

On motion of Senator Berndt, **HB 280 w/ HA 1, 2, 4, 5** was taken up for consideration and read by title only:

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."

At the request of Senator Berndt, the privilege of the floor was extended to Representative Arnold 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Murphy, Schlor, Steele — 17.

NOT VOTING: Senator Kearns — 1.

ABSENT: Senators Cicione, Cook and Zimmerman — 3.

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

At 9:20 p.m. on motion of Senator Isaacs, the Senate recessed for 15 minutes.

The Senate reconvened at 10:11 p.m.

On motion of Senator Murphy **SS 1 for SB 217** was lifted from the table.

Senator Murphy introduced **SA 1** to the Bill.

At 10:13 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. June 21, 1973.

The Senate reconvened at 2:05 p.m., Lt. Governor Bookhammer presiding.

Senator Murphy moved that **SA 1 to SS 1 for SB 217** 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, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 19.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Holloway — 1.

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

Senator Cordrey introduced **SA 2 to SS 1 for SB 217** 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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmermna — 20.

ABSENT: Senator Holloway — 1.

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

Senator Murphy moved for passage of **SS 1 for SB 217 w/ SA 1, 2.**

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

At the request of Senator Cordrey, the privilege of the floor was extended to Henry R. Horsey, to speak on the Bill.

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

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

NO: Senator Cordrey — 1.

NOT VOTING: Senator Holloway — 1.

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

At 3:09 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 51st Day.

51ST LEGISLATIVE DAY

The Senate met at 3:09 p.m., June 21, 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—20—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 339 w/ HA 1; HB 287; HB 493; HB 35; HS 1 for HB 239; HB 394 w/ HA 1, 3; HB 505 w/ HA 1; HB 492 w/ HA 1; HB 359 w/ HA 1; HS 1 for HB 380; HB 392; HB 458; HB 478; HB 387; HB 423; HB 469 w/ HA 1; HB 146; HB 470; HB 498 w/ HA 1, 3; HB 527; HS 1 for HB 155 w/ HA 1, 2** and requests the concurrence of the Senate.

The House also passed **SCR 30; SB 151 w/ HA 2; SB 189** and is returning same to the Senate.

The following Petition was read at the request of Senator Zimmerman:

PETITION

WE, THE UNDERSIGNED, MEMBERS OF THE
SENATE OF THE 127TH GENERAL ASSEMBLY, HEREBY
PETITION THAT SENATE BILL NO. 296 BE RELEASED
FROM THE FINANCE COMMITTEE.

Thurman Adams, Jr.
Allen J. Cook
Calvin R. McCullough
George F. Schlör
Jacob W. Zimmerman
William M. Murphy

Anthony J. Cicione
Richard S. Cordrey
David H. Elliott
Herman M. Holloway
Francis J. Kearns
Roger A. Martin

* * * * *

Senator Steele, Chairman of the Finance Committee,
reported back to the Senate: **SB 317** — 3 Merits.

Senator Cicione, Chairman of the Labor and Industrial
Relations Committee, reported back to the Senate: **HB 2** — 3
Merits; **HB 167** — 1 Favorable, 2 Merits.

Senator Hughes introduced **SB 358**:

SB 358 — "An Act to amend Chapter 46, Part II, Title 6 of
the Delaware Code relating to equal rights to housing, and
authorizing persons to provide housing for elderly persons."
Assigned to Judiciary and Elections Committee.

Senator Cicione introduced **SB 359**:

SB 359 — "An Act to amend Title 18 and Title 29 of the
Delaware Code, relating to the salaries of certain key ex-
ecutives." Assigned to Finance Committee.

Senator Cicione introduced **SB 360**:

SB 360 — "An Act to amend Chapter 60, Part V, Title 29 of
the Delaware Code relating to classification and compensation
of certain key executives." Assigned to Finance Committee.

Senator Zimmerman (co-sponsors Senators Cook, Isaacs
and Jarvis) introduced **SB 361**:

SB 361 — "An Act to amend Subchapter VIII, Title 30,
Delaware Code by adding a new section to be designated as
§1173 relating to designation of a portion of personal income
tax to political parties." Assigned to Finance Committee.

Senator Cordrey introduced **SB 362**:

SB 362 — "An Act to amend Part V, Title 16 of the

Delaware Code by adding a new Chapter to be designated Chapter 56 relating to compensation for vandalism on State property by residents of State Hospitals or Institutions." Assigned to Health and Social Services Committee.

Senator Hughes (co-sponsor Senator Zimmerman) introduced **SB 363**:

SB 363 — "An Act to amend Chapter 6, Title 17, Delaware Code, authorizing the Department of Highways and Transportation of the State of Delaware to construct, maintain, repair, improve and operate an express Toll Highway from a point in the vicinity of U.S. Route 13 below the City of Dover near Woodside to a connection with the existing Delaware Turnpike including a spur to U.S. Route 301 to the Maryland State Line, to maintain, repair, improve and operate the existing Delaware Turnpike, to issue Turnpike Revenue Bonds of the Department, payable solely from tolls and other revenues, for the purpose of paying, with other available funds, the cost of said Express Toll Highway and improvements to the existing Delaware Turnpike and for the purpose of refunding Turnpike Revenue Bonds issued for the existing Delaware Turnpike, to collect Tolls for the use of the Delaware Turnpikes and to pledge such tolls and other revenues to the payment of the Turnpike Revenue Bonds and the State Bonds herein authorized; authorizing the Department to Issue Turnpike Revenue Refunding Bonds; authorizing the State of Delaware to borrow money for the purpose of paying a part of the cost of said express toll highway and to issue Bonds and Notes therefore in an amount not exceeding \$100,000,000 upon the full faith and credit of the State of Delaware; and appropriating, subject to reimbursement from Bond proceeds, \$1,500,000 for preliminary expenses." Assigned to Highways, Transportation and Insurance Committee.

Senator Cook introduced **SB 364**:

SB 364 — "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 the University of Delaware." Assigned to Finance Committee.

senator McCullough introduced **SB 365**:

SB 365 — "An Act to amend Chapter 7, Title 29, Delaware Code, by adding thereto a new Section 710 permitting the General Assembly to request Judicial opinions from the Supreme Court of the State of Delaware." Assigned to Judiciary and Elections Committee.

Senator Cook (honorary co-sponsors Representatives Knox and Poulterer) introduced **SS 1 for SB 218**." Adopted in lieu of the Original and assigned to Natural Resources and Environmental Control Committee.

Senator Elliott (co-sponsors Senators Cicione, Holloway, Isaacs and Kearns) introduced **SS 1 for SB 7**. Adopted in lieu of the Original and placed in Education Committee.

Senator McCullough introduced **SA 2 to SB 171**. Placed with the Bill.

Senator Cordrey introduced **SA 3 to HB 224**. Placed with the Bill.

Senator Cook introduced **SA 1 to SS 1 for SB 292**. Placed with the Bill.

Senator Cicione introduced **SA 1 to HB 167**. Placed with the Bill.

Senator Isaacs introduced **SR 92**:

SR 92 — "Expressing Best wishes to Boys State of 1973 and congratulating the newly elected Boys State Officials."

WHEREAS, the Delaware Boys State has convened in Dover for their 36th Session during the week of June 17, 1973; and

WHEREAS, the members of the Senate of the 127th General Assembly recognize the unique educational experience that is afforded these fine young men by the sponsoring organization, the Delaware American Legion, which involves the Boys State members directly in the Legislative process; and

WHEREAS, on the night of June 19, 1973, Boys State members elected their State officials, following the proper political procedures; and

WHEREAS, these officials include:

Governor - Thomas Malm, Dickinson High School

Lt. Governor - Mike Payne, Laurel High School

Attorney General - Gary Traynor, Dover High School

Sec. of State - Andrew McCready, Concord High School

Auditor - Chris Arvey, Middletown High School

Insurance Commissioner - Steven Bonine, Seaford High School

Treasurer - Anthony D'Amica, Salesianum High School

and WHEREAS, these young men along with the entire legislative of Boys State are to be commended for becoming involved first hand with Delaware's Legislative Process.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that best wishes and congratulations are hereby extended to the officials and members of Boys State of 1973 and additional commendations be extended to the sponsors of this event, the American Legion of Delaware.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journal of the Senate and a copy delivered to the presiding officer of Boys State of 1973, and an additional copy sent to the Commander of the American Legion of Delaware."

* * * * *

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, Elliott, Hale, Holloway, Isaacs, Manning, McCullough, Murphy, Schlör, Steele — 16.

ABSENT: Senators Hughes, Jarvis, Kearns, Martin and Zimmerman — 5.

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

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate **HB 324** — 44 Merits.

The Chair introduced the following House Bills:

HB 339 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" to confer upon the Commissioners of Rehoboth Beach certain real estate transfers within the city of Rehoboth Beach."

Assigned to Community Affairs Committee.

HB 394 w/ HA 1, 3 — "An Act to amend Chapter 17, Title 14, Delaware Code, as it relates to State appropriations and total full valuation of taxable real property." Assigned to Community Affairs Committee.

HS 1 for HB 239 — "An Act making a supplemental appropriation to the various Departments for operational expenses." Assigned to Finance Committee.

HB 359 w/ HA 1 — "An Act to amend Chapter 41, Part II, Title 11 of the Delaware Code relating to the collection of fines and costs, and providing for a write-off of fines and costs under certain conditions." Assigned to Judiciary and Elections Committee.

HB 146 — "An Act to amend Subchapter XI, Chapter 41, Part III, Title 21 of the Delaware Code relating to motor vehicles, with specific reference to authorized emergency vehicles traveling to and from a fire alarm." Assigned to Public Safety Committee.

HB 287 — "An Act to amend Chapter 13, Part II, Title 9 of

the Delaware Code relating to the Advisory Retirement Board." Assigned to Community Affairs Committee.

HS 1 for HB 380 — "An Act to amend Title 14 of the Delaware Code by creating a new Chapter 85 establishing the Delaware Advisory Council on career education." Assigned to Education Committee.

HB 387 — "An Act to amend an Act, being Chapter 166, Volume 37, Laws of Delaware, as amended, entitled "An Act to reincorporate the Town of Selbyville" to provide a procedure for annexation, to amend the procedure for voting at the annual election, and to provide a registration system for voters." Assigned to Community Affairs Committee.

HB 392 — "An Act to amend Chapter 41, Part II, Title 11 of the Delaware Code relating to fines and other penalties; and providing for the cancellation of fines and costs under certain circumstances." Assigned to Judiciary and Elections Committee.

HB 423 — "An Act to amend Volume 28, Laws of Delaware, Chapter 119 and Volume 36, Laws of Delaware, Chapter 143, as amended, relating to the collection of taxes for the City of Wilmington." Assigned to Finance Committee.

HB 458 — "An Act to amend Chapter 44, Title 9, Delaware Code relating to building permits in Kent County." Assigned to Community Affairs Committee.

HB 469 w/ HA 1 — "An Act to amend Chapter 54, Title 30, Delaware Code, relating to exemptions from the Realty Transfer Tax." Assigned to Finance Committee.

HB 478 — "An Act to amend Chapter 47, Title 9, Delaware Code, relating to garbage disposal districts in Kent County." Assigned to Community Affairs Committee.

HB 492 w/ HA 1 — "An Act to amend Chapter 55, Title 30, Delaware Code, relating to the public utilities taxes." Assigned to Finance Committee.

HB 493 — "An Act to amend Chapter 7, Title 21, Delaware Code, relating to jurisdiction of offenses by Justices of the Peace." Assigned to Judiciary and Elections Committee.

HB 505 w/ HA 1 — "An Act to amend Chapter 9, Title 31 of the Delaware Code, relating to the referral of welfare recipients to nonprofit corporations for training and job placement; and making a supplemental appropriation therefor."

At the request of Senator Elliott, the necessary rules were suspended in order to consider **HB 505 w/ HA 1**.

At the request of Senator Elliott, the privilege of the floor was extended to Representative Billingsley 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, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning,

Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, duPont and Jarvis — 3.

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: **HB 429** — 1 Favorable, 2 Merits, 1 Unfavorable.

On motion of Senator Berndt, **HB 390 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 390 w/ HA 1, 2 — "An Act to amend Chapter 41, 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."

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

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

On motion of Senator Berndt, **HB 389 w/ HA 1** was taken up for consideration and read by title only:

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."

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

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

NOT VOTING: Senators Cicione and Isaacs — 2.

ABSENT: Senators Cook, Schlör and Zimmerman — 3.

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

On motion of Senator Murphy, **SB 237** was taken up for consideration and read by title only:

SB 237 — "An Act amending Title 31, Delaware Code, by adding a new Chapter to be designated as Chapter 46, of Title 31, Delaware Code, relating to safety standards for construction and sale of mobile homes."

At the request of Senator Murphy, the privilege of the floor was extended to Wallace Bromley, Delaware Mobile Home 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 Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senators Castle and duPont — 2.

ABSENT: Senators Hughes and Jarvis — 2.

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

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **HB 478** — 5 Merits; **HB 458** — 5 Merits; **HB 387** — 5 Merits; **HB 339** — 5 Merits; **HB 287** — 4 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate **SB 67** — 4 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate **SB 363** — 4 Favorable, 1 Merits.

The Secretary read the following message from the House:
6—21—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 398**; **HB 467** and requests the concurrence of the Senate.

The House also passed **SB 264**; **SB 277** and is returning same to the Senate.

The Chair introduced the following House Bills:

HB 398 — “An Act to amend Chapter 158, Volume 36, Laws of Delaware, 1929, entitled “An Act changing the name of the Town of Dover” to “The City of Dover” and establishing a charter therefor” by granting unto real estate owners who are not individuals the right to vote at special elections for the annexation of real property into the City.” Assigned to Community Affairs Committee.

HB 467 — “An Act to amend Chapter 37, Part II, Title 11 of the Delaware Code relating to conviction for assault after a trial for a felony which included assault as one of its elements.” Assigned to Judiciary and Elections Committee.

Senator Cook (co-sponsor Senator Isaacs) introduced **SB 366**:

SB 366 — “An Act amending Chapter 736, Volume 57, 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 moneys to various Agencies of the State.” Assigned to Finance Committee.

Senator Cook introduced **SB 367**:

SB 367 — “An Act to amend Part 1, Title 10, Delaware Code relating to notification of victims of offenses of the entry of a nolle prosequi by the Attorney General.” Assigned to Judiciary and Elections Committee.

Senator Kearns introduced **SA 3 to SB 104**. Placed with the Bill.

Senator Holloway introduced **SA 1 to SB 252**. Placed with the Bill.

Senator Isaacs (co-sponsor Senator Cook) introduced **SR 93** and moved that it be adopted.

SR 93 — "To debit Senate Travel Account for Legislators' mileage of the present Session of 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, Cordrey, duPont, Elliott, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele, Zimmerman — 16.

ABSENT: Senators Cicione, Cook, Hale, Hughes, Murphy — 5.

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

Senator Isaacs (co-sponsor Senator Cook) introduced **SR 94** and moved that it be adopted.

SR 94 — "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, Cordrey, duPont, Elliott, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Steele, Zimmerman — 15.

ABSENT: Senators Cicione, Cook, Hale, Hughes, Murphy and Schlör — 6.

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

At 4:57 p.m. on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 8:12 p.m., Lt. Governor Bookhammer presiding.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **HB 398** — 4 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **SB 333** — 4 Merits.

Senator Elliott introduced **SA 3 to SB 236**. Placed with the Bill.

Senator Cook introduced **SA 2 to SS 1 for SB 292**. Placed with the Bill.

Senator Murphy introduced **SA 3 to SB 53**. Placed with the Bill.

Senator Elliott introduced **SA 4 to HB 224**. Placed with

the Bill.

On motion of Senator Manning, **HB 46 w/ HA 2, 3** was taken up for consideration and read by title only:

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."

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

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 3** to the Bill and moved that it be adopted.

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

On further motion of Senator Elliott, **SB 236** was tabled.

Senator Cook moved that **HB 527** be taken up for consideration.

At 8:45 p.m. Senator Zimmerman moved that a 15-minute recess be taken.

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

YES: Senators Berndt, Castle, Cicione, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 15.

NO: Senators Adams, Cook, Cordrey, Isaacs, Kearns — 5.

ABSENT: Senator McCullough — 1.

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

The Senate reconvened at 9:05 p.m.

Senator Cook withdrew his motion to consider **HB 527**.

On motion of Senator Berndt, **HB 390 w/ HA 1, 2** lifted.

Senator Holloway introduced **SA 1** to the Bill and moved for its adoption.

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, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 16.

NOT VOTING: Senator Hughes — 1.

ABSENT: Senators Cicione, Cook, Isaacs and Mc-

Cullough — 4.

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

Senator Berndt moved for passage of **HB 390 w/ HA 1, 2, 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, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 17.

NOT VOTING: Senators Hughes and McCullough — 2.

ABSENT: Senators Cicione and Isaacs — 2.

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

At 9:10 p.m. on motion of Senator Cook, the Senate recessed for a fifteen-minute period.

The Senate reconvened at 9:30 p.m.

On motion of Senator Elliott, **HB 111** was tabled.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 394** — 4 Merits; **HB 469** — 4 Merits; **HB 423** — 4 Merits; **HS 1 for HB 239** — 4 Merits; **HB 492** — 4 Merits; **HB 306** — 4 Merits; **SB 366** — 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 467** — 5 Merits; **SB 254** — 4 Merits; **SB 367** — 5 Merits; **HB 392** — 3 Merits, 2 Unfavorable; **HB 359** — 5 Merits; **SB 358** — 1 Favorable, 4 Merits; **SB 365** — 1 Favorable, 3 Merits; **HB 493** — 5 Merits.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: **SS 1 for SB 7** — 3 Favorable, 1 Merits; **HS 1 for HB 380** — 2 Favorable, 2 Merits.

The Chair introduced the following House Bills:

HS 1 for HB 155 — "An Act to amend Part II, Title 16 of the Delaware Code relating to the regulation of hearing aid dealers." Assigned to Health and Social Services Committee.

HB 366 — "An Act to amend Chapter 39, Title 7, Delaware Code by changing the names of Soil and Water Conservation Districts." Assigned to Natural Resources and Environmental Control Committee.

HB 372 — "An Act to amend Title 21, Chapter 42, Section 4176, Subsection (b) of the Delaware Code creating authority in the Department of Public Safety to require persons convicted of operating a motor vehicle while under the influence of intoxicating liquors to complete a course of instruction prior to being issued a new driver's license." Assigned to Public Safety Committee.

HB 470 — “An Act to amend Title 7, Chapter 17, Subchapter 1, Delaware Code, relating to dog licenses and veterinarian’s certificate of current rabies immunization.” Assigned to Natural Resources and Environmental Control Committee.

HB 498 — “An Act to amend Title 16, Delaware Code, by adding a new Part IX providing for a Delaware Health Facilities Authority.” Assigned to Health and Social Services Committee.

HB 527 — “An Act to amend Title 4, Delaware Code, relating to fees for a special license to serve alcoholic liquors on Sundays.”

Senator Cook moved that the necessary rules be suspended in order to consider **HB 527**.

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

YES: Senators Adams, Cook, Cordrey, Isaacs, McCullough — 5.

NO: Senators Berndt, Cicione, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 14.

NOT VOTING: Senator Schlör — 1.

ABSENT: Senator Castle — 1.

So the motion, having failed to receive the required majority, was defeated and the Bill was assigned to Judiciary and Elections Committee.

On motion of Senator Isaacs, **SB 223** was taken up for consideration and read by title only:

SB 223 — “An Act to amend Chapter 13, Title 14, Delaware Code, by providing fractional support for a Supervisor in School Districts with less than 150 State units.”

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, Hale, Isaacs, Jarvis, Kearns, Manning, Martin, Schlör — 13.

NO: Senators Castle, McCullough and Zimmerman — 3.

NOT VOTING: Senators duPont, Holloway, Murphy, Steele — 4.

ABSENT: Senator Hughes — 1.

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

Senator Isaacs introduced **SCR 31** and moved that it be adopted.

SCR — “Providing that a Joint Session of the House of Representatives and the Senate be convened to hear a message

from the Governor relating to the operational Budget for Fiscal 1974 and revenue proposals."

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, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Hughes — 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 Steele, **HB 438** was taken up for consideration and read by title only:

HB 438 — "An Act to amend Chapter 3, Title 30, Delaware Code, relating to Department of Finance."

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, Schlör, Steele, Zimmerman — 20.

NOT VOTING: Senator Hughes — 1.

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

At 10:03 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. Monday, June 25, 1973.

The Senate reconvened at 2:14 p.m., June 25, 1973, Lt. Governor Bookhammer presiding.

Senator Cicione (Senator Hughes, co-sponsor) introduced **SA 1 to HB 183**. Placed with the Bill.

Senator Adams (Senator Cordrey, co-sponsor) introduced **SA 2 to HB 167**. Placed with the Bill.

Senator Elliott introduced **SA 1 to SB 352**. Placed with the Bill.

Senator Elliott introduced **SA 2 to HB 111**. Placed with the Bill.

Senator Kearns introduced **SA 2 to SB 233**. Placed with the Bill.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **SB 362** — 3 Merits; **HS 1 for HB 155** — 3 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **HB 404** — 3 Merits.

At 2:17 p.m. the Senate adjourned on motion of Senator Isaacs to immediately convene for the 52nd Day.

52ND LEGISLATIVE DAY

The Senate convened at 2:17 p.m. Monday, June 25, 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.

Senator Isaacs moved that Bills which had not as yet been reported out of Committee could not be put on the Agenda.

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, duPont, Elliott, Hale, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Holloway and Jarvis — 2.

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

The Secretary read the following message from the House:
6—21—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 366; HB 372 w/ HA 1** and requests the concurrence of the Senate.

Senator Hughes introduced **SB 368:**

SB 368 — "An Act to amend Chapter 51, Part V, Title 29, Delaware Code, relating to appointment of attorneys for agencies of the State." Assigned to Judiciary and Elections Committee.

Senator Cook (co-sponsor Representative Robbins) introduced **SB 369:**

SB 369 — "An Act relating to pension for Mildred Hall, former State Employee." Assigned to Finance Committee.

Senator Kearns (co-sponsors Senators Cook, Holloway, Isaacs, Martin, Murphy and Schlör) introduced **SB 370:**

SB 370 — "An Act to amend Titles 21 and 30 of the Delaware Code relating to motor vehicle document charges, fees and taxes." Assigned to Finance Committee.

Senator Berndt introduced **SA 1 to HS 1 for HB 13.** Placed with the Bill.

Senator Elliott (with all the Senators as co-sponsors) introduced **SR 95** and moved that it be adopted.

SR 95 — "Hailing the newly-crowned Miss Delaware of

1973, Miss Jackie Laguardia of Milford."

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, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Steele, Zimmerman — 18.

ABSENT: Senators Holloway, Manning and Schlor — 3.

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

On motion of Senator Steele, **HB 468** was taken up for consideration and read by title only:

HB 468 — "An Act to amend Chapter 19, Title 30, Delaware Code relating to refunds of corporation tax."

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

ABSENT: Senators Holloway and Manning — 2.

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

On motion of Senator Steele, **HB 432** was taken up for consideration and read by title only:

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."

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, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 18.

ABSENT: Senators Cook, Holloway and Manning — 13.

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

On motion of Senator Steele, **HB 453 w/ HA 1** was taken up for consideration and read by title only:

HB 453 w/ HA 1 — "An Act to amend Chapter 21, Title 13, Delaware Code, Relating to unclaimed life insurance funds."

