

On motion of Senator Cicione SB 23 was taken up for consideration and read by Title only:

SB 23 — "An Act to amend Subchapter III and Subchapter IV, Chapter II, Title 28 of the Delaware Code relating to the Bingo Control Commission and bingo licensing, and making an appropriation therefor."

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

On motion of Senator Cordrey, SB 112 was taken up for consideration and read by title only:

SB 112 — "An Act to amend Chapter 1, Part 1 of the the Title 7, Delaware Code relating to opening day for the hunting of protected wildlife."

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

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

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

On motion of Senator Cordrey, SB 139 was taken up for consideration and read by title only:

SB 139 — "An Act to amend Chapter 143 Volume 57, Laws of Delaware "An Act to incorporate the Town of South Bethany."

Senator Cordrey introduced SA 1 to SB 139 and requested that it be placed with the Bill.

On motion of Senator Cordrey, SB 139 was deferred.

On motion of Senator Murphy SB 53 was taken up for consideration and read by title only:

SB 53 — "An Act to amend Chapter 1 of title 22, Delaware Code, relating to extension of City of town limits: special elections: voting rights."

Senator Murphy moved that SA 1 to SB 53 which had been placed with the Bill, now be adopted.

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

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

ABSENT: Senators Cook and Holloway — 2.

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

Senator Murphy moved that SA 2 to SB 53 which had been placed with the Bill, now be adopted.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning,

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

ABSENT: Senators Cook and Holloway — 2.

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

At the request of Senator Elliott, the privilege of the floor was extended to Mayor Crawford J. Carroll, of Dover, to speak on the Bill.

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

On motion of Senator Hughes, HJR 6 was taken up for consideration and read by title only:

HJR 6 — "Congratulating the Flaming Arrow Marching Band of Claymont High School on receiving an invitation to repeat as the official representative of the State of Delaware at "the Festival of States" Pageant in Florida, and wishing the group success in its venture."

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

YES: Senators Adams, Berdnt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators Isaacs and Kearns — 2.

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

Senator Cicione introduced SA 1 to SJR 9 and moved that it be adopted.

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

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

ABSENT: Senators Isaacs and Jarvis — 2.

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

On motion of Senator Cicione, SJR 9 w/ SA 1 was taken up for consideration and read by title only:

SJR 9 w/ SA 1 — "Directing the New Castle County Department of Parks, and Recreation to investigate the possibility of developing the land formerly occupied by the New Castle County Correctional Institute."

On motion of Senator Cicione, the Resolution was tabled.

Senator Zimmerman introduced SR 44 and moved that it be adopted.

SR 44 — "RELATIVE TO SENATE BILL NO. 70.

WHEREAS, the Senate has passed Senate Bill No. 70 and it has been sent to the House of Representatives; and

WHEREAS, the members of the Senate request that said Senate Bill No. 70 be reconsidered; and

WHEREAS, the members of the Senate request that the House of Representatives return Senate Bill No. 70 to the Senate for reconsideration.

NOW, THEREFORE,

BE IT RESOLVED that the House of Representatives is requested to return Senate Bill No. 70 to the Senate for reconsideration.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to the Clerk of the House of Representatives and the Speaker of the House of Representatives.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal of the Senate of the 127th General Assembly of the State of Delaware."

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On motion of Senator Zimmerman, the following letter was read and made part of the record:

April 3, 1973

Mr. Chairman and Members:

We the Band Boosters of Dover High School wish at this time to withdraw bill number S 70 from committee in the House of Representatives. As of yesterday, April 2nd, we received enough funds from individuals throughout the State. We wish to thank all those who believed in our young people who had been invited by the Mexican Government to perform for them, and thank those who voted for our State Government to help support this group in going. This being a good will tour only, we hope you will be able to enjoy the concerts that will be taped and played upon return.

Sincerely,
(Signed) Mrs. Arnold Morris
Chairman of Committee

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

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

NO: Senator Jarvis — 1.

NOT VOTING: Senators Berndt, Castle, Hughes, Manning and Steele — 5.

ABSENT: Senators duPont and Hale — 2.

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

Senator Elliott requested that the name of Senator Holloway be added as co-sponsor of SB 7 and Senator Adams name be added as co-sponsor of SB 54.

Senator Elliott introduced SS 2 to SB 76:

SS 2 for SB 76 — "An Act to amend Chapter 7, Part II, Title 29, Delaware Code by prohibiting the reimbursement of any expense for out of State travel by legislators who are not

bona fide members of the General Assembly at the time of such travel."

On motion of Senator Elliott, the Substitute Bill was adopted in lieu of the original Bill on which final consideration for passage had been deferred.

The Secretary read the following message from the House:

4-3-73

Mr. President:

The House wishes to inform the Senate that it has passed SB 59 and is returning same to the Senate.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate HS 1 for HB 104: 1 Favorable, 2 Merits.

Senator Schlor introduced SB 165:

SB 165 — "An Act to amend Chapter 31, Subchapter I, Title 24 of the Delaware Code relating to the Board of Funeral Service Practitioners." Assigned to Community Affairs Committee.

Senator Martin introduced SB 166:

SB 166 — "An Act to amend Title 14, Delaware Code, relating to absences of teachers and other school employees." Assigned to Education Committee.

Senator Isaacs introduced SA 1 to SB 132 which was placed with the Bill.

Senator McCullough introduced SA 2 to SB 139 which was placed with the Bill.

Senator Elliott introduced SA 1 to SB 7 which was placed with the Bill.

On motion of Senator Cicone, SB 14 which had passed the Senate was returned to the Community Affairs Committee as further amended by HA 1.

At 4:50 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m., April 4, 1973.

19TH LEGISLATIVE DAY

The Senate was called to order at 1:47 p.m., April 4, 1973, by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

SB 79 was stricken at the request of Senator Kearns.

SS 2 for SB 76 was stricken at the request of Senator Elliott.

SB 89 was stricken at the request of Senator Elliott.

The Secretary read the following message from the House:

4-4-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 112 w/ HA 1, 3, 4, 5; HB 172.

Senator Hale, Chairman of the Education Committee, reported back to the Senate SB 57 — 2 Favorable, 3 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: SB 110 — 5 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: SB 162 — 4 Merits; HB 140 — 4 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate SB 14 w/ HA 1 — 5 Favorable.

The Chair presented the following House Bills:

HB 112 w/ HA 1, 3, 4, 5 — “An Act to amend Part II, Title 29, Delaware Code providing that any Bill or Joint Resolution which appropriates or mandates or contemplates a subsequent appropriation or which reduces revenue must have a Fiscal Projection attached.” Assigned to Finance Committee.

HB 172s, — “An Act authorizing and approving the sale of real property situated in Wyoming, Delaware by the Delaware Home and Hospital for the Chronically Ill at Smyrna.” Assigned to Community Affairs Committee.

Senator Elliott introduced SA 1 to SB 138 which was placed with the Bill.

Senator Elliott introduced SB 167 :

SB 167 — “ An Act to amend Chapter 7, Part II, Title 29, Delaware Code by prohibiting the reimbursement of any expense for out of State travel by Legislators who are not bona fide members of the General Assembly at the Time of Such travel.” Assigned to Executive Committee.

On motion of Senator Cicione SB 15 was taken up for consideration and read by title only:

SB 15 — “An Act to amend Subchapter VI, Chapter 1, Part I, Title 20 of the Delaware Code relating to the Delaware National Guard; and providing a property and fiscal officer of the United States and State Property Officer.”

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

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

ABSENT: Senators Castle, Cook, duPont, Jarvis and Manning — 5.

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

On motion of Senator Martin, SB 138 which had been deferred was again take up for final consideration.

Senator Elliott introduced SA 1 to SB 138 and moved that it be adopted.

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

YES; Senators Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Hughes, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 15.

NO: Senator Adams — 1.

ABSENT: Senators Cook, Holloway, Isaacs, Jarvis and Manning — 5.

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

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

TO WHOM IT MAY CONCERN:

April 3, 1973

By this writing I do express the wish and desire that the bodies of Former Governor John Collins, my Great Great Grandfather, his wife, Jane, and son Theophilus, now interred in a plot near Coverdale Crossroads, be removed from that site and re-interred in the Collins Family plot now located at Lot 16A Section A in Laurel Hill Cemetery, Laurel, Delaware.

(Signed) Mary Catherine Collins (seal)

witness:

Homer L. Disheroon

State of Delaware County of Sussex

(Signed) Caleb I. Fowler, Notary Public

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At the request of Senator Adams, his name was removed as co-sponsor of SB 138.

Senator Martin moved for the passage of SB 138 w/ SA 1.

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

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

NO: Senators Adams and Cordrey — 2.

NOT VOTING: Senators Isaacs, Jarvis and Zimmerman —

3.

ABSENT: Senator Cook — 1.

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

On motion of Senator Manning, HB 142 was taken up for consideration and read by title only:

HB 152 — "An Act to amend Subchapter III, Chapter 3, Title 9, of the Delaware Code relating to award of contracts for public work or goods."

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

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

YES: Senators Adams, Berndt, Castle, Cordrey, duPont, Hale, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör,

Steele, Zimmerman — 15.

NO: Senators Elliott, Holloway, Isaacs, McCullough — 4.

