, 2 Merits, 1 Unfavorable; **SB 307** — 1 Favorable, 3 Merits.

Senator Zimmerman (honorary co-sponsor Representative Gruwell) introduced **SJR 25**:

SJR 25 — "Urging the Kent County Levy Court and the Dover City Council to work together to implement the suggestions and recommendations of the report on Intergovernmental aspects of Public Finance prepared by the Division of Urban Affairs of the University of Delaware." Assigned to Community Affairs Committee.

Senator Hughes (honorary co-sponsor Representatives Gruwell, Heckert and Leshner) introduced **SJR 26**:

SJR 26 — "Saluting the Claymont High School Indians Baseball Team for winning the Delaware State High School Baseball Championship for 1973."

On motion of Senator Hughes, the necessary rules were suspended in order to consider adoption of the Resolution.

Therefore, on the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 16.

ABSENT: Senators Cicione, Holloway, Isaacs, Jarvis and McCullough — 5.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 438** — 4 Merits.

Senator Isaacs introduced **SJR 27**:

SJR 27 — "Memorializing the Delaware Congressional Delegation to request the U.S. Army Corps of Engineers to examine the possibility and feasibility of restoring the Historic Locks at Delaware City."

Assigned to Community Affairs Committee.

Senator Kearns introduced **SR 89**:

SR 89 — "Urging the President of the United States to initiate an immediate freeze of prices, wages, rents, interest rates and profits for a period of not less than 90 days."

On motion of Senator Kearns, the Resolution was deferred.

Senator Castle introduced **SS 1 for SB 270** and on his motion, the Substitute Bill was adopted in lieu of the Original.

Senator Castle introduced **SB 338**:

SB 338 — "An Act to amend Title 11, Delaware Code, by adding a new Subsection (d) to Section 1902, relating to an extended period of detention after hearing." Assigned to Judiciary and Elections Committee.

Senator Kearns introduced **SB 339**:

SB 339 — "An Act to clarify the pension eligibility of Judge A. James Gallo and Judge Robert H. Wahl." Assigned to Finance Committee.

Senator Zimmerman (co-sponsor Senator Isaacs and honorary co-sponsor Representative Gruwell) introduced **SB 340**:

SB 340 — "An Act to provide additional funds to the Department of Natural Resources and Environmental Control to conduct the required enforcement and management of shellfisheries as so specified in the Delaware Code, Title 7, Chapters 19, 21, 23, 25, and 27." Assigned to Finance Committee.

Senator Berndt introduced **SA 1 to SB 321**. Placed with the Bill.

Senator Elliott introduced **SA 1 to SB 326**. Placed with the Bill.

Senator duPont introduced **SA 2 to SB 86**. Placed with the Bill.

Senator Cook introduced **SA 2 to SB 321**. Placed with the Bill.

Senator Cicione introduced **SA 1 to SB 287**. Placed with the Bill.

The Chair introduced the following House Bills:

HB 63 — "An Act authorizing an expenditure from the Education Contingency Fund in order to pay salary owed to Mrs. Frances Reyburn, a teacher in the New Castle-Gunning Bedford School District." Assigned to Finance Committee.

HB 324 — "An Act to amend Chapter 43, Part III, Title 10 of the Delaware Code, relating to Courts and Judicial procedure, and providing for a uniform Reporters' Privilege Act." Assigned to Judiciary and Elections Committee.

HB 389 w/ HA 1 — "An Act to amend §4106, Title 11 of the Delaware Code, entitled, "Default in payment of fine; inability to pay fine" by changing the method of work program payments." Assigned to Judiciary and Elections Committee.

HB 453 w/ HA 1 — "An Act to amend Chapter 11, Title 12, Delaware Code, relating to unclaimed life insurance funds." Assigned to Finance Committee.

HB 386 — "An Act to amend Chapter 65, Title 29 Delaware Code, by exempting certain appointed State Officials from receiving terminal pay." Assigned to Finance Committee.

HB 194 — "An Act to amend Subchapter 11, Chapter 7, Title 7 of the Delaware Code, relating to regulations and prohibitions concerning game and fish." Assigned to Natural Resources and Environmental Control Committee.

HB 327 — "An Act to amend Title 3, Chapter 71, Delaware Code, relating to the feeding of garbage to hogs." Assigned to Agriculture Committee.

HB 390 w/ HA 1, 2 — "An Act to amend Chapter 42, Part II, Title 11 of the Delaware Code, relating to criminal procedure, and providing for an assignment of earnings where payment of a fine and costs has been deferred." Assigned to Judiciary and Elections Committee.

HB 468 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to refunds of corporation tax." Assigned to Finance Committee.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **SB 214** — 3 Merits.

Senator Manning moved that **SB 1** be lifted from the table.

Senator Isaacs moved that the motion be denied.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cordrey, Elliott, Hughes, Isaacs, Jarvis, Kearns, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Castle, Cook, duPont, Hale, Manning, Martin, Steele — 8.

ABSENT: Senators Cicione and Holloway — 2.

So the motion, having received the required constitutional majority, prevailed and **SB 1** was not taken up.

On motion of Senator Hale, **HB 5** was taken up for consideration and read by title only:

HB 5 — "An Act to amend Chapter 13, Part 1, Title 14, Delaware Code relating to working Conditions of school employees by providing for duty-free periods for teachers."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Jarvis, Kearns, Martin, Murphy, Zimmerman — 12.

NO: Senators Berndt, McCullough and Steele — 3.

NOT VOTING: Senators Cicione, duPont, Holloway, Isaacs, Manning and Schlör — 6.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Hale, **HB 25 w/ HA 4** was taken up for consideration and read by title only:

HB 25 w/ HA 4 — "An Act to amend Subchapter IV, Chapter 10, Title 14 of the Delaware Code relating to the date set for School Board Elections."

At the request of Senator Hale, the privilege of the floor was extended to Gary Patterson, representing the Delaware School Boards Association, to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicione, Cook, duPont, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senators Adams, Cordrey, Hughes, Isaacs, McCullough — 5.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Cordrey, **SB 175** was taken up for consideration and read by title only:

SB 175 — “An Act to amend Subchapter 1, Chapter 5, Title 7 of the Delaware Code pertaining to hunting, trapping and fishing licenses.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators duPont and Jarvis — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Steele, **SB 201** which had previously passed the Senate was taken up again for reconsideration as further amended by **HA 1**.

On the question, “Shall the Bill (as so amended) pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NO: Senator Manning — 1.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator duPont — 1.

So the Bill, having received the required constitutional majority, passed the Senate.

On motion of Senator Steele, **SB 269** was taken up for consideration and read by title only:

SB 269 — “An Act establishing a County-Municipal Pension Study Committee to participate with the State Board of Pension Trustees in the further study of a Uniform Pension Plan for Public Employees in the State of Delaware, and directing the State Board of Pension Trustees to submit recommendations and proposed legislation concerning such a Uniform Pension Plan to the Governor and members of the 127th General Assembly by April 1, 1974.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Hale, Holloway, Jarvis, Martin, Steele — 11.

NOT VOTING: Senators Cicone, Hughes, Isaacs, Kearns, McCullough, Murphy, Schlör, Zimmerman — 8.

ABSENT: Senators Elliott and Manning — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cicione, **HB 201 w/ HA 1** was taken up for consideration and read by title only:

HB 201 w/ HA 1 — “An Act to amend Chapter 45, Title 21, Delaware Code relating to permits for excessive size and weight.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 17.

ABSENT: Senators Hale, Jarvis, Manning and Steele — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Castle, **SB 304** was taken up for consideration and read by title only:

SB 304 — “An Act to provide a supplementary appropriation of the Department of Health and Social Services to be used for salary reimbursement for an employee of the Delaware State Hospital, Emily Crossland, R.N.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Holloway, Isaacs, Jarvis, Kearns, McCullough, Murphy, Schlör, Steele — 15.