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

On motion of Senator Steele, **HB 63** was taken up for consideration and read by title only:

HB 63 — "An Act authorizing an expenditure from the Educational Contingency Fund in order to pay salary owed to

Mrs. Frances Reyburn, a teacher in the New Castle-Gunning Bedford School District."

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

Senator Isaacs moved that the tabled roll call vote on **SB 138 w/ HA 1** be stricken.

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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele — 16.

NO: Senator Hale — 1.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Elliott, Holloway and Zimmerman — 3.

So the motion, having received the required constitutional majority, prevailed and the roll call vote on **SB 138 w/ HA 1** was stricken.

Senator Martin introduced **SA 4 to SB 138 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, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele — 18.

ABSENT: Senators Elliott, Holloway and Zimmerman — 3.

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

Senator Martin moved that **SA 3** 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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 20.

ABSENT: Senator Holloway — 1.

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

Senator Martin moved for passage of **SB 138 w/ HA 1, SA 3, 4**.

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, Schlor, 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 for concurrence in the Senate Amendments.

On motion of Senator Cicione, **SB 287** was taken up for consideration and read by title only:

SB 287 — “An Act to amend Chapter 23 Chapter 23, Part 11, Title 19, of the Delaware Code, relating to workman’s compensation.”

On motion of Senator Cicione, **SA 1** to the Bill was stricken.

Senator Cicione introduced **SA 2** to the Bill and moved that it be adopted.

At the request of Senator Cicione, the privilege of the floor was extended to Miss Wharf.

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, McCullough, Murphy, Schlör, Zimmerman — 18.

NO: Senator Steele — 1.

ABSENT: Senators Cook and Holloway — 2.

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

At the request of Senator Cicione, the privilege of the floor was extended to Mr. Schrank.

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

On motion of Senator Zimmerman **SB 340** was taken up for consideration and read by title only:

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.”

At the request of Senator Zimmerman, the privilege of the floor was extended to 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, Cicione, Cordrey, Elliott, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators duPont, Hale, Manning and Steele — 4.

ABSENT: Senators Castle, Cook and Holloway — 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 Elliott, **SB 141** was taken up for consideration and read by title only:

SB 141 — "An Act to amend Chapter 13, Title 14, Delaware Code relating to salaries and working conditions of school employees, to include provisions for the payment of salaries for unused sick leave days."

At the request of Senator Elliott, the privilege of the floor was extended to Charles R. Harris, Delaware State Education Association, to speak on the Bill.

Senator Steele moved that final consideration of the Bill be deferred.

Senator Elliott moved that the roll call on the on the motion to defer the Bill be tabled.

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

YES: Senators Elliott, Hale, Jarvis, Kearns, Martin, McCullough, Murphy, Zimmerman — 8.

NO: Senators Adams, Berndt, Castle, Cordrey, duPont, Manning, Steele — 7.

ABSENT: Senators Cicione, Cook, Holloway, Hughes, Isaacs, Schlor — 6.

So the motion, having failed to receive the required constitutional majority, failed and the roll call on the motion to defer final consideration was announced to be:

YES: Senators Adams, Berndt, Castle, Cordrey, duPont, Manning — 6.

NO: Senators Elliott, Hale, Jarvis, Martin, Murphy — 5.

NOT VOTING: Senators Cook, Kearns, McCullough, Schlor, Steele, Zimmerman — 6.

ABSENT: Senators Cicione, Holloway, Hughes, Isaacs — 4.

So the motion, having failed to receive the required constitutional majority, was defeated and the roll call vote on passage of **SB 141** was taken.

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

On motion of Senator Murphy, **SB 314** was taken up for consideration and read by title only:

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."

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

On motion of Senator Steele, **HB 453** was lifted from the table and again considered for passage.

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, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlor, Steele, Zimmerman — 18.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senators Hughes and Martin — 2.

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

Senator Steele moved for passage of **HB 453 w/ SA 1**.

On the question, "Shall the Bill pass the Senate 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, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senator Martin — 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 duPont, **SB 86 w/ SA 2** was lifted for further consideration.

On motion of Senator duPont, the roll call on **SA 3 to SB 86** was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 11.

NOT VOTING: Senators Holloway, Isaacs, Kearns, Martin, Murphy, Zimmerman — 6.

ABSENT: Senators Cicione, Cordrey, McCullough and Schlor — 4.

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

Senator duPont moved for passage of **SB 86 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, Cordrey, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Martin, McCullough, Schlor, Steele — 14.

NO: Senator Zimmerman — 2.

NOT VOTING: Senators Cicione, Cook, Holloway, Isaacs, Kearns — 5.

ABSENT: Senator Murphy — 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 Cicione, **SB 294** which had been deferred, was again taken up for consideration.

At the request of Senator Cicione, the following letter and report were read into the record:

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

June 12, 1973

TO: The Honorable Anthony J. Cicione

FROM: J. D. White

SUBJECT: Senate Bill No. 294

Enclosed are comments representing the Department's view point regarding your legislative proposal in Senate Bill No. 294.

These comments are provided for consideration during further deliberations of the proposed legislation:

REPORT ON SENATE BILL 294

PAST HISTORY

This bill probably stems from complaints about inmates working during strike at Shoregood Company in Milford.

APPARENT PURPOSE:

To eliminate possibility of inmates either being used as "strike breakers" and also to minimize an inmate getting into further trouble while working in an area where a strike is in progress.

ESTIMATED COSTS/SAVINGS:

None

COMMENTS:

I think the purpose of the bill is good and recommend its passage.

Agree!

(Signed) J. D. White

Submitted by: Harry W. Towers

Title: Acting Director

Date: 6-8-73

Senator Cicione moved that **SA 2 to SB 294** 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 Cicione, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 7.

NO: Senators Adams, Cordrey, duPont, Elliott, Hale, Manning, Steele — 7.

NOT VOTING: Senators Berndt, Castle, Cook, Hughes, Isaacs, Jarvis — 6.

ABSENT: Senator Holloway — 1.

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

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

On motion of Senator Berndt, **HB 8** was taken up for consideration and read by title only:

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.”

At the request of Senator Elliott the following Petition (signed by 92 persons) was read into the record:

PETITION

To whom it may concern:

We, the undersigned, believe that the proposal for a State Lottery is undesirable for the following reasons:

1. It puts the State into an immoral business.
2. It furthers the idea of “something for nothing”, which leads to a deterioration of personal character.
3. It will not provide for the public good nor promote the general welfare.
4. It encourages covetousness on the part of the participants, which is contrary to the will of God as found in Exodus 20:17.
5. It allows the State to capitalize on the weaknesses of human beings, especially the young, poor and weakminded.
6. It encourages the idea of the love of money, which is contrary to God’s work as found in I Timothy 6:10.
7. The Lottery would involve the State in one more method of raising revenue when the State’s financial needs could be better served and more clearly understood by the citizens, if there was a simple change in any of the existing forms of taxation. The multiplicity of taxation in Delaware has already resulted in confusion on the part of many.

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

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

NO: Senators Adams, Cordrey, Elliott, McCullough — 4.

NOT VOTING: 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 Berndt, **HB 356** was taken up for consideration and read by title only:

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."

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

At 5:04 p.m. on motion of Senator Isaacs, the Senate adjourned until 6:45 p.m.

The Senate reconvened at 7:00 p.m.

The Sergeant-at-Arms announced the Speaker and members of the House. They were admitted and seated. The President invited Speaker Kirk and President Pro-Tem Isaacs to a seat on the rostrum.

JOINT SESSION

Senator Cook moved that the Senate and House convene in Joint Session. Motion prevailed.

Senator Cook moved that the President of the Senate preside over the Joint Session. Motion prevailed.

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

The President appointed the following Committee to escort the Governor to the Senate Chamber: Representatives Spence and Ferguson, Senators Cicione and Kearns.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session. The Governor addressed the members of the General Assembly as follows:

Mr. Speaker

Mr. President

Mr. President Pro Tem

Ladies & Gentlemen of the 127th General Assembly

Members of the Cabinet

Fellow Delawareans:

I stand before you this evening to share with you my concern for the financial stability of our State. Since becoming your Governor, I have spent much of my time studying our problems. And the problems are precisely as I described them last year.

I said in 1972 that the Fiscal Year 73 Budget was fudged — and that the proper funding of the Pension Plan was avoided by selling Serial Notes. In December, as Governor-elect, I warned that the previous administration was painting a rosy picture of the situation. And that fear was confirmed when I viewed the

Budget, reflected in House Bill 11, outlined in this very Chamber by the outgoing Governor.

For that reason, restraint has been the keynote of my administration.

There is much to be done in our State. There is much I want to do for our State.

Though there are many new Programs I offered last year, I have refrained from formally proposing them. However, in good conscience I could not refrain from bringing forward the proposals which comprised the Quality of Life Package. And the wisdom of this decision was underscored yesterday by the disastrous grounding of the Oil Tanker Conoco Britannia off the Coast of England.

But I have solidly refused to bring forward other programs that might sink our State deeper into the Fiscal '74 quagmire.

To underscore the current situation, let me digress for a moment to give you the latest update, to this hour, on corporation income tax, franchise tax, and personal income taxes.

Latest figures show corporation income tax collections total \$19.3 million, franchise tax collections total \$47.9 million, and personal income tax collections total \$109.1 million. We project we will need \$2.1 million more by 4:30 p.m. on Friday, June 29, to make our estimated \$178.4 million from these three sources.

I would be remiss if I did not, at this time, commend the Joint Finance Committee for taking the first, important steps in resolving the Fiscal '74 crisis. They worked diligently and intelligently for the benefit of all of us in deleting \$11,169,776 from the proposed budget. Unfortunately, it was necessary for them to provide another \$22 million for items left unfunded in House Bill 21.

Now I see there is great hesitancy to resolve, in a positive fashion, the remaining problem, which has long been apparent. Legislators fear to enact taxes because they anticipate a backlash from the people. Yet, at the same time, there is great concern about the continuance of Programs, so there is a fear of slashing the Budget.

I might remind you, as a great President said during the darkest hour of our Nation, there is nothing to fear but fear itself. And I say to you tonight that we cannot afford to be paralyzed by fear. I believe that the problem must be met and resolved in two steps. First, the Budget must be stripped of even a minimal cushion. And I have my Cabinet Secretaries and other financial people working in that area. Second, a tax package must be passed promptly to insure continuance of the remaining programs.

To mighth I propose to discuss the financial problems of our State candidly and clearly. We have studied historic expenditure trends and projected on them.

A quick, overall view shows Debt Service is increasing at a rate of \$5 million per year. Pension funding should reach a total of \$40 million a year by 1977. In total, it is anticipated that fixed expenses — Pensions, Social Security, Blue Cross, and Debt Service — will increase from \$66.2 million in 1973 to \$124.5 million in Fiscal '77. This represents a \$58.3 million increase during the next four years.

During the same four year period, it is expected that the Budgets of the Executive Cabinet, Legislature, Legal, Judiciary and other Elective Offices will increase by \$35 million.

Finally, it is expected that both public and higher education will increase by \$42 million.

Therefor, it is clear that the largest increases in the cost of State Government over the next four years comes in fixed expenses.

These are areas most difficult to control. In fact, if these four items — Pension, Social Security, Blue Cross, and Debt Service — could be stabilized at 1973 levels, there would be no need for a tax increase at all.

Of course, this cannot be done. But it certainly highlights the problem. However, during the first six months of this administration, I have instituted controls to improve the State's financial position.

To begin with, requests for supplemental appropriations have been reduced to a minimum. The amount of supplementals for the last six months of the current year was estimated by the previous administration to be \$4.6 million. To date, I have approved The amount of supplementals for the last six months of the current year was estimated by the previous administration to be \$4.6 million. To date, I have approved supplementals totaling only \$1.6 million, a \$3 million difference. There are Administration sponsored requests for approximately \$60,000 more to be considered by this Session.

In our search for solutions to the State's money problems, I approved, with your co-approval, the transfer of funds within a Department.

This year the Department of Health and Social Services successfully utilized this option to resolve its own deficiencies in the way it deemed best.

Ultimately, Secretary Jack White found the \$1.3 million supplemental appropriation which he had originally requested was unnecessary. And, furthermore, we anticipate modest

reversions from the Health and Social Services Department.

Besides holding down supplementals and allowing inter-divisional transfer of funds, I imposed a sweeping Executive Order last February which froze hiring, travel, and Capital Outlay, as well as restricting expenditures in other areas.

Tonight I am proposing that the State continue that freeze indefinitely. Unquestionably, this belt-tightening is a sharp measure. But there can be no question that sharp measures are needed at this stage in Delaware's financial problems. We must suffer now for the errors committed, and unresolved, in years past.

For an example — the partial funding of the State Pension Plan by Serial Notes this year. instead of from the General Fund. To compensate for the \$1.4 million dollars included in the Fiscal '74 Budget to cover retirement of the first Pension Serial Note — and the interest payment on that note and the other eight — to make room for that extraordinary item without increasing the size of next year's Budget, it would be necessary to eliminate three and half Divisions the size of the Division of Transportation in the Department of Highways. That, I suggest to you Legislators tonight, is an example of the consequences of yielding to expediencey without thought for tomorrow.

To help cure this problem, I am considering authorizing the Pension Committee to sell the Serial Notes, and release the proceeds to the Pension fund, wherein those monies would be set up as a Subsidiary Account and the income derived from the investments of those monies in excess of 5 per cent will be used to reduce the State's Pension obligation. It is estimated that the saving will be in the neighborhood of \$4000,000 to \$500,000 for the first year.

If we are able to effect this sale, the resulting savings are above and beyond the Amendment I will propose tomorrow.

In order to help solve the problem of insufficient funds facing the State, I will propose, in Legislative Form, to this, the first Session of the 127th General Assembly, the following tax revenue measures:

First, that effective July one of this Year, Delaware should adopt the Delaware Revenue Study Commission's rates — for personal Income Tax — except for the over-\$100,000 category which will remain at 18 per cent. In conjunction with this, Capital Gains will be taxed at 100 per cent. These measures are expected to yield \$2 million in Fiscal 1974.

Second, that a 10 percent increase would be effected in the personal Income Tax rates — Starting January 1, 1974. This would yield \$5 million in Fiscal 1974.

Considering the adoption of the Personal Income Tax, I was mindfull of the Delaware Revenue Study Commission report which said:

"The Personal Income Tax is progressive with respect to ability to pay, which means that at least a portion of the regressivity in the rest of the Tax structure is offset in addition to the achievement of a more equitable distribution of the Income Tax burden. Both are favorable."

Another conclusion drawn by the Hagemeyer Commission was — and I quote — "The average portion of income which is taxed away through the income tax is **not** so large as to substantiate claims that this tax has reached capacity."

Third, I also propose that effective July One, we increase the cigarette tax rate from 14¢ to 19¢ a pack. This 5¢ increase will bring \$4.3 million each year to our State coffers.

Fourth, I propose a one percent employer-paid payroll tax, effective January One, 1974. This Tax will bring our State \$7 million in Fiscal '74.

It will be necessary to delay implementation of this proposal until January 1974 in order to set up the mechanism for collection and enforcement.

Finally, I urge that effective June One of this year, the Corporation Income Tax rates be changed from 6 percent, plus a 20 percent surcharge of all income, to a permanent 7.2 percent on the first \$25,000 of taxable income, and 12 percent on all income over \$25,000. This is expected to yield \$4 million in Fiscal 1974.

The Program outlined will generate \$22.3 million in Fiscal 1974. Also, effective July One, I propose repeal of the utility taxes on residential sales. This would decrease revenues in Fiscal 1974 by \$3.5 million for a net of \$18.8 million.

It should be noted in this proposal that the combination of the 10 percent increase in personal Income Tax rates and the repeal of the Residential Utility Taxes will result in an overall tax **reductions** for a substantial number of taxpayers.

For an example, the Revenue Study Commission said the average taxpayer with a total of four exemptions and an adjusted gross income of \$7,500 presently pays about \$86 in Delaware Income Tax.

A 10 percent increase would mean he would have to pay an additional \$8.60.

However, the average household in this income category pays about \$400 per year in electricity, telephone, natural gas or cable television. The repeal of the five percent tax on this \$400 would result in a savings of \$20.00. Thus, this particular taxpayer would actually pay \$11.40 less in taxes.

A second item that should be noted is that this program is

evenly distributed between business and the individual taxpayer.

This is extremely important. I do not want the burden to rest disproportionately on either member of our taxpaying community. I think our Program is fair.

I would have had to present a larger Tax Program tonight, had Revenue Shairing not been enacted last November.

But Revenue Sharing wasn't All good news to Delaware. Compared with Revenue sharing's impact on other States such as California and New York, it was just a hollow victory for Delaware.

And combined with our small Revenue Share, was the emasculation of many Social Services Programs as a direct result of the loss of \$16 million in Title IV—A Funds — a move instigated at the Federal level.

Our State's share for Calendar Year 1972 amounted to \$6.3 million.

The first quarter payment for the current Calendar Year amounted to \$1.8 million. The Legislature, in Senate Bill 201, appropriated that money to fund the Employees' Pension Plan. I concurred with that decision.

The current Revenue Sharing Law provided funding to the States until 1977. While the amounts anticipated to be received each year do not, of themselves, appear significant — in these times of financial difficulty for our State, they will reduce the amount of revenue to be raised from our own tax sources.

In 1972, when the State received \$6.3 million, the counties and municipalities of this State received approximately \$12.6 million in Revenue Sharing Funds — that is, twice as much.

Delaware, unlike many other States, bears the full cost of the Judicial System, Welfare, Highway, and Public Health Programs. Public Education is funded at the State level to a much greater degree than most all other States. The State's assumption of these costs is the main reason that the citizens of our State pay less in local property tax than the citizens of most all other States.

Long gone are the days when Delaware could depend on lone individuals to build schools, hospitals and highways. Gone forever as well, are the great "One-Time" windfalls — usually in inheritance taxes — which periodically bailed the State out of financial difficulty.

Both on-going and new demands for service has now become a burden to be borne by the State. Therefore, it is necessary for local civil and Governmental leaders to choose wisely the Programs to be supported by Revenue Sharing Funds. And, if County and Municipal spending plans provide

Social Services, Recreational Programs and Library Services — just to mention a few — it would help greatly to relieve demands on State Revenues. And it would allow for continued and improved services to our citizens.

In order to get a true picture of the State's Finances at June 30th this Year, we have reestablished June 30th as the last day of the Fiscal Year as far as receipts are concerned, and only receipts in the Bank by that day will be considered as this Year's revenue. In fact, the practice of making special arrangements for getting money in early to make a particular Year look good is being corrected by insuring taxes due July 1, 1973, are received and recorded in the proper Year.

Tomorrow, I will have introduced in the House an Amendment to House Bill 330 which will reduce that \$332 million proposal by about \$7.25 million. Included in this sum are Agency cuts in the amount of \$2.65 million and other cuts totaling \$4.6 million. The latter amount includes a \$3.2 million cut in the Pension Appropriation and a \$1.4 million cut in the Social Security Line.

After studying the Proposal made by the "Super Committee" which would cut \$4 million from the Pension Plan and failing to note a corresponding necessary proposal to change the Pension Law, I concluded that it was the intent of the Committee to require the Local School Districts to pick up the fringe benefit costs associated with Local District salary supplements.

Assuming this to be the intent of the "Super Committee", I will include in my Amendment a \$3.2 million cut in the Pension Appropriation and a \$1.4 million cut in the appropriation for Social Security.

It is worth noting that for many years we have been attempting — through the use of Equalization Funds — to provide additional monies to the less wealthy Districts, to improve their quality of education.

However, by picking up the total bill for fringe benefits on Local District salary supplements, we are — in effect — providing a reward to wealthier Districts at the expense of the poorer ones.

I believe we should take this peculiarity into consideration.

In addition to my proposed deletions to the budget, items totaling approximately \$1.7 million for Debt Service, fuel price increases and other minor additions, will have to be added. Details concerning these increases will be made available tomorrow to the General Assembly.

I think at this point I should clear up a slight confusion which appears to surround the question of the Reserve needed to cover next year's supplementals.

In my reports to the General Assembly, I have shown a Reserve of \$6.5 million. However, this sum includes the \$800,000 for Grant-In-Aid and the \$1.7 million for the Omnibus Amendment.

Therefore, I too am reserving only \$4 million for supplementals for next year. It should be noted, supplementals have been over \$7 million since 1968, with the exception of this Year, which reflects our joint efforts to hold the line.

I believe, however, that I should point out that there are three major areas of concern that will almost certainly affect our Supplemental Reserve.

First, on January One, 1974, the Federal Government will take over the Adult Welfare Categories. If we propose to insure that our blind, disabled and aged pensioners are to receive at least the same size check as they are now, it may well be necessary to supplement their Federal benefits.

Second, we anticipate that there will be many more eligible recipients, once the Federal Government takes over the Programs. Most of these new clients will be eligible for Medicaid. Therefore, there is little doubt that our Medicaid costs will increase sharply.

And let me say this — the Department of Health and Social Services has not been able to put a price tag on these changes because the Federal Government has yet to make public the guidelines and regulations under which these Programs will be administered.

Let me add one more point. Several special Revenue sharing Bills have been introduced in Washington. To date, all of them, if passed in their present form, would reduce the level of funds to our State.

These are some of the known "Unknowns" that endanger our \$4 million Reserve.

In researching where to make Budget cuts and also the desirability and yield of various taxes, it was evident that we lack much information and data. To resolve these problems, I intend to establish four special Study Committees.

First, a Gross Receipts Tax Evaluation Committee. This Committee is to study and report back to the General Assembly in January, 1974, on the desirability, feasibility, impact and cost of implementation of a Gross Receipts Tax. There is, currently, insufficient data to define the base on which the Tax would be levied.

At present, sufficient information also is lacking to determine the impact of such a Tax on the State's financial position. Therefore, a Gross Receipts Tax could not be part of my Program at this point. I do, However, think it may have considerable merit.

Second, a Tax Loophole Study Committee. This Committee will study and report back to the General assembly in January with appropriate corrective legislation and recommendations to close existing "Tax Loopholes". Also, this Committee will evaluate the ability of the Division of Revenue to enforce existing Tax Laws.

Third, a Franchise Tax Evaluation Committee. This Committee will study the factors causing the erosion of the base of the Franchise Tax, and also will propose measures by next January to reverse the developing trend of certain classes of Corporations from reincorporating outside of Delaware.

Finally, I propose to create a Governor's Study Committee, to review and report on the efficiency of the Cabinet, and to make recommendations where appropriate, to improve Departmental operations and efficiency. The Cabinet has been functioning now for three years and I believe the time has come for a thorough review.

In the event the General Assembly fails to enact the entire Package I have proposed — or its equal — it will be necessary for me as your Governor to take extreme steps. Among them would be a complete halt to the State's Capital Program. This action, though severe, would be necessary to prevent the State from floundering fiscally as our neighbor to the north, Pennsylvania, did in 1971.

I impress upon you that we must resolve the present financial problems before this Saturday, if our 20,000 State employees are to receive their paychecks at the normal time.

Obviously, before paychecks can be released, there must be adequate funding. By adequate funding, I mean a signed Fiscal 1974 Budget. A Continuing Resolution is **not** a responsible method of operating the State in a normal and efficient manner. And, a continuing Resolution is just a Cut-and-paste solution.

Therefore, I stand before you tonight urging you to remember that we are not here just to resolve the current problem — but to attempt to solve our financial problem on a long-time basis.

You know and I know the people don't want us to be replaying this scene again next year — and the year after that. We cannot afford to accept a piecemeal solution.

Let us show the people who elected us — the Citizens of Delaware — that we have the willingness and wisdom to work together — to forge a New Plan — for the benefit of our State this year and in the years to come.

