

**HB 135** with **HA 1** and 2—"An Act to Amend Title 14, Delaware Code, by Making Certain Corrections to Provide for the Educational Advancement Act;" to Education.

**HB 151**—"An Act to Amend Section 9605, Title 9, Delaware Code, Relating to the Recording of Instruments in Kent County by Providing for Recording by Photocopying Methods;" to Government Operations.

On motion of Senator Elliott **SB 186**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 186**—"An Act to Amend Chapter 429, Volume 55, Laws of Delaware, Entitled 'An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to Various Agencies of the State' by Adding a Supplementary Appropriation to Provide for Escalating Costs of School Construction."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

**NOT VOTING**—Mr. Holloway—1.

**ABSENT**—(Mrs.) Conner, Mr. Schlor—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Hale introduced **SR 28**, entitled "In Reference to the Election of Officers."

Senator Hale moved that **SR 28** be adopted.

On the question "Shall the Resolution Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele—16.

**NOT VOTING**—Messrs. Isaacs, McCullough—2.

**ABSENT**—(Mrs.) Conner—1.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted.

Senator Hale introduced **SR 29**, entitled "Authorizing Payments for Services Rendered by the Staff of the Senate for the 125th General Assembly."

Senator Hale moved that **SR 29** be adopted.

On the question "Shall the Resolution be adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—18.

**ABSENT**—(Mrs.) Conner—1.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted.

Senator duPont introduced **SCR 6**, entitled "Providing for a Joint Session of the Senate and the House of Representatives."

Senator duPont moved that **SCR 6** be adopted.

On the question "Shall the Resolution be adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

**ABSENT**—(Mrs.) Conner—1.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted and ordered to the House for concurrence.

Senator Cicione moved that **HB 83** be taken up for consideration. Motion prevailed.

Senator Cicione asked for the privilege of the floor for Mr. Walsh, attorney, to explain **HB 83**. Hearing no objection the privilege was granted.

On motion of Senator Cicione **HB 83**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 83**—"An Act to Amend Section 504, Title 22, Delaware Code, Relating to Parking Authorities."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—17.

**ABSENT**—(Mrs.) Conner, Mr. Robbins—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Foltz introduced **SB 207**, co-sponsored by Senator Cook, entitled "An Act to Amend Section 4182, Subchapter XI, Chapter 41, Title 21, Delaware Code, Relating to Riding on Motorcycles, by Adding a New Subsection Excluding from Its Operation Motorcycles of Less than Five (5) Horsepower", which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator Schlör introduced **SB 208**, co-sponsored by Senator Cicione, entitled "An Act to Amend Section 902 (a), Title 19, Delaware Code, Relating to Minimum Wages, by Increasing the Minimum Wage", which was given its first reading by title only and assigned to committee on Labor.

Senator Slawik introduced **SA 1** to **SB 142**, co-sponsored by Senator Hart.

Senator Slawik moved that **SA 1** to **SB 142** be placed with the bill. Motion prevailed by voice vote.

Senator Grier moved that the Senate recess to Thursday, April 22, 1969, 1:30 P.M. Motion prevailed, voice vote.

Senator Grier moved that the Senate adjourn until Thursday, April 22, 1969 at 1:45 P.M. Motion prevailed, voice vote.

## 20th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:45 P.M. on Tuesday, April 22, 1969, President Pro Tem du Pont presiding.

Prayer by the Chaplain Rev. Rudolph W. Coleman.

Flag Salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the Previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Senator du Pont requested Communication from Dr. George Worrihow be read.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 53** with **HA 1**, **HB 150** with **HA 1**, and requests the concurrence of the Senate, and **SB 45**, **SB 122** with **HA 1**, is returning same to the Senate.

Senator Steele introduced **SA 1** to **SB 201**.

Senator Steele moved that **SA 1** to **SB 201** be placed with bill. Motion prevailed by voice vote.

Senator Cicione introduced **SB 209**, entitled "An Act to Amend Chapter 87, Title 3, Delaware Code, Relating to Definitions as Used in the Meat and Poultry Products Inspection Act", which was given its first reading by title only and assigned to committee on Agriculture.

On motion of Senator Isaacs **SB 49** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 49**—"An Act to Amend Section 2324, 2325, 2326 (h), Title 19, Delaware Code, Relating to Benefits Received in Compensation for Injuries."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, (Mrs.) Conner, Cook, du Pont, Foltz, Grier, Hart, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik—13.

**NOT VOTING**—Messrs. Elliott, Hale, (Mrs.) Manning, Steele—4.

**ABSENT**—Messrs. Castle, McCullough—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Grier introduced **SB 210**, co-sponsored by Senator Robbins, entitled "An Act to Amend Section 1067, Title 14, Delaware Code, relating to elections for the Board of Education in the Milford Special School District", which was given its first reading by title only.

Senator Grier moved that Rule 9 be suspended for the purpose of considering **SB 210**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Steele—16.

**ABSENT**—Messrs. Castle, McCullough, Slawik—3.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Grier **SB 210** with tilte as follows was taken

up for consideration and read a second time by title in order to pass the Senate:

**SB 210**—"An Act to Amend Section 1067, Title 14, Delaware Code, Relating to Elections for the Board of Education in the Milford Special School District."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele—17.

ABSENT—Messrs. Castle, McCullough—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for Concurrence.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HS 1** for **HB 36**, reported the same back to the Senate: 3 Favorable, 3 on Merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 112**, reported the same back to the Senate: 4 Favorable, 1 on Merits.

Senator Hale introduced **SR 30**, entitled "In Reference to the Election of Officers.

Senator Hale moved that **SR 30** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik, Steele—15.

ABSENT—Messrs. Castle, Foltz, (Mrs.) Manning, McCullough—4.

So the question was decided in the affirmative and resolution having received the required constitutional majority was adopted.

On motion of Senator Cicione **HB 23** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 23**—"An Act to Amend Section 1001 (a), Title 20, Delaware Code, Relating to Pension Benefits for State Paraplegic Veterans."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik, Steele—15.

ABSENT—Messrs. Castle, Foltz, (Mrs.) Manning, McCullough—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Isaacs, on behalf of the committee on Fish, Oyster, and Game, to whom had been referred **SB 188** reported the same back to the Senate: 5 on Merits.

The Chair presented the following House Bills which were given first reading and referred to committee as follows:

**HB 53** with **HA 1**—"An Act to Amend Section 2942, Title 21, Delaware Code, Relating to Proof of Future Financial Responsibility



under the Motor Vehicle Safety Responsibility Law"; to Highways and Public Safety.

**HB 150** with **HA 1**—"An Act Prohibiting the Distribution of Unrequested Credit Cards in the State of Delaware"; to Commerce and Corporations.

On motion of Senator Isaacs **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 173**—"An Act to Amend Chapter 27, Section 2709, Title 21, Delaware Code, Relating to Application for Drivers License, by Imposing Fee of Four Dollars".

On the motion of Senator Isaacs the bill was deferred. Motion Prevailed, Voice Vote.

Senator Grier moved the Senate recess for ten minutes. Hearing no objections motion prevailed.

The Senate reconvened at 2:43 P. M.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **SB 84**, reported the same back to the Senate; 2 Favorable, 1 on Merits.

Senator Hart introduced **SA 1** to **SB 144**.

Senator Hart moved that **SA 1** to **SB 144** be placed with bill.

Motion prevailed by voice vote.

Lt. Gov. Bookhammer presiding.

Senator Schlor introduced **SA 1** to **SB 95**, co-sponsored by Senators Cook and Robbins.

Senator Schlor moved that **SA 1** to **SB 95** by placed with bill.

Motion prevailed by voice vote.

Senator Foltz introduced **SA 3** to **SB 116**.

Senator Foltz moved that **SA 3** to **SB 116** be placed with bill.

Motion prevailed by voice vote.

Senator Holloway introduced **SB 211**, entitled "An Act to Amend Title 15, Delaware Code, Effecting a General Revision of the Election Laws of the State of Delaware by Amending Chapters 1 and 3, Relating to the County Divisions of Elections and the State Election Commissioner and Making a Supplemental Appropriation Therefor", which was given its first reading by title only and assigned to committee on Elections.

On motion of Senator Cook **SB 122** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 122**—"An Act to Amend Title 29, Section 7424, Delaware Code, Relating to the Attaching of a Debt Statement to every Bill Which Authorizes the Issuance of Bonds or Notes Pledging the Faith and Credit of the State".

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele—16.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Castle, Hart—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was

ordered to the House for concurrence.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 199**, reported the same back to the Senate; 2 Favorable, 1 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 193**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 194**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 195**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 196**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 197**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 198**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Slawik introduced **SR 31**, entitled "Providing for an Agenda for the Senate", which was given its first reading by title only.

Senator du Pont moved that **SR 31** be referred to committee. Motion prevailed, voice vote. Assigned to Committee on Senate Administration.

Senator Cicione moved for consideration of **HB 90 with HA 1 and 2**.

Senator Cicione asked for the privilege of the floor for Representative du Pont to explain **HB 90 with HA 1 and 2**.

Hearing no objection the privilege was granted.

Senator Cicione asked for the privilege of the floor for Mr. Merchison to explain **HB 90 with HA 1 and 2**.

Hearing no objection the privilege was granted.

Senator Slawik requested that **SA 1 to HB 90 with HA 1 and 2** be stricken. Adopted voice vote.

Senator Foltz moved that action on **HB 90 with HA 1 and 2** be deferred.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Elliott, Foltz, Hart, Hickman, Isaacs, McCullough, Robbins, Steele—9.

NAYS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Grier, Hale, Holloway, (Mrs.) Manning, Schlör, Slawik—10.

So the question was decided in the negative and the motion was lost.

Senator Foltz moved the Senate adjourn until April 23, 1969.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Foltz, Hart, Isaacs, McCullough, Robbins—6.

NAYS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Elliott, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Schlör—11.

NOT VOTING—Mr. Steele—1.

ABSENT—Mr. Slawik—1.

So the question was decided in the negative and the motion was lost.

On motion of Senator Cicione **HB 90** with **HA 1** and **2**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 90** with **HA 1** and **2**—"An Act to Provide Summer Employment for Certain Youths of this State and to Make a Supplementary Appropriation Therefor."

Senator Isaacs moved that the Senate recess for 10 minutes.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Foltz, Hart, Hickman, Isaacs, McCullough, Robbins—7.

NAYS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Elliott, Grier, Hale, Holloway, (Mrs.) Manning, Schlör, Slawik—11.

NOT VOTING—Mr. Steele—1.

So the question was decided in the negative and the motion was lost.

Before the roll call was announced on **HB 90** with **HA 1** and **2**, Senator Foltz moved that the roll call be tabled.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Foltz, Hart, Hickman, Isaacs, McCullough, Robbins—7.

NAYS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Grier, Hale, Holloway, (Mrs.) Manning, Schlör, Slawik—10.

NOT VOTING—Messrs. Elliott, Steele—2.

So the question was decided in the negative and the motion was lost.

Senator Isaacs moved that the Senate recess for 10 minutes.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Elliott, Foltz, Hart, Hickman, Isaacs, McCullough, Robbins, Steele—9.

NAYS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Grier, Hale, Holloway, (Mrs.) Manning, Schlör, Slawik—10.

So the question was decided in the negative and the motion was lost.

On motion of Senator Cicione, the following roll call was announced for **HB 90** with **HA 1** and **2**.

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Elliott, Grier, Hale, Holloway, (Mrs.) Manning, Schlör, Slawik—11.

NAYS—Messrs. Isaacs, McCullough, Steele—3.

NOT VOTING—Messrs. Cook, Foltz, Hart, Hickman, Robbins—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Castle **SB 30** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 30**—"An Act Making Supplementary Appropriation to the Secretary of Transportation for Certain Initial Capital Requirements for and on Behalf of the Greater Wilmington Transportation Authority".

Senator Castle asked for the privilege of the floor for Mr. Fank to explain **SB 30**.

Hearing no objection the privilege was granted.

Senator Steele introduced **SA 1** to **SB 30**.

Senator Steele moved that **SA 1** to **SB 30** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Elliott, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Steele—8.

NAYS—Messrs. du Pont, Holloway, McCullough, Schlor, Slawik—5.

NOT VOTING—Messrs. Castle, Cicione, (Mrs.) Conner, Foltz, Grier, Hale—6.

So the question was decided in the negative and the amendment was lost.

On motion of Senator Castle **SB 30** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Grier, Hale, Holloway, (Mrs.) Manning, McCullough, Schlor, Slawik—11.

NAYS—Messrs. Hickman, Isaacs, Robbins, Steele—4.

NOT VOTING—Messrs. Cook, Elliott, Hart,—3.

ABSENT—Mr. Foltz—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for Concurrence.

On motion of Senator Slawik **SB 165** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 165**—"An Act to Amend Chapter 13, Title 14, Delaware Code, Entitled "Education" by Providing for a Duty Free Period Near the Lunch Time".

Senator Slawik asked for the privilege of the floor for Mr. Harris to explain **SB 165**.

Hearing no objection the privilege was granted.

Senator Steele introduced **SA 1** to **SB 165**.

Senator Steele moved that **SA 1** to **SB 165** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Hickman, Isaacs, Robbins, Steele—4.

NAYS—Messrs. Cook, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Schlor, Slawik—10.

NOT VOTING—Messrs. Castle, Cicione, (Mrs.) Conner, du Pont, Elliott—5.

So the question was decided in the negative and the amendment was lost.

On motion of Senator Slawik **SB 165** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, Foltz, Grier, Hart, Holloway, (Mrs.) Manning, McCullough, Schlor, Slawik—11.

NAYS—Messrs. du Pont, Elliott, Hale—3.

NOT VOTING—Messrs. Cicione, Hickman, Isaacs, Robbins, Steele—5.

So the question was decided in the affirmative and the bill having

received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Conner **HB 88** with **HA 1** and **2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 88** with **HA 1** and **2**—"An Act Making Supplementary Appropriations to the Department of Public Welfare for the Purpose of Providing operational Welfare Grants, Staff Salaries and Administrative Expenses for the Balance of the Fiscal Year Ending June 30, 1969."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, du Pont, Foltz, Grier, Hale, Holloway, (Mrs.) Manning, Schlör, Slawik—10.

NAYS—Messrs. Isaacs, McCullough, Steele—3.

NOT VOTING—Messrs. Cicione, Elliott, Hart, Hickman, Robbins—5.

ABSENT—Mr. Cook—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Manning moved that the Senate adjourn until 12:30 P.M. on April 23, 1969.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Hale, Hickman, Isaacs, (Mrs.) Manning, Robbins, Schlör, Steele—7.

NAYS—Messrs. Cicione, Elliott, Foltz, Grier, McCullough, Slawik—6.

NOT VOTING—Messrs. Castle, (Mrs.) Conner, du Pont, Hart, Holloway—5.

ABSENT—Messrs. Cook—1.

So the question was decided in the affirmative and the motion having received the required majority prevailed.

Senator Grier moved that the Senate adjourn until 1:00 P.M., April 23, 1969. Motion prevailed.

## 21st LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:00 P.M. on Wednesday, April 23, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. R. W. Coleman.

Flag Salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Senator Grier moved that the House and Senate convene in Joint Session in accordance with **SCR 6**. Motion prevailed.

The Sergeant-at-Arms announced the Speaker and Members of the House. They were admitted and seated. The President invited Speaker Hering and President Pro-Tempore du Pont to a seat on the rostrum.

### Joint Session

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

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

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

The President appointed the following committee to escort the Governor Russell W. Peterson to the Senate Chamber:

Representative Quillen, Representative Harrington, Senator Holloway, and Senator Isaacs.

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. President, Mr. President Pro Tem, Mr. Speaker, Ladies and Gentlemen of the 125th General Assembly:

Last month I appeared before a Joint Session of the General Assembly to present the programs vitally needed in the State of Delaware.

I come before you today to discuss the revenue structure we will need to pay for these programs, not only for next year but over the next decade.

Delaware is on a collision course with financial disaster. Today, I propose that we change that course.

First, let's look at where we are fiscally and how we got here.

We are in trouble. In the year ending June 30, we will spend about \$12 million more than we're taking in. The budget proposed by Governor Terry for next year continues this deficit financing and calls for spending about \$15.5 million more than we would collect.

As we well know, that budget was unrealistic. It did not include funds for implementing the equalization program required by the Educational Advancement Act, for Summer Youth Employment and for the Day Care Program. The budget did not include sufficient funds to pay the full costs of the normal growth in student population, debt service, the increased costs of starting a new Vo-Tech High School in New Castle County and the Summer Recreation Program. These omissions total approximately \$4 million.

In addition, we must plan for the usual supplemental appropriations that are passed during the 12 months after the budget bill is approved. Last year they totalled \$7 million and this current year (Fiscal 1969) will probably reach \$10 million.

It is my estimate that with a similar level of supplemental appropriations, the general fund expenditures during fiscal 1970 will total \$210 million.

Since we would take in only \$180 million from present sources of revenue, we would be spending \$30 million more than our income.

#### Dwindling Cash Balances

The pattern of spending more than is taken in, has over the years shrunk the State's cash balances millions of dollars. On June 30, 1967, the cash balance had swelled to \$27 million because of unusual income from inheritance taxes. In only three years, Delaware will have wiped out that balance and ended up deep in the red. (See Chart 1).

That is the Legacy of four years of gambling with the fiscal future of the State. The gamblers have lost their bet. And now you and I must pay for it.

Benjamin Franklin, who died 179 years ago, said that "If you know how to spend less than you get you have the Philosopher's Stone."

Delaware does not have the Philosopher's Stone. Indeed, we have burdened ourselves with a Fiscal Millstone.

#### The Tunnell Committee

Anyone who doubts that this State faces a fiscal crisis has to go no further than the detailed report issued recently by the 15-member committee to investigate Delaware State Finances.

This committee, headed by Robert W. Tunnell, was created during Governor Terry's Administration. The resolution that authorized formation of the committee contained this especially significant sentence:

"It is apparent that the State will face a fiscal crisis within the next few years if present trends continue, and the Governor Himself has said the next administration will have to raise taxes."

The Tunnell Committee states that Delaware's fiscal problem "stems from a combination of economic and population growth, improved public services, and inflation coupled with an imbalanced tax system developed over time on the basis of Political Expediency and Fiscal Timidity."

Now what that means is the State worked itself into a financial hole by ignoring its money problems and then didn't have the guts to raise taxes enough to get out. And we are left holding the bag.

#### Soaring Debt

Meanwhile, Delaware's long-term State and Local debt per capita is the highest in the Nation and more than twice the National average.

Nothing has been done to stop this trend. The cost of paying off those Bonds and Interest has climbed each year. It cost us 17 per cent of our total State Revenue three years ago, 18 per cent the next year, 19 per cent last year, and now it's up to 20 per cent.

One out of every five tax dollars you send to Dover goes toward paying off that Debt.

Only last week, agencies requested \$43 million for the May Bond Sale . . . double the amount anticipated in Governor Terry's Budget. That will add another \$2 million in debt service to the fiscal 1970 Budget.

#### A Look Ahead

Where are we headed?

The Tunnell Committee estimates that by 1973 the State will be spending \$50 million more than it's taking in, and that the deficit will jump to \$162 million by 1977-78 . . . unless we do something to change it.

No objective appraisal of Delaware's fiscal situation can fail to conclude that there is an overwhelming need for more revenue and for a tax structure capable of supporting the demands placed upon it.

What are these needs? They fall into five general areas that account for most of our budget . . . .56 per cent for improving education, 13 per cent for building better highways, 11 per cent for improving health services, 7 per cent for protecting people, and 4 per cent for helping people in need. (See Chart 2)

#### Education Top Priority

Education is first because it is most important. Today we are

spending \$110 million for education.

That is as it should be. There is no better investment for the future than dollars that are spent wisely and effectively for education. We can perform no greater disservice to our children and to ourselves than to short-change our educational programs.

All of us as parents want the best education for our children, whether that is an Academic Education or a Vocational one. We want them to be properly launched in those first critical five years of their lives and then go on to adulthood with the best training they can get.

We want good schools and dedicated teachers from Kindergarten through Graduate School. When our children graduate from High School, we want them to be ready for College or other Post-High School Education. And we want Adult Education Courses for those who need it.

Here in Delaware, we are just crossing the threshold in many of these areas such as Kindergartens, The Delaware Technical and Community College, and The New Vocational-Technical High School in New Castle County.

Four-year colleges are facing a period of the most rapid growth in their history. The University of Delaware expects its student enrollment to reach 15,000 by 1976, double what it is today.

Delaware State College has an excellent Physical Plant but its potential has been stunted for years by inadequate funds. We have much catching-up to do there.

#### Protecting People

And so it is with our other needs. The people of this State must be protected from crime and violence. Why in Heaven's name should citizens of any civilized Nation have to fear to walk the streets?

We need more and better-trained police, and we need programs to get at the causes of crime and violence so that we can reduce the crime rate.

Our Health facilities must be such that any of us who is unfortunate enough to fall ill can get good treatment, promptly.

Our highways must be good enough so that we don't waste our valuable time in traffic jams. We also must stop the senseless slaughter by motor vehicle.

And we must help people who are genuinely in need . . . the handicapped, the blind, the aged, the fatherless children. We must weed out those who would abuse our concern for the needy. Our present system does neither of these things effectively.

We need more effort to bring more and better jobs to Delaware, so that our economy and our people can prosper.

These are all elements of the quality life. Again, we can't do everything at once. Problems created over the years cannot be solved overnight. But we can get started, and we can make this a model State.

The Tunnell Committee has made specific recommendations as to how Delaware can regain its financial health. It has proposed a broad-based 2 per cent sales tax, elimination of loopholes and inequities in the corporation income tax, and expansion of the scope and coverage of the corporation franchise tax.

#### "War on Waste"

The Committee also states that the citizens of Delaware "Should be under no illusion that efficiency and economy will alone resolve the immediate and long-range fiscal problems."



I agree, but I must add this. In these days of rising costs and climbing interest rates and shrinking purchasing power of dollars, the People of this State will no long tolerate any Public Official who gives only LIP Service to the concept of Economy in Government.

There is a tendency to waste, to duplication, to inefficiency in Government. To cope with it requires constant vigilance, constant effort. This administration pledges itself to action on economy.

Already underway is a "War on Waste" being waged by the Governor's Economy Committee. Thirty experienced, trained and top-flight people from business and industry are taking a hard look at the operations of this Government. Their recommendations, due by the end of August, will be implemented.

This study, which is not costing the taxpayer a dime, is going to save us millions of dollars.

Just last week I ordered a job-hiring freeze in an effort to reverse the trend of increasing payrolls and increasing costs to the taxpayers.

Until we can make sure that all our employees are needed, and until we make sure that all the people we have are doing a full day's work for a full day's pay, we cannot in good conscience add more people to the payroll. More than half of all our tax dollars are spent to pay salaries, wages and other personnel costs.

At the same time, however, we must see that those employees who are needed and are doing a good job receive the financial rewards they deserve.

In the past four years, the number of State employees has increased by 40 per cent. Our "War on Waste," the drive for efficiency in Government, will be directed toward making better use of the people we have on the payroll.

#### Reorganization for Efficiency

Another administration program, which you have just approved, calls for reorganization of the Executive Branch, the consolidation of more than 100 commissions and agencies into approximately a dozen cabinet positions.

This will, in the long run, save money and improve services to the taxpayers.

Legislation already has been introduced, and more is being prepared, to plug loop-holes in our tax laws. No one likes taxes, but everyone who is supposed to be paying them is going to pay them.

In the same vein, we are going to tighten up the administration of our Tax Department. It needs a major overhaul. We must have stronger enforcement. A 1965 report revealed what is termed "Fundamental Weaknesses" that are preventing the State from getting hundreds of thousands of dollars in additional revenue.

These are some of the things that we should and will do.

But above all, there must be a realization by all public officials and employees that their obligation to save money is as strong, if not stronger, than their obligation to spend money. Public Officials should be rewarded for reducing the number of employees, not for increasing them.

There is no alternative but for Delaware to return to fiscal sanity.

But when all is said and done, I agree with the Tunnell committee that we still need more revenue.

How much? Where will it come from?

As I stated earlier, my estimate for general fund expenditures in fiscal 1970 is \$210 million, and the total income from existing taxes is \$180 million. That means we would be spending \$30 million more than our revenue. At the same time, we expect to start July 1, 1969, with a cash balance of \$12 million. Thus on June 30, 1970, we would be \$18 million in the hole.

I propose a new revenue program which will bring in \$19.8 million in additional revenue in fiscal 1970. This will reduce our cash balance at the end of fiscal 1970 to \$1.8 million.

My revenue proposals will bring in sufficient revenue in the next year, fiscal 1971, to balance income and outgo.

Today our major sources of revenue are personal income tax from which we receive 40 per cent of our revenue; business taxes, 22 per cent; road user taxes, 16 per cent; and pleasure taxes; 10 per cent of our revenue. (See Chart 3).

I recommend that we not touch personal income and road user taxes, but that we increase business taxes by \$17 million, and pleasure taxes by \$2.8 million. Thus, approximately 85 per cent of the new taxes will come from business.

#### Revenue Proposal

To obtain the \$19.8 million, I propose the following changes:

FISCAL 1970  
Additional Revenue Yield  
(Millions of Dollars)

#### BUSINESS TAXES

1. Include in the corporate income law the requirement that inter-corporate dividends, interest income and capital gains be treated as income, as under federal law, but at the current Delaware rate of 5 per cent. .... \$ 3.4
2. Adjust service fees charged by the corporation department of the Secretary of State's Office, and raise each corporation's franchise tax \$15. .... \$ 4.5
3. Increase the existing mercantile license fee as follows:  
Merchants and Branch Stores from 1/7 of 1 per cent of their gross purchases to 1 1/8 per cent of gross purchases. We also propose to add liquor stores to this category.

Contractor's license fee from 1/10 of 1 per cent on the first \$100,000 of gross receipts and 1/20 of 1 per cent on the remainder, to 5/8 of 1 per cent on total gross receipts.

Manufacturer's license fee from 1/40 of 1 per cent of gross receipts to 1/4 of 1 per cent of gross receipts.

Business and occupational licenses to twice existing rates.

Sub-Total ..... \$ 9.1

4. Increase cigarette taxes from 7 cents per package to 10 cents. Delaware cigarette taxes still will be less than those of Pennsylvania, at 13 cents per package, and New Jersey, at 14 cents per package. Also apply a 30 per cent tax on the wholesale value of all other tobacco products.. . . . \$ 2.8

TOTAL . . . . . \$19.8

This will change our tax revenue sources as follows: Personal Income, 36 per cent of Revenue; Business, 29 per cent; Road User, 15 per cent; and Pleasure, 10 per cent of Revenue. (see chart 4).

This new structure provides a better balance between personal income taxes and business taxes. Furthermore, it utilizes existing taxes for which we have the collection machinery and administrative experience.

The changes in the corporate tax structure will not jeopardize Delaware's favorable corporate climate. We have consulted at length with many of the People who are deeply involved in this area. They believe the proposed revision in fees does not involve any substantial risk of curbing our growth in new corporation business.

#### "No Sales Tax"

The Tunnell Committee recommended a sales tax. This is undesirable because it would eliminate our competitive position in retail sales relative to neighboring States. It would require a new and costly collection system and would be a prime irritant to all of us.

It is important to Delaware that we remain a No-Sales-tax State. Significantly, 96 per cent of the increased revenue I propose is based on existing taxes. The other 4 per cent comes from a tax on Tobacco Products, now Tax-Free.

As we plan State finances for the next 5 to 10 years, it is necessary to recognize three important factors:

1. Population increased at a rate of 3.1 per cent per year between 1960-70. Strong indications are that this will continue.
2. Inflation continues to plague us and has amounted to over 4 per cent a year in recent years, and this rate is expected to continue.
3. New and improved services are constantly being demanded.

Just allowing for population and inflation growth alone, with no improvements or new programs, the State would in five years require \$259 million, or \$42 million more than we would collect in that year from our current taxes.

A modest improvement in services of 3 per cent per year would raise the projected expenditures in the fifth year to \$277 million.

#### Revenue Growth

My Revenue Program, coupled with the growth in the Economy, will provide us with the necessary funds to balance the budget over the next five years, and possibly 10 years.

By fiscal 1974, for example, I estimate that the general fund revenue will grow to approximately \$280 million of which \$35 million will result from the modifications I suggest today.

Now, let's look at the State's capital improvement program. Here, we are in trouble also, although Governor Terry submitted a forward-looking capital improvement program covering the next six years.

That program calls for appropriations of \$342.8 million. But with our current level of taxes, and the statutory limit on authorized debt, the maximum dollars available over the next six years would be only \$208.4 million.

### Capital Needs

Governor Terry in his Capital Improvement Program Report, dated January 15, 1969, stated that the \$208.4 million available under the current limitations "Will be totally inadequate to accommodate the requests of the State Agencies and will not provide for any additional new programs which may be initiated. The State Planning Office is of the opinion that a combination of tax increases and the freezing of the debt ratio factor . . . will serve as a solution to the capital improvement needs of the State of Delaware."

With my proposed increase in taxes, and by stabilizing the debt ratio limit at 2.8, we can accomplish that objective.

Earlier in this message I mentioned the rapid rise in recent years in our Debt Service. I want to stabilize our Debt Service at its current level of 20 per cent of our general fund disbursements. I further suggest that we pay capital items up to \$25,000 and all repairs and maintenance projects out of current revenue rather than through the sales of 20-year bonds, as we have been doing.

In addition, I recommend that all income from inheritance and estate taxes in excess of \$3 million annually be used for Capital Improvements, not for Operating Expenses.

I also believe we should start funding the Employees' Pension Plan by using a substantial portion of the du Pont Divestiture Funds. Failure to provide for financing pensions is another example of the negligence of past administrations.

This, then, is the new course I propose. It is a sensible one that will put Delaware on the road to fiscal integrity.

I could, of course, do nothing. We could continue to drift deeper into the sea of red ink and apathy.

But that the People of Delaware do not want. That I will not allow. This will not be a "Care-Taker" Administration. The People want action, progress and results.

At the same time, I make this promise to you members of the General Assembly, and to the People of Delaware.

If this revenue proposal is adopted, I will not be back here asking for increased revenue during the remainder of my Term in Office.

I pledge also a continuing war against waste and inefficiency.

Again I say, Delaware can be truly a model State. To this Goal, we must all commit our efforts.

The previously named committee escorted the Governor from the Chamber.

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

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

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

The Chair announced that the House wishes to inform the Senate that it has passed **HB 28, 134, and 160** and requests the concurrence of the Senate, and **SB 128** with **HA 1 and 2**, and returning same to the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 168** with **HA 1** and **HB 181**, and requests the concurrence of the Senate, and **SCR 6**, and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate

that it has passed **SB67** and is returning same to the Senate.

Senator Slawik introduced **SB 212** co-sponsored by Senator Cicione, entitled "An Act Relating to a Pension for James E. Chiffins, a Former Employee of New Castle County", which was given its first reading by title only, and assigned to committee on Miscellaneous.

Senator Slawik introduced **SB 213**, entitled "An Act to Amend Section 905, Chapter 9, Title 2, Delaware Code, Relating to Means of Acquiring Airport Property by Providing for the Acquisition of Easements or Rights of Way to, Over, or in the Air Space Above Land Acquired for Airport Property", which was given its first reading by title only, and assigned to committee on Highways and Public Safety.

Senator Hale introduced **SR 32**, entitled "Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly".

Senator Hale moved that **SR 32** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele—16.

ABSENT—Messrs. Cicione, Cook, (Mrs.) Manning—3.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Hart and others introduced **SJR 3**, entitled "Appointing a Committee to Study the Way to Create a Cabinet Form of Government", which was assigned to committee on Government Operations.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 176**, reported the same back to the Senate; 1 Favorable, 4 on Merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 20**, reported the same back to the Senate; 4 Favorable, 2 on Merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 42** reported the same back to the Senate; 1 Favorable, 5 on Merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 44** reported the same back to the Senate; 1 Favorable, 5 on Merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 98**, reported the same back to the Senate; 5 on Merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 149**, reported the same back to the Senate; 1 Favorable, 5 on Merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 108**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 119**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

The Chair presented the following House Bills which were given first reading and referred to committee as follows:

**HB 28**—"An Act to Amend Title 11, Delaware Code, Subchapter XLIV' Relating to Rape", to committee on Judiciary.

**HB 134**—"An Act Making a Supplementary Appropriation to the Delaware State Development Department for Promotion of the State of Delaware at the 50th Annual National Convention of United States Jaycees in Louisville, Kentucky", to committee on Government Operations.

**HB 168 with HA 1**—"An Act Making a Supplementary Appropriation to the Delaware Junior Miss Pageant for the Purpose of Providing Funds for Delaware's Junior Miss to Attend the National Junior Miss Pageant, and to Defray Related Expenses", Laid on Table; Voice vote.

