

Zimmerman — 13.

NO: Senators Castle, Hughes, Knox, Manning and Steele — 5.

NOT VOTING: Senators Berndt and Hale — 2.

ABSENT: Senator Elliott — 1.

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

HB 240 was taken up for consideration on motion of Senator Schlör, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele — 18.

NOT VOTING: Senators Elliott and Isaacs — 2.

ABSENT: Senator Zimmerman — 1.

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

SB 288 was taken up for consideration on motion of Senator Cordrey, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele — 17.

NOT VOTING: Senators McCullough and Schlör — 2.

ABSENT: Senators Holloway and Zimmerman — 2.

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

SB 209 was taken up for consideration on motion of Senator Manning.

Senator Kearns moved for a roll call vote on adoption of **SA 1** to the Bill but before the roll call was announced it was tabled on his further motion.

Final consideration of the Bill was then deferred on motion of Senator Kearns.

SB 67 and **SB 68** were laid on the table on motion of Senator Holloway.

At 3:27 p.m. on motion of Senator Cordrey, the Senate recessed for forty-five minutes.

The Senate reconvened at 4:51 p.m.

SR 59, sponsored by Senator Manning, was introduced and considered for adoption:

SR 59 — "Commending John A. Taliaferro, Principal of the Absalom Jones School, as he retires after an outstanding career in Public Education."

The roll call vote on the Resolution revealed 17 Senators

voting YES with 4 Senators (Cook, Holloway, McCullough and Schlör) ABSENT.

Therefore, the Resolution was declared adopted.

Legislative Advisories received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved: **SB 269** — 5-14-75; **SB 128 w HA 1** — 5-15-75; **SB 102** — 5-15-75; **SB 65** — 5-16-75; **SB 142 w SA 1** — 5-16-75; **SB 207** — 5-16-75; **SCR 34** — 5-16-75 and **SB 175** — 5-16-75.

SB 293 was taken up for consideration on motion of Senator Murphy, the roll call vote taken and announced:

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senators Adams and Isaacs — 2.

ABSENT: Senators Kearns, Manning and McCullough — 3.

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

HB 126 w HA 2 was taken up for consideration on motion of Senator Murphy. Final consideration of the Bill was deferred on further motion of Senator Murphy.

SB 221 was taken up for consideration on motion of Senator Cordrey.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES with 4 Senators (Kearns, Manning, Martin and Murphy) ABSENT.

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

SB 220 was taken up for consideration on motion of Senator Cordrey.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (Kearns and Manning) ABSENT.

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

SB 219 was taken up for consideration on motion of Senator Cordrey.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (Kearns and Manning) ABSENT.

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

The following nominations for appointment by the

Governor were reported back from the Executive Committee: Donald Yerkes — 4 Favorable, 2 Merits; Walter Dill — 3 Favorable, 2 Merits; Leroy Parks — 4 Favorable, 2 Merits; Myron Steele — 4 Favorable, 1 Merits; James McNinch, M.D. — 3 Favorable, 3 Merits; John Lenderman — 3 Favorable, 3 Merits; Barbara Miller — 4 Favorable, 2 Merits; Lee Cassidy — 3 Favorable, 2 Merits.

SB 258 was reported back from the Education Committee — 1 Favorable, 2 Merits.

The following Bills were reported back from the Executive Committee: **SB 84** — 3 Merits, 1 Unfavorable; **SB 304** — 4 Merits.

SR 60, sponsored by Senators Elliott, Isaacs and Holloway, was introduced and considered for adoption on motion of Senator Elliott:

SR 60 — “Welcoming General Richard H. Ellis, Vice Chief of Staff, United States Air Force, and a native Delawareanpage from Laurel, Delaware, who is guest speaker at the annual Kiwanis Club ceremonies honoring the Armed Forces of the United States at the Gold Ball Room, Hotel DuPont.”

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES with 3 Senators (Cicione, Kearns and Manning) ABSENT.

Therefore, the Resolution was declared adopted.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the various Governor's nominations for appointment which had just been reported out of Committee.

The appointment of Leroy M. Park was brought up but final consideration of the appointment was deferred on motion of Senator Isaacs.

The roll call vote on the appointment of Myron T. Steele was taken and revealed 18 Senators voting YES with 3 Senators (Kearns, Manning and McCullough) ABSENT.

Therefore, the appointment was confirmed.

The roll call vote on the appointment of John F. Lenderman was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Kearns and Manning — 2.

Therefore, the appointment was confirmed by the Senate.
The appointment of Donald Yerkes was confirmed by the Senate by the following vote:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Kearns and Manning — 2.

The appointment of Walter G. Dill, Jr. was confirmed by the Senate by the following vote:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 17.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione, Kearns and Manning — 3.

The appointment of Barbara L. Miller was confirmed by the Senate by the following vote:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 17.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione, Kearns and Manning — 3.

The appointment of James R. McNinch, M.D. was confirmed by the Senate by the following vote:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Kearns and Manning — 2.

The appointment of Lee M. Cassidy was confirmed by the Senate by the following vote:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Knox, Martin, McCullough, Murphy, Schlor, Zimmerman — 14.

NO: Senator Steele — 1.

NOT VOTING: Senators Hughes, Isaacs and Sharp — 3.

ABSENT: Senators Holloway, Kearns and Manning — 3.

SJR 28 was introduced by Senator Sharp and placed in the Executive Committee:

SJR 28 — "Directing the State Board of Education to abandon and/or discontinue any recommended and/or proposed plans to merge or consolidate Stanton School District and Claymont School District with the Wilmington Public

Schools."

At 5:42 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. May 21.

The Senate reconvened at 2:07 p.m. May 21, 1975, President Pro Tempore Isaacs presiding.

The Senate adjourned at 2:10 p.m. on motion of Senator Cordrey to end the 32nd and begin immediately the 33rd Day.

33RD LEGISLATIVE DAY

The Senate convened at 2:10 p.m. May 21, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The following proposed legislation was introduced:

HCR 31 — "Urging the Trustees and Officials of the University of Delaware to create better liason among the Board of Trustees, School Administration and the students in matters relating to student tuition and costs."

On motion of Senator Castle, the Resolution was tabled.

HJR 9 w HA 1 — "Requesting the governing bodies of the three Counties to give immediate consideration to the imposition of a curfew for children under the ages of 16." Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

SB 314 — "An Act to amend Part 4 of Article 9, Title 6, Delaware Code, relating to termination statements and prepayment for filing same." Sponsors: Senators Cook and Elliott. Assigned to Labor and Industrial Relations Committee.

SJR 29 — "Directing Legislative Council to omit House Bill No. 299, being an Act entitled "An Act to adopt the Delaware Code annotated, revised 1974, as the Law of the State of Delaware" from being printed in Volume 60 of the Session Laws." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 315 — "An Act to amend Chapter 40, Title 31, Delaware Code by adding thereto Subchapter VII establishing a Delaware Home Improvement Insurance Fund and providing an appropriation for the funding thereof." Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 316 — "An Act to amend Chapter 43, Part II, Title 6 of

the Delaware Code relating to the definitions of "Goods" and "Services" within the Retail Installment Sales Act." Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

SB 317 — "An Act to amend Part V, Title 11 of the Delaware Code relating to State Law Enforcement Agencies; and providing for a separate Planning Agency." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 318 — "An Act to amend Chapter 36 of Title 24, Delaware Code, relating to the registration of Professional Geologists." Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 319 — "An Act to amend Subchapter II, Chapter 1, Title 26, Delaware Code, relating to Public Service Commission jurisdiction over municipally-owned Public Utilities." Sponsors: Senator Kearns and Representative Miller. Assigned to Administrative Services Committee.

SB 320 — "An Act to amend Title 29, Delaware Code, relating to Administrative Procedures Governing certain State Agencies." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 321 — "An Act to amend Part VII, Title 29 of the Delaware Code relating to State Government, and providing for the Division of the Department of Health and Social Services into two separate Departments." The Bill was introduced by Senator Holloway (by request) and assigned to Health and Social Services Committee.

SB 322 — "An Act to amend Chapter 55 of Title 29, Delaware Code, relating to the minimum amount of service pension for elected officials." Sponsors: Senators Cicione and Schlör. Assigned to Executive Committee.

SB 323 — "An Act to amend Subchapter I, Chapter 1, Title 26, Delaware Code, pertaining to the Public Service Commission." Sponsors: Senator Kearns and Representative Miller. Assigned to Administrative Services Committee. page

SS 1 for SB 280, sponsored by Senator Elliott was introduced and in his absence and on the motion of Senator Castle was placed with the Bill.

SA 30 to SB 197 was introduced by Senator Hughes and placed with the Bill.

SA 1 to SB 216 was introduced by Senator Steele and placed with the Bill.

SA 1 to SB 312 was introduced by Senator Sharp and placed with the Bill.

SB 152 was reported back from the Community Affairs Committee: 3 Favorable, 1 Merits.

The following Bills were reported back from the Judiciary Committee: **HB 328** — 1 Favorable, 2 Merits; **HB 275** — 4 Merits; **HB 266** — 5 Merits.

The presence of members of the League of Women Voters was acknowledged by Senator Cordrey and the ladies were also thanked and welcomed on behalf of the entire Senate by Senator Isaacs.

SB 270 was taken up for consideration on motion of Senator Adams.

SA 1 to the Bill was considered for adoption on motion of Senator Adams and the roll call vote on the Amendment revealed 17 members voting YES with 4 Senators (Cicione, Elliott, Martin and McCullough) ABSENT.

Therefore, the Amendment was adopted.

SA 2 to the Bill was then taken up for consideration on motion of Senator Adams, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp — 17.

NO: Senators Steele and Zimmerman — 2.

ABSENT: Senators Elliott and McCullough — 2.

Therefore, the Amendment was adopted.

The privilege of the floor was extended to Raymond S. Pusey, Department of Highways and Transportation, and Captain William R. Warren, Rules of the Road Committee, to speak on the Bill and the Amendments.

Senator Cicione introduced **SA 3** to the Bill and moved for its adoption. The roll call vote on the Amendment was taken and announced:

YES: Senators Cicione, Cordrey, Isaacs, Kearns, Murphy, Schlör, Sharp, Zimmerman — 8.

NO: Senators Berndt, Castle, Hale, Knox, Manning, Martin, Steele — 7.

NOT VOTING: Senators Adams, Cook, Elliott, Hughes — 4.

ABSENT: Senators Holloway and McCullough — 2.

Therefore, the Amendment was declared lost.

Senator Zimmerman moved that final consideration of the Bill be deferred; however, the Senator then withdrew his motion.

The roll call vote on **SB 270 w SA 1, 2** was then taken on motion of Senator Adams, but before being announced was tabled on his motion.

At 4:24 p.m. on motion of Senator Cordrey, the Senate recessed for half an hour.

The Senate reconvened at 5:20 p.m. Senator Isaacs still presiding.

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of considering **SJR 27**.

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

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

NOT VOTING: Senator Adams — 1.

ABSENT: Senator McCullough — 1.

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

SB 67 was taken up for consideration on motion of Senator Holloway and the following were added as co-sponsors: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman and Representatives Gilligan and Worthen.

The privilege of the floor was extended to Henry Oboryshko, Advisory Council for Exceptional Children, to speak on the Bill.

The following Senators asked that their names be removed as co-sponsors of the Bill: Hughes, Cicione and Sharp.

Final consideration of the Bill was then deferred on motion of Senator Holloway.

The following Committee Reports were announced:

From the Revenue and Taxation Committee: **SB 144** — 5 Merits.

From the Administrative Services Committee: **SB 299** — 5 Merits; **SS 1** for **SB 201** — 2 Favorable, 2 Merits, 2 Unfavorable; **SS 1** for **SB 202** — 2 Favorable, 2 Merits, 2 Unfavorable; **SB 305** — 5 Merits.

From the Executive Committee: **SJR 28** — 1 Favorable, 3 Merits.

SCR 38, sponsored by Senators Adams and Cook, was introduced and considered for adoption on motion of Senator

Adams:

SCR 38 — "Reminding the citizens of Delaware of the need for especially careful driving during the Memorial Day weekend of 1975."

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES with 1 Senator (McCullough) ABSENT.

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

The following Bills were reported back from the Community Affairs Committee: **SB 243** — 4 Merits; **SB 254** — 4 Merits.

SB 324, sponsored by Senators Adams, Isaacs and Zimmerman, was introduced and assigned to Banking, Insurance and Elections Committee:

SB 324 — "An Act to amend Subchapter 1 of Chapter 23, Title 19, Delaware Code, relating to workmen's compensation."

At 6:23 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 22, 1975.

The Senate reconvened at 1:40 p.m. May 22, 1975, President Pro Tempore Isaacs presiding.

The following proposed legislation was introduced:

SB 325 — "An Act to provide a supplementary appropriation to the Division of Economic Development of the Department of Community Affairs and Economic Development, to be expended for Delaware's participation in the Powder Puff Derby." Sponsor: Senator Martin. Assigned to Community Affairs Committee.

SB 326 — "An Act to amend Chapter 51, Part II, Title 14 of the Delaware Code relating to the composition of the Board of Trustees of the University of Delaware." Sponsors: Senators Cicione and Holloway. The Bill was immediately stricken on motion of Senator Cicione.

SB 327 — "An Act to amend Title 15, Chapter 41, Delaware Code, pertaining to the maximum number of registered voters in an Election District." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

Senator Holloway introduced and asked the privilege of the floor for Donald Walker, the student from Middletown who will represent the State of Delaware in the Youth in Concert tour of Europe. The privilege was granted and Donald Walker and his accompanist presented two musical numbers for the Senate. They were thanked by the President Pro Tempore and offered

the best wishes of the Senate.

The following legislation was introduced:

SB 328 — “An Act to amend Title 15, Chapter 33, Delaware Code, pertaining to the filing of certificates of nomination and supplemental certificates of nomination.” Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 329 — “An Act to amend Chapter 15, Title 13 of the Delaware Code relating to Domestic Relations; and providing sole jurisdiction over divorce and annulment proceedings to the Family Court.” Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 330 — “An Act to amend Chapter 6, Title 17, Delaware Code, authorizing the Department of Highways and Transportation of the State of Delaware to construct, maintain, repair, improve and operate an Express Toll Highway from a point in the vicinity of U.S. Route 13 below the City of Dover near Woodside to a connection with the existing Delaware Turnpike, including a spur to U.S. Route 301 to the Maryland State line, to maintain, repair, improve and operate the existing Delaware Turnpike, to issue Turnpike Revenue Bonds of the Department, payable solely from tolls and other revenues, for the purpose of paying, with other available funds, the cost of said Express Toll Highway and improvements to the existing Delaware Turnpike and for the purpose of refunding Turnpike Revenue Bonds issued for the existing Delaware Turnpike to collect tolls for the use of the Delaware Turnpikes and to pledge such tolls and other revenues to the payment of the Turnpike Revenue Bonds and the State Bonds herein authorized; authorizing the Department to issue Turnpike Revenue Refunding Bonds; authorizing the State of Delaware to borrow money for the purpose of paying a part of the cost of said Express Toll Highway and to issue Bonds and Notes therefor in an amount not exceeding \$100,000,000 upon the full faith and credit of the State of Delaware; and repealing Sections 601 through 623, Chapter 6, Title 17, Delaware Code, upon provision being made for the retirement of Turnpike Revenue Bonds issued for the existing Delaware Turnpike.” Sponsors: Senators Zimmerman and Hughes. Assigned to Finance Committee.

SB 331 — “An Act to amend Chapter 39, Part II, Title 11 of the Delaware Code relating to concurrent sentences and consecutive sentences.” Sponsor: Senator Schlör. The Bill was

laid on the table on motion of Senator Schlör with no objection.

SA 31 to SB 197 was introduced by Senator Kearns and placed with the Bill.

SA 4 to SB 270 was introduced by Senator Kearns and placed with the Bill.

The following House legislation was introduced:

HB 387 — "An Act making a supplementary appropriation from the General Fund of the State of Delaware in the amount of \$130,000 to the State Lottery Fund." Sponsor: Representative McGinnis. Assigned to Finance Committee.

HB 254 w HA 1, 3 — "An Act to amend Part III, Title 25 of the Delaware Code relating to property; and providing for the regulation of agricultural leases." Sponsors: Representatives Minner and Clendaniel. Assigned to Agriculture Committee.

HB 437 — "An Act to amend Chapter 48, Title 29, Delaware Code, relating to the State Lottery." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 385 — "An Act making a supplementary appropriation from the General Fund of the State of Delaware in the amount of \$77,400 to the State Lottery Fund." Sponsor: Representative McGinnis. Assigned to Finance Committee.

HB 436 w HA 1 — "An Act to amend Chapter 48, Title 29, Delaware Code, relating to the State Lottery." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 438 — "An Act to amend Chapter 48, Title 29, Delaware Code, relating to the State-operated Lottery, providing for the appointment of an Acting Lottery Director." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 284 w HA 1, 3, 4 — "An Act to amend Chapter 92, Title 10, Delaware Code, relating to salaries of Justices of the Peace." Sponsor: Representative Matushefske. Assigned to Labor Committee.

HB 211 — "An Act to amend Chapter 170, Volume 57, Laws of Delaware, entitled "An Act to reincorporate the City of Lewes" to permit voting in the annual Municipal Election by Absentee Ballot and relating to the Town Budget and the levying of Annual Taxes." Sponsor: Representative Derrickson. Assigned to Banking, Insurance and Elections Committee.

At 2:00 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 34th Day.

34TH LEGISLATIVE DAY

The Senate convened at 2:00 p.m. May 22, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Senate then recessed on motion of Senator Cordrey, for forty-five minutes. Recessed at 2:07 p.m.

The Senate reconvened at 3:40 p.m., Lt. Governor Bookhammer presiding.

The roll call vote on **SB 270 w SA 1, 2** was lifted from the table on motion of Senator Adams and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Sharp, Steele — 16.

NO: Senators Cicione and Zimmerman — 2.

NOT VOTING: Senators Murphy and Schlor — 2.

ABSENT: Senator McCullough — 1.

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

SB 232 was taken up for consideration on motion of Senator Cicione and the privilege of the floor was extended to Arthur R. Carello to speak on the Bill.

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

YES: Senators Berndt, Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp — 11.

NO: Senators Adams, Cook, Elliott, Hale, Hughes — 5.

NOT VOTING: Senators Castle, Knox, Manning, Steele, Zimmerman — 5.

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

SB 234 was taken up for consideration on motion of Senator Kearns and the following letter was presented by Senator McCullough at whose request it is made part of this Journal:

**DELAWARE POLICE CHIEFS' REGIONAL COUNCIL
224 E. MAIN ST.
NEWARK, DELAWARE**

May 21, 1975

The Honorable Calvin R. McCullough

Delaware State Senate
Dover, Delaware

Dear Senator McCullough:

I have been requested by the Membership of the Delaware Police Chiefs' Regional Council, representing the chief executive officers of all the police departments of the State of Delaware, to transmit to you the membership's feeling about the recommendations contained in the recent Special Report of the Council on the Administration of Justice.

While the Special Report stresses the increase in case loads of all the Courts of the State of Delaware over the past few years to which the membership can attest through increased activity in its various departments, it is the feeling of the membership that the solution to the problem revolves around the increased staffing of the Courts rather than the decriminalization of the offenses suggested in MINIMUM LEGISLATION RECOMMENDED FOR ENACTMENT IN 1975 IN ADDITION TO BUDGET REQUESTS as contained in the Appendix of the Special Report. Specifically, the two recommendations which the membership most vigorously opposes are, first the transfer from Superior Court to the Court of Common Pleas and Municipal Court the jurisdiction of the offense of possession of Schedule I controlled substances (including marijuana) under 16 Del.C. §4714; and the offense of carrying a concealed deadly weapon changing this offense from a Class E felony to a Class A misdemeanor (see 11 Del.C., §1422).

The reduction of the offense of Schedule I controlled substances including marijuana from a felony to a misdemeanor is contrary to the efforts of the Governor's Strike Force and various special programs funded through the Delaware Agency to Reduce Crime over the past few years which have concentrated on the possession and sale of these type of substances as the prime target area of police efforts.

The reduction of the offense of carrying a concealed deadly weapon from a felony to a misdemeanor is contrary to legislative and police efforts to control crimes of violence such as armed robbery and assault. Under the present criminal code a person convicted of possession of a concealed deadly weapon results in a felony conviction and a second offense of the same type also permits the additional charge of the carrying of a concealed deadly weapon by a person prohibited. While it is impossible statistically to prove that the risk of a felony

conviction has reduced the proliferation of concealed deadly weapon among the criminal element within the State, it is strongly suspected by the membership that the risk of a second felony conviction and the possibility of the additional charge of carrying a concealed deadly weapon by a person prohibited has had this effect.

The membership of the Delaware Police Chiefs' Regional Council has vigorously opposed both of the above Bills in the past two sessions of the General Assembly and will continue to do so in this session. While solutions must be found to the present dilemma of crowded Court calendars, police agencies of this State do not feel that the enactment of the above two recommendations are in the best interest of the citizens of this State.

Yours truly,
Richard S. McCann
Technical Assistance Coordinator

* * * * *

The roll call vote on **SB 234** was then taken but before being announced, Senator Kearns moved that it be tabled. The roll call vote on his motion was taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Steele — 11.

NO: Senators Hale, Holloway, Hughes, McCullough and Sharp — 5.

NOT VOTING: Senators Castle, Cicione, Elliott and Zimmerman — 4.

ABSENT: Senator Murphy — 1.

Therefore, the motion prevailed and the roll call vote on **SB 234** was tabled.

HB 439 was lifted from the table for consideration on motion of Senator Schlör and the privilege of the floor was extended to Fred Van Sant, of the Controller General's Staff, to speak on the Bill.

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

YES: Senators Berndt, Cicione, Hale, Holloway, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp — 12.

NO: Senators Adams, Castle, Cook, Cordrey, Elliott, Hughes and Manning — 7.

NOT VOTING: Senator Steele — 1.

ABSENT: Senator Zimmerman — 1.

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

House.

HB 148 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 18 Senators voting YES and 3 Senators (Holloway, McCullough and Zimmerman) ABSENT.

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

SB 215 was taken up for consideration on motion of Senator Steele, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Schlör, Sharp, Steele — 17.

NO: Senator Holloway — 1.

ABSENT: Senators Elliott, Murphy and Zimmerman — 3.

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

SB 216 was taken up for consideration on motion of Senator Steele.

SA 1 to the Bill was taken up for consideration on motion of Senator Steele, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Martin, McCullough, Murphy, Sharp, Steele — 14.

NO: Senators Holloway, Isaacs, Manning and Schlör — 4.

ABSENT: Senators Elliott, Knox and Zimmerman — 3.

Therefore, the Amendment was adopted.

On motion of Senator Steele, the roll call vote on **SB 216 w SA 1** was then taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Martin, Steele — 9.

NO: Senators Castle, Cicione, Holloway, Isaacs, Kearns, Manning, McCullough, Murphy, Schlör, Sharp, Zimmerman — 11.

ABSENT: Senator Elliott — 1.

Therefore, the Bill was declared lost.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering **SB 304**, the roll call vote taken and announced:

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

NO: Senator Berndt — 1.

NOT VOTING: Senators Castle, Knox and Steele — 3.

ABSENT: Senators Elliott and Holloway — 2.

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

SR 61, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 61 — "To debit Senate Travel Account for legislators' mileage of the present Session of the 128th General Assembly."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES with 2 Senators (Elliott and Holloway) ABSENT.

Therefore, the Resolution was declared adopted.

SR 62, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption.

SR 62 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

The roll call vote on the Resolution revealed 19 Senators voting YES with 2 Senators (Elliott and Holloway) ABSENT.

Therefore, the Resolution was declared adopted.

SB 45 was stricken on motion of Senator Isaacs.

The following communication was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
Dover**

May 22, 1975

MEMORANDUM

TO: All members of the 128th General Assembly
FROM: Governor Sherman W. Tribbitt

I am submitting to you herewith the latest estimates for FY75 and FY76 presented to me this afternoon by the Governor's Economic Advisory Council.

Also attached is a letter under the signature of Edward W. Hagemeyer, Chairman of the Council.

* * * * *

**FARMERS BANK
of the
STATE OF DELAWARE
Dover**

May 22, 1975

The Honorable Sherman W. Tribbitt
Governor of the State of Delaware
Dover, Delaware

Dear Governor Tribbitt:

At the meeting of the Economic Advisory Council held this morning, we made minor revisions in the revenue estimates for both the current and the next fiscal year. For the current fiscal year, we now estimate that total revenues, not including Federal revenue sharing funds, will amount to \$378,900,000. This is a reduction of \$1,700,000 for the estimate submitted last month. It includes an estimated \$5,500,000 to be received from the tax legislation passed earlier this year.

There was considerable discussion during the meeting about what the revenue to be received from the personal income tax might be. It was decided not to change the estimated receipts from this source from \$160,800,000. While most members of the Commission felt there was a reasonable chance of obtaining that total, we may be slightly optimistic. On the other hand, there was a pretty general feeling that receipts from the corporate franchise tax might exceed our revenue estimate of \$52,500,000 by a very moderate amount.

The Council is estimating total revenues for the fiscal year to start July 1 at \$406,900,000.* This figure also includes estimated receipts from the new tax legislation. Details of the revenues expected from major sources for both the current and the next fiscal year are given on the attached page.

Revenue projections for the next year are based on the assumption that we will see the bottom of the current business decline by the end of June of this year, and that we will be experiencing a moderate recovery during the third and fourth quarters of calendar 1975. We are anticipating increased employment toward the end of the year and higher personal income which will result in an approximate 14% rise in personal income tax receipts. With the substantial flow of funds back to savings institutions, we expect mortgage money to become more available and anticipate a slight decline in interest rates on mortgage loans. This should result in a moderate recovery in the residential real estate market and increased real estate transfers - generating higher revenues from the transfer tax.

I hope this information will be helpful, but if you want any further details do not hesitate to call me.

Very truly yours,
Edward W. Hagemeyer

*This estimate does not include General Revenue Sharing Funds.

* * * * *

The following Committee reports were read from the Judiciary Committee: **SB 252** — 3 Merits, 1 Unfavorable; **SB 329** — 2 Favorable, 2 Merits.

A message from the House informed the Senate that it had passed: **SB 154**; **SS 1** for **SB 186 w SA 1, 2**; **SB 193**; **SB 212** and **SJR 27**.

The following proposed legislation was introduced:

SB 332 — “An Act to amend Chapter 51, Part II, Title 14 of the Delaware Code relating to the composition of the Board of Trustees of the University of Delaware.” Sponsor: Senator Cicione. Assigned to Education Committee.

SB 333 — “An Act to amend Chapter 28, Part I, Title 14 of the Delaware Code relating to the utilization of educational facilities; and providing for the sharing of textbooks and supplies with Non-public Schools.” Sponsors: Senators Kearns, Cicione, Schlör, Manning and Zimmerman. Assigned to Education Committee.