Across the country, year after year, Governors stand before their Legislatures asking for an end to partisanship in the interest of their States.

But few times has it been more critical that Legislators respond to a Governor's plea.

It would be the simple way out for members of both parties to push for their side's proposals — to spout party rhetoric without without regard to the true needs of the people.

But I suggest to you that the Legislature has for too long been splitting along party lines in regard to State finances.

And I further suggest that the Legislature — of which I was a member until recently — is not blameless in the current crisis.

It may be the Governor's duty to propose while the Legislature disposes. But may I remind you that the Legislature also has the power of the purse. And in recent years, the Legislature has not exercised proper discretion in funding Program after Program, dollar after dollar, without regard to the day of reckoning when the bills come in.

Sometimes, however, we do it together. A prime example is the recently passed and signed Teacher Pay Raise Bill. It takes a lot of "YEA'S" to get a Bill passed. I signed that Bill, which carried a \$5.1 million price tag. We were all in it together.

Just as we acted "together" then, we must also act "together" now.

I suggest that fiscal restraint is not just necessary it is critical.

And after the burning we suffered with Title IV—A funds, we must recognize that we cannot afford — in literal sense — to go for the Federal Carrot, held out on a stick, only to watch \$16 million worth of carrot be yanked away — leaving us holding a multi-million dollar Programatic Bag which we cannot support.

In summary, my friends, I have outlined the problem — and the solution. I have suggested responsible Budget cutting — coupled with a progressive, responsive Revenue Program. It was a problem not of my making, but one which I had to solve. I have not added to the State's financial woes. To the contrary — my efforts since taking office have been to mitigate them.

Now we must stop politicking, procrastinating, and propagandizing.

I feel we all have a clear mandate from the people to solve the crisis so that we can forget about finances and get on to other pressing considerations Delaware faces."

The previously named Committee escorted the Governor from the Chamber.

Senator Cook moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Senator Cook moved the two Houses now separate to reconvene in their respective Chambers. Motion prevailed.

The Senate reconvened at 8:08 p.m., Lt. Governor Bookhammer presiding.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SB 348** — 3 Merits, 1 Unfavorable.

Senator Cicione introduced **SA 3 to HB 167**. Placed with the Bill.

Senator Hughes (co-sponsor Senator Zimmerman) introduced **1 SA 1 to SB 363**. Placed with the Bill.

Senator Elliott introduced **SA 2, 3, 4 to SB 352**. The three Amendments were placed with the Bill.

Senator Castle introduced **SA 4 to HB 369**. Placed with the Bill.

Senator Elliott introduced **SA 1 to SB 351**. Placed with the Bill.

Senator Murphy introduced **SA 1 to SB 314**. Placed with the Bill.

Senator Zimmerman introduced **SA 1 to SJR 25** Placed with the Bill.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 368** — 2 Favorable, 3 Merits.

On motion of Senator Isaacs, **HB 286** was taken up for consideration and read by title only:

HB 286 — "An Act to amend Chapter 7, Part I, Title 7 of the Delaware Code pertaining to regulations and prohibitions concerning game and fish."

At the request of Senator Manning, the privilege of the floor was extended to Thomas Sandbach, Senate Attorney, to speak on the Bill.

At the request of Senator Isaacs, the privilege of the floor was extended to 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, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Mc-

Cullough, Murphy, Schlör, Steele, Zimmerman — 17.

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

ABSENT: Senator Martin — 1.

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

On motion of Senator Adams, **SB 323** was lifted from the table for consideration.

At the request of Senator Adams, the privilege of the floor was extended to John E. Messick, representing Gary Lawson, to speak on the Bill.

Senator duPont moved that consideration of the Bill be deferred until January.

Senator Adams moved that the roll call vote on the motion to defer the Bill be tabled.

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

YES: Senators Adams, Catle, Cicione, Cook, Cordrey, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

NO: Senators Berndt, duPont and Hale — 3.

NOT VOTING: Senators Elliott, Holloway, Hughes, Isaacs, Steele — 5.

So the motion, having received the required constitutional majority, prevailed and the roll call to defer the Bill was tabled.

Senator Adams, therefore, moved for passage of 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, Holloway, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NO: Senators duPont and Hale — 2.

NOT VOTING: Senators Hughes and Isaacs — 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 Murphy, **SB 314** was lifted for consideration.

Senator Murphy 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, Cordrey, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 17.

NO: Senator Hale — 1.

NOT VOTING: Senators Cook, duPont and McCullough — 3.

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

Senator Murphy moved for passage of **SB 314 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, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senators Berndt, Cook, duPont, and McCullough — 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 Zimmerman **SJR 25** was lifted for consideration.

Senator Zimmerman moved that **SA 1 to SJR 25** 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, Elliott, Holloway, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NO: Senator Hale — 1.

NOT VOTING: Senator duPont — 1.

ABSENT: Senator Kearns — 1.

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

Senator Zimmerman moved that **SJR 25 w/ SA 1** 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, Holloway, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Isaacs and Jarvis — 2.

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 364** was taken up for consideration and read by title only:

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.”

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, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele, Zimmerman — 17.

NO: Senator Hughes — 1.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Cicione 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 Cordrey, **SB 351** was taken up for consideration and read by title only:

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.”

At the request of Senator Cordrey, the privilege of the floor was extended to Howard M. Handelman and A. Edwards Danforth, both of Farmers Bank, to speak on the Bill.

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

Senator Hughes made a motion to adjourn.

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

YES: Senators Berndt, duPont, Hale and Hughes — 4.

NO: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

NOT VOTING: Senators Castle, Cicione and Elliott — 3.

ABSENT: Senator Jarvis — 1.

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

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 527** — 2 Favorable, 1 Merits.

Senator Cook moved that the necessary rules be suspended in order to consider **HB 527**.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Issacs, Kearns, Martin, McCullough, Murphy, Schlor, Zimmerman — 13.

NO: Senators duPont, Hale, Hughes, Steele — 4.

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

ABSENT: Senator Jarvis — 1.

So the motion, having received the required constitutional majority, prevailed and **HB 527** was taken up for consideration.

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

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

NO: Senators duPont, Elliott, Hale, Hughes, Manning, Steele — 6.

NOT VOTING: Senators Berndt and Castle — 2.

ABSENT: Senator Jarvis — 1.

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

At the request of Senator duPont, **SB 83** and **SB 84** were stricken.

At 10:26 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. June 26, 1973.

The Senate reconvened at 2:17 p.m. June 26, 1973, Lt. Governor Bookhammer presiding.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **SS 1 for SB 218** — 3 Merits;; **HB 279** — 4 Merits; **HB 366** — 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 317** — 5 Merits.

The Chair introduced **HCR 18**:

HCR 18 — "Urging the Delaware Congressional Delegation to support a Proposed Amendment to the United States Constitution that will guarantee to every human being after conception the right to life and equal protection of the law regardless of the stage of biological development."

Senator Jarvis moved for the adoption of the Resolution.

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, Isaacs, Jarvis, Kearns, Schlor, Zimmerman — 11.

NO: Senators duPont, Hale and Manning — 3.

NOT VOTING: Senators Berndt, Holloway, Hughes, Mar-

tin, McCullough, Murphy, Steele — 7.

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:

HS 1 for HB 70 w/ HA 1 — “An Act to amend Title 16 of the Delaware Code, and providing civil remedies for public nuisances and annoyances such as obscenity and lewdness.” Assigned to Judiciary and Elections Committee.

HB 409 — “An Act to amend Title 16 of the Delaware Code to give the Director of the Division of Public Health authority to waive the fluoridation requirements where not economically feasible.” Assigned to Health and Social Services Committee.

HB 247 w/ HA 1, 2, 3, 4 — “An Act to amend Subchapter 11, Chapter 1, Title 16 of the Delaware Code relating to the powers and duties of the Division of Physical Health, and requiring a local referendum before the fluoridation of a water supply.” Assigned to Health and Social Services Committee.

HB 284 — “An Act to amend Chapter 55, Part III, Title 25 of the Delaware Code relating to the Landlord-Tenant Code, and providing for the division of interest obtained from security deposits.” Assigned to Labor Committee.

Senator Steele introduced **SB 371**:

SB 371 — “An Act to amend §1183 Title 12, Delaware Code, to include within the scope of Chapter 11, Subchapter III, unclaimed funds of Life Insurance Companies doing business in this State where all rights to such funds have been abandoned or otherwise relinquished by a Corporation of this State, to require reports of such funds and to add a new Section to permit the eschaet of funds that have not been reported.” Assigned to Finance Committee.

Senator Adams introduced **SB 372**:

SB 372 — “An Act to amend Chapter 39, Part III, Title 10 of the Delaware Code relating to comparative negligence, and providing that contributory negligence be removed as a bar to recovery in certain personal injury actions.” Assigned to Judiciary and Elections Committee.

Senator Holloway introduced **SA 1 to HB 372**. Placed with the Bill.

Senator Holloway introduced **SA 1 to SB 279**. Placed with the Bill.

Senator Jarvis introduced **SA 1 to SB 285**. Placed with the Bill.

Senator Cook (co-sponsor Senator Isaacs) introduced **SR 96** and moved that it be adopted.

SR 96 — "In reference to election of Officers."

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, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Steele, Zimmerman — 18.

NOT VOTING: Senator Schlör — 1.

ABSENT: Senators Hale and Manning — 2.

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

At 2:30 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 53rd Day.

53RD LEGISLATIVE DAY

The Senate was called to order at 2:30 p.m. June 26, 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:
6—25—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 247 w/ HA 1, 2, 3; HB 409; HS 1 for HB 70 w/ HA 1; HCR 18; HB 284** and requests the concurrence of the Senate.

The House also passed **SB 156; SB 195 w/ SA 1, 2, 3, 8, 9, HA 1, 2, 3; SB 256 w/ SA 1** and is returning same to the Senate.

The Secretary informed the Senate that a Legislative Advisory received from Robert G. Carey, Counsel to the Governor indicated that the Governor approved the following legislation: **HB 370 w/ HA 1 — 6-15-73; SB 337 — 6-15-73; SB 24 — 6-16-73; HB 252 w/ HA 1 — 6-18-73; HB 123 w/ HA 1 — 6-18-73; SB 63 — 6-18-73; SB 177 — 6-19-73; HB 381 — 6-19-73; SB 174 w/ SA 2 — 6-19-73; HB 209 — 6-19-73; HB 249 w/ HA 1 — 6-19-73; HB 36 — 6-19-73; HB 34 w/ HAU 1/8 — 6-19-73; SB 201 w/ HA 1 — 6-20-73; HB 418 — 6-20-73; SJR 19 — 6-21-73; SJR 21 — 6-21-73; SJR 22 — 6-21-73; HCR 13 — 6-21-73; SB 132 w/ SA 1 — 6-21-73; SB 188 — 6-21-73; HB 120 w/ SA 1, 3, HA 1 — 6-21-73; HB 5 — 6-22-73.**

The Governor vetoed **HB 180 — 6-19-73.**

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 454** — 3 Merits; **HB 247** — 3 Merits.

Senator duPont moved that **SB 351, SB 352, SB 353** be deferred until the second Tuesday in January, 1974.

Senator duPont 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: Berndt, Castle, Cicione, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Manning, Murphy, Zimmerman — 12.

NO: Senators Adams, Cook, Cordrey, Kearns, Martin, McCullough, Schlor, Steele — 8.

NOT VOTING: Senator Isaacs — 1.

So the motion, having received the required constitutional majority, prevailed and the roll call on the motion to defer the Bills was tabled.

At the request of Senator Cordrey, the privilege of the floor was granted to Mr. Danforth and Mr. Carey, of Farmers Bank to speak on the Bill.

Senator duPont moved the roll call on the motion to defer consideration of the three Bills be lifted.

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

YES: Senators Cicione, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Murphy, Zimmerman — 11.

NO: Senators Adams, Berndt, Cordrey, Hale, Martin, McCullough, Steele — 7.

ABSENT: Senators Castle, Cook and Schlor — 3.

So the motion, having received the required majority, prevailed and the roll call on the motion to defer consideration of the three Bills until January was announced to be:

YES: Senators Castle, Cicione, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Murphy, Zimmerman — 12.

NO: Senators Adams, Berndt, Cook, Cordrey, Hale, Martin, McCullough, Schlor, Steele — 9.

So the motion, having received the required constitutional majority, prevailed and the Bills were deferred.

On motion of Senator Elliott, **HB 69 w/ HA 1** was taken up for consideration and read by title only:

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

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

On motion of Senator Elliott, the Bill was tabled.

At 4:15 p.m. on motion of Senator Isaacs, the Senate recessed for 15 minutes.

The Senate reconvened at 4:42 p.m.

Senator Castle introduced **SJR 28**:

SJR 28 — "Requesting the City of Wilmington to present to the General Assembly a proposal for a State collection of a tax on earned income."

On motion of Senator Castle, the necessary rules were suspended to consider the Resolution.

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

YES: Senators Berndt, Castle, Cicione, Cook, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Manning, Martin, Murphy, Schlör, Zimmerman — 15.

NO: Senators Adams and Cordrey — 2.

NOT VOTING: Senators Hughes and Steele — 2.

ABSENT: Senators Kearns and McCullough — 2.

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

Senator Castle introduced **SJR 29**:

SJR 29 — "Requesting the City of Wilmington to present a Financial Report to the General Assembly on or before March 1, 1974."

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

Senator Castle introduced **SJR 30**:

SJR 30 — "Requesting the City of Wilmington to present a Financial Report to the General Assembly on or before March 31, 1974."

On motion of Senator Castle, the necessary rules were suspended to consider the Resolution.

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

YES: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators Adams, Cicione, Cordrey, Holloway, Steele — 5.

NOT VOTING: Senators Kearns and Manning — 2.

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

Senator Castle introduced **SB 373**:

SB 373 — “An Act to amend Chapter 14, Volume 58, Laws of Delaware, relating to the Municipal user Tax by providing for certain exemptions from said Tax.”

On motion of Senator Castle, the necessary rules were suspended for the purpose of considering the Bill.

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

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

NO: Senators Adams, Cordrey and Hale — 3.

NOT VOTING: Senators Berndt, Cicione, Hughes, Jarvis, Manning, McCullough and Steele — 7.

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

At 5:10 p.m. on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 7:27 p.m.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **SB 371** — 5 Merits.

Senator Kearns (co-sponsor Senator Murphy) introduced **SA 1 to HB 69**. Placed with the Bill.

Senator Cook introduced **SA 1 to HS 1 for HB 239**. Placed with the Bill.

Senator Hughes introduced **SCR 32**:

SCR 32 — “Authorizing the Governor to appoint a Committee for the purpose of meeting with the heirs of the late William duPont, Jr., to discuss possible disposition of his Bellevue Estate.”

Senator Hughes 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 Berndt, Castle, Cicione, Cook, Elliott, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Steele — 12

NOT VOTING: Senators Adams, Cordrey, duPont, Murphy, Schlör, Zimmerman — 6.

ABSENT: Senators Hale, Jarvis and McCullough — 3.

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

Senator duPont (cosponsors Berndt, Hale, Hughes, Jarvis and Manning) introduced **SR 97** and moved that it be adopted.

SR 97 — “Congratulating the Delaware State Police, the New Castle County Police, and the Wilmington Bureau of Police upon their development of a RECOM System to meet

emergencies.”

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, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 18.

ABSENT: Senators Hale, Jarvis, Schlor — 3.

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

Senator Isaacs (co-sponsors Senators Cicione and Steele) introduced **SB 374**:

SB 374 — “An Act to amend Chapter 30, Title 31, Delaware Code, relating to the composition of the Human Relation Commission.” Assigned to Community Affairs Committee.

The Secretary read the following message from the House:
6—26—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 163 w/ HA 1; HB 282; HB 388; HB 415 w/ HA 1; HB 444 w/ HA 1; HB 313 w/ HA 1; HB 414 w/ HA 1; HB 501 w/ HA 1; HB 385; HB 116 w/ HA 1, 2; HB 417; HB 473** and requests the concurrence of the Senate.

The Chair introduced the following House Bills:

HB 116 w/ HA 1, 2 — “An Act to amend Chapter 21, Title 21 of the Delaware Code relating to the requirement of insurance for all motor vehicles registered in the State of Delaware.” Assigned to Highways, Transportation and Insurance Committee.

HB 163 w/ HA 1 — “An Act to amend Subchapter III, Chapter 11, Title 28, Delaware Code, relating to expenses and personnel for the regulation of Bingo.” Assigned to Finance Committee.

HB 282 — “An Act to amend Chapter 29, Title 29, Delaware Code, entitled “Procurement of material and award of contracts for public works by State Agencies” by defining nonprofessional services.” Assigned to Labor and Industrial Relations Committee.

HB 313 w/ HA 1 — “An Act to provide a supplementary appropriation of \$5,735.74 to the Department of Highways and Transportation to pay obligations incurred in prior fiscal years.” Assigned to Finance Committee.

HB 388 — “An Act to authorize and approve the transfer of certain State real property situated in Christiana Hundred to New Castle County.”

Senator Cicione moved that the necessary rules be suspended in order to consider **HB 388**.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 15.

NO: Senators Berndt, Castle, duPont and Hale — 4.

ABSENT: Senators Hughes and Jarvis — 2.

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

Therefore, 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, Schlor, Steele, Zimmerman — 20.

ABSENT: Senator Jarvis — 1.

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

The Chair introduced **HB 385**:

HB 385 — "An Act to permit the Board of Education to the Conrad Area School District to transfer funds from its local school district services account to its School Administration Building Construction Account."

Senator Manning moved that the necessary rules be suspended for the purpose of considering the Bill.

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

YES: Senators Castle, Cicione, Hale, Hughes, Manning, Martin, Steele — 7.

NO: Senators Adams, Berndt, Cordrey, Holloway, Isaacs, McCullough, Murphy, Zimmerman — 8.

NOT VOTING: Senators Cook, duPont, Elliott, Kearns, Schlor — 5.

ABSENT: Senator Jarvis — 1.

So the motion failed to receive the required majority and was defeated.

HB 385 was assigned to Finance Committee.

The Chair introduced the following House Bills:

HB 414 w/ Ha 1 — "An Act to amend Chapter 1, Subchapter 11, Title 6, of the Delaware Code relating to the powers of corporations conducting a law school in Delaware to grant academic law degrees." Assigned to Education Committee.

HB 415 w/ HA 1 — "An Act to amend Part II, Title 6 of the Delaware Code, by adding thereto a New Chapter 26 to be

known as the "Unfair Cigarette Sales Act" and prohibiting certain practices relating to the retail and wholesale of cigarettes and providing penalties therefor." Assigned to Finance Committee.

HB 417 — "An Act to amend Chapter 25, Title 18, of the Delaware Code, relating to assigned risk plans." Assigned to Highways, Transportation and Insurance Committee. ... 30, Delaware Code, relating to the transfer of the powers, duties and functions of the motor fuel tax and the motor carrier fuel purchase law from the Department of Finance to the Department of Public Safety." Assigned to Finance Committee.

HB 473 — "An Act to amend Title 18, Delaware Code, relating to the registration of insurance holding companies and members of insurance holding company systems within the State of Delaware." Assigned to Highways, Transportation and Insurance Committee.

HB 501 w/ HA 1 — "An Act to amend Title 29, Delaware Code, Section 6102 by providing for the maintenance of a separate reserve fund under the student loan program of the Higher Education Act of 1965, as amended." Assigned to Education Committee.

Senator Holloway introduced **SA 2 to HB 69**. Placed with the Bill.

Senator Kearns introduced **SA 1 to SB 370**. Placed with the Bill.

On motion of Senator Elliott, **HB 69** was lifted 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 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, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NO: Senator Manning — 1.

ABSENT: Senators Cicione, duPont and Jarvis — 13.

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

Senator Holloway moved for adoption of **SA 2** to the Bill.

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, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senator Manning — 1.

ABSENT: Senators Cicione, Cook, duPont and Jarvis — 4.

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

Senator Elliott moved for passage of **HB 69 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NO: Senator Manning — 1.

ABSENT: Senators Cicione, Cook and Jarvis — 3.

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

On motion of Senator Steele, **SB 347** was taken up for consideration and read by title only:

SB 347 — "An Act to alter the method of capitalization of the State Self-Insurance Fund."

Senator Steele moved that **SA 1** to the Bill 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, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cook, Jarvis and Manning — 3.

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

Senator Steele moved for passage of **SB 347 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, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

NO: Senator Manning — 1.

ABSENT: Senator Jarvis — 1.

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

On motion of Senator Steele, the roll call vote on **HB 63** was lifted and announced to be:

YES: Senators Berndt, Castle, Cicione, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 15.

NO: Senators Adams, Cordrey and McCullough — 3.

NOT VOTING: Senators Cook and Schlör — 2.

ABSENT: Senator Holloway — 1.

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

On motion of Senator Kearns, the roll call vote on **SB 233 w/ SA 1** was rescinded.

Senator Kearns moved that **SA 2 to SB 233** be adopted.

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

YES: Senators Berndt, Cicione, duPont, Elliott, Holloway, Isaacs, Kearns, Manning, Martin, Murpyy, Schlör, Steele, Zimmerman — 12.

NO: Senators Adams, Castle, Cordrey, Elliott, Hale — 5.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cook, Hughes and Jarvis — 3.

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

Senator Kearns moved for passage of **SB 233 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 Berndt, Cicione, duPont, Hale, Holloway, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Adams, Castle, Cordrey, Elliott, Isaacs, McCullough — 6.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Cook, Hughes and Jarvis — 3.

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

On motion of Senator Cordrey, **HB 408 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 408 w/ HA 1, 2 — "An Act to amend Chapter 24, Part II, Title 3 of the Delaware Code relating to Johnsongrass control."

At the request of Senator Holloway, the privilege of the floor was extended to Representative Jorlin and Tom Sandbach, 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, Jarvis, Kearns, Martin, Schlör, Steele — 14.

NO: Senator Manning — 1.

NOT VOTING: Senators Hughes, Isaacs, McCullough, Murphy, Zimmerman — 5.

ABSENT: Senator Cicione — 1.

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

At 9:03 p.m. on motion of Senator Cook, the Senate took a short recess.

The Senate reconvened at 9:48 p.m.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 372** — 5 Merits; **HS 1 for HB 70** — 5 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 385** — 5 Merits.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: **HB 41** — 3 Favorable, 1 Merits, 1 Unfavorable; **HB 501** — 2 Favorable, 3 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **HB 116** — 4 Merits; **HB 417** — 4 Merits; **HB 473** — 4 Merits.

Senator Cook moved that the Senate have a Public Hearing on **SB 351, SB 352, and SB 353** on Thursday, June 28, 1973.

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

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

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

NOT VOTING: Senators duPont and Hughes — 2.

So the motion prevailed, having received the required majority.

Senator Schlör moved that the roll call vote on **HB 369** be lifted.

At the request of Senator Castle, **SA 4** to the Bill was stricken.

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

Delaware Federation of
Republican Women's Clubs
Wilmington, Delaware
June 25, 1973

Herman C. Brown, Esquire
Republican State Chairman

Dear Mr. Brown:

At the June 17, 1973 Executive Board Meeting of the Delaware Federation of Republican Women's Clubs a motion was unanimously passed to write this letter to you for the following reasons:

1. Congratulations upon your election as State Chairman. The members of the Federation will cooperate with you 100% in closing the rift and uniting the factions — United we Stand. . . .
2. We believe the State Chairman should publicly censor

and chastise the **Senators** from the 15th and 11th Districts and remind them that they are Republicans. How can the Democrats be blamed for the disastrous shape the State is in when two of "our own" have made it possible? The Federation is on record and advises you herewith that unless the Senators from the 11th and 15th Districts return to the high standards of the Republican Party, the Federation will actively work against their reelection to the extent of putting up candidates for primaries if necessary.