**HB 160**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Pensions by Allowing a Covered Employee to Received Contributions Paid in With Interest When Qualified to do so", to committee on Finance.

Senator Foltz introduced **SCR 7**, co-sponsored by Senator Cook, entitled "Relative to the State Highway Department Delaying Further Action on the Frederica to Camden By-Pass."

Senator Foltz moved that **SCR 7** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, Cook, du Pont, Elliott, Foltz, Hale, Hart, Hickman, Isaacs, Robbins, Steele—11.

NAYS—Messrs. Grier, McCullough—2.

NOT VOTING—Messrs. Castle, (Mrs.) Conner, Holloway, (Mrs.) Manning, Schlör, Slawik—6.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority was adopted and ordered to House for Concurrence.

On motion of Senator Hale **SB 84** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 84**—"An Act ot Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the University Drama Group, Inc. From Assessment and Taxation."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, Elliott, Hale, Hart, Hickman, Holloway, McCullough, Robbins, Schlör, Slawik, Steele—13.

NAYS—Messrs. du Pont, Foltz, Isaacs—3.

NOT VOTING—Messrs. Castle, Grier, (Mrs.) Manning—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Hart moved that Rule 9 be suspended for the purpose of considering **HB 168 with HA 1**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

**ABSENT—Mr. Schlor—1.**

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Hart **HB 168** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 168** with **HA 1**—"An Act Making a Supplementary Appropriation to the Delaware Junior Miss Pageant for the Purpose of Providing Funds for Delaware's Junior Miss to Attend the National Junior Miss Pageant, and to Defray Related Expenses."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—19.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Cicione introduced **SB 214** co-sponsored by Senator Slawik, entitled "An Act to Amend Title 14, Delaware Code, Adding a New Chapter 84, Thereto, Relating to Higher Education Scholarships and Students Disruption of Orderly Conduct of the Affairs of Certain Institutions of Higher Education", which was given its first reading by title only and assigned to committee on Education.

Senator Cicione introduced **SB 215** co-sponsored by Senator Slawik, entitled "An Act to Amend Title 14, Chapter 84, Delaware Code, Providing for Denial of Facilities of Institutions of Higher Education to Students Guilty of Misconduct", which was given its first reading by title only and assigned to committee on Education.

On motion of Senator Cook **SB 188** with title as follows was taken up for consideration and read a second time by title in order to pass the senate:

**SB 188**—"An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to the Regulation of Dogs Running at Large."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele—16.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Cicione, Hart—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

The Chair presented **SB 128** with **HA 1** and **2**.

Senator Isaacs requested that **SA 1** to **SB 128** with **HA 1** and **2** be stricken from the calendar. Adopted voice vote.

Senator Isaacs moved that **SB 128** with **HA 1** and **2** be laid on the table. Motion prevailed, voice vote.

Senator Isaacs introduced **SA 1** to **SB 194**.

Senator Isaacs moved that **SA 1** to **SB 194** be placed with bill. Motion prevailed by voice vote.

Senator Isaacs introduced **SA 1 to SB 199**.

Senator Isaacs moved that **SA 1 to SB 199** be placed with bill. Motion prevailed by voice vote.

Senator Issacs introduced **SA 1 to SB 166** be placed with bill. Motion prevailed by voice vote.

Senator Schlor introduced **SB 216** co-sponsored by Senator Cook, entitled "An Act to Amend Section 9209, Title 10, Delaware Code, Relating to Salaries of Justices of the Peace, by Increasing the Salaries to \$10,000 per year", which was given its first reading by title only and assigned to committee on Judiciary.

Senator Foltz, on behalf of the committee on Insurance and Banking, to whom had been referred **SB 86**, reported the same back to the senate; 2 Favorable, 3 on Merits.

Senator Foltz, on behalf of the committee on Insurance and Banking, to whom had been referred **SB 87**, reported the same back to the Senate; 2 Favorable, 3 on Merits.

Mrs. Park W. Huntington, Mother of the Year, was awarded a Certificate by Governor Peterson.

On motion of Senator Castle **SB 151** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 151**—"An Act to Amend Section 4974, Title 10, Delaware Code, Relating to Place for Public Sale of Real Estate."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—17.

**ABSENT**—Messrs. Cicione, Hart—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Isaacs moved that **SB 128** with **HA 1 and 2** be lifted from table. Motion prevailed.

Senator Isaacs introduced **SA 2 to SB 128** with **HA 1 and 2**.

Senator Isaacs moved that **SA 2 to SB 128** with **HA 1 and 2** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlor, Slawik, Steele—18.

**ABSENT**—Mrs. Manning—1.

So the question was decided in the affirmative and Amendment having received the required constitutional majority was adopted.

On motion of Senator Isaacs **SB 128** with **HA 1 and 2** and **SA 2** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—19.



So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Grier moved that the Senate adjourn until April 24, 1969 at 1:30 P.M. Motion prevailed, voice vote.

## 22nd LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:00 P.M. on Tuesday, April 22, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain, Rev. Coleman.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—18.

Members Absent—Mr. Elliott—1.

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Senator duPont introduced **SB 217**, entitled "An Act to Amend Chapter 1, Title 1, Section 108, Delaware Code, Relating to the Distribution and Sale of the Delaware Code," which was given its first reading by title only and assigned to committee on Revised Statutes.

The Chair announced that the House wishes to inform the Senate that it has passed **HS 1** for **HB 62**, **HB 93**, **HS 1** for **HB 121** with **HA 1**, **HB 123**, **HB 146**, **HB 165** and **HCR 6**, and requests the concurrence of the Senate, and **SB 97**, **SB 112**, **SB 141**, **SB 164**, and **SCR 4** with **HA 3** and is returning same to the Senate.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **HB 17**, reported the same back to the Senate: 5 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 38**, reported the same back to the Senate: 4 favorable, 1 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 99**, reported the same back to the Senate: 2 favorable, 3 on merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **HB 94**, reported the same back to the Senate: 4 Favorable, 1 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 207** reported the same back to the Senate: 3 Favorable, 2 on Merits.

Senator Conner introduced **SB 218**, co-sponsored by Senators Isaacs and Hart, entitled "An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **HS 1** for **HB 113** with **HA 1**, reported the same back to the Senate: 2 favorable, 4 on merits.

Senator Holloway introduced **SB 219**, entitled "An Act to Amend Chapter 92, Volume 23, Laws of Delaware, as Amended Being 'An Act to

Provide for the Organization and Control of the Public Schools of the City of Wilmington' by Providing that the Board of Public Education in the City of Wilmington Consist of Seven (7) Members, Five (5) of Whom Shall Be Appointed by the Governor and Two (2) of Whom Shall be Appointed by the Mayor of the City of Wilmington," which was given its first reading by title only and assigned to committee on Education.

On motion of Senator Hart **HB 15**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 15**—"An Act to Authorize the State Highway Department to Install Illuminated Lights at a Certain Intersection in New Castle County and Making a Supplemental Appropriation Therefor."

Senator Hart asked for the privilege of the floor for Rep. Benson to explain **HB 15**. Hearing no objection the privilege was granted.

On motion of Senator Hart **HB 15** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cicone, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele—15.

NAYS—Mr. Foltz, (Mrs.) Manning—2.

NOT VOTING—Mr. Castle—1.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Isaacs **SB 194**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 194**—"An Act to Amend Chapter 27, Subchapter IV, Title 21, Section 2702, Delaware Code, Relating to Driver's Licenses and the Classification Thereof."

Senator Isaacs asked for the privilege of the floor for Mr. Downey to speak on **SB 194**. Hearing no objection the privilege was granted.

Senator Isaacs asked for the privilege of the floor for Mr. Whitby to explain **SB 194**. Hearing no objection the privilege was granted.

Senator Isaacs introduced **SA 1** to **SB 194**.

Senator Isaacs moved that **SA 1** to **SB 194** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele—18.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Isaacs **SB 194** with **SA 1** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, duPont, Foltz, Grier,

Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—16.

NOT VOTING—Messrs. Cook, Robbins—2.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs **SB 198**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 198**—"An Act to Amend Section 2714, Chapter 27, Title 21, Delaware Code, Relating to Fees for Permanent Driver's License, by Increasing the Fee to Twenty-five dollars and Imposing a Fee of One Dollar every Four Years for Identification Photographs."

Senator Isaacs asked for the privilege of the floor for Mr. Whitby to explain **SB 198**. Hearing no objection the privilege was granted.

Senator Isaacs introduced **SA 1** to **SB 198**.

Senator Isaacs moved that **SA 1** to **SB 198** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Schlör, Slawik, Steele—14.

NOT VOTING—Mr. Robbins—1.

ABSENT—Messrs. Cook, Elliott, Hart, McCullough—4.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Isaacs **SB 198** with **SA 1** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele—14.

NAYS—Mr. McCullough—1.

NOT VOTING—Messrs. Cook, Robbins, Schlör—3.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs **SB 199**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 199**—"An Act to Amend Chapter 27, Subchapter IV, Section 2713, Title 21, Delaware Code, Relating to Driver's License by Providing for the Issuance Thereof Every Four Years and Taking of a Photograph."

Senator Isaacs introduced **SA 1** to **SB 199**.

Senator Isaacs moved that **SA 1** to **SB 199** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—12.

NAYS—Messrs. Cook, Holloway, McCullough, Schlör—4.

NOT VOTING—Messrs. Robbins, Slawik—2.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Isaacs **SB 199** with **SA 1** was taken up for consideration in order to pass the Senate.

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—12.

NAYS—Messrs. Cook, Holloway, McCullough, Robbins, Schlör, Slawik—6.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs **SB 195**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 195—“An Act to Amend Chapter 27, Title 21, Delaware Code, by Providing Penalties for Any Person Driving During the Period of Suspension of His Operator’s, Chauffeur’s or Taxi Cab Driver’s License.”**

Senator Isaacs asked for the privilege of the floor for Captain Downey to explain **SB 195**. Hearing no objection the privilege was granted.

On motion of Senator Isaacs **SB 195** was taken up for consideration in order to pass the Senate.

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—17.

ABSENT—Messrs. Elliott, Slawik—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs **SB 197**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 197—“An Act to Amend Chapter 27, Subchapter II, Title 21, Section 2732, Delaware Code, Relating to Mandatory Driving Privileges.”**

Senator Isaacs introduced **SA 1** to **SB 197**.

Senator Isaacs moved that **SA 1** to **SB 197** be adopted.

On the question “Shall the Amendment Be Adopted?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

**On motion of Senator Isaacs SB 197** with **SA 1** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

**ABSENT**—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

**On motion of Senator Isaacs SB 193**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 193**—"An Act to Amend Chapter 27, Subchapter 111, Title 21, Delaware Code, by Adding a New Section Thereto Relating to Driving During a Period of License Denial and Providing Penalties Therefor."

Senator Isaacs introduced **SA 1** to **SB 193**.

Senator Isaacs moved that **SA 1** to **SB 193** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

**NOT VOTING**—Mr. Schlör—1.

**ABSENT**—Mr. Elliott—1.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

Senator Isaacs introduced **SA 2** to **SB 193**.

Senator Isaacs moved that **SA 2** to **SB 193** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—15.

**NAYS**—Mr. Holloway—1.

**NOT VOTING**—Mr. Schlör—1.

**ABSENT**—Messrs. Elliott, Hart—2.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

**On motion of Senator Isaacs SB 193** with **SA 1** and **2**, with title as follows, was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—17.

**ABSENT**—Messrs. Elliott, Slawik—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

**On motion of Senator Isaacs SB 196**, with title as follows, was taken

up for consideration and read a second time by title in order to pass the Senate.

**SB 196**—"An Act to Amend Chapter 27, Subchapter II, Title 21, Section 2733, Delaware Code, Relating to Discretionary Suspension or Revocation of License and Driving Privileges."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele—15.

**NAYS**—Mr. McCullough—1.

**NOT VOTING**—Mr. Schlör—1.

**ABSENT**—Messrs. Elliott, Holloway—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Isaacs requested that Senator Slawik be added as co-sponsor to **SB 176**.

On motion of Senator Isaacs **SB 176**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 176**—"An Act to Amend Chapter 5, Subchapter I, Title 29, Section 501, Delaware Code, Relating to Hunting and Trapping and Fishing License Requirements for Residents of the State of Delaware."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—17.

**NOT VOTING**—Mr. Robbins—1.

**ABSENT**—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Foltz asked for the personal privilege of the floor to speak to Mr. Whitby, Motor Vehicle Commissioner on Motor Vehicle Rules. Hearing no objection the privilege was granted.

Senator Cook introduced **SB 220**, entitled "An Act to Amend Chapter 29, Title 7, Delaware Code, Relating to the State Forestry Department by Providing for the Power of Arrest and Providing for Criminal Penalties for Violating State Forest Public Use Rules Adopted by the State Forestry Commission," which was given its first reading by title only and assigned to committee on Agriculture and Natural Resources.

Senator Cook introduced **SR 33**, entitled "Relating to Public Hearings on Revenue Bills."

Senator Cook moved that **SR 33** be adopted.

On the question "Shall the Resolution Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Cook, Foltz, Holloway, McCullough, Robbins, Schlör, Slawik—7

**NOT VOTING**—Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale, Hart, Steele—7.

ABSENT—Messrs. Cicione, Elliott, Hickman, Isaacs, (Mrs.) Manning—5.

So the question was decided in the negative and the resolution was lost.

Senator Cook introduced **SB 221**, entitled “An Act to Amend Chapter 60, Title 29, Section 6002 (b), Delaware Code, Relating to the Qualifications of State Forester,” which was given its first reading by title only and assigned to committee on Agriculture and Natural Resources.

Senator Schlor introduced **SB 222**, entitled “An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to Procedure Upon Arrest of a Child for Criminal Violations, and Hearing, by Permitting Release of Name of Delinquent and Permitting Attendance at Hearings by Representatives of Public Media when a Juvenile is Arrested for a Crime Classified as a Felony Under Title 11, Delaware Code,” which was given its first reading by title only and assigned to committee on Judiciary.

Senator Holloway introduced **SR 34**, co-sponsored by Senator Isaacs, entitled “Relative to the Chairman and Members of the State Highway Department Making a Feasibility and Cost Study of the Lighting Conditions on the St. Georges Bridge and a Report to the Members of the Senate of the 125th General Assembly.”

Senator Holloway moved that **SR 34** be adopted.

Senator Holloway moved that **SR 34** be laid on the table. Motion prevailed, voice vote.

Senator Holloway introduced **SA 1** to **SB 181**.

Senator Holloway moved that **SA 1** to **SB 181** be placed with bill. Motion prevailed by voice vote.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 167**, **HB 190**, **HB 182**, and **HJR 5** and requests the concurrence of the Senate, and **SB 128** with **HA 1**, **HA 2**, and **SA 2** was lost and is being returned to the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **SB 210**.

The Chair announced that the House wishes to inform the Senate that it has passed **SB 172** with **HA 4** and is returning same to the Senate.

On motion of Senator Foltz **HB 112**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 112**—“An Act Making a Supplementary Appropriation to the State Department of Justice for Salaries and Operational Expenses.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, McCullough, Robbins, Schlor, Slawik, Steele—13.

ABSENT—Messrs. Cicione, Elliott, Hickman, Holloway, Isaacs, (Mrs.) Manning—6.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Conner **HS 1** for **HB 36**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HS1** for **HB 36**—“An Act to Permit the Board of Trustees of the

Lincoln School District No. 3 to Transfer Certain Funds from Its Local Debt Service Account to Its Capital Expense Account for Improvements to School Buildings.”

On the motion of Senator Conner the roll call was tabled. Motion prevailed, voice vote.

On motion of Senator Steele **HB 129**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 129**—“An Act to Amend Section 1913, Chapter 19, Title 30, Delaware Code, to Impose Additional Penalty for Failure to File Corporation Income Tax Returns when Due.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Foltz, Grier, Hale, Hart, Holloway, McCullough, Robbins, Schlör, Slawik, Steele—14.

ABSENT—Messrs. (Mrs.) Conner, Elliott, Isaacs, (Mrs.) Manning—5.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Steele **HB 130**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 130**—“An Act to Amend Section 1904, Chapter 19, Title 30, Delaware Code, to Require the Filing of Corporate Tax Returns.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, McCullough, Robbins, Schlör, Slawik, Steele—13.

ABSENT—Messrs. Cicione, Elliott, Hickman, Holloway, Isaacs, (Mrs.) Manning—6.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Steele **HB 128** with **HA 1**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 128** with **HA 1**—“An Act Relating to Corporations Subject to and Exempt from the Corporation Franchise Tax.”

On the motion of Senator Steele the roll call was tabled. Motion prevailed, voice vote.

On motion of Senator Foltz **HB 20**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 20**—“An Act Agreeing to a Proposed Amendment to Article 4 of the Constitution of the State of Delaware Relating to the Creation of a Court on the Judiciary.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Holloway, McCullough, Robbins, Schlör, Slawik, Steele—14.

ABSENT—Messrs. Cicione, Elliott, Hickman, Isaacs, (Mrs.) Manning—5.



So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Steele introduced **SB 223**, entitled "An Act to Create a Pension Study Committee and to Make a Supplementary Appropriation Therefore," which was given its first reading by title only and assigned to committee on Finance.

Senator Steele introduced **SB 224**, entitled "An Act to Amend Section 1185, Title 30, Delaware Code, Relating to 'Income Taxes' by Allowing for the Disclosure of the Net Income of Persons Having Obligations to the Department of Mental Health," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Steele introduced **SB 225**, entitled "An Act to Amend Section 21, Title 12, Delaware Code, Relating to Notice to Creditors of Decedent's Estates to Probate Claims, and Publication Thereof," which was given its first reading by title only and assigned to committee on Judiciary.

The Chair presented the following House Bills and Concurrent Resolutions, which were given first reading and referred to Committee as follows:

**HS 1 for HB 62**—"An Act to Amend Section 2702 (a) of Title 14, Delaware Code, by Requiring School Attendance Between the Ages of 6 and 16;" to Education.

**HS 1 for HB 121**—"An Act Giving Minors Who have Attained the Age of 19 Years the Capacity to Contract;" to Revised Statutes.

**HB 123**—"An Act Giving Minors Over the Age of 19 Years the Power to Own a Motor Vehicle;" to Highways and Public Safety.

**HB 146**—"An Act to Amend the Educational Advancement Act Relating to Matching Funds;" to Education.

**HB 165**—"An Act to Amend Section 2116, Title 31, Delaware Code, Relating to the Soliciting of Donations and the Raising of Money for the Blind to Make Said Section Applicable to Delaware Non-profit Corporations Organized to Serve the Blind of Delaware;" to Revised Statutes.

**HB 93**—"An Act Relating to Blind Persons and 'Seeing Eye Dogs' and Prescribing Penalties for Violation Thereof;" to Revised Statutes.

**HCR 6**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Joint Finance Committee of the First Session of the 125th General Assembly."

Senator Steele moved that **HCR 6** be adopted.

On the question "Shall the Resolution Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Holloway, McCullough, Robbins, Slawik, Steele—12.

**ABSENT**—Messrs. Cicione, Elliott, Foltz, Hickman, Isaacs, (Mrs.) Manning, Schlor—7.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted and ordered returned to the House.

Senator Grier moved the Senate recess for 30 minutes at 4:50 P.M. Motion prevailed, voice vote.

The Senate reconvened at 6:20 P.M.

On motion of Senator Manning **SB 172** with **HA 4** was taken up for consideration in order to pass the Senate.

Senator Manning moved that action on **SB 172** with **HA 4** be deferred.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—17.

ABSENT—Messrs. Elliott, Holloway—2.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, prevailed.

On motion of Senator Foltz **HB 11** with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 11**—"An Act to Amend Section 9207, Subchapter I, Chapter 92, Title 10, Delaware Code, Relating to Bonds for Justice of the Peace."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Foltz **HB 14**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 14**—"An Act to Amend Section 9222, Subchapter II, Title 10, Delaware Code, Relating to Bonds for Clerks in Justice of Peace Courts."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Grier **SB 149**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 149**—"An Act to Amend Chapter 41, Title 29, Delaware Code, in Order to Effect Certain Changes in the State Development Dept. and to Add the Responsibility of Promoting Employment Opportunities, to Broaden the Qualifications and Opportunities of the Director, to Designate Certain Staff Positions, to Require Interagency Cooperation and to Assure that Proper Consideration be Given to Existing Resources in Instituting New Development Programs."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele—15.

**NAYS**—Messrs. McCullough, Schlör—2.

**NOT VOTING**—Mr. Robbins—1.

**ABSENT**—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair presented the following House Bills and Joint Resolutions, which were given first reading and referred to Committee as follows:

**HB 182**—"An Act to Amend Section 502, Title 7, Delaware Code, Relating to Exceptions to Requirements for License to Hunt, Trap and Fish;" to Fish, Oyster and Game.

**HB 190**—"An Act to Amend Chapter 288, Volume 56, Laws of Delaware, Relating to a Rate of Interest not in Excess of 8 per cent per annum and to Delete Section 3 Thereof;" to Banking and Insurance.

**HB 167**—"An Act to Amend Title 19, Delaware Code, Pertaining to Employment Practices;" to Labor and Industrial Relations.

**HJR 5**—"Requiring All State Agencies and Departments to Receive Reimbursement for the Full Cost of Goods and Services Provided;" to Finance.

Senator Cicione introduced **SB 226**, entitled "An Act to Amend Chapter 33, Title 7, Delaware Code, Relating to Damage and Removal of Trees and Shrubs, by Adding a New Subchapter Providing for Tree or Brush Cutting, Trimming or Removal Around or Near Power Lines or Power Facilities," which was given its first reading by title only and assigned to committee on Agriculture and Natural Resources.

On motion of Senator Conner **HS 1** for **HB 36** was lifted from the table in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—16.

**ABSENT**—Messrs. Cicione, Elliott, Hickman—3.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Castle introduced **SB 227**, entitled "An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Steele moved **HB 128** with **HA 1** be lifted from the table. Motion prevailed, voice vote.

On motion of Senator Steele **HB 128** with **HA 1** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Foltz, Grier, Hale, Hart, Isaacs, (Mrs.) Manning, McCullough, Slawik. Steele—10.

**NAYS** Mr. duPont—1.

**NOT VOTING**—Messrs. (Mrs.) Conner, Cook, Holloway, Robbins, Schlor—5.

**ABSENT**—Messrs. Cicione, Elliott, Hickman—3.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 118**, reported the same back to the Senate: 2 favorable, 3 on merits.

Senator Holloway introduced **SA 1 to SB 80**.

Senator Holloway moved that **SA 1 to SB 80** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Foltz, Grier, Hart, Holloway, McCullough, Schlor, Slawik, Steele—12.

**NAYS**—Messrs. Hickman, Isaacs, (Mrs.) Manning—3.

**NOT VOTING**—Messrs. (Mrs.) Conner, Robbins—2.

**ABSENT**—Messrs. Elliott, Hale—2.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

Senator Holloway introduced **SA 2 to SB 80 with SA 1**.

Senator Holloway moved that **SA 2 to SB 80 with SA 1** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cook, duPont, Foltz, Grier, Hart, Holloway, McCullough, Schlor, Slawik, Steele—11.

**NAYS**—Messrs. Hickman, Isaacs, (Mrs.) Manning—3.

**NOT VOTING**—Messrs. (Mrs.) Conner, Robbins—2.

**ABSENT**—Messrs. Cicione, Elliott, Hale—3.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Holloway **SB 80 with SA 1 and 2**, was taken up for consideration in order to pass the Senate.

**SB 80 with SA 1 and 2**—"An Act to Amend Section 717, (d), Chapter 7, Title 4, Delaware Code, Relating to the prohibition of Sales of Alcoholic Beverages at Certain Times by Empowering the Alcoholic Beverage Control Commission to Grant Extension Permits to License Holders Who Sell Alcoholic Beverages in a Hotel, Restaurant, Club or Tavern up to Two o'clock in the Morning on Certain Conditions."

On the motion of Senator Holloway the roll call was tabled. Motion prevailed, voice vote.

Senator Manning moved for consideration of **SB 172 with HA 4**. Motion prevailed, voice vote.

Senator Isaacs introduced **SA 1 to SB 172 with HA 4**.

Senator Isaacs moved that **SA 1 to SB 172 with HA 4** be adopted.

On the question "Shall the Amendment be adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele—17.

**NAYS**—Mr. McCullough—1.

**ABSENT**—Mr. Elliott—1.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Manning **SB 172** with **HA 4** and **SA 1** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Slawik—16.

NAYS—Messrs. McCullough, Steele—2.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair presented the following House Bill, which was given first reading and referred to Committee as follows:

**HB 181**—"An Act to Amend Sections 1004 and 1010, Title 14, Delaware Code, by Providing Additional Requirements for Any Plan or Reorganization of School Districts;" to Education.

Senator Cicione moved that Rule 9 be suspended for the purpose of considering **HB 181**.

Senator Manning moved that the Senate recess for 5 minutes.

On the question "Shall the Senate Recess for 5 Minutes?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Steele—12.

NAYS—Mr. Slawik—1.

NOT VOTING—Messrs. Castle, Cicione, Holloway, McCullough, Schlör—5.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the 5 minute recess was ordered.

The Senate reconvened.

Senator Cicione moved for roll call on suspension of Rule 9 for the purpose of considering **HB 181**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Hickman, McCullough, Robbins, Schlör, Slawik—13.

NAYS—Messr. Foltz, (Mrs.) Manning—2.

NOT VOTING—Messrs. Holloway, Isaacs—2.

ABSENT—Messrs. Elliott, Steele—2.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, passed the Senate.

On motion of Senator Cicione **HB 181** was taken up for consideration in order to pass the Senate.

Senator Cicione moved that the roll call on **HB 181** be tabled.

On the question "Shall the Roll Call Be Tabled?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Grier, Hart, Hickman, McCullough, Robbins, Schlör, Slawik—11.

NAYS—Messrs. (Mrs.) Conner, Foltz, Hale, (Mrs.) Manning—4.

**ABSENT**—Messrs. Elliott, Steele—2.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, prevailed.

Senator Grier moved the Senate recess until Tuesday, April 29, 1969 at 1:30 P.M. Motion prevailed, voice vote.

Senator Grier moved that the Senate adjourn until Tuesday, April 29, 1969 at 1:47 P.M. Motion prevailed, voice vote.

### 23rd LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:47 P.M. on Monday, April 28, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain, Rev. Rudolph W. Coleman.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Lt. Gov. Bookhammer welcomed Girl Scout Cadet Troop No. 44 from the Marshallton area and their Leader, Mrs. Rogers.

A message from the Governor was delivered by Mr. Christopher Perry.

The Chair announced that the House wishes to inform the Senate that it has passed **HS 1** for **HB 96** and **HB 163** and requests the concurrence of the Senate, and **SB 64** and is returning same to the Senate.

Senator Manning moved for reconsideration of **SB 172** with **HA 4** and **SA 1**.

On the question "Shall the Bill Be Reconsidered?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele—17.

**NOT VOTING**—Mr. Isaacs—1.

**ABSENT**—Mr. McCullough—1.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, passed the Senate.

Senator Manning introduced **SA 2** to **SB 172** with **HA 4** and **SA 1**.

Senator Manning moved that **SA 2** to **SB 172** with **HA 4** and **SA 1** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Manning, Steele—14.

**NAYS**—Messrs. McCullough, Robbins—2.

**NOT VOTING**—Messrs. Isaacs, Schlör, Slawik—3.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Manning **SB 172** with **HA 4** and **SA 1** and **2** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Slawik, Steele—15.

**NAYS**—Mr. McCullough—1.

**NOT VOTING**—Messrs. Isaacs, Robbins, Schlor—3.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Cicione moved that roll call on **HB 181** be lifted. Motion prevailed, voice vote.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hart, Hickman, Holloway, Isaacs, McCullough, Schlor, Slawik—13.

**NAYS**—Messrs. Foltz, Hale, (Mrs.) Manning—3.

**NOT VOTING**—Messrs. Castle, Robbins—2.

**ABSENT**—Mr. Steele—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Hale (by request) introduced **SB 228**, entitled "An Act to Amend Title 14, Delaware Code, Relating to Education by Providing for Negotiations and Relations Between Boards of Education and Organizations of Public School Employees," which was given its first reading by title only and assigned to committee on Education.

Senator Slawik requested that **SR 35** be stricken from the calendar. Adopted, voice vote.

Senator Steele introduced **SA 2** to **SB 44**.

Senator Steele moved that **SA 2** to **SB 44** be placed with bill.

## OFFICE OF THE GOVERNOR

April 28, 1969

### LEGISLATIVE ADVISORY NO. 8

The Governor signed the following legislation on the indicated date:

**SB 10**—April 24, 1969—Raising maximum prison term for unlawful entry, grand larceny and petty larceny.

**SB 35**—April 24, 1969—Reducing certain education bond authority in areas where no longer needed and providing greater flexibility for outstanding bond authority in the area of highway construction.

**SB 36**—April 24, 1969—Similar to **SB 35**.

**SB 38**—April 24, 1969—Similar to **SB 35** and **SB 36**.

**SB 55**—April 24, 1969—Providing real estate tax exemption for the Lamborn Library Association.

**SB 67**—April 25, 1969—Creating an open housing law.

**SB 123**—April 24, 1969—Allowing a switch of Department of Mental Health bond money to a needed water supply project at Governor Bacon Health Center.

**SB 130**—April 16, 1969—Providing that certain excess Department of Mental Health funds may be used for a heating project at the Delaware

State Hospital.

**SB 132**—April 24, 1969—Allowing certain excess Department of Mental Health funds to be used on water and heating systems at Stockley.

**SB 210**—April 24, 1969—Reducing the number of Milford School Board members to be elected in 1969 under the Educational Advancement Act from two to one.

**HB 87**—April 17, 1969—Providing reimbursement to three fire companies for services rendered during the emergency period of the summer of 1968.

**HB 91**—April 25, 1969—Providing a Governor's Task Force to implement reorganization of the executive branch.

**HB 110**—April 17, 1969—Amending the charter of the town of Camden to annex additional land.

**HB 168** as amended by **HA 1**—April 24, 1969—Appropriating \$1,500 to send Delaware's Junior Miss to the National Junior Miss Pageant.

\* \* \* \*

On April 17, 1969, the Governor also approved **SJR 1**, directing that a copy of the State Highway Department meeting agenda be forwarded in advance to the members of the General Assembly.

\* \* \* \*

On the indicated date the Governor vetoed the following piece of legislation:

**SB 94** with **SA 1**—April 25, 1969—Relating to exemption of Legislative Council employees from the merit system, because of a technical defect.

The following communications from the Governor were read and referred to Executive Committee.

April 29, 1969

To the Senate of the 125th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

Andrew D. Christie, Brook Valley Road, Greenville, Delaware, to be Resident Associate Judge of the Superior Court for New Castle County to serve a twelve-year term from April 29, 1969 to April 29, 1981.

Your early consideration of this nomination will be appreciated.

Respectfully submitted,

RUSSELL W. PETERSON  
Governor

April 29, 1969

To the Senate of the 125th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

William J. Storey, 333 Pennsylvania Avenue, Dover, Delaware, to be Resident Associate Judge of the Superior Court for Kent County to serve a twelve-year term from April 29, 1969 to April 29, 1981.



Your early consideration of this nomination will be appreciated.

Respectfully Submitted,  
**RUSSELL W. PETERSON**  
 Governor

Senator Isaacs introduced **SA 1 to SB 166**.

Senator Isaacs moved that **SA 1 to SB 166** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, Robbins, Slawik, Steele—15.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Hart, (Mrs.) Manning, Schlör—3.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

On motion of Senator Isaacs **SB 166** with **SA 1**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 166** with **SA 1**—"An Act to Amend Chapter 7, Subchapter 1, Title 7, Delaware Code, Prohibiting the Malicious or Deliberate Frightening or Harrassing of Migratory Birds while at Rest and Providing Penalties Therefor."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik, Steele—17.

NOT VOTING—Mr. McCullough—1.

ABSENT (Mrs.) Manning—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SB 223**, reported the same back to the Senate: 2 favorable, 2 on merits.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **SB 147**, reported the same back to the Senate: 2 favorable, 1 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HJR 5**, reported the same back to the Senate: 4 favorable, 1 on merits.

Senator Isaacs, on behalf of the committee on Fish, Oyster and Game, to whom had been referred **HB 182**, reported the same back to the Senate: 4 favorable, 1 on merits.

Senator Isaacs moved that **SCR 4** with **HA 3** be adopted.

On the question "Shall **SCR 4** with **HA 3** Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins,

Slawik, Steele—16.

NAYS—Mr. McCullough—1.

NOT VOTING—Mr. Schlör—1.

ABSENT—Mr. Hart—1.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was passed.