SB 334 — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to robbery in the first degree; and providing for a minimum term of imprisonment.”

Senator Schlör moved that the Bill be laid on the table.

The roll call vote on the motion was taken but before being announced, Senator Schlör moved that it be tabled. The roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, Martin, Murphy, Schlör — 9.

NO: Senators Berndt, Hale, Hughes, Manning, McCullough and Steele — 6.

NOT VOTING: Senators Sharp and Zimmerman — 2.

ABSENT: Senators Castle, Elliott, Holloway and Knox — 4.

Therefore, the motion was defeated and the roll call vote on the motion to table **SB 334** was announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, Murphy, Schlör, Sharp, Zimmerman — 10.

NO: Senators Berndt, Hale, Hughes, Manning, Martin, McCullough, Steele — 7.

ABSENT: Senators Castle, Elliott, Holloway and Knox — 4.

Therefore, the motion was defeated and the Chair assigned **SB 334** to the Judiciary Committee.

SB 324 was reported back from the Banking, Insurance

and Elections Committee: — 1 Favorable, 4 Merits.

SS 1 for SB 295 was introduced by Senator Zimmerman who moved that it be adopted in lieu of the Original and placed in the Administrative Services Committee.

Senator Schlör objected that the Substitute Bill should be placed in the Community Affairs Committee where the Original Bill was assigned.

At 6:06 p.m. on motion of Senator Isaacs, the Senate recessed until Tuesday, May 27, 1975.

The Senate reconvened at 1:47 p.m. May 27, 1975, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs, the Senate recessed until 2:30 p.m. due to a lack of a quorum.

The Senate was reconvened at 1:54 p.m. by Lt. Governor Bookhammer.

Senator Zimmerman withdrew his pending motion to place **SS 1 for SB 295** in the Administrative Services Committee and the Chair assigned the Bill to the Community Affairs Committee.

The following legislation was introduced:

SB 336 — "An Act relating to Public Works Contracts in certain cases, providing for State-wide prevailing wages, imposing duties upon the Department of Labor and providing remedies and penalties." Sponsor: Senator Sharp. Assigned to Labor Committee.

SB 335 — "An Act to amend Chapter 27 and Chapter 41, Title 21, Delaware Code, relating to revocation and reinstatement of licenses of persons convicted of operating motor vehicles while under the influence of intoxicating liquor." Sponsor: Senator Zimmerman. Assigned to Public Safety Committee.

At 1:51 p.m. the Senate recessed for lack of a quorum.

The Senate reconvened at 2:30 p.m.

Senator Hughes introduced **SCR 39**. All the other Senators were added as co-sponsors to the Resolution and Senator Hughes moved for its adoption:

SCR 39 — "Congratulating former Representative W. Laird Stabler, Jr. on his confirmation as United States Attorney for the District of Delaware."

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES with 6 Senators (Castle, Cicione, Elliott, Holloway, Manning and McCullough) ABSENT.

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

At 2:34 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 35th Day.

35TH LEGISLATIVE DAY

The Senate convened at 2:34 p.m., May 27, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

At the request of Senator Manning, the following letter is included in this Journal:

**ABSALOM JONES SCHOOL
MARSHALLTON-MCKEAN SCHOOL DISTRICT
Wilmington, Delaware**

May 23, 1975

Delaware State Senate
128th General Assembly
Dover, Delaware

Dear Senators:

The adoption by the Delaware State Senate of Resolution No. 59 on May 20, 1975, makes former and present co-laborers in education, students, colleagues, other adults, my family and me humbly grateful.

Whatever worthwhile things have been accomplished during my educational career in Delaware as a school administrator are the results of enthusiastic cooperation of many people of all ages, including the Senate in which you are rendering distinguished service.

For this honor, which will be forever cherished, along with fond memories of the people whose lives have touched and influenced mine, I thank Senator Margaret Manning and each member of the Senate.

Sincerely,
J. A. Taliaferro

On motion of Senator Cordrey, **SB 330** which had been placed in the Finance Committee was re-assigned to the Highways and Transportation Committee.

SJR 30, sponsored by Senator Cordrey, was introduced and on motion of Senator Cordrey, the necessary rules were suspended for the purpose of considering the Resolution:

SJR 30 — "Relating to the use of the State Dredge."

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES with 1 Senator (McCullough) ABSENT.

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

The following legislation was introduced:

SB 337 — "An Act to amend Title 9, Subchapter I of Chapter 5, Delaware Code, relating to the fixing of Election dates for authorization of Bond Issues for Suburban Communities improvements." Sponsor: Senator Sharp. Assigned to Community Affairs.

SB 338 — "An Act to amend Chapter 81 of Title 16, Delaware Code, relating to the New Castle County Plumbing Code." Sponsor: Senator Sharp. Assigned to Community Affairs.

SB 339 — "An Act to amend Chapter 13, Title 14, Delaware Code, relating to employment formula and salary schedules for certain professional personnel employed by the School District." Sponsors: Senators Isaacs and Hale. Assigned to Education Committee.

SA 1 to SB 313 was introduced by Senator Murphy and placed with the Bill.

SA 1 to SB 318 was introduced by Senator Martin and placed with the Bill.

SA 1 to SB 84 was introduced by Senator Berndt and placed with the Bill.

HB 349 — "An Act to amend an Act entitled, "An Act to re-incorporate the Town of Delmar", relating to registration and election." Sponsor: Representative Gordy. Assigned to Community Affairs.

HB 350 — "An Act to amend an Act entitled, "An Act to re-incorporate the Town of Delmar", as amended: and relating to the Referendum Vote required before making any increase in Water Rents." Sponsor: Representative Gordy. Assigned to Community Affairs Committee.

HB 369 — "An Act to amend an Act, being Chapter 227, Volume 49, Laws of Delaware, as amended, entitled "An Act to re-incorporate the Town of Laurel", to provide for reports by the Chief of Police, to change the Fiscal Year, to provide for the preparation of the Budget, to provide for the payment of taxes and a penalty for non-payment." Sponsor: Representative Gordy. Assigned to Community Affairs.

HB 383 — “An Act to amend an Act, being Chapter 227, Volume 49, Laws of Delaware, as amended, entitled “An Act to re-incorporate the Town of Laurel” to increase the amount of money which may be borrowed in anticipation of revenues and fixing the age for Capitation Taxes.” Sponsor: Representative Gordy. Assigned to Community Affairs.

HB 145 — “An Act to amend Chapter 81, Title 9, Delaware Code, relating to taxation of improvements on public land by municipalities.” Sponsor: Representative Derrickson. Assigned to Community Affairs.

HB 251 — “An Act to amend an Act, being Chapter 197, Volume 54, Laws of Delaware, as amended, entitled “An Act revising the Prior Charter of the City of Rehoboth Beach and establishing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach” to provide a procedure for a Referendum.” Sponsor: Representative Derrickson. Assigned to Community Affairs.

HB 343 — “An Act to provide a supplemental appropriation to the Department of Public Safety Motor Fuel Tax Division, for increased operating expenses.” Sponsor: Representative McGinnis. Assigned to Public Safety Committee.

HB 355 w HA 1 — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to carrying a concealed deadly weapon; and providing a mandatory sentence therefor.” Sponsors: Representatives Darling and Riddagh. Assigned to Judiciary Committee.

HB 364 — “An Act directing the Kent County Levy Court to cease any and all activity regarding the construction of a Kent County Airport; and further authorizing and directing the Kent County Levy Court to proceed to have placed on the November 1976 Ballot the question of whether the citizens of Kent County, Delaware, desire the construction of a Kent County Airport.” Sponsor: Representative Darling. Assigned to Community Affairs.

HB 375 — “An Act to amend Chapter 42, Volume 53, Laws of Delaware as amended, entitled “An Act amending, revising and consolidating the Charter of the City of Seaford” relating to the qualifications for Mayor and City Council.” Sponsor: Representative Temple. Assigned to Community Affairs.

HB 466 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriation Act, originally designated House Bill No. 750, and to amend

Chapter 523, Volume 59, Laws of Delaware, the Omnibus Amendment to the 1975 Budget Appropriation Act, originally designated House Bill No. 1113." Sponsor: Representative Matushefske.

On motion of Senator Schlör, the necessary rules were suspended for the purpose of considering **HB 466**.

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

YES: Senators Berndt, Cicione, Hale, Holloway, Isaacs, Kearns, Knox, Martin, Schlör, Sharp, Steele — 11.

NO: Senators Cook, Cordrey, Elliott, Hughes, Manning, Zimmerman — 6.

NOT VOTING: Senators Adams, Castle and McCullough — 3.

ABSENT: Senator Murphy — 1.

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

HCR 32, sponsored by Representative Maxwell and Senator Cicione, was introduced and on motion of Senator Cicione, considered for adoption:

HCR 32 — "Congratulating Janet W. Saunders, a McKean High School student, upon being Girl Student-of-the-year by the Distributive Education Clubs of America."

The roll call vote on the Resolution was taken and revealed 20 Senators voting **YES** with 1 Senator (Murphy) **ABSENT**.

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

SB 7 was reported back from the Energy Committee: 2 Favorable, 2 Merits.

On motion of Senator Cordrey, **SB 274** was laid on the table for later consideration.

SB 300 was taken up for consideration on motion of Senator Murphy and the privilege of the floor was extended to a representative of the Insurance Guaranty Association (B. W. Redford) to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 19 Senators voting **YES** with 2 Senators (Cicione and Isaacs) **NOT VOTING**.

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

Legislative Advisories No. 31 and No. 32, received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor had approved: **SCR 31** — 5-22-75; **SCR 33** — 5-22-75; **SCR 35** — 5-22-75; **SCR 37** — 5-22-75; **SCR**

36 — 5-22-75; **SCR 6 w SA 1, 2, 3, HA 1** — 5-24-75.

* * * * *

At 3:37 p.m. on motion of Senator Cordrey, the Senate recessed for 45 minutes.

The Senate reconvened at 5:07 p.m.

The following Committee reports were announced:

From the Highways and Transportation Committee: **SB 158** — 5 Merits.

From the Finance Committee: **SB 172** — 5 Merits; **SB 176** — 5 Merits; **SB 238** — 4 Merits; **SB 279** — 5 Merits; **SB 298** — 5 Merits; **HB 61** — 4 Merits; **HB 385** — 4 Merits; **HB 387** — 4 Merits.

From the Revenue and Taxation Committee: **HB 436** — 4 Merits, 1 Favorable; **HB 437** — 1 Favorable, 4 Merits; **HB 438** — 1 Favorable, 4 Merits.

SB 340, sponsored by Senator Cicione; Representatives Gilligan, Maxwell and Kelly, was introduced and assigned to Administrative Services Committee:

SB 340 — “An Act to authorize and approve the transfer of certain real property in Cranston Heights to the Cranston Heights Fire Company.”

SA 1 to SB 335 was introduced by Senator Hughes and placed with the Bill.

On motion of Senator Cicione, the necessary rules were suspended for the purpose of considering **HB 385** and the privilege of the floor was extended to Representative McGinnis to speak on the Bill.

On motion of Senator Cicione, the roll call vote on the Bill was taken but before being announced he further moved that it be tabled.

Before the roll call vote on his tabling motion was begun, the Senate recessed for 15 minutes on motion of Senator Isaacs.

The Senate reconvened at 5:48 p.m.

The roll call vote on the motion to table the roll call on **HB 385** was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Castle, Elliott, Hale, Hughes, Knox, Steele — 6.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senator Manning — 1.

Therefore, the motion prevailed and the roll call vote on **HB**

385 was tabled.

Senator Isaacs moved that the necessary rules be suspended for the purpose of considering **HB 436**.

The roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Steele — 7.

ABSENT: Senator Manning — 1.

Therefore, the motion prevailed.

The privilege of the floor was extended to Representative McGinnis to speak on the Bill after which the roll call vote on the Bill was taken and announced:

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

NO: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Hughes, Knox, Steele — 9.

ABSENT: Senator Manning — 1.

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

Senator Cicione moved that the necessary rules be suspended for the purpose of considering **HB 387**.

The roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Berndt, Castle, Elliott, Hughes, Knox, Steele — 6.

ABSENT: Senators Hale and Manning — 2.

Therefore, the motion prevailed.

The privilege of the floor was extended to Representative McGinnis after which the roll call was taken and announced:

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

NO: Senators Adams, Castle, Cordrey, Elliott, Hale, Hughes, Knox, Manning, Steele — 9.

ABSENT: Senator Berndt — 1.

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

Senator Isaacs moved that the necessary rules be

suspended for the purpose of considering **HB 437**.

The roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Castle, Elliott, Hughes, Knox, Manning, Steele — 6.

ABSENT: Senators Berndt and Hale — 2.

Therefore, the motion prevailed.

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

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

NO: Senators Adams, Castle, Cordrey, Elliott, Hughes, Knox, Manning, Steele — 8.

ABSENT: Senators Berndt and Hale — 2.

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

Senator Isaacs moved that the necessary rules be suspended for the purpose of considering **HB 438**.

The roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Castle, Elliott, Hughes, Knox, Manning, Steele — 6.

ABSENT: Senators Berndt and Hale — 2.

Therefore, the motion prevailed and the roll call vote on the Bill was then taken and revealed:

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

NO: Senators Adams, Castle, Cordrey, Elliott, Hughes, Knox, Manning, Steele — 8.

ABSENT: Senators Berndt and Hale — 2.

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

On motion of Senator Cicione, the roll call vote on **HB 385** was lifted and announced:

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

NO: Senators Adams, Castle, Cordrey, Elliott, Hale,

Hughes, Knox, Manning, Steele — 9.

NOT VOTING: Senator Berndt — 1.

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

At 6:33 p.m. on motion of Senator Isaacs, the Senate recessed until May 28th at 1:30 p.m.

The Senate reconvened at 1:46 p.m. May 28, 1975, President Pro Tempore Isaacs presiding.

The following Bills were reported back from the Administrative Services Committee: **SS 1** for **SB 83** — 5 Merits; **SB 213** — 2 Favorable, 3 Merits; **SB 266** — 4 Merits.

HB 375 was reported back from the Community Affairs Committee: 4 Merits.

SR 63, sponsored by Senator Hughes and all the other Senators, was introduced and considered for adoption:

SR 63 — "Expressing the condolences of the Delaware State Senate on the death of former New Castle County Levy Court President Ellwood S. Leach."

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES with 3 Senators (Castle, Manning, McCullough) ABSENT.

Therefore, the Resolution was adopted.

Senator Zimmerman introduced to the Senate the 7th Grade Class of Dover Central Middle School who were present in the Chamber together with their teacher, Mrs. Dennis.

The following legislation was introduced:

SB 341 — "An Act to authorize the Department of Highways and Transportation to convey certain lands to Kent County." Sponsors: Senators Murphy and Zimmerman; Representative Morris. Assigned to Highways and Transportation Committee.

SB 342 — "An Act to amend Title 29 and Title 31 of the Delaware Code relating to the State Human Relations Commission; and providing for the elimination of said Commission." Sponsor: Senator Steele. Assigned to Health and Social Services Committee.

SB 343 — "An Act to amend Chapter 10, Part I, Title 14 of the Delaware Code relating to Teacher Contracts." Sponsor: Senator Steele. Assigned to Education Committee.

SB 344 — "An Act proposing an Amendment to Article I of the Constitution of the State of Delaware, relating to initiative and Referendum." Sponsor: Senator Steele. Assigned to Executive Committee.

SB 345 — "An Act to amend Chapter 21, Part II, Title 19, of the Delaware Code relating to the Industrial Accident Board." Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

SS 1 for SB 247, sponsored by Senator Adams, was introduced and adopted in lieu of the Original and assigned to Revenue and Taxation Committee:

SS 1 for SB 247 — "An Act to amend Title 21 and 30 of the Delaware Code relating to certain penalty assessments payable by mail."

SA 1 to SB 203, sponsored by Senators Adams and Cook, was introduced and placed with the Bill.

At 1:56 p.m. on motion of Senator Isaacs, Lt. Governor Bookhammer presiding, the Senate adjourned to immediately convene for the 36th Legislative Day.

36TH LEGISLATIVE DAY

The Senate convened at 1:56 p.m. May 28, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

HB 63 w HA 1 was taken up for consideration on motion of Senator Holloway.

The following witnesses were extended the privilege of the floor during the discussion of the Bill: Marvin B. Smith, Ph.D.; Philip P. Gerbin, Pharm D.; R. W. Manthei, Ph.D.; Alvin Weimer, M.D.; H. Martin Moss; Dr. Richards.

At the request of Senator Holloway the following Statement was read into the record:

STATEMENT PREPARED FOR A PUBLIC HEARING ON HOUSE BILL 63 Dover, Delaware

May 28, 1975

Mr. Chairman, Members of the Senate:

My name is Joseph C. Toland. I graduated from the Pennsylvania College of Optometry with a Doctor of Optometry degree in 1954.

Following 5 years of practice as an optometrist including

military service in USAF, I entered Hahnemann Medical School and graduated with the M.D. degree in 1963. I then undertook a 3 year residency in ophthalmology at Thomas Jefferson Medical School which was completed in 1967. I was Board Certified as an ophthalmologist in 1969. Thus, Mr. Chairman, I am here today as both an optometrist, and an ophthalmologist.

My reason for testifying on behalf of the amendment to the Optometry Act is that I sincerely believe that the public welfare of the citizens of Delaware can be enhanced if optometrists are permitted to use drugs for diagnostic purposes. I am currently an instructor in ophthalmology at the Thomas Jefferson Medical School and Professor of Pathology and Director Ophthalmological Services of the Pennsylvania College of Optometry. In this capacity, I have intimate knowledge of the education of medical and optometry students, and with my background as an optometrist I do not think there is anyone better qualified than myself to evaluate this question from the perspective of both an optometrist and an ophthalmologist. I teach the medical and optometry student to use these agents in a clinical setting.

Optometrists are more than adequately educated to use the drugs listed in the amendment of your Act. I am intimately aware of the curriculum of the Pennsylvania College of Optometry and note that pharmacology and its clinical application has been taught for over 20 years. This College is accredited by the Council on Optometric Education, the Commission on Institutions of Higher Education of the Middle State Association of Colleges and Secondary Schools. Ninety five percent of the optometrists practicing in Delaware are graduates of this College.

Further, I recognize that the public will be well served by optometrists using these drugs. Optometry is a primary health profession, and approximately 70% of the people seeking eye care go to an optometrist first. They are distributed throughout all segments of society and are not limited, as most of my ophthalmological colleagues are, to the major teaching centers. It is absolutely imperative that patients with systemic diseases manifesting eye conditions, or patients with primary ocular diseases, be diagnosed at the earliest opportunity. Optometrists have the responsibility of diagnosing these diseases and referring for appropriate treatment. This is no different than the general practitioner who observes a

condition and refers it to a medical colleague for specialty treatment. I believe that opposition to this Bill will lead to delay in the proper diagnosis and care of patients with disease.

As for the incidence of side reactions to the use of these four topical ophthalmic preparations, I am completely amazed at the allegations. In 11 years of practice as an ophthalmologist, I have never seen nor am I aware of, a condition of anaphylactic shock, cardiac arrest, severe allergic reaction, or other alleged serious side effects, in the judicious use of these drugs.

If the health care of this state is to be maintained optometrists as primary professionals, acting as a primary point of entry, into the health system, must be permitted all the tools available for diagnostic procedures. Their education, their practice mode, their distribution throughout the State, will make them a vital public health resource. To deny them tools to continue their work makes no sense to me as a citizen and another health provider. The public needs to have optometrists legally able to fully utilize their education and training by employing diagnostic pharmaceutical agents.

Respectfully submitted,
Joseph C. Toland, O.D., M.D.

* * * * *

On motion of Senator Holloway, **HB 63 w HA 1** was then laid on the table.

At 4:05 p.m. on motion of Senator Cordrey, the Senate recessed for 45 minutes.

The Senate reconvened at 5:06 p.m., President Pro Tempore Isaacs presiding.

5:08 p.m. Lt. Governor Bookhammer presiding.

On motion of Senator Cordrey, **HB 298 w HA 1** was taken up for consideration.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES with 4 Senators (Elliott, Holloway, McCullough and Sharp) voting NO.

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

HB 455 was read by title only at the request of Senator Cordrey:

HB 455 — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to monthly reports of distributors." Sponsor: Representative McGinnis.

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

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

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

NO: Senators Castle, Elliott, Hale, Hughes, Knox — 5.

NOT VOTING: Senators Berndt and Manning — 2.

Therefore, the motion prevailed and the Bill was taken up for consideration.

The privilege of the floor was extended to Secretary Malarkey to speak on the Bill after which the roll call vote was taken and announced:

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

NO: Senators Castle, Elliott, Hale, Hughes, Knox, Manning — 6.

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

SB 211 was taken up for consideration on motion of Senator Cordrey, the roll call vote taken and announced:

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

NO: Senators Elliott, Hale, Knox, Manning and Martin — 5.

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

SB 84 was taken up for consideration on motion of Senator Berndt.

SA 1 to the Bill was then taken up for consideration on motion of Senator Berndt and was adopted with 21 Senators voting YES.

The roll call vote on **SB 84 w SA 1** was then taken and announced:

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

NO: Senator McCullough — 1.

NOT VOTING: Senators Hughes and Knox — 2.

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

SB 206 was taken up for consideration on motion of Senator Schlör.

The privilege of the floor was extended to Russell Dineen and Harry Stephan to speak on the Bill.

SA 1 to the Bill was considered for adoption on motion of Senator Schlor, the roll call vote taken and announced:

YES: Senators Adams, Hale, Manning, Schlor — 4.

NO: Senators Cordrey, Elliott, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele — 11.

NOT VOTING: Senators Berndt, Castle, Cook, Holloway, Zimmerman — 5.

ABSENT: Senator Cicone — 1.

Therefore, the Amendment was declared lost.

Senator Hale moved that further consideration of **SB 206** be deferred.

At 7:01 p.m., before the roll call vote on the deferral motion was announced, the Senate recessed until 1:30 p.m. May 29 on motion of Senator Isaacs.

The Senate reconvened at 1:57 p.m. May 29, 1975, Lt. Governor Bookhammer presiding.

The roll call vote on the motion to defer consideration of **SB 206** which was taken prior to the recess was announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

NO: Senator Isaacs — 1.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Cicone — 1.

Therefore, the motion prevailed and the Bill was deferred.

The following communication from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

May 15, 1975

To the Senate of the 128th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Leroy M. Park, 467 Anderson Drive, New Castle, Delaware, to be a member of the Violent Crimes Compensation Board, for a two-year term from April 15, 1975 to expire April 15, 1977.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The following Committee reports were read:

From the Revenue and Taxation Committee: **SS 1** for **SB**

247 — 1 Favorable, 5 Merits; **HB 48** — 1 Favorable, 4 Merits.

From the Public Service Committee: **SB 271** — 4 Merits.

From the Executive Committee: **SB 278** — 5 Merits, 1 Unfavorable.

From the Community Affairs Committee: **SS 1** for **SB 295** — 4 Merits.

From the Highways and Transportation Committee: **SB 313** — 5 Merits; **SB 341** — 5 Merits.

From the Labor Committee: **SB 336** — 4 Merits.

From the Education Committee: **SB 343** — 5 Merits.

From the Judiciary Committee: **HJR 9** — 4 Merits, 1 Unfavorable; **HB 64** — 5 Merits; **HB 301** — 5 Merits.

The following proposed legislation was introduced:

SB 346 (Sponsored by Senators Kearns, Isaacs and Castle) — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to crimes and criminal procedure; and changing amounts required in certain offenses to constitute a felony.” Assigned to Judiciary Committee.

SB 347 (Sponsored by Senators Kearns, Isaacs and Castle) — “An Act to amend Chapter 13, Part I, Title 10 of the Delaware Code relating to the Court of Common Pleas for the State of Delaware; and increasing the civil jurisdiction of that Court.” Assigned to Judiciary Committee.

SB 348 (Sponsored by Senator McCullough) — “An Act directing the Board of Pension Trustees to reevaluate pension benefits for Howard M. Teal, a former employee of the State of Delaware and of New Castle County.” Assigned to Executive Committee.

SB 349 (Sponsored by Senators Holloway and Adams) — “An Act to amend Chapter 15, Title 13, Delaware Code, relating to alimony.” Assigned to Judiciary Committee.

SB 350 (Sponsored by Senator McCullough) — “An Act to amend Chapter 13, Title 14, Delaware Code, relating to the employment formula of School Psychologists.” Assigned to Education Committee.

SB 351 (Sponsored by Senator Adams) — “An Act to amend Subchapter II of Chapter 5 of Title 11 of the Delaware Code relating to possession of drugs and delivery or possession of purported controlled substances.” Assigned to Judiciary Committee.

SA 1 to **SB 330** was introduced by Senator Hughes and placed with the Bill.

SA 2 to **SB 313** was introduced by Senator Hughes and placed with the Bill.

SA 2 to SB 335 was introduced by Senator Zimmerman and placed with the Bill.

SR 64 was introduced by Senator Holloway:

SR 64 — "Requesting the Senate of the United States to use its influence and authority to prevent the addition of another \$1 on the imported oil tariff."

The Resolution was laid on the table at the request of Senator Holloway.

SR 65 (Sponsored by Senators Adams and Holloway) — "Requesting the Secretary of the Health and Social Services to Direct the appearance of the Director of the Food Stamp Program in the Delaware State Senate on Thursday, June 5, at 1:30 p.m."

The Resolution was adopted by roll call vote with 20 Senators voting YES and 1 Senator (Kearns) ABSENT.

Senator Manning introduced Miss Teenager of Delaware to the Senate membership.

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

37TH LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 29, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that it had passed **SB 190**; **SB 170 w HA 1**; **SB 227 w SA 1**; **SB 82** and adopted **SCR 39**; **SCR 40**; **SJR 26** and **SJR 30**.

Legislative Advisory No. 33 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SB 154** — 5-28-75.

SR 66 was introduced by Senator Zimmerman and adopted by a unanimous vote of the Senate:

SR 66 — "Expressing "THANKS" to Toni Lee Harris for services rendered and wishing her well during her stay in Turkey as an American Foreign Exchange Student."

SR 67, sponsored by Senators Zimmerman, Holloway, Murphy and Cook, was introduced and considered for adoption:

SR 67 — "Expressing congratulations to the Dover High School Athletic Department upon winning four Henlopen Conference Tournaments during the Academic School Year 1974-75."

The Resolution was adopted with 20 Senators voting YES and 1 Senator (Manning) ABSENT.

SA 1 to SB 329 was introduced by Senator Kearns and placed with the Bill.

SA 2 to SB 206 was introduced by Senator Schlör and placed with the Bill.

The following House legislation was introduced:

HB 319 — "An Act making a supplementary appropriation from the General Fund of the State of Delaware in the amount of \$50,000 to subsidize the Delaware Authority for Specialized Transportation." Sponsor: Representative George. Assigned to Finance Committee.