Important legislation is being held up unnecessarily.

Again, congratulations upon your election — our confidence is with

Sincerely, (Signed) George Ward,
President

* * * * *

On motion of Senator Cicione, the roll call vote on **HB 369** was again tabled.

On motion of Senator Martin, the roll call vote on **SS 1 for SB 235** was lifted from the table and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Elliott, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators Cordrey, duPont, Hale, Jarvis, Steele — 5.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senator Holloway — 1.

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

On motion of Senator Berndt, **SB 308** was taken up for consideration and read by title only:

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."

On motion of Senator Berndt, the following communication was read into the record:

THE COMMITTEE OF 100

Wilmington, Delaware

June 18, 1973

The Honorable Herman M. Holloway, Sr.

The Honorable Robert J. Berndt

RE: SENATE BILL NO. 308

Dear Senators Holloway and Berndt:

On behalf of the Committee of 100, I wish to thank you for introducing Senate Bill No. 308. This is of tremendous importance to the economy of the State of Delaware. The purpose of the Bill is to put back into practice effectively a system of

construction mortgage lending which has existed since the early 1920's in the State of Delaware. The result would be to return fully to the practice that has always been followed and assumed to be legal.

Recently a Court decision resulted in questioning the process previously used, and made legislatively clear in Senate Bill No. 308. The decision (known as the Kislak case) created a situation where construction mortgage lenders could not safely mortgage the advances during construction, and thus, greatly reduced the ability to arrange construction mortgage financing in the State of Delaware. This is brought about by our rather archaic mechanics' lien statute, which as you are aware, has been the subject of debates for many years in the Legislature. Since the subject matter of the mechanics' lien statute always raises considerable questions, we felt it better not to try to amend that, but to put back into practice by statute the ability to create construction loans in accordance with previous practices. This statute is basically similar to statutes which exist in many jurisdictions.

The lending institutions in the State of Delaware have been operating on an interim basis, and construction mortgage financing has been substantially curtailed because of the risks involved. The Committee of 100 has agreed to research the problem, and propose legislation, which has now been done. If the legislation cannot be adopted, it is highly likely that construction mortgage financing will be further substantially curtailed in the State of Delaware. Since all of our sources of revenue are based on income or profit, or business, the curtailment of a very major source of our State economy would result in serious consequences to the already horrendous problem of State financing.

We respectfully request that you give consideration to seeing that the statute is passed. I am sure that it will create no controversy as it only puts back into practice on the solid legal basis a system used constantly until the Kislak decision of last year. I am ready to meet with you at any time to further explain the statute.

Respectfully,
THE COMMITTEE OF 100
(Signed) Bernard Hessler, Jr.
President

* * * * *

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

At 10:39 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. June 27, 1973.

The Senate reconvened at 2:18 p.m. June 27, 1973 and immediately adjourned to convene for the 54th Day.

54TH LEGISLATIVE DAY

The Senate met at 2:19 p.m. June 27, 1973, Lt. 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.

On motion of Senator Isaacs, the following communication from the State Treasurer to the Governor was made part of the record:

June 25, 1973

The Honorable Sherman W. Tribbitt

Governor, State of Delaware

Dear Governor Tribbitt:

It is with reluctance that I must express my concern on behalf of the 22,000 State employees that are due paychecks July 1, 1973, however, we will not release any paychecks without proper funding.

Normally, checks are released to agencies on the day before pay day (June 29th), so that they can be sorted for distribution.

Will you please notify us immediately when the 1974 budget has been adopted or an authorized alternative has been approved? At that time the payroll checks will be released.

Sincerely,

Mary D. Jornlin

State Treasurer and Director,

Division of Treasury

* * * * *

The Secretary read the following message from the House:

6-26-73

Mr. President:

The house wishes to inform the Senate that it has passed **SB 35 w/ HA 3; SB 373; SB 304; SB 269; SJR 28; SJR 30** and is returning same to the Senate.

On motion of Senator Jarvis, the roll call on **SB 227** was lifted and announced to be:

YES: Senators Berndt, Cicione, duPont, Hale, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Zimmerman — 11.

NO: Senators Adams, Castle, Cordrey, Elliott, Holloway, Isaacs, McCullough, Schlör — 8.

NOT VOTING: Senators Cook and Steele — 2.

So the Bill passed the Senate and was taken up for concurrence.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: **HB 313** — 5 Merits; **HB 415** — 5 Merits.

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate: **SS 1 for SJR 11** — 3 Merits.

Senator Elliott introduced **SA 1 to SB 336** and requested that it be placed with the Bill.

Senator Berndt introduced **SA 1 to HB 276**. Placed with the Bill.

Senator Kearns (co-sponsors Senators Elliott, Holloway, Isaacs, Jarvis, Martin and Schlör) introduced **SR 98** and moved that it be adopted.

SR 98 — "Extending the Committee established to study the rate-making policies of Insurance Companies transacting motor vehicle insurance in the State of Delaware as a "Watchdog" Committee,"

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, Manning, Martin, Murphy, Schlör, Steele — 18.

ABSENT: Senators Isaacs, McCullough and Zimmerman — 3.

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

Senator Berndt, (honorary co-sponsor Representative Clendaniel) introduced **SB 375**:

SB 375 — "An Act to amend Chapter 15, Title 25, Delaware Code, relating to the liability of owners or occupiers of property." Assigned to Judiciary and Elections Committee.

On motion of Senator Berndt, **HB 324** was taken up for consideration and read by title only:

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."

At the request of Senator Berndt, the privilege of the floor was extended to Representative 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Schlör, Steele — 17.

ABSENT: Senators Cook, Manning, McCullough and Zimmerman — 4.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Elliott, **HB 333 w/ HA 1** was taken up for consideration and read by title only:

Code by adding a new Chapter 48 thereto relating to the licensing of drug abuse prevention, control, treatment and education programs."

At request of Senator Elliott, the privilege of the floor was extended to William D. Davis, Division of Drug Abuse 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Cook and McCullough — 3.

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

Senator Schlör moved that the necessary rules be suspended for the purpose of considering **SB 35** as further amended by **HA 3**.

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, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 12.

NO: Senators Castle, duPont, Hale, Jarvis — 4.

NOT VOTING: Senators Elliott, Hughes, Manning, Steele — 4.

ABSENT: Senator McCullough — 1.

So the motion prevailed.

Therefore, 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, Holloway, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senators Adams, Cordrey, Elliott, Steele — 4.

NOT VOTING: Senators Castle, duPont, Isaacs, — 3.

ABSENT: Senators Hale, Hughes and Jarvis — 3.

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

On motion of Senator Isaacs, **SJR 27** was taken up for consideration and read by title only:

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."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NOT VOTING: Senators Castle, duPont and Manning —

3.

ABSENT: Senators Hughes and Jarvis — 2.

So the Resolution was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Isaacs, **SB 232** was taken up for consideration and read by title only.

SB 232 — "An Act to Amend Title 29, Delaware Code, relating to transfer of the power and duties and functions of Forestry from the Department of Agriculture to the Department of Natural Resources and Environmental Control."

At the request of Senator Elliott, the following five letters were read into the record:

COMMONWEALTH OF VIRGINIA

Department of Conservation and Economic Development
Division of Forestry

August 17, 1970

Mr. W.F. Gabel, CFM Supervisor
Delaware Dept. of Agriculture
Division of Production and Promotion
Dear Mr. Gabel:

We refer to your August 14 letter in which you inquire concerning a source of loblolly pine seed.

We do not have surplus loblolly seed from a Virginia source that we could make available to you at this time but do have as much as 100 pounds from an eastern North Carolina source that we could let you have. This was collected in the area of Burgaw, North Carolina by Mr. Archie McCoy and is Clean and has good viability.

If you would be interested in the McCoy seed we can let you have it at \$5 per lb., f.o.b. Waynesboro, Virginia, and will supply you latest test information and samples if desired.

Sincerely yours,
(Signed) John B. Heltzel
Chief of Reforestation

**COMMONWEALTH OF VIRGINIA
DEPT. OF CONSERVATION & ECONOMIC
DEVELOPMENT**

Division of Forestry

November 6, 1970

Mr. W. F. Gabel, CFM Supervisor
Delaware Dept. of Agriculture
Division of Production and Promotion
Dear Mr. Gabel:

We refer to your November 4 letter.

At this time it does not appear that we will have surplus loblolly pine seedlings during the coming season. We anticipate sale of close to 42 million loblolly seedlings and our present inventories fall around a million short but we are hopeful that late season growth will make up this difference.

We are interested in your plans for fall seeding of loblolly. We seeded some on a test basis at the Augusta Forestry Center last year and are well pleased with the results. Normally we seed in late April which works out very well in the eastern Virginia nursery (New Kent Forestry Center) but did not leave sufficient growing time in the valley-mountain area of Augusta County. Fall seeding also looks good for shortleaf and Virginia pine.

We certainly wish you every success in your new nursery and wish it were possible to help out in your shortage. In the event we hear of surplus loblolly from another area we will be glad to let you know of it.

Sincerely yours,
(Signed) John B. Heltzel
Chief of Reforestation

STATE OF NORTH CAROLINA

Dept. of Conservation and Development

November 19, 1970

Mr. W. F. Gabel
CFM Supervisor
Dela. Dept. of Agriculture
Division of Production and Promotion
Dear Mr. Gabel:

Reference is made to your letter, dated November 4, 1970, regarding loblolly pine seedlings.

North Carolina regrets that we are exexperiencing a shortage of this species for the current planting season, and we will be unable to assist you.

We hope that you are successful in locating your needs elsewhere.

Sincerely,
(Signed) William A. Bladn
Senior Staff Forester

* * * * *

**STATE OF MARYLAND
DEPARTMENT OF FORESTS AND PARKS**

June 24, 1971

Mr. W. F. Gabel
CFM Supervisor
Department of Agriculture
Dear Walt:

Over the past years we have been having difficulty ourselves in acquiring sufficient loblolly pine seed from cones we have collected on the Eastern Shore. As you know, the seed cropping for loblolly is very erratic. We may get one good crop in every four or five years and at that time we place all available personnel at collecting cone to be shipped to your nursery for extraction. In view of the fact that we are anticipating increased production at the nursery for loblolly pine due to the southern pine beetle infestation, we will be using all the seed we now have and anything that we can collect in the next few years.

I don't know where Sid Hanks got the idea that we will be able to furnish seed to the State of Delaware. We would be, however, acceptable to the idea of extracting the seed from the cones that you might send down. Some type of an arrangement could be made on this basis and probably we would retain the cones for sale for the cost of extraction. This depends, however, on how much you require and how much you send down.

The way we generally operate in relationship to cone collection is that our foresters and fire control personnel spot any going cutting operation and then our foresters determine the exact time for cone picking. In the last few years most of our collection has been on lands of the Chesapeake Corporation since they are undoubtedly the largest producers on the Eastern Shore of Maryland.

I imagine that this type of procedure could be used in Delaware in the counties you have loblolly pine in, but I am sure you will be getting trouble with us if you try coming too far over the line and collecting cone in Maryland in view of the fact that we need an increase in seed.

Good luck in your cone collection.

Sincerely yours,
(Signed) Tunis J. Lyon
Chief, Forest Management

STATE OF MARYLAND
 Department of Forests and Parks

March 8, 1972

Mr. Walter F. Gabel
 CFM Supervisor
 Department of Agriculture
 Dear Walt:

Concerning your request for 100,00 loblolly from our State Nursery, after checking with all the people in the field who use loblolly pine, I find that we will be using every tree in the Nursery. At least that is what it looks like at this time.

If I find that as the season progresses we may have a few left over I will call you and see if you still need them. Otherwise, sorry buddy.

Sincerely yours,
 (Signed) Tunis
 Tunis J. Lyon
 Chief, Forest Management

At the request of Senator Elliott, the privilege of the floor was extended to Representative Clendaniel.

At the request of Senator Murphy, the privilege of the floor was extended to Secretary John Bryson.

At 3:45 p.m. on motion of Senator Isaacs, the Senate recessed for a fifteen minute period.

The Senate reconvened at 4:07 p.m.

At the request of Senator Elliott, the following excerpt from a taped Senate hearing:

Senator Steele:

I see that section is cited under section 9 and I think it probably spells out what you have referred to. You're satisfied with the transfer of personnel of the Department of Agriculture to carry on and discharge these activities and in effect meet objectives of the desires of the recreation aspect in this program which was developed in the past?

Secretary Bryson:

If that be the desire of the legislation, yes, sir. I think our comment can be summed up that we felt the forestry program should best serve the interest of the State in the environmental and recreational potential areas as well as the strict forest sense. Evidently, there is enough concern the way our management was going on that people feel that it is better in Agriculture, and if that is the consensus, definitely the forest management should be coordinated and compiled into one department. It is now split between

us and the Agriculture Dept. It should not be in two Departments. It definitely should be in one Department and certainly if you feel that it is better in the Agriculture Department, then that's where it should be. I think these amendments will cover the parts that we felt were most important.

Senator Steele:

The way you're answering the question, the best thing together, I sense that it wouldn't make any difference to you whether it's in Agriculture or Natural Resources. The same benefits to the citizens of the State would probably result. Is that the impression that I'm supposed to get?

Secretary Bryson:

I think probably that we could work with the Secretary of Agriculture to pursue those interests that we have in the forest. Again, personally, I feel that it should stay where it is, but that's a personal view point.

* * * * *

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

**EXCERPT OF
ADVISORY COUNCIL ON FORESTRY MINUTES OF
THE
FEBRUARY 14, 1973 MEETING**

Mr. Lloyd noted that the Forestry Council had not officially taken a stand as to under which Department the forestry program should be consolidated.

On motion made by Mr. Lloyd, seconded by Mr. Burton, the Council will support the consolidation of all forestry programs into the Department of Natural Resources and Environmental Control. After asking the question General Cook stated that the motion carried.

The Council recommended that the Department draft the necessary legislation."

The minutes of February 14, 1973 were approved by the Advisory Council on Forestry at the meeting held on April 11, 1973 and signed by W. Wallace Cook, Sr., Chairman.

* * * * *

At the request of Senator Elliott, the privilege of the floor was extended to Ralph J. O'Day, Delaware State Grange, to speak on the Bill.

Senator Isaacs moved for the passage of **SB 232**.

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

YES: Senators Berndt, Castle, Cicione, duPont, Hale,

Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 15.

; NO: Senators Adams, Cordrey and Elliott — 3.

NOT VOTING: Senators Cook and Zimmerman — 2.

ABSENT: Senator Jarvis — 1.

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

On motion of Senator Cicione, the roll call vote on **HB 369** w/ **HA 2, 5, 6** was lifted and announced to be:

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

NO: Senators Berndt, Elliott, Hale, Hughes, Jarvis, Manning, Martin, McCullough and Steele — 9.

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 Isaacs, **SB 242** was taken up for consideration and read by title only:

SB 242 — “An Act to amend Chapter 80, Title 29, Delaware Code relating to grants to qualified Agencies for the construction of Treatment Works.”

At the request of Senator Isaacs, the privilege of the floor was extended to Secretary John Bryson, 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Steele, Zimmerman — 15.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione, Cook, Jarvis, Murphy, Schlör — 5.

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

On motion of Senator Berndt, the necessary rules were suspended for the purpose of considering **SB 375**:

SB 375 — “An Act to amend Chapter 15, Title 25, Delaware Code, relating to the liability of owners or occupiers of property.”

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, Steele, Zimmerman — 19.

NOT VOTING: Senator Elliott — 1.

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 Berndt, **HB 312** was taken up for consideration and read by title only:

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."

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, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 17.

NOT VOTING: Senators Cicione and Isaacs — 2.

ABSENT: Senators Elliott and Schlör — 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, **SB 300** was taken up for consideration and read by title only:

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

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

YES: Senators Adams, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 15.

ABSENT: Senators Elliott and Schlör — 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, **HB 194** was taken up for consideration and read by title only:

HB 194 — "An Act to amend Subchapter II, Chapter 7, Title 7 of the Delaware Code relating to regulations and prohibitions concerning game and fish."

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

YES: SENATORS Adams, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 15.

NOT VOTING: Senators Cook, duPont and McCullough — 3.

ABSENT: Senators Castle, Elliott and Schlor — 3.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Martin, **SB 286** was taken up for consideration and read by title only:

SB 286 — “An Act to amend Chapter 33, Title 19, Delaware Code, relating to unemployment compensation.”

At the request of Senator Martin, the privilege of the floor was extended to J. Thomas Schranck, Secretary of the Department of Labor, 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 Cicione, Cook, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlor, Zimmerman — 12.

NO: Senators Adams, Castle, Cordrey, duPont, Hale, Steele — 6.

ABSENT: Senators Berndt, Elliott and Manning — 3.

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

Senator Holloway introduced **SR 99**:

SR 99 — “Relative to Senate Joint Resolution No. 18.”

Senator Holloway 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, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

ABSENT: Senators Berndt and Elliott — 2.

So the Resolution was adopted.

At 5:10 p.m. on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 7:58 p.m.

Senator Adams introduced **SA 4 to HB 167**. Placed with the Bill.

Senator Elliott introduced **SA 3 to SS 1 for SB 292**. Placed with the Bill.

Senator Murphy introduced **SA 4 to SB 53**. Placed with the Bill.

Senator Kearns introduced **SA 2 to HB 372**. Placed with the Bill.

Senator Cicione introduced **SB 376**:

SB 376 — “An Act to amend Chapter 29, and Chapter 42,

Title 21 of the Delaware Code relating to the reporting of motor vehicle accidents by changing the minimum reportable from \$100.00 to 250.00." Assigned to Judiciary and Elections Committee.

Senator Cicione (co-sponsor Senator Kearns) introduced **SB 377**:

SB 377 — "An Act to amend Chapter 7, Title 21 of the Delaware Code by adding a new section to penalty assessments payable by mail." Assigned to Judiciary and Elections Committee.

Senator Elliott introduced **SB 378**:

SB 378 — "An Act to amend Chapter 5, Title 13, Delaware Code, creating the offenses of fleeing the State with the intent to avoid support obligations." Assigned to Judiciary and Elections Committee.

Senator Hughes (co-sponsors Senators Berndt and Steele) introduced **SB 379**:

SB 379 — "An Act to provide for a Referendum in the area known as Brandywine Hundred to determine whether the residents of Brandywine Hundred desire that that area become an incorporated municipality and providing for submission of a Charter in the event such Referendum is approved." Assigned to Community Affairs Committee.

SJR 31 — "Providing for the establishment of a Committee to study Hospital Care costs in Delaware." Assigned to Health and Social Services Committee.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 498** — 3 Merits.

On motion of Senator McCullough, **SB 171 w/ SA 1** which had been defeated in the Senate and then restored to the Calendar, was again taken up for consideration.

Senator McCullough 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, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Zimmerman — 18.

ABSENT: Senators Cicione, Murphy and Steele — 3.

So the Amendment was adopted.

Senator McCullough moved for passage of **SB 171 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, 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 passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hughes, the necessary rules were suspended in order to act on **SB 330**.

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

On motion of senator Cicione, **HB 167 w/ HA 1, 2** was taken up for consideration and read by title only:

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."

On motion of Senator Cicione, **SA 1** to the Bill was stricken.

On motion of Senator Adams, **SA 2** to the Bill was stricken.

Senator Adams moved that **SA 4** 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, McCullough, Murphy, Steele, Zimmerman — 16.

NO: Senators Cicione, Martin and Schlör — 3.

NOT VOTING: Senator Manning — 1.

ABSENT: Senator Cook — 1.

So the Amendment received the required number of votes and was adopted.

Senator Cicione moved for the passage of **HB 167 w/ HA 1, 2, SA 4**.

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

YES: Senators Castle, Cicione, Cook, Elliott, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör,

Zimmerman — 13.

NO: Senators Adams, Berndt, Cordrey, duPont, Holloway, Manning, Steele — 7.

ABSENT: Senator Hale — 1.

So the Bill passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

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

HB 2 — “An Act to amend Chapter 13, Title 19 of the Delaware Code, relating to labor, and excepting certain persons from the definition of “public employee.”

At the request of Senator Cicione, the privilege of the floor was extended to Representative Heckert.

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

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

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Hale, Jarvis and McCullough — 3.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Murphy, **SB 53 w/ SA 1, 2** which had been deferred, was again taken up for consideration.

On motion of Senator Murphy, **SA 3** to the Bill was stricken.

Senator Murphy moved that **SA 4** 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, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 17.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senators Cook, Hale and Isaacs — 3.

So the Amendment was adopted.

Senator Castle introduced **SA 5** to the Bill and moved for its adoption.

On further motion of Senator Castle, the roll call vote on the Amendment was tabled.

On motion of Senator Murphy, **SB 53 w/ SA 1, 2** was tabled.

On motion of Senator Elliott, **SS 1 for SB 7** was taken up for consideration and read by title only:

SS 1 for SB 7 — “An Act to amend Part I, Chapter 17, Title 14 of the Delaware Code by removing the restrictions upon

growth in the number of certain units for handicapped children 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 Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, McCullough, Schlör, Steele — 17.

ABSENT: Senators Hughes, Martin, Murphy, Zimmerman — 4.

So the Bill 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."

At the request of Senator Elliott, the privilege of the floor was extended to William A. Hearn, Bureau of Aging, 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, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Cicione and Hale — 2.

So the Bill passed the Senate and was ordered back to the House.

Senator Cook (co-sponsor Senator Senator Isaacs) introduced **SB 380**:

SB 380 — "An Act to amend Subchapter 1, Chapter 4, Title 28 of the Delaware Code relating to aware of dates and maximum racing days in Kent County."

On motion of Senator Cook, the necessary rules were suspended to consider passage of 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, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senators Castle and Jarvis — 2.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Hale and Manning — 2.

So the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Zimmerman, **SB 296** was taken up for consideration and read by title only:

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

Senator Steele moved that final consideration of the Bill be deferred.

Senator Zimmerman moved that Senator Steele's motion 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, Elliott, Holloway, Hughes, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

NO: Senators Berndt, duPont, Jarvis, Manning, and Steele — 5.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Castle and Hale — 2.

So the motion prevailed and the motion to defer consideration of the Bill was tabled.

Therefore, 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, duPont, Elliott, Holloway, Hughes, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 15.

NOT VOTING: Senators Berndt, Cordrey, Isaacs, Manning and Steele — 5.

ABSENT: Senator Hale — 1.

So the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle, the roll call vote on **SS 1 for SB 270 w/ SA 1** was lifted and announced to be:

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

NOT VOTING: Senators Cicione, Cook, Holloway — 3.

ABSENT: Senator McCullough — 1.

So the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Berndt, **HB 429 w/ HA 1** was taken up for consideration and read by title only:

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."

At the request of Senator Berndt, the privilege of the floor was extended to Jerome O. Herlihy, Department of Justice, to speak on the Bill.

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

At 10:35 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 28, 1973.

55TH LEGISLATIVE DAY

The Senate met at 2:04 p.m. June 28, 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—27—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 466 w/ HA 1; HB 474; HB 525; HB 529; HB 205; HB 367 w/ HA 2; HB 391 w/ HA 1; HB 405 w/ HA 2; HB 509 w/ HA 1; HB 518; HCR 19** and requests the concurrence of the Senate.

The House also passed **SB 110 w/ HA 3; SB 196; SB 199; SB 239 w/ SA 1; SB 309** and is returning same to the Senate.