ABSENT: Senators Cicione and Cook — 2.

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

On motion of Senator Manning, HJR 2 was taken up for consideration and read by title only:

HJR 2 — “An Act memorializing the Delaware Congressional Delegation to support House Resolution 2920 sponsored by Representative P.S. duPont, IV, dealing with the coordination of agencies, departments and environmental factors concerned with the energy problem.”

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

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

NO: Senator McCullough — 1.

ABSENT: Senators Cicione, Cook and Zimmerman — 3.

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

On motion of Senator Elliott, SB 114 was taken up for consideration and read by title only:

SB 114 — “Providing a supplemental appropriation to the Department of Natural Resources and Environmental Control.”

At the request of Senator Elliott, the privilege of the floor was extended to Melvin H. Koster, Division of Soil and Water Conservation, to speak on the Bill.

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

On motion of Senator Elliott, SB 75 was taken up for consideration and read by title only:

SB 75 — “An Act to amend Chapter 51, Part V, Title 29, of the Delaware Code relating to Senate confirmation of the appointment of certain public officers and employees.”

At 3:30 p.m., on motion of Senator Elliott, a half-hour recess was taken.

The Senate reconvened at 4:40 p.m.

Senator Elliott introduced SA 1 to SB 75 and moved that it be adopted.

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

Senator Elliott moved that final action of SB 75 be deferred.

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

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

NO: Senators Kearns, Martin, McCullough and Schlor — 4.

NOT VOTING: Senators Cicione, Cook, Holloway, Isaacs, Murphy, Zimmerman — 6.

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

On motion of Senator Cordrey, SB 139 which had been deferred, was now taken up for final consideration.

SA 1 to SB 139 was stricken on motion of Senator Cordrey.

Senator McCullough moved that SA 2 to SB 139 which had been placed with the Bill, now be adopted.

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

YES: Senators Berndt, Castle, duPont, Hale, Holloway, Jarvis, Manning, Martin, McCullough, Schlör, Steele, Zimmerman — 12.

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

NOT VOTING Senators Cicione, Cook, Hughes, Isaacs, Murphy — 5.

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

Senator Cordrey introduced SA 3 to SB 139 and moved that it be adopted.

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

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

ABSENT: Senator Murphy — 1.

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

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

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

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

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

At 5:28 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. Thursday, April 5, 1973.

20TH LEGISLATIVE DAY

The Senate was called to order at 1:55 p.m. April 5, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

By Roll Call, the following Senators were present:

PRESENT; Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs,

Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 21.

The Journal was approved as read.

The Secretary read the following message from the House:
4-4-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 2; HB 5; HS 2 for HB 26 w/ HA 1; HB 115; HCR 7; HB 151 w/ HA 1** and requests the concurrence of the Senate.

The House also passed **SB 117; SJR 10** and is returning same to the Senate.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the House: **SS 1 for SB 109 — 2 Favorable, 3 Merits; SB 105 — 4 Merits; SB 108 — 5 Merits; SB 124 — 1 Favorable, 3 Merits; SB 126 — 1 Favorable, 3 Merits; SB 133 — 5 Merits; SB 140 — 5 Merits; SB 142 — 4 Merits; SB 151 — 5 Merits; HB 164 — 1 Favorable, 4 Merits.**

Senator Cicione, Chairman of the Labor Committee, reported back to the Senate **HJR 5 — 1 Favorable, 2 Merits, 1 Unfavorable.**

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate **HB 172 — 2 Favorable, 3 Merits.**

The Chair introduced the following House Bills:

HB 151 w/ HA 1 — “An Act providing that Navt Lt. Commander Robert B. Doremus and the wife of Navy Lt. James J. Connell shall be exempt from payment of Delaware State Income Taxes on any military compensation earned during the period of their captivity in the Vietnam conflict.” Assigned to Finance Committee.

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

HB 5 — “An Act to amend Chapter 13, Part 1, Title 14, Delaware Code relating to working conditions of school employees by providing for duty-free periods for teachers.” Assigned to Education Committee

HS 2 for HB 26 w/ HA 1 — “An Act to amend Title 15, Chapter 45, Delaware Code, relating to the designation of political offices on official ballot and changing the certificates of votes cast in each election district.” Assigned to Judiciary and Elections Committee.

HB 115 — “An Act to amend Chapter 43 Part II, Title 11 of the Delaware Code relating to the presentence investigation after conviction for certain offenses.” Assigned to Judiciary and Elections Committee.

Senator McCullough introduced **SB 168:**

SB 168 — “An Act proposing an Amendment to Article 2 of the Constituion of the State of Delaware.” Assigned to Judiciary and Elections Committee.

Senator McCullough introduced **SB 169:**

SB 169 — "An Act to amend Title 14 of the Delaware Code relating to scholarships at University of Delaware and Delaware State College." Assigned to Education Committee.

Senator McCullough introduced **SB 170**:

SB 170 — "An Act to amend Title 14 of the Delaware Code relating to scholarships for prospective teachers." Assigned to Education Committee.

Senator McCullough introduced **SB 171**:

SB 171 — "An Act to amend Title 15, Delaware Code, relating to the reporting of contributions to and the expenditures of candidates for election, and providing penalties for the violations thereof." Assigned to Judiciary and Elections Committee.

Senator Cordrey introduced **SB 172**:

SB 172 — "An Act authorizing the Board of Education of the Indian River School District to transfer 3.73 acres, more or less, of land being the lands owned of record by the Indian River School District in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware in Deed Record Volume 663, Page 21 ec in to W. Blain Atkins in exchange for 7.30 acres of land, more or less, owned of record by W. Blaine Atkins in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware in Deed Record Volume 298, Page 345 ec." Assigned to Education Committee.

Senator Cordrey introduced **SB 173**:

SB 173 — "An Act authorizing the Soil and Water Conservation Division of the Department of Natural Resources and Environmental Control to use the State dredge to assist the Town of Lewes with the placement of an underwater cable." Assigned to Natural Resources and Environmental Control Committee.

Senator Elliott introduced **SB 174**:

SB 174 — "An Act making a supplementary appropriation to the State Board of Education to be used for a Summer Program in several School Districts for the trainable mentally handicapped pupils." Assigned to Health and Social Services Committee.

Senator Cordrey introduced **SB 175**:

SB 175 — "An Act to amend Subchapter I, Chapter 5, Title 7 of the Delaware Code pertaining to hunting, trapping and fishing licenses." Assigned to Natural Resources and Environmental Control Committee.

Senator Murphy introduced **SB 176**:

SB 176 — "An Act to Amend Subchapter 1 of Chapter 5, Title 7 of the Delaware Code pertaining to hunting, trapping and fishing licenses." Assigned to Natural Resources and Environmental Control Committee."

Senator Isaacs introduced **SB 177**:

SB 177 — "An Act to amend Chapter 7, Title 7, Delaware Code, relating to regulations and prohibitions concerning game and fish." Assigned to Natural Resources and Environmental Control Committee.

Senator Hughes introduced SB 178:

SB 178 — "An Act to amend Chapter 7, Title 4, Delaware Code, relating to the sale of alcoholic liquor on Sundays and Thanksgiving Day." Assigned to Administrative Services Committee.

Senator Berndt introduced SA 1 to SB 120 and requested that it be placed with the Bill.

Senator Berndt (co-sponsor Senator Castle) introduced SJR 14:

SJR 14 — "Proclaiming May 1 annually as Law Day." Assigned to Judiciary and Elections Committee.

Senator Hughes (Honorary co-sponsor Representative Gruwell) introduced SCR 13:

SCR 13 — "Inviting Vice President Spiro T. Agnew to participate in the fourth annual Delaware Legislative Invitational Golf Tournament and Banquet, May 11, 1973.

WHEREAS, Friday, May 11, 1973, has been designated as the date of the Fourth Annual Legislative Invitational Golf Tournament and Banquet; and

WHEREAS, the Tournament Committee consisting of Senator Charles E. "Pete" Hughes and Representative Hudson E. Gruwell, Co-Chairmen, Senators Richard D. Cordrey and Jacob W. Zimmerman, Representatives Harry E. Derrickson and John A. Dillman, Jr., are desirous of making the 1973 event the "Best You've Seen from Tee to Green (19th)"; and

WHEREAS, the World's most renowned linksman, excepting Arnold Parmer and Jack Nicklaus, of course, is the former Governor of our neighboring State of Maryland, now in his second term as the distinguished Vice President of the United States of America; and

WHEREAS, the Vice President has made a "hit" with golfing audiences throughout the world because of his proven ability to complete his appointed (golfing) rounds smilingly despite the obstacles of sand, or water, or rough; and

WHEREAS, because of prior commitments in past years the Vice President has been unable to attend the Delaware Legislative links event held annually at the spacious Maple Dale Country Club course located in Dover, the Beautiful capital of the First State.

NOW THEREFORE,

BE IT RESOLVED that Lt. Governor Eugene D. Bookhammer and all members of the Senate of the 127th General Assembly of the State of Delaware, the House of Representative concurring therein, issue a warm, eager, and sincere invitation to Vice President Spiro T. Agnew to participate in the festivities surrounding the Fourth Annual Legislative Invitational Golf Tournament and Banquet of the Delaware General Assembly on May 11, 1973, at Maple Dale County Club, Dover.