Senator Manning introduced **SB 229**, entitled "An Act to Amend Section 4303, Chapter 43, Title 29, Delaware Code, Relating to the Appointment to Court Reporters as Notaries Public," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator McCullough introduced **SB 230**, entitled "An Act to Amend Section 122, Subchapter II, Chapter 1, Title 26, Delaware Code, Relating to Jurisdiction of Public Service Commission over Municipally Owned Public Utilities, by Authorizing the Public Service Commission to Supervise or Regulate Rates and Charges for Water Supplied Non-residents," which was given its first reading by title only and assigned to committee on Commerce and Corporations

On motion of Senator Conner **HB 118**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 118**—"An Act to Provide for Additional Principals for Reorganized School Districts."

On the motion of Senator Conner the bill was deferred. Motion prevailed, voice vote.

Senator Isaacs introduced **SB 231**, entitled "An Act to Amend Subchapter II, Chapter 27, Title 21, Section 2733 (c) Relating to the Penalty of a Non-resident when Convicted while Driving during Suspension or Revocation," which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator Isaacs introduced **SB 232**, entitled "An Act to Amend Subchapter III, Chapter 27, Title 21, Section 2746, Relating to Driving during Suspension and Revocation of Driving Privileges and the Penalty Therefor," which was given its first reading by title only and assigned to committee on Highways and Public Safety.

On motion of Senator Cook **SB 207**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 207**—"An Act to Amend Section 4182, Subchapter XI, Chapter 41, Title 21, Delaware Code, Relating to Riding on Motorcycles, by Adding a New Subsection Excluding from Its Operation Motorcycles of Less than Five (5) Horsepower."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, Cook, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, Robbins, Slawik, Steele—13.

NAYS—Messrs. (Mrs.) Conner, duPont, (Mrs.) Manning, Schlör—4.

NOT VOTING—Mr. McCullough—1.

ABSENT—Mr. Hart—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Holloway introduced **SB 233**, entitled "An Act Proposing

Amendments to the Constitution of the State of Delaware, by Providing for Automatic Reapportionment and Redistricting of the General Assembly by a Legislative Apportionment and Districting Commission and Standards to be Used in the Delineation of Legislative Districts," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator duPont moved the Senate go into Executive Session at 2:15 P.M. Motion prevailed.

The Senate reconvened in regular session at 3:50 P.M.

The Chair presented the following House Bills, which were given first reading and referred to Committee as follows:

**HS 1 for HB 96**—"An Act to Amend Title 31, Chapter 3, Delaware Code, by Prohibiting the Establishment of any Child Day Care Center by the Department of Public Welfare if Private Centers are Available within 3 Miles of the Proposed Site;" to Health and Welfare.

**HB 163**—"An Act to Amend Section 4113, Title 14, Delaware Code, Relating to the Disturbing of Public Schools and the Destruction of School Property in Order to Establish a Minimum and Maximum Fine for Said Offense;" to Education

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HS 1 for HB 121**, reported the same back to the Senate: 5 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HB 93**, reported the same back to the Senate: 3 favorable, 3 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HB 165**, reported the same back to the Senate: 2 favorable, 4 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 217**, reported the same back to the Senate: 3 favorable, 3 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 218**, reported the same back to the Senate: 1 favorable, 5 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 224**, reported the same back to the Senate: 4 favorable, 2 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 227**, reported the same back to the Senate: 3 unfavorable, 3 on merits.

Senator Schlör moved that the Senate adjourn until Wednesday, April 30, 1969 at 1:30 P.M.

On the question "Shall the Senate Adjourn?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Cook, Holloway, McCullough, Robbins, Schlör, Slawik—6.

**NAYS**—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—11.

**ABSENT**—Messrs. Cicone, Foltz—2.

So the question was decided in the negative and the Senate did not adjourn.

Senator Grier moved for 10 minute recess at 4:00 P.M. Motion

prevailed.

The Senate reconvened at 4:38 P.M.

Senator Slawik introduced **SB 234**, co-sponsored by Senator Cicione, entitled "An Act Relating to a Pension for James E. Cheffins, a Former Employee of New Castle Count," which was given its first reading by title only and assigned to committee on Miscellaneous.

On motion of Senator Hart **HB 81**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 81**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of the Lutheran Senior Services, Inc., a Delaware Corporation, from Assessment and Taxation."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Slawik, Steele—13.

NAYS—Messrs. Cicione, duPont, McCullough, Robbins—4.

NOT VOTING—Messrs. Holloway, Schlor—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Hart **HB 94**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 94**—"An Act to Amend Chapter 22, Volume 55, Laws of Delaware, as Amended, Relating to Extension of the Period in which the State Highway Department May Utilize Monies from the Capital Investment Fund for Mosquito Control."

Senator Hart asked for the privilege of the floor for Mr. Ernest Davidson of the State Highway Department to explain **HB 94**. Hearing no objection the privilege was granted.

On motion of Senator Hart **HB 94** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, McCullough, Robbins, Schlor—4.

NAYS—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele—14.

ABSENT—Mr. Cicione—1.

So the question was decided in the negative and the bill was lost and ordered returned to House.

Senator Grier moved that the Senate adjourn until Wednesday, April 30, 1969 at 1:30 P.M. Hearing no objection, motion prevailed.

## 24th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P.M. on Wednesday, April 30, 1969, Pres. Pro Tem duPont presiding.

Prayer by the Chaplain, Rev. Donald O. Clendaniel.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Senator Grier moved to return **SB 128** as amended to the House for further consideration as per their request by Rule 33 of the House Rules. Hearing no objection, motion prevailed.

## OFFICE OF THE GOVERNOR

April 29, 1969

### LEGISLATIVE ADVISORY NO. 9

On the indicated date the Governor approved the following legislation:

**HB 88** as amended by **HA 1** and 2—April 29, 1969—Providing a supplemental appropriation to the Department of Public Welfare for expenses during the balance of the current fiscal year.

**HB 112**—April 29, 1969—Providing a supplemental appropriation to the Department of Justice for expenses during the balance of the current fiscal year and to replenish funds advanced from the Governor's contingency fund.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **SJR 3**, reported the same back to the Senate: 2 favorable, 1 on merits.

Senator Hale introduced **SB 235**, co-sponsored by Senators Hart and Isaacs, entitled "An Act to Amend Chapter 9, Title 7, Delaware Code, Permitting the Use of Spearguns and Spears for Fishing in the Delaware River and Bay," which was given its first reading by title only and assigned to committee on Fish, Oyster and Game.

On motion of Senator Conner **HB 118**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 118**—"An Act to Provide for Additional Principals for Reorganized School Districts."

Senator Conner asked for the privilege of the floor for Dr. Madden to explain **HB 118**. Hearing no objection the privilege was granted.

On motion of Senator Conner **HB 118** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—15.

**NAYS**—Messrs. Foltz, Hart—2.

**NOT VOTING**—Mr. Cicione—1.

**ABSENT**—Mr. Hickman—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Steele moved for consideration of **SB 44**. Motion prevailed, voice vote.

Senator Steele introduced **SA 2** to **SB 44**.

Senator Steele moved for privilege of the floor for Dr. Russell S. Fisher, Chief Medical Examiner for the State of Maryland, to explain **SB 44** with **SA 2**.

Senator Steele moved that the motion be adopted.

On the question "Shall the Motion Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—17.

NAYS—Mr. Cicione—1.

NOT VOTING—Mr. Isaacs—1.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, was adopted.

Senator Steele moved that **SA 2** to **SB 44** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—14.

NAYS—Messrs. duPont, Hart, Isaacs—3.

ABSENT—Messrs. Castle, Cicione—2.

So the question was decided in the affirmative and the amendment, having received the required constitutional majority, was adopted.

Senator Steele moved for consideration of **SB 44 SA 2**.

Senator Cicione moved that action on **SB 44** with **SA 2** be deferred.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cicione, duPont, Hart, Isaacs—4.

NAYS—Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—14.

ABSENT—Messr. Slawik—1.

So the question was decided in the negative and the motion was lost.

On motion of Senator Steele **SB 44** with **SA 2**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 44** with **SA 2**—"An Act to Amend, Chapter 47, Title 29, Delaware Code Relating to the Board of Post-Mortem Examiners and the Post of Chief State Medical Examiner and to Repeal Chapter 95, Title 9, Delaware Code, Relating to Coronors."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—14.

NAYS—Messrs. Cicione, duPont, Hart, Isaacs—4.

NOT VOTING—Mr. Robbins—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Steele **SB 42**, with title as follows, was taken

up for consideration and read a second time by title in order to pass the Senate.

**SB 42**—"An Act Proposing an Amendment to Articles III and XV of the Constitution of the State of Delaware to Abolish the Office of Coroner."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—15.

**NAYS**—Messrs. Cicione, duPont, Isaacs, Robbins—4.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Conner **HB 119**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 119**—"An Act to Permit Gunning Bedford School District to Transfer Certain Funds from Its Local Debt Service to to Its 1969 Minor Capital Improvement Account."

On the motion of Senator Conner the bill was deferred. Motion prevailed, voice vote.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 48**, reported the same back to the Senate: 4 favorable, 2 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 59**, reported the same back to the Senate: 3 favorable, 3 on merits.

Senator Foltz, introduced **SJR 4**, entitled "Relating to the Space Suit Worn by the First United State Astronaut to Land on the Moon," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator Foltz introduced **SA 1** to **SB 93**.

Senator Foltz moved that **SA 1** to **SB 93** be placed with bill. Motion prevailed by voice vote.

Senator Grier moved that the Senate adjourn until Thursday, May 1, 1969 at 1:30 P.M. Hearing no objection, motion prevailed.

## 25th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:55 P.M. on Friday, May 1, 1969, President Pro Tem du Pont presiding.

Prayer by the Chaplain Rev. Clendaniel.

Flag salute.

By roll call the following Senators were present:

Members Present: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

Members Absent: Schlör—1.

The Secretary proceeded to read the Journal of the previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communications were read:

The Chair announced that the House wishes to inform the Senate that it has passed **HB 25** with **HA 1 HA 2, HS 1** for **HB 126, HB 156, HB 198** and requests the concurrence of the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 185** and requests the concurrence of the Senate.

Senator Hale introduced **SB 236**, entitled "An Act Making a Supplementary Appropriation to the Delaware Commission for the Blind", which was given its first reading by title only and assigned to committee on Finance.

Senator Hart introduced **SB 237**, co-sponsored by Senators Manning, Cicione, and Slawik, entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures and to Issue Bonds and Notes Therefor and Appropriating the Moneys to the State Highway Department", which was given its first reading by title only and assigned to committee on Finance.

Senator du Pont introduced **SB 238**, co-sponsored by Senators Grier and Foltz, entitled "An Act to Amend Chapter 59, Title 29, Delaware Code, by Adding the Legislative Council to the List of Exempt Agencies", which was given its first reading by title only and assigned to committee on Senate Administration.

Senator Hale introduced **SCR 8**, co-sponsored by Senator Robbins, entitled "Relating to an Evaluation of the Effectiveness of Educational Television."

Senator Hale moved that **SCR 8** be adopted.

Senator Hale moved to table roll call on **SCR 8**.

Senator Cicione moved to table the motion to table roll call on **SCR**

**8.**

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, Elliott, Foltz, Hale, Hickman, Isaacs, Steele—10.

NAYS—Messrs. du Pont, Grier, Hart, Holloway, (Mrs.) Manning, McCullough, Robbins—7.

NOT VOTING—Mr. Slawik—1.

ABSENT—Mr. Schlor—1.

So the question was decided in the affirmative and the motion having received the required constitutional majority prevailed.

Senator Cook moved to reverse decision of the Chair.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, Elliott, Foltz, Hart, Isaacs, McCullough, Robbins, Slawik, Steele—11.

NAYS—Messrs. (Mrs.) Conner, du Pont, Grier, Hale, Hickman, (Mrs.) Manning—6.

NOT VOTING Mr. Holloway—1.

ABSENT—Mr. Schlor—1.

So the question was decided in the affirmative and the motion having received the required constitutional majority prevailed.



Senator Hickman moved to table the motion of Senator Cook.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Slawik—8.

NAYS—Messrs. Castle, Cook, du Pont, Elliott, Foltz, Hart, Isaacs, McCullough, Robbins, Steele—10.

ABSENT—Mr. Schlor—1.

So the question was decided in the negative and the motion was lost.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SJR 4**, reported the same back to the Senate; 3 Favorable, 1 on Merits.

Senator Isaacs introduced **SB 239**, entitled "An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Equal Rights to Housing", which was given its first reading by title only and assigned to committee on Commerce and Corporations.

Senator Holloway introduced **SR 36**, co-sponsored by Senator Isaacs, entitled "Relative to the Two Members of the Senate of the United States and the Member of the House of Representatives of the United States from the State of Delaware Urging Them to Request the Corps of Engineers to Install Lights Illuminating the Roadway of the St. Georges Bridge."

Senator Holloway moved that **SR 36** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

ABSENT—Mr. Schlor—1.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Foltz moved that Rule 9 be suspended for the purpose of considering **SJR 4**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—Messrs. Holloway, Schlor—2.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Foltz **SJR 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SJR 4**—"Relating to the Space Suit worn by the First United States Astronaut to Land On the Moon."

On the question "Shall the Resolution Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Elliott moved that **SS 1** for **SB 154** be adopted in lieu of **SB 154**. Hearing no objection. Motion was adopted.

On motion of Senator Elliott **SS 1** for **SB 154** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SS 1** for **SB 154**—"An Act to Amend Chapter 37, Title 3, Delaware Code, Relating to the Weighing and Grading of Lima Beans, Peas and Other Leguminous Vegetables."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hickman, Holloway, Isaacs, Robbins, Slawik, Steele—14.

NOT VOTING—(Mrs.) Manning, Mr. McCullough—2.

ABSENT—Messrs. Foltz, Hickman, Schlor—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cook **SB 147** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 147**—"An Act to Insert a New Section 4608A in Chapter 46, Title 9, Delaware Code, and to Amend Section 4617 and 4632 of Chapter 46, Title 9, Delaware Code, Related to Sewage Districts in Kent County."

On the question "Shall Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning Slawik, Steele—5.

NAYS—Mr. Robbins—1.

ABSENT—Messrs. Foltz, McCullough, Schlor—3.

So the question was decided in the affirmative and 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 182** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 182**—"An Act Making a Supplementary Appropriation to the Delaware State Planning Office."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Steele—15.

NOT VOTING—Mr. Slawik—1.

ABSENT—Messrs. Foltz, McCullough, Schlor—3.

So the question was decided in the affirmative and bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Grier introduced **SR 37**, entitled "Expressing the Best Wishes of the Senate of the 125th General Assembly to Senator David H. Elliott on the Occasion of His Birthday."

Senator Grier moved that **SR 37** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

**ABSENT**—Messrs. Foltz, Schlor—2.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Slawik introduced **SB 240**, co-sponsored by Senators McCullough, Hart, Isaacs, entitled "An Act to Authorize the State Highway Department to Erect a Pedestrian Overpass over U.S. Route 13 in Wilmington Manor, New Castle County, Delaware", which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator McCullough introduced **SB 241** entitled "An Act to Amend Section 1075, Chapter 10 Title 14, Delaware Code Relating to Nomination for Election of School Board Members by Disqualifying State Legislators from Nomination for Membership on School Boards", which was given its first reading by title only and assigned to committee on Senate Administration.

On motion of Senator Isaacs **HA 182** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 182**—"An Act to Amend Section 502, Title 7, Delaware Code Relating to Exceptions to Requirements for License to Hunt, Trap and Fish."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Slawik, Steele—13.

**NOT VOTING**—Messrs. McCullough, Robbins—2.

**ABSENT**—Messrs. Cicione, Foltz, Holloway, Schlor—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Conner introduced **SB 242** co-sponsored by Senators Castle, Cook, Elliot, Grier, Hale, Hart, Hickman, Isaacs, entitled "An Act to Amend Title 14, Delaware Code, by Providing for Children with Learning Disabilities", which was given its first reading by title only and assigned to committee on Education.

Senator Conner introduced **SCR 9**, co-sponsored by Senators Hart and Isaacs, entitled "Directing the Public Service Commission to Consider that it Retained the Law Firm of Prickett, Ward, Burt, & Sanders as its Agents, Representatives, Consultants and/or Employees in the Matter in Which the Residents of Birchwood Park and the Surrounding Areas Filed a Formal Complaint Against the New Castle Water Company."

Senator Conner moved that **SCR 9** be referred to committee. No objection, motion prevailed.

**SCR 9** was assigned to committee on Health and Welfare.

On motion of Senator Conner **HB 119** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 119**—"An Act to Permit Gunning Bedford School District to Transfer Certain Funds From its Local Debt Service to its 1969 Minor Capital Improvement Account."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, du Pont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

**ABSENT**—Messrs. Foltz, Holloway, Schlor—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Conner moved for consideration of **HB 89**. No objection.

Senator Conner asked for the privilege of the floor for Mr. Miller of Welfare Department to explain **HB 89**.

Hearing no objection the privilege was granted.

Senator Grier moved for 10 minute recess at 4:10 P.M. No objection. The Senate reconvened at 4:33 P.M.

On motion of Senator Conner **HB 89** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 89**—"An Act to Amend Section 503, Chapter 5, Title 31, Delaware Code, Relating to Welfare, in Order to Permit State Participation in the Federal Work Incentive Program."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicone, (Mrs.) Conner, du Pont, Foltz, Grier, Hale, Holloway, (Mrs.) Manning, McCullough, Slawik—11.

**NAYS**—Messrs. Elliott, Hart, Hickman, Isaacs, Steele—5.

**NOT VOTING** Messrs. Cook, Robbins—2.

**ABSENT**—Mr. Schlor—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Elliott introduced **SB 243**, entitled "An Act to Validate Certain Proceedings Concerning a Special Election to be Held in the Laurel Special School District on May 8, 1969 with Respect to Certain Bonds and Other Obligations Issued or to be Issued", which was given its first reading by title only and assigned to committee on Finance.

Senator Isaacs introduced **SB 244**, entitled "An Act to Amend Title 7, Delaware Code, By Repealing Part II Relating to the Shell Fisheries Commission and its Jurisdiction, and Revising Part I in Order that the Board of Game and Fish Commissioners Hereafter Assume Certain Functions Formerly the Responsibility of the Shell Fisheries Commission and Accomplishing Certain other Additions to, Revisions and Codification of the Authority of the Board of Game and Fish Commissioners by Further Amendment of Title 7 and Title 23 Relating to Navigation and Waters, and Authorizing the Acquisition of a New Watch Boat for the Expanded Water

Patrol Duties of the Board and Making an Appropriation Therefor", which was given its first reading by title only and assigned to committee on Fish, Oyster and Game.

On motion of Senator Isaacs **HB 182** with title as follows was taken up for a consideration and read a second time by title in order to pass the Senate.

Senator Isaacs introduced **SB 245**, entitled "An Act to Amend Chapter 49, Title 10, Delaware Code, Relating to Notice of Public Sale of Real Estate", which was given its first reading by title only and assigned to committee on Judiciary.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **HB 53** with **HA 1**, reported the same back to the Senate; 1 Favorable, 4 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **HB 123**, reported the same back to the Senate; 1 Favorable, 4 on Merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 146**, reported the same back to the Senate; 5 on Merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 135** with **HA 1** and **2**, reported the same back to the Senate; 1 Favorable, 4 on Merits.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **SB 178**, reported the same back to the Senate; 1 Favorable, 5 on Merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SB 243**, reported the same back to the Senate; 3 Favorable, 1 on Merits.

The Chair presented the following House Bills which were given first reading and referred to Committee as follows:

**HB 25** with **HA 1** and **2**—"An Act to Amend Subchapter IX, Title 11, Delaware Code, Relating to Burglary and Breaking and Entering", to committee on Judiciary.

**HS 1** for **HB 126**—"An Act to Permit the Board of School Trustees of Henry C. Conrad School District No. 131 to Transfer Certain Funds from its Local Debt Service Account to its Minor Capital Improvement Account", to committee on Finance.

**HB 156**—"An Act to Amend Section 1901, Chapter 19, Title 12, Delaware Code, to Exclude Certain Employee Pension, Incentive Plan and Life Insurance Death Benefits from the Assets and Inventory of a Decedent's Estate Subject to Administration and Claims of Creditors and other Beneficiaries of an Estate", to committee on Revised Statutes.

**HB 185**—"An Act to Amend Section 1607, Title 17, Delaware Code, Relating to the Use of Services and Supplies of the State Communications Division by Authorizing the Delaware Society for the Prevention of Cruelty to Animals to Use the Services and Supplies of the Division", to committee on Revised Statutes.

**HB 198**—"An Act Authorizing the Board of Education of the Claymont Special School District to Expend Bond Proceeds for the Construction of an Elementary School", to committee on Finance.

On motion of Senator Elliott **HB 63** with **HA 2** with title as follows was taken up for consideration and read a second time by title in order to

pass the Senate.

**HB 63** with **HA 2**—"An Act to Amend Section 741, Title 7, Delaware Code, by Permitting the Killing of Certain Non-Game Birds."

On the motion of Senator Castle the bill was deferred.

Motion Prevailed, voice vote.

Senator Grier moved the Senate recess until May 6, 1969, at 1:30 P.M. Motion Prevailed, voice vote.

Senator Grier moved that the Senate adjourn until May 6, 1969, at 1:40 P.M. Motion prevailed, voice vote.

## 26th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:40 P.M. on Tuesday, May 6, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain, Rev. Donald O. Clendaniel.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Senator Steele introduced **SA 1** to **SB 228**.

Senator Steele moved that **SA 1** to **SB 228** be placed with bill. Motion prevailed by voice vote.

Senator Hale introduced **SS 1** for **SA 228**, entitled "An Act to Amend Title 14, Delaware Code, Relating to Education by Providing for Negotiations of Public School Employees," which was given its first reading by title only and assigned to committee on Education.

On motion of Senator duPont **SB 217**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 217**—"An Act to Amend Chapter 1, Title 1, Section 108, Delaware Code, Relating to the Distribution and Sale of the Delaware Code."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Steele—16.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Hart, Slawik—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Hickman introduced **SB 246**, entitled "An Act to Incorporate the Town of South Bethany," which was given its first reading by title only and assigned to committee on Government Operations.

On motion of Senator Elliott **SB 243**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 243**—"An Act to Validate Certain Proceedings Concerning a Special School District on May 8, 1969 with Respect to Certain Bonds and Other Obligations Issued or to be Issued."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

**ABSENT**—Mr. Hart—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Steele **SB 224**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 224**—"An Act to Amend Section 1185, Title 30, Delaware Code, Relating to 'Income Taxes' by Allowing for the Disclosure of the Net Incomes of Persons Having Obligations to the Department of Mental Health."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Robbins, Steele—12.

**NAYS**—Messrs. Isaacs, McCullough, Schlör—3.

**NOT VOTING**—Messr. (Mrs.) Manning, Schlör—2.

**ABSENT**—Messr. (Mrs.) Conner, Hart—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Holloway introduced **SA 1** to **SB 204**.

Senator Holloway moved that **SA 1** to **SB 204** be placed with bill. Motion prevailed by voice vote.

On motion of Senator Steele **HJR 5**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HJR 5**—"Requiring All State Agencies and Departments to Receive Reimbursement for the Full Cost of Goods and Services Provided."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SB 236**, reported the same back to the Senate: 1 favorable, 5 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SB 237**, reported the same back to the Senate: 6 on merits.

Senator Hale, on behalf of the committee on Senate Administration, to whom had been referred **SB 238**, reported the same back to the

Senate: 2 favorable, 2 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 245**, reported the same back to the Senate: 6 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HS 1** for **HB 126**, reported the same back to the Senate: 6 on merits.

Senator Foltz, on behalf of the committee on Banking and Insurance, to whom had been referred **HB 190**, reported the same back to the Senate: 1 favorable, 2 unfavorable, 2 on merits.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **HB 151**, reported the same back to the Senate: 2 favorable, 1 on merits.

Senator Castle moved for consideration of **HS 1** for **HB 121** with **HA 1**. Motion prevailed.

Senator Castle asked for the privilege of the floor for Representative Little to explain **HS 1** for **HB 121** with **HA 1**. Hearing no objection, the privilege was granted.

On motion of Senator Castle **HS 1** for **HB 121** with **HA 1**, with title as follows, was taken up for consideration in order to pass the Senate.

**HS 1** for **HB 121** with **HA 1**—"An Act Giving Minors Who Have Attained the Age of 19 Years the Capacity to Contract."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele—15.

NAYS—Mr. McCullough—1.

NOT VOTING—Messr. Schlor—1.

ABSENT—Messrs. Hickman, Holloway—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Hart moved for consideration of **HB 123**. Motion prevailed.

Senator Hart asked for the privilege of the floor for Representative Little to explain **HB 123**. Hearing no objection, the privilege was granted.

On motion of Senator Hart **HB 123**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 123**—"An Act Giving Minors Over the Age of 19 Years the Power to Own a Motor Vehicle."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—19.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Steele **SB 223**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.



**SB 223**—"An Act to Create a Pension Study Committee and to Make a Supplementary Appropriation Therefore."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—15.

**NAYS**—Mr. Isaacs—1.

**NOT VOTING**—Messrs. Foltz, Robbins—2.

**ABSENT**—Messr. Elliott—1.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hart **SB 98** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 98**—"An Act Agreeing to a Proposed Amendment to Section 29, Article IV, of the Constitution of the State of Delaware, Relating to Justices of the Peace."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele—14.

**NAYS**—Messrs. Robbins, Schlör—2.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Elliott, Hickman—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Robbins introduced **SB 247**, co-sponsored by Senators Steele and Isaacs, entitled "An Act to Amend Chapter 5, Title 31, Delaware Code by Adding a New Section Providing for a Positive Method of Birth Control," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator Robbins introduced **SB 248**, co-sponsored by Senators Steele and Isaacs, entitled "An Act to Amend Section 512, Chapter 5, Title 31, Delaware Code, Relating to Assignability of Assistance, By Authorizing State Department of Welfare to Obtain a Lien on Real Property Purchased by an Assistance Recipient," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator Robbins introduced **SB 249**, co-sponsored by Senators Steele and Isaacs, entitled "An Act to Amend Section 508, Chapter 5, Title 31, Delaware Code, Relating to Continuing Eligibility for Public Assistance," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator Robbins introduced **SB 250**, co-sponsored by Senators Steele and Isaacs, entitled "An Act to Amend Section 502, Chapter 5, Title 31, Delaware Code, Relating to Definitions for the State Public Assistance Code, By Excluding Welfare Assistance Recipients From Serving on the Board of Welfare," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator duPont introduced **SA 1** to **SB 238**.

Senator duPont moved that **SA 1** to **SB 238** be placed with bill. Motion prevailed by voice vote.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **SB 192**, reported the same back to the Senate; 1 Favorable, 5 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 231**, Reported the same back to the Senate; 4 Favorable, 2 on Merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 232**, reported the same back to the Senate; 4 Favorable, 2 on Merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **SB 242** reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 107** reported the same back to the Senate; 2 Favorable, 3 on Merits.

Senator Grier moved that the Senate adjourn until May 7, 1969 at 1:30 P.M. Hearing no objection, motion prevailed.

### 27th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:00 P.M. in Wednesday, May 7, 1969, Lt. Gov. Bookhammer Presiding.

Prayer by the Chaplain Rev. D. O. Clendaniel.

Flag salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate it has passed **HB 33** with **HA 1, 106, 122** with **HA 1, 161, 195, 202** with **HA 1 and 2, 203**, and requests the concurrence of the Senate; and **SB 84, 161**, and is returning same to the Senate.

Senator Manning moved to lift Roll Call on **SB 11** with **SA 1**. Motion prevailed.

On motion of Senator Manning **SB 11** with **SA 1** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Slawik—13.

NAYS—Messrs. duPont, Steele—2.

NOT VOTING—Messrs. Cook, McCullough, Robbins, Schlör—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Robbins introduced **SB 251**, co-sponsored by Senators Steele and Isaacs, entitled "An Act to Amend Section 511, Chapter 5, Title 31,

Delaware Code, Relating to Administration of State Public Assistance," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator Hale introduced **SB 252**, co-sponsored by Senator Hart, entitled "An Act to Amend Chapter 55, Title 25, Delaware Code, Relating to Distress for Rent," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Hale introduced **SB 253**, co-sponsored by Senator Hart, entitled "An Act to Amend Chapter 57, Title 25, Delaware Code, Relating to Replevin Bonds," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HB 185**, reported the same back to the Senate; 5 on Merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 156**, reported the same back to the Senate; 4 on Merits.

The Chair presented the following House Bill which was given first reading.

**HB 195**—"An Act Making a Supplemental Appropriation to the Delaware State Development Department for the Opportunities Industrialization Center, Incorporated, for the Purpose of Training the Unskilled Labor Force of Delaware.

Senator duPont moved that rule 9 be suspended for the purpose of considering **HB 195**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele—16.

ABSENT—Messrs. Cook, Elliott, McCullough—3.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator duPont **HB 195** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 195**—"An Act Making a Supplemental Appropriation to the Delaware State Development Department for the Opportunities Industrialization Center, Incorporated, for the Purpose of Training the Unskilled Labor Force of Delaware."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, Schlör, Slawik, Steele—13.

NAYS—Messrs. Hickman, Isaacs, Robbins—3.

ABSENT—Messrs. Cook, Elliott, McCullough—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

The following message was received from the Governor and read.

On the indicated date the Governor approved the following legislative:

**SB 21** as amended by **SA 1** April 30, 1969, setting forth in greater detail the powers and responsibilities of the Auditor of Accounts.

**SB 45** April 29, 1969, a supplementary appropriation to Delaware State College to compensate for costs associated with the disturbance during the summer of 1968.

**SB 133** April 29, 1969, allowing investment of funds belonging to Department of Mental Health patients and use of interest thereon for the rehabilitation and recreation of such patients.

**SB 172** as amended by **HA 1**, April 30, 1969, providing a tax rate ceiling for certain school districts during the first year of operation under the Educational Advancement Act.

**HB 3**, April 30, 1969, providing that State tax forms be prepared by October 15, and distributed by December 1.

**HB 19**, as amended by **HA 1**, and **SA 1**, April 30, 1969, creating criminal violations for the unauthorized advertisement or distribution of motor vehicle master keys.

**HB 23**, April 29, 1969, doubling pension benefits for paraplegic veterans.

**HB 34**, April 29, 1969, providing that the posting of the Sussex County assessment list be confined to the office of the Assessment Board.

**HB 39**, April 29, 1969, amending the charter of the town of Camden.

**HB 50**, April 30, 1969, amending the charter of the town of Frederica.

**HB 52**, April 29, 1969, increasing resident license fees for hunting, trapping and fishing.

**HB 54**, as amended by **HA 1**, April 29, 1969, increasing non-resident fishing license fees.

**HB 68**, April 30, 1969, amending the charter of the town of Viola.

**HB 83**, April 30, 1969, allowing parking authorities to mortgage their lands and buildings.

**HS 1** for **HB 86**, as amended by **HA 1**, April 30, 1969, providing an implied consent law concerning withdrawal of drivers' licenses and privileges for failure to submit to intoxication test.

**HB 92**, April 30, 1969, lowering the weight of alcohol in the blood which shall constitute prima facie evidence of intoxication.

**HB 103**, April 30, 1969, amending the charter of the town of Greenwood.

**HB 104**, April 29, 1969, savings clause for school bond issues authorized prior to the effective date of the Educational Advancement Act.

**HB 115**, April 30, 1969, authorizing Houston School District to transfer funds from local debt service account to an operating account.

**HB 124**, April 29, 1969, making a supplementary appropriation to the Development Department to send a representative to the Florida Festival of States.

**HB 181**, April 30, 1969, providing for a special referendum in the Dickinson School District.

The Chair presented the following house bills which were first reading and referred to Committee as follows:

**HB 203**—"An Act to Permit Milton School District No. 8 to Transfer Certain Funds From its Local Debt Service Account to its Local Fund No. 80," to committee on Education.

**HB 33** with **HA 1**—"An Act to Amend Section 2310 (c), Title 11, Delaware Code, Relating to Night Time Search Warrants," to committee on Judiciary.

**HB 122** with **HA 1**—"An Act Giving Minors Over the Age of 19 Years the Ability to Marry Without Consent," to committee on Revised Statutes.

**HB 161**—"An Act to Amend Section 5919, Chapter 59, Title 11, Delaware Code, Relating to the Recording of Fines Collected by Justices of the Peace For Violations of 21 Delaware Code, Section 4179 A," to committee on Judiciary.

**HB 106**—"An Act to Amend Title 8, Delaware Code, Relating to Corporations by Adding a New Chapter to be Known as "Chapter 6" to Permit the Formation of Professional Service Corporations and to Set Forth the Law Relating Thereto," to committee on Commerce and Corporations.