ABSENT: Senators Cicione, Hale, Hughes, Manning, Martin, Zimmerman — 6.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Jarvis, **SB 198** was taken up for consideration and read by title only:

SB 198 — “An Act to amend Chapter 10, Part 1, Title 14 of the Delaware Code Relating to School Board Elections and providing for the showing of identification by voters.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Marting, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cicione and Manning — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator McCullough, **SB 170** final consideration of which had been deferred, was again taken up for consideration.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Cicione — 1.

So the Bill, having received the required majority, passed the Senate and was ordered to the House for concurrence.

At the request of Senator McCullough **SB 169** was stricken.

On motion of Senator Cicione, **HB 234** was taken up for consideration and read by title only:

HB 234 — "An Act to amend Title 11 of the Delaware Code, Chapter 84, relating to the Delaware Police Training Program.

At the request of Senator Cicione, the privilege of the floor was extended to J. Edward Morris to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Kearns, Manning, McCullough, Murphy, Steele — 14.

NOT VOTING: Senators Holloway, Hughes, Isaacs, Jarvis, Martin and Zimmerman — 6.

ABSENT: Senator Schlör — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Holloway, **SS 1 for SB 255** was taken up for consideration and read by title only:

SS 1 for SB 255 — "An Act Amending Title 11, Delaware Code, creating a new Section to be designated as §911, prohibiting unauthorized use of stationary of another."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, McCullough, Murphy, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, Isaacs, Martin and Schlör — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, **SB 321** was taken up for consideration and read by title only:

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 468** — 5 Merits; **HB 292** — 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 308** — 1 Favorable, 4 Merits; **HB 312** — 5 Merits; **HB 374** — 1 Favorable, 4 Merits; **HB 356** — 1 Favorable, 4 Merits; **SB 323** — 5 Merits; **SB 331** — 2 Merits, 1 Unfavorable; **SB 312** — 5 Merits; **SB 338** — 1 Favorable, 2 Merits, 1 Unfavorable.

Senator Cordrey, Chairman of the Agriculture Committee, reported back to the Senate: **HB 327** — 5 Favorable.

At 5:45 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 14, 1973.

SB 321 — “An Act to amend Chapter 41, Part 111, Title 21 of the Delaware Code relating to the lawful speed limits for motor vehicles.”

Senator Cook moved that **SA 1 to SA 321** which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Castle, Cordrey, Elliott, Isaacs, Jarvis, Manning — 6.

NO: Senators Adams, Berndt, duPont, Hale, Hughes, Martin, Steele — 7.

NOT VOTING: Senators Cicione, Cook and Schlör — 3.

ABSENT: Senators Holloway, Kearns, McCullough, Murphy and Zimmerman — 5.

So the Amendment, having failed to receive the required constitutional majority, failed.

Senator Cook moved that **SA 2 to SB 321** which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Isaacs, Jarvis, Manning, Schlör, Steele, Zimmerman — 13.

NO: Senators Berndt and duPont — 2.

NOT VOTING: Senators Hughes and Martin — 2.

ABSENT: Senators Holloway, Kearns, McCullough and Murphy — 4.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Berndt, final consideration of **SB 321 w/ SA 2** was deferred.

On motion of Senator Cook, **SS 1 for SB 303** was taken up for consideration and read by title only:

SS 1 for SB 303 — "An Act to amend Title 5A of the Delaware Code relating to the Uniform Commercial Code by amending §9-404 thereof, relating to termination statements."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 20.

ABSENT: Senator Schlor — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 468** — 5 Merits; **HB 292** — 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 308** — 1 Favorable, 4 Merits; **HB 312** — 5 Merits; **HB 374** — 1 Favorable, 4 Merits; **HB 356** — 1 Favorable, 4 Merits; **SB 323** — 5 Merits; **SB 331** — 2 Merits, 1 Unfavorable; **SB 312** — 5 Merits; **SB 338** — 1 Favorable, 2 Merits, 1 Unfavorable.

Senator Cordrey, Chairman of the Agriculture Committee, reported back to the Senate: **HB 327** — 5 Favorable.

At 5:45 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 14, 1973.

47TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. June 14, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 20.

ABSENT: Senator Holloway — 1.

The Journal was approved as read.

The Secretary read the following message from the House:
June 14, 1973

Mr. President:

The House wishes to inform the Senate that it has passed **SB 202** and is returning same to the Senate.

On motion of Senator Cook, the necessary rules were suspended for the consideration of **SB 337**.

The Committee report on the Bill was announced to be: 5 Merits.

SB 337 — “An Act to amend Chapter 578, 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 therefore and appropriating the monies to various Agencies of the State.”

On motion of Senator Cook, the roll call vote on the Bill was tabled.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 185** — 4 Merits.

Senator McCullough introduced **SB 341**:

SB 341 — “An Act to amend Chapter 21, Title 11 of the Delaware Code relating to defaults on Cash Bail Bonds.” Assigned to Judiciary and Elections Committee.

Senator Kearns (co-sponsor Senator Isaacs) introduced **SB 342**:

SB 342 — “An Act to compensate Robert J. Hartung for damages to his automobile caused by the negligence of the Division of Highways of the Department of Highways and Transportation. Assigned to Finance Committee.

Senator Holloway introduced **SB 343**:

SB 343 — “An Act making a supplemental appropriation to the Division of Vocational Rehabilitation, Department of Labor, to carry on the rehabilitation of Public Assistance recipients.” Assigned to Finance Committee.

Senator Cordrey (honorary co-sponsor Representative Gordy) introduced **SB 344**:

SB 344 — “An Act to amend Chapter 68, Title 16 of the Delaware Code relating to exemption of owners of outdoor swimming pools from civil liability to uninvited persons.” Assigned to Health and Social Services Committee.

Senator Zimmerman (honorary co-sponsor Representative Gruwell) introduced **SB 345**:

SB 345 — “An Act authorizing the State of Delaware to borrow money to be used for the Port Mahon stabilization and erosion protection project and to issue bonds and notes therefor and appropriating the monies to the Division of Highways of the Department of Highways and Transportation.” Assigned to Finance Committee.

Senator Jarvis (co-sponsor Senator Manning) introduced **SS 1 for SB 164**:

SS 1 for SB 164 — “An Act establishing a Freedom of Information Act, requiring all meetings of Public Agencies and all records of Public Agencies to be public and open to personal inspection by any citizen of the State of Delaware.” Adopted in

lieu of the Original.

Senator Jarvis introduced **SA 1 to SS 1 for SB 197**. Placed with the Bill.

On motion of Senator Elliott, **SB 236** was taken up for consideration and read by title only:

SB 236 — "An Act to Amend Part 11, Title 6 of the Delaware Code, relating to persons engaged in the Home Improvement Business: regulations for same: the handling of complaints against fraudulent practices: regulation of Home Improvement Salesmen and Home Improvement Contracts: licensing of Home Improvements Contractors."

Senator Elliott introduced **SA 2** to the Bill and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

ABSENT: Senators Holloway and Manning — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Elliott moved that **SA 1 to SB 236** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Schlor, Steele, Zimmerman — 18.

ABSENT: Senators Holloway, Manning and Murphy — 3.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Elliott, final consideration of the Bill was deferred.

On motion of Senator Jarvis, **SB 290** was taken up for consideration and read by title only:

SB 290 — "An Act to amend Title 17 of the Delaware Code relating to Highways and Roads generally, and providing for coordination between the Division of Highways and the several Counties in future planning."

At the request of Senator Jarvis, the privilege of the floor was extended to Nick Brown to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Cicone, Cook, duPont, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Schlor, Steele, Zimmerman — 15.

NO: Senators Adams, Cordrey and McCullough — 3.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Holloway and Murphy — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cicione, **SB 294** was taken up for consideration and read by title only:

SB 294 — “An Act to amend Chapter 65, Part IV, Title 11 of the Delaware Code relating to the employment of inmates, and prohibiting the use of inmates as strike-breakers.”

At the request of Senator Cicione, the privilege of the floor was extended to Jack Berl, representing Local 199, AFL-CIO, to speak on the Bill.

Senator Cicione moved that **SA 1 to SB 294** which had been placed with the Bill, now be adopted.

Senator Cicione moved that the roll call vote on the adoption of the Amendment be tabled.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Cicione, Cook, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 9.