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the minutes of the Senate and the House of Representatives and copies forwarded to Vice President Agnew, and to the Delaware Congressional delegation,

including Senator William V. Roth, Jr., Senator Joe Biden, and Representative Pierre S. duPont, IV."

* * * * *

Senator Hughes moved that the Resolution be adopted.

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

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

NOT VOTING: Senator Zimmerman — 1.

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

Senator Steele (co-sponsors Adams, Berndt, Cicione, Cook, Cordrey, duPont, Hughes, Isaacs, Jarvis and Martin) introduced SCR 14:

SCR 14 — "Applying to the Congress for a Convention to propose an Amendment to the Constitution of the United States."

Senator Steele moved that the Resolution be adopted.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Steele — 13.

NO: Senators Castle, Holloway and Schlor — 3.

NOT VOTING: Senators Hale and Manning — 2.

ABSENT: Senators Elliott, Murphy and Zimmerman — 3.

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

Senator Cicione introduced SA 1 to SB 155 and requested that it be placed with the Bill.

SJR 9 was stricken on motion of Senator Cicione.

Senator Cicione (Honorary co-sponsor Representative Gilligan) introduced SCR 15:

SCR 15: — "Requesting the New Castle County Department of Parks and Recreation to investigate the possibility of developing the land formerly occupied by the New Castle County Correctional Institute."

Senator Cicione moved that the Resolution be adopted.

Senator Cicione moved that the Roll Call on the adoption of the Resolution be tabled.

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

YES: Senators Castle, Cicione, Cordrey, duPont, Elliott, Hale, Manning, Steele — 8.

NO: Senators Adams, Berndt, Cook, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy and Zimmerman —

11.

ABSENT: Senators Jarvis and Schlor — 2.

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

Therefore the Roll Call vote on SCR 15 was announced to be:

YES: Senators Castle, Cicione, Hale, Kearns, Manning, Steele — 6.

NO: Senators Adams, Berndt, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Martin, McCullough, Murphy, Zimmerman — 12.

NOT VOTING: Senator Cook — 1.

ABSENT: Senators Jarvis and Schlor — 2.

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

Senator Elliott introduced SA 2 to SB 7 and requested that it be placed with the Bill.

SA 1 to SB 7 was stricken on motion of Senator Elliott.

Senator duPont (co-sponsors Cook and Hughes) introduced SB 179:

SB 179 — "An Act to amend Chapter 45, Part III, Title 21, Delaware Code relating to motor vehicles, and modifying requirements relating to size of vehicles and loads." Assigned to Highways, Transportation and Insurance Committee.

Senator Schlor introduced SS 1 for SB 157 which, on his motion, was adopted in lieu of the Original Bill.

Senator Martin (co-sponsors Hale, Jarvis and Isaacs) introduced SR 45 and moved that it be adopted.

SR 45 — "Extending congratulatory wishes to the Newark High School DECA Chapter for outstanding achievement."

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

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

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

The Chair introduced HCR 7:

HCR 7 — "Memorializing and urging the Congress of the United States to make an appropriation to the Soil Conservation Service in the 1974 Fiscal Year Budget in an amount at least equal to the appropriation in the 1973 fiscal year Budget and urging the Delaware Congressional Delegation to give their support to the appropriation of funds to the Soil Conservation Service at the 1973 Fiscal Year level."

Senator Cordrey moved that the Resolution be adopted.

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

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

NO: Senator Hale — 1.

NOT VOTING: Senator Manning — 1.

ABSENT: Senator Cicione — 1.

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

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate SB 71 w/ SA 1 — 1 Favorable; 4 Merits.

Senator Cordrey, Chairman of the Agriculture Committee, reported back to the Senate SB 54 w/ SA 1 back to the Senate; 2 Favorable, 2 Merits; HB 68 — 5 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate SB 173 — 4 Favorable, 1 Merits.

On order of Lt. Governor Bookhammer, the following rules of Agenda Procedure were read and made part of the record:

AGENDA PROCEDURE

General

1. Confirmation of Governor's appointments will precede the official daily agenda.

2. Bills and Resolutions requiring House concurrence can be placed on the agenda for the next legislative day by notifying designated secretaries (Mrs. Nancy Cook and Mrs. Peg Anstine) prior to 2:30 p.m. daily.

3. At the end of each legislative day, additional bills and resolutions can be placed on the next day's agenda by announcement from the floor at the request of any Senator acting as either a sponsor or floor manager. Such bill and resolutions shall be added to the already published agenda.

4. All Senate bills and resolutions returned from the House with House Amendments must be placed on the agenda prior to receiving action from the Senate.

5. Bills and resolutions for the next legislative day's agenda will receive the following numerical order of priority:

FIRST — Those bills which are left over from previous legislative day.

SECOND — Those bills placed on agenda prior to 2:30 p.m. on the previous legislative day.

THIRD — Those bills placed on agenda from the floor at the end of the previous legislative day.

6. The President of the Senate will recognize Senators for action on bills based on numerical order of the published agenda.

7. No member will be allowed to "swap" positions on the agenda either with his or her own or any other member's bills.

8. No bills or resolutions may be placed on the President's

table unless:

- a. A sponsor is waiting for outside witnesses for the purpose of testifying on the bill.
 - b. During debate on the bill, an Amendment is required or
 - c. With the concurrence of the majority of the members of the Senate.
- When either requirement (a) and/or (b) is met, the sponsor, with the concurrence of the Senate, may remove the bill from the table and proceed to bring the Bill to a vote.

9. A deferrment for outside witnesses or an Amendment can only be extended to the end of that legislative day. If a Bill, temporarily tabled, is not brought to a vote by the end of the legislative day, it may be placed back on the agenda as outlined in (2) or (3) above, and its order on the agenda will be as outlined in (5) above.

10. All Substitute bills will be placed in Committee and follow procedures as outlined in the rules for original Bills for release from Committee and placement on the Agenda.

11. If a member elects not to act on his or her Bills as listed on the daily Agenda, the Bill is considered as deferred indefinitely and will be removed from the Agenda. Such deferred Bills can be placed back on the Agenda as outlined in (2) or (3) above, and its order on the Agenda will be as outlined in (5) above.

12. "Special Order" Bills may receive priority on any day's Agenda provided that at least one week's notice for such priority is given by the sponsor to the President Pro-Tem. and the Majority and Minority Leaders. Consent for such priority treatment will be the joint decision of the President Pro-Tem. and the Majority and Minority Leaders. "Special Order" Bills are defined as legislation which makes significant changes in our laws affecting the citizens statewide and/or required lengthy testimony from outside sources. Examples of such legislation in previous years is the Constitution, mandatory auto insurance, revised Criminal Code, etc.

(Signed) George Jarvis, Allen, J. Cook, J. D. Isaacs.

* * * * *

On motion of Senator Zimmerman, SB 46 was taken up for consideration and read by title only:

SB 46 — "An Act to amend Chapter 63, Part VII, Title 7 of the Delaware Code relating to water pollution, and providing certain regulations governing the transportation of waste products through Delaware waters."

On request of Senator Manning, the privilege of the floor was granted to Dr. Crossen of the University of Delaware to speak on the Bill.

At the request of Senator Berndt, the following letter was read and made part of the record:

**E. I. duPont de Nemours & Company
EDGEMOOR, DELAWARE**

Mr. N. C. Vasuki, Assistant Director
Division of Environmental Control
Dept. of Natural Resources and Environmental Control
Dover Delaware 19901

Dear Mr. Vasuki:

On November 3, 1972, representatives of Interstate Oil Transport Company, Ocean Towers, Inc., and DuPont met with you and Mr. Beetschen to discuss the article that appeared in the October 10, 1972, issue of the Dover State News stating Du Pont is accused of dumping acid wastes in the Delaware Bay. The purpose of our meeting was to inform you that we are satisfied that the accusation is false, and we wanted to give you an opportunity to meet and question our towing contractor and his sub-contractor regarding the discharging of our barge.

During the course of the meeting the question was raised concerning how we might obtain proof by means other than the captain's log that the barge is actually being discharged in the approved area. It was suggested that we investigate the practicability of installing a recording fathometer on the tug, which would record the contour of the ocean bottom being traversed during the trip to and from the discharge area. This suggestion was pursued by Interstate and it was determined that a portable recording fathometer can be obtained which would be transferable to alternate tug boats. The purchase price plus the installation of boat mounts would be \$2,250 to \$2,500.

Although the cost is not prohibitive, we feel that trip record information derived from the use of this equipment could be questioned along the same lines as the present tug boat logs. In both cases, we are relying on the integrity of the tug boat captain.

Since the recently passed Marine Protection, Research and Sanctuaries Act of 1972 assigns the Coast Guard the responsibility for conducting surveillance to prevent unlawful discharging, it is probable that monitoring procedures will soon be established to assure that discharging will take place only in approved areas.

We propose to await U.S. Coast Guard action in this matter before investing in documentation equipment which may prove later to be unacceptable.

If you disagree, or have any further questions or suggestions, please advise.

Very truly yours,
J. D. Lojewski, Plant Manager
BY: (Signed) W. W. Armstrong

Senator Zimmerman moved that the roll call vote on passage of the Bill be tabled.