**HB 202** with **HA 1** and **2**—"An Act to Amend Chapter 49, Title 16, Delaware Code, Relating to the Manufacture, Sale, Use of Central Nervous System Depressant or Stimulant Drugs; Penalties For Violation Thereof," to committee on Judiciary.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 204** with **SA 1**, reported the same back to the Senate; 2 Favorable, 3 on Merits.

Senator Castle requested his name be added as co-sponsor of the bill. Hearing no objection the name of Senator Castle was added as co-sponsor.

Senator Castle, on behalf of the committee on Revised Statutes, to whom has been referred **HB 76** with **SA 1**, reported the same back to the Senate; 4 Favorable, 1 on Merits.

The following communications from the Governor were read and referred to the Executive Committee.

May 7, 1969

To the Senate of the 125th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

Robert J. Kennedy, Gills Neck Road, Lewes, Delaware, to be a member of the Delaware Alcoholic Beverage Control Commission to serve a term of five years from date of confirmation.

Your early consideration of this nomination will be appreciated.

Respectfully submitted,  
**RUSSELL W. PETERSON**  
Governor

May 7, 1969

To the Senate of the 125th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

John Samuels, 619 W. 38th Street, Wilmington, Delaware, to be a member of the Delaware Alcoholic Beverage Control Commission to serve a term of three years from date of confirmation.

Your early consideration of this nomination will be appreciated.

Respectfully submitted,  
**RUSSELL W. PETERSON**  
 Governor

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **SB 202**, reported the same back to the Senate; 1 Favorable, 2 on Merits.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **SB 246**, reported the same back to the Senate; 2 Favorable, 1 on Merits.

On motion of Senator Isaacs **SB 245** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 245**—"An Act to Amend Chapter 49, Title 10, Delaware Code, Relating to Notice of Public Sale of Real Estate."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs; (Mrs.) Manning, Robbins, Schlör, Slawik, Steele—17.

**ABSENT**—Messrs. Elliott, McCullough—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs **SB 232** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 232**—"An Act to Amend Subchapter III, Chapter 27, Title 21, Section 2746, Relating to Driving During Suspension and Revocation of Driving Privileges and the Penalty Therefor."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—11.

**NAYS**—Messrs. Castle, Holloway, Robbins, Schlör—4.

**NOT VOTING**—(Mrs.) Conner, Mr. Slawik—2.

**ABSENT**—Messrs. Elliott, McCullough—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Lt. Governor Bookhammer invited Lt. Governor Eddie Kreuger of the Y.M.C.A. Youth Government Day to join him on the Rostrum.

Senator Manning introduced **SB 254**, co-sponsored by Senator Foltz, entitled "An Act to Amend Title 11, Section 342 (a), Relating to Cruelty to Animals and the Penalty Therefor," which was given its first reading by title only and assigned to committee on Judiciary.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 225**, reported the same back to the Senate; 1

Favorable, 5 on Merits.

Senator duPont introduced **SA 1** to **SB 238**.

Senator duPont moved that **SA 1** to **SB 238** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Slawik, Steele—15.

NAYS—Mr. Robbins—1.

NOT VOTING—Mr. Schlör—1.

ABSENT—Messrs. Elliott, McCullough—2.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

On motion of Senator duPont **SB 238** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 238** with **SA 1**—"An Act to Amend Chapter 59, Title 29, Delaware Code, by Adding the Legislative Council to the List of Exempt Agencies."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Steele—14.

NAYS—Messrs. McCullough, Robbins, Slawik—3.

NOT VOTING—Mr. Schlör—1.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On Motion of Senator Foltz **HB 99** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 99**—"An Act to Amend Title 11, Section 352, of the Delaware Code to Define Arson in Second Degree to include the Unlawful Burning of Buildings as Well as Dwelling Houses."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Cicione **HB 151** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 151**—"An Act to Amend Section 9605, Title 9, Delaware Code, Relating to the Recordation of Instruments in Kent County by Providing for Recordation by Photocopying Methods."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz,

Grier, Hale, Hart, Hickman, Holloway, Issacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—18.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Hale **SB 236** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 236**—"An Act Making a Supplementary Appropriation to the Delaware Commission for the Blind."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Schlor, Slawik, Steele—14.

NOT VOTING—Messrs. Foltz, Isaacs, Robbins—3.

ABSENT—Messrs. Elliott, Hickman—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Foltz **HB 38** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 38**—"An Act to Amend Section 813, Title 11, Delaware Code, Relating to Assault on Police Officers."

On the motion of Senator Foltz the bill was deferred.

Motion prevailed, voice vote.

Senator Foltz moved for consideration of **HB 190**. Motion prevailed.

Senator Isaacs introduced **SA 1** to **HB 190**.

Senator Isaacs moved that **SA 1** be placed with the bill. Motion prevailed.

Senator Steele asked for the privilege of the floor for Mr. Hering, Speaker of the House, to explain **HB 190**. Hearing no objection the privilege was granted.

Senator Steele asked for the privilege of the floor for Mr. Paul C. Stokes to explain **HB 190**. Hearing no objection the privilege was granted.

Senator Isaacs move that **SA 1** to **HB 190** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, Cook, Foltz, Isaacs, McCullough, Robbins—6.

NAYS—Messrs. Castle (Mrs.) Conner, duPont, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Schlor, Slawik, Steele—12.

ABSENT—Mr. Elliott—1.

So the question was decided in the negative and the amendment was lost.

On motion of Senator Foltz **HB 190** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 190**—"An Act to Amend Chapter 288, Volume 56, Laws of Delaware, Relating to a Rate of Interest not in Excess of 8 Per Cent



Annum and to Delete Section 3 Thereof.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Schlör, Slawik, Steele—12.

NAYS—Messrs. Cicione, Cook, Foltz, Isaacs, McCullough, Robbins—6.

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Holloway introduced **SCR 10**, entitled as follows:

**RELATIVE TO THE BIRTHDAY OF HARRY S. TRUMAN**

WHEREAS, the Senate of the 125th General Assembly of the State of Delaware has learned with interest and admiration that the Honorable Harry S. Truman, 33rd President of the United States, will be eighty-five years old on May 8, 1969; and

WHEREAS, the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives joining herein, wishes to express the respect of the people of the First State of Delaware for this remarkable man who was President during a difficult and dangerous period in our history;

NOW, THEREFORE:

BE IT RESOLVED, that the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring herein, does with this resolution express the respect, admiration and high regard that the people of Delaware, the First State, hold for Harry S. Truman, of Independence, Missouri, the 33rd President of the United States; and

BE IT FURTHER RESOLVED, that the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring herein, wishes to express the congratulations and good wishes of the people of Delaware, the First State, to Harry S. Truman on the occasion of his eighty-fifth birthday, May 8, 1969; and

BE IT FURTHER RESOLVED, that the Senate of the 125th General Assembly and the House of Representatives of the State of Delaware, the First State to ratify the Constitution of the United States, do hereby congratulate Harry S. Truman, the 33rd President of the United States, and do wish him many happy returns on his birthday; and

BE IT FURTHER RESOLVED, that a copy of this Senate Concurrent Resolution be sent to Harry S. Truman, without delay, and that other copies be made available to the communications media.

Senator Grier moved that the Senate adjourn until May 8, 1969 at 1:30 P.M. Hearing no objection, motion prevailed.

**28th LEGISLATIVE DAY**

The Senate met pursuant to adjournment at 1:45 P.M. on May 8, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. D.O. Clendaniel.

Flag Salute

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—16.

Members Absent—Messrs. Foltz, Holloway, Robbins—3.

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 183**, **HCR 7**, and request the concurrence of the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 154**, **194**, **213** and request the concurrence of the Senate. **SCR 10** and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **SB 166** with **SA 1** and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 29** with **HA 1** and **2**, **SB 133**, **132**, **175**, **177** with **HA 1**, **217** and requests the concurrence of the Senate.

**SB 128** with **HA 1** and **2**, **SS 1** for **SB 154**, **188** and is returning same to the Senate.

Senator Hale introduced **SR 38** entitled: "In Reference to the Election of Officers."

Senator Hale moved that **SR 38** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlör, Steele—15.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Foltz, Holloway, Robbins, Slawik—4.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Steele introduced **SA 1** to **SS 1** for **SB 228**.

Senator Steele moved that **SA 1** to **SS 1** for **SB 228** be placed with bill. Motion prevailed by voice vote.

Senator Castle introduced **SB 255**, which was given its first reading by title only entitled, "An Act to Amend Chapter 29, Title 5, Delaware Code, Relating to Financing the Sale of Motor Vehicles to Permit Disclosure of Terms of Retail Installment Contracts in Conformance with the Federal Truth in Lending Act", assigned to committee on Revised Statutes.

Senator Castle introduced **SB 256** entitled "An Act to Amend Chapter 43, Title 6, Delaware Code, Relating to Retail Installment Sales, to Permit Disclosure of Terms of Retail Installment Contracts and Retail Installment Accounts in Conformance with the Federal Truth in Lending Act", which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Hart introduced **SB 257** entitled "An Act to Amend Title 17 of the Delaware Code by Adding Thereto New Section 132 (b) (8) Giving the State Highway Department the Power to provide Relocation

Assistance to Persons Displaced as a Result of the Acquisition for Highway Purposes of Real Property upon which they Live or Conduct a Business or Farm Operation and by Adding Thereto New Chapter 19, Section 1901 — 1912 Entitled Relocation Assistance,” which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator Hart introduced **SB 258** which was given its first reading by title only:

**SB 258**—“An Act to Amend Chapter 11, Title 17, Delaware Code, Relating to Outdoor Advertising and the Control Thereof in Areas Adjacent to the Public Highways and Public Lands of This State.” Assigned to committee on Highways and Public Safety.

On motion of Senator Isaacs **SB 231** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 231**—“An Act to Amend Subchapter II, Chapter 27, Title 21, Section 2733(c) Relating to the Penalty of a Non-Resident When Convicted While Driving During Suspension or Revocation.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—15.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. (Mrs.) Conner, Foltz, Holloway, Robbins—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle **HB 185** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 185**—“An Act to Amend Section 1607, Title 17, Delaware Code, Relating to the Use of Services and Supplies of the State Communications Division by Authorizing the Delaware Society for the Prevention of Cruelty to Animals to Use the Services and Supplies of the Division.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—14.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Foltz, Hart, Hickman, Holloway, Robbins, Steele—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Castle moved for consideration of **HB 76**. No objection.

Senator Steele introduced **SA 1** to **HB 76**.

Senator Steele moved that **SA 1** to **HB 76** be adopted.

On the question “Shall the Amendment Be Adopted?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlor, Slawik, Steele—15

NAYS—NONE

NOT VOTING—None

ABSENT—Messrs. Foltz, Hart, Holloway, Robbins—4.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

On motion of Senator Castle **HB 76** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 76** with **SA 1**—"An Act to Amend Section 8323, Title 11, Delaware Code, by Making Retired Members of the Delaware State Police Eligible to be Employed by Other State Agencies Under Certain Conditions."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, (Mrs.) Manning, Slawik, Steele—13.

NAYS—None

NOT VOTING—Messrs. McCullough, Schlor—2.

ABSENT—Messrs. Foltz, Hart, Holloway, Robbins—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Slawik requested that the following communication regarding lack of Medical School in Delaware be read and made part of the record.

April 29, 1969

Dear Sir:

I am writing to you in the hope that you will be able to do or suggest something to aid my son, Dennis, who is in his 4th year of a pre-med course and will graduate in June from the Allentown College of St. Francis DeSable, which is located just south of Allentown, Pennsylvania. He has an index of 3.79 and his name appears on the Dean's list of honor students. His age is 21 years as of November, 1968. He is a dedicated student of medicine, and has a strong desire to become a doctor.

As you know, Delaware has no school of medicine, so he has made application to several out of state schools some of which include Buffalo, New York, the University of Pittsburg, Jefferson and Temple both of Philadelphia, the Minnesota school of medicine, and the last one was the University of Virginia, which has accepted him, but has no seat available to him.

He has received a letter from Mr. Hinch of the application office stating that there is no seat at the present time and will have to wait until some one drops out, which would be a considerable time from now.

Meantime, he has received notice from his draft board to report for his physical on May 15. He has not heard from or has been turned down by all the other schools. The reason seems to be that being from Delaware, he must wait until each state accepts its own students first, and then taken

what is left if there is a seat left and there seems to be none.

This is very discouraging to the student as well as to us his parents. We have given up our money and various other things and our son has worked hard and long to get this far, and it now seems that all is lost. Perhaps we should have moved to Pennsylvania shortly after he entered college. He might have had a better chance there. I think it is a shame on the state of Delaware that this situation has existed for such a long time and still does. I understand that a plan is being worked out between Delaware and Pennsylvania to accept a certain number of students each year from Delaware in Pennsylvania schools, but such a plan is of little use to us at this time.

Our son has been offered financial aid by the state and a grant from a private source. He received notice from the state on or about April 9, that the deadline for applying for aid was April 1, 1969, so he could hardly meet such a deadline and in such a situation as this. There didn't seem to be much point in applying at all. He has had several grants from a private source before and as you know his scholastic record must be kept at par or above in order to receive them. This is not the problem.

I know of no finer son nor of any one more deserving of aid than my son, Dennis, who dreams of nothing finer than: to be of service to his fellow man, to help him in his physical suffering. In short to become a doctor, nay a surgeon, a servant of humanity, to this end also go my prayers.

And so, Senator Slawik, if there is anything you can suggest we do or anything you can do for our son to help him in his desire to further his studies, we ill appreciate to the fullest your cooperation in this matter.

Hoping to hear from you in the near future and thanking you in advance.

Sincerely,  
JAMES O. YOUNG  
28 Lynbrook Road  
Gordy Estates  
Wilmington, Delaware 19804  
994-5443

The Chair presented the following which was given first reading:  
**HB 217**—"An Act to Raise the Allowable Interest Rate as to Loans for Educational Purposes."

Senator Steele moved that rule 9 be suspended for the purpose of considering **HB 217**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, McCullough, Schlör, Slawik, Steele—13.

**NAYS**—None

**NOT VOTING**—None

**ABSENT**—Messrs. Cicione, Foltz, Hart, Holloway, (Mrs.) Manning, Robbins—6.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Steele **HB 217** was taken up for consideration

in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, McCullough, Schlör, Slawik, Steele—14.

NAYS—None

NOT VOTING—None

ABSNET—Messrs. Foltz, Hart, Holloway, (Mrs.) Manning, Robbins—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

The Chair presented the following which were given first reading and referred to committee as follows:

**HB 177**—"An Act Making a Supplementary Appropriation to the University of Delaware for the Division of Urban Affairs." Assigned to committee on Education.

**HB 175**—"An Act to Amend Title 11, Section 4336 of the Delaware Code as to Superior Court Presentence Officers." Assigned to committee on Judiciary.

**HB 133**—"An Act Proposing the Repeal of Article XII of the Constitution of the State of Delaware, Relating to Public Health." Assigned to committee on Health and Welfare.

**HB 132**—"An Act Proposing the Repeal of Article XI of the Constitution of the State of Delaware, Relating to Agriculture." Assigned to committee on Agriculture and Natural Resources.

**HB 29 with HA 1**—"An Act to Amend Title 11, Subchapter V, Delaware Code, Relating to Arson and Burning of Property." Assigned to committee on Judiciary.

On motion of Senator Steele **HS 1** for **HB 126** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 126**—"An Act to Permit the Board of School Trustees of Henry C. Conrad School District No. 131 to Transfer Certain Funds From Its Local Debt Service Account to Its Minor Capital Improvement Account."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, (Mrs.) Manning, Slawik, Steele—13.

NAYS—None

NOT VOTING—Mr. Schlör—1.

ABSENT—Messrs. Foltz, Hart, Holloway, McCullough, Robbins—5.

So the question was decided in the negative and the bill was lost.

Senator Steele moved to reconsider **HS 1** for **HB 126**.

On the question "Shall **HS 1** for **HB 126** be reconsidered?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, (Mrs.) Manning, Slawik, Steele—13.

NAYS—None

NOT VOTING—Messrs. McCullough, Schlör—2.

ABSENT—Messrs. Foltz, Hart, Holloway, Robbins—4.

So the question was decided in the affirmative and the motion having received the required constitutional majority was decided in the affirmative.

Senator Steele moved to defer **HS 1** for **HB 126**.

On the question "Shall the Bill be Deferred?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, (Mrs.) Manning, Slawik, Steele—13.

NAYS—None

NOT VOTING—Messrs. McCullough, Schlor—2.

ABSENT—Messrs. Foltz, Hart, Holloway, Robbins—4.

So the question was decided in the affirmative.

On motion of Senator Steele **HB 198** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 198**—"An Act Authorizing the Board of Education of the Claymont Special School District to Expend Bond Proceeds for the Construction of an Elementary School."

On the motion of Senator Steele the bill was deferred. Motion prevailed, voice vote.

Senator Hale introduced **SB 259** which was given its first reading by title only:

**SB 259**—"An Act to Amend Section 4703, Chapter 47, Title 7, Delaware Code, Relating to Powers and Duties of the State Park Commission, by Eliminating the Prohibition Against Charging Certain Fees." Assigned to committee on Public Buildings and Land.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 255**; reported the same back to the Senate, 1 favorable, 4 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 256**; reported the same back to the Senate, 1 favorable, 4 on merits.

Senator Cicione introduced **SB 260** co-sponsored by Senators Slawik, Isaacs, and Hickman which was given its first reading by title only:

**SB 260**—"An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Equipment of Motor Vehicles." Assigned to committee on Highway and Public Safety.

Senator Elliott moved for consideration of **HB 63** with **HA 2**. No objection.

Senator Castle asked for the privilege of the floor for Mr. Norman Wilder to explain **HB 63** with **HA 2**. Hearing no objection the privilege was granted.

On motion of Senator Elliott **HB 63** with **HA 2** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Grier, Hale, (Mrs.) Manning, McCullough, Schlor, Slawik, Steele—12.

NAYS—Messrs. Elliott, Isaacs, Hickman—3.

NOT VOTING—None

ABSENT—Messrs. Foltz, Hart, Holloway, Robbins—4.

So the question was decided in the affirmative and the bill having

received the required constitutional majority passed the Senate and was ordered to the House.

Senator Slawik introduced **SB 261** co-sponsored by Senators Isaacs and Cicione which was given its first reading by title only:

**SB 261**—"An Act to Amend Section 2306, Title 19, Delaware Code, Relating to the Applicability of Workmen's Compensation to Employers." Assigned to committee on Labor and Industrial Relations.

Senator Slawik introduced **SB 262** co-sponsored by Senators Isaacs and Cicione which was given its first reading by title only:

**SB 262**—"An Act to Increase Workmen's Compensation Benefits." Assigned to committee on Labor and Industrial Relations.

On motion of Senator Steele **SB 225** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 225**—"An Act to Amend Section 21, Title 12, Delaware Code, Relating to Notice to Creditors of Decedent's Estates to Probate Claims, and publication thereof."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—14.

ABSENT—Messrs. Foltz, Hart, Holloway, Isaacs, Robbins—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle **HB 156** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 156**—"An Act to Amend Section 1901, Chapter 19, Title 12, Delaware Code, to Exclude Certain Employee Pension, Incentive Plan and Life Insurance Death Benefits from the Assets and Inventory of a Decedent's Estate Subject to Administration and Claims of Creditors and Other Beneficiaries of an Estate."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, (Mrs.) Manning, McCullough, Slawik, Steele—13.

NOT VOTING—Mr. Schlör—1.

ABSENT—Messrs. Foltz, Hart, Holloway, Isaacs, Robbins—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Isaacs **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 173**—"An Act to Amend Chapter 27, Section 2709, Title 21, Delaware Code, Relating to Application for Drivers License, by Imposing Fee of Four Dollars."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Grier,



Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—12.

NAYS—Mr. McCullough—1.

NOT VOTING—Messrs. Cook, Schlör, Slawik—3.

ABSENT—Messrs. Foltz, Holloway, Robbins—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hart **HB 53** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 53** with **HA 1**—“An Act to Amend Section 2942, Title 21, Delaware Code, Relating to Proof of Future Financial Responsibility Under the Motor Vehicle Safety Responsibility Law.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, McCullough, Schlör, Slawik, Steele—15.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Foltz, Holloway, (Mrs.) Manning, Robbins—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Conner **HB 107** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 107** with **HA 1**—“An Act to Establish an Advisory Board to the State Board of Education.”

On the motion of Senator Conner the roll call was tabled. Motion prevailed, voice vote.

On motion of Senator Conner **SB 218** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 218**—“An Act to Amend Chapter 1, Title 26, Delaware Code, Reserve Commission.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—16.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Foltz, Holloway, Robbins—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Hale introduced **SR 39**.

**SR 39**—“Authorizing Payments for Services Rendered by the Staff of the Senate of the 125th General Assembly.”

Senator Hale moved that **SR 39** be adopted.

On the question “Shall the Resolution be Adopted?” the yeas and

nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Isaacs, McCullough, Schlör, Slawik, Steele—14.

ABSENT—Messrs. Foltz, Hart, Holloway, (Mrs.) Manning, Robbins—5.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 203**, reported the same back to the Senate; 1 Favorable, 3 on Merits.

The Chair presented the following concurrent resolution which was given first reading:

**HCR 7**—"Relating to the Appointment of Dorothy A. Elston as Treasurer of the United States."

Senator duPont moved that **HCR 7** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—16.

ABSENT—Messrs. Foltz, Holloway, Robbins—3.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

The Chair presented the following House bills which were given first reading and referred to Committee as follows:

**HB 183**—"An Act Making a Supplementary Appropriation to the Custodian of the State House and Administration Buildings for the Purpose of Providing Funds to Staff and Maintain the Building and Grounds of the New State Highway Department Administration Building for the Balance of the Fiscal Year Ending June 30, 1969," to the committee on Government Operations.

**HB 154**—"An Act Relating to Pensions for Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed, Former Sussex County Employees," to the committee on Government Operations.

**HB 194**—"An Act to Permit the Board of School Trustees of Marshallton School District No. 77 to Transfer Certain Funds from its Local Debt Service Account to its Minor Capital Improvements Program," to the committee on Education.

**HB 213**—"An Act to Amend Section 2107, Chapter 21, Title 14, Delaware Code, Relating to Local School Bonds and Section 7507, Chapter 75, Title 29, Delaware Code, Relating to Local School Notes by Changing the Maximum Rates of Interest that may be Paid Thereon," to the committee on Education.

Senator Grier moved that the Senate adjourn until May 13, 1969 at 1:30 P.M. Motion prevailed, voice vote.

## 29th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:49 P.M. on May 13, 1969, Lt. Gov. Bookhammer presiding.

Flag Salute

By roll call the following Senators were present:

**PRESENT**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—18.

**ABSENT**—Mr. Robbins—1.

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Senator Castle **SB 255** entitled: "An Act to Amend Chapter 29, Title 5, Delaware Code, Relating to Financing the Sale of Motor Vehicles, to Permit Disclosure of Terms of Retail Installment Contracts in Conformance with the Federal Truth in Lending Act" was taken up for consideration and read a second time by title in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, McCullough, Schlör, Slawik, Steele—15.

**NOT VOTING**—Mr. Isaacs—1.

**ABSENT**—Messrs. Elliott, (Mrs.) Manning, Robbins—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle **SB 256** entitled: "An Act to Amend Chapter 43, Title 6, Delaware Code, Relating to Retail Installment Sales, to Permit Disclosure of Terms of Retail Installment Contracts and Retail Installment Contracts and Retail Installment Accounts in Conformance with the Federal Truth in Lending Act" was taken up for consideration and read a second time by title in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—17.

**NAYS**—None

**NOT VOTING**—Mr. Isaacs—1.

**ABSENT**—Mr. Robbins—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 160**; reported the same back to the Senate, 1 favorable, 4 on merits.

Senator Conner moved that rule 9 be suspended for the purpose of considering **HB 213**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—18.

**NAYS**—None

NOT VOTING—None

ABSENT—Mr. Robbins—1.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

Senator Cook moved that the Senate recess for 10 minutes. Motion prevailed voice vote.

The Senate reconvened at 2:45 P.M.

On motion of Senator Conner **HB 213** entitled: "An Act to Amend Section 2107, Chapter 21, Title 14, Delaware Code, Relating to Local School Bonds and Section 7507, Chapter 75, Title 29, Delaware Code, Relating to Local School Notes by Changing the Maximum Rates of Interest That May be Paid Thereon" was taken up for consideration and read a second time by title in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—16.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Hickman, Isaacs, Robbins—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Conner **HB 107** with **HA 1** was lifted from the table and taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, Steele—11.

NAYS—Messrs. duPont, Hickman, (Mrs.) Manning, McCullough, Schlör—5.

NOT VOTING—Mr. Slawik—1.

ABSENT—Messrs. Cook, Robbins—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Cicione introduced **SB 263** co-sponsored by Senators Slawik, Hickman, and Isaacs, entitled: "An Act to Amend Chapter 41, Title 14, Delaware Code, by Adding a New Section Relating to the General Regulatory Provisions Concerning Public Schools with Respect to Providing for a Public Showing of Unedited Films or Slides Prior to the Institution of a Sexual Educational Program and by Further Providing for a Petition of More Than 50 Per Cent of the Qualified Voters of the Local School District Involved" which was given its first reading by title only. Assigned to committee on Education.

The following messages from the Governor were received and read.

## OFFICE OF THE GOVERNOR

May 9, 1969

On the indicated date the Governor approved the following legislation:

**HB 11**—May 5, 1969-granting authority to the Chief Justice of the Supreme Court to require a higher than \$1,00 bond for Justices of the Peace.

**HB 14**—May 5, 1969-granting authority to the Chief Justice of the Supreme Court to require a higher than \$1,000 bond for clerks of the Justices of the Peace.

**HB 15**—May 8, 1969-providing lights at the intersection of Silverside and Graylyn Roads in New Castle County.

**HB 81**—May 8, 1969-exempting the Luthern Senior Services, Inc. from transfer funds from real estate taxes.

**HS 1 for HB 36**—permitting Lincoln School District to transfer funds from local debt service to capital expenses.

**HB 90** as amended by **HA 1 and 2**—May 8, 1969-providing a summer employment program to be administered by the State Development Department.

**HB 118**—May 8, 1969-providing for additional principals for reorganized school districts.

**HB 128** as amended by **HA 1**—May 8, 1969-repealing exemption of railroads from corporation franchise tax.

**HB 129**—May 8, 1969-imposing penalties for failure of corporations to file income tax returns when due.

**HB 130**—May 8, 1969-requiring corporations to file income tax returns regardless of whether tax due or not.

**HB 195**—May 8, 1969-appropriating \$200,000 to the State Development Department for Opportunities Industrialization Center, Inc.

**SB 164**—May 8, 1969-making the offices of treasurer, alderman and assessor in the town of Newport appointive rather than elective.

The Governor also on the indicated date vetoed the following bill:

**SB 112**—May 9, 1969-relating to safety devices at railroad crossings, for failure of the bill to incorporate a cost apportionment feature between the State and the railroads.

May 9, 1969

To the Senate of the 125th General  
Assembly of the State of Delaware:

On April 29, 1969, I received **SB 112** entitled: "An Act To Amend Section 710, Chapter 7, Title 17, Delaware Code, Relating to Safety Devices at Railroad Crossings Over Highways."

I return this bill without my approval for the reasons set forth below, with the request that the General Assembly pass and submit to me another bill in precisely the same terms with the exception that the cost of erecting and maintaining railroad grade crossing protective devices be apportioned between the State and the railroad, instead of being wholly on one or the other.

Presently the State bears the entire responsibility for and cost of erecting and maintaining such grade crossing equipment. I agree with the sponsors of **SB 112** that this is not right and should be changed. On the other hand, the present bill completely reverses the situation and places the entire burden on the railroad. This is not right either, and I cannot approve it. I believe the railroads should have total responsibility for

erecting and maintaining these safety devices, and should bear part of the cost, but not all of it.

In Delaware when a highway overpass or underpass is constructed, as opposed to a grade crossing, the cost is apportioned between the State and the railroad. Currently the State pays 90% and the railroad in question 10% of such projects. In the grade crossing situation to make the railroad pay 100% for devices which are designed primarily to protect persons and vehicles on intersecting State maintained highways would appear to be inconsistent and inequitable.

The Interstate Commerce Commission has recommended the cost of grade crossing protection be apportioned between the interstate railroads and the respective states. This is what is done in most states, including those bordering Delaware. In fact, there has been called to my attention no state which places the entire grade crossing protection cost upon the railroad, as would **SB 112**.

I believe the principle of apportionment already applied by the State Highway Department vis-a-vis the railroads in the area of overpasses and underpasses should also be applied to grade crossings. I would not hesitate to sign a bill in the same terms as **SB 112** which contained this additional feature.

Respectfully submitted,  
**RUSSELL W. PETERSON**  
 Governor

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 254**; reported the same back to the Senate, 1 favorable, 4 on merits.

Senator Hickman, on behalf of the committee on Public Buildings and Land to whom had been referred **SB 259**; reported the same back to the Senate, 2 favorable, 2 on merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 194**; reported the same back to the Senate, 2 favorable, 2 on merits.

On motion of Senator Conner **HB 203** entitled: "An Act to Permit Milton School District No. 8 to Transfer Certain Funds From Its Local Debt Service Account to Its Local Fund No. 80" was taken up for consideration and read a second time by title in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Schlör, Slawik, Steele—17.

NAYS—None

NOT VOTING—Mr. McCullough—1.

ABSENT—Mr. Robbins—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Manning introduced **SB 264** co-sponsored by Senators Cook and duPont entitled: "An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Time and Frequency of Sessions and Providing Termination Dates" which was given its first reading by title only. Assigned to committee on Revised Statutes.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HS 1** for **HB 62**; reported the same back to the Senate, 2 favorable, 1 on merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **HB 177** with **HA 1**; reported the same back to the Senate, 2 favorable, 2 on merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **SB 140** ; reported the same back to the Senate, 1 favorable, 1 unfavorable, 3 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 247**; reported the same back to the Senate, 3 favorable, 1 unfavorable.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 247**; reported the same back to the Senate, 3 favorable, 1 unfavorable.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 248**; reported the same back to the Senate, 2 favorable, 1 unfavorable, 1 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 249**; reported the same back to the Senate, 2 favorable, 2 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 250**; reported the same back to the Senate, 3 favorable, 1 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 251**; reported the same back to the Senate, 2 favorable, 2 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 264**; reported the same back to the Senate, 1 favorable, 4 on merits.

On motion of Senator Foltz **HB 38** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 38**—"An Act to Amend Section 813, Title 11, Delaware Code, Relating to Assault on Police Officers."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Slawik, Steele—15.

NAYS—Mr. Holloway—1.

NOT VOTING—Mr. Schlor—1.

ABSENT—Mr. Robbins—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Foltz **HB 48** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 48**—"An Act Authorizing the State Department of Justice to Have Prepared a Replacement Volume for Volume 13 of the Delaware Code, and Making a Supplementary Appropriation Therefor."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—18.

NAYS—None

NOT VOTING—None

ABSENT—Mr. Robbins—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Foltz **HB 59** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 59**—"An Act to Amend Article 5, Section 6, of the Constitution of the State of Delaware."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Schlör, Slawik, Steele—17.

NAYS—None

NOT VOTING—None

ABSENT—Mr. Robbins (Mrs.) Manning—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Cook introduced **SB 265** which was given its first reading by title only:

**SB 265**—"An Act to Authorize the Levy Court of Kent County to Borrow a Sum Not in Excess of \$115,000 and to Issue Bonds Therefore to be Expended for the Acquisition of a Building to be Used for the Housing of Offices of the County Government." Assigned to committee on Commerce and Corporations.

Senator Cook introduced **SB 266** co-sponsored by Senator Hickman which was given its first reading by title only:

**SB 266**—"An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Increasing the Rates for the Pilotage of Certain Vessels and Setting a Maximum as to Certain Others and Relating to Classes of Licenses of Pilots, by Increasing the Number of Classes, Changing the Draft Limitations, and Specifying Minimum Experience Requirements." Assigned to committee on Agriculture and Natural Resources.

Senator Cook introduced **SB 267** which was given its first reading by title only:

**SB 267**—"An Act to Amend Section 4704 and Section 4705, Title 9, Delaware Code of 1953, Relating to the Powers of the Levy Court of Kent County to Finance the Construction or Acquisition of Garbage Disposal Facilities." Assigned to committee on Government Operations.

Senator Slawik introduced **SB 268** which was given its first reading by title only:

**SB 268**—"An Act to Amend Chapter 31, Title 30, Delaware Code,



Relating to Hucksters' and Peddlers' Licenses by Increasing the Penalties for Violations of the Chapter and Providing for Declaration of Goods to be Sold and Bond as a Condition of Issuance of a License and Creating a Special Fee for Non-Resident Peddlers of Flowers and Floral Items." Assigned to committee on Finance.