The Secretary announced that a Legislative Advisory received from Robert G. Carey, Counsel to the Governor, indicated that the Governor signed the following legislation:

HB 115 w/ SA 1 — 6-22-73; HB 505 w/ HA 1 — 6-22-73; SB 176 w/ SA 1 — 6-25-73; SB 184 w/ SA 1 — 6-25-73; SB 202 — 6-25-73; HB 235 w/ HA 1 — 6-25-73; HB 25 w/ HA 4 — 6-25-73; HB 201 w/ HA 1 — 6-25-73; HB 234 — 6-25-73; HB 316 — 6-25-73; HB 265 — 6-25-73; HB 278 — 6-25-73; HB 275 — 6-25-73; HB 134 w/ HA 1, 2, 3, SA 3, 7, 8 — 6-25-73; HB 322 — 6-26-73; SB 228 — 6-26-73; HB 184 — 6-26-73; HJR 1 — 6-26-73; HB 226 — 6-26-73; HB 302 — 6-26-73; HCR 17 — 6-26-73; HB 187 w/ HA 1 — 6-26-73; HB 208 w/ HA 1, 2, SA 1, 3 — 6-26-73; HB 527 — 6-26-73; HB 200 — 6-26-73; SJR 8 w/ HA 1 — 6-26-73; HB 316 became law without the Governor's Signature.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate **HB 402 — 3 Merits.**

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 45** — Merits.

Senator Hughes (with all the Senators as co-sponsors) introduced **SR 100** and moved that it be adopted.

SR 100 — "Commending Sister William Mary for her excellent work as Administrator of St. Francis Hospital during the past few years and extending best wishes and congratulations to Sister William Mary upon her election to the new position of Provincial of the Sisters of St. Francis for St. Joseph Province."

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

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

ABSENT: Senators Castle and duPont — 2.

So the Resolution was adopted.

Senator Cook introduced **SA 2 to SB 363**. Placed with the Bill.

Senator McCullough introduced **SA 1 to SB 365**. Placed with the Bill.

Senator Holloway introduced **SS 1 for SJR 18**.

On motion of Senator Holloway, the necessary rules were suspended for the purpose of considering the Resolution.

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

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

ABSENT: Senators Castle, duPont, Schlör, Zimmerman — 4.

So the Resolution was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Murphy, the necessary rules were suspended for the purpose of considering **SB 53**.

On motion of Senator Murphy, the Bill was then tabled. The Chair introduced the following House Bills:

HCR 19 — "Requesting the Department of Public Instruction to survey public school board members, administrators, and employees regarding their feelings on corporal punishment and "in loco parentis" rights." Assigned to Education Committee.

HB 205 — "An Act to amend Chapters 5 of Title 9 and Title 17, Delaware Code by requiring that contracts let by the Levy Court or County Council of any County for Street con-

struction or street improvements which is to be dedicated to public use under provisions of Title 17, Section 508, Delaware Code, shall include the initial installation of street signs." Assigned to Community Affairs Committee.

HB 367 w/ HA 2 — "An Act to amend Chapter 41, Title 7, Delaware Code to reflect the transfer of the administrative, ministerial, fiscal and clerical functions of the Boards of Ditch Commissioners to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control pursuant to §8011 (2) of Title 29, Delaware Code." Assigned to Natural Resources and Environmental Control Committee.

HB 391 w/ HA 1 — "An Act to amend §4105, Title 11 of the Delaware Code entitled "Fines and Costs; How Collected" by making provision for the impoundment and sale of motor vehicles." Assigned to Judiciary and Elections Committee.

HB 405 w/ HA 2 — "An Act to amend Chapter 43, Title 9 of the Delaware Code relating to Kent County employees' retirement benefits." Assigned to Community Affairs Committee.

HB 466 w/ HA 1 — "An Act to amend Chapter 21, Title 24, Delaware Code, relating to the practice of optometry." Assigned to Health and Social Services Committee.

HB 474 — "An Act to provide a supplementary appropriation to the Department of Public Instruction to enable a teacher to receive a portion of salary previously earned." Assigned to Finance Committee.

HB 509 w/ HA 1 — "An Act to amend Chapter 23, Title 18, Delaware Code, relating to unfair methods of competition, unfair deceptive acts and practices in the business of insurance." Assigned to Highways, Transportation and Insurance Committee.

HB 518 — "An Act to repeal Chapter 122, Volume 16, Laws of Delaware entitled "An Act to prohibit the City Council of Wilmington passing ordinances to prohibit farmers selling their products in said City", to repeal Chapter 135, Volume 29, Laws of Delaware entitled "An Act to revise and consolidate the Statutes relating to curbstome markets in the City of Wilmington" and to repeal Chapter 161, Volume 52, Laws of Delaware relating to the Farmers and truckers market" and to empower the City of Wilmington with all authority and control in the establishment, location, regulation and supervision of a farmers market." Assigned to Community Affairs Committee.

HB 525 — "An Act to amend 58 Delaware Laws, Chapter 497, being the new Criminal Code, by inserting a new section relating to outdoor motion picture theatres which exhibit films not suitable for minors or harmful to minors." Assigned to Judiciary and Elections Committee.

HB 529— "An Act to amend 58 Laws of Delaware, Chapter 497, relating to the definition of obscenity." Assigned

to Judiciary and Elections Committee.

Senator Hughes introduced **SA 4 to SS 1 for SB 292**.
Placed with the Bill.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 409 — 4 Merits, 1 Unfavorable**.

The Secretary read the following message from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

June 28, 1973

To the Delaware State Senate of the 127th General Assembly of the State of Delaware

On June 20, 1973, I received Senate Bill No. 207, as amended by Senate Amendment No. 1 and House Amendment No. 2, entitled:

“AN ACT TO AMEND CHAPTER 7, TITLE 4,
DELAWARE CODE, RELATING TO THE SALE OF
ALCOHOLIC LIQUOR ON SUNDAYS AND
THANKSGIVING DAY.”

I am returning this Bill without my signature. Historically taverns and taprooms have been closed on Sundays in Delaware. Our residents have long been aware of that situation and seemingly have not been greatly inconvenienced by it. Moreover, many concerned citizens firmly believe that this kind of Sunday sales is not in the best interests of the State or her residents — that Sunday should continue to be a day of rest.

During previous administrations, some changes were made regarding the prohibition of Sunday sales of alcoholic liquor by lifting the ban in certain areas. I choose, at this time, not to enlarge or expand those modifications in this area.

I have deliberated long and carefully on this question and have concluded that my decision reflects the will of the people of Delaware. I cannot, in good conscience, sign this measure into law.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

On motion of Senator Castle, **SB 53** was lifted from the table for further consideration.

On motion of Senator Castle, the roll call vote on **SA 5 to SB 53** was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, duPont, Elliott, Hale, Holloway, Schlör, Steele — 9.

NO: Senators Cicione, Cordrey, Isaacs, Kearns, Manning, Martin, McCullough, Murphy — 8.

NOT VOTING: Senator Cook — 1.

ABSENT: Senators Hughes, Jarvis and Zimmerman — 3.

So the Amendment failed.

Senator Murphy moved for passage of **SB 53 w/ SA 1, 2, 4.**

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

On motion of Senator Berndt, the roll call vote on **HB 276 w/ HA 2, 3** was lifted and stricken.

Senator Berndt moved for adoption of **SA 1 to HB 276 w/ HA 2, 3.**

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, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 19.

NO: Senator Holloway — 1.

NOT VOTING: Senator Zimmerman — 1.

So the Amendment was adopted.

Senator Berndt moved for passage of **HB 276 w/ HA 2, 3, 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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

NO: Senator Holloway — 1.

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

On motion of Senator Cordrey, **SB 351, SB 352, SB 353** were taken up for consideration.

At the request of Senator Cordrey, the privilege of the floor was extended to Mr. Hardleman, Farmers Bank of Delaware, to speak on the Bills.

Senator Cordrey moved for passage of **SB 351.**

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

SB 352, SB 353 were deferred.

Senator Zimmerman (co-sponsors Senators duPont, Elliott and Holloway) introduced **SCR 33** and moved for its adoption.

SCR 33 — "Establishing a Bipartisan Joint Legislative Committee for the purpose of investigating all possible alternatives and developing a plan for the divestiture of State-owned Stock in the Farmers Bank of the State of Delaware."

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, du-

Pont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Zimmerman — 18.

NO: Senator Steele — 1.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senator McCullough — 1.

So the Resolution was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Hughes, **SB 363** was taken up for consideration and read by title only:

SB 363 — "An Act to amend Chapter 6, Title 17, Delaware Code, authorizing the Department of Highways and Transportation of the State of Delaware to construct, maintain, repair, improve and operate an Express Toll Highway from a point in the vicinity of U.S. Route 13 below the City of Dover near Woodside to a connection with the existing Delaware Turnpike including a Spur to U.S. Route 301 to the Maryland State Line, to maintain, repair, improve and operate the existing Delaware Turnpike, to issue Turnpike Revenue Bonds of the Department, payable solely from tolls and other Revenues, for the purpose of paying, with other available funds, the cost of said Express Toll Highway and improvements to the existing Delaware Turnpike and for the purpose of refunding Turnpike Revenue Bonds issued for the existing Delaware Turnpikes and to pledge such tolls and other revenues to the payment of the Turnpike Revenue Bonds and the State Bonds herein authorized: authorizing the Department to Issue Turnpike Revenue Refunding Bonds: authorizing the State of Delaware to borrow money for the purpose of paying a part of the Cost of said Express Toll Highway and to issue Bonds and Notes therefor in an amount not exceeding \$100,000,000 upon the full faith and credit of the State of Delaware: and appropriating, subject to reimbursement from Bond proceeds, \$1,500,000 for preliminary expenses."

At the request of Senator Cook, the following two letters were read into the record:

DELAWARE FARM BUREAU

June 28, 1973

Members of the Delaware State Senate

Dover, Delaware

Dear Senator:

The Delaware Farm Bureau has expressed to the sponsors of Senate Bill 363 (construction of a Dover to JFK turnpike toll road) our opposition to said Bill.

The opposition is based on the fact that a proposal of this magnitude should have Public Hearings held on it prior to Legislative Action to give the people the opportunity to express their feelings on all phases of such an important measure.

We urge you to see that this opportunity is provided before
Legislative action is taken.

Sincerely yours,
(Signed) John F. Walton,
Chairman
Legislative Committee

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

June 28, 1973

The Honorable Clifton E. Morris
Secretary

Department of Highways and Transportation
Dover, Delaware
Dear Mr. Secretary:

Senate Bill 363, which is an act to authorize the Department of Highways and Transportation of the State of Delaware to construct, maintain, repair and improve an express toll way from a point in the vicinity of U.S. 13 below the City of Dover, near Woodside, north to connect with I-95, is presently before the General Assembly.

While I agree with the concept that the time is overdue to provide a system for the flow of traffic in the future in the State of Delaware, I believe it is absolutely necessary and imperative that the Department begin to make plans to hold public hearings for the proposed alignment of such a route, so that the citizens of the State of Delaware who will become involved by reason of being property owners have the knowledge of what the intent of the Department of Highways and Transportation is - that you begin to prepare your staff to hold public hearings to acquaint the citizens of the State as to the impact of this proposal. I further request that you begin to prepare yourself to hold such hearings after Labor Day, 1973, at times and locations that would serve both the Department and the public for the purpose of informing the public. I believe it is necessary to do this so that the public can be informed and that when the General Assembly reconvenes after this time, that the General Assembly, as well as the public, will be much more informed than it is apparent that either are at the present time.

Sincerely,
(Signed) Sherman W. Tribbitt
Governor

On motion of Senator Hughes, final consideration of **SB 363** was deferred.

On motion of Senator Hughes, **SB 349** was taken up for consideration and read by title only:

SB 349 — “An Act making a supplementary appropriation to the Department of Highways and Transportation for the construction of an overhead walkway over Interstate Highway I—495 to connect the development of Knollwood to Claymont proper.”

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, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senators Adams, Cordrey and Jarvis — 3.

So the Bill passed the Senate and was ordered to the House for concurrence.

At 5:12 p.m. on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 7:31 p.m.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **HB 205** — 2 Favorable, 3 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **HB 367** — 4 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **HB 509** — 1 Favorable, 4 Merits.

Senator Schlör introduced **SA 1 to SB 148**. Placed with the Bill.

Senator Castle introduced **SA 5, SA 6, SA 7 to SS 1 for SB 292**. The three Amendments were placed with the Bill.

Senator Jarvis introduced **SA 8 to SS 1 for SB 292**. Placed with the Bill.

Senator Cook introduced **SA 5 to SB 352**. Placed with the Bill.

Senator Manning introduced **SA 1 to HB 414**. Placed with the Bill.

Senator Steele introduced **SA 1 to HB 444 w/ HA 1**. Placed with the Bill.

On motion of Senator Steele, **SS 1 for SB 292** was taken up for consideration and read by title only:

SS 1 for 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 ap-

appropriating the monies to the State Board of Education on behalf of local School Districts."

Senator Cook moved that **SA 1** to the Bill now be adopted.

At the request of Senator Cook, the privilege of the floor was extended to Dr. Donald Crossan, University of Delaware, 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 Cicione, Cook and McCullough — 3.

NO: Senators Adams, Berndt, Castle, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senator Isaacs — 1.

So the Amendment was defeated.

Senator Cook moved that **SA 2** to the Bill 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, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Schlör, Zimmerman — 15.

NO: Senators Berndt, Castle, duPont, McCullough and Steele — 5.

NOT VOTING: Senator Manning — 1.

So the Amendment was adopted.

Senator Manning moved that final consideration of the Bill be deferred.

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

YES: Senators Castle, duPont, Elliott, Hale, Jarvis, Manning — 6.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Steele — 13.

ABSENT: Senators Schlör and Zimmerman — 2.

So the motion was defeated.

Senator Elliott moved that **SA 3** to the Bill now be adopted.

Senator Elliott 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, Castle, Cordrey, duPont, Elliott, Holloway, Hughes, Jarvis, Kearns, Martin — 10.

NO: Senators Berndt, Cicione, Hale, Isaacs, Manning, McCullough, Steele — 7.

NOT VOTING: Senator Cook — 1.

ABSENT: Senators Murphy, Schlör and Zimmerman — 3.

So the motion was defeated and the roll call vote on the

adoption of **SA 3 to SS 1 for SB 292** was announced to be:

YES: Senators Adams, Cordrey, duPont, Elliott, Hughes, Jarvis, Martin, Murphy — 8.

NO: Senators Berndt, Cicione, Hale, Holloway, Isaacs, Manning, McCullough, Steele — 8.

NOT VOTING: Senators Castle, Cook and Kearns — 3.

ABSENT: Senators Schlör and Zimmerman — 2.

So the Amendment was lost.

Senator Hughes moved that **SA 4** to the Bill now be adopted.

Senator Hughes then 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, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Martin — 13.

NO: Senators Cook, Manning and McCullough — 3.

NOT VOTING: Senators Isaacs and Steele — 2.

ABSENT: Senators Murphy, Schlör and Zimmerman — 3.

So the motion prevailed and the roll call vote on the adoption of the Amendment was tabled.

Senator Jarvis moved that the remaining Amendments to the Bill be tabled.

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

YES: Senators Berndt, Cicione, duPont, Hale, Steele — 5.

NO: Senators Adams, Castle, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Jarvis, Martin, McCullough — 11.

ABSENT: Senators Kearns, Manning, Murphy, Schlör and Zimmerman — 5.

So the motion was defeated and the remaining Amendments to the Bill were open for consideration.

Senator Castle moved that **SA 5** to the Bill now be adopted.

Senator Castle further 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, Castle, Cordrey, duPont, Elliott, Hale, Holloway, Manning, Martin — 9.

NO: Senators Berndt, McCullough and Steele — 3.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Cicione, Cook, Hughes, Jarvis,

Kearns, Murphy, Schlör and Zimmerman — 8.

So the motion was lost and the roll call vote on the adoption of **SA 5** to the Bill was announced to be:

YES: Senators Castle, duPont, Elliott and Holloway — 4.

NO: Senators Cordrey, Hale, McCullough and Steele — 4.

NOT VOTING: Senators Adams, Berndt, Isaacs, Kearns, Manning, Martin — 6.

ABSENT: Senators Cicione, Cook, Hughes, Jarvis, Murphy, Schlör and Zimmerman — 7.

So the Amendment was defeated.

On motion of Senator Castle, **SA 6** to the Bill was tabled.

Senator Adams introduced **SA 9** 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, Holloway, Isaacs, Jarvis, Kearns, Martin, McCullough and Murphy — 11.

NO: Senators Hale and Steele — 2.

NOT VOTING: Senators Berndt and Castle — 2.

ABSENT: Senators Cicione, duPont, Hughes, Manning, Schlör and Zimmerman — 6.

So the Amendment was adopted.

Senator Jarvis moved that **SA 8** to the Bill which had been placed with the Bill now be adopted.

On further motion of Senator Jarvis, the roll call vote on the adoption of the Amendment was tabled.

Senator Zimmerman introduced **SA 10** to the Bill, which on his motion, was temporarily tabled.

Senator Elliott introduced **SA 11** to the Bill, and on his motion, the Amendment was immediately stricken.

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

Senator Holloway (with all the Senators as co-sponsors) introduced **SR 102** and moved that it be adopted.

SR 102 — "Commending Harry W. Towers upon his retirement from his many years of Service."

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, Kearns, Manning, Martin, McCullough, Murphy, Steele — 18.

ABSENT: Senators Jarvis, Schlör and Zimmerman — 3.

So the Resolution was adopted.

On motion of Senator Steele, **SS 1 for SB 292** was lifted from the table for further consideration.

Senator Elliott, introduced **SA 12** to the Bill and on his motion, final consideration of the Amendment was deferred.

Senator Elliott (co-sponsors Senators Adams, Berndt, Cook, Hughes, Kearns and Murphy) introduced **SA 13** 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, Cicione, Cook, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy — 14.

NO: Senators Castle, Cordrey, Holloway, Steele — 4.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Schlor and Zimmerman — 2.

So the Amendment was adopted.

Senator Holloway introduced **SA 14** to the Bill and on his motion, the Amendment was immediately stricken.

Senator Zimmerman moved that **SA 10** to 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, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Zimmerman — 13.

NO: Senators Castle, Manning, McCullough, Steele — 4.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Cicione, Hale and Schlor — 3.

So the Amendment was adopted.

On motion of Senator Jarvis, the roll call vote on **SA 8** to the Bill was lifted and announced to be:

YES: Senators Adams, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Zimmerman — 13.

NO: Senator Cordrey — 1.

NOT VOTING: Senators Berndt, Castle, Cicione, Cook, Isaacs, Steele — 6.

ABSENT: Senator Schlor — 1.

So the Amendment was adopted.

Senator Elliott introduced **SA 15** to the Bill, and on his motion, final consideration of the Amendment was deferred.

Senator Hughes introduced **SA 16** 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 Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Steele, Zimmerman — 14.

NO: Senators Adams, Cordrey, Manning and McCullough — 4.

ABSENT: Senators Cicione, Holloway and Schlor — 3.
So the Amendment was adopted.

At the request of Senator Hughes, **SA 4** to the Bill was stricken.

On motion of Senator Castle, **SA 6** to the Bill was lifted from the table and considered for adoption.

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

YES: Senators Castle, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Zimmerman — 13.

NO: Senators Adams, Cordrey and Steele — 3.

NOT VOTING: Senators Berndt and Cook — 2.

ABSENT: Senators Cicione, McCullough and Schlor — 3.
So the Amendment was adopted.

Senator Cordrey introduced **SA 17** to the Bill and on his motion the Amendment was immediately stricken.

Senator Steele moved for passage of **SS 1 for SB 292 w/ SA 2, 6, 8, 9, 10, 13, 16.**

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

On motion of Senator Cook, **SS 1 for SB 218** was taken up for consideration and read by title only:

SS 1 for SB 218 — "An Act to amend Titles 7 and 29, Delaware Code, to establish a system of permits for any activity potentially resulting in environmental degradation, to authorize the Secretary of the Department of Natural Resources and Environmental Control to grant or deny a permit for any such activity, to clarify and strengthen the enforcement powers of the Division of Environmental Control, to increase the penalties for violation of duly adopted Environmental Law, to authorize the Secretary of the Department of Natural Resources and Environmental Control to obtain injunctive relief, to grant licensing power, and to establish an Environmental Appeals Board."

Senator Manning 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 Berndt, Cordrey, duPont, Manning and Steele — 5.

NO: Senators Adams, Cook, Kearns, Martin, McCullough, Murphy, Zimmerman — 7.

NOT VOTING: Senators Holloway, Hughes and Isaacs — 3.

ABSENT: Senators Castle, Cicione, Elliott, Hale, Jarvis, Schlor — 6.

So the Amendment was defeated.

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

Senator Zimmerman moved that the Senate recess until 1:30 p.m. June 29.

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

YES: Senators Berndt and Zimmerman — 2.

NO: Senators Adams, Cook, Cordrey, Hughes, Isaacs, Kearns, McCullough — 7.

NOT VOTING: Senators Manning, Martin, Murphy, Steele — 4.

ABSENT: Senators Castle, Cicione, duPont, Elliott, Hale, Holloway, Jarvis, Schlor — 8.

So the motion was defeated.

On motion of Senator McCullough, the necessary rules were suspended for the purpose of considering **HB 538**.

HB 538 — "An Act to amend Title 4 of the Delaware Code relating to the purchase of alcohol liquors for sale or dispensing at a gathering of persons."

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

YES: Senators Adams, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 13.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Castle, Cicione, duPont, Elliott, Hale, Jarvis, Schlor — 7.

So the Bill passed the Senate.

At 11:45 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. June 29, 1973.

The Senate reconvened at 2:00 p.m. June 29, 1973, Lt. Governor Bookhammer presiding.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 376** — 2 Merits, 2 Unfavorable; **SB 378** — 2 Merits, 2 Unfavorable; **SB 377** — 1 Favorable, 2 Merits; **HB 529** — 1 Favorable, 2 Merits; **HB 525** — 3 Merits; **HB 391** — 4 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate **HB 474** — 4 Merits.

The Secretary read the following message from the House:

6—28—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 538**; **HS 1** for **HB 416 w/ HA 1, 2, 3, 4, 5**; **HB 520**; **HB 481 w/ HA 1**; **HCR 20** and requests the concurrence of the

Senate.

Senator Holloway introduced **SA 1 to HB 423**. Placed with the Bill.

Senator Cook introduced **SA 2 to SS 1 for SB 218**. Placed with the Bill.

Senator Murphy introduced **SB 381**:

SB 381 — "An Act authorizing the Division of Highways to install Street Lights at the intersection of State Route 10 and State Route 360, 20, and 26 and appropriating the necessary funds for the installation thereof." Assigned to Public Safety Committee.

Senator Isaacs introduced **SB 382**:

SB 382 — "An Act to amend Title 6, Delaware Code, relating to the establishment of a Home Improvement Finance Act." Assigned to Judiciary and Elections Committee.

Senator Elliott (co-sponsor Senator Cook) introduced **SB 383**:

SB 383 — "An Act to ratify and confirm the title of Edward G. Davis and Elizabeth Davis, and Henry Clay Davis, III, and Leslie Ann Davis to certain land and to authorize the Secretary of State to execute a Deed therefor." Assigned to Judiciary and Elections Committee.

Senator Holloway (co-sponsor Senator Kearns) introduced **SR 101**:

SR 101 — "Providing for the establishment of a Committee to study the feasibility and need for Legislation to grant the Division of Housing the authority to issue Tax Exempt Revenue Bonds for the purpose of providing moderate and low income Housing in Delaware."