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

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

NO: Senators duPont, Hale, Manning — 3.

NOT VOTING: Senators Berndt, Castle, Elliott, Holloway, Hughes, Jarvis, Martin, Steele — 8.

So the motion, having failed to receive the required constitutional majority, was defeated and the roll call vote on SB 46 was announced to be:

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

NO: Senators Elliott, Hale, Holloway, Jarvis, Manning, Martin — 6.

NOT VOTING: Senators Berndt, Castle, duPont, Hughes, Steele — 5.

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

On motion of Senator Murphy, SB 53 w/ SA 1, 2 was taken up for consideration and read by title only:

SB 53 w/ SA 1, 2 — "An Act to amend Chapter 1 of Title 22, Delaware Code, relating to extension of City or Town limits: Special Elections, voting rights."

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

On motion of Senator Berndt, SB 120 was taken up for consideration and read by title only:

SB 120 — "An Act to amend Title 16, Delaware Code, Chapter 47, also known as the Uniform Controlled Substance Act, relating to the addition of certain drugs to the list of controlled substances."

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

On motion of Senator Steele, SB 4 which had been deferred was again taken up for consideration of passage by the Senate.

At the request of Senator Steele, the privilege of the floor was extended to Paul K. Weathen to speak on the Bill.

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

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

ABSENT: Senator Schlör — 1.

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

On motion of Senator Castle, SS 1 for SB 109 was taken up for consideration and read by title only:

SS 1 for SB 109 — "An Act to amend Chapter 23, Title 12, Delaware Code, relating to distribution of decedents' estates."

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

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

ABSENT: Senator Schlor — 1.

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

On motion of Senator Hale, SB 16 was taken up for consideration and read by title only:

SB 16 — "An Act to amend Chapter 53, Part II, Title 14 of the Delaware Code relating to the academic program of the University of Delaware and the required course on Delaware History and Government."

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

Senator Isaacs introduced SR 46:

SR 46 — "Extending wishes for a speedy and complete recovery to Legislative Hall Radio Newsman, Peter J. "Pete" Haley, recuperating in Kent General Hospital."

On motion of Senator Isaacs, the Resolution was tabled.

At 5:19 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 on April 10, 1973.

The Senate reconvened at 2:12 p.m. April 10, 1973, Lt. Governor Bookhammer presiding.

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

Senator Isaacs introduced SA 1 to SB 16 and requested that it be placed with the Bill.

Senator Elliott introduced SA 1 and SA 2 to SB 61 and requested that they be placed with the Bill.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate **HB 112 w/ HA 1, 3, 4, 5 — 1 Favorable, 2 Merits.**

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 102 — 5 Merits; SJR 14 — 5 Favorable; SB 150 — 2 Favorable, 3 Merits; SB 149 — 1 Favorable, 4 Merits; HS 2 for HB 26 w/ HA 1 — 5 Merits.**

The Chair introduced the following House Bills:

HB 130 — "An Act to amend Subchapter 111, Chapter 10, Title 14 of the Delaware Code relating to the School Board of the Cape Henlopen School District." Assigned to Education Committee.

HB 182 — "An Act to amend Title 12, Title 14, Title 21, Title 24, Title 29 and Title 31 of the Delaware Code relating to age of majority in Delaware; and changing the age requirements for certain acts, rights and privileges presently enjoyed by persons twenty-one years of age and older." Assigned to Community Affairs Committee.

At 2:16 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:16 p.m., Tuesday, April 10, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

The Secretary read the following message from the House
4-5-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 130; HB 182** and requests the concurrence of the Senate.

The House also passed **SB 121** and is returning same to the Senate.

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

SB 1 — "An Act concurring in a proposed Amendment to the Constitution of the State of Delaware."

Senator Zimmerman moved we have a side by side reading of the Constitution with the Old Constitution.

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

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

NO: Senators Berndt, Castle, duPont, Hale, Hughes, Jarvis, Manning, Steele — 8.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Holloway — 1.

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

At the request of Senator Manning, the privilege of the floor was extended to Representative Worthen, Samuel Russell and Victor R. Battaglia to speak on the Bill.

Senator Isaacs moved that final consideration of **SB 1** be deferred.

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

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

NO: Senators Castle, duPont, Hale, Holloway, Jarvis, Manning — 6.

ABSENT: Senator Cicione — 1.

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

At 5:27 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. April 11, 1973.

22TH LEGISLATIVE DAY

The Senate was called to order at 2:45 p.m. April 11, 1973, by Lt. Governor Bookhammer.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

The Secretary read the following message from the House:
4-10-73

Mr. President:

The House wishes to inform the Senate that it has passed HS 2 for HB 6 w/ HA 1; HB 170 w/ HA 1; HCR 9 and requests the concurrence of the Senate.

The House also passed SB 25; SB 42; SB 95; SB 18 w/ SA 1, HA 1 and is returning same to the Senate.

The two following letters from the Governor were read by the reading clerk:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

April 10, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

| | |
|-------------------------|------------------------------|
| Casimir J. Ragan | to be a member of the Public |
| 405 South duPont Street | Service Commission, filling |
| Wilmington, Delaware | the unexpired term ending |
| | September 1, 1973, of Frank |
| | J. Obara, deceased. |

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 10, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

| | |
|---------------------|--------------------------------|
| Peter Nechay | to be a member of the State |
| Box 237 AA | Personnel Commission, filling |
| Goldsboro, Maryland | the unexpired term ending |
| | August 11, 1974, of William F. |
| | Spotswood, Jr., resigned. |

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The two letters of nomination were assigned to the Executive Committee.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SB 156** — 4 Favorable, 1 Merits; **HB 152** — 3 Favorable, 2 Merits.

Senator Hale, Chairman of the Education Committee, reported back to the Senate **HB 130** — 4 Merits.

Senator Elliott (co-sponsor Senator Isaacs) introduced **SA 2** to **SB 1** which was placed with the Bill.

Senator Martin introduced **SB 180**:

SB 180 — "An Act to amend § 4104, Chapter 41, Title 14 of the Delaware Code, relating to requirements for instruction in Delaware History and Government." Assigned to Education Committee.

Senator Isaacs introduced **SB 181**:

SB 181 — "An Act to amend Chapter 5, Title 17 of the Delaware Code relating to the littering of public highways, and increasing the penalty for such offense." Assigned to Highways, Transportation and Insurance Committee.

Senator Isaacs introduced **SB 182**:

SB 182 — "An Act to amend Title 10, Title 16 and Title 29 of the Delaware Code relating to State Government and the functions, duties and responsibilities of the Legislative Reference Bureau, the Legislative Council of Delaware, and the Office of Controller General." Assigned to Judiciary and Elections Committee.

Senator Holloway introduced **SB 183**:

SB 183 — "An Act to amend Chapter 59, Part V, Title 29 of the Delaware Code relating to the Merit System of Personnel Administration." Assigned to Judiciary and Elections Committee.

Senator Kearns (co-sponsor Senator Isaacs) introduced **SB**

184:

SB 184 — "An Act to amend Subchapter 1, Chapter 7, Title 7 of the Delaware Code by creating a new Section 705 relating to requiring persons engaged in the hunting of deer in this State to display on their person a minimum amount of color known as "Hunter Orange". Assigned to Natural Resources and Environmental Control Committee.

Senator Schlor introduced SB 185:

SB 185 — "An Act to amend the Insurance Code, Title 18 of the Delaware Code, relating to the imposition of fees and taxes on Insurance Companies." Assigned to Highways, Transportation and Insurance Committee.

Senator Elliott introduced SB 186:

SB 186 — "An Act to amend Subchapter 1, Chapter 9, Title 28 of the Delaware Code relating to the administration and processing of General Liability Insurance Policies and Certificates required of Automobile Race Operators." Assigned to Administrative Committee.

The Chair introduced the following House Bills:

HB 170 w/ HA 1 — "An Act to amend Title 11 of the Delaware Code relating to the issuance of worthless checks." Assigned to Judiciary and Elections Committee.

HS 2 for HB 6 w/ HA 1 — "An Act to amend Subchapter III of Chapter 17, Title 24, Delaware Code, relating to qualifications to practice medicine and surgery." Assigned to Health and Social Services Committee.

HCR 9 — "Praising the conduct of the American P.O.W.'s recently returned from Indo-China and condemning the actions of Jane Fonda."

A motion was made from the floor that the Resolution be adopted.

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

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

NOT VOTING: Senator Holloway — 1.

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

Senator Isaacs (co-sponsors Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman) introduced SR 47 and moved that it be adopted.

SR 47 — "Extending wishes for a speedy and complete recovery to Legislative Hall Radio Newsmen, Peter J. "Pete" Haley, recuperating in Kent General Hospital."

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

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

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

Senator duPont introduced SCR 16:

SCR 16 — "Requesting the New Castle County Council and the County Executive to postpone the enactment and implementation of the recently completed reassessment of New Castle County for one year." Assigned to Finance Committee.

Senator Martin introduced SCR 17:

SCR 17 — "Defining "Conflict of Interest" as it pertains to voting by a member of the General Assembly of the State of Delaware."

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

Senator Zimmerman moved that SB 46 which had been defeated in the Senate, be restored to the Calenda.