Senator Slawik introduced **SR 40** entitled:

**SR 40**—"Relating to the Appropriation of \$1.3 Million for Education Television."

Senator Foltz moved that **SR 40** be tabled.

On the question "Shall the Resolution be Tabled?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—12.

**NAYS**—Messrs. Cook, McCullough, Schlör, Slawik—4.

**NOT VOTING**—Messrs. Hale, Holloway—2.

**ABSENT**—Mr. Robbins—1.

So the question was decided in the affirmative and the motion having received the required constitutional majority the bill was tabled.

On motion of Senator Steele **HS 1** for **HB 126** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 126**—"An Act to Permit the Board of School Trustees of Henry C. Conrad School District No. 131 to Transfer Certain Funds From its Local Debt Service Account to its Minor Capital Improvement Account."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele—18.

**NAYS**—None

**NOT VOTING**—None

**ABSENT**—Mr. Robbins—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Isaacs introduced **SJR 5** co-sponsored by Senators Hart and McCullough entitled:

**SJR 5**—"Requesting the Governor to Request the Department of Justice to Render a Written Opinion." Assigned to committee on Finance.

Senator Grier moved that the Senate adjourn until May 14, 1969 at 1:30 P.M. Hearing no objection, motion prevailed.

### 30th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:55 P.M. on Monday, April 14, 1969, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain, Rev. Donald O. Clendaniel.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's

session when Senator Grier moved that so much be considered the reading of the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate it has passed **HB 166** and **HB 171** and requests the concurrence of the Senate, and **SB 137**, **SB 153**, **SB 174**, **SB 175**, and **SB 217** and is returning same to the Senate.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SJR 5**, reported the same back to the Senate: 4 on merits.

Senator duPont introduced **SB 269** co-sponsored by Senators Cicione, Hart, Isaacs, Conner, and Steele, entitled "An Act to Amend Chapter 1, Title 26, Delaware Code, Pertaining to the Composition, Appointment, Term, Qualifications, Vacancies, Quorum, and Chairman of the Public Service Commission," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Salwik introduced **SB 270**, co-sponsored by Senators McCullough and Cicione, entitled "An Act to Amend Chapter 15, Title 14, Delaware Code Relating to Fiscal Provisions for Free Public Schools, by Creating a Nonpublic Elementary and Secondary Education Fund to Finance the Purchase of Secular Educational Services from Nonpublic Schools Located within the State of Delaware for the Benefit of Residents of the State; and Designating Revenues of the State Taxes Received from Pari-Mutual Betting at All Race Tracks as the Sources of Funds," which was given its first reading by title only and assigned to committee on Education.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 8**, reported the same back to the Senate: 5 on merits.

The Chair presented the following House Bills, which were given first reading and referred to Committee as follows:

**HB 166**—"An Act to Amend Chapter 166, Volume 43, Laws of Delaware, as Amended, to Increase the Amount of Money which the City of Georgetown May Borrow and to Increase Total Aggregate Bonded Indebtedness;" to Government Operations.

**HB 171**—"An Act to Amend Section 9121, Title 9, Delaware Code, Relating to the Authorized Mileage Rate for Officers or Employees of All of the Counties of the State of Delaware;" to Government Operations.

Senator Conner asked for the privilege of the floor for Dr. Ingram to explain **HS 1** for **HB 113** with **HA 1**. Hearing no objection, the privilege was granted.

Senator Conner asked for the privilege of the floor for Mr. Lynch to explain **HS 1** for **HB 113** with **HA 1** and **HB 202**. Hearing no objection, the privilege was granted.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 202** with **HA 1** and 2, reported the same back to the Senate: 3 favorable, 3 on merits.

Senator Holloway introduced **SB 271**, co-sponsored by Senator Foltz, entitled "An Act Making a Supplemental Appropriation to Delaware State College," which was given its first reading by title only and assigned to committee on Finance.

Senator Holloway introduced **SR 41**, entitled "Relating to the Duties of Legislative Council."

WHEREAS, it has come to the attention of the members of the

Senate that there seems to be an increase in the number of visitors to Legislative Hall when the General Assembly is in session; and

WHEREAS, said visitors seem interested in the matters being discussed and voted upon; and

WHEREAS, the members of the Senate want to encourage the citizens of Delaware to visit Legislative Hall when it is in session; and

WHEREAS, the members of the Senate want to make available to the visitors as much information as possible concerning the matters being discussed.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 125th General Assembly, that Legislative Council is directed to make available to visitors of Legislative Hall a daily list of bills to be discussed or voted upon in each branch of the Legislature.

BE IT FURTHER RESOLVED that the daily list contains the following information:

1. Senate or House number of the bill resolution.
2. Title of the bill or resolution.
3. A synopsis of the bill or resolution.

BE IT FURTHER RESOLVED that a copy of this resolution be made a part of the Journal of the Senate and a copy delivered to the Director of Research of Legislative Council.

Senator duPont moved that **SR 41** be referred to committee on Senate Administration. Motion prevailed by voice vote.

Senator Hale asked for the privilege of the floor for Dr. Ingram to explain **SB 178**. Hearing no objection the privilege was granted.

On motion of Senator Hale **SB 178**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 178**—"An Act to Amend Section 5111, Title 16, Related to Mental Health by Providing a Director of Community Mental Retardation Programs."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Hickman, Holloway, Robbins, Schlör, Slawik, Steele—13.

NOT VOTING—Messrs. Foltz, Isaacs, McCullough—3.

ABSENT—Messrs. Cicione, Elliott, (Mrs.) Manning—3.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Hale introduced **SR 42**, entitled "Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly."

Senator Hale moved that **SR 42** be adopted.

On the question "Shall the Resolution Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—16.

NOT VOTING—Mr. Isaacs—1.

ABSENT—Messrs. Cicione, Holloway—2.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted.

The following message from the Governor was delivered by Mr. Daniel Enterline.

### OFFICE OF THE GOVERNOR

May 14, 1969

#### LEGISLATIVE ADVISORY NO. 12

On the indicated date the Governor approved the following legislation:

**SB 122** as amended by **HA 1**—May 8, 1969— Conforming the legislative debt statement law to the current legislative debt statement practice of the General Assembly so that the debt statement is submitted on the day the bill in question is voted on.

**SB 141**—May 8, 1969—Clarifying that the Exemption from county taxes for elderly citizens does not apply to ditch or sewer taxes.

**SB 97**—May 8, 1969— Providing technical amendments to the driving under the influence law to meet particular loopholes, including where the accused appears to be under the influence of a combination of drugs and intoxicating liquor.

Senator Foltz introduced **SB 272**, entitled "An Act Authorizing the State of Delaware to Borrow Money to Be used to Satisfy the State of Delaware's Obligations Pursuant to Part B of Title XII of the National Housing Act and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the Insurance Commissioner of the State of Delaware," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Foltz introduced **SR 43**, co-sponsored by Senator Isaacs, entitled "Relating to Study to Be Made by Delaware State Department of Transportation to Determine the Feasibility of Forming a Statewide Motor Pool, Including an Inventory of All State-owned Vehicles."

Senator Foltz moved that the Resolution be tabled. Motion prevailed by voice vote.

Senator Manning moved that the Senate adjourn until Thursday, May 15, 1969 at 1:30 P.M. Motion prevailed, voice vote.

### 31st LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:45 P.M. on Thursday, May 15, 1969, Lt. Gov. Bookhammer presiding.

Prayer by Senator Foltz.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

Members Absent—Mr. Schlor—1.

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate it has passed **HS 1** for **HB 61**, **HB 159**, **HB 170**, with **HA 1**, **HB 196**, and **HB 210** and requests the concurrence of the Senate, and **SB 238** with **SA 1** and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate

that it has passed **HS 1** for **HB 149** with **HA 1** and **HB 149** and requests the concurrence of the Senate.

The Chair announced that the House wishes to inform the Senate it has passed **HB 164** with **HA 1**, **HA 4**, **HB 214** and requests the concurrence of the Senate, and **SCR 7** and is returning same to the Senate.

Senator Isaacs moved that **SR 43** be tabled.

On the question "Shall the Resolution Be Tabled?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Cicione, duPont, Elliott, Foltz, Hart, Isaacs—6.

**NAYS**—Messrs. Castle, Grier, Hale, Hickman, (Mrs.) Manning, McCullough, Slawik, Steele—8.

**NOT VOTING**—Messrs. (Mrs.) Conner, Holloway, Robbins—3.

**ABSENT**—Messrs. Cook, Schlor—2.

So the question was decided in the negative and was lost.

Senator Foltz moved that **SR 43** be placed in committee.

On the question "Shall the Resolution Be Placed in Committee?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Grier, Hale, Hickman, (Mrs.) Manning, Slawik, Steele—10.

**NAYS**—Messrs. Elliott, Foltz, Hart, Isaacs—4.

**NOT VOTING**—Messrs. Holloway, McCullough, Robbins—3.

**ABSENT**—Messrs. Cook, Schlor—2.

So the question was decided in the affirmative and the resolution was assigned to committee.

**SR 43** was assigned to committee on Miscellaneous.

On motion of Senator Hickman **SB 246**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 246**—"An Act to Incorporate the Town of South Bethany."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

**NOT VOTING**—Mr. Castle—1.

**ABSENT**—Messrs. Cook, Schlor—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Hart, on behalf of the committee on Commerce and Corporations, to whom had been referred **HB 106**, reported the same back to the Senate: 2 favorable, 3 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 202** with **HA 1** and **2**, reported the same back to the Senate; 3 Favorable, 3 on Merits.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **SB 209**, reported the same back to the Senate: 1 favorable, 3 on merits.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **SB 220**, reported the same back to the Senate: 1 favorable, 3 on merits.

Senator Elliott, on behalf of the committee on Agriculture and

Natural Resources, to whom had been referred **SB 221**, reported the same back to the Senate: 1 favorable, 3 on merits.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **SB 226**, reported the same back to the Senate: 1 favorable, 3 on merits.

Senator Hart, on behalf of the committee on Commerce and Corporations, to whom had been referred **SB 239**, reported the same back to the Senate: 1 favorable, 4 on merits.

Senator Conner, on behalf of the committee on Education, to whom had been referred **SB 263**, reported the same back to the Senate: 1 unfavorable, 5 on merits.

Senator duPont introduced **SB 273**, co-sponsored by Senators Isaacs, Cicione, Robbins and Steele, entitled "An Act to Amend Section 503, Title 31, Delaware Code, Relating to State Public Assistance," which was given its first reading by title only and assigned to committee on Health and Welfare.

Senator Slawik introduced **SB 274**, entitled "An Act to Amend Chapter 9, Title 29, Delaware Code, in Respect to Disclosure of Personal Holdings by Members of the General Assembly," which was given its first reading by title only and assigned to committee on Senate Administration.

Senator Hale introduced **SA 1 to SB 259**.

Senator Hale moved that **SA 1 to SB 259** be placed with bill. Motion prevailed by voice vote.

Senator Elliott introduced **SB 275**, entitled "An Act to Amend Chapter 15, Title 3, Delaware Code by Regulating the Labeling, Sale, Offering, Exposing or Transporting for Sale of Agricultural, Vegetable, Flower and Tree and Shrub Seeds; to Prevent Misrepresentation Thereof; and for Other Purposes," which was given its first reading by title only and assigned to committee on Agriculture and Natural Resources.

On motion of Senator Hale **SB 259**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 259**—"An Act to Amend Section 4703, Chapter 47, Title 7, Delaware Code, Relating to Powers and Duties of the State Park Commission, by Eliminating the Prohibition Against Charging Certain Fees."

Senator Hale moved to consider **SA 1 to SB 259**.

Senator Hale moved that **SA 1 to SB 259** be adopted.

On the question "Shall the Amendment Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Mr. Hale—1.

NAYS—Messrs. Castle, duPont, Elliott, Foltz, Grier, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—13.

NOT VOTING—Messrs. Cicione, (Mrs.) Conner, Holloway—3.

ABSENT—Messrs. Cook, Schlor—2.

So the question was decided in the negative and the amendment was lost.

On the motion of Senator Hale the bill was deferred.

The following letters from the Governor were read and placed in Executive committee.

May 14, 1969

To the Senate of the 125th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint the following for confirmation:  
**Hugh Martin III**, Abbotts Mill Pond, Milford, to be a Trustee of the University of Delaware, for a term of six years from date of confirmation.

Respectfully submitted,  
**RUSSELL W. PETERSON**  
 Governor

May 14, 1969

To the Senate of the 125th General Assembly  
 of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

**Henry Kuntz, Jr.**, Lincoln, Delaware, to be a Justice of the Peace for Sussex County to serve a four-year term effective upon date of confirmation.

Your early consideration of this nomination will be appreciated.

Respectfully submitted,  
**RUSSELL W. PETERSON**  
 Governor

May 14, 1969

To the Senate of the 125th General Assembly  
 of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

**Harlan Scott**, 1114 Berkely Road, Westover Hills, Wilmington, Delaware, to be a member of the State Personnel Commission to serve a term of three years from August 11, 1968 to August 11, 1971.

**William C. Gordon** 4905 Lancaster Avenue, Wilmington, Delaware, to be a member of the State Personnel Commission to serve a term of three years from August 11, 1968, to August 11, 1971.

**Frank D. Bonsall, Jr.**, N. State Highway, Delmar, Delaware, to be a member of the State Personnel Commission to serve a term of three years from August 11, 1967 to August 11, 1970.

**Mrs. Sara M. Behen**, 17 Rodney Road, Dover, Delaware, to be a member of the State Personnel Commission to serve a term of three years from August 11, 1967 to August 11, 1970.

Your early consideration of these nominations will be appreciated.

Respectfully submitted,  
**RUSSELL W. PETERSON**  
 Governor

May 14, 1969

To the Senate of the 125th General Assembly  
 of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

Claude A. Brittingham, 31 Dartmouth Road, Cooper Farms, Wilmington, Delaware, to be a Justice of the Peace for New Castle County to serve a four-year term effective upon date of confirmation.

Your early consideration of this nomination will be appreciated.

Respectfully submitted,  
RUSSELL W. PETERSON  
Governor

May 14, 1969

To the Senate of the 125th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint, subject to your confirmation, the following:

Mrs. Elsie M. Truitt, Dupont Highway, Georgetown, Delaware, to be a Trustee of the Board of Trustees of the Delaware Institute of Technology, for a term of three years from date of confirmation.

William C. Wright, 582 Roberta Avenue, Schoolview, Dover, Delaware, to be a trustee of the Board of Trustees of the Delaware Institute of Technology, for a term of three years from date of confirmation.

Dr. William C. Kay, Kirk and Meadowbrook Roads, Wilmington, Delaware to be Chairman of the Board of Trustees of the Delaware Institute of Technology, to serve during the pleasure of the Governor.

Your early consideration of these nominations will be appreciated.

Respectfully submitted,  
RUSSELL W. PETERSON  
Governor

Senator Manning moved for consideration of **SB 8** and **SB 264**.

Senator Cook moved for 10 minute recess at 2:40 P.M. Motion prevailed.

The Senate reconvened at 3:50 P.M.

Senator Manning moved to table **SB 8** and **SB 264** until Tuesday, May 20, 1969. Motion prevailed, voice vote.

On motion of Senator Conner **HS 1** for **HB 113** with **HA 1**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HS 1** for **HB 113** with **HA 1**—"An Act to Amend Chapter 47, Title 16, Delaware Code, Pertaining to Criminal Offenses of Sale, Possession and Use of Narcotic Drugs and Dangerous Drugs and Prescribing Penalties for Such Violations."

On motion of Senator Conner the bill was deferred. Motion prevailed, voice vote.

Senator Hale introduced **SB 276**, entitled "An Act Authorizing the State of Delaware to Borrow Money to Be Used for Capital Improvements and Expenditures and to Issue Bonds and Notes Therefore and Appropriating the Monies to the State Board of Education," which was given its first reading by title only and assigned to committee on Finance.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 269**, reported the same back to the Senate: 5 favorable, 1 unfavorable.



Senator Cicione, on behalf of the committee on Labor and Industrial Relations, to whom had been referred **SB 116**, reported the same back to the Senate: 1 favorable, 2 on merits.

Senator Isaacs, on behalf of the committee on Fish, Oyster and Game, to whom had been referred **SB 235**, reported the same back to the Senate: 4 favorable, 1 on merits.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **SB 275**, reported the same back to the Senate: 2 favorable, 3 on merits.

Senator Isaacs, on behalf of the committee on Fish, Oyster, and Game, to whom had been referred **SB 244**, reported the same back to the Senate: 3 favorable.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SR 43**, reported the same back to the Senate: 1 favorable, 2 on merits.

Senator Elliott introduced **SB 277**, entitled "An Act to Amend Section 4401, Chapter 44, Title 21 of the Delaware Code, Relating to Abandoned Vehicles By, Including Disabled Vehicles," which was given its first reading by title only and assigned to committee on highways and Public Safety.

The Chair presented the following House Bills, which were given first reading and referred to Committee as follows:

**HS 1** for **HB 61**—"An Act to Amend Title 11, Section 4346, Delaware Code Relating to Parole;" to Judiciary.

**HB 159**—"An Act Making a Supplemental Appropriation to the Delaware National Guard;" to Finance.

**HB 170** with **HA 1**—"An Act to Amend Title 9, Section 4407, Delaware Code, Relating to Building Permits;" to Revised Statutes.

**HB 196**—"An Act to Amend Title 9, Delaware Code Entitled Counties to Permit Elected Officeholders to Employ and Set the Salary of a Chief Deputy in the Several County Offices in New Castle County;" to Revised Statutes.

**HB 210**—"An Act Making a Supplementary Appropriation to the State Tax Department for the Purposes of Relocating their Offices and the Offices of the Department of Housing, Transportation, and the Governor's Office;" to Finance.

**HB 214**—"An Act Requiring Scholarship Recipients to Sign Loyalty Oaths;" to Revised Statutes.

**HB 164** with **HA 2** and **4**—"An Act to Amend Chapter 29 of Title 24 of the Delaware Code entitled, "Real Estate Brokers and Salesmen," by Repealing Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, and 2924 Thereof and Substituting in Lieu Thereof New Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, 2924, 2925, 2926, and 2927;" to Commerce and Corporations.

On motion of Senator Manning **SB 254**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 254**—"An Act to Amend Title 11, Section 342 (a), Relating to Cruelty to Animals and the Penalty Therefor."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz,

Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

ABSENT—Messrs. Cicione, Hickman, Schlör—3.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Senator Isaacs introduced **SB 278**, entitled “An Act to Amend Section 501, Chapter 5, Title 7, Delaware Code, Relating to Licenses for Hunting, Fishing and Trapping,” which was given its first reading by title only and assigned to committee on Fish, Oyster and Game.

Senator Isaacs introduced **SR 44**, entitled “Requesting the Governor to Seek from the Chief Justice of the Supreme Court of the State of Delaware a Written Opinion as to the Constitutionality of Certain Practices of County Governments with Respect to Taxation.”

Senator Isaacs moved that **SR 44** be adopted.

On the question “Shall the Resolution Be Adopted?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—Messrs. Cicione, Schlör—2.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted.

Senator Slawik introduced **SB 279**, co-sponsored by Senators Holloway, Hale, Isaacs, McCullough, Manning, and Hart, entitled “An Act to Amend Chapter 5, Title 29, Delaware Code, Relating to the Designation of Buena Vista as the Official Residence of the Governor,” which was given its first reading by title only.

Senator Slawik moved that Rule 9 be suspended for the purpose of considering **SB 279**.

On the question “Shall the Motion Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. duPont, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Slawik, Steele—8.

NAYS—Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hickman, Robbins—8.

ABSENT—Messrs. Cicione, Schlör—2.

So the question was decided in the negative and the motion was lost.

**SB 279** was referred to committee on Revised Statutes.

Senator Slawik introduced **SJR 6**, co-sponsored by Senators Isaacs and McCullough, entitled “Relating to the Proposed Plan for Busing Students as Approved by the State Board of Education Concerning the De La Warr Local School District,” which was assigned to committee on Education.

On motion of Senator Conner **HS 1** for **HB 113** with **HA 1** was taken up for consideration in order to pass the Senate.

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Slawik, Steele—16.

ABSENT—Messrs. Cicione, (Mrs.) Manning, Schlör—3.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Foltz moved that Rule 9 be suspended for the purpose of considering **HB 202** with **HA 1** and **2**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—Messrs. Cicione, Schlor—2.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, passed the Senate.

On motion of Senator Foltz **HB 202** with **HA 1** and **2**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 202** with **HA 1** and **2**—"An Act to Amend Chapter 49, Title 16, Delaware Code, Relating to the Manufacture, Sale, Use of Central Nervous System Depressant or Stimulant Drugs; Penalties for Violation Thereof."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Robbins, Slawik, Steele—15.

NOT VOTING—Messr. (Mrs.) Manning, McCullough—2.

ABSENT—Messrs. Cicione, Schlor—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

Senator Cook and all other Senators introduced **SR 45**, entitled "Expressing the Best Wishes of the Senate of the 125th General Assembly to Senator Melvin A. Slawik on the Occasion of His Birthday."

WHEREAS, the members of the Senate have learned that Monday, May 19, is the birthday of our fellow Senator, Melvin A. Slawik; and

WHEREAS, we the members of the Senate desire to express our best wishes to Senator Slawik on the forthcoming celebration of his birthday.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware, that the best wishes of its members for the continued happiness and well-being of Senator Slawik be and are hereby extended to him.

BE IT FURTHER RESOLVED that a copy of this resolution be entered on the Journal of the Senate and a copy be forwarded to the family of Senator Slawik.

On the question "Shall the Resolution Be Adopted?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—Messrs. Cicione, Schlor—2.

So the question was decided in the affirmative and the resolution, having received the required constitutional majority, was adopted.

Senator Steele, on behalf of the committee on Finance, to whom had

been referred **SB 276**, reported the same back to the Senate: 3 favorable, 3 on merits.

On motion of Senator Conner **HB 177** with **HA 1**, with title as follows, was taken up for consideration and read a second time in order to pass the Senate.

**HB 177** with **HA 1**—"An Act Making a Supplemental Appropriation to the University of Delaware for the Division of Urban Affairs."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Slawik—13.

**NAYS**—Messrs. Foltz, Robbins, Steele—3.

**NOT VOTING**—Mr. Cook—1.

**ABSENT**—Messrs. Cicione, Schlor—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Steele **HB 160**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 160**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Pensions By Allowing a covered Employee to Receive Contributions Paid in with Interest When Qualified to do so."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele—16.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Cicione, Schlor—2.

So the question was decided in the affirmative and the bill, having received the required constitutional majority, passed the Senate and was ordered to the House.

On motion of Senator Steele **HB 198**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 198**—"An Act Authorizing to Board of Education of the Claymont Special School District to Expend Bond Proceeds for the Construction of an Elementary School."

On the motion of Senator Steele the bill was deferred. Motion prevailed, voice vote.

The Chair presented to following House Bill, which was given first reading and referred to Committee as follows:

**HS 1** for **HB 149** with **HA 1**—"An Act to Amend Title 13, Delaware Code, Relating to Persons who May Solemnize Marriages;" to Revised Statutes.

Senator Conner introduced **SS 1** for **SB 167**, entitled "An Act to Amend Title 14, Delaware Code, Relating to Sick Leave Provisions for School Employees by Providing Terminal Pay for Unused Sick Leave Time," which was given its first reading by title only and assigned to committee on Education.

Senator duPont announced that the Executive Committee would meet at 1:00 P.M. on Thursday, May 25, 1969.

Senator Grier moved the Senate recess until 1:30 P.M. on Tuesday, May 20, 1969. Motion prevailed, voice vote.

Senator Grier moved that the Senate adjourn until Thursday, May 20, 1969 at 2:00 P.M. Motion prevailed, voice vote.

### 32nd LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2 P.M. on May 20, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. D.O. Clendaniel.

Flag Salute

By roll call the following Senators were present:

**PRESENT**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communication was read:

May 15, 1969

The Honorable  
Eugene Bookhammer  
Lt. Governor  
State of Delaware  
Dover, Delaware  
Dear Gene:

Today when I received a copy of House Concurrent Resolution No. 7, I was overwhelmed. This is, indeed, a thoughtful and warm action on the part of the Senate and House. Please extend my deepest thanks to the members of the Delaware State Senate for concurring with this House Resolution regarding my being sworn in as Treasurer of the United States. This will be something I will treasure always. There is no honor so great as the ones bestowed by your own people. I shall strive to uphold the tradition, dignity, and honor of this Office, and will work harder than ever now since receipt of this legislative action on my behalf. Thanks again.

Cordially,  
DOROTHY ANDREWS ELSTON

Senator Steele, on behalf of the Committee on Finance, to whom had been referred **HB 159**; reported the same back to the Senate, 2 favorable, 2 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 210**; reported the same back to the Senate, 2 favorable, 2 on merits.

Senator Steele introduced **SB 280** which was given its first reading by title only:

**SB 280**—"An Act to Amend Title 14, Chapter 27, Section 2702, Delaware Code, to Prescribe More Precisely the School Entering Ages." Assigned to committee on Education.

Senator Steele introduced **SB 281** which was given its first reading by title only:

**SB 281**—"An Act to Amend Chapter 429, Volume 55, Laws of Delaware, 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 \$42,639,992.00 to Various Agencies of the State." Assigned to committee on Finance.

On motion of Senator Manning **SB 8** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 8**—"An Act Agreeing to a Proposed Amendment to Article II, Section 4 of the Constitution of the State of Delaware, Relating to the Time and Frequency of Sessions and Providing Termination Dates."

On the motion of Senator Manning roll call was tabled. Motion prevailed, voice vote.

On motion of Senator Manning **SB 264** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 264**—"An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Time and Frequency of Sessions and Providing Termination Dates."

On the motion of Senator Manning roll call tabled. Motion prevailed, voice vote.

Senator Slawik introduced **SR 46** co-sponsored by Senators McCullough and Steele entitled "Relating to Senior Citizens Month."

Senator Slawik moved that **SR 46** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele—17.

NOT VOTING—Mr. McCullough—1.

ABSENT—Mr. Hart—1.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Slawik introduced **SB 282** which was given its first reading by title only:

**SB 282**—"An Act to Amend Section 1303(b), Chapter 13, Title 19, Delaware Code, by Extending the Right to Organize to Public School Teachers." Assigned to committee on Labor.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred, **HB 44** with **HA 1**; reported the same back to the Senate, 2 favorable, 4 on merits.

Senator Conner moved to consider **HB 135** with **HA 1** and **2**. Motion prevailed.

Senator Conner asked for the privilege of the floor for Dr. Madden to

explain **HB 135** with **HA 1** and **2**. Hearing no objection the privilege was granted.

On motion of Senator Conner **HB 135** with **HA 1** and **2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 135** with **HA 1** and **2**—"An Act to Amend Title 14, Delaware Code, by Making Certain Corrections to Provide for the Education Advancement Act."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Robbins, Schlör, Steele—15.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Cicione, (Mrs.) Manning, Slawik—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Conner moved to consider **HB 146**. Motion prevailed.

Senator Conner asked for the privilege of the floor for Dr. Madden to explain **HB 146**. Hearing no objection the privilege was granted.

On motion of Senator Conner **HB 146** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 146**—"An Act to Amend the Educational Advancement Act Relating to Matching Funds."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

NOT VOTING—Mr. Isaacs—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Isaacs requested that **SB 160** be stricken from the calendar. Motion prevailed voice vote.

Senator Isaacs requested that **SJR 5** be stricken from the calendar. Motion prevailed voice vote.

On motion of Senator Isaacs **SB 239** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 239**—"An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Equal Rights to Housing."

On the motion of Senator Isaacs the bill was deferred. Motion prevailed, voice vote.

Senator Conner moved to consider **HS 1** for **HB 62**. Motion prevailed.

Senator Conner asked for the privilege of the floor for Dr. Madden to explain **HS 1** for **HB 62**. Hearing no objection the privilege was granted.

On motion of Senator Conner **HS 1** for **HB 62** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1 for HB 62**—"An Act to Amend Section 2702(a) of Title 14, Delaware Code, by Requiring School Attendance Between the Ages of 6 and 16."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

**ABSENT**—Mr. Cicione—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Hale **SB 276** with debt statement, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 276**—"An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures and to Issue Bonds and Notes Therefore and Appropriating the Monies to the State Board of Education."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

**ABSENT**—Mr. Holloway—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator duPont **SB 269** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 269**—"An Act to Amend Chapter 1, Title 26, Delaware Code, Pertaining to the Composition, Appointment, Term, Qualifications, Vacancies, Quorum, and Chairman of the Public Service Commission."

Senator Slawik moved that action of **SB 269** be deferred.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cook, Elliott, Foltz, McCullough, Robbins, Schlör, Slawik—7.

**NAYS**—Messrs. (Mrs.) Conner, duPont, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—9.

**NOT VOTING**—Messrs. Castle, Cicione, Holloway—3.

So the question was decided in the affirmative and the motion was lost.

On motion of Senator duPont **SB 269** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, (Mrs.) Conner, duPont, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—10.

**NAYS**—Messrs. Cook, Foltz, McCullough, Robbins, Schlör, Slawik—6.



NOT VOTING—Messrs. Castle, Elliott, Holloway—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator duPont moved that the Senate go into Executive Session at 4:50 P.M.

The Senate returned to regular session at 5:40 P.M.

On motion of Senator Manning the roll call on **SB 8** was lifted. Motion prevailed, voice vote.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik—14.

NAYS—Messrs. Cicione, Elliott, Hale, Isaacs, Steele—5.

NOT VOTING—None

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Manning roll call on **SB 264** was lifted. Motion prevailed, voice vote.

On the question "Shall the Bill Pass the Senate? the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—14.

NAYS—Messrs. Cicione, Elliott,—2.

NOT VOTING—Mr. Schlör—1.

ABSENT—Messrs. Cook, Hart—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Cicione introduced **SS 1** for **SB 263** co-sponsored by Senators Slawik and Hickman.

Senator Cicione moved that **SS 1** for **SB 263** be adopted. Motion prevailed by voice vote.

Senator Isaacs moved that the Senate adjourn until 1:30 P.M. on May 21, 1969.

On the question "Shall the Senate Adjourn?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Grier, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör—12.

NAYS—Messrs. Cicione, Elliott, Foltz, Hale, Holloway, Slawik, Steele—7.

NOT VOTING—None

So the question was decided in the affirmative and the Senate adjourned until May 21, 1969 at 1:30 P.M.

### 33rd LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:55 P.M. on May 21, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. D.O. Clendaniel.

Flag Salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

Members Absent—None

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate that is has passed **HB 127** with **HA 1**, **HS 2** for **HB 131** with **HA 1**, **206**, **229 SB 149**, **SS 1** for **SB 109**, and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate it has passed **HB 169** with **HA 1**, **222** with **HA 1**, **HA 2**, **222** with **HA 1**, **225** with **HA 1** and **3**, **226,227,241**; **SB 147**, and is returning same to the Senate.

Senator Cicione moved that action on **SS 1** for **SB 263** be deferred. Motion prevailed by voice vote.

Senator Steele introduced **SCR 11** entitled:

**SCR 11**—"Relating to Sex Education in the Public Schools."

Senator Cicione introduced **SA 1** to **SCR 11**.

Senator Cicione moved that **SA 1** to **SCR 11** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Slawik, Steele—15.

**NAYS**—None

**NOT VOTING**—Messrs. McCullough, Robbins, Schlör—3.

**ABSENT**—Mrs. Manning—1.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

Senator Steele moved that **SCR 11** with **SA 1** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

**NAYS**—None

**NOT VOTING**—None

**ABSENT**—None

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted and sent to the House for concurrence.

Senator Holloway introduced **SCR 12** entitled:

**SCR 12**—"Relating to the Duties of Legislative Council."

Senator duPont moved to refer **SCR 12** to Senate Administration Committee.

Senator Holloway moved to set aside motion of Senator duPont.

Senator duPont moved to have his motion withdrawn. Motion prevailed.

Senator Holloway moved that his motion be withdrawn. Motion

prevailed.

On motion of Senator Holloway **SCR 12** was deferred. Motion prevailed, voice vote.

Senator Hart introduced **SB 283** which was given its first reading by title only:

**SB 283**—"An Act to Amend Chapter 69, Title 29, Delaware Code, to Effect Certain Changes in the Bidding Laws Applicable to State Agencies and the Project Cost Level at Which Such Laws Are Effective." Assigned to committee on Revised Statutes.

Senator Hart introduced **SB 284** which was given its first reading by title only:

**SB 284**—"An Act Making a Supplementary Appropriation to the State Board of Education." Assigned to committee on Finance.

Senator Holloway introduced **SB 285** which was given its first reading by title only:

**SB 285**—"An Act to Amend Subchapter XXIX, Chapter 3, Title 11, Delaware Code, Relating to Perjury, by Adding a New Section to Require Disclosure of Bad Credit Rating and Providing Penalty for Nondisclosure." Assigned to committee on Judiciary.