Senator Holloway introduced **SA 1** to the Resolution. Placed with the Resolution.

On motion of Senator Cook, the Resolution was tabled.

Senator Berndt (co-sponsor Senator Kearns) introduced **SR 103** and moved that it be adopted.

SR 103 — "Requesting the Delaware Bar Association to make a study of Legal Services offered the Senate and to make recommendations for improving such services."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 16.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Castle, Holloway, Isaacs, Schlor — 4.

So the Resolution was adopted.

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate: **HB 372** — 3 Merits; **SB 346**

— 3 Merits.

The Chair introduced **HCR 20**:

HCR 20 — "Memorializing the Delaware Congressional Delegation to request the U.S. Army Corps of Engineers to proceed with flood control facilities for the community of Delaware City and maintain dredging of the Delaware City Branch Channel of the Chesapeake and Delaware Canal."

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, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 16.

NO: Senator duPont — 1.

ABSENT: Senators Castle, Hale, Holloway and Schlor —

4.

So the Resolution was adopted by the Senate and returned to the House.

The Chair introduced the following House Bills:

HS 1 for HB 416 w/ HA 1, 2, 3, 4, 5 — "An Act to amend Title 16 of the Delaware Code by adding a Chapter 73 thereto relating to securities prohibiting fraudulent practices in relation thereto; requiring registration in connection with the offer, sale and trading of certain securities offered in Delaware; requiring registration of broker-dealers, investment advisers and agents; and appropriating funds to the Attorney General; and by further amending Title 29, Delaware Code." Assigned to Judiciary and Elections Committee.

HB 481 w/ HA 1 — "An Act to amend Chapter 66, Title 18, Delaware Code, to broaden the coverage provided by this Chapter that insures certain policemen, firemen, national guardsmen, and correctional officers against death in the line of duty; and providing for payment to designated beneficiaries and for payment of tuition for their children." Assigned to Highways, Transportation and Insurance Committee.

HB 520 — "An Act to amend Title 7, Chapter 63, Delaware Code, pertaining to the control of water pollution and relating to the approval of plans for the construction or alteration of sewage systems." Assigned to Natural Resources and Environmental Control Committee.

Senator Steele introduced **SA 18 to SS 1 for SB 292**. Placed with the Bill.

At 2:15 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 56th Day.

56TH LEGISLATIVE DAY

The Senate was called to order at 2:15 p.m. June 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, 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.

Senator Isaacs requested that the following communication be read and made part of the record:

RESOLUTION

WHEREAS, by presidential decree Federal Government has set the fourth Monday of October as Veterans Day and discontinued November 11th as Armistice Day, and

WHEREAS, 18 States of these United States have changed the fourth Monday of October called Veterans Day back to November 11th and renamed it Armistice Day.

BE IT RESOLVED, by the Disabled American Veterans, Department of Delaware, Inc., in State Convention assembled at Wilmington, Delaware, June 2, 1973, that we wholeheartedly endorse the changing and renaming of Veterans Day from the fourth Monday of October to Armistice Day, November 11th, and

BE IT FURTHER RESOLVED, that we request the Governor, Senate and House of Representatives of the State of Delaware to act forth with to make November 11th once again Armistice Day, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to William V. Roth., U.S. Senator; Joseph R. Biden, Jr., U.S. Senator; Pierre S. duPont, U.S. Congressman; and Sherman W. Tribbitt, Governor of the State of Delaware, Members of the Senate and House of Representatives of Delaware, the Commander of the American Legion, Veterans of Foreign Wars, Jewish War Veterans, Paralyzed Veterans of America, Veterans of World War I and Disabled American Veterans National Headquarters.

William A. Joyce
Dept. Resolution Chairman

* * * * *

Senator Hughes moved that **SB 110** which had passed the Senate be again reconsidered as further amended 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 Adams, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Berndt and Holloway — 2.

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

On motion of Senator Hughes, **HB 116 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 116 w/ HA 1, 2 — “An Act to amend Chapter 21, Title 21 of the Delaware Code relating to the requirement of insurance for all motor vehicles registered in the State of Delaware.”

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, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

ABSENT: Senators Berndt, Cicione, Holloway and Isaacs — 4.

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

On motion of Senator Hughes, **HB 417** was taken up for consideration and read by title only:

HB 417 — “An Act to amend Chapter 25, Title 18, Delaware Code relating to assigned risk plans.”

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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Berndt, Cicione and Holloway — 3.

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

On motion of Senator Hughes, **HB 473** was taken up for consideration and read by title only:

HB 473 — “An Act to amend Title 18, Delaware Code, relating to the registration of insurance holding companies and members of insurance holding company systems within the State of Delaware.”

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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Berndt, Cicione and Holloway — 3.

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

On motion of Senator Hughes, **HB 509 w/ HA 1** was taken up for consideration and read by title only:

HB 509 w/ HA 1 — “An Act to amend Chapter 23, Title 18, Delaware Code, relating to unfair methods of competition, unfair deceptive acts and practices in the business of insurance.”

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

YES: Senators Castle, Hale, Hughes, Jarvis, Kearns, Manning, Martin, Schlör, Steele — 9.

NO: Senator Adams — 1.

NOT VOTING: Senators Cook, Cordrey, duPont, Elliott, Isaacs, McCullough, Murphy, Zimmerman — 8.

ABSENT: Senators Berndt, Cicione and Holloway — 3.

So the Bill failed to pass the Senate.

Senator Hughes then moved that 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 Adams, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Berndt and Holloway — 2.

So the motion prevailed and the Bill was restored to the Calendar.

On motion of Senator Cook, **SS 1 for SB 218** which had been deferred was again taken up for consideration.

Senator Cook 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, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Berndt and Holloway — 2.

So the Amendment was adopted.

Senator Cook moved for passage of **SS 1 for SB 218 w/ SA 2**.

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

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

NO: Senators Cordrey, duPont and Manning — 3.

NOT VOTING: Senators Castle, Hale, Isaacs and Steele

— 4.

ABSENT: Senators Berndt and Holloway — 2.

So the Bill passed the Senate and was ordered to the House for concurrence.

The Secretary read the following message from the House:

Mr. President:

The House wishes to inform the Senate that it has passed **HJR 15** and requests the concurrence of the Senate.

On motion of Senator Isaacs, the necessary rules were suspended to act on the Resolution.

At 2:35 p.m. on motion of Senator Cook, the Senate recessed for 15 minutes.

The Senate reconvened at 3:54 p.m.

Senator Isaacs moved that **HJR 15** 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, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 12.

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

So the motion prevailed and the Resolution was tabled.

Senator Hale moved that the necessary rules be suspended for the purpose of considering **HB 414**.

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

YES: Senators Berndt, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 8.

NO: Senators Adams, Castle, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

So the motion was defeated and **HB 414** was not taken up.

Senator Cook (co-sponsor Senator Cicione) introduced **SB 384**:

SB 384 — "An Act to amend Title 29, Delaware Code, relating to the method of payment of State officials and employees and making a supplementary appropriation therefor."

Senator Cook moved that the necessary rules be suspended for the purpose of considering the Bill.

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, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senator Manning — 1.

NOT VOTING: Senators Castle, duPont, Elliott, Hale,

Jarvis, Steele — 6.

So the motion prevailed and the Bill was considered for passage.

Senator Cook 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, Schlör, Zimmerman — 20.

NO: Senator Steele — 1.

So the Amendment was adopted.

Senator Cook moved for passage of **SB 384 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, Zimmerman — 20.

NO: Senator Steele — 1.

So the Bill passed the Senate and was ordered to the House for concurrence.

Senator Zimmerman moved that the necessary rules be suspended in order to consider **HB 398**.

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

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

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

ABSENT: Senator Elliott — 1.

So the motion prevailed and the Bill was taken up for consideration.

At 4:32 p.m. the Chair recessed the Senate for lack of a quorum.

The Senate reconvened at 4:40 p.m. President Pro Tem Isaacs presiding.

On motion of Senator Zimmerman, the roll call vote on **HB 398** was tabled.

Senator Holloway (co-sponsor Senator Kearns) introduced **SR 101** and moved for its adoption.

SR 101 — "Providing for the establishment of a Committee to study the feasibility and need for legislation to grant the Division of Housing the authority to issue tax exempt Revenue Bonds for the purpose of providing moderate and low

income housing in Delaware.”

Senator Holloway introduced **SA 1 to SR 101** 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, Cicione, Cordrey, Holloway, Isaacs, Kearns, Manning, McCullough, Murphy, Schlör, Zimmerman — 11.

NOT VOTING: Senators Hughes and Steele — 2.

ABSENT: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Jarvis, Martin — 8.

So the Amendment was adopted.

Senator Holloway moved for the adoption of **SR 101 w/ SA 1**.

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, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

ABSENT: Senators duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 7.

So the Resolution was adopted.

On motion of Senator Castle, **SB 151**, which had previously passed the Senate, was taken up for reconsideration as further amendment by **HA 2**.

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, duPont, Hale, Holloway, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Elliott, Hughes and Manning — 3.

So the Bill passed the Senate.

On motion of Senator Cicione, **SB 60** was taken up for consideration and read by title only:

SB 60 — “An Act proposing an Amendment to Article VIII of the Constitution of the State of Delaware, relating to the uniformity of taxes; assessment and taxation of land devoted to agriculture and forest use; collection under General laws; exemption for Public Welfare Purposes.”

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, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 15.

NOT VOTING: Senators Berndt, Castle, duPont, Hale —

4.

ABSENT: Senators Elliott and Manning — 2.

So the Bill passed the Senate and was ordered to the House for concurrence.

At 5:02 p.m. on motion of Senator Cook, the Senate recessed until 7:00 p.m.

The Senate reconvened at 7:57 p.m., President Pro Tem Isaacs presiding.

On motion of Senator Cicione, **HB 404 w/ HA 1** was taken up for consideration and read by title only:

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."

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, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Martin, McCullough, Schlor, Steele — 15.

ABSENT: Senators Cordrey, duPont, Hughes, Manning, Murphy, Zimmerman — 6.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Cook, **SB 366** was taken up for consideration and read by title only:

SB 366 — "An Act amending Chapter 736, Volume 57, 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 moneys to various agencies of the State."

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, Schlor, Steele, Zimmerman — 20.

ABSENT: Senator duPont — 1.

So the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Steele, **HS 1 for HB 239** was taken up for consideration and read by title only:

HS 1 for HB 239 — "An Act making a supplemental appropriation to the various Departments for operational expenses."

Senator Cook 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, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

NOT VOTING: Senator duPont — 1.

So the Amendment was adopted.

Senator Steele moved for the passage of **HS 1 for HB 239 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.

NO: Senator duPont — 1.

So the Bill passed the Senate and was ordered to the House for concurrence in the Senate Amendment.

On motion of Senator Steele, **HB 306** was taken up for consideration and read by title only:

HB 306 — "An Act to amend Title 29, Delaware Code, Section 5943 relating to the enforcement of this Chapter by legal action."

At the request of Senator Steele, the privilege of the floor was extended to Ken Walker, Department of Justice, to speak on the Bill.

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

On motion of Senator Steele, **HB 394 w/ HA 1, 3** was taken up for consideration and read by title only:

HB 394 w/ HA 1, 3 — "An Act to amend Chapter 17, Title 14, Delaware Code, as it relates to State appropriations and total full valuation of taxable real property."

Senator Cook 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, Cicione, Cook, Cordrey, Elliott, Isaacs, Murphy, Schlör, Zimmerman — 9.

NO: Senators Berndt, duPont, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Steele — 10.

ABSENT: Senators Castle and Holloway — 2.

So the Amendment was defeated.

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

On motion of Senator Steele, **HB 423** was taken up for consideration and read by title only:

HB 423 — "An Act to amend Volume 29, Laws of Delaware, Chapter 119 and Volume 36, Laws of Delaware, Chapter 143, as amended, relating to the collection of taxes for

the City of Wilmington.”

Senator Holloway introduced **SA 1** to the Bill and on his motion the Amendment was immediately stricken.

Senator Holloway 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, Cicione, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele — 18.

ABSENT: Senators Hale, Murphy and Zimmerman — 3.

So the Amendment was adopted.

Senator Steele moved for the passage of **HB 423 w/ SA 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, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele — 18.

ABSENT: Senators Cicione, Murphy and Zimmerman — 3.

So the Bill passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

On motion of Senator Steele, **HB 469 w/ Ha 1** was taken up for consideration and read by title only:

HB 469 w/ HA 1 — “An Act to amend Chapter 54, Title 30, Delaware Code, relating to exemptions from the Realty Transfer Tax.”

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

YES: Senators Adams, Castle, Elliott, Hale, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele, Zimmerman — 12.

NO: Senators Berndt, Cicione and duPont — 3.

NOT VOTING: Senators Cordrey, Hughes, Isaacs, Murphy — 4.

ABSENT: Senators Cook and Holloway — 2.

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

On motion of Senator Steele **HB 492 w/ HA 1** was taken up for consideration and read by title only:

HB 492 w/ HA 1 — “An Act to amend Chapter 55, Title 30, Delaware Code relating to the public utilities taxes.”

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

YES: Senators Adams, Castle, Cicione, duPont, Elliott, Hale, Jarvis, Kearns, Manning, Murphy, Steele, Zimmerman — 12.

NO: Seator Cordrey — 1.

NOT VOTING: Senators Berndt, Cook, Holloway,

Hughes, Isaacs, Martin, McCullough, Schlör — 8.

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

At 9:26 p.m. on motion of Senator Cook, the Senate took a short recess.

The Senate reconvened at 10:35 p.m., Lt. Governor Bookhammer presiding.

On motion of Senator Zimmerman, the roll call vote on **HB 398** was lifted and announced to be:

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senator Manning — 1.

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

On motion of Senator Hale, **HS 1 for HB 380** was taken up for consideration and read by title only:

HS 1 for HB 380 — “An Act to amend Title 14 of the Delaware Code by creating a new Chapter 85 establishing the Delaware Advisory Council on Career Education.”

Senator Manning moved that the Senate take a 5-minute recess.

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

YES: Senators Castle, duPont, Elliott, Hale, Hughes, Manning — 6.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senator Jarvis — 1.

So the motion was defeated.

Senator Hale moved for passage of **HS 1 for HB 380**.

Senator Hale then further 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 Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 16.

NO: Senators Adams, Cicione, Hughes, Isaacs and Steele — 5.

So the motion prevailed and the roll call vote on the Bill was tabled.

On motion of Senator Elliott **HS 1 for HB 155 w/ HA 1, 2** was taken up for consideration and read by title only:

HS 1 for HB 155 w/ HA 1, 2 — “An Act to amend Part II, Title 16 of the Delaware Code relating to the regulation of hearing aid dealers.”

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, Holloway, Jarvis, Kearns, Manning, McCullough, Schlör, Steele — 14.

NOT VOTING: Senators Berndt, Hughes, Isaacs, Martin, Murphy, Zimmerman — 6.

ABSENT: Senator Cicione — 1.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Manning **HB 287** was taken up for consideration and read by title only:

HB 287 — “An Act to amend Chapter 13, Part II, Title 9 of the Delaware Code relating to the Advisory Retirement Board.”

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, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Isaacs and Jarvis — 3.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Hale **HB 414 w/ HA 1** was taken up for consideration and read by title only:

HB 414 w/ HA 1 — “An Act to amend Chapter 1, Subchapter II, Title 8 of the Delaware Code relating to the powers of corporations conducting a law school in Delaware to grant academic law degrees.”

Senator Manning 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, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Cook and Isaacs — 2.

So the Amendment was adopted.

Senator Hale moved for passage of **HB 414 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, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senators Cook and duPont — 2.

ABSENT: Senators Castle and Isaacs — 2.

So the Bill passed the Senate and was ordered back to the House for concurrence in the Senate Amendment.

On motion of Senator Murphy, **SB 144 w/ SA 1** which had passed the Senate was again taken up for reconsideration as further amendment 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, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

NOT VOTING: Senator Isaacs — 1.

So the Bill passed the Senate.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: **HB 481 w/ HA 1** — 1 Favorable, 4 Merits.

On motion of Senator Hughes, **HB 481 w/ HA 1** was taken up for consideration and read by title only:

HB 481 w/ HA 1 — "An Act to amend Chapter 66, Title 18, Delaware Code, to broaden the coverage provided by this Chapter that insures certain policemen, firemen, national guardsmen, and correctional officers against death in the line of duty; and providing for payment to designated beneficiaries and for payment of tuition for their children."

At the request of Senator Hughes, the following letter was read into the record:

**STATE OF DELAWARE
DEPARTMENT OF INSURANCE**

June 25, 1973

The Honorable Kenneth W. Boulden

New Castle, Delaware 19720

Dear Representative Boulden:

I have thoroughly reviewed H.B. 481 in its amended form as of the above date and feel that it is a most constructive piece of legislation and urge its passage.

Sincerely

(Signed) Robert A. Short

Insurance Commissioner

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, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

NO: Senator Steele — 1.

ABSENT: Senators Cook and Isaacs — 2.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Schlor, the roll call vote on **SB 148** was rescinded.

Senator Schlor moved that **SA 1 to SB 148** 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, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senator Kearns — 1.

So the Amendment was adopted.

Senator Schlor moved for the passage of **SB 148 w/ SA 1**.

Senator Schlor 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, Elliott, Holloway, Kearns, Martin, McCullough, Schlor — 9.

NO: Senators Berndt, Castle, Cicione, duPont, Hale, Hughes, Manning, Steele, Zimmerman — 9.

NOT VOTING: Senator Jarvis — 1.

ABSENT: Senators Isaacs and Murphy — 2.

So the motion was defeated and the roll call vote on **SB 148 w/ SA 1** was announced to be:

YES: Senators Cook, Holloway, Kearns, McCullough, Schlor — 5.

NO: Senators Adams, Castle, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Manning, Steele, Zimmerman — 11.

NOT VOTING: Senators Berndt, Cicione, Jarvis, Martin — 4.

ABSENT: Senator Murphy — 1.

So the Bill was lost.

On motion of Senator Cook, **SB 384** which had previously passed the Senate was again taken up for reconsideration as further amended by **HB 1**.

Senator Cook introduced **SA 2** to the Bill and moved for its adoption.

On the question, "Shall the Amendment be adopted?", 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 Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 8.

NOT VOTING: Senators Berndt and Schlor — 2.

So the Amendment was adopted.

Senator Cook moved for passage of **SB 384 w/ SA 1, 2, HA 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, Elliott, Holloway, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Zimmerman — 14.

NO: Senators Manning and Steele — 2.

NOT VOTING: Senators Castle, duPont, Hale, Hughes and Schlor — 5.

So the Bill passed the Senate.

At 12:15 a.m. June 30, on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 30, 1973.

57TH LEGISLATIVE DAY

The Senate met at 1:52 p.m., June 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, Schlor, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:

6—29—73

Mr. President:

The House wishes to inform the Senate that it has passed **SB 384 w/ SA 1, 2, HA 1; SS 1 for SB 194; SB 242; SB 144 w/ SA 1, HA 1, 2; SB 375; SB 274** and is returning same to the Senate.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 383 — 3 Merits; HS 1 for HB 416 — 2 Favorable, 2 Merits.**

Senator Manning introduced **SA 1 to HB 518.** Placed with the Bill.

Senator Berndt introduced **SA 1 to HB 529.** Placed with the Bill.

Senator Zimmerman introduced **SA 19 to SS 1 for SB 292.** Placed with the Bill.

Senator Kearns introduced **SA 20 to SS 1 for SB 292.** Placed with the Bill.

Senator Steele introduced **SA 2 to HB 444.** Placed with the Bill.

Senator Cicione introduced **SB 385:**

SB 385 — "An Act to amend Chapter 5, Title 4 of the

Delaware Code relating to licensed and taxes for the sale of alcoholic liquors, and the requirement of a Verified Affirmation Statement and filing of Price Schedules." Assigned to Administrative Services Committee.

Senator Kearns introduced **SJR 32**:

SJR 32 — "Directing the Public Service Commission to adopt regulations requiring each Public Utility to establish procedures for resolving customer complaints." Assigned to Administrative Services Committee.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate **HB 466** — 3 Merits.

On motion of Senator Cicione **HB 213 w/ HA 1** was taken up for consideration:

HB 213 w/ HA 1 — "An Act to amend Subchapter 11, Chapter 41, Part III, Title 21 of the Delaware Code relating to the rules of the road, and permitting a right-hand turn under certain circumstances."

Senator duPont 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, Cicione, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Jarvis, Kearns, Martin, Murphy, Steele, Zimmerman — 15.

NO: Senator Isaacs — 1.

NOT VOTING: Senators Berndt and Manning — 2.

ABSENT: Senators Hale, McCullough and Schlor — 3.

So the Amendment was adopted.

Senator Cicione moved for the passage of **HB 213 w/ HA 1, SA 1**.

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

On motion of Senator Hughes, **HB 509 w/ HA 1** was taken up for consideration:

HB 509 w/ HA 1 — "An Act to amend Chapter 23, Title 18, Delaware Code, relating to unfair methods of competition, unfair deceptive acts and practices in the business of Insurance."

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, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Zimmerman — 15.

NO: Senator Cordrey — 1.

NOT VOTING: Senators Castle, Isaacs and Steele — 3.

ABSENT: Senators McCullough and Schlor — 2.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Cicione, **SB 287 w/ SA 2** which had been tabled, 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 Castle, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, Murphy, Schlör, Zimmerman — 14.

NO: Senators Adams, Cordrey, duPont, Manning, Steele — 5.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senator McCullough — 1.

So the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Elliott, **HB 416 w/ HA 1, 2, 3, 4, 5** was taken up for consideration:

HS 1 for HB 416 w/ HA 1, 2, 3, 4, 5 — "An Act to amend Title 6 of the Delaware Code by adding a Chapter 73 thereto relating to Securities; prohibiting fraudulent practices in relation thereto; requiring registration in connection with the offer, sale and trading of certain Securities offered in Delaware; requiring registration of broker-dealers, investment advisers and agents; and appropriating funds to the Attorney General; and by further amending Title 29, Delaware Code."

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, Steele, Zimmerman — 19.

NOT VOTING: Senator Cicione — 1.

ABSENT: Senator McCullough — 1.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Elliott, **SB 195 w/ SA 1, 2, 3** which had passed the Senate, was taken up for reconsideration as further amended by **HA 1, 2, 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 Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Cicione and McCullough — 2.

So the Bill passed the Senate.

On motion of Senator Steele, **HB 415 w/ HA 1** was taken up for consideration:

HB 415 w/ HA 1 — "An Act to amend Part 11, Title 6 of the Delaware Code by adding thereto a New Chapter 26 to be known as the "Unfair Cigarette Sales Act" and prohibiting cer-

tain practices relating to the retail and wholesale of cigarettes and providing penalties therefor.”

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, Isaacs, Jarvis, Kearns, Martin, Murphy, Steele, Zimmerman — 17.

NOT VOTING: Senators Berndt and Manning — 2.

ABSENT: Senators McCullough and Schlör — 2.

So the Bill passed the Senate and was ordered back to the House.

Senator Hughes moved that the necessary rules be suspended for the purpose of considering **SB 319**.

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

YES: Senators Adams, Berndt, Castle, Cicione, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Manning, Martin, Steele — 13.

NO: Senators Cook, Cordrey — 2.

NOT VOTING: Senators Holloway, Kearns and Zimmerman — 3.

ABSENT: Senators McCullough, Murphy and Schlör — 3.

So the motion prevailed.

On further motion of Senator Hughes, the Bill was then tabled.