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

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

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

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

On motion of Senator Steele, HB 131 was taken up for consideration and read by title only:

HB 131 — "An Act authorizing the incumbent State Treasurer to transfer certain balances in accounts of the State of Delaware to the General Fund of the State of Delaware."

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

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

ABSENT: Senator Cicione — 1.

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

On motion of Senator Manning, HB 172 was taken up for consideration and read by title only:

HB 172 — "An Act authorizing and approving the sale of real property situated in Wyoming, Delaware by the Delaware Home and Hospital for the Chronically Ill at Smyrna."

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

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

ABSENT: Senator Cicione — 1.

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

On motion of Senator Steele SB 162 was taken up for consideration and read by title only:

SB 162 — “An Act authorizing the Treasurer of the State of Delaware to advance from the General Fund of the State of Delaware to the State Department of Public Instruction amounts not to exceed \$225,000 in total to expedite the replacement of the Heating System at the Manor Park Elementary School in the New Castle-Gunning Bedford School District.”

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

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

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

On motion of Senator Steele, HB 140 w/ HA 1 was taken up for consideration and read by title only:

HB 140 w/ HA 1 — “An Act authorizing the transfer of Construction Funds presently approved for construction of the Henry B. duPont Middle School and Alexis I. duPont High School, to be expended in the renovation of the Alexis I. duPont Middle School.”

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

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

NOT VOTING: Senators McCullough and Zimmerman — 2.

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

On motion of Senator Isaacs, SB 63 was taken up for consideration and read by title only:

SB 63 — “An Act to amend Chapter 83 of Title 9, Delaware Code, relating to assessment and taxation of land devoted to agriculture use.”

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

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

ABSENT: Senator Hughes — 1.

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

On motion of Senator Cicione, SB 14 which had passed the Senate was taken up for reconsideration as further amended by HA 1.

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

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

ABSENT: Senator Hughes — 1.

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

On motion of Senator Cicione, SB 142 was taken up for consideration and read by title only:

SB 142 — "An Act to amend Chapter 59, Part V, Title 29, of the Delaware Code relating to the Merit System of Personnel Administration, and requiring at least one member of the State Personnel Commission to be a State Employee in the Classified Service."

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

On motion of Senator Cicione, HJR 5 was taken up for consideration and read by title only:

HJR 5 — "Memorializing Congress to create a Committee to study the feasibility of freezing prices on foods and other necessities which have increased at an alarming rate during Phase III."

On motion of Senator Cicione, the Resolution was tabled while an Amendment was being prepared.

On motion of Senator Cordrey SB 173 was taken up for consideration and read by title only:

SB 173 — "An Act authorizing the Soils and Water Conservation Division of the Department of Natural Resources and Environmental Control to use the State Dredge to assist the Town of Lewes with the Placement of an underwater cable."

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

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

ABSENT: Senator Cicione — 1.

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

On motion of Senator Zimmerman, SB 140 was taken up for consideration and read by title only:

SB 140 — "An Act to amend Chapter 158, Volume 36, Laws of Delaware, 1929, authorizing the City of Dover to provide for the use of absentee voting at all elections and changing the time requirement for filing nominating petitions for Candidates for Council and for Mayor in the City of Dover Elections."

At the request of Senator Zimmerman, the following letter was made part of the record:

CITY OF DOVER

April 9, 1973

The Honorable Jacob W. Zimmerman
Legislative Hall
Dover, Delaware 19901

Re: Senate Bill 140

Dear Senator Zimmerman:

This is to advise you that the City of Dover is familiar with the contents of Senate Bill 140 which amends certain portions of the Charter of the City of Dover.

It is the desire of the Mayor and Council that you take the necessary steps with your support to see that this Bill is enacted into law at the earliest possible time.

Very truly yours,

(Signed) William T. James, per abp
City Manager

* * * * *

On the motion of Senator Zimmerman the Bill was tabled.

On motion of Senator Zimmerman SB 71 was taken up for consideration and read by title only:

SB 71 — "An Act to amend Chapter 5, Subchapter I, Title 9 of the Delaware Code relating to Suburban Communities with regard to unpaved roads."

Senator Zimmerman moved that SA 1 to SB 71 which had been placed with the Bill, now be adopted.

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Holloway — 1.

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

Senator Zimmerman moved that SB 71 w/ SA 1 be considered for passage by the Senate.

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

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

NOT VOTING: Senators Castle, duPont, Hale, Holloway and Steele — 5.

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

On motion of Senator Jarvis, SB 125 was taken up for consideration and read by title only:

SB 125 — "An Act authorizing the State Treasurer to appropriate funds from the General Fund of the State of Treasury to be used in compensating Richard H. Lee."

At the request of Senator Jarvis, the privilege of the floor was extended to Tom Shiels, Legislative Council, to speak on the Bill.

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

On motion of Senator Zimmerman SB 140 was lifted.

Senator Zimmerman introduced SA 1 to SB 140 and moved that it be adopted.

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

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

ABSENT: Senators duPont and Schlor — 2.

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

On motion of Senator Zimmerman SB 140 w/ SA 1 was deferred.

On motion of Senator Berndt, SB 120 which had been deferred was again taken up for consideration.

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

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

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

ABSENT: Senators Cicione, duPont and Jarvis — 3.

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

Senator Berndt moved for the passage of SB 120 w/ SA 1.

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

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

ABSENT: Senators Cicione and duPont — 2.

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

On motion of Senator Steele, HS 1 for HB 104 was taken up for consideration and read by title only:

HS 1 for HB 104 — "An Act to amend Section 1199, Chapter 11, Title 30, Delaware Code, relating to payment of interest on overpayments of personal income tax."

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

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

ABSENT: Senators Cicione and duPont — 2.

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

At 5:05 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. April 12, 1973.

23RD LEGISLATIVE DAY

The Senate was called to order by President Pro Tem Isaacs at 1:55 p.m. April 12, 1973.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call the following Senators were present:

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

The Journal was approved as read.

The Secretary read the following message from the House:
4-12-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 133, HB 123 w/ HA 1; HB 168 w/ HA 1; HCR 8 and requests the concurrence of the Senate.

The House also passed SS 1 for SB 29 and is returning same to the Senate.

The following message was read from the Governor:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

April 12, 1973

The Honorable J. Donald Isaacs
President Pro-Tem of the Senate
Dear Senator Isaacs:

Pursuant to House Concurrent Resolution No. 1, I am submitting to you the following names of persons who will serve on an Ad Hoc Committee to study the feasibility of permitting lotteries in the State of Delaware

Mr. David C. Brotemarkle
Rehoboth Beach, Delaware
(227-7892)

Mr. Robert Smyers
737 Ambleside Drive
Wilmington, Delaware
(999-7339)

Both individuals have background information on this subject and will be my representatives as provided in HCR No. 1.

Sincerely,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate the Governor's nominations for appointment of Casimir J. Ragan — 1 Favorable, 3 Merits; Peter Nechay — 2 Favorable, 2 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 184 — 1 Favorable, 3 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate SB 127 — 4 Merits.

Senator Cook (co-sponsor Senator Steele) introduced SB 187:

SB 187 — "An Act making a supplementary appropriation to the Courts and to the New Castle County Law Library for operational costs." Assigned to Finance Committee.

Senator Manning introduced SB 188:

SB 188 — "An Act to amend Chapter 10, Title 14, Delaware Code, relating to roll call votes of School Boards." Assigned to Education Committee.

Senator Castle introduced SB 189:

SB 189 — "An Act to amend Chapter 43, Title 10, Delaware Code, relating to evidence and witnesses by amending § 4302 thereof relating to competence of parties to testify as to transactions with or statements by the testator, intestate or ward, in actions or proceedings by or against executors, administrators or guardians." Assigned to Judiciary and Elections Committee.

Senator Elliott introduced SA 3 to SB 7 which was placed with the Bill.

Senator Murphy introduced — SB 190:

SB 190 — "An Act to amend Chapter 1, Title 25, Delaware Code by adding a new Subchapter to said Chapter to be designated as Subchapter V relating to a special power of Attorney for small property interests." Assigned to Judiciary and Elections Committee.

Senator Hale introduced SB 191:

SB 191 — "An Act to amend Delaware Code, Title 14, Chapter 13 relating to salaries and working conditions of School Employees by providing for salary increases and appropriating funds therefor." Assigned to Finance Committee.

The Chair introduced **HCR 8**:

HCR 8 — "Congratulating the dedicated employees of the Motor Vehicle Division in the City of Wilmington for an exemplary job done under trying and difficult circumstances."

Senator Cicione moved that the Resolution be adopted.

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

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

ABSENT: Senators Berndt, Elliott, Jarvis — 3.

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

The Chair introduced the following House Bills:

HB 168 w/ HA 1 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to issuance of a vehicle inspection notice for a fee." Assigned to Public Safety Committee.

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

HB 133 — "An Act to amend Section 4757, Chapter 47, Title 16, Delaware Code relating to hypodermic syringes and hypodermic needles used for treating poultry and livestock." Assigned to Agriculture Committee.

The President Pro Tem recognized and introduced to the Chamber the exchange students from Rushcliffe School, Nottingham, England, who are attending Brandywine High Schools in northern Delaware, with their teacher Mrs. Ruth Norman.