Senator Castle on behalf of the committee on Revised Statutes, to whom had been referred **HB 170**; reported the same back to the Senate, 6 on merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HS 1** for **HB 149**; reported the same back to the Senate, 6 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 100**; reported the same back to the Senate, 6 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SB 281**; reported the same back to the Senate, 3 favorable, 2 on merits.

On motion of Senator Cook **SB 220** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 220**—"An Act to Amend Chapter 29, Title 7, Delaware Code, Relating to the State Forestry Department by Providing for the Power of Arrest and Providing for Criminal Penalties for Violating State Forest Public Use Rules Adopted by the State Forestry Commission."

On the motion of Senator Cook the bill was deferred. Motion prevailed, voice vote.

Senator Grier introduced **SB 286** which was given its first reading by title only:

**SB 286**—"An Act to Amend Section 6521, Title 11, Delaware Code, Relating to the Qualifications and Job Titles of Personnel in the Division of Field Services of the Department of Correction." Assigned to committee on Judiciary.

Senator Hickman introduced **SA 2** to **SB 259** co-sponsored by Senator Isaacs.

Senator Hickman moved that **SA 2** to **SB 259** be placed with bill. Motion prevailed by voice vote.

Senator Elliott introduced **SB 287** which was given its first reading by title only:

**SB 287**—"An Act to Amend Section 513, Title 7, Delaware Code,

Relating to Certain Persons Authorized to Sell Certain Licenses." Assigned to committee on Agriculture and Natural Resources.

Lt. Gov. Bookhammer recognized Senator Curtis W. Steen.

Senator Elliott introduced **SB 288** co-sponsored by Senators Hickman, Foltz, Cook, Robbins, Cicione, Isaacs which was given its first reading by title only:

**SB 288**—"An Act to Amend Section 9525, Title 10, Delaware Code, Pertaining to the Prosecution of Civil Actions in Justice of the Peace Courts." Assigned to committee on Judiciary.

Senator Elliott introduced **SB 289** which was given its first reading by title only:

**SB 289**—"An Act to Amend Chapter 1, Title 22, Delaware Code, Relating to Municipalities." Assigned to committee on Government Operations.

Senator Isaacs moved for consideration of **SB 239**. Motion prevailed.

Senator Isaacs introduced **SA 1** to **SB 239**.

Senator Isaacs moved that **SA 1** to **SB 239** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Steele—14.

NAYS—Mr. Holloway—1.

NOT VOTING—Mr. Schlor—1.

ABSNET—Messrs. Cicione, Slawik—2.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

Senator Isaacs moved that action on **SB 239** be deferred. Motion prevailed by voice vote.

The following communication presented by Senator duPont was read:

May 13, 1969

Hon. Reynolds duPont  
Senate Prseident Pro Tem  
Greenville, Delaware 19807

Dear Senator duPont:

On Sunday, May 25, at 3 P.M., the All Faith Chapel at the Hospital for the Mentally Retarded, at Stockley, will be dedicated.

This chapel has been built and furnished entirely by public subscription. The campaign slogan was "A place where each may, in his own way, Pray."

In behalf of the Dedication Committee, we wish to extend to you and all the other members of the State Senate, a most cordial invitation to attend the Dedication ceremonies. This Dedication coincides with Parents Day at the Hospital for the Mentally Retarded.

Cordially,  
MRS. J. ALLEN FREAR, JR.  
Dedication Chairman

On motion of Senator Hale **SB 235** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 235**—"An Act to Amend Chapter 9, Title 7, Delaware Code, Permitting the Use of Spearguns and Spears for Fishing in the Delaware River and Bay."

On motion of Senator Hale the bill was deferred. Motion prevailed by voice vote.

Senator Hart on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 240**; reported the same back to the Senate, 5 favorable, 1 on merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 277**; reported the same back to the Senate, 5 favorable, 1 on merits.

The Chair presented the following which were given first reading and referred to committee as follows:

**HB 227**—"An Act to Amend Title 11, Section 4332, Relating to Parole of Prisoners." Assigned to committee on Judiciary.

**HB 241**—"An Act Making a Supplementary Appropriation to Social Security Contribution Fund of the State of Delaware Agency Number 530)."

Senator Steele moved that Rule 9 be suspended for the purpose of considering **HB 241**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—16.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. (Mrs.) Conner, Hickman, Slawik—3.

On motion of Senator Steele **HB 241** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 241**—"An Act Making a Supplementary Appropriation to Social Security Contribution Fund of the State of Delaware (Agency Number 530)."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—15.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Hart, Hickman, Isaacs, Slawik—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

The Chair presented the following which were given first reading and referred to committee as follows:

**HB 226**—"An Act to Amend Subchapter VII, Title 31, Delaware Code, Placing Limitations of Child Day Care Center Benefits for Children

of Unemployed Parents or Guardians." Assigned to committee on Health and Welfare.

**HB 225** with **HA 1** and **3**—"An Act to Amend Section 5004, Title 15, Delaware Code, Relating to the Use of Voting Machines." Assigned to committee on Elections.

**HB 222**—"An Act to Amend Section 395, Title 11, Delaware Code, Relating to Burglary." Assigned to committee on Judiciary.

**HB 221** with **HA 1** and **3**—"An Act to Amend Section 394, Title 11, Delaware Code, Relating to Burglary." Assigned to committee on Judiciary.

**HB 127** with **HA 1**—"An Act to Amend Title 10, Delaware Code, Entitled 'Courts and Judicial Procedure' in Respect to the Salary of Chief Deputy Prothonotaries and Registers in Chancery and Clerks of the Orphans Court." Assigned to committee on Judiciary.

**HB 131** with **HA 1**—"An Act to Amend Section 375, Subchapter V, Chapter 3, Title 30, Delaware Code, Requiring the Furnishing of Surety Bonds for Payment of Taxes by Nonresident Persons or Firms Doing Business in Delaware." Assigned to committee on Finance.

**HB 169** with **HA 1**—"An Act to Amend Title 11, Delaware Code, by Providing a New Subchapter Relating to a Uniform Agreement Concerning Detainers." Assigned to committee on Judiciary.

**HB 206**—"An Act Relating to a Pension for James E. Cheffins Former New Castle County and State of Delaware Employee." Assigned to committee on Finance.

**HB 229**—"An Act to Amend Section 2303, Title 31, Delaware Code, Relating to Residency Requirements for Eligibility of the Needy Blind For Assistance." Assigned to committee on Health and Welfare.

On motion of Senator Steele **HB 198** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 198**—"An Act Authorizing the Board of Education of the Claymont Special School District to Expend Bond Proceeds for the Construction of an Elementary School."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—17.

**NAYS**—None

**NOT VOTING**—None

**ABSENT**—Messrs. Cook, Elliott—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Cicione **SB 209** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 209**—"An Act to Amend Chapter 87, Title 3, Delaware Code, Relating to Definitions as Used in the Meat and Poultry Products Inspection Act."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

NAYS—None

NOT VOTING—None

ABSENT—Mr. Elliott—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Manning moved that Rule 9 be suspended for the purpose of considering **SB 290**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

NAYS—None

NOT VOTING—None

ABSENT—Mr. Holloway—1.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Manning **SB 290** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 290**—"An Act to Amend Chapter 441, Volume 56, Laws of Delaware, Relating to the Constitutional Revision Commission."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

NAYS—None

NOT VOTING—None

ABSENT—Mr. Holloway—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Manning **SB 192** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 192**—"An Act to Amend Chapter 33, Title 24, Delaware Code, Relating to the Practice of Veterinary Medicine."

On the motion of Senator Manning the bill was laid on the table. Motion prevailed, voice vote.

Senator Holloway introduced **SB 291** which was given its first reading by title only:

**SB 291**—"An Act to Amend Chapter 3, Subchapter II, Title 13, Delaware Code, Relating to Husband and Wife; the Husbands Responsibilities and Obligations with Respect to Debts Incurred by His Wife Excepting Necessities of Life." Assigned to committee on Revised Statutes.

On motion of Senator Hale **SB 235** with title as follows was taken up

for consideration and read a second time by title in order to pass the Senate:

**SB 235**—"An Act to Amend Chapter 9, Title 7, Delaware Code, Permitting the Use of Spearguns and Spears for Fishing in the Delaware River and Bay."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Steele—15.

**NAYS**—Messrs. Cook, Robbins, Slawik—3.

**NOT VOTING**—Mr. Schlör—1.

**ABSENT**—None

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Conner, on behalf of the committee on Education, to whom had been referred **SS 1** for **SB 167**; reported the same back to the Senate, 2 favorable, 4 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 288** reported the same back to the Senate, 3 favorable, 2 on merits.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **HB 183** for **HA 1**; reported the same back to the Senate, 1 favorable, 3 on merits.

On motion of Senator Isaacs **SB 239** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 239** with **SA 1**—"An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Equal Rights to Housing."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, McCullough, Robbins, Steele—14.

**NAYS**—Messrs. (Mrs.) Conner, Holloway, (Mrs.) Manning, Schlör, Slawik—5.

**NOT VOTING**—None

**ABSENT**—None

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Cook introduced **SB 292** co-sponsored by Senators Foltz and Schlör which was given its first reading by title only:

**SB 292**—"An Act to Amend Subsection 2823(b), Subchapter II, Chapter 28, Title 31, Delaware Code, Relating to Disqualifications for Admission to the Delaware Home and Hospital for the Chronically Ill, by Deleting the Last Sentence Thereof Requiring Dismissal of Inmates Who Marry." Assigned to committee on Health and Welfare.

Senator Cook moved that rule 9 be suspended for the purpose of considering **SB 292**.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:



YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—17.

NAYS—Mr. duPont—1.

NOT VOTING—Mr. Hickman—1.

ABSENT—None

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Cook **SB 292** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 292**—“An Act to Amend Subsection 2823(b), Subchapter II, Chapter 28, Title 31, Delaware Code, Relating to Disqualifications for Admission to the Delaware Home and Hospital for the Chronically Ill, by Deleting the Last Sentence Thereof Requiring Dismissal of Inmates Who Marry.”

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

NAYS—None

NOT VOTING—None

ABSENT—None

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Grier moved that the Senate adjourn until May 22, 1969 at 1:30 P.M. Motion prevailed, voice vote.

### 34th LEGISLATIVE DAY

The Senate met Pursuant to adjournment at 2:10 P.M. on Thursday, May 22, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain, Rev. Donald O. Clendaniel.

Flag Salute.

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

The Secretary proceeded to read the Journal of the previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Senator Cicione, on behalf of the committee on Labor and Industrial Relations, to whom had been referred **SB 16**, reported the same back to the Senate; 2 favorable, 1 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **SB 271**, reported the same back to the Senate; 6 on Merits.

Senator Robbins introduced **SB 293**, entitled, “An Act Relating to a Pension For Homer Wright, a Former Employee of the Magnolia School District,” assigned to committee on Miscellaneous.

On motion of Senator Steele, **HB 159**, with title as follows was taken

up for consideration and read a second time by title in order to pass the Senate.

**HB 159**—"An act making a supplemental appropriation to the Delaware National Guard."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Issacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—(Mrs.) Conner, Mr. Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Steele, **HB 210**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 210**—"An Act Making a Supplementary Appropriation to the State Tax Department For the Purposes of the Department of Housing, Transportation, and the Governor's Office."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Elliott, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—15.

NAYS—Messrs. Foltz, Isaacs—2.

ABSENT—(Mrs.) Conner, Mr. Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Elliott **HB 17**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 17**—"An Act to Amend Section 1701 (a) and (c), Title 7, Delaware Code, Relating to Dog License and Kennel License Fees."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Hale, Hart, (Mrs.) Manning, Steele—8.

NAYS—Messrs. Elliott, Foltz, Grier, Hickman, Isaacs, McCullough, Robbins—7.

NOT VOTING—Mr. Slawik—1.

ABSENT—Messrs. Holloway, Schlor, (Mrs.) Conner—3.

So the question was decided in the negative and the bill was lost and was ordered to the House.

On motion of Senator Cicione **HB 183**, with **HA 1**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 183**, with **HA 1**—"An Act Making a Supplementary Appropriation to the Custodian of the State House and Administration Buildings for the Purpose of Providing Funds to Staff and Maintain the Building and Grounds of the New State Highway Department Administration Building for the Balance of the Fiscal Year Ending June

30, 1969.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—15.

NAYS—Messrs. Castle, Foltz—2.

ABSENT—Mr. Schlor—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Elliott introduced **SA 1 to SB 275**.

Senator Elliott moved that **SA 1 to SB 275** be placed with bill. Motion prevailed by voice vote.

Senator Elliott moved that **SA 1 to SB 275** be adopted.

On the question "Shall the Amendment be Adopted?"

The yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

ABSENT—Messrs. Foltz, Schlor, (Mrs.) Conner—3.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

On motion of Senator Elliott **SB 275** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 275** with **SA 1**—"An Act to Amend Chapter 15, Title 3, Delaware Code by regulating the Labeling Sale, Offering, Exposing or Transporting for Sale of Agricultural, Vegetable, Flower and Trees and Shrub Seeds; to Prevent Misrepresentation thereof; and for Other purposes.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—(Mrs.) Conner, Mr. Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Isaacs introduced **SB 294**, which was given its first reading by title only, entitled "An Act to Amend Section 15, Chapter 429, Volume 25, Laws of Delaware, Relating to Money Borrowed by the State for Capital Improvements and to the Issuance of Bonds and Notes therefore and Appropriating \$42,639,99.00 to Various State Agencies, by Extending the Date for Expenditure of the Moneys Appropriated to July 1, 1970," which was given its first reading by title only and assigned to committee on Finance.

Senator Castle introduced **SA 1 to SB 192**.

Senator Castle moved that **SA 1** be placed with the bill. Motion prevailed without objection.

Senator Castle, on behalf of the committee on Revised Statutes to whom had been referred **SB 144** with **SA 1**, reported the same back to the

Senate; 2 Favorable, 2 on Merits.

On motion of Senator Slawik, **SB 240**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 240**—"An Act to Authorize the State Highway Department to Erect a Pedestrian Overpass over U S Route 13 in Wilmington Manor, New Castle County, Delaware.

On the Motion of Senator Slawik the bill was deferred. Motion prevailed by voice and voted.

On motion of Senator Hart, **HB 106** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 106**—"An Act to Amend Title 8, Delaware Code, Relating to Corporations by Adding a New Chapter to be Known as "Chapter 6" to Permit the Formation of Professional Service Corporations and to Set Forth the Law Relating Thereto."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS-Messrs. Castle, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Steele-14.

ABSENT-Messrs. Cicione, (Mrs.) Conner, Isaacs. Schlör. Slawik-5

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Robbins introduced **SB 293**, entitled "An Act Relating to a Pension for Homer Wright, a Former Employee of the Magnolia School District," which was given its first reading by title only and assigned to committee on Miscellaneous.

On motion of Senator Steele **HB 100** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 100** with **HA 1**—"An Act Making a Supplementary Appropriation to the State Highway Department for the Installation of Sidewalks."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS-Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele-15.

NOT VOTING-Messrs. Castle, Holloway-2.

ABSENT-Messrs. McCullough, Schlör-2.

So the question was decided in the affirmative and the Bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Grier moved the Senate recess until May 27, 1969 at 1:30 P.M. Motion prevailed, voice vote.

Senator Grier moved that the Senate adjourn until May 27, 1969 at 1:50 P.M. Motion prevailed voice vote.

### 35th LEGISLATIVE DAY

The Senate Met pursuant to adjournment at 1:50 P.M. on May 27, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. D. O. Clendaniel  
Flag Salute

By roll call the following Senators were present:

PRESENT-Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele-18.

ABSENT- Mr. Slawik-1.

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communication or memorials were read:

The Chair announced that the House wishes to inform the Senate it has passed **SB 292**, and is returning same to the Senate.

The Chair announced that the House wished to inform the Senate that it has passed **HB 252** and requests and the concurrence of the Senate.

Senator Hart invited the Governor, the Lt. Governor and the Senate to attend the opening of his "Mr. Donut" shop, 330 Red Mill Road, Ogletown, Delaware, on June 16, 1969, from 1:30 to 2:30 P.M.

Senator Hale introduced **SB 295**, co-sponsored by Senator Cook, entitled "An Act to Amend Title 14, Delaware Code, by Giving to the State Board of Education Authority for Entering into Interstate Agreements on Qualification of Educational Personnel and for Related Purposes," which was given its first reading by title only and assigned to committee on Education.

The Chair presented the following which was given first reading and referred to committee as follows:

**HB 252**—"An Act to Amend Title 8 of the Delaware Code Relating to Corporations by Revising the Schedule of Fees and Franchise Taxes Paid to the Secretary of State." Assigned to committee on Finance.

Senator duPont introduced **SB 296** co-sponsored by Senator Cook entitled:

**SB 296**—"An Act to Amend title 28, Section 366 (a), Relating to Horse Racing."

Senator duPont moved that rule 9 be suspended for the purpose of considering **SB 296**. On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—18.

ABSENT—Mr. Slawik—1

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

Lt. Governor Bookhammer recognized the 4th grade class from Colwyck Elementary School.

On motion of Senator duPont, **SB 296** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 296**—"An Act to Amend title 28, Section 366 (a), Relating to Horse Racing."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—17.

**ABSENT—Mr. Slawik—1.**

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Elliott asked for the privilege of the floor for Mr. Edward W. Hagemeyer, Vice President of the Farmers Bank of the State of Delaware, to explain **SB 277**. Hearing no objection the privilege was granted.

On motion of Senator Elliott, **SB 277**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 277**—"An Act to Amend Section 4401, Chapter 44, Title 21 of the Delaware Code, relating to the abandoned vehicles by, including disabled vehicles."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Steele—15.

**NOT VOTING—Mr. McCullough—1.**

**ABSENT**—Messrs. Cicione, Schlor, Slawik—3

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 49** reported the same back to the Senate; 3 Favorable, 2 on Merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **HB 85** reported the same back to the Senate; 4 Favorable, 2 on Merits.

Senator Isaacs, on behalf of the committee on Fish, Oyster and Game to whom had been referred **SB 278**; reported the same back to the Senate; 2 Favorable, 2 on Merits.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **SB 266**; reported the same back to the Senate; 1 Favorable, 3 on Merits.

On motion of Senator Holloway, **SB 271**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 271**—"An Act making a Supplemental Appropriation to Delaware State College."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—17.

**ABSENT**—Messrs. Cicione, Slawik—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Manning introduced **SB 297** co-sponsored by Senators Holloway, Cook, and Isaacs entitled "An Act to Amend Title 15, Delaware Code, Relating to Primary Elections and Candidates by Parties," which

was given its first reading by title only and assigned to committee on Elections.

Senator Hart, introduced **SJR 7** co-sponsored by Senators Slawik and Isaacs, which was given its first reading by title only, entitled:

**SJR 7**—"Requesting the Governor, President Pro-Tempore of the Senate and the Speaker of the House of Representatives each to appoint certain members to a committee to hold hearings and conduct an investigation into the problems of the aging and report to the Governor's task force and the General Assembly its findings and recommendations." Assigned to committee on Health and Welfare.

Senator Hart requested that **SJR 3** be stricken from the calendar. Motion prevailed, voice vote.

Senator Hart on behalf of the committee on Commerce and Corporations to whom had been referred **HB 164** with **HA 2, 4** reported the same back to the Senate, 1 favorable, 3 on merits.

Senator Isaacs requested the **SB 294** be stricken from the calendar. Motion prevailed, voice vote.

On motion of Senator Castle, **HB 44** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 44** with **HA 1**—"An Act to Amend Section 4179 A, Chapter 41, Title 21, Delaware Code, Relating to the Payment of court Costs and a Requirement of a Receipt."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—18.

ABSENT—Mr. Slawik—1.

So the question was decided in the affirmative and the bill having required the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Castle, **HS 1** for **HB 149** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HS 1** for **HB 149** with **HA 1**—"An Act to Amend Title 13, Delaware Code, Relating to Persons Who May Solemnize Marriages."

On the motion of Senator Castle, the bill was deferred. Motion prevailed, voice vote.

Lt. Governor Bookhammer recognized Mr. Elliott, father of Senator Elliott.

On motion of Senator Conner, **HB 194** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 194**—"An Act to Permit the Board of School Trustees of Marshallton School District No. 77 to Transfer Certain Funds From its Local Debt Service Account to its Minor Capital Improvements Program."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—18.

**ABSENT—Mr. Slawik—1.**

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Foltz on behalf of the committee on Judiciary to whom had been referred **HB 161**; reported the same back to the Senate, 3 favorable, 3 on merits.

Senator Cicione on behalf of the committee on Labor and Industrial Relations to whom had been referred **HB 167**; reported the same back to the Senate, 1 Favorable, 3 on Merits.

Senator Holloway introduced **SB 298** co-sponsored by Senators Schlor and Castle which was given its first reading by title only, entitled:

**SB 298**—"An Act to Amend Chapter 92, Volume 23, Laws of Delaware, as Amended, Being an Act Entitled: An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington." Assigned to committee on Education.

On the indicated date the Governor approved the following legislation:

**HB 99**—May 19, 1969—Adding the phrase "or other building" to the definition of the crime of arson in the second degree.

**HB 151**—May 19, 1969—Providing for recordation by the Kent County Recorder of Deeds with photocopying methods.

**HB 38**—May 20, 1969—creating more stringent penalties for assault on a law enforcement officer if serious bodily harm occurs.

**HB 48**—May 20, 1969—authorizing the Department of Justice to recodify the Court Rules Volume of the Delaware Code.

**HB 63**—as amended by **HA 2**—May 20, 1969—Adding hawks and several other birds to those wild birds, the killing of which is prohibited.

**HS 1** for **HB 126** as amended by **HA 1**—May 20, 1969—allowing Conrad School District to transfer funds from its local debt service account to its minor capital improvement account.

**HB 203**—May 20, 1969—Permitting Milton School District to transfer funds from its local debt service account to its local fund No. 80.

**SB 137**—May 20, 1969—Providing protection for bald eagles.

**HB 53** as amended by **HA 1**—May 22, 1969—allowing for return of a motor vehicle license suspended for failure to pay judgment after ten years under certain conditions.

**HB 107** as amended by **HA 1**—May 22, 1969—establishing an advisory board to the State Board of Education.

**HB 185**—May 22, 1969—adding the SPCA to the State communications network run by the Highway Department.

**HB 213**—May 22, 1969—raising interest ceiling on local school bonds from 5% to 6% (and on bond anticipation notes from 4% to 5%).

**HB 217**—May 22, 1969—raising legal interest rate on educational small loans from 6% to 7%.

**SB 128** as amended by **HA 1** and **SA 2**—May 22, 1969—providing \$5 fee for return of suspended or revoked motor vehicle license.

Senate Substitute 1 for **SB 154**—May 22, 1969—amending certain rules with respect to weighing and grading leguminous vegetables.

**SB 166** as amended by **SA 1**—May 22, 1969—providing penalties for harrassing migratory birds.

**SB 174**—May 22, 1969—raiding non-resident hunting and trapping



license fee.

**SB 188**—May 22, 1969—creating a farmer's exception to the prohibition against dogs running at large.

Senator Conner on behalf of the committee on Education to whom had been referred **SB 280**; reported the same back to the Senate, 4 favorable, 2 on merits.

Senator Conner on behalf of the committee on Education to whom had been referred **SB 295**; reported the same back to the Senate, 2 favorable, 4 on merits.

Senator Steele on behalf of the committee on Finance to whom had been referred **HB 206**, reported the same back to the Senate; 6 on Merits.

Senator Manning made a motion that **SB 192** be lifted from the table. Motion prevailed, voice vote.

Senator Castle introduced **SA 1** to **SB 192**.

Senator Castle moved that **SA 1** to **SB 192** be adopted.

On question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—17.

**ABSENT**—Messrs. Holloway, Slawik—2

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

Senator Elliott introduced **SA 2** to **SB 192** with **SA 1** co-sponsored by Senator Isaacs.

Senator Elliott moved that **SA 2** to **SB 192** with **SA 1** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—17.

**ABSENT**—Messrs. Holloway, Schlor, Slawik—3.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

On motion of Senator Manning, **SB 192** with **SA 1-2** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—17.

**ABSENT**—Messrs. Holloway, Slawik—2

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Cicione on behalf of the committee on Government Operations to whom had been referred **HB 154**; reported the same back to the Senate, 1 favorable, 2 on merits.

Senator Hale, requested that **SB 259** be stricken from the calendar. Motion prevailed, voice vote.

Senator Conner, requested that **SCR 9** be stricken from the calendar. Motion prevailed, voice vote.

Senator Isaacs, requested that **SB 66** be stricken from the calendar. Motion prevailed, voice vote.

Senator Cicone, introduced **SB 299** co-sponsored by Senator Isaacs, which was given its first reading by title only, entitled:

**SB 299**—"An Act to Amend Title 14, Chapter 84, Delaware Code, Providing for Disqualification and Dismissal of Professors and Teachers for Misconduct." Assigned to committee on Education.

Senator Cicone introduced **SB 300** co-sponsored by Senator Isaacs, which was given its first reading by title only, entitled:

**SB 300**—"An Act to Amend Title 14, Chapter 14, Subchapter III, Delaware Code, Relating to Procedures for Termination of Services of Professional Employees, by Providing for Disqualification and Dismissal of Professors and Teachers for Misconduct." Assigned to committee on Education.

Senator Elliott moved for consideration of **SB 288**. Motion prevailed.

Senator Elliott introduced **SA 1 to SB 288**.

Senator Elliott moved that **SA 1 to SB 288** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—18.

ABSENT—Mr. Slawik—1.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

On motion of Senator Elliott, **SB 288** with **SA 1** follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 288** with **SA 1**—"An Act to Amend Section 9525, Title 10, Delaware Code, Pertaining to the Prosecution of Civil Actions in Justice of the Peace Courts."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—17.

ABSENT—Messrs. Grier, Slawik—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and the ordered to the House for concurrence.

On motion of Senator Steele, **SB 281** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 281**—"An Act to Amend Chapter 429, Volume 55, Laws of Delaware, entitled "An Act authorizing the State of Delaware to borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes therefor and Appropriating \$42,639,992.00 to Various Agencies of the State."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning,

McCullough, Robbins, Schlör, Steele—17.

ABSENT—Messrs. Cicione, Slawik—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Grier, moved that the Senate adjourn until May 28, 1969, at 1:30 P.M. Hearing no objection, motion prevailed.

### 36th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:40 P.M. on Wednesday, May 28, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. R. W. Coleman.

Flag salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—17.

Members Absent—Messrs. Cook, Slawik—2.

The Secretary proceeded to read the Journal of the previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate it has passed **(HS 1 for HB 200 with HA 2, 7, 9) HB 201, HB 220, HB 239, HB 237**, and requests the concurrence of the Senate; and **SB 8**, and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate it has passed **SB 195, SB 196**, and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate it has passed **SB 296**, and is returning same to the Senate.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 293**, reported the same back to the Senate; 1 Favorable, 3 on Merits.

Senator Foltz introduced **SB 301**, co-sponsored by Senator Holloway, entitled "An Act to Amend Sections 2108(a) and 2112(b) of Title 5 of the Delaware Code to Permit Mutual Savings Banks to Make Loans in Excess of \$500 Under the Provisions of the Small Loans Act (Chapter 21 of Title 5, of the Delaware Code) and 5 of the Delaware Code to Subject Mutual Savings Banks to the Same General Loan Limitations as are Applicable to Other Banking Institutions," which was given its first reading by title only and assigned to committee on Banking and Insurance.

Senator Foltz introduced **SB 302**, co-sponsored by Senator Holloway, entitled "An Act to Further Amend the Certificate of Incorporation of Wilmington Savings Fund Society, as Amended, to Permit that Corporation to Accept Demand Deposits Subject to Withdrawal by Check and Without the Payment of Interest Thereon, and to Make Loans Secured by Chattels or Other Personal Security, as Well as Unsecured Loans," which was given its first reading by title only and assigned to committee on Banking and Insurance.

Lt. Gov. Bookhammer recognized a group from the Alma Moore College of Wilmington.

On motion of Senator Hickman **SB 266** with tile as follows was taken

up for consideration and read a second time by title in order to pass the Senate.

**SB 266**—"An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates by Increasing the Rates for the Pilotage of Certain Vessels and Setting a Maximum as to Certain Others and Relating to Classes of Licenses of Pilots, By Increasing the Number of Classes, Changing the Draft Limitations, and Specifying Minimum Experience Requirements."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Steele—16.

**ABSENT**—Messrs. Cook, McCullough, Slawik—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

The Chair presented the following House Bills which were given first reading and referred to committee as follows:

**HB 220**—"An Act Establishing the Maximum Rate or Rates of Interest to be Borne by Bonds and Other Interest Bearing Obligations Issued by Counties," to the committee on Government Operations.

**HB 1 for HB 200 with HA 2-7-9**—"An Act to amend Chapter 17, of Title 24, Delaware Code, relating to Licensure to Practice Medicine and Surgery, the Termination of Human Pregnancy, and Penalties for Violation of the said Chapter," to committee on Health and Welfare.

**HB 201**—"An Act to Repeal Section 301 and Section 302, Title 11, Delaware Code, Relating to Abortion," to the committee on Health and Welfare.

**HB 239**—"An Act to Amend Chapter 21, Title 14, Delaware Code, Relating to the Issuance of School Bonds," to the committee on Education.

**HB 237**—"An Act to Reincorporate the City of Lewes," to the committee on Government Operations.

On motion of Senator Isaacs **SB 278** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 278**—"An Act to Amend Section 501, Chapter 5, Title 7, Delaware Code, Relating to Licenses for Hunting, Fishing and Trapping."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Steele—14.

**NAYS**—Messrs. McCullough, Schlör—2.

**ABSENT**—Messrs. Cook, Hart, Slawik—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle **HS 1 for HB 149 with HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HS 1 for HB 149 with HA 1**—"An Act to Amend Title 13, Delaware Code, Relating to Persons Who May Solemnize Marriages."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlör—13.

**NAYS** Messrs. duPont, Isaacs, Robbing—3.

**ABSENT**—Messrs. Cook, Slawik, Steele—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Grier introduced **SJR 8**, co-sponsored by Senators Elliott, Hickman, Cicione, Foltz, Castle, Hart, Manning, Isaacs, Steele, Hale, and Conner, entitled "Urging Senator John J. Williams to Run for Re-Election to the United States Senate in 1970."

**WHEREAS**, Senator John J. Williams was first elected as a United States Senator in 1946. and

**WHEREAS**, Senator John J. Williams was subsequently re-elected to the United States Senate in 1952, 1958, and 1964; and

**WHEREAS**, Senator John J. Williams has served his Country and State in an exemplary manner as a United States Senator since 1947; and

**WHEREAS**, Senator John J. Williams has during said period become known as the Watchdog of the Senate; and

**WHEREAS**, Senator John J. Williams has achieved a position of Seniority and respect in the United State; and

**WHEREAS**, during said period of time, Senator John J. Williams has brought national and world-wide attention to the State of Delaware; and

**WHEREAS**, Senator John J. Williams has announced his intention not to run for re-election in 1970.

**NOW, THEREFORE:**

**BE IT RESOLVED** that the Senate of the 125th General Assembly, the House of Representatives concurring therein, respectfully requests His Excellency, the Governor, to try to persuade Senator John J. Williams to run for re-election to the United States Senate in 1970.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be made a part of the Journal of the Senate.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Senator J. Williams.

Senator Grier moved that rule 9 be suspended for the purpose of considering **SJR 8**.

On the question "Shall the motion pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Steele—14.

**NOT VOTING**—Messrs. McCullough, Schlör—2.

**ABSENT**—Messrs. Cicione, Cock, Slawik—3.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Grier **SJR 8** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SJR 8**—"Urging Senator John J. Williams to Run for Re-Election to the United States Senate in 1970."

On the question "Shall the Resolution Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicone, (Mrs.) Conner, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Steele—12.

**NOT VOTING**—Messrs. duPont, Holloway, McCullough, Robbins, Schlor—5.

**ABSENT**—Messrs. Cook, Slawik—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Conner **HB 108** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 108**—"An Act to Permit Millsboro School District No. 23 to Transfer Certain Funds From its Local Debt Service Account to its 1969 Minor Capital Improvement Account."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicone, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—17.

**ABSENT**—Messrs. Cook, Slawik—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Cicone introduced **SR 47**, co-sponsored by Senator Steele, entitled "Relating to the Senate Extending its Congratulations to the Delaware Recipients of Presidential Scholarships."