On motion of Senator Hale, **HB 81** was taken up for consideration:

HB 81 — “An Act to amend Chapter 19, Part 1, Title 14 of the Delaware Code relating to the form of ballots at local School Tax Elections.”

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

On motion of Senator Hale, **HB 385** was taken up for consideration:

HB 385 — “An Act to permit the Board of Education to the Conrad Area School District to transfer funds from its Local School District Services Account to its School Administration Building Construction Account.”

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 passed the Senate and was ordered back to the House.

On motion of Senator Manning, **HB 458** was taken up for consideration:

HB 458 — “An Act to amend Chapter 44, Title 9, Delaware Code, relating to building permits in Kent 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, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator McCullough — 1.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Manning, **HB 478** was taken up for consideration:

HB 478 — “An Act to amend Chapter 47, Title 9, Delaware Code, relating to garbage disposal districts in Kent 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 — 19.

ABSENT: Senators Isaacs and McCullough — 2.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Manning **HB 339 w/ HA 1** was taken up for consideration:

HB 339 w/ HA 1 — “An Act to amend an Act, being Chapter 19, Volume 54, Laws of Delaware, as amended, entitled “An Act revising the prior Charter of the City of Rehoboth Beach and establishing a new Charter therefor and prescribing the powers and duties of the commissioners of Rehoboth Beach to confer upon the Commissioners of Rehoboth Beach certain real estate transfers within the City of Rehoboth Beach.”

At the request of Senator Manning, the following communication was made part of the record:

City of Rehoboth Beach

29 May 1973

Honorable Harry E. Derrickson

State Representative

Dover, Delaware 19901

Dear Representative Derrickson:

In behalf of the City of Rehoboth Beach, I want to thank you for sponsoring House Bill 339 that will amend the Charter of Rehoboth Beach, allowing the City to levy a one-percent transfer sales tax on the exchange of titles to properties within the City.

As you and other legislators must know, resort areas have problems in administration and expense that are not common

to other municipalities. Additional police, maintenance personnel, and lifeguards are required to take care of the needs, safety and pleasures of a large mobile and changing population during the summer season. No other areas in the country have as many salaried employees per year around residents as are found in the vacation resorts. It is grossly unfair to place the burden of expense to operate the city government solely on property owners. In Rehoboth, for instance, the budget is over a million dollars and there are less than 2000 taxable properties within our city limits. Other means must be found to finance the cost of keeping a community respectable and desirable.

Prospectors, builders, and realtors have a lucrative territory in which to operate. Outside of a modest mercantile license fee and in the case of the builder, a building permit, large profits are realized on exchange of properties and in many cases, the one who profits most resides outside the city limits. The realtors' take is 6% fee in the exchange, the State of Delaware demands 2% Transfer Tax, and Rehoboth pays the bills for maintaining a community in which this can and does happen. Sussex County charged twice as much for a permit to the builder of the new Henlopen Hotel as was charged by the City of Rehoboth Beach, yet the County pays nothing to Rehoboth to keep it clean, to protect its visitors and residents, or furnish facilities for their comfort.

Other communities in Delaware levy the transfer sales tax. The State of Delaware charges a 2% transfer tax. The Commissioners of Rehoboth respectfully request the passage of House Bill No. 339 by both the House and Senate in order that at least 1% tax may be given to pay the bills. The brokers and the State take 8% together as profit. We Commissioners can see no logic in denying the one percent to defray expenses.

Sincerely yours,
(Signed) Lester F. Johnson
Mayor

* * * * *

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

On motion of Senator Manning, **HB 387** was taken up for consideration:

HB 387 — "An Act to amend an Act, being Chapter 166, Volume 37, Laws of Delaware, as amended, entitled "An Act to reincorporate the town of Selbyville to provide a procedure for annexation, to amend the procedure for voting at the annual election, and to provide a registration system for 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, 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 passed the Senate and was ordered back to the House.

On motion of Senator Manning, **HB 205** was taken up for consideration:

HB 205 — “An Act to amend Chapters 5 of Title 9 and Title 17, Delaware Code by requiring that contracts let by the Levy Court or County Council of any County for street construction or street improvements which is to be dedicated to public use under provisions of Title 17, Section 508, Delaware Code, shall include the initial installation of street signs.”

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, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and McCullough — 2.

So the Bill passed the Senate and was ordered back to the House.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate **HB 433** — 5 Merits.

Senator Elliott (co-sponsor Senator Zimmerman) introduced **SA 2 to HB 394**. Placed with the Bill.

Senator Hughes (with all the Senators as co-sponsors) introduced **SR 104** and moved that it be adopted.

Sr 104 — “Hailing Captain Thomas R. Zappacosta, Jr. for the Special Citation he received from the Army Corp of Engineers for helping to expedite the rebuilding of the Railroad Bridge across the Chesapeake and Delaware Canal.”

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, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Holloway, Jarvis and McCullough — 3.

So the Resolution was adopted.

Senator duPont introduced **SB 386**:

SB 386 — “An Act to amend Chapter 6, Title 29, Delaware Code, relating to the General Assembly.”

Senator Cicione moved that the Bill be stricken.

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 duPont, Hale, Manning and Steele — 4.

NOT VOTING: Senators Berndt, Castle, Hughes, Jarvis — 4.

ABSENT: Senators Elliott and McCullough — 2.

So the motion prevailed and **SB 386** was stricken.

Senator Isaacs moved that the necessary rules be suspended in order to consider **HB 372**.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, Schlör, Steele — 14.

NO: Senators Jarvis and Zimmerman — 2.

NOT VOTING: Senators Manning and Murphy — 2.

ABSENT: Senators Cook, Elliott and McCullough — 3.

So the motion prevailed.

On motion of Senator Isaacs, the Bill was laid on the table.

At 5:02 p.m. on motion of Senator Isaacs, the Senate recessed until 7:00 p.m.

The Senate reconvened at 8:45 p.m.

The Secretary read the following message from the House:
6—30—73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 396; HJR 16** and requests the concurrence of the Senate.

The House also passed **SB 106 w/ SA 1; SS 1 for SB 270 w/ SA 1; SB 334; SB 17 w/ SA 1; SB 380; SB 384 w/ SA 1, HA 1, SA 2; SB 211; SJR 26; SJR 27** and is returning same to the Senate.

Senator Hughes introduced **SJR 33**:

SJR 33 — "Directing the Secretary of Highways and Transportation to transfer funds from the 1-495 Construction Account for the purpose of constructing an Overhead Walkway over Interstate Highway 1-495 to connect the Development of Knollwood to Claymont proper and further providing a supplementary appropriation to the Department of Highways and Transportation."

On motion of Senator Hughes, the Resolution was tabled.

At 8:58 p.m. Senator Cook moved that the Senate recess to the call of the President Pro Tem.

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

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

NO: Senators Berndt and duPont — 2.

NOT VOTING: Senators Castle and Elliott — 2.

ABSENT: Senators Manning and Steele — 2.

So the motion prevailed and the Senate recessed at 8:58 p.m.

SPECIAL SESSION

Pursuant to the call of a Special Session, provided by the Constitution of the State of Delaware, jointly by the Speaker of the House of Representatives and the President of the Senate, the Senate reconvened for the purpose of transacting the business put before it at 12:01 a.m., July 1, 1973, Lt. Governor Bookhammer presiding.

STATE OF DELAWARE EXECUTIVE DEPARTMENT

June 30, 1973

TO: All members of the Senate and the House of Representatives of the 127th General Assembly.

Pursuant to Section 4, Article 2, of the Constitution of the State of Delaware, you are hereby notified that the Senate and the House of Representatives of the 127th General Assembly is recalled into session on July 1, 1973 at 12:01 A.M.

(Signed) Eugene D. Bookhammer
Lieutenant Governor
John F. Kirk, Jr., Speaker
House of Representatives

* * * * *

Call of the roll, showed the following Senators present:

PRESENT: 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.

At 12:03 a.m. on motion of Senator Isaacs, the Senate recessed to the call of the Chair.

The Senate reconvened at 5:52 a.m., President Pro Tem Isaacs, presiding.

Senator Isaacs introduced **SR 105** and moved for its adoption.

SR 105 — "Expressing thanks to the members of the Senate for their cooperation in assisting the President Pro Tem in carrying out his duties in the Senate."

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

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

ABSENT: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 9.

So the Resolution was adopted.

Senator Isaacs introduced **SR 106** and moved that it be adopted.

SR 106 — "To debit Senate travel account for Legislator's mileage of the present session of 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, Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 12.

ABSENT: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 9.

So the Resolution was adopted.

Senator Isaacs introduced **SR 107** and moved that it be adopted.

SR 107 — "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, Cicione, Cordrey, Holloway, Issacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 12.

ABSENT: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 9.

So the Resolution was adopted.

Senator Isaacs introduced **SR 108** and moved that it be adopted.

SR 108 — "Relative to interim per diem clerical compensation for Staff of the Senate."

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 8.

So the Resolution was adopted.

Senator Isaacs (co-sponsor Senator Cook) introduced **SR 109** and moved that it be adopted.

SR 109 — "Expressing the appreciation of the Senate to Luitemant Governor Eugene D. Bookhammer for his competent and capable leadership while presiding over the Senate during the First Session of the 127th General Assembly."

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 8.

So the Resolution was adopted.

Senator Isaacs introduced **SR 110** and moved that it be adopted.

SR 110 — "Saluting the Senate Staff and the Legislative Council Staff for their cooperation and untiring efforts in serving the needs of the Senate during the 1st Session of the 127th General Assembly.

WHEREAS, during the course of the 1st Session of the 127th General Assembly the employees of the Senate and the Staff of the Legislative Council have provided the members of the Senate with exceptionally fine service; and

WHEREAS, the burden upon the staff has been exceptionally heavy due to the amount of legislation introduced; and

WHEREAS, the staff has kept a cheerful attitude during the long night sessions which have involved the Senate during the past weeks while completing their heavy workload.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that the Senate and the Staff of Legislative Council are extended warm thanks by the members of the Senate for the cooperation and service that the staff has rendered.

BE IT FURTHER RESOLVED that the text of this Resolution be included in the Journal of the Senate."

* * * * *

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Issacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 8.

So the Resolution was adopted.

On motion of Senator Schlör, the necessary rules were suspended in order to consider **SB 148 w/SA 1**.

On motion of Senator Schlör, **SB 148 w/ SA 1** was restored to the Calendar and taken up for reconsideration.

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, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 8.

So the Bill, passed the Senate and was ordered to the House for concurrence. Senator Steele introduced **SA 22 to SS**

1 for SB 292. Placed with the Bill.

On motion of Senator Steele, the roll call vote on **SS 1 for SB 292** was rescinded.

Senator Steele moved that **SA 18 to SS 1 for SB 292**, 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, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor Steele, Zimmerman — 13.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 8.

So the Amendment was adopted.

Senator Zimmerman moved that **SA 19 to SS 1 for SB 292** be adopted.

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

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Manning — 9.

So the Amendment was adopted.

At the request of Senator Kearns, Senators Cicione, Holloway, Martin and Schlor were added as co-sponsors of **SA 20 to SS 1 for SB 292** and the Amendment was tabled.

Senator Steele moved that **SA 23 to SS 1 for SB 292** be adopted.

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

YES: Senators Adams, Cicione, Cordrey, Zimmerman — 4.

NO: Senator Cook — 1.

NOT VOTING: Senators Holloway, Isaacs, Kearns, Martin, Murphy, Schlor, Steele — 7.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, McCullough — 9.

So the Amendment failed for adoption.

Senator Steele moved that **SA 24 to SS 1 for SB 292** be adopted.

On motion of Senator Steele, the roll call vote on the Amendment was tabled.

On motion of Senator Steele **SS 1 for SB 292 (as amended)** was then tabled.

On motion of Senator Cook, the roll call on **HS 1 for HB**

380 was lifted and announced to be:

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

NO: Senators Castle, Cordrey, duPont, Hughes, Steele — 5.

ABSENT: Senator Jarvis — 1.

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

On motion of Senator Cicione **SB 302** was taken up for consideration and read by title only:

SB 302 — "An Act to amend Chapter 23, Title 7, Delaware Code, relating to commercial crabbing tributary waters."

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

On motion of Senator Schlör **SB 284** which had been deferred, was again taken up for consideration.

On further motion of Senator Schlör be the roll call vote on the Bill was tabled.

At the request of Senator McCullough, **SB 281** was stricken.

On motion of Senator McCullough, **SB 288** was taken up for consideration and read by title only:

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

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, Holloway, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Manning — 9.

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

On motion of Senator McCullough, **SB 354** was taken up for consideration and read by title only:

SB 354 — "An Act to amend Chapter 21, Title 11 of the Delaware Code, relating to defaults on Cash Bail Bonds."

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, Holloway, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 12.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale,

Hughes, Isaacs, Jarvis, Manning — 9.

So the Bill passed the Senate and was ordered to the House for concurrence.

At 6:58 a.m. on motion of Senator Cicione, the Senate recessed for a short period.

The Senate reconvened at 9:53 a.m.

The Chair introduced **HJR 16**:

HJR 16 — “Welcoming the Honorable Rijnhard Bernhard Van Lynden, Royal Ambassador to the United States from the Netherlands, to Delaware for New Castle County’s Tercentennial celebration.”

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, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont, and Manning — 2.

So the Resolution was adopted by the Senate and ordered back to the House.

On motion of Senator Isaacs **SS 1 for SB 292** was taken up for consideration.

At the request of Senator Kearns **SA 20 for SS 1 for SB 292** was stricken.

Senator Kearns (co-sponsors Senators Castle, Holloway, Hughes, Martin, and Schlör) introduced **SA 25 to SS 1 for SB 292** 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, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Schlör, Zimmerman — 14.

NO: Senators Cordrey and Steele — 2.

NOT VOTING: Senators Elliott and Murphy — 2.

ABSENT: Senators duPont, Jarvis, and Manning — 3.

So the Amendment was adopted.

At the request of Senator Elliott, **SA 12, SA 15, SA 21** to the Bill were stricken.

Senator Steele moved that **SA 24 to SS 1 for SB 292** 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, Cordrey, Hale, Hughes, Isaacs, Jarvis, Martin, Murphy, Steele, Zimmerman — 11.

NO: Senator Holloway — 1.

NOT VOTING: Senators Cicione, Cook, Kearns, McCullough and Schlor — 5.

ABSENT: Senators Castle, duPont, Elliott, Manning — 4.
So the Amendment was adopted.

Senator Steele moved that **SA 22 to SS 1 for SB 292** 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, Cordrey, Holloway, Jarvis, Martin and Steele — 7.

NO: Senators Castle, Cook, Elliott, Hale, Hughes, Isaacs, McCullough, Murphy — 8.

NOT VOTING: Senators Cicione, Kearns, Schlor and Zimmerman — 4.

ABSENT: Senators duPont and Manning — 2.

So the Amendment failed for adoption.

Senator Steele moved for passage of **SS 1 for SB 292 w/ SA 2, 6, 8, 10, 13, 16, 18, 19, 24, 25.**

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

On motion of Senator Schlor, the roll call vote on **SB 284** was lifted and announced to be:

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

NOT VOTING: Senators Castle, Cordrey, Elliott and Steele — 4.

ABSENT: Senators Berndt, duPont, Hale, Jarvis, Manning — 5.

So the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cook, the necessary rules were suspended for consideration of the Grant Bills.

On motion of Senator Steele, the Grant Bills were presented for consideration of passage by the Senate as follows:

HB 345 — "An Act relating to education of the citizens of Delaware by making an appropriation to Delaware Safety Council, Inc. engaged in educating the people of this State."

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

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

HB 346 w/ HA 1, 2 — “An Act to aid certain Fire Companies which are organized to extinguish fires or maintain ambulances or rescue trucks, by making appropriations for them.”

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, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

HB 347 — “An Act to aid certain Civic Organizations which maintain emergency vehicles by making appropriations 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, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

HB 348 — “An Act relating to education of the citizens of Delaware by making an appropriation to WHY Y, Inc. engaged in educating the people of this State.”

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

HB 349 — “An Act making an appropriation to the Big Brothers Association of Northern Delaware, Inc.”

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, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

HB 350 — “An Act making a supplementary appropriation to Diamond State Youth, Inc.”

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,

Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

HB 351 — “An Act to aid the Delaware Guidance Services for Children and Youth, Inc., by making an appropriation 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, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, — 18.

ABSENT: Senators duPont, Manning and Zimmerman — 3.

So the Bill passed the Senate and was ordered back to the House.

HB 352 — “An Act relating to education of the Citizens of Delaware by making an appropriation to the “Delaware State Fair, Inc.”

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, Martin, McCullough, Murphy, Schlör, Steele — 18.

ABSENT: Senators duPont, Manning and Zimmerman — 3.

So the Bill passed the Senate and was ordered back to the House.

HB 353 w/ HA 1, 2 — “An Act to aid Veterans’ Organizations by making an appropriation 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, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Cordrey, the roll call vote on **HB 339 w/ HA 1** was lifted from the table and announced to be:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senators Castle and Jarvis — 2.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

Continuation of the Grant Bills:

HB 384 — “An Act to aid organizations maintaining residential facilities by making appropriations thereto.”

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

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

ABSENT: Senators Cook, duPont, Isaacs and Manning — 4.

So the Bill passed the Senate and was ordered back to the House.

HB 465 — “An Act to aid Mid-Sussex Rescue Squad, Inc. which is organized to operate and maintain an ambulance in the public service, by making an appropriation therefor.”

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

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

ABSENT: Senators Cook, duPont, Isaacs and Manning — 4.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Steele, the necessary rules were suspended for the purpose of considering **HB 444 w/ HA 1**:

HB 444 w/ HA 1 — “An Act to amend Titles 29 and 30, Delaware Code, relating to the transfer of the powers, duties and functions of the motor fuel tax and the motor carrier fuel purchase law from the Department of Finance to the Department of Public Safety.”

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, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cook, duPont and Manning — 3.

So the Bill passed the Senate and was ordered back to the House.

Senator Cicione requested that the names of Senators Kearns and Schlör be added as co-sponsors of **SJR 35**.

Senator Cicione moved that the necessary rules be suspended for the purpose of considering **SJR 35**.

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, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

NO: Senator Steele — 1.

ABSENT: Senators duPont and Manning — 2.

So the motion prevailed and the Resolution was before the Senate for consideration.

Therefore, 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, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 17.

NO: Senator Steele — 1.

ABSENT: Senators duPont, Holloway and Manning — 3.

So the Resolution was adopted by the Senate and ordered to the House for concurrence.

On motion of Senator Hughes, the necessary rules were suspended for the purpose of lifting **SJR 33** from the table for consideration of adoption.

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, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators duPont, Holloway and Manning — 3.

So the Resolution was adopted by the Senate and ordered to the House for concurrence.

At 11:13 a.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. July 3, 1973.

The Senate reconvened at 6:26 p.m. July 3, 1973, President Pro Tem Isaacs presiding.

On motion of Senator Cook, the Senate immediately adjourned to convene for the Second Day of the Special Session."

2ND DAY SPECIAL SESSION

The Senate convened at 6:27 p.m., July 3, 1973, President Pro Tem Isaacs presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

ABSENT: Senators Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 8.

The Journal was approved as read.

Senator Cook requested that the following statement be read into the record:

STATEMENT

by

**SENATOR ALLEN J. COOK, D-KENTON,
MINORITY LEADER:**

7-3-73

"House Republicans have again shown their now-familiar total disregard for the well-being of Delawareans by reneging on an agreement reached Sunday morning that would have mitigated the State's financial problems.

This afternoon, the House GOP leadership rejected a Resolution we had previously agreed upon - in fact, a Resolution they suggested - that would have provided a compromise tax package which would have allowed Governor Tribbitt to sign a balanced budget.

In effect, the House Republicans pledged a 'promisory note' - and now claim their I.O.U. had to be cleared by their caucus.

To be as cooperative as possible, we even gave consideration to their new proposals. But it was a disaster - a fraud perpetrated on the people of Delaware.

On their honor, the GOP leadership agreed to a proposal. Now they claim it is unacceptable.

We question their honor - and their concern for the people of Delaware.

This Thursday, paychecks should go out for the State's hourly employees (such as the workers at Delaware Home and Hospital) as well as checks to welfare recipients which total \$2 million in State and Federal Funds.

And if those checks do not go out, the blame rests squarely on the GOP House members.

Delaware has no room for selfish legislators, more concerned with party rhetoric than the well-being of our State."

At the request of Senator Cook, the following Resolution was read and made part of the record:

**HOUSE OF REPRESENTATIVES
127TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION 1973
HOUSE JOINT RESOLUTION
REQUIRING THAT THE GENERAL ASSEMBLY PASS**

THE NECESSARY TAX PROGRAM NO LATER THAN FEBRUARY 15, 1974 TO PROVIDE FOR PAYMENT OF ANTICIPATED REVENUE REFUNDS FOR TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 1973

BE IT RESOLVED by the House of Representatives of the 127th General Assembly, the Senate concurring therein, that the State of Delaware, acting through the Secretary of Finance or any other person shall not process or issue any revenue refunds covering the tax year beginning on or after January 1, 1973, until an additional revenue measure is enacted by the 127th General Assembly as is contemplated in House Joint Resolution No. 17 which establishes the Delaware Tax Review Committee.

BE IT FURTHER RESOLVED that same 127th General Assembly shall in connection therewith provide for payment of all anticipated revenue refunds no later than February 15, 1974."

The Secretary read the following message from the House:

7-1-73

Mr. President:

The House wishes to inform the Senate that it has passed: **HB 507; HB 510 w/ HA 1, 2, 3; HB 349; HB 351; HB 365 w/ HA 1; HB 352; HB 353 w/ HA 1, 2; HB 346 w/ HA 1, 2; HB 465; HB 384; HB 350; HB 348; HB 347; HB 485; HB 345; HB 413 w/ HA 1; HJR 14** and requests the concurrence of the Senate.

The House also passed **SB 65; SB 265; SB 297; SS 1 for SB 218 w/ SA 2; SCR 32** and is returning same to the Senate.

Senator Schlör introduced **SB 387**:

SB 387 — "An Act to amend Volume 23, Laws of Delaware, Chapter 93, as amended, relating to the composition of the Wilmington School Tax Commission, the School tax rate and the powers and duties of the Board of Public Education in Wilmington."

On motion of Senator Schlör, the Bill was tabled.

At 6:42 p.m., on motion of Senator Cook, the Senate recessed to the call of the President Pro Tem.

The Senate was called to order at 5:53 p.m. July 5, 1973, by Lt. Governor Bookhammer.

The Secretary read the following message from the House:

7-5-73

Mr. President:

The House wishes to inform the Senate that it has passed **HJR 17; HJR 18** and requests the concurrence of the Senate.

The Chair introduce **HJR 17**:

HJR 17 — “Establishing a Tax Study Committee and providing an emergency supplementary appropriation for a study of the present tax structure.”

On motion of Senator Cook, the necessary rules were suspended to act on **HJR 17**.

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

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

NO: Senators Castle, Elliott and Hale — 3.

NOT VOTING: Senators Hughes and Jarvis — 2.

ABSENT: Senators duPont and Manning — 2.

So the Resolution was adopted by the Senate and ordered back to the House.

The Chair introduced **HJR 18**:

HJR 18 — “Requiring that the General Assembly pass the necessary Tax Program no later than February 15, 1974 to provide for payment of anticipated Revenue Refunds for taxable year beginning on or after January 1, 1973.”

On motion of Senator Cook, the necessary rules were suspended for the purpose of considering the Resolution.

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

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

NO: Senators Berndt, Castle, Elliott, Hale, Jarvis — 5.