Senator Zimmerman introduced **SA 3 to SB 1** which was placed with the Bill.

Senator Elliott introduced **SR 48**:

SR 48 — "Protesting the building of two bridges by the State of Maryland on the Nanticoke River below the Town of Seaford, and requesting the Governor and the Attorney General to appoint special counsel to represent the State in this matter."

In the absence of Senator Elliott, the Resolution was tabled.

Senator Martin introduced **SR 49**:

SR 49 — "Defining "Personal or Private Interest" as it pertains to voting by a member of the Senate of the State of Delaware.

WHEREAS, most of the members of the Senate of the State of Delaware have other jobs in addition to their positions as state legislators; and

WHEREAS, legislation sometimes comes before the Senate which affects the professions or industries in which certain members are employed; and

WHEREAS, no clear definition exists as to what constitutes "personal or private interest" regarding voting on such legislation; and

WHEREAS, some members have been selectively disenfranchising themselves, perhaps unnecessarily, due to the lack of such definition.

NOW THEREFORE,

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that "personal or private interest" shall apply only if a bill would benefit a Senator, or his family, or a small group of his associates, business or otherwise, to the exclusion of all the other citizens of this State.

BE IT FURTHER RESOLVED that a Senator shall not be expected to abstain from voting on a bill that pertains to the profession or industry that he coincidentally happens to be a member of.

BE IT FURTHER RESOLVED that a Senator has the responsibility to represent all segments of his constituency and should not be expected to exclude any part thereof just because the Senator happens to be in the same profession or industry as any one segment of his constituency.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate of the State of Delaware.

* * * * *

Senator Martin moved that the Resolution be adopted.

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

YES: Senators Adams, Castle, Cordrey, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 13.

NO: Senator McCullough — 1.

NOT VOTING: Senators Cicione, Cook, duPont, Hughes, Isaacs, Schlor — 6.

ABSENT: Senator Berndt — 1.

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

Senator Holloway introduced SR 50 and moved that it be adopted.

SR 50 — "In reference to election of officers."

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

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

NOT VOTING: Senator Berndt — 1.

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

Senator Jarvis introduced SR 51 and moved that it be adopted.

SR 51 — "In reference to election of officers."

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

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

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

Senator Manning (co-sponsors Holloway and Kearns) introduced SB 192:

SB 192 — "An Act creating a New Chapter 6, Title 31, Delaware Code, to initiate the State of Delaware's compliance with the Federal Food Stamp Program." Assigned to Health and Social Services Committee.

Senator Manning introduced SCR 18 and moved that it be adopted.

SCR 18 — "Relating to a sign for the Governor's Office."

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

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

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

Senator Cicione introduced SB 193:

SB 193 — "An Act to amend Title 21 of the Delaware Code, entitled "Motor Vehicles", to provide for special registration plates for National Guard Vehicles." Assigned to Public Safety Committee.

The following message was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 12, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

Paul E. Ellis, Esq.
Near Woodland
Seaford, Delaware

to be a Judge of the Court of
Common Pleas for Sussex
County, for a twelve-year
term from date of confirmation,
Succeeding Lawrence C. Elliott.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
 (Signed) Sherman W. Tribbitt
 Governor

* * * * *

The nomination was assigned to the Executive Committee.

On motion of Senator Castle, SB 38 was taken up for consideration and read by title only:

SB 38 — "An Act to amend Title 10, Delaware Code, relating to replevin."

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

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

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

On motion of Senator Elliott, SJR 13 was taken up for consideration and the names of all the other Senators were added to the Resolution as co-sponsors.

SJR 13 — "Praising the Delaware Agricultural Industry for its value to the State and thanking all groups and individuals responsible for the Industry's outstanding Third Annual Dinner, honoring the Governor and Members of the 127th General Assembly."

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

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

ABSENT: Senator Kearns — 1.

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

On motion of Senator Adams, SB 57 was taken up for consideration and read by title only:

SB 57 — "An Act to amend Subchapter 111 of Chapter 10, Title 14, Delaware Code, relating to the composition of the Indian River School Board."

At the request of Senator Adams, the privilege of the floor was extended to Otis P. Jefferson, representing the Indian River School District, to speak on the Bill.

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

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

NO: Senator McCullough — 1.

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

On motion of Senator Steele, HB 112 w/ HA 1, 3, 4, 5 was taken up for consideration and read by title only:

HB 112 w/ HA 1, 3, 4, 5 — “An Act to amend Part II, Title 29, Delaware Code providing that any Bill or Joint Resolution which appropriates or mandates or contemplates a subsequent appropriation or which reduces revenue must have a Fiscal Projection attached.”

At the request of Senator Zimmerman, the privilege of the floor was extended to Myron T. Steele, Senate Attorney, to speak on the Bill.

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

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

NO: Senators Cicione, Kearns, McCullough — 3.

NOT VOTING: Senators Cook, Hughes, Martin, Murphy — 4.

ABSENT: Senators Holloway, Schlör and Zimmerman — 3.

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

On motion of Senator Berndt, HS 1 for HB 1 was taken up for consideration and read by title only:

HS 1 for HB 1 — “An Act to amend Chapter 1, Title 13 of the Delaware Code relating to the solemnization of marriages and persons authorized to celebrate the marriage ceremony.”

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

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

NO: Senator McCullough — 1.

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

On motion of Senator Berndt HB 164 was taken up for consideration and read by title only:

HB 164 — “An Act to amend Chapter 45, Part IV, Title 15 of the Delaware Code relating to elections, and providing a requirement that a candidate for elective office must seek election under his legal name and not a pseudonym, alias or “nickname”.

Senator Isaacs introduced SA 1 to HB 164 and moved that it be adopted.

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

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

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

On motion of Senator Berndt, HB 164 w/ SA 1 was deferred.

On motion of Senator Cordrey, HB 68 was taken up for consideration and read by title only:

HB 68 — "An Act to amend Chapter 41, Part IV, Title 7 of the Delaware Code relating to agricultural and soil conservation, and the collection of taxes levied by a ditch company."

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

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

ABSENT: Senator Murphy — 1.

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

On motion of Senator Schlör, SB 110 was taken up for consideration and read by title only:

SB 110 — "An Act to amend Part 1, Title 18 of the Delaware Code relating to Casualty Insurance Contracts, and regulating the exclusion, cancellation or non-renewal of automobile insurance."

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

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

NOT VOTING: Senator Cook — 1.

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

On motion of Senator Adams, SB 130 was taken up for consideration and read by title only:

SB 130 — "An Act to amend Chapter 237, Volume 51, Laws of Delaware, as amended, entitled "An Act to reincorporate the Town of Bridgeville."

Senator Adams moved that SA 1 to SB 130 which had been placed with the Bill, now be adopted.

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Holloway — 1.

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

At the request of Senator Adams, the privilege of the floor was extended to Norman G. Powell, President of the Commissioners of Bridgeville, to speak on the Bill.

Senator Adams moved for passage of SB 130 w/ SA 1.

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

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

ABSENT: Senator Schlör — 1.

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

On motion of Senator Hale, SB 16 which had been deferred was again taken up for final consideration.

Senator Isaacs (Senator Cicione, co-sponsor) introduced SA 2 to SB 16 which was placed with the Bill.

At the request of Senator Hale, the privilege of the floor was extended to Mary Boudart, representing the students of University of Delaware, and Dr. George H. Gibson of the University of Delaware to speak on the Amendment.

Senator Isaacs moved that SA 2 to SB 16 be adopted.

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

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

NO: Senator Berndt — 1.

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

On motion of Senator Hale, the vote was taken for passage of SB 16 w/ SA 2.

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

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

NOT VOTING: Senator Elliott — 1.

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

concurrence.

Senator Isaacs (co-sponsor Senator Cook) introduced SR 52:

SR 52 — "Authorizing payments for services rendered by the staff of the Senate for the 127th General Assembly."

Senator Cook moved that the Resolution be adopted.

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

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

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

Senator Cook (co-sponsor Senator Isaacs) introduced s,SR 53 and moved that it be adopted.

SR 53 — "To debit Senate Travel Account for Legislators' mileage of the present session of the 127th General Assembly."

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

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

ABSENT: Senator McCullough — 1.

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

At 5:33 p.m., on motion of Senator Jarvis, the Senate recessed until 1:30 p.m. Tuesday, April 17, 1973.

The Senate reconvened at 2:02 p.m. April 17, 1973, Lt. Governor Bookhammer, presiding and immediately adjourned, on motion of Senator Isaacs, to reconvene for the 24th Day.

24TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:02 p.m., Tuesday, April 17, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

The Secretary read the following message from the House:

4-12-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 120; HB 191; HB 183 w/ HA 1; HB 192; HJR 7 and requests the concurrence of the Senate.

The House also passed SCR 13 and is returning same to the Senate.

Senator Isaacs (co-sponsor Senator Cook) introduced SCR 19 and moved that it be adopted.

SCR 19 — "Providing that a Joint Session of the House of Representatives and the Senate be convened to hear the Governor's Quality of Life Program."

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

YES: Senators Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Zimmerman — 16.

ABSENT: Senators Adams, Cicione, Holloway, McCullough, Steele — 5.