HCR 33, sponsored by Representative McKay, was introduced and considered for adoption on motion of Senator Knox:

HCR 33 — "Extending the congratulations of the 128th General Assembly to the Philadelphia Flyers for winning the Stanley Cup for the second year in a row."

The Resolution was adopted with 20 Senators voting YES and 1 Senator (Martin) ABSENT.

On motion of Senator Elliott, **SB 170** which had passed the Senate was taken up for reconsideration as further amended by **HA 1**.

The roll call vote on the Bill as so amended was taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Martin and Zimmerman) ABSENT.

Therefore, the Bill (as so amended) passed the Senate.

On motion of Senator Kearns, **HB 266** was taken up for consideration and the privilege of the floor was extended to Representative Clendaniel to speak on the Bill.

The Bill was then tabled for further action on motion of Senator Kearns.

The Student Madrigal Choir of Monta Vista High School, California, was introduced by Senator Isaacs and the group sang before the Senate.

SCR 40, sponsored by Senator Sharp and Representative Worthen, was introduced and adopted by unanimous vote of the Senate:

SCR 40 — "Welcoming the Monta Vista Madrigals from Monta Vista High School, Monta Vista, California, and extending best wishes to each of them on their East Coast Tour."

At 2:54 p.m. on motion of Senator Cordrey, the Senate recessed until 3:50 p.m.

The Senate reconvened at 4:07 p.m.

HB 484, sponsored by Representative Minner, was introduced:

HB 484 — "An Act to amend an Act entitled "An Act establishing a Committee to plan with the Delaware Agriculture Museum Association, Inc; the creation of a State Agriculture Museum; prescribing certain powers and responsibilities for such Committee; and providing a supplementary appropriation for the expenses incurred by such Committee" relating to the time the Delaware Agriculture Museum Committee shall issue interim reports."

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of considering the Bill. The roll call vote on the Bill was taken and revealed 20 Senators voting YES with 1 Senator (Holloway) ABSENT.

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

HB 266 was lifted for consideration on motion of Senator Kearns.

On motion of Senator Kearns, the roll call vote on the Bill was taken but he moved that the roll call be tabled before being announced. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Kearns, Knox, Manning, Martin, Schlor — 10.

NO: Senators Cicione, Hale, Holloway, Hughes, Isaacs, McCullough, Sharp, Steele — 8.

NOT VOTING: Senators Elliott, Murphy and Zimmerman — 3.

Therefore, the motion failed and the roll call vote on **HB 266** was announced:

YES: Senators Kearns, Martin and Schlor — 3.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Manning, McCullough, Murphy, Sharp, Steele — 16.

NOT VOTING: Senators Castle and Zimmerman — 2.

Therefore, the Bill was declared lost in the Senate.

HB 275 was taken up for consideration on motion of Senator Kearns.

Senator Hale moved that the Bill be tabled and the roll call vote on his motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Sharp, Steele — 10.

NO: Senators Berndt, Cordrey, Kearns, Knox, Manning,

Martin — 6.

NOT VOTING: Senators Castle, McCullough, Murphy, Schlor — 4.

ABSENT: Senator Zimmerman — 1.

Therefore, the Bill was still before the Senate.

The privilege of the floor was extended to Representative George to speak on the Bill.

Senator Manning moved that the Bill be tabled and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Martin, Sharp, Steele — 14.

NO: Senators Cook, Kearns, Manning, McCullough, Schlor — 5.

ABSENT: Senators Murphy and Zimmerman — 2.

Therefore, the motion prevailed and the Bill was tabled.

SB 258 was taken up for consideration on motion of Senator Cicione, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele — 18.

NO: Senator Cordrey — 1.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senator Zimmerman — 1.

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

SJR 28 was taken up for consideration on motion of Senator Sharp and the roll call vote taken which was tabled before being announced on motion of Senator Sharp.

SB 299 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which was then tabled before being announced on motion of Senator Murphy.

SB 243 was taken up for consideration on motion of Senator Zimmerman at whose request the following communication is made part of this record:

CITY OF DOVER

22 May 1975

The following are excerpts from the Official Minutes of the Council Meeting of March 10, 1975.

Annexation Referendum Ordinance — Mr. James submitted an ordinance to amend the City of Dover Charter to comply with the recent Supreme Court ruling that the one man, one vote policy should be utilized. It is the recommendation of the Committee that Council adopt this ordinance and forward it

to the General Assembly for passage and approval. On motion of Mr. LeGates, seconded by Mr. McDonough, Council approved the recommendation of the Committee with a roll call vote of seven yes and one absent, Mr. Harris, and adopted the following ordinance.

(Annexation Referendum Ordinance Attached)

Council Vacancy Ordinance — An ordinance relating to the filling of a vacated Council position was considered. It is the recommendation of the Committee that Council adopt this ordinance. Mr. Perman objected to the six month cut off period for an election to fill any vacancy. It was explained that this six month period can be over-ruled at the option of Council and an election held. On motion of Mr. LeGates, seconded by Mr. Muir, Council by a roll call vote of six yes, one no, Mr. Perman, and one absent, Mr. Harris adopted the following ordinance and directed that it be forwarded to the General Assembly for passage and approval.

(Council Vacancy Ordinance Attached)

William H. Willis

City Clerk

* * * * *

The roll call vote on **SB 243** was then taken and revealed 18 Senators voting YES with three Senators (Cordrey, Holloway and Schlor) ABSENT.

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

SB 254 was taken up for consideration on motion of Senator Zimmerman, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, McCullough, Schlor, Sharp, Zimmerman — 14.

NOT VOTING: Senators Castle, Knox, Manning, Martin, Murphy, Steele — 6.

ABSENT: Senator Cordrey — 1.

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

On motion of Senator Sharp, the roll call vote on **SJR 28** was lifted and announced:

YES: Senators Adams, Cicione, Cook, Elliott, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Sharp, Zimmerman — 12.

NO: Senators Berndt, Castle, Holloway, McCullough and Steele — 5.

NOT VOTING: Senators Knox and Schlör — 2.

ABSENT: Senators Cordrey and Hale — 2.

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

SJR 22 was reported back from the Education Committee: 2 Favorable, 2 Merits.

HB 284 was reported back from the Labor Committee: 4 Merits.

SB 318 was reported back from the Administrative Services Committee: 2 Favorable, 4 Merits.

The following legislation was introduced:

SB 352 — “An Act making a supplementary appropriation to Geriatric Services of Delaware, Inc.” Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 353 — “An Act to amend Chapter 5, Title 4, Delaware Code relating to minimal changes of location by licensees.” Sponsor: Senator Cook. Assigned to Administrative Services Committee.

SB 354 — “An Act to amend an Act, being Chapter CI (101), Volume 8, Laws of Delaware, entitled “An Act to incorporate the Wilmington Savings Fund Society” passed at Dover on January 11, 1932, as the same has since been renewed, amended and changed, by amending Section 7 thereof to provide that the Society may make unsecured loans.” Sponsors: Senators Holloway, Schlör and Berndt; Representatives Miller, Sincock, Temple and Powell. Assigned to Banking, Insurance and Elections Committee.

SB 355 — “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 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 State Banks or Trust Companies.” Sponsors: Senators Holloway, Schlör and Berndt; Representatives Miller, Sincock, Temple and Powell. Assigned to Banking, Insurance and Elections Committee.

SA 2 to SS 1 for SB 85 was introduced by Senator Elliott and placed with the Bill.

SA 1 to SJR 22 was introduced by Senator McCullough and placed with the Resolution.

SR 68 was introduced by Senator Isaacs and considered for adoption on his motion:

SR 68 — “Requesting Public Hearings in New Castle

County on Senate Bill No. 206, deferred on May 28, 1975, before a vote is taken in the Senate."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Schlör, Sharp, Steele, Zimmerman — 17.

NO: Senator McCullough — 1.

NOT VOTING: Senator Murphy — 1.

ABSENT: Senators Cordrey and Knox — 2.

Therefore, the Resolution was adopted.

The following House legislation was introduced:

HB 55 w HA 1 — "An Act to amend Chapter 5, Part I, Title 7 of the Delaware Code relating to dog licenses and providing for an increase in the amount which may be retained by the selling agent." Sponsor: Representative Leshner. Assigned to Natural Resources and Environmental Control Committee.

HB 285 — "An Act to amend Chapter 14, Volume 58, Laws of Delaware, entitled "An Act to amend Title 22, Delaware Code, entitled 'Municipalities' by adding thereto a new Chapter 9 authorizing Cities with a population in excess of 50,000 persons to enact a Tax on Income of its residents; and a tax on the income of non-residents engaged in any occupation, business or profession within the City." Sponsors: Representatives Jonkiert, George, Johnson, Rispoli, Plant; Senators Holloway and Schlör. Assigned to Community Affairs Committee.

HB 345 w HA 1 — "An Act to amend Chapter 17, Title 7, Delaware Code, making it unlawful for dogs to run at large, providing penalties for violations thereof, and providing that records of such violations be kept by the Department of Natural Resources and Environmental Control." Sponsors: Representatives Worthen and Seibel. Assigned to Natural Resources and Environmental Control Committee.

HB 356 — "An Act repealing Chapter 19 of Title 6, Delaware Code, relating to "Fair Trade Laws." Sponsors: Representatives LeGates, Worthen, Billingsley, Seibel. Assigned to Executive Committee.

At 6:10 p.m. on motion of Senator Isaacs, the Senate recessed until June 3, 1975.

The Senate reconvened at 1:54 p.m. June 3, 1975 and on motion of Senator Isaacs immediately adjourned to convene for the 38th Day.

38TH LEGISLATIVE DAY

The Senate convened at 1:54 p.m., June 3, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Elliott.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that it had passed **SB 304**.

Legislative Advisories No. 34 and 35, received from William C. Bradley, Jr., Counsel to the Governor informed the Senate that the Governor approved: **SB 193** — 6-2-75; **SB 212** — 6-2-75; **SB 140 w HA 1** — 5-30-75; **SJR 30** — 5-30-75.

The Governor vetoed **SJR 27** — 6-2-75.

The following communication was read from the Governor:

STATE OF DELAWARE DOVER

June 2, 1975

To the Delaware State Senate
of the 128th General Assembly
of the State of Delaware:

On May 22, 1975, I received Senate Joint Resolution No. 27 entitled: "RELATING TO THE USE OF THE STATE DREDGE".

I herewith return this bill without my signature.

I have already signed Senate Joint Resolution No. 30 which expressly allowed that which Senate Joint Resolution No. 27 would have allowed. In addition, the resolution lacked significant sections of the resolution clause which would have made it inoperable.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The following legislation was introduced:

SB 356 — "An Act to amend Chapter 9 of Title 10, Delaware Code, relating to exclusive civil jurisdiction of the Family Court." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 357 — "An Act proposing an Amendment to Article II,

Section 20, of the Constitution of the State of Delaware, relating to the interest of a member of the General Assembly in a pending measure." Sponsor: Senator Martin. The Bill was immediately stricken on motion of Senator Martin.

SR 69, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 69 — "In reference to election of Officers."

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES with 3 Senators (Adams, Cicione and Schlor) ABSENT.

Therefore, the Resolution was adopted.

The following legislation was introduced:

HB 174 — "An Act to amend Subchapter I of Chapter 17, Title 15, Delaware Code, relating to procedures in determining eligibility of voter to remain registered." Sponsor: Representative Darling. Assigned to Banking, Insurance and Elections Committee.

HB 325 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to Vanity License Plates." Sponsor: Representative Johnson. Assigned to Public Safety Committee.

HB 488 — "An Act making a supplementary appropriation to the Mt. Pleasant School District for the purpose of assisting Gail Stacy, who has been selected as Delaware's participant in America's Youth in Concert which will render concerts in Italy, Austria, Switzerland, France and England during the month of July." Sponsor: Representative Ambrosino. Assigned to Executive Committee.

SB 358 — "An Act to amend Chapter 63, Part VI, Title 29 of the Delaware Code relating to the Budget Appropriation Bill; and providing for limitations on total appropriations and taxes." Sponsor: Senator Steele. Assigned to Finance Committee.

SB 217 was taken up for consideration on motion of Senator Elliott.

During the discussion of the Bill the privilege of the floor was extended to Clyde A. Roberts, Secretary John C. Bryson of the Natural Resources and Environmental Control Dept. and R. H. Diefenderfer, Jr. of the Conrad Area School District. The roll call vote on the Bill was taken but on motion of Senator Elliott was tabled before being announced.

At 3:37 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 4:13 p.m., Lt.

Governor Bookhammer presiding.

The necessary rules were suspended on the motion of Senator Holloway for the purpose of considering **SB 352**.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Hughes and Manning — 2.

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

Senator Martin moved that **SB 302** be considered next instead of **SB 161** which was next on the Agenda.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 15.

NOT VOTING: Senators Elliott, Isaacs and Steele — 3.

ABSENT: Senators Holloway, Hughes and Manning — 3.

Therefore, the motion prevailed and **HB 302** was before the Senate.

The privilege of the floor was extended to John S. Mickey and Harvey B. Rubenstein, Delaware American Revolution Bicentennial Committee, to speak on the Bill.

The roll call vote on **SB 302** was taken but before being announced, Senator Martin moved that it be tabled. The roll call vote on the tabling motion was taken and announced:

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

NO: Senator Steele — 1.

ABSENT: Senator Holloway — 1.

Therefore, the motion prevailed and the roll call vote on **SB 302** was tabled.

Senator Adams moved that **HB 266** which had failed for passage in the Senate be restored to the Calendar.

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

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Kearns, Manning, Martin, Schlör — 11.

NO: Senators Berndt, Hale, Hughes, Knox, McCullough, Sharp, Steele, Zimmerman — 8.

NOT VOTING: Senators Isaacs and Murphy — 2.

Therefore, the motion prevailed and the secretary was asked to send a letter to the House about **HB 266**.

The following legislation was introduced:

SB 359 — “An Act to amend Title 2 and Title 19 of the Delaware Code relating to collective bargaining and the unionization of State Employees.” Sponsor: Senator Steele. Assigned to Labor and Industrial Relations Committee.

SB 360 — “An Act proposing an Amendment to Article 1 of the Constitution of the State of Delaware, ensuring to all persons the right to work.” Sponsor: Senator Steele. Assigned to Executive Committee.

SB 361 — “An Act to amend Part I, Title 19 of the Delaware Code relating to Labor; and providing for a Delaware Right-to-work Act.” Sponsor: Senator Steele. Assigned to Labor and Industrial Relations Committee.

SB 362 — “An Act to amend Titles 24 and 31, Delaware Code, relating to the eligibility of Chiropractic Physicians for compensation from Insurance, Group Hospital Services and related Plans; and further providing medical care to the indigent and medically indigent.” Sponsors: Senators Murphy, Cook and Isaacs; Representatives Byrd and Miller. Assigned to Banking, Insurance and Elections Committee.

SB 363 — “An Act to correct certain administrative errors resulting in loss of pay to certain previous employees of the Department of Public Safety and providing for the payment of lost pay.” Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 364 — “An Act to amend Title 29 of the Delaware Code by creating a new Chapter providing for the regulation and control of slot machines within this State.” Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 365 — “An Act to amend Title 18 of the Delaware Code relating to medical malpractice insurance.” Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 366 — “An Act to amend Chapter 9 of Title 5, Delaware Code, relating to powers of the Commissioner regarding certain reserve requirements.” Sponsor: Senator Holloway. Assigned to Banking, Insurance and Elections Committee.

SB 367 — “An Act making a supplementary appropriation to the Delaware Disadvantaged Foundations, Inc.” Sponsors: Senator Holloway and Elliott; Representative Miller. Assigned to Finance Committee.

SB 368 — "An Act proposing an Amendment to Article II, Section 20, of the Constitution of the State of Delaware, relating to the interest of a member of the General Assembly in a pending measure." Sponsor: Senator Martin. Assigned to Executive Committee.

SB 369 — "An Act to amend an Act, being Chapter 63, Volume 12, Laws of Delaware entitled "An Act to incorporate the Artisans' Savings Bank; passed at Dover on February 28, 1961, as the same has since been renewed, amended and changed, by amending Section 3 thereof to provide that the Savings Bank may make unsecured loans, and to provide further that the Savings Bank be permitted to conduct generally checking account services." Sponsors: Senators Holloway, Schlör, Berndt; Representatives Miller, Sincok, Temple and Powell. Assigned to Banking, Insurance and Elections Committee.

SB 370 — "An Act to amend Title 10, Title 31, of the Delaware Code, relating to the jurisdiction of the Division of Juvenile Corrections to retain custody of persons over the age of eighteen years." Sponsor: Senator Holloway.

On motion of Senator Holloway, the Bill was laid on the table.

SB 371 — "An Act to amend Subchapter III, Chapter V, Title 11, Delaware Code, establishing criminal offenses for the pirating of recordings and establishing penalties therefor." Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

SB 372 — "An Act to assign certain severely mentally retarded children to the jurisdiction of the Public School System and to provide an appropriation therefor." Sponsors: Senators Cicione, Martin, Elliott and Holloway; Representatives George, Powell and Byrd. Assigned to Finance Committee.

SCR 42 — "Commending the Controller General and his Staff for outstanding service to the Joint Legislative Finance Committee during preparation of the Budget for Fiscal 1976." Sponsors: Senators Cicione, Castle, Elliott, Isaacs, Cook and Holloway; Representatives George, Lynch, Gilligan, Matushefske, Ambrosino and McKay.

On motion of Senator Cicione, the roll call vote on the Resolution was taken and revealed 17 Senators voting YES with 4 Senators (Elliott, Hale, Knox and Schlör) ABSENT.

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

SCR 41 — "Extending the wishes of the 128th General Assembly for a quick and speedy recovery for Timothy W. Hyatt from recent serious illness." Sponsors: Senator Cicione and all the Senators.

On the motion of Senator Cicione, the roll call vote on the Resolution was taken and revealed 16 Senators voting YES with 5 Senators (Berndt, Elliott, Hale, Knox and Schlör) ABSENT.

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

SA 1 to SB 256 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SS 1 for SB 247 was introduced by Senator Adams and placed with the Bill.

The following Legislation was reported back to the Senate:

From the Executive Committee: **SB 348** — 1 Favorable, 4 Merits.

From the Judiciary Committee: **SB 349** — 5 Merits; **SB 110** — 4 Merits; **SB 291** — 1 Favorable, 3 Merits; **SB 316** — 5 Merits; **SB 334** — 4 Merits; **SB 346** — 1 Favorable, 4 Merits; **SB 347** — 1 Favorable, 4 Merits.

From the Labor Committee: **SB 345** — 4 Merits; **SB 224** — 1 Favorable, 3 Merits.

From the Agriculture Committee: **SB 192** — 5 Merits.

From the Administrative Services Committee: **SB 353** — 5 Merits.

From the Revenue and Taxation Committee: **HB 152** — 5 Merits; **HB 154** — 5 Merits.

At 5:58 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 4.

The Senate reconvened at 1:47 p.m. June 4, 1975, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs, the Senate immediately adjourned to convene for the 39th Day.

39TH LEGISLATIVE DAY

The Senate convened at 1:47 p.m. June 4, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Victor R. Bledsoe.

Pledge of Allegiance to the Flag.

Due to lack of a quorum, the Senate recessed for a short period at 1:47 p.m. and reconvened at 1:50 p.m.

By roll call, there were then 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that the Governor had passed **SB 181 w SA 1, 2, 3 and HA 1**.

Legislative Advisory No. 36 received from William C. Bradley, Jr., Counsel to the Governor indicated that the Governor approved: **SB 227 w SA 1 and SJR 26** on June 3, 1975.

The following legislation was introduced:

SB 373 — "An Act to amend Chapter 52 of Title 30, Delaware Code, relating to penalty assessments payable by mail." Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 374 — "An Act appropriating \$5,000 to the Department of Natural Resources and Environmental Control to continue to provide for lifeguards and maintenance services at Dewey Beach and Fenwick Island through June 30, 1975." Sponsor: Senator Cordrey. The Bill was laid on the table on motion of Senator Cordrey.

SB 375 — "An Act to amend Chapter 21 of Title 10, Delaware Code, relating to furnishing vehicles to Sheriffs for performance of official duties." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 376 — "An Act to amend Chapter 87 of Title 10 of the Delaware Code relating to the fees to be collected by the Sheriff for delivery of papers for the Attorney General's Office." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 377 — "An Act to amend Title 9 of the Delaware Code relating to overhead expense in connection with levying and collection of the Light Tax." Sponsor: Senator Kearns. Assigned to Revenue and Taxation Committee.

SB 378 — "An Act to amend Chapter 59 of Title 11, Delaware Code, relating to the disposition of fines collected by Justices of the Peace." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 379 — "An Act to amend Title 29, Chapter 82, Sections 8208 and 8209, Delaware Code relating to the Division of Emergency Planning and Operations and the Council on Emergency Planning and Operations." Sponsor: Senator Steele. Assigned to Executive Committee.

SB 380 — "An Act to amend Laws of Delaware, Volume 57, Chapter 797, relating to the Delaware State Arts Council." Sponsors: Senators Steele and Elliott. Assigned to Executive Committee.

SS 1 for SB 52 — “An Act to amend Part II and Part IV, Title 11 of the Delaware Code relating to criminal procedure; and providing for the expungement or nullification of criminal records under certain circumstances.” Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 2 to SB 261, sponsored by Senators Sharp and Murphy, was introduced and placed with the Bill.

SA 10 to SB 50 was introduced by Senator Steele and placed with the Bill.

SA 1 to SB 343 was introduced by Senator Steele and placed with the Bill.

HB 357 — “An Act to amend Chapter 1, Title 1, Delaware Code, relating to distribution of the Delaware Code and Supplements.” Sponsor: Representative Matushefske. Assigned to Executive Committee.

At 2:00 p.m. on motion of Senator Murphy, the Senate recessed for 15 minutes.

The Senate reconvened at 2:07 p.m.

SB 363 was reported back from the Public Safety Committee: 1 Favorable, 3 Merits.

SB 161 was taken up for consideration on motion of Senator Martin and the privilege of the floor was extended to William F. Hart to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Hughes, Isaacs, Kearns, Knox, Martin, Schlör, Sharp, Steele — 13.

NO: Senators Cordrey, Elliott, Holloway, McCullough, Murphy and Zimmerman — 6.

ABSENT: Senators Hale and Manning — 2.

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

SB 152 was taken up for consideration on motion of Senator Martin and the privilege of the floor was extended to William F. Hart to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Hughes, Isaacs, Kearns, Knox, Martin, Schlör, Sharp, Steele — 13.

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

ABSENT: Senators Hale, Holloway, Manning and Zimmerman — 4.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

SB 144 was taken up for consideration on motion of Senator Martin and the privilege of the floor was extended to William F. Hart to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Hughes, Isaacs, Kearns, Knox, Martin, Schlör, Sharp, Steele — 13.

NO: Senators Cordrey, Elliott, Holloway and McCullough — 4.

ABSENT: Senators Hale, Manning, Murphy and Zimmerman — 4.

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

HB 24 w HA 1 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to Marion C. Stewart representing the American Association of University Women and Representative Clendaniel to speak on the Bill.

The following letter was also read into the record at the request of Senator Knox:

April 29, 1975

Mrs. Ruth Whitehurst, President
Delaware Council on Crime and Justice, Inc.
Wilmington, Delaware
Dear Mrs. Whitehurst:

Your letter of April 23, 1975 has been referred to me for response.

The Governor appreciates your time taken to explain the resolution passed by the Legislative Action Committee of the Delaware Council on Crime and Justice concerning House Bill **24 w HA 1**.

The Governor is most concerned that the best qualified people be available for state service in the corrections field and he feels that the qualifications for the Director of Corrections are proper and it would be his desire that such qualifications be retained in the Delaware Code dealing with Corrections as is presently written.

Thank you for your comments.

Very truly yours,
William C. Bradley, Jr.
Counsel to the Governor

* * * * *

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

YES: Senators Adams, Cicione, Cook, Cordrey, Hughes, Isaacs, Kearns, McCullough, Schlör, Sharp, Zimmerman — 11.

NO: Senators Berndt, Castle, Elliott, Holloway, Knox, Manning, Martin, Murphy — 8.

NOT VOTING: Senator Steele — 1.

ABSENT: Senator Hale — 1.

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

HB 328 was taken up for consideration on motion of Senator Kearns and the privilege of the floor was extended to Secretary Bryson to speak on the Bill.

The roll call vote taken on the Bill revealed 18 Senators voting YES with 3 Senators (Cicione, Hale and Martin) ABSENT.

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

On motion of Senator Holloway, the necessary rules were suspended for the purpose of lifting from the table **SB 370** for consideration.

The privilege of the floor was extended to John M. Willard, Attorney General's Office, to speak on the Bill.

At 3:50 p.m. Senator Hale presiding.

The privilege of the floor was extended to Representative Morris to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Sharp, Steele — 16.

NO: Senators Cook, McCullough, Murphy and Zimmerman — 4.

ABSENT: Senator Cicione — 1.

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

SB 203 was lifted for consideration on motion of Senator Adams.

On motion of Senator Adams, the roll call vote on **SA 1** to the Bill was taken and revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Elliott, Holloway, Martin and Sharp —

4.

Therefore, the Amendment was adopted.

The roll call vote on **SB 203 w SA 1** was then taken and revealed 17 Senators voting YES with 4 Senators (Elliott, Holloway, Kearns and Martin) ABSENT.

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

At 4:30 p.m. on motion of Senator Cordrey, the Senate recessed for a short time and reconvened at 5:03 p.m., Senator Isaacs presiding.

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of lifting **SB 374** for consideration.

The roll call vote taken on the Bill revealed 16 Senators voting YES with 5 Senators (Berndt, Castle, Elliott, Hughes and McCullough) ABSENT.

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

On motion of Senator McCullough, **SB 250** which had previously passed the Senate was taken up for reconsideration as further amended by **HA 1**.

The roll call vote on **SB 250 w HA 1** was then taken and revealed 17 Senators voting YES with 4 Senators (Berndt, Castle, Elliott and Holloway) ABSENT.

Therefore, the Bill (as so amended) passed the Senate.

SB 5 was taken up for consideration on motion of Senator Isaacs and the roll call taken which revealed:

YES: Senators Adams, Cicone, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 15.

NO: Senators Castle, Hale, Manning, Steele — 4.

ABSENT: Senators Berndt and Elliott — 2.

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

SB 7 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed:

YES: Senators Adams, Castle, Cicone, Cook, Cordrey, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp — 15.

NO: Senator Steele — 1.

NOT VOTING: Senators Berndt and Hale — 2.

ABSENT: Senators Elliott, Holloway and Zimmerman —

3.

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

SB 305 was taken up for consideration on motion of Senator Martin and the roll call vote taken which revealed 16 Senators voting YES with 5 Senators (Cordrey, Elliott, Holloway, Schlor and Zimmerman) ABSENT.

Therefore, the Bill passed and was ordered to the House for concurrence.