NO: Senators Adams, Berndt, Isaacs, Manning, Steele — 5.

NOT VOTING: Senators Castle, duPont and Elliott — 3.

ABSENT: Senators Cordrey, Hale, Holloway and Hughes — 4.

So the motion, having failed to receive the required constitutional majority, was lost.

Therefore, the roll call vote on **SA 1 to SB 294** was announced to be:

YES: Senators Berndt, Cicione, Cook, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 10.

NO: Senators Adams, Castle, duPont, Elliott, Isaacs, Manning, Steele — 7.

ABSENT: Senators Cordrey, Hale, Holloway and Hughes — 4.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Cicione, **SB 294** was deferred.

On motion of Senator Berndt, **HB 275** was taken up for consideration and read by title only:

HB 275 — “An Act to amend Chapter 1, Title 8, Delaware Code, relating to the General Corporation Law.”

At the request of Senator Berndt, the privilege of the floor was extended to E. Norman Veasey, Delaware Bar Association, to speak on the Bill.

The roll call vote on the Bill was tabled on motion of Senator Berndt.

On motion of Senator Berndt, **HB 278** was taken up for consideration and read by title only:

HB 278 — "An Act to amend Chapter 17 of Title 6 of the Delaware Code with reference to limited partnerships."

At the request of Senator Berndt, the privilege of the floor was extended to E. Norman Veasey, to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Steele, Zimmerman — 17.

NOT VOTING: Senator Schlor — 1.

ABSENT: Senators Cicione, Holloway and Murphy — 3.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Berndt, **HB 265** was taken up for consideration and read by title only:

HB 265 — "An Act to amend Title 10, Delaware Code, by amending Sections 3504(a) and 3904 thereof relating to certain suits, judgments and attachments by and against unincorporated associations including partnerships."

At the request of Senator Berndt, the privilege of the floor was extended to E. Norman Veasey to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Holloway — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Manning, **HB 418** was taken up for consideration and read by title only:

HB 418 — "An Act to amend an Act being Chapter 504, Volume 57, Laws of Delaware, as amended, entitled "An Act to incorporate the Town of Henlopen Acres" to provide a procedure for annexation."

On motion of Senator Manning, final consideration of the Bill was deferred.

On motion of Senator Martin, the roll call vote on **SS 1 for SB 235** which had been tabled was stricken and a new roll call vote taken which was then tabled.

On motion of Senator Murphy, **SB 266** was taken up for consideration and read by title only:

SB 266 — “An Act to amend Chapter 7, Title 4 of the Delaware Code by striking §718 relating to requirement for licensed sellers of alcoholic liquor to make monthly reports.”

At the request of Senator Murphy, the privilege of the floor was extended to Robert A. Hemphill to speak on the Bill.

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Berndt, Cook, Cordrey, Elliott, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 15.

NOT VOTING: Senators Castle and duPont — 2.

ABSENT: Senators Adams, Cicione, Holloway and Isaacs — 4. So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cook, the roll call vote on **SB 337** was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

NOT VOTING: Senator Hale — 1.

ABSENT: Senator Holloway — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, the roll call vote on **HB 275** was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Holloway — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

Senator Isaacs (with all the Senators as co-sponsors) introduced **SR 90**:

SR 90 — “Acknowledging the birthdays of the U.S. Flag and Lt. Governor Eugene D. Bookhammer.”

Senator Isaacs moved that the Resolution be adopted.

On the question, “Shall the Resolution be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 18.

ABSENT: Senators Cicione, Holloway and Zimmerman — 3.

So the Resolution, having received the required constitutional majority, was adopted.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering **HB 370 w/ HA 1**.

HB 370 w/ HA 1 — "An Act making a supplemental appropriation to the Legislative Council."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Holloway — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 341** — 4 Favorable, 1 Merits.

Senator Isaacs moved that the Senate recess until 1:30 p.m. June 18.

On the question "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 14.

NO: Senators Berndt, Castle, duPont, Hale and Jarvis — 5.

NOT VOTING: Senator Hughes — 1.

ABSENT Senator Holloway — 1.

So the motion, having received the required constitutional majority, prevailed and the Senate recessed at 5:45 p.m.

The Senate reconvened at 2:46 p.m. June 18, 1973, Lt. Governor Bookhammer presiding.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **SB 342** — 4 Merits; **SB 297** — 4 Merits; **SB 313** — 3 Merits; **SB 293** — 3 Merits; **HB 453** — 3 Merits; **HB 432** — 3 Merits; **HB 63** — 3 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SS 1 for SB 164** — 1 Favorable, 4 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **SS 1 for SB 217** — 4 Merits, 1 Unfavorable.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **SB 330** — 3 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 111** — 3 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 111** — 3 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 280 w/ HA 1** — 1 Favorable, 4 Merits; **HB 390** — 1 Favorable, 3 Merits, 1 Unfavorable; **HB 389** — 2 Favorable, 3 Merits.

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

WHEREAS, Harry C. McSherry has distinguished himself as a newsman in Delaware for 53 years; and

WHEREAS, with his accurate roll call tending and his two-fingered typing he has become a legend among younger newsmen and the public at large alike and, who with his cane and pipe, has become a figure at Legislative Hall and in the Senate Chamber; and

WHEREAS, he has broadcast his "Capital Comments" program nightly on WDOV radio for 24 years, providing a continual picture of legislative highlights and insights to broadcast listeners; and

WHEREAS, his column in the "Delaware State News" offers daily assessment and commentary on items of current and past interest; and

WHEREAS, his stories also reflect his superb recollection of past history, dates, events, personages, anecdotes and attitudes, and entertain while informing; and

WHEREAS, his "tell-it-like-it-is" style of writing sets him apart from other journalists; and

WHEREAS, "Mr. Mac" has maintained the highest professional standards while reading the pulse of the community of Dover and the State of Delaware since 1920;

NOW, THEREFORE, I, Sherman W. Tribbitt, Governor of the State of Delaware, recognizing this newsman's perceptive, accurate, enthusiastic, and tireless efforts to inform, explain, and educate the citizens of this State as to the affairs that affect their lives daily, do hereby proclaim

HARRY C. MCSHERRY THE "DEAN OF THE DELAWARE PRESS CORPS".

IN WITNESS WHEREOF, I, SHERMAN W. TRIBBITT, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 18th day of June in the year

of our Lord, one thousand nine hundred and seventy-three, and of the Independence of the United States of America, the hundred and ninety-seventh.

(Signed) Sherman W. Tribbitt
Governor

(Signed) Robert H. Reed
Secretary of the State

* * * * *

At 2:53 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 48th Day.

48TH LEGISLATIVE DAY

The Senate met at 2:53 p.m. June 18, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:

6-14-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 369w/ HA 2, 5, 6; HB 370w/ HA 1; HB 404 w/ HA 1; HB 364; HB 279 w/ HA 1, 2; HB 408 w/ HA 1, 2; HB 440 w/ HA 2, 3, 4, 8, 9, 11, 13, 16, 23; HCR 17** and requests the concurrence of the Senate.

The House also passed **SB 337; SJR 23** and is returning same to the Senate.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **SB 242 — 5 Merits HB 194 — 5 Merits; SB 324 — 5 Merits; SB 302 — 5 Merits.**

Senator Cordrey (co-sponsor Senator Adams) introduced **SR 91** and moved that it be adopted.

SR 19 — "Congratulating Miss Sue Ann Rogers of Georgetown, Delaware for being crowned "Miss Poultry Princess" at the 1973 Delmarva Chicken Festival."

On the question "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

So the Resolution, having received the required constitutional majority, was adopted.

Senator Martin introduced **SB 346**:

SB 346 — "An Act to amend Title 21, Delaware Code, relating to tests to determine Blood Alcohol Concentration." Assigned to Public Safety Committee.

Senator Steele introduced **SB 347**:

SB 347 — "An Act to alter the method of capitalization of the State Self-Insurance Fund." Assigned to Finance Committee.