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

Senator Isaacs introduced SA 1 to HB 164. Placed with the Bill.

Senator Zimmerman introduced SA 2 to HB 164. Placed with the Bill.

Senator Kearns introduced SS 1 for SB 93. On motion of Senator Kearns, the Substitute Bill was adopted in lieu of the Original.

Senator Hale introduced SB 194:

SB 194 — "An Act to amend Title 14 and Title 29, Delaware Code annotated, as the same refer to School Construction, Capital Improvements, provision of Building space for State Agencies, and funding and payment procedures for such improvements and space, and the duties of the State Board of Education and the State Department of Administrative Services with reference thereto." Assigned to Education Committee.

Senator Elliott (co-sponsor Senator McCullough) introduced SB 195:

SB 195 — "An Act to add Chapter 36, Title 24, of the Delaware Code relating to Speech Pathologists and Audiologists; providing for a Board of Examiners of Speech Pathologists and Audiologists; License required to practice Speech Pathology and/or Audiology; and provide for violations." Assigned to Health and Social Services Committee.

Senator Jarvis introduced SB 196:

SB 196 — "An Act to provide a supplementary appropriation to the Department of Highways and Transportation to be used in compensating Richard H. Lee." Assigned to Highways, Transportation and Insurance Committee.

Senator Jarvis introduced SB 197:

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

services." Assigned to Highways, Transportation and Insurance Committee.

Senator Jarvis introduced SB 198:

SB 198 — "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." Assigned to Education Committee.

Senator Berndt introduced SA 1 to SB 46. Placed with the Bill.

The Chair introduced the following House Bills:

HB 183 w/ HA 1 — "An Act to amend Chapter 9, Title 19 of the Delaware Code, relating to the minimum wage rate." Assigned to Labor and Industrial Relations Committee.

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

HB 191 — "An Act to amend Chapter 548, Volume 58, Laws of Delaware, relating to the Department of Administrative Services, and providing for the transfer of funds formerly appropriated for mini-buses." Assigned to Finance Committee.

HB 192 — "An Act to amend Chapter 19, Part I, Title 14 of the Delaware Code relating to the calculation of maximum school tax rates after a county-wide reassessment of real estate." Assigned to Education Committee.

HJR 7 — "Providing for priority payment of Bills from vendors to State Agencies or the School Boards which offer cash discounts for early payment." Assigned to Finance Committee.

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate the Governor's nomination for appointment of Paul Ellis — 5 Favorable.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: SB 187 — 4 Merits.

Senator Cordrey, Chairman of the Agriculture Committee, reported back to the Senate: HB 133 — 2 Favorable, 2 Merits.

The following communication was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 17, 1973

Lt. Governor Eugene D. Bookhammer
President of the Senate

Dear Lt. Governor Bookhammer:

It is my unpleasant duty today to inform you members of the 127th General Assembly that we face a serious financial

situation in Delaware.

Our latest estimate of the cash position of the State as of April 13, 1973 projects a deficit of \$17.5 million overall, as of June 30, 1974.

Let me explain how we arrived at that figure.

My latest estimate of revenue as of April 13, 1973 shows a net increase of \$1.3 million for Fiscal '73 and \$1.8 million increase for Fiscal '74, for a total of \$3.1 million for the two year period.

Major adjustments in the estimate include a \$3.5 million increase in personal income tax estimates for Fiscal '73 and a \$5.5 million increase in personal income tax for Fiscal '74.

However, at the same time, it was necessary to reduce franchise tax estimates for Fiscal '73 by \$500,000 and \$4 million for Fiscal '74.

Other minor adjustments were made which, when considered collectively, limited the increase in the total revenue estimate for the two-year period to \$3.1 million. (See Exhibit "A").

Our latest estimate of the cash position of the State as of April 13, 1973 shows that the estimated deficit as of June 30, 1974 will be \$17.5 million overall, as I pointed out.

It is worth noting that the combined deficit for Fiscal '73 and Fiscal '74 is \$36 million before applying the July 1, 1972 cash balance of \$3.1 million and our estimated \$15.4 million Fiscal '73 and Fiscal '74 Federal Revenue Sharing allotments. (See Exhibit "B").

I am currently reviewing all the information available in light of this fiscal dilemma. Obviously, we have problems now. And we see we will have problems in the future. I want **you** to be informed, to be apprised, to understand well in advance of the task that's ahead of us.

A more refined estimate of our financial situation will be presented to Members of the 126th General Assembly on or about May 15th.

We are now studying ways to resolve this crucial problem. Corrective steps will be proposed shortly after that refined estimate is submitted to you.

By that time, we will have sufficient material available to you so that resolution of this difficult situation will not turn into another midnight-to-dawn emergency patch job.

Sincerely,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

Senator Elliott introduced SA 2 to SB 54. Placed with the Bill.

Senator Cook introduced SB 199:

SB 199 — "An Act to provide a supplementary appropriation to the Department of State to enable an employee to receive a portion of salary previously earned." Assigned to Finance Committee.

Senator Isaacs introduced **SB 200**:

SB 200 — "An Act to amend Title 7 and Title 11 of the Delaware Code relating to trespass, and increasing the penalty for such offense." Assigned to Judiciary and Elections Committee.

On motion of Senator Hale, **HB 130** was taken up for consideration and read by title only:

HB 130 — "An Act to amend Subchapter III, Chapter 10, Title 14 of the Delaware Code relating to the School Board of the Cape Henlopen School District."

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Holloway, Jarvis and Schlor — 3.

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

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

SB 149 — "An An Act to amend Subchapter VI, Chapter 47, Title 16 of the Delaware Code providing for original jurisdiction in the Justice of the Peace Courts of violations of Subchapter IV, Chapter 47, Title 16, § 4754(b)."

At the request of Senator Berndt, the following communication was read into the record concerning **SB 149**:

OFFICE OF THE CHIEF MEDICAL EXAMINER

April 17, 1973

Senator Robert J. Berndt
Dover, Delaware 19901

Dear Bob:

In reply to your letter of April 12, 1973, I submit the following for your consideration.

If marihuana cases are to be prosecuted in Justice of the Peace Courts, our laboratory will be required to perform chemical analyses on all cases in which an accused has entered a plea of not guilty. Delaware residents could be released on bail, alleviating any urgency, however, in those instances where the accused is a non-resident of our State, a report should be filed within a reasonably short period of time (4-6 hours). These cases would require processing on a priority basis.

A system of this nature would require an increase in laboratory personnel during the normal working day. In addition, provisions must be made to have a chemist on call during off-duty hours including weekends. This is predicated on

the fact that some Justice of the Peace Courts are in session for a 16-Hour period.

It should also be established that all personnel and methods used are subject to approval by the Chief Toxicologist of the State, and that reports and conclusions issued by these individuals are admissible as evidence in court. This provision would hopefully reduce the necessity for the chemist to appear at the time of trial.

The problems arising in New Castle County are not insurmountable; however, this is not the case for Kent and Sussex Counties. At this state, establishment of a satellite laboratory is impractical, with the possible exception of a facility in the Rehoboth Beach area during the summer season. This would be subject to establishing a demonstrable need. At the present rate of marihuana cases, the police agencies in Kent and Sussex Counties have no alternative but to bring their evidence to the laboratory in New Castle County.

With respect to Senate Bill 150, I feel the botanical name of the species *Cannabis sativa* and the active ingredient tetrahydro-cannabinol should accompany the word marihuana.

Sincerely yours,
(Signed) Lenard
Leonard R. Bednarczyk, Ph.D.
Chief Toxicologist

* * * * *

On motion of Senator Kearns, final consideration of SB 149 was deferred.

On motion of Senator Cicione, SB 18 w/ SA 1 which had previously passed the Senate, was again taken up for consideration as further amended by HA 1.

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Holloway — 1.

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

On motion of Senator Zimmerman, SB 46 which had been restored, was again taken up for consideration.

Senator Berndt introduced SA 1 to SB 46 and moved that the Amendment be tabled.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, Murphy, Schlor, Zimmerman — 9.

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

NOT VOTING: Senators Holloway and McCullough — 2.

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

On motion of Senator Zimmerman, final consideration of SB 46 was deferred.

On motion of Senator Manning, HB 152 was taken up for consideration and read by title only:

HB 152 — “An Act to amend the Charter of the City of Newark.”

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

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

NO: Senators McCullough and Schlor — 2.

ABSENT: Senators Cicione and Isaacs — 2.

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

On motion of Senator Elliott, SB 54 was taken up for consideration and read by title only:

SB 54 — “An Act to Amend Title 7 and 29, Delaware Code, relating to transfer of the powers, duties and functions of Forestry from the Division of Parks, Recreation and Forestry of the Department of Natural Resources and Environmental Control to the Department of Agriculture.”

On motion of Senator Elliott, SA 1 to SB 54 which had been placed with the Bill, was stricken.

At the request of Senator Elliott, the following letter was read and made part of the record:

**THE GLATFELTER PULP WOOD CO.
FREDERICKSBURG, VIRGINIA**

April 16, 1973

Senator David H. Elliott
Laurel, Delaware

Dear Senator Elliott:

We support Senate Bill 54 which would combine the forestry sections now functioning separately under the Department of Agriculture and Natural Resources and Environmental Control.