The following legislation was introduced:

SB 381 — "An Act to increase the number of authorized positions within the Department of Justice and to provide a supplemental appropriation therefor." Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 382 — "An Act transferring the Educational Television Resource Center on the campus of Delaware State College to the Trustees of Delaware State College." Sponsor: Senator Zimmerman. Assigned to Education Committee.

SB 383 — "An Act relating to a pension for Charles A. Dougherty, an employee of the State Department of Highways and Transportation, and a former highway employee for Kent County." Sponsors: Senator Cicione; Representatives Ferguson and Byrd. Assigned to Executive Committee.

SA 1 to SB 350 was introduced by Senator McCullough and placed with the Bill.

SA 32 to SB 197 was introduced by Senator Holloway and placed with the Bill.

SA 3 to SB 335 was introduced by Senator Zimmerman and placed with the Bill.

SA 3 to SB 206 was introduced by Senators Schlor and Holloway and placed with the Bill.

SA 2 to SB 256 was introduced by Senators Hughes and Berndt and placed with the Bill.

The following Committee reports were announced:

From the Finance Committee: **HB 243** — 5 Merits.

From the Public Safety Committee: **HB 343** — 5 Merits; **SB 253** — 5 Merits.

From the Highways and Transportation Committee: **SB 312** — 5 Merits.

From the Banking, Insurance and Elections Committee: **HB 211** — 5 Merits.

From the Community Affairs Committee: **HB 369** — 4 Merits; **HB 350** — 4 Merits; **HB 383** — 4 Merits; **HB 349** — 4 Merits.

On motion of Senator Holloway, the necessary rules were suspended for the purpose of reconsidering **SB 181 w SA 1, 2, 3** which had previously passed the Senate as now further amended by **HA 1**.

The roll call vote on **SB 18 w SA 1, 2, 3, HA 1** was taken and revealed 19 Senators voting YES with 2 Senators (Cordrey and Hale) ABSENT.

Therefore, the Bill (as so amended) passed the Senate.

The Secretary announced that the House returned **HB 266** as requested by the Senate and the Chair assigned the Bill to Executive Committee.

At 5:41 p.m. on motion of Senator Kearns, the Senate recessed until June 5, 1975.

The Senate was called to order at 1:45 p.m. June 5, 1975, by the Lt. Governor.

The Senate immediately adjourned on motion of Senator Isaacs to begin the 40th Legislative Day.

40TH LEGISLATIVE DAY

The Senate convened at 1:45 p.m. June 5, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Victor R. Bledsoe.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that it had passed **SB 8 w SA 1, HA 1; SB 250 w HA 1** and had adopted **SCR 41** and **SCR 42**.

The following Committee reports were announced:

From the Community Affairs Committee: **HB 285** — 3 Favorable, 2 Merits.

From the Finance Committee: **SB 372** — 1 Favorable, 5 Merits; **SB 12** — 1 Favorable, 5 Merits.

From the Education Committee: **SB 382** — 1 Favorable, 5 Merits.

The following legislation was introduced:

SB 384 — "An Act to amend Chapter 167, Volume 37, Laws of Delaware, entitled "An Act to incorporate the Town of Slaughter Beach." Sponsor: Senator Adams. Assigned to Community Affairs Committee.

SA 2 to **HB 285** was introduced by Senator Hughes and placed with the Bill.

SA 1 to SB 290 was introduced by Senator Cordrey and placed with the Bill.

SA 1 to HB 285 was introduced by Senator Elliott and placed with the Bill.

HB 217 w HA 1 — “An Act to amend Chapter 7, Title 7 of the Delaware Code relating to wearing hunter orange in the hunting of deer.” Sponsor: Representatives Temple and Arnold. Assigned to Natural Resources and Environmental Control Committee.

HB 304 — “An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase a tract of land within White Clay Creek State Park, White Clay Creek Hundred, New Castle County, Newark, Delaware.” Sponsors: Representatives Worthen, Seibel, LeGates and Billingsley; Senators Martin and Knox. Assigned to Natural Resources and Environmental Control Committee.

HB 309 w HA 1 — “An Act to amend Chapter 33, Title 19, Delaware Code, relating to unemployment compensation.” Sponsors: Representatives Byrd, Jonkiert, LeGates, Gilligan, Cain and Plant. Assigned to Labor and Industrial Relations Committee.

HB 320 w HA 1 — “An Act to amend Chapter 89, Title 10, Delaware Code, by changing the Chapter heading of Chapter 89 and providing for interpreters for deaf persons at legal proceedings and fees for such interpreters.” Sponsor: Representative Worthen. Assigned to Judiciary Committee.

HB 336 w HA 2, 3 — “An Act to amend Title 7, Delaware Code, relating to the powers and duties of the Department of Natural Resources and Environmental Control in the establishment of entrance fees to State Parks and Recreation Areas.” Sponsor: Representative Ridings. Assigned to Natural Resources and Environmental Control Committee.

HB 395 w HA 1 — “An Act to amend Chapter 16, Subchapter I, Title 2 of the Delaware Code by providing free public transportation for the blind.” Sponsor: Representative Plant. Assigned to Highways and Transportation Committee.

HB 415 — “An Act to modify the reversion date of certain funds appropriated by Chapter 523, Volume 59, Laws of Delaware.” Sponsors: Representatives LeGates, Worthen, Seibel and Billingsley. Assigned to Labor and Industrial Relations Committee.

HB 454 — “An Act to amend Chapter 29, of Title 24 of the Delaware Code by repealing the law relating to bonding of real

estate brokers and providing instead for the establishment and maintenance of a Real Estate Guaranty Fund." Sponsors: Representatives Powell and McGinnis. Assigned to Administrative Services Committee.

HJR 16 — "Memorializing each member of the Delaware Congressional Delegation to introduce and support legislation which would return to the Legislature of each State the rights and powers originally reserved to them by the Constitution but which have been taken by the Executive and Judicial branches of the Federal Government." Sponsors: Representatives Connor and Ambrosino. Assigned to Executive Committee.

SR 70 — "Requesting State Institutions to devise systems or install equipment which would prevent the scalding of patients." Sponsors: Senators Elliott and Holloway. The Resolution was immediately stricken at the request of Senator Elliott.

SCR 43, sponsored by Senator Isaacs and Representative Jonkiert, was introduced and considered for adoption on motion of Senator Isaacs.

SCR 43 — "Expressing the appreciation of the members of the 128th General Assembly for the volunteer work of the students of the Delaware Law School during the first session."

The roll call vote on the resolution was taken and revealed 18 Senators voting YES with 3 Senators (Berndt, Castle and Holloway) ABSENT.

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

On motion of Senator Isaacs, **SB 8 w SA 1** which had previously passed the Senate and now returned from the House with **HA 1** was laid on the table.

SB 336 was taken up for consideration on motion of Senator Sharp and then deferred for final consideration.

SB 209, final consideration of which had been deferred, was lifted for consideration on motion of Senator Manning.

On motion of Senator Kearns, the roll call vote on **SA 1** to **SB 209** was lifted and announced:

YES: Senators Berndt, Castle, Cook, Cordrey, Hale, Kearns, Knox, Manning, Schlor, Steele — 10.

NO: Senator Adams — 1.

NOT VOTING: Senators Cicione, Elliott, Hughes, Isaacs, Sharp and Zimmerman — 6.

ABSENT: Senators Holloway, Martin, McCullough and Murphy — 4.

Therefore, the Amendment was lost.

Senator Kearns introduced **SA 2** to the Bill and at his request the privilege of the floor was extended to Marie C. Shultie, Department of State, to speak on the Bill and Amendment.

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

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Steele — 15.

NO: Senator Cicione — 1.

NOT VOTING: Senators Isaacs and Zimmerman — 2.

ABSENT: Senators Castle, Holloway and Sharp — 3.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Ethel Mannik, United States Trademark Association, to speak on the Bill.

On motion of Senator Hughes, **SB 209 w SA 2** was laid on the table.

SS 1 for **SB 85** was taken up for consideration on motion of Senator Elliott.

SA 2 to the Bill was taken up for consideration on motion of Senator Elliott and the roll call vote revealed 18 Senators voting YES with 3 Senators (Holloway, Manning and Steele) ABSENT.

Therefore, the Amendment was declared adopted.

SA 1 to **SS 1** for **SB 85** was then stricken on motion of Senator Elliott.

The roll call vote on **SS 1** for **SB 85 w SA 2** was then taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Manning and Steele) ABSENT.

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

HB 375 was taken up for consideration on motion of Senator Schlör and the roll call vote on the Bill taken which revealed 17 Senators voting YES with 4 Senators (Holloway, Kearns, Manning and Steele) ABSENT.

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

SB 238 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which was then tabled before being announced on motion of Senator Cicione.

SB 279 was taken up for consideration on motion of Senator Cicione and the roll call taken which revealed 16

Senators voting YES with 5 Senators (Holloway, Kearns, Manning, Sharp and Steele) ABSENT.

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

SB 298 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 16 Senators voting YES, 1 Senator (Berndt) NOT VOTING and 4 Senators (Kearns, Manning, Sharp and Steele) ABSENT.

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

On motion of Senator Cicione, the roll call vote on **SB 238** was lifted and announced:

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

NOT VOTING: Senators Berndt, Castle, Hale, Hughes, Knox — 5.

ABSENT: Senators Kearns, Manning, Sharp and Steele — 4.

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

SB 324 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Isaacs, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 15.

NO: Senators Castle and Holloway — 2.

ABSENT: Senators Hughes, Kearns, Manning and Steele — 4.

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

SR 71, sponsored by Senators Isaacs and Cordrey was introduced and considered for adoption:

SR 71 — "To debit Senate Travel Account for legislators' mileage of the present session of the 128th General Assembly."

The roll call vote on the Resolution revealed 15 Senators voting YES with 6 Senators (Berndt, Hale, Hughes, Kearns, Manning and Steele) ABSENT.

Therefore, the Resolution was adopted.

SR 72, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 72 — "Authorizing payments for services rendered by

the Staff of the Senate for the 128th General Assembly.”

The roll call vote on the Resolution revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Knox, Martin, Murphy, Schlör, Sharp, Zimmerman — 14.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Berndt, Hale, Hughes, Kearns, Manning and Steele — 6.

Therefore, the Resolution was adopted.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of the introduction and consideration of **SJR 31**:

SJR 31 — “Expressing the appreciation of the Governor of Delaware and the members of the 128th General Assembly for the many contributions to the development of the State of Delaware and the Delaware Valley of the R.R.M. Carpenter Family, of Montchanin, owners of the Philadelphia Phillies Baseball Club.”

The roll call vote on the Resolution revealed 15 Senators voting YES with 6 Senators (Berndt, Hale, Hughes, Kearns, Manning and Steele) ABSENT.

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

The following Committee Reports were announced:

From the Community Affairs Committee: **HB 364** — 4 Merits.

From the Public Safety Committee: **SB 373** — 5 Merits.

From the Finance Committee: **SB 315** — 5 Merits.

The following legislation was introduced:

SB 385 — “An Act to amend Chapter 504, Volume 59, Laws of Delaware, entitled “An Act to amend Subchapter II of Chapter 43, Title 21, Delaware Code, relating to lighted lamps on motor vehicles.” Sponsor: Senator Castle. Assigned to Public Safety Committee.

SB 386 — “An Act to amend Chapter 27, Section 2746, Title 21, Delaware Code, relating to the use of a certificate to prove the propriety of taking blood alcohol tests.” Sponsor: Senator Castle. Assigned to Public Safety Committee.

SB 387 — “An Act to amend Subchapter II, Chapter 27, Section 2732 (A), Title 21 Delaware Code, providing for the mandatory revocation of motor vehicle operator’s license upon conviction of certain crimes involving motor vehicles or upon a finding of delinquency pursuant thereto.” Sponsor: Senator Castle. Assigned to Public Safety Committee.

SB 388 — “An Act to amend Chapter 27, Part II, Title 21 of the Delaware Code relating to suspension and revocation of license for refusal to submit to chemical tests.” Sponsor: Senator Castle. Assigned to Public Safety Committee.

SB 389 — “An Act making a supplementary appropriation to the Division of Public Health of the Department of Health and Social Services for the purpose of providing for a Statewide Educational program on Sickle Cell Anemia.” Sponsor: Senator Holloway. Assigned to Finance Committee.

SS 1 for SB 329 was introduced by Senator Kearns and placed in the Judiciary Committee.

SS 1 for SB 372 was introduced by Senator Cicione and adopted in lieu of the Original.

SA 1 to SB 263 was introduced by Senator Sharp and placed with the Bill.

SA 3 to HB 285 was introduced by Senator Hughes and placed with the Bill.

SA 1 to SB 240 was introduced by Senator Holloway and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 288**.

The following House legislation was introduced:

HB 227 w HA 1 — “An Act to amend Chapter 70, Title 6, Delaware Code, relating to Economic Development and Environmental Facilities, by authorizing the Department of Community Affairs and Economic Development to issue notes or other obligations of the Department, in addition to Bonds, for any of the purposes authorized in such Chapter, to accept Debt Obligations to satisfy evidence or secure its Bonds and Notes, to mortgage its properties to secure its Bonds, Notes and other obligations, and to consolidate issues of Bonds; by clarifying the relationship between this Chapter and 29 Delaware Code, Chapter 69; by clarifying the definitions of Project and the costs thereof; by restating the definition of Pollution Control Facilities; by prohibiting the advance rental reserve to be paid out of Bond proceeds, by changing the maximum maturity of Bond Issues from twenty-five to thirty years; by prescribing a time limitation within which Bonds, Notes, and other obligations of such Department may be challenged; and related matters.” Sponsors: Representatives Cain and Maxwell. Assigned to Finance Committee.

HB 276 — “An Act authorizing and directing the Board of Pension Trustees to grant Mrs. Walter R. Wimbrow a survivor’s

Pension.” Sponsor: Representative Lynch. Assigned to Finance Committee.

HB 249 w HA 1 — “An Act to amend Chapter 98, Title 10, Delaware Code, relating to costs in proceedings before Justices of the Peace.” Sponsor: Representative Boulden. Assigned to Judiciary Committee.

HB 346 w HA 1 — “An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing fire signal control equipment at the Blades Fire Department; Blades, Delaware, at the intersections of 13A and 5th Street and Route 20 and Cannon Street.” Sponsor: Representative Temple. Assigned to Highways and Transportation Committee.

HB 470 w HA 1 — “An Act to amend Section 811, Title 22, Delaware Code, relating to Home Rule.” Sponsor: Representative Harrington. Assigned to Community Affairs Committee.

HB 381 — “An Act to amend Title 29, Delaware Code, by creating a new Chapter to be designated as Chapter 60A, relating to the establishment of a deferred Compensation Program for Public Employees of the State of Delaware and a Deferred Compensation Council, defining the Council’s Organization, powers, duties, and functions and providing a supplementary appropriation to implement the provisions of this Act.” Sponsor: Representative McGinnis. Assigned to Labor Committee.

HCR 34 — “Expressing remembrances and sympathy at the passing of Dr. Mary Kathryn Carl, Dean and Professor, College of Nursing, University of Delaware.” Sponsors: Representatives Worthen and Seibel and Senator Manning.

On motion of Senator Elliott, the roll call vote on the Resolution was taken and revealed 13 Senators voting YES with 8 Senators (Berndt, Castle, Cicione, Hale, Hughes, Kearns, Manning and Steele) ABSENT.

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

SR 73, sponsored by Senators Isaacs, Adams and all the Senators, was introduced and considered for adoption:

SR 73 — “Expressing the appreciation of the Governor of Delaware and the members of the 128th General Assembly for the many contributions to the development of the State of Delaware and the Delaware Valley of the R.R.M. Carpenter family, of Montchanin, owners of the Philadelphia Phillies

Baseball Club.”

The roll call vote on the Resolution revealed 13 Senators voting YES with 8 Senators (Berndt, Castle, Cicione, Hale, Hughes, Kearns, Manning and Steele) ABSENT.

Therefore, the Resolution was adopted.

SJR 32 was introduced by Senator Isaacs and placed in the Executive Committee:

SJR 32 — “Establishing a Committee to study and report on the advantages of creating a Bicentennial Park on the plot known as Capitol Square bounded by Federal Street, Duke of York Street, William Penn Street and Legislative Avenue.”

The following Committee Reports were announced:

From the Community Affairs Committee: **HB 145** — 4 Merits; **HB 231** — 4 Merits; **HB 251** — 4 Merits.

On motion of Senator Isaacs, the Senate recessed until 1:30 p.m. June 10.

The Senate reconvened at 1:35 p.m. June 10, 1975, President Pro Tempore Isaacs presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 41st Day.

41ST LEGISLATIVE DAY

The Senate convened at 1:35 p.m. June 10, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Arvis V. Henderson.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal of the previous day was approved as read.

At 1:37 p.m., Lt. Governor Bookhammer presiding.

SS 1 for **SB 329** was reported back from the Judiciary Committee: 1 Favorable, 3 Merits. On motion of Senator Kearns, the Substitute Bill was adopted in lieu of the original.

Legislative Advisory No. 37 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved: **SB 82** — 6-5-75; **SB 170 w HA 1** — 6-5-75; **SB 190 w SA 1** — 6-5-75; **SCR 39** — 6-5-75; **SCR 40** — 6-5-75.

Legislative Advisory No. 38 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor signed **SS 1** for **SB 186 w SA 1, 2** — 6-5-75.

* * * * *

SR 74 was introduced by Senator Holloway and

considered for adoption:

SR 74 — "Requesting the Delaware Congressional Delegation to support House Resolution No. 6219 which would extend the Voting Rights Act of 1965 for an additional ten years."

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

YES: Senators Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 16.

NO: Senator Steele — 1.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Adams, Cicione and Elliott — 3.

Therefore, the Resolution was adopted.

SR 75 was introduced by Senator Holloway and considered for adoption:

SR 75 — "Commending Governor Sherman W. Tribbitt as the Chief Executive of Delaware for his series of surprise visits and walking tours of State Institutions."

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

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 15.

NOT VOTING: Senators Castle, Hale, Knox, Manning and Steele — 5.

ABSENT: Senator Cicione — 1.

Therefore, the Resolution was adopted.

The following legislation was introduced:

SB 390 — "An Act to amend Title 29 and Title 31 of the Delaware Code relating to the State Human Relations Commission; and providing for the elimination of said Commission." Sponsor: Senator Steele. Assigned to Education Committee.

SB 391 — "An Act to amend Title 29 of the Delaware Code relating to freedom of information of requiring that meetings and records of units of the State Government be open to any citizen of the State of Delaware." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 392 — "An Act to amend Chapter 68, Title 7, Delaware Code, relating to authority of the Department of Natural Resources and Environmental Control to repair storm-related

damages to private beaches.” Sponsor: Senator Murphy. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to SB 323 was introduced by Senator Kearns and placed with the Bill.

HB 174 was reported back from the Banking, Insurance and Elections Committee: 5 Merits.

SB 252 was taken up for consideration on motion of Senator McCullough.

SA 1 to the Bill was considered for adoption on motion of Senator McCullough and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Amendment was adopted.

The privilege of the floor was extended to Col. Joseph F. Rowan, Delaware State Police; Mel Slawik, New Castle County; and Mrs. Olivia Auditor to speak on the Bill.

The roll call vote on **SB 252 w SA 1** was then taken and announced:

YES: Senators Adams, Berndt, Cordrey, Elliott, Holloway, Hughes, Isaacs, Knox, Manning, McCullough, Schlör, Sharp, Steele — 13.

NO: Senators Kearns and Martin — 2.

NOT VOTING: Senators Castle, Hale and Zimmerman —

3.

ABSENT: Senators Cicione, Cook and Murphy — 3.

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

At 3:53 p.m. on motion of Senator Isaacs, the Senate recessed for a short period.

The Senate reconvened at 5:10 p.m. Lt. Governor Bookhammer presiding.

The Secretary announced that advisories from the House informed the Senate it had passed **SB 374** and **SB 352** and adopted **SJR 31**.

HB 532, sponsored by Representative Matushefske, was introduced:

HB 532 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriation Act, originally designated House Bill No. 750, and to amend Chapter 523, Volume 59, Laws of Delaware, the Omnibus Amendment to the 1975 Budget Appropriation Act, originally designated House Bill No. 1113.”

On motion of Senator Cicione, the necessary rules were

suspended for the purpose of considering the Bill and the roll call vote on the Bill was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cordrey, Hale, Holloway, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Steele — 14.

NO: Senators Cook, Elliott and Isaacs — 3.

NOT VOTING: Senators Castle, Hughes and Manning —

3.

ABSENT: Senator Zimmerman — 1.

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

SS 1 for SB 187 Senator Holloway moved it be deferred.

SB 282 w SA 1 was stricken on motion of Senator Holloway.

SB 240 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to Judy W. Schunn, Project Equality of Delmarva, to speak on the Bill and the several Amendments.

SA 1 to SA 1 to the Bill was stricken on motion of Senator Holloway.

SB 240 was then tabled on motion of Senator Holloway.

HB 165 w HA 1 was taken up for consideration on motion of Senator Kearns and the privilege of the floor was extended to Representative Morris to speak on the Bill.

At the request of Senator Manning the following letter was read and made part of this record:

**10 Barbara Place
Eastburn Acres
Wilmington, Delaware 19808**

May 8, 1975

Senator Margaret R. Manning
605 Greenbank Road
Wilmington, Delaware 19808

Dear Senator Manning:

My husband and I are quite concerned about H.B. 165. This is in reference to the transfer of the 18 year old prisoners from the Delaware Youth Center to the Delaware Correctional Center in Smyrna.

Our son, James, is a prisoner in the D.Y.C. at Dover. He has been incarcerated there for 1½ years and is now 18 years old.

Throughtout his young life, from the time of his adoption

at 4 months until he was 16, we have had much heartache where he is concerned. At 3 years he was diagnosed as being emotionally disturbed. He has been sent to a private psychologist, to the Child Study Center in Baltimore, then to a private psychiatrist in Wilmington, then to Governor Bacon Health Center and finally in public school for 1½ years. He responded very little to the treatments presented.

Since he has been at the D.Y.C. we have noticed a definite improvement in him. He has improved 3 years scholastically. He has become interested in and is involved in electronics through an excellent training program provided. He has become more open in communicating with us and more frank and open in discussing his feelings with us also.

We strongly support the excellent program provided for the "students" at Dover. It is working for Jimmy. We hope this program can be preserved for him and other young men who are responding.

We urge you to consider opposing H.B. 165 for the sake of Jimmy and the other young men who are responding so they may continue to benefit from the excellent program now available at the Delaware Youth Center in Dover until they are at least 21.

Cordially yours,
Elizabeth C. Clark

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The roll call vote on **HB 165 w HA 1** was then taken but was tabled before being announced on motion of Senator Kearns.

SCR 44, sponsored by Senator Murphy and Representative McGinnis, was introduced and considered for adoption on motion of Senator Murphy:

SCR 44 — "Extending congratulations to the Caesar Rodney Baseball Team on winning this year's Delaware High School Baseball Tournament."

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES with 5 Senators (Hale, Holloway, Martin, McCullough and Schlor) ABSENT.

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

SB 396, sponsored by Senators Cook and Martin, was introduced:

SB 396 — "An Act to amend Chapter 69, Part VI, Title 29

of the Delaware Code relating to Public Works by State Agencies and providing certain standards of construction for the protection of physically handicapped persons." Assigned to Judiciary Committee.

SR 76, sponsored by Senators Adams and Cook, was introduced and considered for adoption:

SR 76 — "Expressing the wishes of the Senate for a speedy recovery for former Senator Walter J. (Doc) Hoey of Milford."

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES with 4 Senators (Hale, Martin, McCullough and Schlor) ABSENT.

Therefore, the Resolution was declared adopted.

SR 77, sponsored by Senator Cook, was introduced and considered for adoption:

SR 77 — "Expressing the wishes of the Senate for a speedy and complete recovery for Ernest F. (Doc) Smith, Executive Secretary of the Delaware Farm Bureau."

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES with 5 Senators (Cicione, Hale, Martin, McCullough and Schlor) ABSENT.

Therefore, the Resolution was declared adopted.

SR 78, sponsored by Senators Elliott and Holloway, was introduced and considered for adoption:

SR 78 — "Requesting State Institutions to devise systems or install equipment which would prevent the scalding of patients."

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES with 5 Senators (Cicione, Hale, Martin, McCullough and Schlor) ABSENT.

Therefore, the Resolution was declared adopted.

The following legislation was introduced:

SJR 33 — "Requesting the Delaware Congressional Delegation to support legislation restoring the rights reserved in the Constitution of the United States to the States." Sponsor: Senator Cicione. Assigned to Executive Committee.

SB 393 — "An Act to amend Chapter 55 of Title 29, Delaware Code, relating to credited service of certain Board and Commission members appointed by the Governor and confirmed by the Senate." Sponsors: Senators Cook, Isaacs, Adams, Hughes. Assigned to Executive Committee.

SB 394 — "An Act to amend Chapter 27, Title 24, Delaware Code, relating to Professional Land Surveyors."

Sponsors: Senators Elliott and Isaacs. Assigned to Administrative Services Committee.

SB 395 — “An Act to modify Chapter 65, Title 29, Delaware Code, to provide for a cost-of-living salary supplement and a supplemental appropriation to modify certain State pay scales.” Sponsors: Senator Cicione; Representatives Temple and Sincock. Assigned to Finance Committee.

SB 397 — “An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of replacing a water tank in the Town of Newport, Delaware, removed as a result of construction on Route 141.” Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 398 — “An Act to amend Chapter 647, Volume 57, Laws of Delaware, providing for the use of State-owned Helicopters and making a supplementary appropriation therefor.” Sponsor: Senator Cordrey. The Bill was immediately stricken on motion of Senator Cordrey.

SB 399 — “An Act to amend Title 29, Chapter 69, Section 6912(A), Delaware Code relating to wage provision in Public Construction Contracts.” Sponsor: Senator Steele. Assigned to Executive Committee.

SB 400 — “An Act to amend Title 30, Chapter 54, Section 5412 relating to Realty Transfer Tax and payment of the Tax and on whom the burden of the payment of the Tax should fall.” Sponsor: Senator Castle. Assigned to Revenue and Taxation Committee.

SB 401 — “An Act proposing an Amendment to the Constitution of the State of Delaware relating to the Judiciary and providing for the filling of Judicial vacancies by a system of appointment by the Governor and subsequent retention by the electorate.” Sponsors: Senator Elliott; Representatives Riddagh and Spence. Assigned to Executive Committee.

SB 402 — “An Act to amend Chapter 647, Volume 57, Laws of Delaware, providing for the use of State-owned Helicopters.” Sponsors: Senators Cordrey, Adams, Elliott and Kearns. Assigned to Public Safety Committee.

SA 1 to SB 179 was introduced by Senator Elliott and placed with the Bill.

SA 2 to SB 240 was introduced by Senator HOLLOWAY and placed with the Bill.