Senator Zimmerman (honorary co-sponsor Representative Gruwell) introduced **SB 348**:

SB 348 — "An Act to amend Part III, Title 9 of the Delaware Code, relating to Kent County, and providing for budgeting for the County and separate budgeting for local service functions performed by incorporated Municipalities in Kent County and by Kent County." Assigned to Community Affairs Committee.

Senator Hughes (honorary co-sponsor Representative Heckert) introduced **SB 349**:

SB 349 — "An Act making a supplementary appropriation the Department of Highways and Transportation for the construction of an overhead walkway over interstate Highway 1—495 to connect the Development of Knollwood to Claymont proper." Assigned to Finance Committee.

Senator duPont (co-sponsor Senator Cook) introduced **SB 350**:

SB 350 — "An Act to amend Chapter 25, Title 24 of the Delaware Code, relating to Pharmacies, the Board of Pharmacy, retail Pharmacies and other Pharmaceutical establishments." Assigned to Administrative Services Committee.

Senator Steele introduced **SS 1 for SB 292**. Adopted in lieu of the Original and Assigned to Finance Committee.

Senator Kearns introduced **SA 1 to SB 180**. Placed with the Bill.

Senator duPont introduced **SA 3 to SB 86**. Placed with the Bill.

Senator Steele introduced **SA 1 to HB 187**. Placed with the Bill.

Senator Murphy introduced **SA 2 to SB 307**. Placed with the Bill.

Senator McCullough introduced **SA 1 to SB 341**. Placed with the Bill.

The Chair introduced **HCR 17**:

HCR 17 — "Saluting Presidential Scholar, Gregory S. Bentley, 1973 graduate of John Dickinson High School for outstanding scholastic achievements."

Senator Jarvis moved that the Resolution be adopted.

On the question, "Shall the Resolution be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Manning — 1.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered back to the House.

The Chair introduced the following House Bills:

HB 279 w/ HA 1, 2 — "An Act to amend Title 23 of the Delaware Code by adding a new Chapter "Ponds and Lakes" dealing with ownership of the bottoms of ponds and lakes and the waters thereof, and providing for treatment of such bodies of water." Assigned to Natural Resources and Environmental Control Committee.

HB 404 w/ HA 1 — "An Act to amend Chapter 39, Title 7, Delaware Code to permit the Department of Natural Resources and Environmental Control to cooperate with other State Agencies for use of the State Dredge." Assigned to Natural Resources and Environmental Control Committee.

HB 440 w/ HA 2, 3, 4, 8, 9, 11, 13, 16, 23 — "An Act to amend Title 29, Delaware Code by adding a new Chapter 8 creating a Joint Ethics committee of the General Assembly and Ethics Committees for each House thereof, establishing duties and prescribing administrative procedures of the Joint Ethics Committee, and requiring disclosure statements for legislators." Assigned to Executive Committee.

HB 364 — "An Act making a supplemental appropriation to the Department of Finance, Department of Natural Resources and Environmental Control, Department of Public Safety, and Department of Labor." Assigned to Finance Committee.

HB 408 w/ HA 1, 2 — "An Act to amend Chapter 24, Part II, Title 3 of the Delaware Code relating to Johnsongrass control." Assigned to Agriculture Committee.

HB 369 w/ HA 2, 5, 6 — "An Act to amend Chapter 14, Volume 58, Laws of Delaware entitled "An Act to amend Title

22, Delaware Code, entitled 'Municipalities' by adding thereto a new Chapter 9 authorizing cities with a population in excess of 50,000 persons to enact a tax on income of its residents; and a tax on the income of nonresidents engaged in any occupation, business or profession within the city."

Senator Schlör moved that the necessary rules be suspended in order to consider the Bill.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, McCullough, Steele — 10.

So the motion, having received the required constitutional majority, prevailed and the Bill was before the Senate for consideration.

Senator Schlör then moved that the Senate recess for fifteen minutes.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

NOT VOTING: Senator McCullough — 1.

So the motion, having received the required constitutional majority, prevailed and the Senate recessed at 3:15 p.m.

The Senate reconvened at 4:00 p.m.

Senator Berndt introduced **AS 1 to HB 369**. Placed with the Bill.

Senator Schlör moved that **HB 369** be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced be:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Hale, Jarvis, Manning, McCullough, Steele — 6.

NOT VOTING: Senators Castle, duPont, Elliott, Hughes — 4.

So the motion, having received the constitutional majority, prevailed and the Bill was deferred.

On motion of Senator Elliott, **HB 208 w/ HA 1, 2, SA 1** which had been deferred, was again taken up for consideration.

On motion of Senator Elliott, **SA 2** to the Bill was stricken.

Senator Berndt moved that **SA 3** to the Bill, which had been placed with the Bill, now be adopted.

On the question, "Shall the Admendment be adopted?",

the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Steele, Zimmerman — 18.

ABSENT: Senators Jarvis, Manning and Schlör — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Elliott moved for passage of **HB 208 w/ HA 1, 2, SA 1, 3.**

On further motion of Senator Elliott the roll call vote on the Bill was tabled.

On motion of Senator Elliott, **HB 233** was taken up for consideration and read by title only:

HB 233 — “An Act to amend Chapter 79, Part VII, Title 29 of the Delaware Code, relating to Department of Health and Social Services, and providing for a Division of Aging.”

On motion of Senator Elliott, final consideration of the Bill was deferred.

On motion of Senator duPont, **SB 86** which had been tabled, was again taken up for consideration.

On motion of Senator doPont, **SA 1** to the Bill was stricken.

Senator duPont moved that **SA 2** to the Bill, which had been placed with the Bill, now be adopted.

At the request of Senator duPont, the privilege of the floor was extended to Le Roy W. Gaines, to speak on the Amendment.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Kearns, Martin, Murphy, Steele — 13.

NOT VOTING: Senators Holloway, Isaacs and Zimmerman — 3.

ABSENT: Senators Cicione, Cordrey, Manning, McCullough and Schlör — 5.

So the Amendment, having received the required constitutional majority, was adopted.

Senator duPont introduced **SA 3 to SB 86** and moved that it be adopted.

On further motion of Senator duPont, the roll call on the Amendment was tabled.

On motion of Senator duPont **SB 86 w/ SA 2** was tabled.

Senator Hale moved that the Senate recess until the Democrats solve their problem.

On the question, “Shall the motion prevail?”, the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, duPont, Hale, Jarvis, Manning, Martin, Steele — 8.

NO: Senators Adams, Cook, Holloway, Isaacs, Kearns, Murphy, Zimmerman — 7.

NOT VOTING: Senators Elliott and Hughes — 2.

ABSENT: Senators Cicone, Cordrey, McCullough and Schlor — 4.

So the motion, having failed to receive the required constitutional majority, was defeated.

On motion of Senator Kearns, **SB 233** which had been deferred, was again taken up for consideration.

Senator Kearns moved that **SA 1** to the Bill, which had been placed with the Bill, now be adopted.

On the question, "Shall the Admentment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Hale, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Zimmerman — 13.

NOT VOTING: Senators Hughes, McCullough and Steele

— 3.

ABSENT: Senators Cicione, Cordrey, Elliott, Jarvis, Schlor, — 5.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Kearns, the privilege of the floor was extended to Myron Steele, Senate Attorney, to speak on the Bill.

Senator Kearns moved for the passage of **SB 233w/ SA**

1.

Senator Kearns then moved that the roll call vote on the Bill be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Schlor, Zimmerman — 11.

NO: Senators Berndt, Hale, Hughes, Steele — 4.

NOT VOTING: Senators Castle and Jarvis — 2.

ABSENT: Senators Cicione, duPont, Elliott and McCullough — 4.

So the motion, having received the required constitutional majority, prevailed and the roll call vote on the Bill was tabled.

Senator Zimmerman presented the following Petition:

PETITION

We, the undersigned, members of the Senate of the 127th General Assembly, hereby petition that Senate Bill No. 340 be released from the Finance Committee.

Thurman Adams, Jr.
George F. Schlör
Jacob W. Zimmerman
Herman M. Holloway
Francis J. Kearns
William M. Murphy

Anthony J. Cicione
Richard S. Cordrey
David H. Elliott
J. Donald Isaacs
Roger A. Martin

* * * * *

On motion of Senator Schlör **HB 369 w/ HA 2, 5, 6** was lifted from the table.