**WHEREAS**, Miss Linda Rink of 1428 Oak Hill Drive, Elsmere and Edward Corr Maynard of 108 Rockingham Drive, Windsor Hills, are the recipients of Presidential Scholarships; and

**WHEREAS**, it is an honor to receive a Presidential Scholarship; and

**WHEREAS**, of the 121 high school seniors selected throughout the United States two are from Delaware Schools; and

**WHEREAS**, the members of the Senate are proud to represent citizens of such distinction and deem it desirable to offer our sincere congratulations to Miss Rink and Mr. Maynard.

**NOT THEREFORE:**

**BE IT RESOLVED** by the Senate of the 125th General Assembly of the State of Delaware, that the Senate extends sincere congratulations to Miss Linda Rink of 1428 Oak Hill Drive, Elsmere and Edward Corr Maynard of 108 Rockingham Drive, Windsor Hills and their parents, Mr. and Mrs. Evald Rink and Dr. and Mrs. John T. Maynard, for the honor they have won as Presidential Scholars.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be spread upon the Journal of the Senate of the 125th General Assembly of the State of Delaware and a copy be forwarded to Miss Rink and Mr. Maynard and their parents.

On motion of Senator Cicone **HB 154** with title as follows was taken up for consideration and read a second time by title in order to pass the

Senate.

**HB 154**—"An Act Relating to Pensions for Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed, Former Sussex County Employees."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—17.

ABSENT—Messrs. Cook, Slawik—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Steele **HB 206** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 206**—"An Act Relating to a Pension for James E. Cheffins Former New Castle County and State of Delaware Employee."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—16.

ABSENT—Messrs. Cook, Hale, Slawik—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **HS 1 for HB 200 with HA 2-7-9**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **HB 201**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

On motion of Senator Foltz **HB 49** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 49**—"An Act Proposing an Amendment to Article 4, Section 2, of the Constitution of the State of Delaware Relating to Active Judicial Duty by Retired Judges."

On the motion of Senator Foltz the roll call was tabled.

Motion prevailed, voice vote.

On motion of Senator Foltz **HB 85** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 85**—"An Act to Amend Title 10, Delaware Code, Relating to Appeals by the State in Criminal Cases; When Appeals May be Taken, the Procedure to be Followed, and the Time For Taking Such Appeals."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Steele—15.

ABSENT—Messrs. Cook, Hart, (Mrs.) Manning, Slawik—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Foltz roll call on **HB 49** was lifted. Motion prevailed.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, McCullough, Robbins, Steele—13.

NAYS—Mr. Holloway—1.

NOT VOTING—Messrs. Isaacs, Schlor—2.

ABSENT—Messrs. Cook, (Mrs.) Manning, Slawik—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Cicione introduced **SB 48**, co-sponsored by Senators Grier, Hickman, Steele, Robbins, Hart, and Isaacs, entitled "Relating to Recent Action Taken by the University of Delaware Against an Organization on the Campus Thereof Known as the the Students for a Democratic Society and Commending the President for Such Action."

Senator Cicione moved that **SR 48** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hart, Hickman, Isaacs, McCullough, Robbins, Schlor, Steele—14.

ABSENT—Messrs. Hale, Holloway, (Mrs.) Manning, Slawik—5.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Grier moved that the Senate adjourn until May 29, 1969 at 1:30 P.M. Motion prevailed, voice vote.

### 37th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:50 P.M. on Thursday, May 29, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. R. W. Coleman.

Flag salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—15.

Members Absent—Messrs. Cook, Hart, Isaacs, Slawik—4.

The Secretary proceeded to read the Journal of the previous day's Session when Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate it has passed **HB 233**, and requests the concurrence of the Senate and **SB 42 SB 44 with SA 2 and 276** with debt statement, and **SCR 11 with SA 1**, and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HCR 9** and requests the concurrence of the Senate.



Senator Cicione introduced **SB 303**, co-sponsored by Senators Robbins, McCullough, Holloway, Isaacs, Elliott, Hart, Hale, Manning, and Others, entitled "An Act Making a Supplementary Appropriation to the Delaware State Development Department for Flags," which was given its first reading by title only and assigned to committee on Finance.

Lt. Gov. Bookhammer recognized the Ninth Grade Class of Indian River High School.

On motion of Senator Cicione **HB 167** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 167**—"An Act to Amend Title 19, Delaware Code, Pertaining to Employment Practices."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, (Mrs.) Manning, Robbins, Schlor, Steele—13.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Cook, Hart, Holloway, Isaacs, Slawik—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Hale **SB 295** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 295**—"An Act to Amend Title 14, Delaware Code, by Giving to the State Board of Education Authority for Entering into Interstate Agreements on Qualification of Educational Personnel and for Related Purposes."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Steele—11.

NAYS—Mr. McCullough—1.

NOT VOTING—Messrs. Robbins, Schlor—2.

ABSENT—Messrs. Cicione, Cook, Hart, Isaacs, Slawik—5.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Steele **SB 16** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 16**—"An Act to Amend Title 19, Chapter, 31, Delaware Code, Permitting the Taking of an Adverse Decision by the Employment Security Commission in a Proceeding Pursuant to Title 19, Section 3155, Delaware Code."

Senator Steele asked for the privilege of the floor for Mr. Yucht, Senate Attorney, to explain **SB 16**. Hearing No objection the Privilege was granted.

Senator Steele moved to defer **SB 16**. Motion prevailed. Voice vote.

Senator Manning introduced **SB 304**, co-sponsored by Senator Robbins, entitled "An Act to Amend Section 6521, Title 11, Delaware Code by Placing the Employees of the Division of Field Services,

Department of Corrections, Under the State Merit System of Personnel Administration," which was given its first reading by title only and assigned to committee on Judiciary.

Senator duPont introduced **HCR 9**, entitled "Relating to the Introduction of Legislation."

Senator duPont moved that **HCR 9** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Grier, Hale, (Mrs.) Manning—7.

**NAYS**—Messrs. Foltz, Hickman, Holloway, McCullough, Robbins, Schlor, Steele—7.

**NOT VOTING**—Mr. Cicione—1.

**ABSENT**—Messrs. Cook, Hart, Isaacs, Slawik—4.

So the question was decided in the negative and the resolution was lost.

The Chair presented the following House Bill which was given first reading and referred to committee as follows:

**HB 233**—"An Act to Amend Section 6102, Title 29, Delaware Code, to Authorize the State Board of Education to Charge a Rental Rate for Portable Classrooms and to Use the Proceeds for Repairs and/or to Lease Purchase Additional Portable Classrooms," to the committee on Education.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HB 122** with **HA 1**, reported the same back to the Senate; 4 on Merits.

Senator Castle on behalf of the committee on Revised Statutes, to whom had been referred **SB 229**, reported the same back to the Senate; 4 on Merits.

On motion of Senator Conner **SB 242** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 242**—"An Act to Amend Title 14, Delaware Code, by Providing for Children with Learning Disabilities."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele—15.

**ABSENT**—Messrs. Cook, Hart, Isaacs, Slawik—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Foltz **HB 161** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 161**—"An Act to Amend Section 5919, Chapter 59, Title 11, Delaware Code, Relating to the Recording of Fines Collected by Justices of the Peace for Violations of 21 Delaware Code, Section 4179 A."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, McCullough, Robbins, Steele—13.

**ABSENT**—Messrs. Cook, Hart, Isaacs, (Mrs.) Manning, Schlör, Slawik—6.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Hale introduced **SR 49**, entitled "Authorizing Payments for Services Rendered by the Staff of the Senate for the 125th General Assembly."

Senator Hale moved that **SR 49** be adopted.

On the question "Shall the Resolution be adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, McCullough, Robbins, Steele—13.

**ABSENT**—Messrs. Cook, Hart, Isaacs, (Mrs.) Manning, Schlör, Slawik—6.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **SB 272**, reported the same back to the Senate; 1 Favorable, 1 Unfavorable, 2 on Merits.

Senator Grier moved the Senate recess until June 3, 1969, 1:30 P.M. Motion prevailed, voice vote.

Senator Grier moved that the Senate adjourn until June 3, 1969 at 2:30 P.M. Motion prevailed, voice vote.

### 38th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P.M., on June 3, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. R. W. Coleman

Flag Salute

By roll call the following Senators were present:

**PRESENT**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

**ABSENT**—Messrs. Hart, Schlör—2.

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair wishes to announce to the Senate it has passed **HB 236, 246, 247** and requests the concurrence of the Senate; **SB 245, 290**, and is returning same to the Senate.

The Chair wishes to announce to the Senate it has passed **HB 209, 243, 260, with HA 1, 263, with HA 1** and requests the concurrence of the Senate; **SB 246, 269, 275 with SA 1** and is returning same to the Senate.

Senator Manning introduced **SR 50** co-sponsored by Senator Conner, entitled:

**SR 50**—"Expressing the Best Wishes of the Senate of the 125th General Assembly of the State of Delaware on the Occasion of the Graduation of Former Senator Evelyn Lord From Law School."

Senator Manning moved that **SR 50** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele—16.

**ABSENT**—Messrs. Hart, McCullough, Schlor—3.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Foltz, on behalf of the committee on Banking and Insurance to whom had been referred **SB 301**; reported the same back to the Senate, 1 favorable, 4 on merits.

Senator Foltz, on behalf of the committee on Banking and Insurance to whom had been referred **SB 302**; reported the same back to the Senate; 1 Favorable, 4 on Merits.

Senator Castle introduced **SB 305** co-sponsored by Senators Cicione, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, Manning, Steele, which was given its first reading by title only, entitled:

**SB 305**—"An Act to Amend Title 15, Delaware Code, Effecting a General Revision of the Election Laws of the State of Delaware by Amending Chapters 1, 3, 11, 13, 15, 17, 20, 21, 31, 41, 45, 47, 49, 50, 51, 55, and 71, Relating to the Departments of Election, State Election Commissioner, Voter Registration, and the Provisions Dealing with General Elections and Providing Criminal Penalties for Certain Election Offenses." Assigned to committee on Elections.

Senator Castle requested that **SB 95** be stricken from the calendar. Motion prevailed, voice vote.

Senator Slawik introduced **SB 306** co-sponsored by Senator Castle, which was given its first reading by title only, entitled:

**SB 306**—"An Act to Amend Title 15, Delaware Code, by Providing for the Conducting of Presidential Primary Elections in Presidential Election Years, to Amend Said Title 15 insofar as Inconsistent herewith, and to Repeal Title 15, Delaware Code, Section 3114." Assigned to committee on Elections.

Senator Hale introduced **SB 307** co-sponsored by Senators Slawik and Steele, which was given its first reading by title only, entitled:

**SB 307**—"An Act to Amend Delaware Code, Title 14, Relative to Tuition Charges in Order to Place Computation and Payment of Tuition in the Same Fiscal Year." Assigned to committee on Education.

Senator Manning introduced **SCR 13** co-sponsored by Senators Hale and Robbins, entitled:

**SCR 13**—"Relating to the Selection of an Official State Stone."

Senator Foltz moved that **SCR 13** be placed in committee. Motion prevailed, voice vote. Assigned to committee on Miscellaneous.

In accordance with **SA 2 to SCR 11** President Pro-tempore duPont appointed Senator Cicione and Senator Isaacs to the Joint Ad Hoc committee to investigate the subject of sex education in public schools of the State of Delaware.

Senator Conner, on behalf of the committee on Education to whom had been referred **SB 298**; reported the same back to the Senate, 2 favorable, 1 unfavorable, 2 on merits.

The Chair presented the following House Bills which were given first reading and referred to committee as follows:

**HB 209**—"An Act to increase the Amount of Death Benefits Payable by Mutual Benefit Associations," to the committee on Banking and Insurance.

**HB 243**—"An Act to Amend Section 4502, Title 21, Delaware Code, Relating to the Size of Vehicles," to the committee on Highways and Public Safety.

**HB 260 with HA 1**—"An Act to Deny a Dog or Kennel License to any Person Convicted of Cruelty to Dogs," to the committee on Fish, Oyster and Game.

**HB 263 with HA 1**—"An Act Relating to the Inspection of Dog Kennels," to the committee on Fish, Oyster and Game.

Senator Manning introduced **SA 1 to SB 297**, co-sponsored by Senator Cook.

Senator Manning moved that **SA 1 to SB 297** be placed with bill. Motion prevailed by voice vote.

Senator Isaacs introduced **SB 308**, entitled "An Act to Amend Chapter 27, Subchapter I, Section 2713, Title 21, Delaware Code, Relating to Driver's License by Providing for the Issuance Thereof Every Four Years and the Taking of a Photograph," which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator Isaacs introduced **SB 309**, entitled "An Act to Amend Chapter 27, Subchapter I, Title 21, Section 2702, Delaware Code, Relating to Driver's Licenses and the Classification Thereof," which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator Isaacs introduced **SA 1 to SB 105**.

Senator Isaacs moved that **SA 1 to SB 105** be placed with bill. Motion prevailed by voice vote.

On motion of Senator Castle **HB 122 with HA 1** follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 122 with HA 1**—"An Act Giving Minors Over the Age of 19 Years the Ability to Marry Without Consent."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele—16.

**NAYS**—Mr. McCullough—1.

**ABSENT**—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Grier moved the Senate recess for 30 minutes at 3:00 P.M. Motion prevailed.

The Senate reconvened at 3:55 P.M.

Senator Conner, on behalf of the committee on Education, to whom had been referred **SB 307**, reported the same back to the Senate; 3 Favorable, 2 on Merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HB 196**, reported the same back to the Senate; 6 on Merits.

Senator Castle, on behalf of the committee on Revised Statutes, to whom had been referred **HB 214**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

The Chair presented the following House Bills, Concurrent Resolutions, Joint Resolutions, which were given first reading and referred to Committee as follows:

**HB 236**—"An Act to Amend Section 706, Chapter 7, Title 18, Delaware Code, Relating to the Special Tax on Premiums of Insurance Companies Covering the Risk of Loss by Fire, the Collection of Said Tax, and the Distribution of Revenue Therefrom," to the committee on Banking and Insurance.

**HB 246**—"An Act to Amend Section 1183, Subchapter VI, Chapter 11, Title 30, Delaware Code, to Increase Rate of Interest on Income Tax Refunds," to the committee on Finance.

**HB 247**—"An Act to Amend Section 1904, Chapter 19, Title 30, Delaware Code, to Increase Rate of Interest on Tax Due on Corporation Income Tax Returns for Which Extension of Time for Filing is Granted," to the committee on Finance.

Senator Elliott introduced **SB 310**, entitled "An Act to Amend Sections 4053 (5) and 4066 (b) (1), Subchapter VI, Chapter 40, Title 31, Delaware Code, Relating to the Powers of the Delaware State Housing Authority by Adding Certain Language to Permit the Authority to Rent Low Cost Housing," which was given its first reading by title only and assigned to committee on Health and Welfare.

Senator Elliott introduced **SA 1 to HS 1 for HB 200 with HA 2-7-9**.

Senator Elliott moved that **SA 1 to HS 1 for HB 200 with HA 2-7-9** be placed with bill. Motion prevailed by voice vote.

Senator Elliott introduced **SA 2 to HS 1 for HB 200 with HA 2-7-9**.

Senator Elliott moved that **SA 2 to HS 1 for HB 200 with HA 2-7-9** be placed with bill. Motion prevailed by voice vote.

Senator Steele moved that **SS 1 for SB 16** be adopted.

On the question "Shall **SS 1 for SB 16** be adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

**ABSENT**—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the Senate Substitute having received the required constitutional majority was adopted.

Senator Cicione moved that the Senate Adjourn until June 4, 1969, 1:30 P.M.

On the question "Shall the Motion be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, Cook, Hickman, Isaacs, Robbins, Slawik—6.

**NAYS**—Messrs. Castle, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Holloway, (Mrs.) Manning, McCullough, Steele—10.

**NOT VOTING**—Mr. Elliott—1.

**ABSENT**—Messrs. Hart, Schlor—2.

So the question was decided in the negative and the motion was lost.

Senator Isaacs moved that **SS 1 for SB 16** be tabled.

On the question "Shall the Motion be Adopted?" the yeas and nays

were ordered which being taken were as follows:

YEAS—Messrs. Cicione, Cook, Elliott, Foltz, Hale, Holloway, Isaacs, Slawik—8.

NAYS—Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hickman, (Mrs.) Manning, McCullough, Robbins, Steele—9.

ABSENT—Messrs. Hart, Schlor—2.

So the question was decided in the negative and the motion was lost, voice vote.

On motion of Senator Steele **SS 1 for SB 16**, was taken up for consideration in order to pass the Senate.

On the motion of Senator Steele, the Roll call was tabled. Prevailed, voice vote.

Lt. Governor Bookhammer recognized the members of the Kent County Teenage Democrats.

Senator Holloway introduced **SR 51**, co-sponsored by Senator duPont, entitled "Relating to a Study of Motor Vehicle Exhaust Systems."

Senator Holloway moved that **SR 51** be adopted.

On the question "Shall the Resolution be adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Robbins, Slawik, Steele—16.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Grier moved that the Senate adjourn until June 4, 1969 at 1:30 P.M. Motion prevailed, voice vote.

### 39th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:50 P.M. on June 4, 1969. Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. R.W. Coleman.

Flag Salute

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

Members Absent—Mr. Schlor—1.

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

### OFFICE OF THE GOVERNOR

May 27, 1969

Legislative Advisory No. 15

On the indicated date the Governor approved the following legislation:

**SB 292**—May 23, 1969—"Repealing the Marriage Prohibition Against Patients of the Delaware Home and Hospital for the Chronically Ill.

**HB 76** as amended by **SA 1**—May 26, 1969—"Making Retired State Policemen Eligible for Certain State Jobs Without Loss of Pension.

**HS 1** for **HB 113** as amended by **HA 1**—May 26, 1969—"Providing a New Series of Criminal Statutes Dealing with Narcotic and Dangerous Drugs.

**HB 202** as amended by **HA 1** and **HA 2**—May 26, 1969—"Providing a New Series of Statutes Dealing with Amphetamines, Barbiturates and Other Stimulant and Depressant Drugs.

**SB 153**—May 26, 1969—"Amending Seaford Charter to Increase Salaries of Mayor and City Council.

**SB 175**—May 26, 1969—"Providing Special Trespass Penalties for Entering Upon a Certain Type of Game Preserve and Authorizing Owner Thereof to Enforce Such Provision.

**SB 217**—May 26, 1969—"Reflecting the Change From 'Legislative Reference Bureau' to 'Legislative Council' in Section Relating to Distribution of the Delaware Code.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 247**; reported the same back to the Senate, 1 favorable, 3 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 246**; reported the same back to the Senate, 1 favorable, 3 on merits.

Senator Cicione, on behalf of the committee on Government Operations, to whom had been referred **HB 237**; reported the same back to the Senate, 3 on merits.

Resolution No. 69-091 adopted by The Council of the City of Wilmington was read.

Senator Slawik introduced **SB 311** co-sponsored by Senators McCullough and Isaacs which was given its first reading by title only:

**SB 311**—"An Act Making an Appropriation to the New Castle-Gunning Bedford Reorganized School District for the Purpose of Constructing a Pedestrian Overpass Over U.S. 13 in Wilmington Manor and Acquiring the Necessary Rights-of-Way Therefor." Assigned to committee on Highways and Public Safety.

Senator Slawik requested that **SB 240** be stricken from the calendar. Motion prevailed, voice vote.

Senator Foltz introduced **SB 312** which was given its first reading by title only:

**SB 312**—"An Act to Amend Title 18, Chapter 29, Section 2933(c), Delaware Code, Relating to Insurance by Providing for the Insulation or Walling-Off of the Assets of Separate Accounts and Providing for the Minimal Valuation of Such Accounts." Assigned to committee on Banking and Insurance.

Senator Manning introduced **SB 313** co-sponsored by Senator Grier which was given its first reading by title only:

**SB 313**—"An Act to Amend Section 6521, Title 11, Delaware Code by Placing the Employees of the Division of Field Services, Department of Corrections, Under the State Merit System of Personnel Administration." Assigned to committee on Judiciary.

Senator Grier requested that **SB 286** be stricken from the calendar.



Motion prevailed, voice vote.

Senator Foltz introduced **SS 1 for SB 93** co-sponsored by Senator Holloway which was given its first reading by title only:

**SS 1 for SB 93**—"An Act Requiring All Meetings of the Governing Bodies of Municipalities, Counties, School Districts and All Other Boards, Bureaus, Commissions or Organizations Supported Wholly or in Part by Public Funds and Open to Any Citizen of the State of Delaware; and All Records of the Governing Bodies of Municipalities, Counties and School Districts and All Other Boards, Bureaus, Commissions or Organizations Supported Wholly or in Part by Public Funds or Expending Public Funds, Shall be Public and Open to Personal Inspection by Any Citizen of the State of Delaware; and Providing Penalties for Violation of This Act."

Senator Foltz moved for adoption of **SS1 for SB 93**. Motion prevailed, voice vote.

Senator Foltz introduced **SA 1 to HB 170**.

Senator Foltz moved that **SA 1 to HB 170** be placed with bill. Motion prevailed by voice vote.

Senator Hale introduced **SA 2 to SB 297** be placed with bill. Motion prevailed by voice vote.

Senator Isaacs introduced **SB 314** which was given its first reading by title only:

**SB 314**—"An Act to Amend Section 543, Title 4, Delaware Code Relating to Grounds for Refusal of Alcoholic Liquors License." Assigned to committee on Miscellaneous.

Senator Isaacs introduced **SA 4 to SB 116** co-sponsored by Senators Hickman and Elliott.

Senator Isaacs moved that **SA 4 to SB 116** be placed with bill. Motion prevailed by voice vote.

Senator Manning requested that **SB 3** be stricken from the calendar. Motion prevailed, voice vote.

On motion of Senator Foltz **SS 1 for SB 93** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1 for SB 93**—"An Act Requiring All Meetings of the Governing Bodies of Municipalities, Counties, School Districts and All Other Boards, Bureaus, Commissions or Organizations Supported Wholly or in Part by Public Funds and Open to Any Citizen of the State of Delaware and All Records of the Governing Bodies of Municipalities, Counties and School Districts and All Other Boards, Bureaus, Commissions or Organizations Supported Wholly or in Part by Public Funds, Shall be Public and Open to Personal Inspection by Any Citizen of the State of Delaware; and Providing Penalties for Violation of the Act."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, Steele—11.

NAYS—Messrs. Castle, Cook, Robbins, Slawik—4.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. (Mrs.) Conner, Hart, Schlor—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Foltz moved for consideration of **SB 301**. Motion prevailed.

Senator Foltz asked for the privilege of the floor for Mr. Fred O'Donnell of Wilmington Savings Fund Society to explain **SB 301**. Hearing no objection the privilege was granted.

Senator duPont asked for the privilege of the floor for Mr. J.M. Moran, Chairman Legislative Committee of Delaware Banking Association to explain **SB 301**. Hearing no objection the privilege was granted.

On motion of Senator Foltz **SB 301** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 301**—"An Act to Amend Sections 2108(a) and 2112(b) of Title 5 of the Delaware Code to Permit Mutual Savings Banks to Make Loans in excess of \$500 under the Provisions of the Small Loans Act (Chapter 21 of Title 5 of the Delaware Code) and to Amend Section 909(a), (a)(1), (a)(2), and (c) of Title 5 of the Delaware Code to Subject Mutual Savings Banks to the Same General Loan Limitations as Are Applicable to Other Banking Institutions."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicone, (Mrs.) Conner, Cook, Foltz, Hart, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele—10.

NAYS—Messrs. Castle, duPont, Grier, Hickman, McCullough—5.

NOT VOTING—Messrs. Elliott, Hale, Robbins—3.

ABSENT—Mr. Schlör—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Foltz **SB 302** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 302**—"An Act to Further Amend the Certificate of Incorporation of Wilmington Savings Fund Society as Amended, to Permit That Corporation to Accept Demand Deposits Subject to Withdrawal by Check and Without the Payment of Interest Thereon, and to Make Loans Secured by Chattels or Other Personal Security, As Well as Unsecured Loans."

On the motion of Senator Foltz the roll call was tabled. Motion prevailed, voice vote. Senator Steele moved for consideration of **SB 116**. Motion prevailed.

Senator Grier stated the possibility of conflict of interest if he voted on **SB 116** and requested the President of the Senate to excuse him from the Senate Chamber while vote was taken on **SB 116**.

Senator Steele introduced **SA 1 to SB 116**.

Senator Steele asked for the privilege of the floor for Vice-President Spears of Delmarva Power and Light Company to explain **SB 116**. Hearing no objection the privilege was granted.

Senator Steele moved that **SA 1 to SB 116** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Foltz, Hale, Hart, (Mrs.) Manning, McCullough, Slawik, Steele—12.

NAYS—Messrs. Elliott, Hickman, Isaacs, Robbins—4.

NOT VOTING—None

**ABSENT**—Messrs. Grier, Holloway, Schlor—3.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

Senator Steele introduced **SA 2 to SB 116**.

Senator Steele moved that **SA 2 to SB 116** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Slawik, Steele—13.

**NAYS**—Messrs. Elliott, Hickman, Isaacs, Robbins—4.

**NOT VOTING**—None

**ABSENT**—Messrs. Grier, Schlor—2.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

Senator Cook moved for 10 minute recess. No objection. Motion prevailed.

The Senate reconvened at 4:35 P.M.

Senator Foltz introduced **SA 3 to SB 116**.

Senator Foltz asked for the privilege of the floor for Mr. G. Wallace Caulk, Secretary of the State Board of Agriculture, to explain **SA 3 to SB 116**. Hearing no objection the privilege was granted.

Senator Foltz moved that **SA 3 to SB 116** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cook, Elliott, Foltz, Hickman, Isaacs, Robbins—7.

**NAYS**—Messrs. duPont, Hale, Hart, (Mrs.) Manning, McCullough, Slawik, Steele—7.

**NOT VOTING**—Mr. Cicione, (Mrs.) Conner—2.

**ABSENT**—Messrs. Grier, Holloway, Schlor—3.

So the question was decided in the negative and the amendment was lost.

Senator Isaacs introduced **SA 4 to SB 116**.

Senator Isaacs moved that **SA 4 to SB 116** be adopted.

On the motion of Senator Isaacs the roll call was tabled.

Senator Isaacs introduced **SA 5 to SB 116**.

Senator Steele asked for the privilege of the floor for Mr. Spears, Vice-President of Delmarva Power and Light Company, to explain **SA 5**. Hearing no objection the privilege was granted.

Senator Steele asked for the privilege of the floor for Mr. Griffenberg, Attorney for Delmarva Power and Light Company, to explain **SA 5 to SB 116**. Hearing no objection the privilege was granted.

Senator Isaacs asked for the privilege of the floor for Mr. Yucht, Senate Attorney, to answer questions on **SA 5 to SB 116**. Hearing no objection the privilege was granted.

Senator Isaacs moved that **SA 5 to SB 116** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Hickman, Isaacs, Robbins—3.

**NAYS**—Messrs. duPont, Hale, (Mrs.) Manning, McCullough, Steele—5.

**NOT VOTING**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, Elliott, Foltz, Hart, Slawik—8.

ABSENT—Messrs. Grier, Holloway, Schlor—3.

So the question was decided in the negative and the amendment was lost.

Senator Isaacs asked for the privilege of the floor for Mr. Willard Passmore, Secretary of the State Grange, to speak on **SB 116 with SA 1 and 2**. Hearing no objection the privilege was granted.

Senator Manning moved for roll call on **SB 116 with SA 1 and 2**.

Senator Isaacs moved that Senator Manning's motion to table the Roll Call be tabled.

On motion of Senator Isaacs to table motion of Senator Manning on roll call the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Hickman, Holloway, Isaacs, Robbins—8.

NAYS—Messrs. Cicione, duPont, Hale, Hart, (Mrs.) Manning, McCullough, Slawik, Steele—8.

NOT VOTING—Mr. Foltz—1.

ABSENT—Messrs. Grier, Schlor—2.

So the question was decided in the negative and the motion was lost.

On motion of Senator Manning for roll call on **SB 116 with SA 1 and 2** the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Slawik, Steele—12.

NAYS—Messrs. Castle, Elliott, Isaacs, Robbins—4.

NOT VOTING—Mr. Hickman—1.

ABSENT—Messrs. Grier, Schlor—2.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Steele **SB 116 with SA 1 and 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 116 with SA 1 and 2**—"An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission, By Requiring a Certificate of Public Convenience and Necessity Before an Electric Utility Corporation May Begin the Acquisition of Right-of-Way for an Electric Transmission Line, Providing for a Public Hearing with Respect Thereto, Authorizing Condemnation for the Acquisition of Such Rights-of-Way by an Electric Utility Corporation Issued a Certificate of Public Convenience and Necessity Therefor, and Providing the Procedure for the Determination of Just Compensation in Such Cases."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Slawik, Steele—12.

NAYS—Messrs. Cook, Elliott, Hickman, Isaacs, Robbins—5.

NOT VOTING—None

ABSENT—Messrs. Grier, Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Foltz, on behalf of the committee on Banking and Insurance, to whom had been referred **SB 312**; reported the same back to the Senate, 1 favorable, 3 on merits.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 313**; reported the same back to the Senate, 2 favorable, 3 on merits.

Senator duPont moved that the Senate adjourn until June 5, 1969 at 1:30 P.M. Motion prevailed, voice vote.

#### 40th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:30 P.M. on Thursday, June 5, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. R. W. Coleman.

Flag salute.

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—18.

Members Absent—Mr. Schlor—1.

The Secretary proceeded to read the Journal of the previous day's Session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

Lt. Gov. Bookhammer recognized former Secretary of State Elisha Dukes.

The Chair announced that the House wishes to inform the Senate it has passed **HB 12**, **HB 189**, **HB 238**, and requests the concurrence of the Senate; and **SB 169**, lost; **SB 173**, **HB 235**, and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate it has passed **HB 187**, and requests the concurrence of the Senate; and **SB 231**, **SB 266**, **SJR 8**, and is returning the same to the Senate.

The Chair announced that the House wishes to inform the Senate it has passed **HB 279**, **HB 280**, **HB 283**, **HB 284**, and requests the concurrence of the Senate; and **SB 209**, **SB 225**, and is returning same to the Senate.

The following communications were received from the Governor and read.

Senator duPont made a motion that the communication be made a part of the record. Motion prevailed, voice vote.

June 2, 1969

To the Senate of the 125th General  
Assembly of the State of Delaware:

In response to Senate Resolution No. 44, I requested that the Supreme Court provide me an advisory opinion on the question contained therein. The Supreme Court has now replied that the controlling statutes do not permit them to respond to my inquiry. They state that the appropriate way to get a decision on the question is through a "taxpayers' suit which would take its usual and proper course through the courts."

I forward herewith a copy of the letter from Chief Justice Wolcott analyzing the situation.

Respectfully submitted,  
RUSSELL W. PETERSON  
Governor

May 28, 1969

The Honorable Russell W. Peterson  
Governor of Delaware  
Dover, Delaware 19901  
Dear Governor Peterson:

I acknowledge your letter of May 21, 1969, addressed to me, requesting an opinion of the Justices of the Supreme court pursuant to 10 Delaware Code, Section 141.

The question posed by you has been asked pursuant to Resolution No. 44 of the Senate requesting you to seek the opinion of the Chief Justice because "The Members of the Senate desire a definitive judicial opinion as to the legality" of the practice mentioned therein.

In Senate Resolution No. 44, it is stated that an opinion is desired "as to the constitutionality of the differential for certain services in cases where a municipality is also providing said services." The practice referred to seems applicable in New Castle County by reason of 9 Delaware Code, Sections 1102, 1132, 1134, 1155, 1159, and 1160, all of which relate to "local service function".

The three members of the Court have carefully considered your request for an advisory opinion, and most respectfully must ask to be relieved from the necessity of answering. We, of course, desire to cooperate fully with the Executive and Legislative Branches of the State Government; but you and the Senators will agree, of course, that we cannot act except in accordance with the law.

Authority to the Governor to request advisory opinions is found in 10 Delaware Code, Section 141 and 29 Delaware Code, Section 2102. These statutes require that the members of the Supreme Court furnish their opinions "whenever the Governor . . . shall require it for public information, or to enable him to discharge the duties of his office with fidelity . . .". Moreover, opinions may be requested under the statutes only upon "the proper construction of any provision in the Constitution of this State or of the United States, or the constitutionality of any law enacted by the Legislature of this State."

After careful consideration, we are unanimously of the view that the request contained in your letter does not fall within the purview of Section 141 and Section 2102 for the reason that the opinion being requested is not required to enable the Governor to discharge the duties of his office. Also, the constitutionality of a "practice" is being questioned, rather than the constitutionality of an Act of the General Assembly, as prescribed by Section 141 and Section 2102. Furthermore, the question suggested by the Senate is so vague as to be almost hypothetical. We do not have before us any facts which would permit the framing of a precise issue of law to be answered. The question presented is, therefore, too hypothetical or theoretical to be answered properly under the cited statutes.