HB 133 — “An Act to amend Chapter 11, Title 30,

Delaware Code, relating to the personal income tax to allow certain deductions for interest income and costs of installing storm windows." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 341 — "An Act relating to a pension for John Elwood Jones, a former Sussex County and State employee." Sponsor: Representative Clendaniel. Assigned to Finance Committee.

HB 397 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to payment of final tax and underpayment of estimated tax by Corporations." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 456 — "An Act to amend Chapter 43, Title 30, Delaware Code, relating to the Use Tax on leases of tangible personal property, to impose a License Tax on the Gross Receipts of lessors." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 457 — "An Act to amend Chapter 23, Title 30, Delaware Code, relating to the Occupational License Tax." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 471 — "An Act to amend Parts II and IV, Title 11, Delaware Code, and Part VIII, Title 29, Delaware Code, relating to State Government, providing for the transfer of powers, duties and functions of the Division of Corrections of the Department of Health and Social Services and providing for establishment of a separate Department of Correction." Sponsor: Representative Morris. Assigned to Executive Committee.

SA 3 to SB 240 was introduced by Senator Holloway and placed with the Bill.

The following Committee Reports were announced:

From the Executive Committee: **SB 317** — 5 Merits; **SB 303** — 4 Merits; **SB 322** — 5 Merits; **HJR 16** — 5 Merits.

From Labor Committee: **HB 415** — 1 Favorable, 4 Merits.

From the Natural Resources and Environmental Control Committee: **SB 311** — 6 Merits; **HB 217 w HA 1** — 6 Merits.

On motion of Senator Isaacs, **SB 8 w SA 1** which had previously passed the Senate was taken up for reconsideration as further amended by **HA 1**.

The roll call vote on **SB 8 w SA 1, HA 1** was then taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott,

Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Sharp, Steele, Zimmerman — 14.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione, Hale, Martin, McCullough, Murphy, Schlor — 6.

Therefore, the Bill was declared passed.

At 7:37 p.m. on motion of Senator Isaacs, the Senate adjourned until June 11, 1975 at 1:30 p.m.

42ND LEGISLATIVE DAY

The Senate convened at 1:50 p.m. June 11, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Arvis V. Henderson.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT with 1 Senator (Manning) ABSENT.

The Journal of the previous day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 43**.

HCR 35, sponsored by Representatives Worthen and Jornlin, was introduced and considered for adoption on motion of Senator Cook:

HCR 35 — "Congratulating Josephine Raskob Robinson upon being awarded Honorary Doctor of Human Letters by Ann Hurst College."

The roll call vote on the Resolution revealed 15 Senators voting YES, 1 Senator (McCullough) NOT VOTING, and 5 Senators (Castle, Hale, Manning, Murphy and Zimmerman) ABSENT.

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

The following legislation was introduced:

SB 403 — "An Act to amend an Act entitled "An Act to re-incorporate the Town of Milton." (Chapter 194, Volume 45, Laws of Delaware)." Sponsor: Senator Adams. Assigned to Community Affairs Committee.

SB 404 — "An Act to amend Chapter 16, Part II, Title 2 of the Delaware Code relating to local Transportation Authorities; and providing for management and Budget Review by the Secretary of the Department of Highways and Transportation." Sponsor: Senator Isaacs. Assigned to Highways and Transportation Committee.

SB 405 — "An Act to amend Section 811, Title 22,

Delaware Code relating to Home Rule." Sponsor: Senator Adams. Assigned to Community Affairs Committee.

SA 3 to SB 256 was introduced by Senator Adams and placed with the Bill.

SA 4 to SB 256 was introduced by Senator Holloway and placed with the Bill.

At the request of Senator Elliott, Representative Gordy was added as co-sponsor to **SB 280**.

The following Bills were reported back from the Agriculture Committee: **HB 228 w HA 1** — 6 Merits; **HB 254 w HA 1, 3** — 6 Merits.

Legislative Advisory No. 39 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SB 304** on June 10, 1975.

SB 256 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to Mr. D. E. Whitney, Common Cause of Delaware, to speak on the Bill.

On motion of Senator Cicione, the Bill was recommitted to the Judiciary Committee until a Fiscal Note could be prepared.

HB 301 w HA 1 was taken up for consideration on motion of Senator Kearns, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

NO: Senator Castle — 1.

ABSENT: Senators Holloway, Manning and McCullough — 3.

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

HB 65 was taken up for consideration on motion of Senator Cicione, the roll call vote taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 13.

NO: Senators Castle and Hale — 2.

NOT VOTING: Senators Berndt, Knox and McCullough — 3.

ABSENT: Senators Holloway, Kearns, Manning — 3.

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

SB 218 was taken up for consideration on motion of Senator Martin but before final consideration the Bill was

returned to the Administrative Services Committee until a Fiscal Note could be prepared.

SB 313 was taken up for consideration on motion of Senator Murphy.

The privilege of the floor was extended to Willard J. Thomson, Jr., Division of Highways, to speak on the Bill and the proposed Amendments.

SA 1 to SB 313 was taken up for consideration on motion of Senator Murphy.

The roll call vote on the Amendment was taken and revealed 15 Senators voting YES with 6 Senators (Hale, Holloway, Knox, Manning, Martin and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

Senator Hughes introduced **SA 2** to the Bill and moved that it be adopted. Senator Hughes requested the floor for Mr. Thomson.

The roll call vote on the Amendment was taken but before being announced was tabled on motion of Senator Hughes.

At 3:57 p.m. the Senate recessed on motion of Senator Cordrey and reconvened at 5:07 p.m. by Lt. Governor Bookhammer. The Chair asked Mr. Thomson to take the floor again.

SB 313 w SA 1 was still before the Senate and on motion of Senator Murphy, the roll call vote was taken.

Senator Murphy then moved that the roll call be tabled before being announced and the roll call vote on the tabling motion was taken and revealed:

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

NO: Senators Berndt, Hale, Steele — 3.

NOT VOTING: Senators Elliott and Hughes — 2.

ABSENT: Senators Castle, Knox, Manning and McCullough — 4.

Therefore, the motion prevailed and the roll call on **SB 313 w SA 1** was tabled.

SB 271 was taken up for consideration on motion of Senator Murphy but on his further motion was deferred for final consideration.

SB 341 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 15 Senators voting YES with 6 Senators (Castle, Cicione, Knox, Manning, McCullough and Sharp) ABSENT.

Therefore, the Bill passed the Senate.

SS 1 for SB 83 was taken up for consideration on motion of Senator Hughes and the privilege of the floor was extended to Edward R. Bachtel, Delaware Section of the American Society of Landscape Architects, to speak on the Bill.

On motion of Senator Hughes, final consideration of the Bill was deferred and the Bill returned to the Administrative Services Committee due to lack of a Fiscal Note.

SS 1 for SB 247 was taken up for consideration on motion of Senator Adams and the following communication read into the record:

STATE OF DELAWARE
Office of the Controller General
Dover, Delaware

June 11, 1975

TO: Senator Thurman Adams
FROM: F. N. Van Sant
SUBJECT: **SS 1 for SB 247**

1. A preliminary review of subject proposed legislation indicates that no additional expenditure of General Funds can be anticipated.

2. Further review indicates an indeterminable potential decrease in handling cost resulting from fewer court appearances and processing.

3. It is assumed an increased rate of collection from non-residents may be expected, due to the convenience of "Pay-by-Mail".

* * * * *

The roll call vote on **SA 2** to the Bill was taken on motion of Senator Adams, and revealed 18 Senators voting YES with 3 Senators (Knox, Manning and McCullough) ABSENT.

Therefore, the Amendment was adopted.

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

The roll call vote on **SS 1 for SB 247 w SA 2** was then taken and revealed 18 Senators voting YES with 3 Senators (Knox, Manning and McCullough) ABSENT.

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

The following Committee Reports were announced:

From the Community Affairs Committee: **SB 405** — 4 Merits; **SB 403** — 4 Merits.

From Banking, Insurance and Elections Committee: **SB 362** — 3 Merits, 1 Unfavorable; **SB 365** — 4 Merits; **SB 328** — 4 Merits; **SB 327** — 4 Merits.

From the Finance Committee: **SB 395** — 1 Favorable, 4 Merits; **SB 330** — 2 Favorable, 1 Merits, 2 Unfavorable; **HB 280** — 4 Merits.

From the Health and Social Services Committee: **HB 288** — 4 Merits; **HB 291 w HA 1** — 4 Merits; **HB 293** — 4 Merits.

From the Labor Committee: **HB 381** — 4 Merits.

From the Banking, Insurance and Elections Committee: **SB 366** — 4 Merits; **SB 355** — 4 Merits; **SB 354** — 4 Merits; **SB 369** — 4 Merits.

From the Revenue and Taxation Committee: **HB 456** — 4 Merits; **HB 457** — 4 Merits; **HB 397** — 4 Merits.

From the Executive Committee: **HB 471** — 1 Favorable, 2 Merits.

The following legislation was introduced:

SB 406 — “An Act to provide a supplementary appropriation to the Public Defender of the State of Delaware.” Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 407 — “An Act to amend Chapter 31, Part III, Title 10 of the Delaware Code relating to Courts and judicial procedure, with particular reference to venue.” Sponsors: Senators Cook and Zimmerman; Representative Riddagh. Assigned to Judiciary Committee.

SB 408 — “An Act to amend Title 29 Delaware Code, Section 5903, relating to the exempting of certain engineers from the Merit System.” Sponsor: Senator Murphy. Assigned to Executive Committee.

SB 409 — “An Act to amend Chapter 55, Title 29 of the Delaware Code relating to Delaware State Employees’ Pension Plan.” Sponsor: Senator Cicione. Assigned to Executive Committee.

SB 410 — “An Act establishing a Delaware Solid Waste Authority to provide Statewide solid waste management services and which transfers from the Department of Natural Resources and Environmental Control to the Authority the power to license the hauling, conveyance, and transportation of solid waste and to provide an appropriation thereto.” Sponsors: Senators Isaacs, Kearns, Knox and Berndt. Assigned to Natural Resources and Environmental Control Committee.

SB 411 — “An Act to grant approval to the Department of

Natural Resources and Environmental Control to purchase approximately 565 acres of valuable lands and marsh adjacent to existing State Wildlife areas." Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

SB 412 — "An Act to amend Part II, Title 16, Delaware Code, by adding a new Chapter to be designated as Chapter 6, to provide assistance for the operation of a program to detect and treat streptococcal infections ("Strep throat") and to provide a supplemental appropriation to implement the provisions of this Act." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 413 — "An Act to amend Title 25 of the Delaware Code by adding a new Chapter relating to the regulation of rentals by counties and municipalities." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SA 1 to HB 254 was introduced by Senator Cordrey and placed with the Bill.

SA 5 to SB 256 was introduced by Senator Holloway and placed with the Bill.

SA 6 to SB 256 was introduced by Senator Cicione and placed with the Bill.

SA 1 to HB 309 was introduced by Senator Cicione and placed with the Bill.

SA 1 to SB 336 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 345 was introduced by Senator Holloway and placed with the Bill.

SA 1 to HB 381 was introduced by Senator Steele and placed with the Bill.

SA 1 to SB 322, sponsored by Senators Schlör and Cicione, was introduced and placed with the Bill.

SB 335 was reported back from the Public Safety Committee: 2 Merits, 1 Unfavorable.

The following Bills were reported back from the Community Affairs Committee: **HB 470 w HA 1** — 3 Merits; **SB 384** — 4 Merits.

The Secretary announced that a message from the House indicated the House had passed **SB 239 w HA 1** and **SB 117**; and had adopted **SCR 44**.

The following House legislation was entered in the Calendar:

HB 29 — "An Act to amend Chapter 10, Part I, Title 14 of

the Delaware Code relating to School Board elections, and providing for the showing of identification by voters." Sponsor: Representative Seibel. Assigned to Education Committee.

HB 252 w HA 1 — "An Act to amend Title 29, Delaware Code, by adding a new Chapter to be known as Chapter 38 concerning district sites, buildings, structures, and objects significant in history, architecture, archaeology and Culture." Sponsors: Representatives Clendaniel, Gordy, Harrington, Lynch and Temple. Assigned to Judiciary Committee.

HB 255 w HA 1 — "An Act to amend Chapter 11, Title 30, Delaware Code, relating to modifications in adjusted gross income for personal income tax." Sponsor: Representative Maxwell. Assigned to Revenue and Taxation Committee.

HB 362 — "An Act to amend Subchapter I of Chapter 3, Title 9, Delaware Code, relating to the removal of the requirement that Kent County levy a capitation tax and making such action discretionary." Sponsor: Representative Darling. Assigned to Community Affairs Committee.

HB 363 — "An Act to amend Chapter 96, Title 9, Delaware Code, relating to fees of the recorder of deeds for Kent County." Sponsor: Representative Darling. Assigned to Community Affairs Committee.

HB 373 — "An Act to amend Chapter 1, Title 14, Delaware Code, relating to the number of meetings to be held by the State Board of Education for which compensation is allowed, the amount of that compensation and providing a supplementary appropriation therefore." Sponsor: Representative Lynch. Assigned to Education Committee.

HB 411 — "An Act to amend Chapter 11, Part II, Title 29 of the Delaware Code requiring that the State Controller General provide Staff assistance to certain Committees in the Senate and House of Representatives." Sponsor: Representative Cain. Assigned to Revenue and Taxation Committee.

HB 412 — "An Act authorizing and directing the Board of Pension Trustees to grant Mrs. William S. Queen, Sr., a survivor's pension benefit under the provisions of Chapter 55, Title 29, Delaware Code." Sponsor: Representative George. Assigned to Finance Committee.

HB 490 — "An Act to amend Subchapter II of Chapter 33, Title 19, Delaware Code, relating to persons in transit being eligible to receive unemployment compensation benefits." Sponsor: Representative Plant. Assigned to Labor and

Industrial Relations Committee.

HB 523 — "An Act to amend Chapter 7, Title 29, Delaware Code, relating to the salary of the Lieutenant Governor." Sponsor: Representative Matushefske. Assigned to Finance Committee.

HCR 36 — "Applying to the congress for a convention to propose an Amendment to the Constitution of the United States." Sponsor: Representative Sincok.

On motion of Senator Berndt, **HCR 36** was considered for adoption, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hughes, Kearns, Martin, Murphy, Schlör, Sharp — 11.

NOT VOTING: Senators Holloway, Steele and Zimmerman — 3.

ABSENT: Senators Castle, Cicione, Hale, Isaacs, Knox, Manning, McCullough — 7.

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

HCR 37 — "Requesting Governor Sherman W. Tribbitt to end the policy of combining adult female offenders and juvenile females at the Woodshaven-Kruse School for Girls in Claymont by or before September 30, 1975." Sponsors: Representatives Hebner, Leshner, Worthen and Plant.

On motion of Senator Cordrey, the Resolution was laid on the table.

On motion of Senator Holloway, **SB 239** which had previously passed the Senate was taken up for reconsideration as further amended by **HA 1**.

The roll call vote on **SB 239 w HA 1** was taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Holloway, Hughes, Kearns, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 14.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Castle, Cicione, Hale, Isaacs, Knox, Manning — 6.

Therefore, the Bill passed the Senate.

HB 454 was reported back from the Administrative Services Committee: 4 Merits.

On motion of Senator Cordrey, **HB 523** was laid on the table.

At 7:03 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 12, 1975.

The Senate reconvened at 2:06 p.m. June 12, 1975, Lt. Governor Bookhammer presiding.

SB 414 — "An Act to amend Subchapter I of Chapter 23 of Title 29, Delaware Code, relating to Workmen's Compensation." Sponsor: Senator Sharp. Assigned to Labor Committee.

HB 309 was reported back from the Labor Committee: 2 Favorable, 2 Merits.

At 2:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 43rd Day, June 12, 1975.

43RD LEGISLATIVE DAY

The Senate convened at 2:10 p.m. June 12, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Arvis V. Henderson.

Pledge of Allegiance to the Flag.

By roll call there were 19 Senators PRESENT with 2 Senators (Knox and Manning) ABSENT.

The Journal was approved as read.

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of lifting **HB 523** for consideration.

The roll call vote on the Bill was then taken and revealed 16 Senators voting YES with 5 Senators (Isaacs, Knox, Manning, Martin and McCullough) ABSENT.

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

On motion of Senator Sharp, **SB 263** was taken up for consideration and the privilege of the floor was extended to Ned Hankins, Diamond State Telephone Co., to speak on the Bill.

On motion of Senator Sharp, **SA 1** to the Bill was taken up for consideration. The roll call vote on the Amendment was taken and announced:

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

NOT VOTING: Senator Schlör — 1.

ABSENT: Senators Holloway, Knox, Manning and McCullough — 4.

Therefore, the Amendment was adopted.

On motion of Senator Sharp, the roll call vote on **SB 263 w SA 1** was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook,

Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Martin, Murphy, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senator Schlor — 1.

ABSENT: Senators Holloway, Knox, Manning and McCullough — 4.

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

SB 292 was taken up for consideration on motion of Senator Sharp and the privilege of the floor was extended to A. Carello, of the Justice of the Peace Department, to speak on the Bill.

The roll call vote on the Bill was taken but Senator Sharp moved that it be tabled before it was announced. Senator Hughes objected to the tabling motion and asked for a roll call on the motion.

On motion of Senator Isaacs, the Senate recessed at 2:35 p.m. and reconvened at 2:40 p.m. Senator Holloway moved to vote yes on the motion to table roll call on **SB 292**.

The roll call vote on the motion to table the roll call on **SB 292** was then announced:

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

NOT VOTING: Senators Berndt, Castle, Elliott, Hughes, Steele — 5.

ABSENT: Senators Hale, Knox, Manning, McCullough and Schlor — 5.

Therefore, the motion prevailed and the roll call on **SB 292** was tabled.

Then, on motion of Senator Sharp, the roll call on **SB 292** was lifted and announced:

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

NOT VOTING: Senators Berndt, Castle, Hughes and Steele — 4.

ABSENT: Senators Hale, Knox, Manning and McCullough — 4.

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

On motion of Senator Cordrey, **SB 290** was taken up for consideration and the following communication read into the record:

**DEPARTMENT OF ELECTIONS
Sussex County**

May 19, 1975

The Honorable Richard Cordrey
River Road
Millsboro, Delaware

Dear Senator,

In reference to S.B. No. 290, we submit herewith a Bi-Partisan synopsis of reasons why the Bill should be favorably considered.

1. It would greatly reduce "Duplications of Voters" between Counties and thereby lessen the chance of fraudulent voting.

2. By requiring voters who move between Counties to register anew would result in the Registration Rolls being more up-to-date.

3. Registering anew would also provide more up-to-date information regarding the voter such as signature, occupation, and overall identification features.

4. A vote against the Bill would be continuing to retain a backward and archaic step in our modern and progressive Voter Registration system.

We express our appreciation for your interest toward the improvement of our State Election system.

**THE DEPARTMENT OF ELECTIONS
FOR SUSSEX COUNTY**

J. Robert Green

Administrative Director

Kenneth W. Turner

Deputy Administrative Director

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SA 1 to SB 290 was taken up for consideration on motion of Senator Cordrey. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES with 3 Senators (Knox, Manning and McCullough) ABSENT.

Therefore, the Amendment was adopted and made part of the Bill.

The roll call vote on **SB 290 w SA 1** was then taken and revealed 17 Senators voting YES with 4 Senators (Knox, Manning, McCullough and Zimmerman) ABSENT.

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

SB 343 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to Thelma G. Thompson to speak on the Bill.

SA 1 to the Bill was taken up for consideration on motion of Senator Steele. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES with 3 Senators (Knox, Manning and McCullough) ABSENT.

Therefore, the Amendment was declared adopted.

On motion of Senator Steele, the roll call vote on **SB 343 w SA 1** was then taken but before it was announced it was tabled on motion of Senator Steele.

SB 192 was taken up for consideration on motion of Senator Isaacs.

SA 1 to the Bill was taken up for consideration. The roll call vote on the Amendment was taken and revealed 16 Senators voting YES with 5 Senators (Elliott, Holloway, Knox, Manning and McCullough) ABSENT.

Therefore, the Amendment was adopted.

On motion of Senator Isaacs, the roll call vote on **SB 192 w SA 1** was taken and revealed 16 Senators voting YES with 5 Senators (Elliott, Knox, Manning, McCullough, Sharp) ABSENT.

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

SJR 22 was taken up for consideration on motion of Senator Berndt.

SA 1 to the Resolution was taken up for consideration on motion of Senator Berndt. The roll call vote on the Amendment was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, Schlör, Sharp — 13.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Cook, Elliott, Knox, Manning, McCullough, Murphy and Zimmerman — 7.

Therefore, the Amendment was adopted.

The roll call vote on **SJR 22 w SA 1** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Schlör, Sharp — 12.

NO: Senator Steele — 1.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senators Elliott, Knox, Manning, Martin,

McCullough, Murphy, Zimmerman — 7.

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

HB 284 w HA 1, 3, 4 was taken up for consideration on motion of Senator Sharp and the privilege of the floor was extended to Representative Matushefske.

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

SB 318 was taken up for consideration on motion of Senator Martin.

SA 1 to the Bill was then taken up for consideration and the roll call vote taken which revealed 16 Senators voting YES with 5 Senators (Elliott, Hale, Knox, Manning and McCullough) ABSENT.

Therefore, the Amendment was adopted.

Senator Sharp moved that the Senate vote on the Bill without a Fiscal Note and the motion prevailed without objection.

The roll call vote on **SB 318 w SA 1** was then taken and revealed 16 Senators voting YES with 5 Senators (Elliott, Hale, Knox, Manning and McCullough) ABSENT.

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

SS 1 for SB 295 was taken up for consideration on motion of Senator Zimmerman and the privilege of the floor extended to N. Maxson Terry, Jr., Kent County Levy Court, to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 16 Senators voting YES with 5 Senators (Cicione, Elliott, Isaacs, Knox, Manning) ABSENT.

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

SB 261 was taken up for consideration on motion of Senator Sharp.

SA 1 to the Bill was taken up for consideration on motion of Senator Sharp, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Murphy, Schlör, Sharp, Steele, Zimmerman — 15.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cicione, Elliott, Knox, Manning and Martin — 5.

Therefore, the Amendment was adopted.

SA 2 to the Bill was taken up for consideration on motion of

Senator Sharp, the roll call vote taken and announced:

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

NO: Senator Steele — 1.

ABSENT: Senators Elliott, Holloway, Knox, Manning — 4.

Therefore, the Amendment was adopted.

The roll call vote on **SB 261 w SA 1, 2** was then taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Cordrey, Hale and Steele — 3.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Elliott, Holloway, Knox and Manning — 4.

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

On motion of Senator Steele, the roll call vote on **SB 343 w SA 1** was lifted and announced:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Isaacs, McCullough, Murphy, Sharp, Steele, Zimmerman — 11.

NO: Senators Kearns, Martin and Schlör — 3.

NOT VOTING: Senators Berndt, Hale, Hughes — 3.

ABSENT: Senators Elliott, Holloway, Knox and Manning — 4.

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

HB 284 w HA 1, 3, 4 was lifted for consideration on motion of Senator Sharp.

SA 1 to the Bill was introduced by Senator Adams who moved for its adoption. The roll call vote on the Amendment was taken but before it was announced, Senator Adams moved that it be tabled. The motion prevailed.

The roll call vote on **HB 284 w HA 1, 3, 4** was then taken; however, the roll call was tabled before being announced on motion of Senator Sharp.

SR 79 was lifted for consideration on motion of Senator Hughes and all the Senators were added as co-sponsors. The roll call vote on the Resolution was taken and revealed 16 Senators voting YES with 5 Senators (Elliott, Holloway, Knox, Manning and McCullough) ABSENT.

Therefore, the Resolution was adopted.

On motion of Senator Cordrey, the Senate recessed at 4:30 p.m. and reconvened at 5:40 p.m., Lt. Governor Bookhammer presiding.

The following Committee Reports were announced:

From the Executive Committee: **SJR 32** — 6 Merits; **HB 488** — 1 Favorable, 5 Merits; **SB 273** — 2 Favorable, 1 Merits, 2 Unfavorable.

From the Natural Resources and Environmental Control Committee: **SB 223** — 4 Merits.

From the Highways and Transportation Committee: **SB 404** — 5 Merits.

From the Administrative Services Committee: **SS 1** for **SB 83** — 5 Merits.

SB 265 was placed back in the Banking, Insurance and Elections Committee on motion of Senator Kearns.

Senator Murphy moved that **SS 1** for **SB 201** and **SS 1** for **SB 202** be first on the Agenda for Wednesday.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Steele — 13.

NO: Senators Castle, Hale and Hughes — 3.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Elliott, Knox, Manning and Zimmerman — 4.

Therefore, the motion prevailed.

SB 353 was taken up for consideration on motion of Senator Cook, the roll call taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Elliott, Knox and Manning — 3.

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

SB 348 was taken up for consideration on motion of Senator McCullough, the roll call taken and announced:

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

NO: Senators Hale and Steele — 2.

ABSENT: Senators Elliott, Knox and Manning — 3.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

Senator Cicione moved that the necessary rules be suspended for the purpose of the introduction and consideration of **SB 431**. The roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Berndt, Castle, Hale, Hughes and Steele — 5.

ABSENT: Senators Elliott, Knox and Manning — 3.

Therefore, the motion prevailed and the Bill was introduced and considered:

SB 431 — "An Act making appropriations for the expenses of the State Government for the Fiscal Year ending June 30, 1976, and to amend certain pertinent statutory provisions."

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senator Steele — 1.

NOT VOTING: Senators Berndt, Castle, Hale, Hughes — 4.

ABSENT: Senators Elliott, Knox and Manning — 3.

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

HB 152 was taken up for consideration on motion of Senator Cordrey and the roll call taken which revealed 16 Senators voting **YES** with 5 Senators (Cicione, Elliott, Knox, Manning and Zimmerman) **ABSENT**.

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

HB 154 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting **YES** with 4 Senators (Elliott, Knox, Manning and Murphy) **ABSENT**.

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

The following Committee Reports were announced:

From the Banking, Insurance and Elections Committee: **SB 265 w SA 1** — 1 Favorable, 3 Merits.

From the Education Committee: **HB 29** — 1 Favorable, 4 Merits; **HB 373** — 2 Favorable, 2 Merits; **SB 332** — 2

Favorable, 2 Merits; **SB 208** — 4 Merits.

The following legislation was introduced:

SB 415 — "An Act to amend Chapter 12 of Title 3, Delaware Code, relating to the registration and classification of pesticide products and certification of those who use pesticides classified for restricted use and further providing for the enforcement of same." Sponsor: Senator Isaacs. Assigned to Agriculture Committee.

SB 416 — "An Act creating a new Chapter 64, Title 7, Delaware Code to allow the Secretary of the Department of Natural Resources and Environmental Control to charge surveillance fees for monitoring land, air, surface, and ground waters, and emissions of pollutants and air contaminants, and provide penalties for violating provisions thereof and to provide an appropriation thereto." Sponsors: Senators Murphy and Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

Senator Berndt requested his name be stricken from the Bill as a co-sponsor.