Senator Berndt moved that **SA 1** to the Bill which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Hale, Hughes, Jarvis, Manning, McCullough, Steele — 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 11.

ABSENT: Senators duPont and Elliott — 2.

So the Amendment, having failed to receive the required constitutional majority, failed.

Senator Castle introduced **SA 2** to the Bill, which, on his motion, was immediately stricken.

At the request of Senator Schlör, the privilege of the floor was extended to Gerald P. Doherty IV, representing the Mayor of Wilmington, to speak on the Bill.

Senator Castle introduced **SA 3 HB 369** and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Castle, Hale, Hughes, Jarvis, Manning, McCullough, Steele — 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Martin, Murphy, Schlör — 7.

NOT VOTING: Senators Hollowya, Isaacs, Kearns and Zimmerman — 4.

ABSENT: Senators duPont and Elliott — 2.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

At the request of Senator McCullough, the privilege of the floor was extended to William E. Zimmerman, representing the City of Wilmington, to speak on the Bill.

Senator Schlor moved for passage of **HB 369**.

On further motion of Senator Schlor, the roll call vote on the Bill was tabled.

Senator Cicione moved that **HB 35 w/ HA 1, 2** which had been defeated by the Senate, be restored to the Calendar.

At the request of Senator Cicione, the roll call vote on the motion to restore the Bill, was tabled.

Senator Zimmerman moved that the Senate recess until 1:30 p.m. June 19, 1973.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughs, Isaacs, Kearns, Martin, Murphy, Schlor, Zimmerman — 13.

NO: Senators Castle, Jarvis, Manning, Steele — 4.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators duPont, Elliott and Hale — 3.

So the motion prevailed and the Senate recessed at 6:47 p.m.

The Senate reconvened at 2:07 p.m., June 19, Lt. Governor Bookhammer presiding.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **SS 1 for SB 292** — 4 Merits; **SB 347** — 4 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SJR 25** — 4 Merits; **SJR 27** — 3 Merits.

Senator Cordrey (co-sponsor Senator Steele) introduced **SB 351**:

SB 351 — "An Act to amend Titles 1 and 29, Delaware Code, providing for omnibus Amendments relating to deposits and investments of monies belonging to the State or in the custody of the Department of Finance; and to ratify a contract between the State and the Farmers Bank of the State of Delaware requiring minimum deposits of State monies in the Bank, and requiring use of certain services of the Bank, over an extended period of time." Assigned to Finance Committee.

Senator Cordrey (co-sponsor Senator Steele) introduced

SB 352:

SB 352 — “An Act providing for the sale of those shares of Capital Stock of Farmers Bank of the State of Delaware owned by the State of Delaware, and for the establishment of the State of Delaware Stock Sale Commission for the administration and sale of those shares of Stock.” Assigned to Finance Committee.

Senator Cordrey (co-sponsor Senator Steele) introduced **SB 353:**

SB 353 — “An Act to amend Chapters 7 and 9 of Title 5, Delaware Code, and to direct State appointed directors of Farmers Bank of the State of Delaware to vote in favor of certain Amendments to the Bank’s Charter, for the purpose of abolishing the special relationship between the State and the Bank by eliminating both the Annual Report from the Bank to the Governor and the appointment by the State of Directors to the Bank.” Assigned to Finance Committee.

Senator McCullough introduced **SB 354:**

SB 354 — “An Act to amend Chapter 21, Title 11 of the Delaware Code, relating to defaults on Cash Bail Bonds.” Assigned to Judiciary and Elections Committee.

Senator Hughes introduced **SA 1 to SS 1 for SB 164.** Placed with the Bill.

Senator Hughes introduced **SA 4 to HB 61.** Placed with the Bill.

Senator Cook introduced **SA 2 to SB 204.** Placed with the Bill.

Senator Elliott introduced **SA 1 to HB 440.** Placed with the Bill.

Senator Hale introduced **SA 2 to SS 1 for SB 164.** Placed with the Bill.

Senator Murphy introduced **SA 3 to SB 307.** Placed with the Bill.

Senator Murphy introduced **SA 2 to HB 224.** Placed with the Bill.

Senator Cicione introduced **SA 2 to SB 294.** Placed with the Bill.

At the request of Senator Hughes, the roll call on the motion to restore **HB 35** to the Calendar was lifted and announced to be:

YES: Senators Adams, Berndt, Cicione, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, McCullough — 12.

NO: Senators Castle, Hale, Manning, Martin, Murphy, Schlor, Zimmerman — 7.

NOT VOTING: Senators Cook and Steele — 2.

So the motion prevailed and the Bill was restored to the Calendar.

At 2:15 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 49th Day.

49TH LEGISLATIVE DAY

The Senate convened at 2:15 p.m. June 19, 1973, Lt. Governor Bookhammer presiding

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following Legislative Advisory from the Office of the Governor

OFFICE OF THE GOVERNOR

June 14, 1973

TO: Secretary of the Senate

FROM: Robert G. Carey, Counsel to the Governor

The Governor approved the following legislation on the indicated dates: **SB 139 w/ SA 2, 3, 4, HA 2 — 6-9-73; HB 231 — 6-9-73; SB 200 — 6-11-73; HB 53 — 6-12-73; HB 277 — 6-12-73; SB 38 w/ HA 1 — 6-12-73.**

At the request of Senator duPont, Senator Schlör was added as co-sponsor to **SB 350**.

Senator Cicone, Chairman of the Labor and Industrial Relations Committee, reported back to the Senate: **SB 299 — 3 Merits.**

On motion of Senator Zimmerman, **SB 215** was taken up for consideration and read by title only:

SB 215 — "An Act to amend Chapter 69, Title 29, Delaware Code entitled "Procurement of Material" and award of contracts for Public Works by State Agencies," by requiring that leases of material be bid."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 19.

NOT VOTING: Senator Steele — 1.

ABSENT: Senator Holloway — 1.

So the Bill, having received the required constitutional

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

On motion of Senator McCullough, **SB 316** was taken up for consideration and read by title only:

SB 316 — “An Act to amend Title 14 of the Delaware Code relating to aid to needy students.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 19.

NO: Senator Zimmerman — 1.

ABSENT: Senator Holloway — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hughes, **HB 61 w/ HA 4** was taken up for consideration and read by title only:

HB 61 w/ HA 4 — “An Act to amend Chapter 43, Title 21 of the Delaware Code relating to the equipment and construction of motor vehicles.”

Senator Hughes introduced **SA 4** to the Bill and moved that it be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cook, Holloway and McCullough — 3.

So the Amendment, having received the required constitutional majority, was adopted.

At the request of Senator Elliott, **SA 1**, **SA 2** to the Bill were stricken.

Senator Elliott (Senator Cook as co-sponsor) introduced **SA 5** to the Bill and moved that it be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Cook, Cordrey, Elliott, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Castle and Steele — 3.

NOT VOTING: Senators Cicione, duPont, Hale, Holloway, Hughes, Isaacs, McCullough — 7.

So the Amendment, having received the required constitutional majority, was adopted.

On motion of Senator Hughes, the roll call vote on **SA 4** to the Bill was rescinded and the Bill was tabled.

On motion of Senator Holloway, **SJR 11** as amended by **HB 1** was tabled.

On motion of Senator Isaacs, **SB 182** was taken up for consideration and read by title only:

SB 182 — "An Act to amend Title 10, Title 16 and Title 19 of the Delaware Code relating to State Government and the functions, duties and responsibilities of the Legislative Reference Bureau, the Legislative Council of Delaware, and the Office of Controller General."

At the request of Senator Isaacs, the privilege of the floor was extended to Don Cocker, of the Legislative Council, to speak on the Bill.

Senator Isaacs moved that **SA 1** to the Bill which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cook and Murphy — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Manning introduced **SA 2** to the Bill and, on her motion, the Amendment was immediately stricken.

Senator Isaacs moved for passage of **SB 182 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 20.