Attention is invited to "Opinion of the Justices", 8 Terry 117, 88 A. 2d 128. From that reported advisory opinion it is clear that question may be answered by the members of the Court only when the answer given has a "bearing upon a present constitutional duty awaiting performance by the executive." In our opinion, the question of the constitutionality of the practice, as presented in the Senate Resolution, does not meet the requirements of the law.

If a decision upon this practice is desirable for the administration of orderly government, it would seem more appropriate to us that the question be raised in the usual fashion; for example, by a taxpayer's suit, which would take its usual and proper course through the courts.

For the foregoing reasons, we must respectfully reply that the furnishing of an advisory opinion in accordance with your letter would be improper on our part.

Respectfully yours,  
Daniel F. Wolcott

On the indicated date the Governor approved the following legislation:

**SB 276** — May 28, 1969 — authorizing bond funds (\$192,000) for the construction of a dormitory for the Margaret S. Sterck School for the Hearing Impaired.

**SS 1 for SB 109** — May 29, 1969 — amending the town charter for Bethany Beach permitting expenditure of up to \$20,000 and grants of other powers.

**SB 147** — May 28, 1969 — relating to prior sewer districts, method of assessment for new districts and payments of sewer district bonds in Kent County.

**SB 149** — May 29, 1969 — creating an expansion of the duties and powers of the Delaware State Development Department.

**SB 238** as amended by **SA 1** — May 29, 1969 — adding all members and employees of the Legislative Council to the list of employees excluded from the merit system.

**SB 296** — May 29, 1969 — increases from 8½% to 9½% the commissions authorized by the Delaware Racing Commission.

**HS 1 for HB 62** — May 29, 1969 — reduces the minimum required age for sending children to school from 6 to 7 unless best interest of child affected and requires attendance in school district of parents unless excepted.

**HB 135** as amended by **HA 1** and **HA 2** — May 29, 1969 — deals with amending various portions of the Education Advancement Act.

**HB 146** — May 29, 1969 — liberalizes the basic criteria for obtaining Division III funds under the Educational Advancement Act and changes the date of calculation of property from September 30 to July 1.

**HB 160** — May 29, 1969 — adds interest of 3½% to pension refund received by certain state employees or their estate.

**HB 177** as amended by **HA 1** — May 29, 1969 — supplemental appropriation of \$5,000 for the Governor's Summer Fellows Program.

**HB 198** — May 29, 1969 — permits the amendment of the certificate of necessity (from 20 rooms to 14) in the Claymont School District.

**HB 241** — May 29, 1969 — provides for the supplemental appropriation of \$250,000 to the Social Security Contribution Fund for social security payments.

Senator Cook moved that the following Resolution be made part of the record.

Motion prevailed, voice vote.

RESOLUTION — Passed.

WHEREAS, the Delaware Federation of Democratic Clubs believe in

the freedom of persons and the sanctity of life, we recognize that abortion should be a matter of responsible personal decision.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware Federation of Democratic Clubs urge that legislation be enacted to provide;

(1) That the termination of pregnancy prior to the end of the 12th week (first trimester), be at the request of the individual concerned and be regarded as an elective medical procedure governed by the laws regulating medical practice.

(2) After that period the termination of a pregnancy shall be performed only by a duly licensed physician at the request of the individual concerned, in a regularly licensed hospital, for one of the following reasons as suggested by the Model Penal Code of the American Law Institute:

(a) When documented evidence exists that this is a danger to the physical or mental health of the woman;

(b) When there is documented evidence that the conceptus has a physical or mental defect;

(c) When there is documented evidence that the pregnancy was result of rape, incest, or other felonious acts."

Lt. Governor Bookhammer recognized an exchange student from Germany, Hans Johnson.

Senator Cicione, on behalf of the committee on Labor and industrial Relations, to whom had been referred **SB 82**, reported the same back to the Senate; 4 on Merits.

Senator Manning introduced **SS 1 for SB 297**, entitled "An Act to Amend Title 15, Delaware Code, Relating to Primary Elections and Nominations of Candidates by Parties."

Senator Manning moved that **SS 1 for SB 297** be adopted in lieu of original. Motion prevailed by voice vote, assigned to committee on Elections.

Senator Hale introduced **SR 52**, entitled "Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly."

Senator Hale moved that **SR 52** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

ABSENT—Messrs. Cook, Isaacs, Schlor—3.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

Senator Manning introduced **SCR 14**, co-sponsored by Senator Robbins, entitled "Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly."

Senator Manning moved that **SCR 14** be deferred.

Motion prevailed, voice vote.

Senator Steele introduced **SA 1 to HB 196**.

Senator Steele moved that **SA 1 to HB 196** be placed with bill. Motion prevailed by voice vote.



The Chair presented the following House Bills which were given first reading and referred to committee as follows:

**HB 12**—"An Act to Amend Section 704 (f) Title 7, Delaware Code, Relating to the Use of Dogs for Hunting Deer in Sussex County," to the committee on Agriculture and Natural Resources.

**HB 189**—"An Act Relating to the Prosecution of Children as Adults," to the committee on Judiciary.

**HB 238**—"An Act to Amend Chapter 11, Title 19, Delaware Code, Relating to Wage Payment and Collection," to the committee on Revised Statutes.

Senator Hart introduced **SB 315**, co-sponsored by Senator Isacs, entitled "An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Registration of Certain Vehicles," which was given its first reading by title only and assigned to committee on Highways and Public Safety.

Senator Steele introduced **SB 316**, entitled "An Act to Amend Section 1708, Title 14, Delaware Code, Relating to Form of Appropriation by Adding New Subsections (d) and (e)," which was given its first reading by title only and assigned to committee on Education.

Senator Elliott introduced **SA 3 to HS 1 for HB 200 with HA 2-7-9**.

Senator Elliott requested that **SA 2 to HS 1 for HB 200 with HA 2-7-9** be stricken from the calendar. Motion prevailed voice vote.

On motion of Senator Conner **HS 1 for HB 200 with HA 2-7-9**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HS 1 for HB 200 with HA 2-7-9**—"An Act to Amend Chapter 17 of Title 24, Delaware Code, Relating to Licensure to Practice Medicine and Surgery, the Termination of Human Pregnancy, and Penalties for Violation of the Said Chapter."

Senator Conner asked for the privilege of the floor for Representative Warren Burt to explain **HS 1 for HB 200 with HA 2-7-9**. Hearing no objection the privilege was granted.

Senator Elliott introduced **SA 1 to HS 1 for HB 200 with HA 2-7-9**.

Senator Elliott move that **SA 1 to HS 1 for HB 200 with HA 2-7-9** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, Cook, Elliott, Foltz, Hickman, McCullough, Robbins—8.

**NAYS**—Messrs. (Mrs.) Conner, duPont, Grier, Hale, Hart, (Mrs.) Manning, Steele—7.

**NOT VOTING**—Messrs. Holloway, Slawik—2.

**ABSENT**—Messrs. Isaacs, Schlör—2.

So the question was decided in the negative and the amendment was lost.

Senator Elliott moved that **SA 3 to HS 1 for HB 200 with HA 2-7-9** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, Cook, Elliott, Foltz, Hickman, Isaacs, McCullough, Robbins, Slawik—9.

**NAYS**—Messrs. (Mrs.) Conner, duPont, Grier, Hale, (Mrs.) Manning, Steele—6.

NOT VOTING—Messrs. Castle, Hart, Holloway—3.

ABSENT—Mr. Schlör—1.

So the question was decided in the negative and the amendment was lost.

Senator Conner moved for consideration of **HS 1 for HB 200 with HA 2-7-9**.

Senator Castle moved that action on **HS 1 for HB 200 with HA 2-7-9** be deferred.

On the question “Shall the Motion Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cook, Elliott, Foltz, Hickman, Isaacs, McCullough, Robbins, Slawik—9.

NAYS—Messrs. (Mrs.) Conner, duPont, Grier, Hale, (Mrs.) Manning, Steele—6.

NOT VOTING—Messrs. Cicione, Hart, Holloway—3.

ABSENT—Mr. Schlör—1.

So the question was decided in the negative and the motion was lost.

Senator Cicione moved that action on **HS 1 for HB 200 with HA 2-7-9** be deferred.

On the question “Shall the Motion Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Caastle, Cicione, Cook, Elliott, Foltz, Hickman, Isaacs, McCullough, Robbins, Slawik—10.

NAYS—Messrs. (Mrs.) Conner, duPont, Grier, Hale, (Mrs.) Manning, Steele—6.

NOT VOTING—Messrs. Hart, Holloway—2.

ABSENT—Mr. Schlör—1.

So the question was decided in the affirmative and the motion having received the required constitutional majority prevailed.

The Chair ruled for a 10 minute recess.

The Senate Reconvened at 4:10 P.M.

On motion of Senator Foltz, **SB 86**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 86**—“An Act to Amend Section 3701 (b), Title 18, Delaware Code, Relating to the Effective Date of the Delaware Insurance Code.”

On motion of Senator Foltz, **SB 87**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 87**—“An Act to Amend Section 1741, (b) (2), Title 18, Delaware Code, Relating to the Residence Qualifications for the Issuance of an Adjustor’s License.”

Senator Foltz asked for the privilege of the floor for Mr. Robert Short, State Insurance Commissioner. Hearing no objection the privilege was granted.

On motion of Senator Foltz, **SB 86**, was taken up for consideration in order to pass the Senate.

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

ABSENT—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Foltz, **SB 87**, taken up for consideration in order to pass the Senate.

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

ABSENT—Messrs. Cicione, Hart, Schlor—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Foltz introduced **SB 317**, entitled “An Act to Amend Chapter 62, Title 29, Delaware Code, Relating to Planning by Providing a New Subchapter to Create a Federal Reinsurance Facility Fund to Satisfy the State of Delaware’s Obligations Pursuant to Part B, Title XII, of the National Housing Act and Making an Appropriation Therefor From the Capital Investment Fund.”

Senator Foltz moved that rule 9 be suspended for the purpose of considering **SB 317**.

On the question “Shall the Motion Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Steele—16.

ABSENT—Messrs. Hart, Schlor, Slawik—3.

So the question was decided in the affirmative and the motion having received the required constitutional majority passed the Senate.

On motion of Senator Foltz **SB 317**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 317**—“An Act to Amend Chapter 62, Title 29, Delaware Code, Relating to Planning by Providing a New Subchapter to Create a Federal Reinsurance Facility Fund to Satisfy the State of Delaware’s Obligations Pursuant to Part B, Title XII, of the National Housing Act and Making an Appropriation therefor From the Capital Investment Fund.”

Senator Foltz asked for the privilege of the floor for Attorney Edward Lynch, Insurance Commissioner Robert Short and Deputy Commissioner Coleman Bunting to explain **SB 317**. Hearing no objection the privilege was granted.

On motion of Senator Foltz, **SB 317** was taken up for consideration in order to pass the Senate.

On the question “Shall the Bill Pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—16.

ABSENT—Messrs. Cicione, Hart, Schlor—3.

So the question was decided in the affirmative and the bill having

received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Foltz **SB 312** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 312**—"An Act to Amend Title 18, Chapter 29, Section 2933 (c), Delaware Code, Relating to Insurance by Providing for the Insulation or Walling-Off of the Assets of Separate Accounts and Providing for the Minimal Valuation of Such Accounts."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—17.

**ABSENT**—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Foltz requested that **SB 272** be stricken from the calendar. Motion prevailed voice vote.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **SB 310**, reported the same back to the Senate; 1 on Favorable, 4 on Merits.

Senator Castle, on behalf of the committee on Elections, to whom had been referred **HB 5**, reported the same back to the Senate; 1 Favorable, 4 on Merits.

Senator Castle, on behalf of the committee on Elections, to whom had been referred **HB 56**, reported the same back to the Senate; 3 Favorable, 2 on Merits.

Senator Castle, on behalf of the committee on Elections, to whom had been referred **HB 58**, reported the same back to the Senate; 2 Favorable, 3 on Merits.

Senator Castle, on behalf of the committee on Elections, to whom had been referred **SS 1 for SB 297**, reported the same back to the Senate; 2 Favorable, 4 on Merits.

Senator Castle, on behalf of the committee on Elections, to whom had been referred **SB 306**, reported the same back to the Senate; 1 Favorable, 5 on Merits.

Senator Castle, on behalf of the committee on Elections, to whom had been referred **SB 305**, reported the same back to the Senate; 3 Favorable, 3 on Merits.

Senator Castle introduced **SA 1 to SB 298**.

Senator Castle moved that **SA 1 to SB 298** be placed with the bill. Motion prevailed by voice vote.

Senator Slawik introduced **SA 1 to SB 306**, co-sponsored by Senator Holloway.

Senator Slawik moved that **SA 1 to SB 306** placed with the bill. Motion prevailed by voice vote.

Senator Foltz introduced **SA 1 to HB 5**.

Senator Foltz moved that **SA 1 to HB 5** be placed with the bill. Motion prevailed by voice vote.

Senator Castle introduced **SB 318**, co-sponsored by Senator

Holloway, entitled "An Act to Amend Chapter 17, Title 10, Delaware Code, Relating to the Municipal Court for the City of Wilmington and Providing for a President Judge Therefor," which was given its first reading by title only and assigned to committee on Judiciary.

Senator Manning introduced **SCR 14** entitled "Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 125th General Assembly."

Senator Manning moved that **SCR 14** be deferred. Motion prevailed.

Senator Holloway introduced **SB 319**, entitled "An Act to Amend Section 112, Subchapter 1, Chapter 1, Title 16, Delaware Code, Relating to Prosecutions Instituted by the State Board of Health by Authorizing Prosecutions for Violations of Health Laws to be Instituted by Service of a Summons and Providing for Penalties for Failure to Appear in Answer Thereto," which was given its first reading by title only and assigned to committee on Revised Statutes.

Senator Manning moved to lift **SCR 14** from deferment. Motion prevailed.

Senator Manning moved that **SCR 14** be adopted.

On the question "Shall the **SCR 14** be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele—14.

NOT VOTING—Messrs. Cicione, Elliott, Isaacs—3.

ABSENT—Messrs. Hart, Schlor—2.

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted and was ordered to the House.

Senator Cook introduced **SB 320**, entitled "An Act Appropriating Certain Moneys to Grace Pritchett, Widow of David Pritchett in the Death of Her Husband, While in the Performance of Official Duties in Line of Service of the State of Delaware," which was given its first reading by title only and assigned to committee on Miscellaneous.

Senator Cook introduced **SB 321**, entitled "An Act Appropriating Certain Moneys to Ruth Patterson, Widow of Robert Patterson in the Death of Her Husband. While in the Performance of Official Duties in Line of Service of the State of Delaware," which was given its first reading by title only and assigned to committee on Miscellaneous.

The Chair presented the following House Bills, which were given first reading and referred to committee as follows:

**HB 187**—"An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1970," to the committee on Finance.

**HB 279**—"An Act to Amend Section 811, Title 11, Delaware Code, Relating to Robbery," to the committee on Judiciary.

**HB 280**—"An Act to Amend Section 812, Title 11, Delaware Code, Relating to Assault With Intent to Commit Robbery," to the committee on Judiciary.

**HB 283**—"An Act to Amend Section 4332, Title 11, Delaware Code, Relating to Sentence Procedures of Children Fourteen Years of Age or Over Who Are Prosecuted as Adults Under 11 Delaware Code, Sections 2711, 2712, or any Other Provisions of the Delaware Law," to the

committee on Judiciary.

**HB 284**—"An Act to Amend Section 2711, Title 11, Delaware Code, Relating to Prosecution of Children as Adults and Sentencing of Such Children," to the committee on Judiciary.

Senator Grier moved the Senate recess to June 9, 1969 at 1:30 P.M. Motion prevailed, voice vote.

Senator Grier moved that the Senate adjourn until June 9, 1969 at 2:00 P.M. Motion prevailed, voice vote.

#### 41st LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:00 P.M. on May 9, 1969. Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain Rev. Charles E. Barton, Jr.

Flag Salute

By roll call the following Senators were present:

Members Present—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

Members Absent—None

The secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair announced that the House wishes to inform the Senate it has passed **HB 199 with HA 1, 268 with HA 1** and requests the concurrence of the Senate; **SB 99 (Lost)**, and is returning same to the Senate.

Senator Foltz, on behalf of the committee on Judiciary, to whom had been referred **SB 318**; reported the same back to the Senate, 2 favorable, 4 on merits.

Senator Isaacs, on behalf of the committee on Fish, Oyster, and Game, to whom had been referred **SB 105**; reported the same back to the Senate, 1 favorable, 3 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 320**; reported the same back to the Senate, 3 favorable, 1 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 321**; reported the same back to the Senate, 3 favorable, 1 on merits.

Senator Isaacs asked for personal privilege of the floor to state that a whole load of acid was dumped into Delaware Bay. Hearing no objection the privilege was granted.

Senator Hickman introduced **SR 53** co-sponsored by Senator Cicone.

Senator Hickman moved that **SR 53** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Steele—17.

NAYS—None

NOT VOTING—None

**ABSENT—(Mrs.) Manning, Mr. Slawik—2.**

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

### **SR 53**

#### **RELATIVE TO THE DELAWARE SOIL AND WATER CONSERVATION COMMISSION.**

**WHEREAS**, Chapter 209, Volume 56, Laws of Delaware, appropriated \$5,000.00 to the Delaware Soil and Water Conservation Commission for the purpose of conducting surveys as to the feasibility of dredging five (5) creeks located in Sussex County; and

**WHEREAS**, said Delaware Soil and Water Conservation Commission has recommended that said creeks be dredged; and

**WHEREAS**, the State has the necessary equipment to dredge said creeks.

**NOW THEREFORE:**

**BE IT RESOLVED** by the Senate of the 125th General Assembly of the State of Delaware that the members thereof request the Delaware Soil and Water Conservation Commission to use their equipment to dredge the five (5) creeks in Sussex County that were surveyed pursuant to Chapter 209, Volume 56, Laws of Delaware:

**BE IT FURTHER RESOLVED** that said Delaware Soil and Water Conservation Commission undertake and complete said dredging before undertaking any other dredging operations.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be mailed to each member of the Delaware Soil and Water Conservation Commission and a copy be spread upon the Journal of the Senate of the 125th General Assembly of the State of Delaware.

On motion of Senator Conner **HS 1 for HB 200 with HA 2 and 9** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1 for HB 200 with HA 2 and 9**“An Act to Amend Chapter 17 of Title 24, Delaware Code, Relating to Licensure to Practice Medicine and Surgery, the Termination of Human Pregnancy, and Penalties for Violation of the Said Chapter.”

Senator Robbins introduced **SA 4 to HB 200 with HA 2, 7, 9.**

Senator Robbins moved that **SA 4 to HB 200 with HA 2, 7, 9**, be adopted.

On the question “Shall the Amendment be Adopted?” the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Cicione, Cook, Elliott, Foltz, Hickman, Isaacs, McCullough, Robbins—8.

**NAYS**—Messrs. (Mrs.) Conner, duPont, Grier, Hale, Hart, Holloway, (Mrs.) Manning, Schlor, Steele—9.

**NOT VOTING**—Messrs. Castle, Slawik—2.

**ABSENT**—None

So the question was decided in the negative and the amendment was lost.

Senator Conner moved that roll call on **HS 1 for HB 200 with HA 2, 7, and 9** be tabled.

On the question "Shall the Motion Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Slawik, Steele—12.

NAYS—Messrs. Cicione, Elliott, Foltz, McCullough, Robbins, Schlor—6.

NOT VOTING—Mr. Isaacs—1.

ABSENT—None

So the question was decided in the affirmative and the motion having received the required constitutional majority prevailed.

Roll call on **HS 1 for HB 200 with HA 2 and 9** was tabled.

Senator Holloway requested personal privilege of floor to have the following statement read. No objection.

### HB 164

The Delaware Real Estate Commission is currently doing one of the most outstanding jobs that has ever been performed since this agency was established by this Body in 1927.

The current administration is now in the process of creating and studying ways and means to organize and streamline the state cabinet form of government. I concur with this philosophy 100%.

However, I am stunned and at a loss for words that on the one hand we are advocating this very progressive streamlining system and now, here this afternoon, we are advocating the packing of a Commission. This is inconsistent with Governor Peterson's great thinking, and I respectfully submit to my colleagues the immediate defeat of House Bill 164.

Three Commissioners, one from each county, is more than adequate to administer the real estate business in our state.

The editorial column of the News-Journal, dated March 8th, praised and complimented this Commission for bonding the brokers, through regulation, and with the approval of the Attorney General. This is the first time in the history of this agency that the able Commission has adopted such a program.

They also have up-dated and up-graded the educational requirements in order to have a better agent representing the general public. They conducted seminars sponsored by the Commission, and have involved agencies in an effort to teach the brokers and salesmen the Federal programs so that they may participate more fully in the housing needs of this community.

House Bill 164 is nothing but duplication of effort, everything in this Bill is already being practiced by this Commission, with the exception of packing the board and, ladies and gentlemen, Governor Peterson has two new appointments to make on this Commission come July of this year, and there is no legitimate reason that I could think of in pressuring this Bill, which I am told very reliably is not even known to 90% of the brokers and salesmen of this state. I respectfully ask for a defeat of this Bill.

Senator Isaacs introduced **SR 54** and requested it be read in full.

### SR 54

RELATIVE TO SENATE BILL NO. 116, AS AMENDED.



WHEREAS, the Senate has passed Senate Bill No. 116, as amended, and it has been sent to the House of Representatives; and

WHEREAS, the members of the Senate request that said Senate Bill No. 116 be reconsidered; and

WHEREAS, the members of the Senate request that the House of Representatives return **SB 116** to the senate for reconsideration.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware that the members thereof desire to reconsider Senate Bill No. 116.

BE IT FURTHER RESOLVED that the House of Representatives is requested to return Senate Bill No. 116, as amended, to the Senate for reconsideration.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to the Clerk of the House of Representatives and the Speaker of the House of Representatives.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal of the Senate of the 125th General Assembly of the State of Delaware.

Senator Schlör moved the Senate adjourn until May 10, 1969 at 1:30 P.M.

On the question "Shall the Senate Adjourn?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Holloway, McCullough, Robbins, Schlör, Slawik—6.

NAYS—Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman,

NOT VOTING—None

ABSENT—None

So the question was decided in the negative and the motion was lost.

Senator Steele moved that **SR 54** be put in committee.

On the question "Shall the Resolution be Put in Committee?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. (Mrs.) Manning, Steele—2.

NAYS—Messrs. Cicione, Cook, Elliott, Foltz, Hale, Hickman, Isaacs, Robbins, Slawik—9.

NOT VOTING—Messrs. Castle, (Mrs.) Conner, Grier, Hart, Holloway, McCullough, Schlör—8.

ABSENT—None

So the question was decided in the negative and the motion was lost.

Senator Isaacs moved that **SR 54** be adopted.

On the question "Shall the Resolution be Adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, Elliott, Foltz, Grier, Hickman, Isaacs, McCullough, Robbins, Slawik—11.

NAYS—Messrs. duPont, Hale, (Mrs.) Manning, Steele—4.

NOT VOTING—Messrs. (Mrs.) Conner, Hart, Holloway, Schlör—4.

ABSENT—None

So the question was decided in the affirmative and the resolution having received the required constitutional majority was adopted.

On motion of Senator Elliott **SB 310** with title as follows was taken

up for consideration and read a second time by title in order to pass the Senate:

**SB 310**—"An Act to Amend Sections 4053(5) and 4006(b) (1), Subchapter 1, Chapter 40, Title 31, Delaware Code, Relating to the Powers of the Delaware State Housing Authority by Adding Certain Language to Permit the Authority to Rent Low Cost Housing."

Senator Elliott asked for the privilege of the floor for Mr. George Cunningham to explain **SB 310**. Hearing no objection the privilege was granted.

On motion of Senator Elliott **SB 310** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik, Steele—16.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Castle, (Mrs.) Manning, McCullough—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hale **SB 307** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 307**—"An Act to Amend Delaware Code, Title 14, Relative to Tuition Charges in Order to Place Computation and Payment of Tuition in the Same Fiscal Year."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—18.

NAYS—None

NOT VOTING—None

ABSENT—(Mrs.) Conner—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cicione **HB 237** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 237**—"An Act to Reincorporate the City of Lewes."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

NAYS—None

NOT VOTING—None

ABSENT—None

So the question was decided in the affirmative and the bill having

received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Slawik **SB 82** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 82**—"An Act to Amend Section 3313(b), Subchapter 11, Chapter 33, Title 19, Delaware Code, Relating to Wages and Unemployment Benefits by Increasing the Amount of the Weekly Benefits."

Senator Slawik asked for the privilege of the floor for Mr. Robert Saucermen, representing Labor, to explain **SB 82**. Hearing no objection the privilege was granted.

On motion of Senator Slawik **SB 82** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele—16.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Elliott, Hickman, Isaacs—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hart **HB 164 with HA 2 and 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 164 with HA 2 and 4**—"An Act to Amend Chapter 29 of Title 24 of the Delaware Code, 'Real Estate Brokers and Salesmen' by Repealing Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, and 2924 Thereof and Substituting in Lieu Thereof New Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923, 2924, 2925, 2926, and 2927."

Senator Hart asked for the privilege of the floor for Representative Laird Stabler to explain **HB 164 with HA 2 and 4**. Hearing no objection the privilege was granted.

Senator Cook moved for 10 minute recess at 4:10 P.M. Motion prevailed. The Senate reconvened at 4:20 P.M.

On motion of Senator Hart **HB 164 with HA 2 and 4** was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, Steele—11.

NAYS—Messrs. McCullough, Slawik—2.

NOT VOTING—Messrs. Cicione, Cook, Holloway, Isaacs, Robbins, Schlor—6.

ABSENT—None

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Elliott, on behalf of the committee on Agriculture and Natural Resources, to whom had been referred **HB 12**; reported the same

back to the Senate, 2 favorable, 3 on merits.

Senator Foltz, on behalf of the committee on Banking and Insurance, to whom had been referred **HB 209**; reported the same back to the Senate, 2 favorable, 3 on merits.

Senator Foltz, on behalf of the committee on Banking and Insurance, to whom had been referred **HB 236**; reported the same back to the Senate, 2 favorable, 3 on merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 311**; reported the same back to the Senate, 3 favorable, 3 on merits.

Senator Hart, on behalf of the committee on Highways and Public Safety, to whom had been referred **SB 315**; reported the same back to the Senate, 3 favorable, 3 on merits.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **HB 229**; reported the same back to the Senate, 3 favorable, 3 on merits.

Senator Conner introduced **SB 322** which was given its first reading by title only:

**SB 322**—"An Act to Amend Chapter 17 of Title 24, Delaware Code, Relating to Licensure to Practice Medicine and Surgery, the Termination of Human Pregnancy, and Penalties for Violation of the Said Chapter." Assigned to committee on Health and Welfare.

Senator Castle introduced **SA 2 to SB 298**.

Senator Castle moved that **SA 2 to SB 298** be adopted.

On the question "Shall the Amendment be Adopted?" the yeas and nays were ordered which being taken were as follows:

**YEAS**—Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Robbins, Schlör, Slawik—15.

**NAYS**—None

**NOT VOTING**—Messrs. Isaacs, McCullough, Steele—3.

**ABSENT**—Mr. Hart—1.

So the question was decided in the affirmative and the amendment having received the required constitutional majority was adopted.

On motion of Senator Holloway **SB 298 with SA 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 298 with SA 2**—"An Act to Amend Chapter 92, Volume 23, Laws of Delaware as Amended, Being An Act Entitled 'An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington.'"

On motion of Senator Holloway roll call was tabled. Motion prevailed, voice vote.

The Chair presented the following which were given first reading and referred to Committee as follows:

**HB 199 with HA 1**—"An Act to Amend Title 10, Delaware Code, by Withdrawing Certain Jurisdiction Relating to Intoxicating Liquors From the Family Court of New Castle County." Assigned to committee on Judiciary.

**HB 268 with HA 1**—"An Act to Amend Chapter 69, Title 9, Delaware Code, By Amending Section 6907(b) to Extend the Time the Interim Zoning Shall be Effective for Sussex County." Assigned to

committee on Government Operations.

On motion of Senator Steele **HB 247** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 247**—"An Act to Amend Section 1904, Chapter 19, Title 30, Delaware Code, to Increase Rate of Interest on Tax Due on Corporation Income Tax Returns for Which Extension of Time for Filing is Granted."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—17.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Cicione, Hart—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

On motion of Senator Steele **HB 246** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 246**—"An Act to Amend Section 1183, Subchapter VI, Chapter 11, Title 30, Delaware Code, to Increase Rate of Interest on Income Tax Refunds."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—17.

NAYS—None

NOT VOTING—None

ABSENT—Messrs. Cicione, Hart—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House.

Senator Conner, on behalf of the committee on Health and Welfare, to whom had been referred **SB 322**; reported the same back to the Senate, 2 favorable, 3 merits.

Senator Hickman introduced **SB 323** which was given its first reading by title only:

**SB 323**—"An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to the Composition of the Harness Racing Commission." Assigned to committee on Miscellaneous.

Senator Grier moved that the Senate adjourn until June 6, 10, 1969, at 1:30 P.M. Motion prevailed, voice vote.

#### 42nd LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:55 P.M. on June 10, 1969, Lt. Gov. Bookhammer presiding.

Prayer by the Chaplain, Rev. G. Wayne Cuff

Flag Salute

By roll call the following Senators were present:

Members Present:

Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele—19.

The Secretary proceeded to read the Journal of the previous day's session when Senator Grier moved that so much be considered the reading of the Journal and the Journal be approved as read:

The following communication was read:

**HARRY S. TRUMAN**  
Independence, Missouri

June 4, 1969

Dear Mr. Wilgus:

I acknowledge with thanks and appreciation receipt of the Senate Resolution, of the State of Delaware, in which the House of Representatives joined in the Senate Resolution No. 10, on the occasion of my 85th birthday.

I have read with deep satisfaction the kind sentiments and generous comments contained in the Resolution, and wish to convey to each Member of both Houses my warm personal regard.

Sincerely yours,  
**HARRY S. TRUMAN**

Honorable William F. Wilgus, Jr.  
Secretary of the Senate  
State of Delaware  
Dover, Delaware

The Chair announced that the House wishes to inform the Senate that it has passed **SCR 14** and is returning same to the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HB 296** and requests the concurrence of the Senate.

The Chair announced that the House wishes to inform the Senate that it has passed **HS 1 for HB 148, 231, 250, 297** and requests the concurrence of the Senate; **SB 186, 192 with SA 1, SA 2, 223, 281**, and is returning same to the Senate.

Senator Steele introduced **SA 1 to HS 2 for HB 131, with HA 1**.

Senator Steele moved that **SA 1 to HS 2 for HB 131, with HA 1**, be placed with bill. Motion prevailed, voice vote.

Senator Steele introduced **SA 1 to SB 280**, be placed with bill. Motion prevailed, voice vote.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 252**, reported the same back to the Senate, 3 favorable, 2 on merits.

Senator Steele, on behalf of the committee on Finance, to whom had been referred **HB 187**, reported the same back to the Senate, 3 favorable, 1 on merits.

Senator Isaacs, on behalf of the committee on Miscellaneous, to whom had been referred **SB 323**; reported the same back to the Senate, 1 favorable, 2 on merits.

Lt. Gov. Bookhammer recognized Foreign Exchange Student, Eddie Fischer, from Christiana High School, Newark, Delaware, to the country of Finland.

Senator Holloway moved to have roll call on **SB 298**, with **SA 2** lifted from table. Motion prevailed.

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning Schlör, Slawik—13.

NOT VOTING—Messrs. Elliott, Hickman, Isaacs, McCullough, Robbins, Steele—6.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

Senator Conner moved that Senator Elliott be named co-sponsor of **SB 322**. Motion prevailed.

On motion of Senator Manning **SB 313** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 313**—"An Act to Amend Section 6521, Title 11, Delaware Code by Placing the Employees of the Division of Field Services, Department of Corrections, under the State Merit System of Personnel Administration."

On the question "Shall the Bill Pass the Senate?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Castle, Cicone, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele—18.

ABSENT—Mr. Slawik—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Senator Castle **SB 305** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 305**—"An Act to Amend Title 15, Delaware Code, Effecting a General Revision of the Election Laws of the State of Delaware by Amending Chapters 1, 3, 11, 13, 15, 17, 20, 21, 31, 41, 45, 47, 49, 50, 51, 55, and 71, relating to the Departments of Election, State Election Commissioner, Voter Registration, and the Provisions Providing Criminal Penalties for Certain Election Offenses."

Senator Cook moved for 15 minute recess at 2:15 P.M. Motion prevailed.

The Senate reconvened at 2:35 P.M. Senator Cook introduced **SA 1 to SB 305**.

Senator Cook moved that **SA 1 to SB 305**, be adopted.

On the question "Shall the Amendment be adopted?" the yeas and nays were ordered which being taken were as follows:

YEAS—Messrs. Cook, Foltz, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik—9.