NOT VOTING: Senators Hughes and Steele — 2.

ABSENT: Senators duPont and Manning — 2.

So the Resolution was adopted by the Senate and ordered back to the House.

At 6:17 p.m. on motion of Senator Isaacs, the Senate recessed until 8:30 p.m.

The Senate reconvened at 1:38 a.m., July 6, 1973.

Senator Cook (Senator Isaacs as co-sponsor) introduced **SR 113** and moved that it be adopted.

SR 113 — “Request that the Governor return to the Senate, House Joint Resolutions Nos. 17 and 18.”

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

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

NOT VOTING: Senators Berndt, Elliott, Hale, Hughes, Jarvis, Steele — 6.

ABSENT: Senators duPont and Manning — 2.

So the Resolution was adopted.

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

390:

SB 390 — “An Act establishing a Tax Study Committee and providing an Emergency Supplementary Appropriation for a study of the present tax structure.”

On motion of Senator Isaacs, 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, Castle, Cicone, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senators Elliott and Jarvis — 2.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered to the House for concurrence.

Senator Cook (co-sponsor Senator Isaacs) introduced **SJR**

36:

SJR 36 — “Requiring that the General Assembly pass the necessary Tax Program no later than February 15, 1974, to provide for payment of anticipated revenue refunds for taxable year beginning on or after January 1, 1973.”

On motion of Senator Cook, the necessary rules were suspended for the purpose of considering the Resolution.

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

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Steele — 7.

ABSENT: Senators duPont and Manning — 2.

So the Resolution was adopted by the Senate and ordered to the House for concurrence.

A messenger from the Office of the Governor was admitted with **HJR 17, HJR 18** pursuant to **SR 113**.

On motion of Senator Isaacs, the two Resolutions were returned to the Secretary of the Senate.

The Secretary read the following message from the House:

7-6-73

Mr. President

The House wishes to inform the Senate that it has passed

HB 338; HB 437; HB 545 w/ HA 1; HB 546; HB 547; HB 549 w/ HA 1 and requests the concurrence of the Senate.

The House also passed **SB 258; SCR 14** and is returning same to the Senate.

The Chair introduced **HB 545 w/ HA 1:**

HB 545 w/ HA 1 — "An Act to amend Chapter 19, Title 30, Delaware Code relating to the Corporation Income Tax."

On motion of Senator Isaacs, the necessary rules were suspended in order to consider 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, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Steele — 7.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

The Chair introduced **HB 546:**

HB 546 — "An Act to amend Section 1106, Title 30, Delaware Code, relating to modifications of taxable income."

On motion of Senator Isaacs, the necessary rules were suspended to act on 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, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Steele — 7.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

The Chair introduced **HB 547:**

HB 547 — "An Act to amend Part II, Chapter 11, Title 30, Delaware Code, relating to the rate of tax on taxable personal income."

On motion of Senator Isaacs, the necessary rules were suspended in order to consider 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, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman —

11.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Steele — 7.

NOT VOTING: Senator Cicione — 1.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House.

The Chair introduced **HB 549**:

HB 549 — “An Act to amend Chapter 54, Title 30, and Chapter 1, Title 25, of the Delaware Code relating to the realty transfer tax, providing for such tax on certain leases and documents pertaining to other limited interest in real estate, and pertaining to the recording and enforceability of those leases and documents.”

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the Bill.

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

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Steele, Zimmerman — 8.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed Senate and was ordered back to the House.

Senator Isaacs (co-sponsor Senator Cook) introduced **SB 392**:

SB 392 — “An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1974, and to amend certain pertinent Statutory Provisions.”

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the Bill.

Senator Cook 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, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Schlör, Steele, Zimmerman — 12.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis, Murphy — 7.

ABSENT: Senators duPont and Manning — 2.

So the Amendment was adopted.

Senator Isaacs moved for the passage of **SB 392 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, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Jarvis — 6.

ABSENT: Senators duPont and Manning — 2.

So the Bill passed the Senate and was ordered back to the House for concurrence.

Senator Isaacs (co-sponsor Senator Cook) introduced **SR 112** and moved that it be adopted.

SR 112 — “Authorizing payments for services rendered by the staff of the Senate for 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, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Manning — 2.

So the Resolution was adopted.

At 2:21 a.m. July 6, 1973, on motion of Senator Cook, the Senate recessed to the call call of the President Pro Tem.

The Senate reconvened at 3:40 a.m. July 6, 1973, President Pro Tem Isaacs presiding.

Senator Cook moved that **HJR 17** and **HJR 18** be returned to the Governor as requested.

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.

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

So the motion prevailed and the Secretary was ordered to return the Resolutions as soon as possible.

At 3:44 a.m., July 6, 1973, the Senate recessed to the call of the President Pro Tem.

The Senate reconvened at 3:46 p.m., July 6, 1973, Lt. Governor Bookhammer presiding.

Senator Steele moved that the roll call vote on **SS 1 for SB 292 (as amended)** be lifted.

Senator Castle moved for a roll call on the motion to lift the Bill.

Senator Schlör moved for a roll call on Senator Castle's motion.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Hughes, Martin, Steele — 9.

NOT VOTING: Senators Holloway, Isaacs, Kearns, McCullough, Schlör, Zimmerman — 7.

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

So the motion was defeated.

Therefore, Senator Steele requested that the roll call on **SS 1 for SB 292** be lifted.

At 3:54 p.m. on the motion of Senator Hale, a two-minute recess was taken.

The Senate reconvened at 3:58 p.m.

Senator Steele then moved that the roll call on **SS 1 to SB 292** be tabled.

On motion of Senator Isaacs, the Secretary read into the record how Each Senator voted on **SS 1 for SB 292**.

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

NO: Senators Holloway and Hughes.

NOT VOTING: Senators Berndt, Castle, Elliott, Hale, Jarvis, Steele.

ABSENT: Senators duPont and Manning.

At 4:00 p.m. on motion of Senator Isaacs, the Senate recessed to the call of the Chair.

The Senate reconvened at 8:15 p.m., President Pro Tem Isaacs presiding.

Senator Cook requested that the roll call on **SS 1 for SB 292** be lifted.

Senator Cook then requested that the roll call on the Bill be again tabled.

EXTRAORDINARY SESSION

At 8:15 p.m. July 6, 1973, pursuant to the following Proclamation of the Governor, the Senate convened for an Extraordinary Session:

STATE OF DELAWARE EXECUTIVE DEPARTMENT PROCLAMATION

I, Sherman W. Tribbitt, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the 127th General Assembly into Extraordinary Session on Friday, July 6, 1973 at 1 o'clock p.m. for the limited purpose of considering tax revenue producing measures to obviate the estimated

deficit for Fiscal Year 1974, and the purpose of considering Senate Bill No. 390 and Senate Joint Resolution No. 36, and the Omnibus Amendment.

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 6th day of July, in the Year of Our Lord, One Thousand Nine Hundred and Seventy-three, and of the Independence of the United States of America, the One Hundred and Ninety-eighth.

(Signed) Sherman W. Tribbitt
(Governor)

(Signed) Robert H. Reid
Secretary of State

* * * * *

Senator Cook requested that a roll call be taken on the Senators present for the Extraordinary Session.

Call of the roll, showed the following Senators present:

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

ABSENT: Senators Berndt, Castle, Cicione, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 10.

Senator Cook (co-sponsor Senator Isaacs) introduced **SB 393**:

SB 393 — "An Act to amend an Act entitled "An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1974, and to amend certain pertinent statutory provisions". being Senate Bill No. 392, as amended be Senate Amendment No. 1, of the 127th General Assembly and also known as the 1974 Budget Appropriations Bill."

On motion of Senator Cook, the necessary rules were suspended in order to consider the Bill.

At the request of Senator Cook, the privilege of the floor was extended to Secretary Bryson to speak on the Bill.

At 8:24 p.m. on motion of Senator Cook, the Senate recessed for lack of a quorum.

The Senate reconvened at 8:33 p.m.

Senator Martin introduced **SA 1 to SB 393** and moved that it be adopted.

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

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

ABSENT: Senators Berndt, Castle, Cicione, duPont,

Elliott, Hale, Hughes, Jarvis, Manning, Steele — 10.

So the Amendment was adopted.

Senator Cook moved for passage of **SB 393 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, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

ABSENT: Senators Berndt, Castle, Cicione, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 10.

So the Bill passed the Senate and was ordered back to the House for concurrence.

At 8:37 p.m. on motion of Senator Cook, the Extraordinary Session of the Senate recessed to the call of the President Pro Tem.

The Senate reconvened at 6:03 July 12, 1973, p.m., Lt. Governor Bookhammer presiding.

Senator Isaacs moved that **HB 550** be considered for passage by the Senate.

Senator Steele moved that the Senate recess for 15 minutes.

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

YES: Senators Adams, Berndt, Castle, Cordrey, duPont, Hale, Hughes, Jarvis, Manning, Martin, Murphy, Steele, Zimmerman — 13.

NO: Senators Isaacs and Schlör — 2.

NOT VOTING: Senators Cicione, Cook and Kearns — 3.

ABSENT: Senators Elliott, Holloway and McCullough —

3.

So the motion prevailed.

Therefore the Senate recessed at 6:35 p.m.

The Senate reconvened at 7:29 p.m.

On motion of Senator Isaacs, the necessary rules were suspended in order to consider **HB 550 w/ HA 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, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 12.

NO: Senators Castle and Steele — 2.

NOT VOTING: Senators duPont, Hale, Hughes, Jarvis —

4.

ABSENT: Senators Elliott, Holloway, McCullough — 3.

So the Bill passed the Senate and was ordered back to the House.

The Secretary read the following communication from the Governor:

Dover, Delaware
July 12, 1973

The Honorable J. Donald Isaacs
President Pro Tempore
Delaware State Senate
Dear Mr. President Pro Tem:

Please be advised that passage of H. B. 550, as amended, together with your recent passage of SB 393, as amended, in my opinion, completes the purpose for which I called the Senate Back into Extraordinary Session.

You have my permission to adjourn the Extraordinary Session pursuant to the Constitution of the State of Delaware.

Sincerely,
(Signed) Sherman W. Tribbitt
Governor

On motion of Senator Isaacs, the Extraordinary Session of the Senate adjourned at 7:34 p.m. July 12, 1973.

The Senate was back into the Second Day of the Special Session at 7:35 p.m. July 12, 1973.

On motion of Senator Manning, the roll call on **SB 1 w/ SA 7, 8**, was lifted and announced to be:

YES: Senators Adams, Berndt, Castle, Cook, duPont, Hale, Holloway, Hughes, Jarvis, Manning, Martin, Murphy, Schlör, Steele — 14.

NO: Senators Cicione, Cordrey, Isaacs, Kearns, McCullough, Zimmerman — 6.

ABSENT: Senator Elliott — 1.

So the Bill passed the Senate and was ordered to the House for concurrence.

Senator Isaacs introduced **SR 115** and moved that it be adopted.

SR 115 — "Providing for the appointment of a temporary Bill Clerk."

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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Elliott, Holloway and McCullough — 3.

So the Resolution was adopted.

Senator Cook (with all the Senators and Lt. Governor Bookhammer as co-sponsors) introduced **SR 114** and moved that it be adopted.

SR 114 — "Expressing the sympathy of the Senate on the passing of Chief Justice Daniel F. Wolcott on July 10, 1973."

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, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Elliott, Holloway and McCullough — 3.

So the Resolution was adopted.

The Secretary read the following message from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 9, 1973

To the Delaware State Senate of the
Delaware Code of the
State of Delaware

On June 28, 1973, I received Senate Bill No. 196, entitled:
"AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION TO BE USED IN COMPENSATING RICHARD H. LEE."

This bill intended to compensate the Richard H. Lee for the damage done to his property as a result of the rupture in a storm drain on December 8, 1972.

It is unfortunate that I find that I must return this bill without my signature. I do this solely for the reason that the bill provides that it is a "supplemental appropriation for the fiscal year ending June 30, 1973."

Unfortunately, it was not brought to my attention for action prior to July 1, 1973.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

On motion of Senator Steele, the necessary rules were suspended for the purpose of considering **HB 541 w/ HA 2, 6, 8, 11, 12**.

HB 541 w/ HA 2, 6, 8, 11, 12 — "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of capital in-

vestments 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."

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, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senator Castle — 1.

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Elliott, Holloway and McCullough — 3.

So the Bill passed the Senate and was ordered back to the House.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering **HB 551**.

HB 551 — "An Act providing supplementary appropriations to certain State Agencies and to the Delaware Lottery Study Committee for operational expenses."

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

YES: Senators Cicione, Cook, Cordrey, Hale, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators Adams, Castle, duPont, Hughes, Steele — 5.

NOT VOTING: Senators Berndt and Isaacs — 5.

ABSENT: Senators Elliott, Holloway and McCullough — 3.

So the Bill passed the Senate and was ordered back to the House.

At 7:51 p.m. on motion of Senator Jarvis the Senate recessed for a short period.

The Senate reconvened at 8:00 p.m.

The following message was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

July 6, 1973

To the Delaware State Senate
of the 127th General Assembly
of the State of Delaware

On June 26, 1973, I received Senate Joint Resolutions
Numbers 28 and 30, respectfully entitled:

"REQUESTING THE CITY OF WILMINGTON TO PRE-

SENT TO THE GENERAL ASSEMBLY A PROPOSAL FOR A STATE COLLECTION OF A TAX ON EARNED INCOME."

"REQUESTING THE CITY OF WILMINGTON TO PRESENT A FINANCIAL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE MARCH 31, 1973".

I am returning these Joint Resolutions without my signature for the reason that I believe both Joint Resolutions violate the spirit of home-rule. Moreover, Senate Joint Resolution No. 30 is moot in that there will be no need for further enabling legislation before June 30, 1975. Finally, with respect to Senate Joint Resolution No. 30, it requests a report of the financial status of the City prior to the completion of a full year's operation by the incumbent administration.

Senate Joint Resolution No. 28, deals with the feasibility study to provide for the collection of any tax imposed on earned income by the City of Wilmington by the Division of Revenue of the Department of Finance. The implementation of such a study would place an increased burden on the Division of Revenue without a corresponding increase in manpower or appropriation. In fact, the Budget Bill (SB 392) decreased the Division's appropriation by approximately \$50,000.

Finally, the City of Wilmington officials had earlier decided to investigate the possibility of utilizing services of State Agencies in its overall attempt to achieve economy measures.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

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At 8:03 p.m. on motion of Senator Cook, the Senate recessed to the call of the President Pro Tem.

The Senate reconvened at 1:58 p.m. August 9, 1973, Lt. Governor Bookhammer presiding.

At 2:00 p.m. on motion of Senator Isaacs, the Senate adjourned to convene immediately for the 3RD Day of the Special Session.

3RD DAY SPECIAL SESSION

The Senate convened at 2:00 p.m., Thursday August 9, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Berndt.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele,

Zimmerman — 18.

ABSENT: Senators Elliott, Hale and Jarvis — 3.

The following communication was read and made part of the record:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

August 9, 1973

To the Senate of the
127th General Assembly
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Delores Hamilton
5 Locust Avenue
Cooper Farm
Wilmington, Delaware
(Reappointment)

to be a member of the
Department of Elections for
New Castle County for
a four-year term effective
August 7, 1973, to expire
August 7, 1977.

Phyllis Seidel
244 Orchard Road
Newark, Delaware

to be a member of the
Department of Elections for
New Castle County for a
four-year term effective
August 7, 1973, to expire
August 7, 1977.

Horace V. Whitlock
106 East Cockran Street
Middletown, Delaware
(Reappointment)

to be a member of the
Department of Elections for
New Castle County, for a
four-year term effective
August 7, 1973,
to expire August 7, 1977.

Mrs. Barbara Madden
201 Harmony Street
New Castle, Delaware
(Reappointment)

to a member of the
Department of Elections for
New Castle County, for a
four-year term effective
August 7, 1973,
to expire August 7, 1977.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

The nominations were assigned to the Executive Committee.

The following communication was read and made part of the record:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 27, 1973

To the Senate for the
127th General Assembly

Due to the vacancy created by the untimely death earlier this month of Daniel F. Wolcott, Chief Justice of the Supreme Court of the State of Delaware, I have convened an Extraordinary Session of the Senate of the 127th General Assembly on Thursday, August 9, 1973, at 1 p.m., to nominate and appoint his successor with the consent and confirmation of the Senate, as well as to transact additional Executive business.

Enclosed is a copy of the Proclamation convening that Extraordinary Session.

Sincerely,
(Signed) Sherman W. Tribbitt
Governor

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**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION**

I, Sherman W. Tribbitt, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the Senate of the 127th General Assembly into Extraordinary Session on Thursday, August 9, 1973, at 1:00 p.m., for the transaction of Executive business.

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 27th day of July in the year of our Lord, one thousand nine hundred and seventy-three, and of the Independence of the United States of America, the one hundred and ninety-eighth.

(Signed) Sherman W. Tribbitt, Governor

(Signed) Robert H. Reid Secretary of State

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EXTRAORDINARY SESSION

The following communication from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 24, 1973

To the Senate of the
127th General Assembly
of the State of Delaware

On July 12, I received Senate Bill No. 393 as amended by Senate Amendment No. 1, entitled:

"AN ACT TO AMEND AN ACT ENTITLED 'AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS' BEING SENATE BILL NO. 392, AS AMENDED BY SENATE AMENDMENT NO. 1, OF THE 127TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1974 BUDGET APPROPRIATION BILL."

While I have signed this bill today, I have, by virtue of the authority vested in me by Article III, Section 18 of the Constitution of the State of Delaware, vetoed line 30 of page 2, lines 27 through 32 of page 4, and line 49 of page 8.

In the interests of economy and the obvious need for the State to reduce administrative costs, I cannot presently accept the necessity of an office of "Administration" in the Division of Juvenile Corrections and the creation of new positions.

For the same reasons, I do not believe the salary increase to the Chief Deputy Attorney General is warranted and can see no basis for his salary being so disproportionate to those of the State Prosecutor and State Solicitor whose workloads and responsibilities are commensurate.

Finally, there is no need for the State to finance the "Transit Study". This appropriation was not requested by the Department of Highways and Transportation and I am informed that there is available Federal monies to undertake this program. This is merely a specification of what is already generally provided for in the 1974 Capital Improvements Act.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The following communication from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 27, 1973

To the House of Representatives of the
the roll call vote was taken and
of the State of Delaware

On July 17, 1973, I received House Bill No. 541, as amended by House Amendment 2, 6, 8, 11 and 12, 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 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."

While I have signed this bill today, I have, by virtue of the authority vested in me the Article III, Section 18 of the Constitution of the State of Delaware, vetoed lines 23 and 26 of page 4.

Those lines involved the proposed drainage and improvement of University and Yale Avenues in Wilmington Manor Gardens and the Moores Lane Project from New Castle Avenue to Laners Lane. Article 2, Section 19 of the Delaware Constitution provides:

"The General Assembly shall not pass any local or special law relating to . . . the laying out, opening, alteration, maintenance or vacation in whole or part of any road, highway, street, lane or alley; provided, however, that the General Assembly may by a vote of two-thirds of all the members elected to each House pass laws relating to the laying out, opening, alteration or maintenance of any road or highway which forms a continuous road or highway extending through at least a portion of the three counties of the State.

I have no objection to either of the two projects. I have vetoed both provisions solely to avoid any constitutional conflict with section quoted above so as not to jeopardize the validity of the remainder of the Bill.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The following communication was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

August 9, 1973

To the Senate of the
127th General Assembly
of the State of Delaware:

In conformity with the Constitution and laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate:

Daniel L. Hermann
 705 East Matson Run Parkway
 Brandywine Hills
 Wilmington, Delaware

to be Chief Justice of
 the Supreme Court of
 the State of Delaware,
 for a twelve year term
 from date of confirmation, succeeding Daniel F. Wolcott,
 deceased.

Your favorable consideration of this nomination will be appreciated.

Respectfully submitted,
 (Signed) Sherman W. Tribitt
 Governor

* * * * *

The following communication was read from the Governor:

**STATE OF DELAWARE
 EXECUTIVE DEPARTMENT**

August 9, 1973

To the Senate of the
 127th General Assembly
 of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Dr. Jack E. Robinson
 R.D. 2
 Townsend, Delaware 19734
 (New)

to be a member of the
 Unemployment Insurance
 Appeals Board for a six
 year term from May, 1973
 to expire May 1, 1979,
 succeeding Robert L.
 Hagenbach, resigned.

Mr. Frank J. Carello, Jr.
 108 Wildel Avenue
 New Castle, Delaware 19720
 (Reappointment)

to be a member of the
 Unemployment Insurance
 Appeals Board for a six
 year term from May 1, 1973
 to expire May 1, 1979.

Harold P. Minner
 Delaware Avenue
 Harrington, Delaware 19952
 Reappointment)

to be a member of the
 Unemployment Insurance
 Appeals Board for a six
 year term from May 1, 1973
 to expire May 1, 1979.

rl J. Scott
 mmit Bridge Road
 ark, Delaware 19711
 pointment)

to be a member of the
 Unemployment Insurance
 Appeals Board for a six
 year term from May 1, 1973
 expire May 1, 1979.

W. Allen Jones
113 Delaware Avenue
Bridgeville, Delaware 19933
(New)

to be a member of the
Unemployment Insurance
Appeals Board for a six
year term from May 1, 1973
to expire May 1, 1979, succeed-
ing G. Harvey Tingle.
Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The nominations were assigned to the Executive Com-
mittee.

The Secretary read the following communication from the
Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

August 9, 1973

To the Senate of the
127th General Assembly
of the State of Delaware:

In conformity with the Constitution and Laws of the State
of Delaware, I hereby, nominate and appoint for the consent
and confirmation of the Senate, the following:

Ernest S. Spence, Jr.	to be a member of the Council
156 Frenchtown Road	on Highways, for a three-year
New Castle, Delaware	term from date of confirmation,
	succeeding Charles Eller.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The nomination was assigned to the Executive Com-
mittee.

The Secretary read the following communication from the
Governor

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

August 9, 1973

To the Senate of the 127th General Assembly of the State of
Delaware:

In conformity with the Constitution and Laws of the State
of Delaware, I hereby nominate for the consent and confirma-
tion of the Senate, the following:

Ernest E. Killen
 Delaware Avenue
 Harrington, Delaware 19952

to be a member of the
 Delaware River and Bay
 Authority, of the State of
 Delaware, for a five-year term
 from July 1, 1973, to expire
 July 1, 1978, succeeding
 Louis E. Edgell.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
 (Signed) Sherman W. Tribbitt
 Governor

* * * * *

The nomination was assigned to the Executive Committee.

The Secretary read the following communication from the Governor:

**STATE OF DELAWARE
 EXECUTIVE DEPARTMENT**

August 9, 1973

The Senate of the
 127th General Assembly
 of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

H. Dawson Shulties Wyoming, Delaware	to be a member of the Department of Elections for Kent County, for a four year term effective August 7, 1973 to expire August 7, 1977. (Reappointment)
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Donald G. Culver 748 East Lockerman Street Dover, Delaware	to be a member of the Department of Elections for Kent County for a four year term effective August 7, 1973 to expire August 7, 1977. (Reappointment)
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Joseph R. Slights 30 Hazel Road Dover, Delaware	to be a member of the Department of Elections for Kent County, for a four year term effective August 7, 1973 to expire August 7, 1977. (Reappointment)
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Your consideration of this nomination will be appreciated.

Respectfully submitted,
 (Signed) Sherman W. Tribbitt
 Governor

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The nominations were assigned to the Executive Committee.