NOT VOTING: Senator Zimmerman — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs, **SB 301** was taken up for consideration and read by title only:

SB 301 — "An Act relating to the pension for G. Lester Cleaver, a former New Castle County and State Employee."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 15.

NO: Senators duPont and Hale — 2.

NOT VOTING: Senators Berndt, Castle, Jarvis, Steele —

4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs **SB 305** was taken up for consideration and read by title only:

SB 305 — “An Act to provide a supplementary appropriation to the Supreme Court for the purchase of Delaware Reports.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 20.

ABSENT: Senator Schlor — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs, **HB 184** was taken up for consideration and read by title only:

HB 184 — “An Act to amend Subchapter 1 of Chapter 5, Title 7, Delaware Code pertaining to hunting, trapping and fishing licenses.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 17.

NO: Senator McCullough — 1.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Hale and Holloway — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Isaacs, **HB 200** was taken up for consideration and read by title only:

HB 200 — “An Act to amend Subchapter V, of Chapter 5, Title 7 of the Delaware Code pertaining to taking game, birds, eggs or fish for scientific or propagation purposes.”

At the request of Senator Isaacs, the privilege of the floor was extended to Secretary John C. Bryson, Department of Natural Resources and Environmental Control, to speak on the Bill.

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 18.

NO: Senator McCullough — 1.

ABSENT: Senators Hale and Schlor — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Isaacs, **HJR 1** was taken up for consideration and read by title only:

HJR 1 — “Commending the Inaugural Committee for their competent direction of the Inauguration of Sherman W. Tribbitt and Eugene D. Bookhammer.”

On the question, “Shall the Resolution be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 19.

ABSENT: Senators Hale and Schlor — 2.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered back to the House.

On motion of Senator Manning, **HB 226** was taken up for consideration and read by title only:

HB 226 — “An Act to amend Part III, Chapter 47, Title 29, Delaware Code, relating to burials paid for by the State or other political subdivisions.”

On the question, “Shall the Bill pass the Senate?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Huges, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 20.

ABSENT: Senator Schlor — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Berndt, **HB 276 w/ HA 2, 3** was taken up for consideration and read by title only:

HB 276 w/ HA 2, 3 — “An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the Board of Parole.”

At the request of Senator Berndt, the privilege of the floor was extended to Representative Jonkiert.

On motion of Senator Berndt, the roll call vote on the Bill was tabled.

On motion of Senator Berndt, **HB 302** was taken up for consideration and read by title only:

HB 302 — "An Act to amend Section 3923, Chapter 39, Title 10, Delaware Code, relating to recovery of damages from parents for malicious destruction of property by minors."

On the question, "Shall the Bill pass the Senate?", the roll vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Manning, Martin, Murphy, Steele — 16.

NO: Senator McCullough — 1.

ABSENT: Senators Hughes, Kearns, Schlor and Zimmerman — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator duPont, **SB 179** which had been deferred was again taken up for consideration.

On motion of Senator duPont, the roll call vote on **SA 1** to the Bill was rescinded.

Senator duPont then moved for passage of **SB 179**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Manning, McCullough, Murphy, Schlor, Steele, Zimmerman — 17.

NOT VOTING: Senators Isaacs and Kearns — 2.

ABSENT: Senators Cicione and Martin — 2.

So the Bill passed the Senate, having received the required majority, and was ordered to the House for concurrence.

On motion of Senator Hale **SB 261** was taken up for consideration and read by title only:

SB 261 — "An Act to amend Delaware Code, Title 14, Chapter 17, as it relates to equalization funds for School Districts."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, duPont, Hale, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele — 12.

NO: Senators Castle, Cordrey, Elliott, Holloway, Zimmerman — 5.

NOT VOTING: Senators Berndt, Cook and Hughes — 3.

ABSENT: Senator Cicione — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cook, **SJR 8** which had been adopted by the Senate, was again taken up for reconsideration

as further amended by **HA 1**.

On the question, "Shall the Resolution (as so amended) be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione and Elliott — 2.

So the Resolution, having received the required constitutional majority, was adopted.

On motion of Senator Cordrey, **SB 136** was taken up for consideration and read by title only:

SB 136 — "An Act to amend §701, Title 14 of the Delaware Code relating to authority of teachers and administrators in the Public Schools to administer corporal punishment."

Senator Cordrey moved that **SA 1** to the Bill, which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele — 17.

ABSENT: Senators Cicione, Elliott, Murphy and Zimmerman — 4.

So the Amendment was adopted, having received the required constitutional majority.

Senator Cordrey moved for passage of **SB 136 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele — 15.

NO: Senators Hale and McCullough — 2.

ABSENT: Senators Cicione, Elliott, Hughes and Zimmerman — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Manning, **SB 1** which had been deferred was again taken up for consideration.

Senator Adams moved that **SA 8 to SB 1** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, du-

Pont, Holloway, Jarvis, Manning, Martin, Steele — 11.

NO: Senators Cordrey, Isaacs, Kearns, McCullough and Zimmerman — 5.

NOT VOTING: Senator Schlor — 1.

ABSENT: Senators Elliott, Hale, Hughes and Murphy — 4.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Manning moved for passage of **SB 1 w/ Sa 7, 8**.

Then on motion of Senator Manning, the roll call vote on the Bill was tabled.

On motion of Senator Cook **SB 238** was taken up for consideration and read by title only:

SB 238 — "An Act to amend Title 18, Chapter 31, Delaware Code, relating to fair disclosure in Group Life Insurance and approval by the Delaware State Insurance Commissioner of Groups for which plans of Insurance shall issue."

On the question, "Shall the Bill pass the Senate?"; the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele — 17.

ABSENT: Senators Elliott, Hughes, McCullough and Zimmerman — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, **HB 185 w/ HA 3, 5, 7** was taken up for consideration and read by title only:

HB 185 w/ HA 3, 5, 7 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the powers, duties and procedures of the Board of Parole."

On the question, "Shall the Bill pass the Senate?"; the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Isaacs, Manning, Murphy, Schlor, Steele — 11.

NO: Senators Castle, duPont, Hale, Holloway, Jarvis, McCullough — 6.

NOT VOTING: Senators Kearns, Martin and Zimmerman — 3.

ABSENT: Senator Hughes — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Berndt, **HB 334 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 334 w/ HA 1, 2 — "An Act to amend Chapter 5,

Chapter 7 and Chapter 13, Title 13 of the Delaware Code establishing civil and criminal actions concerning desertion and support and conferring exclusive original jurisdiction over all such actions upon the Family Court of the State of Delaware, conferring certain rights of appeal, and repealing certain other statutes.”

On motion of Senator Berndt, the Bill was then tabled.

At 4:55 p.m., on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 7:50 p.m., Lt. Governor Bookhammer presiding.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 364** — 4 Merits; **SB 351** — 4 Merits; **SB 352** — 4 Merits; **SB 353** — 4 Merits; **SB 349** — 4 Merits.

Senator Berndt introduced **SB 355**:

SB 355 — “An Act to amend Chapter 86, Title 29 of the Delaware Code relating to the control and management of solid wastes.” Assigned to Judiciary and Elections Committee.

Senator Zimmerman (co-sponsors Senators Cicione, Cook, Holloway and Isaacs) introduced **SB 356**:

SB 356 — “Amend Subchapter IX, Title 30 of the Delaware Code relating to designation of a portion of income tax refund to political parties.” Assigned to Finance Committee.

Senator Steele introduced **SA 1 to SB 347**. Placed with the Bill.

Senator Jarvis (co-sponsors Senators duPont, Isaacs, Kearns, Manning, Martin and honorary co-sponsors Representatives Arnold, duPont, Powell and Worthen) introduced **SCR 30** and moved that it be adopted.

SCR 30 — “Requesting Representatives of the Public Service Commission, the Division of Environmental Control and the Artesian Water Company to meet with members of the Senate Administrative Services Committee and the House Community Affairs Committee.

On the question, “Shall the Resolution be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Isaacs, Jarvis, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 15.

ABSENT: SENATORS Berndt, Hale, Holloway, Hughes, Kearns, Schlor — 6.