SB 417 — "An Act making a supplementary appropriation to the Division of Social Services of the Department of Health and Social Services for the purpose of paying a purchase of CARE Agreement made by the Division of Social Services with the Murphey School on June 30, 1972." Sponsors: Senator Zimmerman; Representatives McGinnis and Miller. Assigned to Health and Social Services Committee.

SB 418 — "An Act to amend Chapter 1, Title 17, Delaware Code, relating to the State Highway Department." Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SB 419 — "An Act to amend Chapter 1, Title 17, Delaware Code, relating to Highways and the powers and duties of the Department of Highways and Transportation." Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SB 420 — "An Act to permit the New Castle Gunning Bedford School District to transfer certain funds from its Local Debt Service Account to its Local Expense Account in order to replace the heating system at the Wilmington Manor Elementary School." Sponsor: Senator Kearns. Assigned to Education Committee.

SB 421 — "An Act to provide a supplementary appropriation to the Division of Juvenile Corrections of the

Department of Health and Social Services, to be expended for hazardous duty payments." Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 422 — "An Act making a supplementary appropriation to the State Board of Education for the purpose of increasing the funds in support of Division III — Equalization for Delaware School Districts." Sponsor: Senator McCullough. Assigned to Finance Committee.

SB 423 — "An Act to amend Subchapter I, Chapter 5, Title 9, Delaware Code, relating to Suburban Communities Improvements." Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SB 424 — "An Act to amend Subchapter II, Chapter 5, Title 11, Delaware Code, relating to possession of drugs and delivery or possession of purported controlled substances." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 425 — "An Act to amend Chapter 69, Title 29, Delaware Code, relating to standards of construction for the protection of the physically handicapped." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 426 — "An Act to amend Chapter 7, Title 21, Delaware Code, relating to disposition of fines and costs collected for violations of this Title." Sponsors: Senator Adams; Representatives Boulden and Gordy. Assigned to Public Safety Committee.

SB 427 — "An Act to amend Chapter 7, Title 17, Delaware Code, relating to Railroad Crossings over highways." Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SB 428 — "An Act to amend Chapter 69, Title 29, Delaware Code, relating to procurement of material and award of contracts for Public Works by State Agencies." Sponsor: Senator Cook. Assigned to Judiciary Committee.

SB 429 — "An Act to amend Chapter 65, Title 29, Delaware Code, relating to Budget and Fiscal Regulations for State Agencies." Sponsor: Senator Cook. Assigned to Judiciary Committee.

SB 430 — "An Act to amend Chapter 47, Title 16, Delaware Code, relating to controlled substances." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SA 1 to SB 412 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 391 was introduced by Senators Kearns and

Isaacs and placed with the Bill.

SA 1 to SB 218 was introduced by Senator Martin and placed with the Bill.

SA 4 to HB 285 was introduced by Senator Holloway and placed with the Bill.

SA 2 to SB 391 was introduced by Senator Kearns and placed with the Bill.

Senator Kearns moved that **SB 265** be first on the Agenda on Tuesday. The roll call vote on the motion was taken and announced:

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

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

ABSENT: Senators Elliott, Knox and Manning — 3.

Therefore, the motion prevailed.

Senator Hughes moved that **SS 1** for **SB 83** be first item on the Agenda on Thursday. The roll call vote on the motion was taken and announced:

YES: Senators Berndt, Castle, Cook, Hale, Holloway, Hughes, Kearns, Murphy, Steele — 9.

NO: Senators Adams, Cicione, Cordrey, Isaacs, Martin, McCullough, Schlör, Zimmerman — 8.

NOT VOTING: Senator Sharp — 1.

ABSENT: Senators Elliott, Knox and Manning — 3.

Therefore, the motion was defeated.

Senator Hughes moved that the necessary rules be suspended for the purpose of considering **HB 285 w HA 1**.

At 6:47 p.m. on motion of Senator Isaacs, the Senate recessed until June 17th at 1:30 p.m.

The Senate reconvened at 1:57 p.m. June 17, 1975, Lt. Governor Bookhammer presiding.

SB 218 was reported out of the Administrative Services Committee: 4 Merits.

HB 318 was reported out of the Finance Committee: 4 Merits.

The following legislation was introduced:

SB 432 — "An Act to amend Chapter 39 of Title 7, Delaware Code, relating to the specification of sediment removal as an element of conservation, protection, development and utilization of land and water resources."

Sponsors: Senator Murphy and Representative Minner. Assigned to Natural Resources and Environmental Control

Committee.

SB 433 — "An Act amending Chapter 61, Part VI, Title 29, Delaware Code, relating to composition of General Fund and authorizing the Bureau of Child Support Enforcement to establish a Special Fund for the purpose of depositing collections under the Delaware Child Support Enforcement and Paternity Program." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 434 — "An Act to amend Chapter 5, Title 31, Delaware Code, relating to collection and transfer of support payments." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 435 — "An Act amending Subchapter III, Part C, Chapter 9, Title 10, Delaware Code, relating to dispositions within the Family Court." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 436 — "An Act making an appropriation to improve recreational boating and to remove shoals from Jefferson Creek and the Bethany Beach Improvement Canal." Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 437 — "An Act to amend Title 18, Delaware Code, relating to Insurance Premium Financing." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 438 — "An Act to amend Chapter 13, Title 18, of Delaware Code relating to investments of domestic insurers and revising the ownership requirements as to their investments in insurance subsidiaries and other business corporations." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 439 — "An Act to amend Subchapter II of Chapter 69, Title 29, Delaware Code, relating to the Consultants Competitive Negotiation Act." Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

SA 1 to HB 370 was introduced by Senator Elliott and placed with the Bill.

SA 4 to SB 335 was introduced by Senator Zimmerman and placed with the Bill.

The following Bills were reported out of Committee:

From the Health and Social Services Committee: **SB 417** — 5 Merits; **SB 430** — 5 Merits.

From the Revenue and Taxation Committee: **HB 133** — 4 Merits.

A message from the House informed the Senate that it had passed: **SB 32 w HA 1; SB 289; SCR 21; SB 431; SB 23; SB 108 w SA 1.**

The following House Bills were introduced:

HB 151 — "An Act to amend Chapter 91, Title 9, Delaware Code, relating to compensation to be paid the Chief Deputies by County Offices." Sponsor: Representative McGinnis. Assigned to Community Affairs Committee.

HB 366 — "An Act to permit the Board of Education of the Milford School District to transfer certain funds from its Debt Service Account to its Capital Outlay Account." Sponsors: Representatives Harrington and Minner; Senators Cook and Adams.

On motion of Senator Adams, **HB 366** was laid on the table.

HB 396 — "An Act to amend Chapter 25 of Title 12, Delaware Code, relating to compensation for Chief Deputy Register of Wills and Estates." Sponsor: Representative Temple. Assigned to Judiciary Committee.

HB 417 — "An Act to amend Chapter 31, Title 15, Delaware Code, relating to filing fees in Primary Elections and providing for filing of petitions by indigent candidates." Sponsor: Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

HB 448 — "An Act to amend Chapter 48, Title 9, Delaware Code relating to appropriations to the Regional Planning Commission of Kent County." Sponsor: Representative McGinnis. Assigned to Community Affairs Committee.

HB 541 — "An Act to provide a supplementary appropriation to the University of Delaware for the use of the State Geologist, Delaware Geological Survey, for the purpose of erecting a stream gauge facility on White Clay Creek." Sponsor: Representative George. Assigned to Education Committee.

HB 453 — "An Act to provide a supplementary appropriation to the State Judiciary Agencies." Sponsor: Representative George. Assigned to Finance Committee.

At 2:12 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 44th Day.

44TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. June 17, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

Legislative Advisory No. 40 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SCR 41** on June 11, 1975.

SB 210 was reported out of Judiciary Committee: 5 Merits.

The following Bills were reported out of Revenue and Taxation Committee: **HB 411** — 4 Merits; **HB 255 w HA 1** — 4 Merits.

The following proposed legislation was introduced:

HB 480 — "An Act to amend Chapter 11, Title 9, Delaware Code, relating to the salary of the County Executive of New Castle County." Sponsor: Representative Boulden. Assigned to Community Affairs Committee.

HB 505 — "An Act authorizing the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, to transfer funds between lines." Sponsor: Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

HB 516 — "An Act to amend Chapter 11, Title 9, Delaware Code, to permit New Castle County to establish Grant Budgets for Federal and State Grant Funds." Sponsors: Representatives Sincok and Matushefske. Assigned to Judiciary Committee.

HB 537 — "An Act to amend Chapter 25, Title 10, Delaware Code, relating to the compensation of the Chief Deputy Register in Chancery." Sponsor: Representative Temple. Assigned to Judiciary Committee.

HB 608 — "An Act to amend an Act entitled 'An Act making appropriations for the expense of the State Government for the Fiscal year ending June 30, 1976, and to amend certain pertinent statutory provisions' being Senate Bill No. 431 of the 128th General Assembly of the State of Delaware." Sponsors: Representatives George, Gilligan, Worthen, Miller, Maxwell and Kelly.

On motion of Senator Cicione, **HB 608** was laid on the table.

SB 440 — "An Act to amend Chapter 63 of Title 29, Delaware Code, relating to the exemption of certain Federal Funds from being used for fringe benefit plans." Sponsor: Senator Adams. Assigned to Judiciary Committee.

On motion of Senator Murphy, **SB 32** which had previously passed the Senate was taken up for reconsideration as further amended by **HA 1**.

The roll call vote on **SB 32 w HA 1** was then taken and announced:

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Hale, Sharp and Zimmerman — 3.

Therefore, the Bill passed the Senate.

HB 357 was reported out of the Executive Committee: 5 Merits.

SB 265 was taken up for consideration on motion of Senator Kearns.

SA 1 to the Bill was taken up for consideration on motion of Senator Kearns, the roll call taken and announced:

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Knox, Manning, Murphy, Schlör, Zimmerman — 13.

NO: Senators Adams, Hale and Hughes — 3.

NOT VOTING: Senators Elliott, McCullough and Steele —

3.

ABSENT: Senators Martin and Sharp — 2.

Therefore, the Amendment was adopted.

The roll call vote on **SB 265 w SA 1** was then taken. Senator Kearns moved that the roll call on the Bill be tabled. The roll call vote on the tabling motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Murphy, Schlör, Zimmerman — 10.

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, McCullough and Steele — 8.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Martin and Sharp — 2.

Therefore, the motion was defeated.

The roll call vote on **SB 265 w SA 1** was then announced:

YES: Senators Cook, Kearns and Schlör — 3.

NO: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Hughes, Knox, Manning, Steele — 11.

NOT VOTING: Senators Holloway, Isaacs, Murphy and Zimmerman — 4.

ABSENT: Senators Martin, McCullough and Sharp — 3.

Therefore, the Bill was declared lost.

At 3:05 p.m. on motion of Senator Schlor, the Senate recessed and reconvened at 4:37 p.m., Lt. Governor Bookhammer presiding.

Legislative Advisory No. 41, received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SB 288** and **SCR 42** on June 16, 1975.

According to the same Advisory, **SB 250 w HA 1** became law without the Governor's signature.

* * * * *

Senator Schlor moved that the necessary rules be suspended for the purpose of considering **HB 285**. The roll call on the motion revealed:

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

NO: Senators Berndt, Hale, Hughes, Knox, Manning and Steele — 6.

ABSENT: Senators Castle, Elliott and McCullough — 3.

Therefore, the motion prevailed and the Bill was before the Senate.

Senator Elliott moved that the roll call on adoption of **SA 1** to the Bill be taken; however Senator Schlor moved that the Amendment be tabled. The roll call on the tabling motion revealed:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning and Steele — 8.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and **SA 1** to **HB 285** was tabled.

SA 2 to the Bill was taken up for consideration on motion of Senator Hughes. Senator Schlor moved that the Amendment be tabled and the roll call vote on the motion revealed:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and **SA 2** to **HB 285** was

tabled.

Senator Hughes moved that the roll calls on the tabling of **SA 1** and **SA 2** to **HB 285** be rescinded. The roll call vote on the motion revealed:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Sharp, Zimmerman — 12.

ABSENT: Senator McCullough — 1.

Therefore, the motion was defeated.

To settle the question of the procedure under which the several Amendments to **HB 285** was being handled, Senator Schlör moved to suspend all rules during the action of **HB 285** and the various Amendments. The roll call vote on the motion revealed:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning and Steele — 8.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and consideration of the Bill continued.

SA 3 to **HB 285** was taken up for consideration on motion of Senator Hughes; however, Senator Schlör moved that the Amendment be tabled and the roll call vote on the motion revealed:

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

NO: Senators Berndt, Castle, Elliott, Hughes, Knox, Manning, Steele — 8.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and the Amendment was tabled.

SA 4 to the Bill was taken up for consideration on motion of Senator Holloway.

At 5:25 p.m. on motion of Senator Holloway, the Senate recessed and reconvened at 5:37 p.m.

On motion of Senator Holloway, **SA 4** to **HB 285** which was before the Senate before the recess was laid on the table.

SA 5 to **HB 285** was tabled on motion of Senator Adams.

Senator Steele moved that **HB 285** be laid on the table. The roll call vote on the motion revealed:

YES: Senators Berndt, Hale, Hughes, Knox, Manning, Steele — 6.

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

ABSENT: Senators Castle, Elliott — 2.

Therefore, the motion was defeated.

On motion of Senator Schlör, the roll call vote on the Bill was taken but before it was announced the Senator moved that it be tabled. The roll call vote on the motion to table the roll call revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Berndt, Hale, Hughes, Manning, McCullough, Steele — 6.

NOT VOTING: Senators Elliott and Knox — 2.

Therefore, the motion prevailed and the roll call vote on **HB 285** was tabled.

SB 345 w SA 1 was stricken at the request of Senator Holloway.

SB 346 was taken up for consideration on motion of Senator Kearns.

Senator Kearns introduced **SA 1** to the Bill and moved for its adoption. The roll call vote on the Amendment revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp — 17.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Holloway, Isaacs and Zimmerman — 3.

Therefore, the Amendment was adopted.

On motion of Senator Kearns, the roll call vote on **SB 346 w SA 1** was taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Isaacs and Murphy) ABSENT.

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

SB 347 was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 18 Senators voting YES with 3 Senators (Holloway, Isaacs and Murphy) ABSENT.

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

SB 110 was taken up for consideration on motion of Senator Berndt and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Holloway and Murphy) ABSENT.

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

SB 283 was taken up for consideration on motion of Senator Manning and the roll call vote taken which revealed 20 Senators voting YES with 1 Senator (Holloway) ABSENT.

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

SB 334 was taken up for consideration on motion of Senator Schlör and the following communication read into the record:

Wilmington, Delaware

May 8, 1975

WHEREAS, the current state of the Delaware law provides that in cases where a person is convicted a second or subsequent time for robbery in the first degree that the sentence shall be mandatory for not less than ten years; and

WHEREAS, robbery in the first degree has in recent months become an increasingly menacing threat to the citizenry of the City of Wilmington.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON That the State Legislature be urged to amend the present Criminal Code of the State of Delaware to provide that anyone convicted of robbery in the first degree be given a mandatory sentence of at least three years under the same terms and conditions that a person is currently sentenced for a second or subsequent conviction.

FURTHER RESOLVED, that copies of this resolution be forwarded to the Governor of the State of Delaware, all of the members of the Delaware General Assembly and to the Attorney General.

Passed by City Council,
May 8, 1975

ATTEST: Leo L. Marshall
City Clerk

Approved as to form
 May 5, 1975
 John R. Sheridan
 Assistant City Solicitor

* * * * *

The roll call vote on **SB 334** was taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Manning) ABSENT.

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

On motion of Senator Cordrey, the Senate recessed at 6:10 p.m. and reconvened at 7:02 p.m.

On motion of Senator Zimmerman, the necessary rules were suspended for the purpose of considering **SB 382** and the following was read into the record:

SENATE BILL NO.

AN ACT TRANSFERRING THE EDUCATIONAL TELEVISION RESOURCE CENTER ON THE CAMPUS OF DELAWARE STATE COLLEGE TO THE TRUSTEES OF DELAWARE STATE COLLEGE.

WHEREAS, the Board of Trustees of Delaware State College did lease 5.332 acres of the College land to the Education Television Board of Delaware for the purpose of constructing and operating a Statewide Educational Television Resource Center from the campus of Delaware State College; and

WHEREAS, the ETV Program has been abolished by an act of the General Assembly of the State of Delaware; and

WHEREAS, Delaware State College has experienced an enormous growth rate from 386 students in 1960 to over 2,000 students to date; and

WHEREAS, the College does critically need additional academic and research space to support over \$300,000 in new permanent annual U. S. Department of Agriculture Extension and Research Grants to Delaware State College in the areas of Environment Quality, Health, Food and Nutrition, Forestry, Marketing and Consumer Acceptance, Rural Development Programs, and Animal and Plant Pathology; and

WHEREAS, these new grants from the U. S. Department of Agriculture come as a special incentive to the sixteen 1890 Land-Grant Colleges of which Delaware State College is a member; and

WHEREAS, the College enrollment continues to expand and is predicted to reach 3,000 by 1979-80 and there will definitely be a need for additional Faculty Office space, research space and general use academic space;

NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby transferred from the State Board of Education, the successor to the abolished ETV Board, to the Board of Trustees of Delaware State College the building known as the ETV building effective July 1, 1981.

Section 2. The ETV building transferred in this Act shall be used to support the Educational Program of Delaware State College.

Approved:

John E. Babiarz,
Secretary of the Dept. of Admin. Services
Albert H. Jones, President
State Board of Education
Walton H. Simpson, President
Board of Trustees of Dela. State College

* * * * *

The roll call vote on the Bill was taken and revealed 18 Senators voting YES with 3 Senators (Manning, McCullough and Sharp) ABSENT.

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

On motion of Senator Cicione, the necessary rules were suspended for the purpose of lifting **HB 608** for consideration.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (McCullough and Sharp) ABSENT.

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

SB 363 was taken up for consideration on motion of Senator Adams. The roll call vote on the Bill revealed 20 Senators voting YES with 1 Senator (McCullough) ABSENT.

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

On motion of Senator Martin, the roll call vote on **SB 302** was lifted and announced:

YES: Senators Adams, Castle, Cicone, Cook, Elliott, Holloway, Kearns, Knox, Manning, Martin, Murphy, Schlör, Zimmerman — 13.

NO: Senators Cordrey, Hale, Hughes and Isaacs — 4.

NOT VOTING: Senators Berndt, McCullough, Sharp and Steele — 4.

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

On motion of Senator Murphy, the roll call vote on **SB 313 w SA 1** was lifted and announced:

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

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

NOT VOTING: Senator Hughes — 1.

ABSENT: Senators Knox, Manning and McCullough — 3.

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

Senator Hughes moved that the roll call on **HB 284** be lifted. Senator Sharp, Chairman of the Committee to which the Bill had been assigned, objected to the motion.

At 7:30 p.m. on motion of Senator Isaacs, the Senate recessed until June 18.

The Senate reconvened at 1:45 p.m. June 18, 1975, President Pro Tempore Isaacs presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 45th Day.

45TH LEGISLATIVE DAY

The Senate convened at 1:45 p.m. June 18, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. C. Holmes.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal of the previous day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 252 w SA 1** and **SB 103**.

The following committee reports were announced:

From the Labor Committee: **SB 314** — 4 Merits.

From the Executive Committee: **SB 391** — 6 Merits; **HB 471** — 1 Favorable, 3 Merits.

From the Public Safety Committee: **SB 402** — 1 Favorable.

4 Merits; **HB 81** — 5 Merits; **HB 314** — 5 Merits; **HB 325** — 5 Merits.

From the Highways and Transportation Committee: **SB 418** — 6 Merits; **SB 419** — 6 Merits; **SB 423** — 6 Merits; **SB 427** — 5 Merits, 1 Unfavorable; **HB 346 w HA 1** — 6 Merits.

From the Community Affairs Committee: **HB 363** — 5 Merits.

The following proposed legislation was introduced:

SB 441 — “An Act to amend Part I, Title 7 of the Delaware Code providing restrictions and prohibitions against the killing of red foxes.” Sponsors: Senators Zimmerman and Berndt. Assigned to Natural Resources Committee.

SB 442 — “An Act to amend Chapter 51, Part III, Title 25 of the Delaware Code relating to the landlord-tenant code and certain lease contracts by corporations.” Sponsor: Senator Murphy. Assigned to Judiciary Committee.

SB 443 — “An Act to amend Title 29, Delaware Code, relating to the method of payment of State officials and employees.” Sponsors: Senator Zimmerman and Representative Boulden. Assigned to Executive Committee.

SB 444 — “An Act to amend Title 29, Chapter 80, Section 8003, Delaware Code relating to powers, duties and functions of the Secretary of the Department of Natural Resources and Environmental Control further relating solely to regulation of activities on public beaches.” Sponsors: Senators Cordrey, Hughes and Elliott; Representative Derrickson. Assigned to Natural Resources Committee.

SB 445 — “An Act to amend Chapter 63, Part I, Title 18 of the Delaware Code relating to Health Service Corporations; and providing that Hospitals and Physicians be paid solely for services rendered to Health Service Corporation subscribers.” Sponsors: Senators Elliott and Holloway. Assigned to Banking, Insurance and Elections Committee.

SB 446 — “An Act to amend Subchapter I, Chapter 21, Title 21, Delaware Code relating to the requirements of insurance on motor vehicles.” Sponsors: Senators Murphy and Elliott. Assigned to Public Safety Committee.

SB 447 — “An Act to amend Chapter 225, Volume 59, Laws of Delaware, as amended, by extending its expiration date.” Sponsors: Senators Adams and Berndt.

On motion of Senator Adams, the Bill was laid on the table.

SB 448 — “An Act to amend Chapter 41, Part I, Title 14 of the Delaware Code relating to the voluntary recitation of the

Lord's Prayer in Public Elementary Schools at the option of the School District." Sponsor: Senator Hughes. Assigned to Executive Committee.

SB 449 — "An Act to amend Chapter 1, Title 17, Delaware Code, relating to the regulation of Public Carriers by the Department of Highways and Transportation." Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SS 1 for **SB 256** (with same title as Original) was introduced by Senator Holloway, adopted in lieu of the Original and placed in the Executive Committee.

SS 1 for **SB 438** (same title as the Original) was introduced by Senator Murphy, adopted in lieu of the Original and placed in the Banking, Insurance and Elections Committee.

SB 450 — "An Act proposing an Amendment to Section 10, Article 11, of the Constitution of the State of Delaware, relating to secrecy of legislative proceedings." Sponsor: Senator Holloway. Assigned to Executive Committee.

SA 1 to **SB 387** was introduced by Senator Castle and placed with the Bill.

SA 1 to **SB 388** was introduced by Senator Castle and placed with the Bill.

SA 1 to **HB 126** was introduced by Senator Schlor and placed with the Bill.

SA 1 to **SB 404** was introduced by Senator Isaacs and placed with the Bill.

SA 1 to **SS 1** for **SB 52** was introduced by Senator Kearns and placed with the Bill.

SA 1 to **SS 1** for **SB 256** was introduced by Senators Adams and Berndt and placed with the Bill.

HB 181 — "An Act to amend Chapter 5, Title 31, Delaware Code, relating to the amount of assistance granted as Aid to Families with Dependent Children." Sponsor: Representative Plant. Assigned to Finance Committee.

SS 1 for **SB 201** was taken up for consideration on motion of Senator Murphy and the following Petition read for the record:

PETITION

We, the undersigned citizens and residents of the State of Delaware, endorse and recommend passage of Senate Bill 201 as introduced by Senator Murphy, which would place municipal electric utilities under the jurisdiction and control of the Delaware Service Commission:

The Petition contained over 250 signatures.

* * * * *

During the discussion of the Bill, the privilege of the floor was extended to the following: D. F. Crossan, University of Delaware, Thomas G. Hughes, City of Newark and Joshua M. Twilley, a Public Service Commissioner.

The roll call vote on the Bill revealed:

YES: Senators Cook, Kearns, Murphy and Schlor — 4.

NO: Senators Adams, Berndt, Castle, Cicone, Cordrey, Hale, Holloway, Hughes, Knox, Martin, Sharp, Zimmerman — 12.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Elliott, Isaacs, Manning and McCullough — 4.

Therefore, the Bill was declared lost.

SS 1 for SB 202 was taken up for consideration on motion of Senator Murphy. The roll call vote on the Bill was taken but before being announced was tabled on motion of Senator Murphy.

HB 383 was taken up for consideration on motion of Senator Schlor and the privilege of the floor was extended to Representative Gordy.

At 3:30 p.m. on motion of Senator Schlor the Senate recessed and reconvened at 3:47 p.m., Lt. Governor Bookhammer presiding.

The roll call vote on **HB 383** was taken and revealed:

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

NO: Senator Sharp — 1.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Elliott, Hughes and Manning — 3.

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

HB 369 was taken up for consideration on motion of Senator Schlor and the roll call vote taken which revealed 16 Senators voting YES with 5 Senators (Elliott, Holloway, Hughes, Manning and McCullough) ABSENT.

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

HB 350 was taken up for consideration on motion of Senator Schlor and the privilege of the floor was extended to Representative Gordy.

The roll call vote on the Bill was taken but before being announced was tabled on motion of Senator Schlör.

The roll call vote on the Bill was then lifted and announced on motion of Senator Schlör:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Steele, Zimmerman — 15.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Holloway, Hughes, Manning, McCullough and Sharp — 5.

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

HB 349 was taken up for consideration on motion of Senator Schlör and the privilege of the floor extended to Representative Gordy to speak on the Bill.

The roll call vote on the Bill revealed 18 Senators voting YES with 3 Senators (Hughes, Manning and McCullough) ABSENT.

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

HB 211 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 18 Senators voting YES with 3 Senators (Hughes, Manning and McCullough) ABSENT.

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

On motion of Senator Adams, the necessary rules were suspended for the lifting and consideration of **HB 366**.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES with 3 Senators (Hughes, Manning and McCullough) ABSENT.

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

HB 343 was taken up for consideration on motion of Senator Adams and the roll call taken which revealed 16 Senators voting YES with 5 Senators (Holloway, Hughes, Manning, Martin and McCullough) ABSENT.

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

On motion of Senator Cicione, **HB 243** was taken up for consideration and the privilege of the floor extended to Representative McGinnis.

The roll call vote on the Bill was then taken and revealed 19

Senators voting YES with 2 Senators (Manning and McCullough) ABSENT.

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

SB 312 was taken up for consideration on motion of Senator Sharp.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration and the roll call on the Amendment taken which revealed 18 Senators voting YES with 3 Senators (Hughes, McCullough and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 312 w SA 1** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Knox, Martin, Murphy, Sharp — 14.

NO: Senators Holloway and Kearns — 2.