So the Resolution, having received the required constitutional majority, was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Steele, **HB 187 w/ HA 1** was taken up for consideration and read by title only:

HB 187 w/ HA 1 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporation Income Tax."

Senator Steele introduced **SA 1** to the Bill and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cook, Cordrey, duPont, Elliott, Hale, Martin, McCullough, Steele, Zimmerman — 11.

NOT VOTING: Senators Isaacs, Kearns, Murphy and Schlor — 4.

ABSENT: Senators Berndt, Cicione, Holloway, Hughes, Jarvis, Manning — 6.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Steele moved for passage of **HB 187 w/ HA 1, SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cook, Cordrey, duPont, Elliott, Hale, Jarvis, Manning, McCullough, Murphy, Steele — 12.

NO: Senator Zimmerman — 1.

NOT VOTING: Senators Isaacs, Kearns, Martin and Schlor — 4.

ABSENT: Senators Isaacs, Kearns, Martin and Schlor — 4.

ABSENT: Senators Berndt, Cicione, Holloway and Hughes — 4.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

On motion of Senator Murphy **SB 307** was taken up for consideration and read by title only:

SB 307 — "An Act providing for an additional discretionary disposition following adjudication of Delinquency in the Family Court relating to Driver's License and Insurance."

On motion of Senator Murphy, **SA 1** to the Bill, which had been placed with the Bill, was stricken.

Senator Murphy moved that **SA 2** to the Bill which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cor-

drey, duPont, Elliott, Hale, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 18.

ABSENT: Senators Holloway, Hughes and Jarvis — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Murphy introduced **SA 3** to the Bill and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 17.

NO: Senator Isaacs — 1.

ABSENT: Senators Cicione, Holloway and Jarvis — 3.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Murphy moved for passage of **SB 307 w/ SA 2**,

3.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 16.

NO: Senators Cordrey and Isaacs — 2.

ABSENT: Senators Cicione, Holloway and Jarvis — 3.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, **HB 334 w/ HA 1, 2** which had been tabled, was lifted for consideration.

At the request of Senator Berndt, the privilege of the floor was extended to Judge William C. Gordan, Family Court, to speak on the Bill.

On further motion of Senator Berndt, the roll call vote on the Bill was tabled.

On motion of Senator Steele, **HB 292 w/ HA 1** was taken up for consideration and read by title only:

HB 292 w/ HA 1 — "An Act to amend Chapter 29, Title 30, Delaware Code, relating to retail and wholesale merchants license taxes."

At the request of Senator Steele, the privilege of the floor was extended to Representative McGinnis, to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Jarvis, Kearns, Manning,

Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senator Holloway — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Castle, **SB 334** was taken up for consideration and read by title only:

SB 334 — “An Act to amend Chapter 25, Title 29, Delaware Code, relating to the power to authorize certain local Policemen to have Statewide Police Powers.”

At the request of Senator Castle, the privilege of the floor was extended to Jerome O. Herlihy, Department of Justice, to speak on the Bill.

On motion of Senator Castle, the roll call vote on the Bill was tabled.

On motion of Senator Castle, **SB 338** was taken up for consideration and read by title only:

SB 338 — “An Act to amend Title 11, Delaware Code, by adding a new Subsection (9d) to Section 1902, relating to an extended period of detention after hearing.”

On motion of Senator Castle, the roll call vote on the Bill was tabled.

On motion of Senator Castle, the roll call vote on the Bill was tabled.

On motion of Senator Castle, the roll call vote on **SB 334** was lifted from the table and announced to be:

YES: Senators Adams, Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, McCullough, Steele — 11.

NOT VOTING: Senators Cicione, Cook, Cordrey, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 9.

ABSENT: Senator Holloway — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At 9:58 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 30, 1973.

50TH LEGISLATIVE DAY

The Senate met at 2:08 p.m., June 20, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough,

Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:
6-19-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 433; HB 454; HB 402 w/ HA 1; HB 167 w/ HA 1, 2** and requests the concurrence of the Senate.

The House also passed **SB 207 w/ SA 1, HA 2; SB 228** and is returning same to the Senate.

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate: **HB 213** — 4 Merits.

Senator Cordrey, Chairman of the Agriculture Committee, reported back to the Senate: **HB 408** — 2 Favorable, 4 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 69** — 3 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 354** — 2 Merits, 2 Favorable; **SB 60** — 4 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 320** — 3 Merits.

The Chair introduced the following House Bills:

HB 454 — "An Act to amend Chapter 68, Part VI, Title 16 of the Delaware Code, exempting nurses from civil liability in the rendering of emergency care," Assigned to Health and Social Services Committee.

HB 402 w/ HA 1 — "An Act to amend Chapter 23, Part 1, Title 18 of the Delaware Code, relating to insurance trade practices, and providing for the prohibition of unfair age discrimination in Health Insurance, Group and Blanket Health Insurance, and Health Service Corporation Contracts." Assigned to Health and Social Services Committee.

HB 433 — "An Act establishing a new Chapter for the "Town of Middletown." Assigned to Community Affairs Committee.

HB 167 w/ HA 1, 2 — "An Act to amend Chapter 33, Part 11, Title 19 of the Delaware Code, relating to unemployment compensation, with specific reference to the determination and payment of compensation benefits." Assigned to Labor and Industrial Relations Committee.

Senator Castle introduced **SB 357**:

SB 357 — "An Act to amend §1906, Subchapter 1, Chapter 19, Title 11, Delaware Code, to provide for arrest by a Peace Officer for violation."

On motion of Senator Castle, the Bill was laid on the table.

Senator Cordrey introduced **SA 3 to SS 1 for SB 164**. Placed with the Bill.

Senator Castle introduced **SA 1 to SS 1 for SB 270**. Placed with the Bill.

Senator Martin introduced **SA 2, SA 3 to SB 138**. Both Amendments placed with the Bill.

Senator Schlör introduced **SA 2 to SB 207** Placed with the Bill.

Senator Holloway introduced **SS 1 for SJR 11**. Adopted in lieu of the Original.

On motion of Senator Manning, the necessary rules were suspended for the purpose of considering **HB 418**:

HB — "An Act to amend an Act being Chapter 505, Volume 57, Laws of Delaware, as amended, entitled "An Act to incorporate the Town of Henlopen Acres" to provide a procedure for annexation."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Cicione — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Castle, **SS 1 for SB 270** which had been deferred, was again taken up for consideration.

Senator Castle moved that **SA 1** to the Bill, which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Isaacs and McCullough — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Castle moved for the passage of **SS 1 for SB 270 w/ SA 1**.

On further motion of Senator Castle, the roll call vote on the Bill was tabled.

On motion of Senator Jarvis **SB 227** was taken up for consideration and read by title only:

SB 227 — "An Act to amend Chapter 1 and 13, Title 14 of the Delaware Code, relating to Education, and providing a student-teacher ratio for Driver Education Classes."

On motion of Senator Jarvis, the roll call vote on the Bill was tabled.

On motion of Senator McCullough **SB 171** final consideration of which had been deferred, was again taken up for

consideration.

Senator Berndt moved that **SA 1 to SB 171** which had been placed with the Bill, now be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele — 15.

NO: Senator Schlör — 1.

NOT VOTING: Senators Cook, duPont, Isaacs and Zimmerman — 4.

ABSENT: Senator Cicione — 1.

So the Amendment, having received the required constitutional majority, was adopted.

Senator McCullough moved for the passage of **SB 171 w/ SA 1**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Cicione, Elliott, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Steele — 10.

NO: Senators Cordrey and Isaacs — 2.

NOT VOTING: Senators Adams, Castle, Cook, duPont, Holloway, Murphy, Schlör, Zimmerman — 8.

ABSENT: Senator Berndt — 1.

So the Bill, having failed to receive the required constitutional majority, was lost.

On motion of Senator Hughes, the necessary rules were suspended for the purpose of reconsidering **SB 207 w/ SA 1** as further amended by HA 2.

On motion of Senator Schlör **SA 2 to SB 207** was stricken.

On the question, "Shall the Bill (as so amended) pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Cicione, Cook, duPont, Holloway, Hughes, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 13.

NO: Senators Adams, Cordrey, Elliott, Hale, McCullough — 5.

NOT VOTING: Senators Castle and Isaacs — 2.

ABSENT: Senator Jarvis — 1.

So the Bill, having received the required constitutional majority, passed the Senate.

Senator Manning moved that the roll call vote on **SB 171 w/ SA 1** be rescinded and the Bill be restored to the Calendar.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Berndt, Cook, Elliott, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Steele — 11.

NO: Senators Adams, Cordrey, duPont, Schlor — 4.

NOT VOTING: Senators Castle, Holloway, Isaacs, Murphy, Zimmerman — 5.

ABSENT: Senator Cicone — 1.

So the motion, having received the required constitutional majority, prevailed and the Bill was restored to the Calendar.

On motion of Senator Kearns **SB 309** was taken up for consideration and read by title only:

SB 309 — “An Act creating ‘The Court of Common Pleas for the State of Delaware,’ prescribing the powers and jurisdiction of said Court: providing for the appointment, number and term of the Judges of said Court and the salaries and payment of the Judges and other Officers and employees of said Court: providing for a Seal and Rules: providing for the service of process and trial procedures in Civil and Criminal Cases: providing for the transfer of certain causes from the Superior Court to the Court of Common Pleas: providing for the validity of certain judgements which may exceed the jurisdiction of the Court: providing for the disposition of pending cases in the Courts of Common Pleas for the respective Counties: repealing Chapters 13, 15 and 16 of Title 10, Chapters 53, 55, and 56 of Title 11, Delaware Code of 1953, amending Section 2701 of Title 11, Delaware Code of 1953: preserving employee rights, and transferring appropriations.”

On motion of Senator Kearns, the roll call vote on the Bill was tabled.

On motion of Senator Zimmerman **SB 214** was taken up for consideration and read by title only:

SB 214 — “An Act to amend Chapter 25, Title 30, Delaware Code, entitled “Contractors’ License Requirements and Taxes” by requiring the political subdivisions to require proof of State licensing when issuing construction Permits.”

Senator Zimmerman moved that **SA 1** to the Bill, which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Castle, Cicone, Cordrey, duPont, Holloway, Hughes, Isaacs, Kearns, McCullough, Murphy, Schlor, Zimmerman — 13.

NOT VOTING: Senators Berndt, Manning and Steele — 3.

ABSENT: Senators Cook, Elliott, Hale, Jarvis and Martin — 5.

At the request of Senator Manning, the privilege of the floor was extended to Tom Sandbach to speak on the Bill.

On motion of Senator Zimmerman, the Bill was then tabled.

On motion of Senator Cordrey, **HB 327** was taken up for consideration and read by title only:

HB 327 — "An Act to amend Title 3, Chapter 71, Delaware Code, relating to the feeding of garbage to hogs."

At the request of Senator Cordrey, the privilege of the floor was extended to Representative Gordy to speak on the Bill.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

NOT VOTING: Senator duPont — 1.

ABSENT: Senator Holloway — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Kearns, the roll call vote on **SB 309** was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 17.

NO: Senators Cordrey and Steele — 2.

NOT VOTING: Senator duPont — 1.

ABSENT: Senator Hale — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Elliott, the roll call vote on **HB 208 w/ HA 1, 2, SA 1, 3** was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Steele, Zimmerman — 18.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Manning and Schlör — 2.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House for concurrence in the Senate Amendments.

On motion of Senator Elliott, **HB 322** was taken up for consideration and read by title only:

HB 322 — "An Act to amend Chapter 25, Title 24 of the Delaware Code, establishing immunity to individuals serving on the Board of Pharmacy, and Committees of Pharmaceutical Societies."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered back to the House.

On motion of Senator Jarvis, **SS 1 for SB 164** was taken up for consideration and read by title only:

SS 1 for SB 164 — “An Act establishing a Freedom of Information Act, requiring all meetings of the Governing Bodies of Municipalities, Counties, School Districts and all other Boards, Bureaus, Commissions or Organizations supported wholly or in part by Public Funds to be open to any citizen of the State of Delaware; and all records of the Governing Bodies of Municipalities, Counties, and School Districts and all other Boards, Bureaus, Commissions or Organizations supported wholly or in part by Public Funds or expending Public Funds, shall be public and open to personal inspection by any citizen of the State of Delaware.”

Senator Hughes moved that **SA 1** to the Bill, which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Manning, Martin, McCullough, Schlör, Steele — 13.

NO: Senators Castle, duPont and Jarvis — 3.

ABSENT: Senators Cook, Elliott, Isaacs, Murphy and Zimmerman — 5.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Hale moved that **SA 2** to the Bill, which had been placed with the Bill, now be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Schlör — 15.

NO: Senators Jarvis, Manning and Steele — 3.

NOT VOTING: Senators Murphy and Zimmerman — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Cordrey introduced **SA 3** to the Bill and moved that it be adopted.

On the question, “Shall the Amendment be adopted?”, the roll call vote was taken and announced to be:

YES: Senators Cicione, Cook, Cordrey, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Zimmerman — 10.

NO: Senators Adams, Berndt, Castle, duPont, Elliott, Hale, Holloway, Jarvis, Manning, Steele — 10.

ABSENT: Senator Schlör — 1.

So the Amendment, having failed to receive the required constitutional majority, was defeated.

Senator Jarvis moved for passage of **SS 1 for SB 164 w/ SA 1, 2.**

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, duPont, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 15.

NO: Senators Cicione and Cordrey — 2.

NOT VOTING: Senators Cook, Hughes and Isaacs — 3.

ABSENT: Senator Schlor — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Kearns **SB 104** final consideration of which had been deferred, was again taken up for consideration.

At 4:54 p.m. on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 7:43 p.m.

Senator Kearns moved that **SA 2 to SB 104** which had been placed with the Bill, now be adopted.

Senator Kearns then moved that the roll call vote the Amendment be tabled.

On the question, "Shall the motion prevail?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Isaacs, Kearns, Martin, Murphy — 6.

NO: Senators Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

ABSENT: Senators Cicione, Cordrey, Holloway, McCullough, Schlor, Zimmerman — 6.

So the motion, not having received the required constitutional majority, was defeated and the roll call vote on the adoption of **SA 2 to SB 104** was announced to be:

YES: Senators Adams, Berndt, Kearns, Martin, Zimmerman — 5.

NO: Senator Castle, duPont, Hale, Hughes, Jarvis, Manning, Steele — 7.

ABSENT: Senators Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, McCullough, Murphy, Schlor — 9.

So the Amendment failed, having failed to receive the required constitutional majority.

Further consideration of the Bill was then deferred.

On motion of Senator Zimmerman **SB 297** was taken up for consideration and read by title only:

SB 297 — "An Act to amend an Act entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of Capital Investments and for improvements to the Public School System of the State and to issue Bonds and Notes

therefor and appropriating the money borrowed to various Agencies of the State," as the same appears in Chapter 384 of Volume 54, Laws of Delaware."

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and McCullough — 2.

So the Bill, having received the required ironmental Control passed Placed with the Bill.

and was ordered to the House for concurrence.

On motion of Senator Hughes **SB 330** was taken up for consideration and read by title only:

SB 330 — "An Act to amend Part 11, Title 2, Delaware Code, relating to the establishment of a Statewide Specialized Transportation Authority."

At the request of Senator Hughes, the privilege of the floor was extended to John O. Hidinger, Division of Transportation, to speak on the Bill.

On motion of Senator Hughes, final consideration of the Bill was deferred.

On motion of Senator Zimmerman, **SB 214** which had been deferred was again taken up for consideration.

Senator Zimmerman introduced **SA 2** to the Bill and moved that it be adopted.

On the question, "Shall the Amendment be adopted?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 18.

NO: Senator Isaacs — 1.

ABSENT: Senators Cicione and Schlör — 2.

So the Amendment, having received the required constitutional majority, was adopted.

Senator Zimmerman moved for passage of **SB 214 w/ SA 1, 2**.

On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senators duPont and Hale — 2.

ABSENT: Senator Cicione — 1.

So the Bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.