NOT VOTING: Senators Schlör, Steele and Zimmerman — 3.

ABSENT: Senators Manning and McCullough — 2.

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

SS 1 for **SB 372** was taken up for consideration on motion of Senator Cicione who then moved that the Bill be returned to the Finance Committee. The Original **SB 372** was then stricken on motion of Senator Cicione.

On motion of Senator Adams, the necessary rules were suspended for lifting and considering **SB 447**. The roll call vote on the Bill was then taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Manning) ABSENT.

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

SB 373 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 20 Senators voting YES with 1 Senator (Cicione) ABSENT.

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

HB 364 was taken up for consideration on motion of Senator Schlör and the privilege of the floor extended to Representative Darling to speak on the Bill. The roll call vote on the Bill was tabled on motion of Senator Schlör before it was announced.

On motion of Senator Sharp, the roll call was lifted on **HB**

284 w HA 1, 3, 4 and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 18.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Elliott and Manning — 2.

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

SB 315 was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended to Secretary Daniello to speak on the Bill.

Senator Steele moved that the Bill be placed back in Committee. The roll call vote on the motion revealed:

YES: Senators Berndt, Castle, Hale, Manning, Steele — 5.

NO: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Zimmerman — 14.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Hughes — 1.

Therefore, the motion was defeated and the Bill was still before the Senate.

SB 315 was then laid on the table on motion of Senator Holloway.

HB 145 was taken up for consideration on motion of Senator Schlör and the privilege of the floor extended to Representative Derrickson.

The roll call vote on the Bill revealed 16 Senators voting **YES**, 2 Senators (Cicione and Zimmerman) **NOT VOTING** and 3 Senators (Holloway, Isaacs and Manning) **ABSENT**.

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

HB 231 was taken up for consideration on motion of Senator Schlör and the privilege of the floor was extended to Representative Derrickson to speak on the Bill.

The roll call vote on the Bill revealed 16 Senators voting **YES**, 1 Senator (Steele) voting **NO** and 4 Senators (Cook, Holloway, McCullough and Sharp) **ABSENT**.

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

HB 251 was taken up for consideration on motion of Senator Schlör and the privilege of the floor extended to Representative Derrickson to speak on the Bill.

The roll call vote on the Bill revealed 18 Senators voting YES with 3 Senators (Holloway, Isaacs and McCullough) ABSENT.

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

The Senate recessed at 5:42 p.m. and reconvened at 6:18 p.m., Lt. Governor Bookhammer presiding.

HB 415 was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed 17 Senators voting YES with 1 Senator (Berndt) NOT VOTING and 3 Senators (Holloway, Schlör and Steele) ABSENT.

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

HJR 5 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Holloway and Steele) ABSENT.

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

Senator Kearns moved that the roll call vote on **HB 165 w HA 1** be lifted and the roll call vote on his motion revealed:

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

NO: Senators Berndt, Castle, Holloway, Hughes, Knox — 5.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Hale, Manning and Steele — 3.

Therefore, the motion prevailed and the roll call vote on **HB 165 w HA 1** was announced:

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

NO: Senators Castle, Hale, Holloway, Hughes, Knox, Manning — 6.

NOT VOTING: Senators Berndt, Sharp and Steele — 3.

ABSENT: Senator McCullough — 1.

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

On motion of Senator Murphy, the roll call vote on **SS 1 for SB 202** was lifted but immediately retabled before being announced.

HB 174 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 18

Senators voting YES, 1 Senator (Manning) voting NO and 2 Senators (McCullough and Steele) ABSENT.

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

HJR 16 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (McCullough and Steele) ABSENT.

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

On motion of Senator Holloway, **SB 315** which had been tabled was assigned to Finance Committee.

On motion of Senator Schlör, the roll call vote on **HB 364** was lifted and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, Murphy, Sharp, Steele, Zimmerman — 11.

NO: Senators Berndt, Castle, Hale, Holloway, Hughes, Knox, Manning, Martin, McCullough — 9.

NOT VOTING: Senator Schlör — 1.

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

At 6:40 p.m. on motion of Senator Isaacs, the Senate recessed until June 19, 1975, at 1:30 p.m.

The Senate reconvened at 1:54 p.m. June 19, 1975, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs, the Senate immediately adjourned to begin the 46th Legislative Day.

46TH LEGISLATIVE DAY

The Senate convened at 1:54 p.m. June 19, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by Rev. Holmes.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 305; SB 40 and SB 163**.

Legislative Advisory No. 42 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SB 181 w SA 1, 2, 3, HA 1** on June 17, 1975.

* * * * *

The following Committee reports were announced:

From the Judiciary Committee: **SB 52** — 4 Merits; **SB 310** — 5 Merits; **SB 396** — 4 Merits; **SB 407** — 4 Merits; **SB 413** — 4 Merits; **SB 425** — 1 Favorable, 4 Merits; **SB 428** — 5 Merits; **SB 433** — 5 Merits; **SB 435** — 4 Merits; **HB 5** — 4 Merits; **HB 15 w HA 1, 2** — 5 Merits; **HB 178 w HA 1** — 5 Merits; **HB 249 w HA 1** — 5 Merits; **HB 252 w HA 1** — 4 Merits; **HB 320** — 4 Merits; **HB 355 w HA 1** — 5 Merits; **HB 396** — 4 Merits; **HB 516** — 4 Merits; **HB 537** — 4 Merits.

From the Finance Committee: **SB 114 w SA 1, 2** — 6 Merits; **SS 1 for SB 372** — 4 Favorable; **SB 397** — 6 Merits; **SB 421** — 6 Merits; **SB 436** — 6 Merits; **HB 203** — 6 Merits; **HB 227 w HA 1** — 6 Merits; **HB 230** — 6 Merits; **HB 319** — 6 Merits; **HB 341** — 6 Merits; **HB 412** — 6 Merits.

From the Revenue and Taxation Committee: **SB 268 w SA 1** — 5 Merits.

From the Community Affairs Committee: **SB 296** — 4 Merits.

From the Executive Committee: **SB 383** — 5 Merits; **SB 448** — 2 Favorable, 2 Merits.

From the Education Committee: **SB 420** — 1 Favorable, 4 Merits; **HB 451** — 1 Favorable, 3 Merits.

From the Public Safety Committee: **SB 426** — 2 Favorable, 2 Merits, 1 Unfavorable.

From the Natural Resources and Environmental Control Committee: **SB 432** — 4 Merits.

From the Banking, Insurance and Elections Committee: **SS 1 for SB 438** — 5 Merits.

From the Highways and Transportation Committee: **SB 449** — 4 Merits; **HB 395 w HA 1** — 4 Merits.

The following proposed legislation was introduced:

SJR 34 — "Directing the Department of Natural Resources and Environmental Control to change the name of the Petersburg Wildlife area to the Norman G. Wilder Management Wildlife Area." Sponsors: Senators Cook, Zimmerman and Murphy. The Resolution was laid on the table on motion of Senator Cook.

SB 451 — "An Act to amend Chapter 66, Title 16, Delaware Code, relating to the inclusion of Deputy State Fire Marshals into the State Personnel Commission's Merit System." Sponsor: Senator Cook. Assigned to Administrative Services Committee.

SB 452 — "An Act to amend Chapter 55, Part V, Title 29 of

the Delaware Code relating to retirement.” Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 453 — “An Act to amend Chapter 1, Title 1, Delaware Code, relating to the distribution of the Delaware Code and Supplements.” Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

SB 454 — “An Act to amend an Act, being Chapter 63, Volume 12, Laws of Delaware, entitled ‘An Act to incorporate the Artisans’ Savings Bank’ passed at Dover on February 28, 1861, as the same has since been renewed, amended and changed, by amending Section 3 thereof to provide that the Savings Bank may make unsecured loans, and to provide further that the Savings Bank be permitted to conduct generally checking account services.” Sponsors: Senators Holloway and Berndt; Representatives Miller, Sincock, Temple and Powell. Assigned to Banking, Insurance and Elections Committee.

SB 445 — “An Act to restore funds eliminated from the F.Y. 1976 Budget of the Public Service Commission for its regulatory operations.” Sponsor: Senator Martin. Assigned to Finance Committee.

SB 456 — “An Act authorizing the State of Delaware to borrow money to be used for capital improvements and expenditures in the nature of capital investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on behalf of Local School Districts.” Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 457 — “An Act to amend Chapter 1, Title 16, Delaware Code, relating to suspension/revocation of permits to operate public eating places.” Sponsor: Senator Zimmerman. Assigned to Health and Social Services Committee.

SB 458 — “An Act to permit the Board of Public Education of the Mount Pleasant reorganized School District to transfer certain funds from its Local Debt Service Funds Account to a Special Local Current Operating Funds Account.” Sponsors: Senator Berndt and Hughes. The Bill was laid on the table on motion of Senator Cordrey.

SB 459 — “An Act to amend Title 7, Chapter 60, Delaware Code, relating to ambient air quality standards, fuel quality

standards and air emission standards, and their applicability to fuel burning equipment, and charges to the public, and further providing a supplementary appropriation therefor." Sponsors: Senators Isaacs, Berndt, Elliott, Holloway and Hughes. Assigned to Natural Resources and Environmental Control Committee.

SA 3 to SB 391 was introduced by Senator Kearns and placed with the Bill.

SA 4 to SB 391 was introduced by Senator Kearns and placed with the Bill.

SA 1 to HB 471 was introduced by Senator Sharp and placed with the Bill.

SA 2 to SB 218 was introduced by Senator Martin and placed with the Bill.

SA 2 to HB 254 was introduced by Senator Cordrey and placed with the Bill. **SA 2 to HB 254** was stricken from the calendar on motion of Senator Cordrey.

SA 1 to HB 457 was introduced by Senator Cordrey and placed with the Bill.

SA 3 to HB 254 was introduced by Senator Cordrey and placed with the Bill.

HB 428 — "An Act authorizing a supplementary appropriation to the Department of Health and Social Services for the purpose of increasing Title XIX medicaid rates." Sponsor: Representative George. Assigned to Health and Social Services Committee.

HB 477 w HA 2, 3, 4 — "An Act to amend Title 10 of the Delaware Code relating to attorneys fees." Sponsor: Representative George. Assigned to Judiciary Committee.

HB 478 — "An Act to amend Chapter 61, Title 18, Delaware Code, relating to Fraternal Benefit Societies, and the licensing of Insurance Agents for such societies." Sponsor: Representatives Jonkiert and Jornlin. Assigned to Banking, Insurance and Elections Committee.

HB 493 — "An Act to amend Chapter 480, Volume 59, Laws of Delaware entitled 'An Act to amend Title 9, Title 14 and Title 29 of the Delaware Code relating to Library Services in Delaware.'" Sponsors: Representatives Gordy, Harrington, Clendaniel, Temple, Lynch and Derrickson and Senators Adams, Cordrey and Elliott. Assigned to Community Affairs Committee.

HB 513 w HA 1 — "An Act to amend Chapter 59, Title 29, Delaware Code, relating to certain benefits for Merit System

Employees." Sponsor: Representative Darling. Assigned to Executive Committee.

HJR 20 w HA 1 — "Memorializing the Congress of the United States to call a Constitutional Convention for the purpose of proposing an Amendment to the Constitution of the United States." Sponsors: Representatives Arnold and Powell. Assigned to Executive Committee.

HJR 21 — "Establishing a special Legislative Committee to study School desegregation proposals and to report no later than September 15, 1975; and requesting a stay of the Federal Court Order to submit desegregation proposals until October 15, 1975." Sponsors: Representatives Gilligan, Ferguson, Hebner, Maxwell, Powell, Kelly, Boulden, Arnold, Connor, McKay, Smith, Ridings, Leshner, Byrd, Spence, Cain, Jornlin, Ambrosino; and Senators Sharp, Martin, Hughes, Cicione, Berndt, Isaacs and Kearns. The Resolution was laid on the table on motion of Senator Sharp.

HB 276 was reported out of the Finance Committee: 5 Merits.

SB 217 was stricken from the calendar on motion of Senator Elliott.

The name of Senator Manning was added as co-sponsor of **SB 425**.

SB 272 was taken up for consideration on motion of Senator Holloway then on his further motion was laid on the table.

SB 278 was taken up for consideration on motion of Senator Zimmerman and the privilege of the floor was extended to Thomas W. Murray, Jr., Department of Maintenance and Communications, to speak on the Bill.

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

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

NOT VOTING: Senators Castle, Elliott, Hughes, Knox and Manning — 5.

ABSENT: Senators Holloway and Isaacs — 2.

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

HB 254 w HA 1, 3 was taken up for consideration on motion of Senator Cordrey.

SA 1 to the Bill was stricken on motion of Senator Cordrey.

SA 3 to the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 20 Senators voting YES with 1 Senator (Holloway) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **HB 254 w HA 1, 3, SA 3** was then taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Hughes) ABSENT.

Therefore, the Bill passed the Senate and was returned to the House for concurrence on the Senate Amendment.

Consideration of **HB 228 w HA 1** was deferred on motion of Senator Cordrey.

On motion of Senator Cicione, **SB 395** was tabled for an Amendment.

SB 336 was taken up for consideration on motion of Senator Sharp.

SA 1 to the Bill was considered for adoption on motion of Senator Sharp, the roll call taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp — 11.

NO: Senators Hale, Manning and Steele — 3.

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

ABSENT: Senators Cicione, Holloway, Hughes and Zimmerman — 4.

Therefore, the Amendment was adopted.

The roll call vote on **SB 336 w SA 1** was taken on motion of Senator Sharp but on his further motion the roll call was tabled before being announced:

HB 381 was taken up for consideration on motion of Senator Sharp.

SA 1 to the Bill was introduced by Senator Steele who moved that it be adopted. Senator Sharp requested the privilege of the floor for Representative McGinnis. The roll call vote on the Amendment revealed 18 Senators voting YES, 2 Senators (Isaacs and Zimmerman) NOT VOTING and 1 Senator (Holloway) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **HB 381 w SA 1** was then taken and revealed 18 Senators voting YES, 2 Senators (Isaacs and Zimmerman) NOT VOTING and 1 Senator (Holloway) ABSENT.

Therefore, the Bill passed the Senate and was ordered to the House for concurrence on the Senate Amendment.

SB 206 was taken up for consideration on motion of

Senator Schlor.

SA 2 to the Bill was stricken on motion of Senator Schlor.

The privilege of the floor was extended to Russell D. F. Dineen, Wilmington Public Schools, to speak on the Bill.

The roll call vote on **SA 3** to the Bill was taken on motion of Senator Schlor; however, on his further motion, the roll call was tabled before being announced.

On motion of Senator Cordrey, the Senate recessed at 4:15 p.m. and reconvened at 5:25 p.m., President Pro Tempore Isaacs presiding.

SB 328 was taken up for consideration on motion of Senator Murphy and the privilege of the floor extended to Betty M. Pond, Dept. of Elections for New Castle County, to speak on the Bill.

The roll call vote on the Bill revealed 16 Senators voting YES with 5 Senators (Holloway, Hughes, Manning, McCullough and Schlor) ABSENT.

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

SB 327 was taken up for consideration on motion of Senator Murphy and the privilege of the floor extended to Betty M. Pond, New Castle County Department of Elections, to speak on the Bill.

The roll call vote on the Bill revealed 18 Senators voting YES, 1 Senator (Berndt) NOT VOTING and 2 Senators (Holloway and McCullough) ABSENT.

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

SB 365 was taken up for consideration on motion of Senator Murphy and the privilege of the floor extended to Clifford B. Hearn, Jr., American Insurance Association, to speak on the Bill.

The roll call vote on the Bill was taken; however, before it was announced, Senator Murphy moved that it be tabled. The roll call vote on the motion revealed:

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

NO: Senators Berndt, Hale and Hughes — 3.

NOT VOTING: Senators Castle, Elliott, McCullough — 3.

Therefore, the motion prevailed and the roll call vote on **SB 365** was tabled.

On motion of Senator Sharp, the roll call vote on **SB 336** w

SA 1 was lifted and announced:

YES: Senators Berndt, Cicione, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Schlor, Sharp — 11.

NO: Senators Adams, Castle, Cordrey, Cook, Hale, Knox, Manning, Murphy, Steele, Zimmerman — 10.

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

SB 322 was taken up for consideration on motion of Senator Cicione.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Schlor, the roll call taken and announced:

YES: Senators Cicione, Kearns and Schlor — 3.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Knox, Manning, Martin, Steele — 13.

NOT VOTING: Senators Holloway, McCullough, Murphy, Sharp and Zimmerman — 5.

Therefore, the Amendment was lost.

The roll call vote on **SB 322** was then taken on motion of Senator Cicione and revealed:

YES: Senator Schlor — 1.

NO: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Steele, Zimmerman — 16.

NOT VOTING: Senators Berndt, Holloway, McCullough and Sharp — 4.

Therefore, the Bill was defeated for passage.

Senator Holloway moved that the necessary rules be suspended for the purpose of lifting **HB 63 w HA 1** for consideration. The roll call vote on the motion revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, Murphy, Schlor, Zimmerman — 13.

NO: Senators Castle, Elliott, Hale, Knox, Manning, Sharp, Steele — 7.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and the Bill was before the Senate.

The following letter was read into the record at the request of Senator Holloway:

CAPITOL TRAIL LIONS CLUB

June 12, 1975

To Whom It Concerns:

House Bill 63, now before the Delaware Senate, would allow Optometrists, after additional schooling at their expense, to administer certain types of drugs to their patients.

There is some opposition to this bill, primarily from the Opthamologists and a few Senators.

After investigating the pros and cons of this bill in some depth and after much discussion with Dr. John Nicoll and Dr. Emily Nicoll (Optometrists), I am thoroughly convinced that this bill should be passed into law at the earliest possible date.

The evidence presented against passage was unsubstantiated and may have political connnotations. Further, the incidents of drug reaction are almost infinitesimal.

On the other hand, the arguments for passage seem to me to be overwhelming. Many states, including Pennsylvania, have this law on the books right now. Great Britain has allowed their Optometrists to administer these drugs for many years.

Since Optometrists treat approximately 70% of the people in Delaware for eye problems, it makes sense to me to provide them with every means to perform their duties to the fullest extent possible.

As a member of Lions International dedicated primarily to Sight Conservation, I would urge your full support of House Bill 63 with whatever means available to you. To do less or nothing would, in my estimation, hinder the efforts of a dedicated group of people engaged in the treatment of eye problems.

Very truly yours,
Joe Talorica, President
Capitol Trail Lions Club

* * * * *

The following letter was read into the record at the request of Senator Cordrey:

**WILLS EYE HOSPITAL
1601 SPRING GARDEN STREET
PHILADELPHIA, PA.**

5 June 1975

Senator Richard S. Cordrey
Millsboro, Delaware

Dear Senator Cordrey:

As one concerned with the care of eye patients in the State of Pennsylvania and as one deeply committed to teaching eye care to medical students, interns, residents, fellows and practicing physicians, I am taking the liberty of expressing my opinion about proposed legislation in the State of Delaware.

Please be advised that there is no short cut to the learning of ophthalmology. One has to learn general medicine and all its ramifications before he can adequately specialize in the field of ophthalmology. This, optometrists and the optometric profession, fails to recognize - they think they can master dribs and drabs such as drug reactions on the eye and that this will suffice for their purposes. It will not. It is not fair to permit improperly trained individuals undue freedom in the care of eye patients. It is dangerous for two reasons: a) for the positive known side effects which can occur with improperly applied drugs and b) for the diseases that are missed while one deceives himself and the public that a thorough ophthalmologic examination has been performed.

I've trained optometrists who later became M.D.'s and can assure you that despite an optometric degree they required an intensive three year residency to become qualified eye physician. Joseph C. Toland, O.D., M.D. comes to mind in this regard.

Please don't make the same mistake in Delaware that was made in Pennsylvania. We have moved a step backward in health care and I see the repercussions every day.

Thank you for your interest in this matter.

Sincerely yours,
Thomas D. Duane, M.D.

* * * * *

The following letter was read into the record at the request of Senator Zimmerman:

**SENATE
STATE OF DELAWARE
DOVER, DELAWARE**

June 4, 1975

Charles R. Rickards, M.D.
2323 Pennsylvania Avenue
Wilmington, Delaware

Dear Dr. Rickards:

On Wednesday, May 28, you testified before the Delaware Senate that you have seen four instances of adverse reactions to the use of drugs in the eyes of patients. Your testimony included an observation of two cases of convulsions.

During testimony on that same day, other physicians and pharmacologists, including some who have written books on the subject, testified that they had never witnessed or had knowledge of such adverse effects from the use of drugs in the human eye. I am most concerned about this conflicting testimony and I am anxious to resolve it. Accordingly, I would be very appreciative if you would forward to me specific information about the four cases which you cited, including documentation as to place and time so that those who testified conversely might be made aware of this important information and make appropriate use of it in their subsequent testimony and authorship.

Sincerely,
Jacob W. Zimmerman
State Senator, 17th District

* * * * *

The roll call vote on **HB 63 w HA 1** was then taken on motion of Senator Holloway; however, before it was announced, Senator Holloway further moved that it be tabled and the motion prevailed. Roll call vote on **HB 63 w HA 1** tabled.

On motion of Senator Kearns, the necessary rules suspended for the purpose of considering **SB 420**.

The roll call vote on the Bill was taken; however, before it was announced, Senator Kearns moved that it be tabled and the motion prevailed without objection.

Senator Kearns then moved that the roll call on **SB 420** be lifted and announced. The roll call vote on the Bill was therefore lifted and revealed 18 Senators voting YES, 2 Senators (Knox and McCullough) NOT VOTING and 1 Senator (Manning) ABSENT.

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

SB 145 was reported out of Community Affairs Committee: 4 Merits.

SB 454 was reported out of Banking, Insurance and Elections Committee: 4 Merits.

The following Bills were reported out of the Administrative

Services Committee: **SB 18** — 5 Merits; **SB 241** — 5 Merits.

On motion of Senator Schlör, the roll call vote on **HB 285** was lifted and announced:

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

NO: Senators Berndt, Cicione, Elliott, Hale, Hughes, Manning, Sharp, Steele — 8.

NOT VOTING: Senators Castle and Knox — 2.

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

The following proposed legislation was introduced:

SB 460 — “An Act making a supplementary appropriation to the Delaware Technical and Community College.” Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 461 — “An Act to amend Chapter 27, Title 21, Delaware Code, authorizing the discontinuance of issuing permanent driver’s licenses.” Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

SB 462 — “An Act to amend Chapter 41, Title 21, Delaware Code, relating to operation of vehicles on approach of emergency vehicles.” Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

SB 463 — “An Act to amend Subchapter II, Chapter 60, Title 7, Delaware Code, with reference to the Division of Environmental Control; providing for the approval of the General Assembly prior to the construction of Power Plant facilities.” Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

SB 464 — “An Act providing a supplementary appropriation to Delaware Technical and Community College.” Sponsors: Senator Cook and Representative Morris. Assigned to Finance Committee.

SA 1 to SB 259 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 441 was introduced by Senator Zimmerman and placed with the Bill.

SA 9 to SB 123 was introduced by Senator Cicione and placed with the Bill.

SA 3 to SB 114 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 395 was introduced by Senator Cordrey and placed with the Bill.

SA 1 to SB 272 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 210 was introduced by Senators Kearns and Berndt and placed with the Bill.

SA 4 to SB 206 was introduced by Senators Schlor and Holloway and placed with the Bill.

SA 1 to SB 296 was introduced by Senator McCullough and placed with the Bill.

HB 365 — “An Act authorizing the State of Delaware to borrow money and to issue bonds and notes therefor; and appropriating the funds thus obtained to the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control, to be utilized in the improvement and restoration of Pea Patch Island and the Old Canal Lock Facilities at Delaware City.” Sponsors: Representative Cain and Senator Isaacs. Assigned to Finance Committee.

HB 392 w HA 1, 2 — “An Act to amend Chapter 6, Title 14, Delaware Code, relating to acceptance of non-resident students in Delaware Public Schools and tuition for such out-of-state students.” Sponsor: Representative Worthen. Assigned to Education Committee.

HB 425 — “An Act to provide a disability pension for Elton R. Wood, a former State employee.” Sponsor: Representative Morris. Assigned to Finance Committee.

HB 487 — “An Act to incorporate the Village of Ardentown.” Sponsors: Representative Hebner and Senator Hughes. Assigned to Community Affairs Committee.

HB 326 — “An Act to amend Chapter 21, Title 21, Delaware Code, relating to antique vehicle plates.” Sponsor: Representative Johnson. Assigned to Public Safety Committee.

HB 342 w HA 1 — “An Act directing the Department of Public Instruction to conduct a feasibility study to ascertain the need for a satellite branch of the Sterck School for Kent and Sussex Counties; and further providing a supplementary appropriation therefor.” Sponsors: Representative Morris and Senator Murphy. Assigned to Education Committee.

HB 367 — “An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase a tract of land within White Clay Creek State Park, White Clay Creek Hundred, New Castle County, Newark, Delaware.” Sponsors: Representatives Worthen, LeGates, Seibel and Billingsley; Senators Martin, Knox and Sharp. Assigned to

Natural Resources and Environmental Control Committee.

HB 444 — "An Act making a supplementary appropriation to the Family Court to pay wages past due Francine Gritz." Sponsor: Representative Morris. Assigned to Finance Committee.

HB 447 w HA 1, 2 — "An Act to amend Chapter 1, Title 26, Delaware Code, relating to the Public Service Commission and providing for the creation of the Office of the Public Advocate." Sponsors: Representatives Miller, Ambrosino, Maxwell; Senator Kearns. Assigned to Administrative Services Committee.

SA 2 to HB 457 was introduced by Senator Holloway and placed with the Bill.

SR 80 — "Requesting the Delaware Congressional Delegation to support House Resolution No. 7697 preventing the reduction of Public Assistance to those receiving an increase July 1 in Social Security." Sponsor: Senator Holloway. On motion of Senator Cordrey, the Resolution was laid on the table.

HCR 38 w HA 1 — "Establishing a Committee to evaluate the need for a Merit System for employees of the Family Court of Delaware and providing an appropriation for the expenses of the said Committee." Sponsor: Representative Gordy. On motion of Senator Cordrey, the Resolution was laid on the table.

SB 453 was reported out of the Public Safety Committee — 4 Merits.

At 7:17 p.m. on motion of Senator Cordrey, the Senate recessed until June 20, at 1:30 p.m.

The Senate reconvened at 2:05 p.m. June 20, 1975, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs, the Senate adjourned to immediately convene for the 47th Day.

47TH LEGISLATIVE DAY

The Senate convened at 2:05 p.m., June 20, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Holmes.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Chair introduced the Governor and Lt. Governor of Boys' State to the Senate.

SB 189 was reported out of Administrative Services Committee: 5 Merits.

SA 3 to **SB 209** was introduced by Senator Hughes and placed with the Bill.

SB 206 was taken up for consideration on motion of Senator Schlor.

The roll call vote on **SA 3** to the Bill was lifted on motion of Senator Schlor and announced:

YES: Senators Berndt, Castle, Hale, Hughes, Kearns, Knox, Manning, Martin, Schlor, Steele — 10.

NO: Senator Adams — 1.

NOT VOTING: Senators Cook, Cordrey, Elliott, Isaacs, Murphy, Sharp, Zimmerman — 7.

ABSENT: Senators Cicione, Holloway and McCullough — 3.

Therefore, the Amendment was defeated.

Senator Schlor introduced **SA 4** to the Bill and moved for its adoption. The roll call vote on the Amendment revealed:

YES: Senators Adams, Berndt, Castle, Hale, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 15.

NO: Senator Cordrey — 1.

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

ABSENT: Senators Cicione and Holloway — 2.

Therefore, the Amendment was adopted.

On motion of Senator Schlor, the roll call vote on **SB 206** w **SA 4** was taken and announced:

YES: Senators Berndt, Castle, Hale, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Steele — 12.

NO: Senator Cordrey — 1.

NOT VOTING: Senators Adams, Cook, Elliott, Sharp and Zimmerman — 5.

ABSENT: Senators Cicione, Holloway and Isaacs — 3.

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

SB 223 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 18 Senators voting YES with 3 Senators (Holloway, Isaacs and Zimmerman) ABSENT.

Therefore, the Bill passed the Senate.

SB 397 was taken up for consideration on motion of Senator Sharp and then was tabled on his further motion.

SB 369 was stricken at the request of Senator Holloway.

SB 384 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Isaacs and McCullough) ABSENT.

Therefore, the Bill passed the Senate.

SB 403 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Isaacs and McCullough) ABSENT.

Therefore, the Bill passed the Senate.

SB 158 was taken up for consideration on motion of Senator Martin and the privilege of the floor extended to Willard J. Thomson, Jr., Division of Highways, to speak on the Bill.

The roll call vote on the Bill revealed 16 Senators voting YES, 1 Senator (Elliott) NOT VOTING and 4 Senators (Holloway, Isaacs, McCullough and Zimmerman) ABSENT.

Therefore, the Bill passed the Senate.

SS 1 for SB 329 was laid on the table at the request of Senator Kearns.

HB 309 w HA 1 was taken up for consideration on motion of Senator Sharp. During the discussion of the Bill, the privilege of the floor was extended to Frank P. Vavala and Secretary J. Thomas Schranck, Secretary of the Department of Labor, to speak on the Bill.

SA 1 to the Bill was stricken at the request of Senator Cicione.

The roll call vote on the Bill was taken on motion of Senator Sharp and announced:

YES: Senators Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Schlör, Sharp — 11.

NO: Senators Adams, Cook, Cordrey, Hale, Murphy, Steele, Zimmerman — 7.

NOT VOTING: Senators Castle and Elliott — 2.

ABSENT: Senator Isaacs — 1.

Therefore, the Bill passed the Senate.

SS 1 for SB 83 was taken up for consideration on motion of Senator Hughes and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Isaacs) ABSENT.

Therefore, the Bill passed the Senate.

SS 1 for **SB 329** was lifted from the table for consideration at the request of Senator Kearns and the privilege of the floor extended to Chief Judge of Family Court, Robert D. Thompson, to speak on the Bill. Senator Steele requested the floor for Judge Thompson.

The Bill was then again laid on the table on motion of Senator Kearns.

SR 81, sponsored by Senators Isaacs and Martin and all the Senators, was introduced and considered for adoption:

SR 81 — "Congratulating Harry C. McSherry as he begins his 55th year as a news writer and correspondent in Dover."

The roll call vote on the Resolution revealed 17 Senators voting YES and 4 Senators (Cicione, Holloway, McCullough and Schlor) ABSENT.

Therefore, the Resolution was declared adopted.

The Senate recessed at 4:53 p.m. on motion of Senator Cordrey and reconvened at 5:35 p.m.

In the absence of Senator Isaacs, Senator Zimmerman moved that Senator Cordrey act as President Pro Tempore.

SB 397 was lifted from the table for consideration on motion of Senator Sharp and the privilege of the floor extended to R. A. Haber, Division of Highways, to speak on the Bill.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senators Berndt and Castle — 2.

ABSENT: Senators Holloway, Isaacs and Kearns — 3.

Therefore, the Bill passed the Senate.

SB 417 was taken up for consideration on motion of Senator Zimmerman and the following letters concerning the Bill were read into the record:

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

NEW CASTLE, DELAWARE

June 2, 1975

Mr. George H. Tinsman, Jr.

Superintendent

The Elizabeth W. Murphey School, Inc.

14 Kings Highway East

Dover, Delaware

Dear Mr. Tinsman:

Your letter of May 19 has been received and I have personally reviewed the documentation. There is no question in my mind that the Division of Social Services erred in placing the Irwin or any other children in your school so long as it was segregated, nor is there any question but that your school should not suffer financially for this Division error.

There are, however, several practical problems preventing me from granting the relief you request. First, the federal government will not pay for any part of such a mistake by State personnel. Second, Delaware law does not permit a State agency to use funds appropriated for the current year to pay obligations incurred in prior fiscal years.

As a result I can only recommend that you seek redress from the General Assembly in the form of a supplemental appropriation for the amount owed you.

Cordially yours,
Earl McGinnes
Secretary

* * * * *

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
NEW CASTLE, DELAWARE

June 18, 1975

MEMORANDUM

TO: William Bradley
FROM: Earl McGinnis
SUBJECT: Senate Bill No. 417

I have reviewed this legislation which provides supplementary appropriation to the Division of Social Services to pay costs incurred under a purchase of care agreement with the Murphey School on June 30, 1972.

I am in complete agreement that this debt should be paid as soon as possible and urge Administration support of this legislation.

* * * * *

The roll call vote on the Bill was then taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Isaacs and Kearns) ABSENT.

Therefore, the Bill passed the Senate.

SR 82, sponsored by Senator Elliott was introduced and laid on the table in the absence of Senator Elliott on the motion of Senator Castle:

SR 82 — "Extending congratulations to Miss Angela

Louise Long of Seaford, Delaware, on becoming Miss Delmarva Poultry Princess of 1975-76."

SR 83, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 83 — "Providing a supplementary appropriation for the purpose of paying the salaries of officers of the Senate for the remainder of Fiscal 1975."

The roll call vote on the Resolution revealed 17 Senators voting YES and 4 Senators (Elliott, Holloway, Isaacs and Kearns)ABSENT.

Therefore, the Resolution was declared adopted.

SR 84, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 84 — "To debit Senate Travel Account for legislators' mileage of the present session of the 128th General Assembly."

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES with 4 Senators (Elliott, Holloway, Isaacs and Kearns)ABSENT.

Therefore, the Resolution was declared adopted.

SCR 45, sponsored by Senators Isaacs and Cordrey with all the Senators as well as Representatives Jonkiert, Derrickson and Ferguson, was introduced and considered for adoption:

SCR 45 — "EXPRESSING BEST WISHES TO BOYS STATE OF 1975 AND CONGRATULATING THE NEWLY ELECTED BOYS STATE OFFICIALS.

WHEREAS, the Delaware Boys State has convened in Dover for their 38th Session during the week of June 17, 1975; and

WHEREAS, the members of the 128th General Assembly recognize the unique educational experience that is afforded these fine young men by the sponsoring organization, the Delaware American Legion, which involves the Boys State members directly in the Legislative process; and

WHEREAS, on June 19, 1975, Boys State members elected their State officials, following the proper political procedures; and

WHEREAS, these officials include:

Governor — Stephen Sashihara
 Lt. Governor — Guy E. Ramsey
 Attorney General — Tom Sarnecky
 Secretary of State — Norman H. Hahn, Jr.
 Auditor — James A. Peckham
 Insurance Commissioner — Jay Zehr
 Treasurer — Clifton Hardesty; and

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

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 128th General Assembly, the House of Representatives concurring therein, that best wishes and congratulations are hereby extended to the officials and members of Boys State of 1975 and additional commendations be extended to the sponsors of this event, the American Legion of Delaware.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journals of the Senate and House and a copy delivered to the presiding officer of Boys State of 1975, and an additional copy sent to the Commander of the American Legion of Delaware.

* * * * *

The roll call vote on the Resolution revealed 17 Senators voting YES with 4 Senators (Elliott, Holloway, Isaacs and Kearns) ABSENT.

Therefore, the Resolution was declared adopted by the Senate.

The following Bills were reported out of the Health and Social Services Committee: **SB 434** — 5 Merits; **SB 179 w SA 1** — 4 Merits; **HB 428** — 4 Merits.

SB 439 was reported out of the Judiciary Committee: 5 Merits.

The following proposed legislation was introduced:

SB 465 — "An Act to amend Chapter 91, Title 9, Delaware Code, relating to uniform mileage payments." Sponsor: Senator Adams. Assigned to Community Affairs Committee.

SB 466 — "An Act to amend Chapter 43, Title 21, Delaware Code, relating to tires." Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

SB 467 — "An Act to amend Chapter 27, Title 21, of the Delaware Code relating to School Bus Driver Licenses."

Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

SB 468 — “An Act to amend Part V, Chapter 51, Title 29 of the Delaware Code by adding a new Section forbidding State employees to work at any other job during their normal working hours.” Sponsor: Senator Sharp. Assigned to Labor Committee.

SA 1 to HB 447 was introduced by Senator Kearns and placed with the Bill.

SA 1 to SB 454 was introduced by Senator Berndt and placed with the Bill.

SA 1 to SB 456, sponsored by Senator Sharp and Representative Powell, was introduced and placed with the Bill.

SA 2 to SB 456 was introduced by Senator Cordrey and placed with the Bill.

SA 5 to SB 335 was introduced by Senator Zimmerman and placed with the Bill.

SA 1 to SS 1 for SB 329 was introduced by Senators Kearns and Adams and placed with the Bill.

SA 1 to HB 525 was introduced by Senator Elliott and placed with the Bill.

SA 3 to SB 456 was introduced by Senator Elliott and placed with the Bill.

SCR 46 was introduced by Senator Holloway and on his motion considered for adoption:

SCR 46 — “Requesting the Chairman of the Delaware Legislative Council to designate a quiet Meditation Room in Legislative Hall for the members of the General Assembly.”

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

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Martin, McCullough, Murphy, Sharp — 13.

NO: Senator Cook — 1.

NOT VOTING: Senators Schlör, Steele and Zimmerman

— 3.

ABSENT: Senators Isaacs, Kearns, Knox and Manning

— 4.

Therefore, the Resolution was declared adopted by Senate.

SR 82 was lifted for consideration on motion of Senator Elliott and all of the Senators were added as co-sponsors. The roll call vote on the Resolution revealed 18 Senators voting YES

with 3 Senators (Isaacs, Kearns and Manning) ABSENT.

Therefore, the Resolution was declared adopted.

SR 80 was lifted for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Isaacs and Kearns) ABSENT.

Therefore, the Resolution was declared adopted.

HB 487 was reported out of the Community Affairs Committee: 5 Merits.

HB 513 w HA 1 was reported out of the Executive Committee: 1 Favorable, 3 Merits.

At 6:23 p.m. on motion of Senator Adams, the Senate recessed until Tuesday, June 24th at 1:30 p.m.

The Senate reconvened at 1:53 p.m. June 24, 1975, Lt. Governor Bookhammer presiding.

The Secretary announced that the House informed the Senate that it had passed **SS 1** for **SB 85 w SA 1; SB 79 w SA 1; SB 144; SB 324 w HA 1; SB 298; SB 211; SB 214 w SA 1; SB 293; SB 84 w SA 1; SB 341** and adopted **SCR 45** and **SCR 46**.

At 1:59 p.m. on motion of Senator Isaacs, the Senate adjourned to begin the 48th Day.

48TH LEGISLATIVE DAY

Lt. Governor Bookhammer called the Senate to order at 2:00 p.m. June 24, 1975.

A Prayer was offered by the Chaplain, Rev. Jackson.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The following proposed legislation was introduced:

SB 469 — "An Act to amend Chapters 21 and 29, Title 21, Delaware Code, relating to motor vehicles and providing for self-insurance in certain instances." Sponsors: Senator Adams and Representative Gordy. Assigned to Public Safety Committee.

SA 4 to **SB 456** was introduced by Senator Berndt and placed with the Bill.

SA 5 to **SB 456**, sponsored by Senators Elliott, Adams and Cordrey; Representatives Harrington, Derrickson, Temple, Gordy, Clendaniel and Lynch, was introduced and placed with the Bill.

HB 3 w HA 1 — "An Act making a supplementary

appropriation to the Department of Highways and Transportation for the installation of Traffic Signal Control Equipment at Sussex Central High School." Sponsor: Representative Clendaniel. Assigned to Finance Committee.

HB 32 — "An Act to amend Chapter 25, Chapter 33, Chapter 35 and Chapter 63, Title 18 of the Delaware Code relating to insurance, and providing for the regulation of rates for Health Insurance, Group Health Insurance, Blanket Health Insurance, and Health Service Corporations." Sponsor: Representative Powell. Assigned to Banking, Insurance and Elections Committee.

HB 60 — "An Act to amend Chapter 33, Chapter 35, Chapter 37, Chapter 39 and Chapter 63, Title 18 of the Delaware Code relating to insurance; and providing that insureds be given an opportunity to obtain out-patient coverage." Sponsor: Representative Ambrosino. Assigned to Banking, Insurance and Elections Committee.

HB 141 — "An Act to amend Chapter 54, Part IV, Title 30 of the Delaware Code relating to the Realty Transfer Tax; and providing an exemption for certain Real Estate owned by non-profit organizations." Sponsor: Representative Rispoli. Assigned to Revenue and Taxation Committee.

HB 149 — "An Act to amend Chapter 17 of Title 7, Delaware Code, relating to certain requirements for dog licenses." Sponsor: Representative Lynch. Assigned to Natural Resources and Environmental Control Committee.

HB 185 — "An Act to amend Title 6 and Title 24 of the Delaware Code relating to the advertising of eyeglasses; and permitting the advertising of eyeglass prices." Sponsor: Representative Ambrosino. Assigned to Health and Social Services Committee.

HB 187 w HA 1, 2 — "An Act to amend Chapter 41, Part II, Title 11 of the Delaware Code relating to the collection of fines and costs." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

HB 214 w HA 1 — "An Act to amend Chapter 13, Title 30, Delaware Code, relating to rates of inheritance taxes." Sponsor: Representative Derrickson. Assigned to Revenue and Taxation Committee.

HB 261 w HA 1 — "An Act to amend Chapter 51, Part IV, Title 30 of the Delaware Code relating to the motor fuel tax; and providing for the refunding of such tax paid on fuel for taxicabs." Sponsor: Representative McGinnis. Assigned to

Revenue and Taxation Committee.

HB 335 w HA 1 — “An Act to amend Chapter 51, Title 30 of the Delaware Code relating to regulations and expenditures of State Municipal Street Aid Funds by municipalities.” Sponsor: Representatives McGinnis and Billingsley. Assigned to Revenue and Taxation Committee.

HB 368 — “An Act to amend Chapter 16, Title 17, and Chapter 79, Title 3, Delaware Code, relating to the Delaware Society for the Prevention of Cruelty to Animals, to Kent County Society for the Prevention of Cruelty to Animals, to enforcement of laws relating to cruelty to animals and to certain purchases made from the State of Delaware.” Sponsor: Representative McGinnis. Assigned to Natural Resources and Environmental Control Committee.

HB 416 w HA 4 — “An Act to amend Chapter 81, Title 9, Delaware Code, relating to property subject to county taxation.” Sponsor: Representatives Byrd and McKay. Assigned to Revenue and Taxation Committee.

HB 458 w HA 1 — “An Act to amend Chapter 17, Title 15, Delaware Code, relating to the transfer of voter registration upon moving from one County to another.” Sponsor: Representative Maxwell. Assigned to Banking, Insurance and Elections Committee.

HB 489 — “An Act to amend Chapter 68, Title 7, Delaware Code, relating to appeals from decisions of the Secretary of the Department of Natural Resources and Environmental Control.” Sponsor: Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

HB 501 w HA 1 — “An Act to amend Chapter 3 and Chapter 4, Title 28, Delaware Code relating to the State Tax on total contributions to Pari-mutual and Totalizator Pools conducted or made at Horse Racing Tracks in Kent County and the licensee’s commissions on such pools.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 517 w HA 1 — “An Act to amend Chapter 21, Title 21, Delaware Code, relating to trailer registrations.” Sponsors: Representatives Gordy and Billingsley. Assigned to Public Safety Committee.

HB 520 — “An Act to amend Chapter 62, Title 29, Delaware Code, relating to the investment of funds in the Capital Investment Fund.” Sponsor: Representative

McGinnis. Assigned to Finance Committee.

HB 541 w HA 1 — “An Act authorizing and directing the Board of Pension Trustees to grant George B. Davis, a former State employee, a service pension under the provisions of Chapter 55, Title 29, Delaware Code.” Sponsor: Representative Minner. Assigned to Finance Committee.

HB 565 — “An Act to provide a supplementary appropriation to the Division of Mental Health of the Department of Health and Social Services for payment of a portion of salary earned by promotion.” Sponsor: Representative Jonkiert. Assigned to Finance Committee.

HB 566 — “An Act to amend Chapter 5, Title 4, Delaware Code, relating to application for a license to purchase alcoholic liquor for resale.” Sponsor: Representative McGinnis. Assigned to Administrative Services Committee.

HB 580 — “An Act to correct certain administrative errors resulting in loss of pay to certain previous employees of the Department of Public Safety and providing for the payment of lost pay.” Sponsor: Representative Darling. Assigned to Finance Committee.

HB 600 — “An Act to amend Chapter 25, Title 21, Delaware Code, relating to vehicle dealer reassignment forms.” Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 604 — “An Act to amend Chapter 4, Title 21, Delaware Code, relating to reciprocity agreements for drivers’ licenses.” Sponsors: Representatives Gordy and Boulden. Assigned to Public Safety Committee.

HB 615 — “An Act to amend Chapter 51, Title 30, Delaware Code, relating to penalties for late reporting.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 616 — “An Act to amend Chapter 51, Title 30, Delaware Code, relating to monthly reports and payments.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 646 — “An Act to amend Subchapter V, Title 20, Delaware Code, relating to the Delaware National Guard.” Sponsors: Representatives Byrd and Gilligan. Assigned to Executive Committee.

HB 674 — “An Act to amend §2113, Chapter 21, Title 23, Delaware Code, relating to licensing and registration fees of motor boats.” Sponsors: Representative Harrington and

Senator Adams. Assigned to Natural Resources and Environmental Control Committee.

HJR 22 — "An Act establishing a Special Fund, authorizing the Secretary of the Department of Health and Social Services to make certain refunds for payments made pursuant to Section 7940, Chapter 70, Title 29 of the Delaware Code and making a supplementary appropriation therefor." Sponsors: Representatives Sincok and Morris. Assigned to Executive Committee.

HJR 24 — "Establishing a Committee to Study and evaluate the present status and future of collective bargaining for all public employees in the State of Delaware, and to investigate methods of implementing collective bargaining and arbitration procedures if such are found to be desirable." Sponsors: Representative Byrd and Senator Cicione. Assigned to Executive Committee.

HCR 40 — "Congratulating Elaine Campanelli, of Ocean View, on winning the Miss Delaware Title at Rehoboth Beach on June 21, 1975." Sponsor: Representative Lynch.

On motion of Senator Cordrey, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

SB 470 — "An Act to amend Chapter 9, Title 7, Delaware Code, relating to the fine for illegally taking Sea Trout or Weakfish in Delaware River and Bay." Sponsors: Senators Elliott and Isaacs. Assigned to Natural Resources and Environmental Control Committee.

Legislative Advisory No. 43 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SB 252 w SA 1** on June 18, 1975 and **SB 305** on June 19, 1975.

SS 1 for **SB 383** was introduced by Senator Cicione and adopted in lieu of the Original and assigned to Executive Committee.

SA 1 to **HB 493** was introduced by Senator Adams and placed with the Bill.

SA 1 to **SB 415** was introduced by Senator Isaacs and placed with the Bill.

SA 6 to **SB 456** was introduced by Senator Sharp and placed with the Bill.

SA 4 to **SB 240** was introduced by Senator Holloway and

placed with the Bill.

The following Committee Reports were announced:

From the Natural Resources and Environmental Control Committee: **SB 259** — 4 Merits; **SB 463** — 2 Merits, 2 Unfavorable; **SB 410** — 4 Merits.

From the Finance Committee: **HB 143** — 5 Merits.

From the Banking, Insurance and Elections Committee: **HB 478** — 1 Favorable, 3 Merits.

On motion of Senator Zimmerman, the necessary rules were suspended for the purpose of reconsidering **SB 324** which had previously passed the Senate but as now further amended by **HA 1**. The roll call vote on **SB 324 w HA 1** was then taken and revealed 17 Senators voting YES, 3 Senators (Castle, Manning and McCullough) voting NO and 1 Senator (Holloway) NOT VOTING.

Therefore, the Bill was declared passed by the Senate.

Senator Sharp moved that **HJR 21** be lifted from the table for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Hughes, Kearns, Martin, Murphy, Sharp — 9.

NO: Senators Castle, Hale, Holloway, Isaacs, Knox, Schlor — 6.

NOT VOTING: Senators Elliott, Manning, McCullough and Steele — 4.

ABSENT: Senators Cicione and Zimmerman — 2.

Therefore, the motion was defeated and **HJR 21** was assigned to Executive Committee.

HB 428 was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended to John Sullivan, Delaware Health and Social Services, to speak on the Bill.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES with 3 Senators (Cicione, Manning and Martin) ABSENT.

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

SB 404 was taken up for consideration on motion of Senator Isaacs.

SA 1 to the Bill was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 18 Senators voting YES with 3 Senators (Cicione, Manning and Martin) ABSENT.

Therefore, the Amendment was adopted.

The privilege of the floor was extended to Fred Van Sant to speak on the Bill after which the roll call vote on **SB 404 w SA 1** was taken and revealed 15 Senators voting YES, 3 Senators (Hale, Kearns and Schlor) voting NO and 3 Senators (Cicione, Manning and Sharp) ABSENT.

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

SB 210 was taken up for consideration on motion of Senator Berndt.

SA 1 to the Bill was considered for adoption on motion of Senator Berndt and the roll call vote on the Amendment taken which revealed 17 Senators voting YES, 1 Senator (Manning) NOT VOTING and 3 Senators (Holloway, Sharp and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 210 w SA 1** was then taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Sharp) ABSENT.

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

SB 224 was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Holloway and Sharp) ABSENT.

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

SB 218 was taken up for consideration on motion of Senator Martin.

SA 1 and **SA 2** to the Bill were stricken on motion of Senator Martin.

The privilege of the floor was extended to James W. Tunell, Jr. and Victor Singer to speak on the Bill.

The roll call vote on the Bill was then taken but before it was announced Senator Martin moved that it be tabled. The roll call vote on the tabling motion was taken and revealed 19 Senators voting YES, 1 Senator (Manning) voting NO and 1 Senator (Castle) ABSENT.

Therefore, the motion prevailed and the roll call vote on **SB 218** was tabled.

SB 402 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 18 Senators voting YES with 3 Senators (Castle, Holloway and

Sharp) ABSENT.

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

At 4:30 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 6:19 p.m. Lt. Governor Bookhammer presiding.

The Secretary announced that a message from and House informed the Senate that it had passed **SB 373**.

The following Committee Reports were announced:

From the Revenue and Taxation Committee: **HB 335 w HA 1 — 5 Merits, 1 Unfavorable; HB 261 w HA 1 — 1 Favorable, 4 Merits, 1 Unfavorable; HB 615 — 6 Merits; HB 141 — 6 Merits; HB 501 w HA 1 — 6 Merits; HB 616 — 6 Merits.**

From the Finance Committee: **HB 541 w HA 1 — 6 Merits; HB 580 — 6 Merits; HB 565 — 6 Merits.**

From the Administrative Services Committee: **SB 451 — 4 Merits.**

From the Health and Social Services Committee: **SB 457 — 5 Merits.**

The following proposed legislation was introduced:

HB 502 — “An Act to amend Chapter 21, Title 21, Delaware Code relating to certain semi-trailer registration fees.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 564 — “An Act to amend Chapter 11, Title 30, Delaware Code, relating to Income Tax withheld by employers.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 627 — “An Act to amend Chapter 51, Title 30, Delaware Code, relating to tax imposed.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 656 — “An Act to amend Chapter 83, Title 29, Delaware Code, relating to Division of Revenue, Department of Finance, and fees paid thereto.” Sponsors: Representatives McGinnis and Harrington. Assigned to Revenue and Taxation Committee.

HB 660 — “An Act to amend Chapter 23, Title 30, Delaware Code, relating to Occupational License Taxes.” Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

SB 471 — "An Act to permit the Board of Education of the Alfred I. duPont School District to transfer certain funds from its Local Debt Service Account to a special Construction Fund Account." Sponsor: Senator Steele. Assigned to Education Committee.

SB 472 — "An Act making a supplementary appropriation to the Division of Social Services of the Department of Health and Social Services for the purpose of meeting the estimated Budget for Fiscal Years 1975 and 1976 of the Child Foster Care Program." Sponsors: Senators Holloway and Elliott. Assigned to Finance Committee.

SB 473 — "An Act to amend Chapter 95, Title 10, Delaware Code relating to civil actions, demand for jury trials, waivers, and removal to Superior Court." Sponsors: Senators Kearns and Castle. Assigned to Judiciary Committee.

SB 474 — "An Act to amend Chapter 57, Title 25, Delaware Code relating to jurisdiction and venue in a summary proceeding for possession." Sponsors: Senators Kearns and Castle. Assigned to Judiciary Committee.

SA 1 to SB 442 was introduced by Senator Murphy and placed with the Bill.

SA 1 to SB 111 was introduced by Senator Hughes and placed with the Bill.

SA 1 to HB 181 was introduced by Senators Cicione, Manning, Holloway and placed with the Bill.

SA 1 to HB 142 was introduced by Senator Isaacs and placed with the Bill.

SA 2 and SA 3 to HB 447 were introduced by Senator Martin and placed with the Bill.

SA 7, SA 8 and SA 9 to SB 456 were introduced by Senators Schlör, Holloway and Representatives George, Plant, Johnson, Rispoli and Jonkiert and placed with the Bill.

SA 10 and SA 11 to SB 456 were introduced by Senator Steele and placed with the Bill.

SR 86 was introduced by Senator Holloway and considered for adoption:

SR 86 — "Expressing the esteem of the Delaware State Senate for Earl C. Jackson, Sr., one of Delaware's leading educators, and wishing him every happiness in his retirement as Superintendent of the Wilmington Public Schools.

The roll call vote on the Resolution revealed 19 Senators voting YES and 2 Senators (Cicione and Sharp) ABSENT.

Therefore, the Resolution was adopted.

HB 447 w HA 1, 2 was reported out of Administrative