Our Company, as a major woodland owner and purchaser of forest products in Delaware, is vitally concerned with the continued growing of trees as a renewable resource. If Delaware's woodland owners are to manage their timber to best advantage, they need the services of a strong State Forestry Department to provide woodland management advice, protection from fire, and nursery stock for reforestation.

State Forest land should be administered by the Forestry Department and managed so as to assure the multiple benefits of wood production, environmental protection, and recreational use. These State Forest lands should be models of good forest

management from which others can learn to better manage their own woodlands.

The 1972 Forest Survey shows that Delaware's pine timber supply is being depleted 50% faster than it is growing. This situation certainly points to the need for a greater effort to assist Delaware woodland owners in managing and reforesting their pine timberlands.

The present, separate forestry sections must be combined into a strong, single agency, if Delaware's forest resources are to be administered with maximum efficiency.

Yours very truly,
THE GLATFELTER PULP WOOD COMPANY
(Signed) S.H. Dyke,
District Manager

* * * * *

Senator Elliott introduced SA 2 to SB 54 and moved that it be adopted.

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

On further motion of Senator Elliott, SB 54 was deferred until April 18, 1973.

On motion of Senator Berndt, SJR 14 was taken up for consideration and read by title only:

SJR 14 — "Proclaiming May 1 Annually as Law Day."

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

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

ABSENT: Senator McCullough — 1.

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

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 176 — 5 Merits; SB 177 — 5 Merits; SB 175 — 5 Merits.

Senator Steele introduced SB 201:

SB 201 — "An Act providing that Federal Revenue Sharing Funds received by the State during the Fiscal Year 1973 be used in payment of the 1973 Fiscal Year appropriation to the State employees Retirement Fund." Assigned to Finance Committee.

Senator Martin introduced SA 1 to SB 129. Placed with the Bill.

Senator Zimmerman introduced, SA 4, SA 5 to SB 1. Placed with the Bill.

Senator Cicione introduced **SJR 15**:

SJR 15 — "To petition the Congress of the United States to call a convention for the purpose of proposing an Amendment to the Constitution of the United States." Assigned to Judiciary and Election Committee.

Senator Isaacs (co-sponsor Senator Cordrey) introduced, by request **SJR 16**:

SJR 16 — "Providing a transfer of authority to manage and designate waters for shellfish harvesting from the Department of Health and Social Services to the Department of Natural Resources and Environmental Control"

Assigned to Natural Resources and Environmental Control Committee.

Senator Isaacs (co-sponsor Senator Cordrey) introduced, by request, **SJR 17**:

SJR 17 — "Authorizing the Department of Natural Resources and Environmental Control to receive sealed bids for disposing of used boats, motors, and trailers through sealed bids." Assigned to Natural Resources and Environmental Control Committee.

Senator Zimmerman introduced **SB 202**:

SB 202 — "An Act to amend Chapter 158, Volume 36, Laws of Delaware, 1929, as amended, relating to elections." Assigned to Judiciary and Elections Committee.

Senator Cicione (co-sponsors Senators Cook and Isaacs) introduced **SR 54** and moved that it be adopted.

SR 54 — "Welcoming delegates of the Delaware State Labor Council, AFL-CIO, to Legislative Hall and commending them for their interest in serving all working people."

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

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

ABSENT: Senators duPont, Hale, Manning, McCullough — 4.

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

The Secretary read the following message from the House:

4-17-73

Mr. President:

The House wishes to inform the Senate that it has passed **HCR 10** and requests the concurrence of the Senate.

The House also passed **SB 112 w/ HA 1** and is returning same to the Senate.

The Chair introduced **HCR 10**:

HCR 10 — "In memory of the late former Wilmington City Council President, William J. "Woody" McClafferty, Jr."

Senator Schlör moved that the Resolution be adopted.

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

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

ABSENT: Senators Hale, Manning and McCullough — 3.

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

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate, SB 174 — 1 Favorable, 4 Merits.

At 5:06 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m., April 18, 1973.

25TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 1:45 p.m. Wednesday, April 18, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

The Secretary read the following message from the House:

4-17-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 222 and requests the concurrence of the Senate.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate SJR 17 — 2 Favorable, 3 Merits; SJR 16 — 3 Favorable.

Senator Cook introduced SB 203:

SB 203 — "An Act to amend Title 29, Chapter 51, Delaware Code, relating to salary deductions for hospitalization insurance and dues." Assigned to Finance Committee.

Senator Steele introduced SB 204:

SB 204 — "An Act to amend Chapter 55, Title 29, Delaware Code, entitled "State Employees' Pension Plan" and Chapter 39, Title 14, Delaware Code, entitled "Teachers' Retirement and Disability Pensions". Assigned to Finance Committee.

Senator Cordrey introduced SA 1 to HJR 5. Placed with the Bill.

Senator Holloway introduced SA 1 to SB 174. Placed with the Bill.

Senator Kearns introduced SA 1 to SB 127. Placed with the Bill.

Senator Jarvis introduced SR 55 and moved that it be adopted.

SR 55 — "In reference to the election of Officers."

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

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

ABSENT: Senators Holloway and McCullough — 2.

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

Senator Isaacs moved that the Governor's nomination for appointment of Casimir J. Ragan be considered for confirmation by the Senate.

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

YES; Senators Adams, Cicione, Cook, Cordrey, Elliott, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 11.

NO: Senators duPont, Hale, Hughes, Manning, Steele — 5.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Castle, Holloway, Jarvis, McCullough — 4.

So the appointment, having received the required constitutional majority, was confirmed.

Senator Isaacs moved that the Governor's nomination for appointment of Peter Nechay be considered for confirmation by the Senate.

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

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

ABSENT: Senator McCullough — 1.

So the appointment, having received the required constitutional majority, was confirmed.

On motion of Senator Isaacs, the Governor's nomination for appointment of Paul E. Ellis was taken up for consideration by the Senate.

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

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

NOT VOTING: Senator duPont — 1.

ABSENT: Senator McCullough — 1.

So the appointment, having received the required constitutional majority, was confirmed.

On motion of Senator Cordrey, HB 133 was taken up for consideration and read by title only:

HB 133 — "An Act to amend Section 4757, Chapter 47, Title 16, Delaware Code relating to hypodermic syringes and

hypodermic needles used for treating poultry and livestock."

At the request of Senator Cordrey, the privilege of the floor was extended to Representative William J. Gordy, to speak on the Bill.

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

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

ABSENT: Senator Hale — 1.

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

At the request of Senator Hughes, the following statement was read and made part of the record:

Statement by State Senator Charles E. (Pete) Hughes:

I am increasingly concerned by the mounting evidence that we may indeed be in for a shortage of gasoline this summer and fall. Already, in Delaware, some stations are running out of one grade of gasoline or another and their proprietors are not optimistic that regular supplies will be resumed. In fact, they are pessimistic. If they are right, I see a very difficult period ahead.

I refer especially to summer vacations and particularly to the use of our beaches and resort areas in which we have so much investment. If vacationers cannot drive they are not coming to our shores this summer and that is going to bring a severe economic setback to the State. I think it is well known that the State is spending many thousands of dollars each year to attract vacationers from all parts of the nation to the Rehoboth-Lewes-Bethany Beach area. In fact, we advertise that this area is the summer capital of the nation.

No one denies anymore that there is a shortage of gasoline and that the shortage is growing. What I am saying here is not designed to continue the argument about a superport or miniports. My purpose is to sound an alarm and to ask our State leaders, our Governor and our Congressional delegation, to get the facts for us. I am alarmed. I well recall the gasoline rationing of World War II. I recall the service stations closing at dusk or earlier. I remember the rationing stamps. I don't want this to happen again.

I am sending a copy of this to Governor Tribbitt, hoping that he will take some action to get the facts right away. With the facts, we can plan for our transportation needs for the summer and early fall. If we don't, I can see economic trouble with hundreds of young people out of summer jobs because there are no jobs for them at the shore. I could cite a dozen news articles and announcements of the past ten days supporting my concern, but I believe we are all well aware of the problem.

Thank you.

On motion of Senator Isaacs, SB 133 was taken up for consideration and read by title only:

SB 133 — "An Act to amend Chapter 5, Title 1 of the Delaware Code relating to Legal Holidays, and establishing the Friday after Thanksgiving as a Legal Holiday."

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

YES: Senators Cicione, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 10.

NO: Senators Cordrey and Steele — 2.

NOT VOTING: Senators Adams, Berndt, Castle, Cook, duPont, Elliott, Hale, — 7.

ABSENT: Senators Holloway and Jarvis — 2.

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

At the request of Senator Hughes, SB 178 was stricken.

On motion of Senator Isaacs SB 127 was taken up for consideration and read by title only:

SB 127 — "An Act to amend Subchapter 111, of Chapter 13, Title 9, Delaware Code relating to the composition of the New Castle County Planning Board."

Senator Kearns introduced SA 1 to SB 127. Placed with the Bill.

On motion of Senator Isaacs, final consideration of SB 127 was deferred.

On motion of Senator Elliott, final consideration of SR 48 which had been tabled, was deferred.

At 3:05 p.m., on motion of Senator Isaacs, the Senate recessed for a half hour.

The Senate reconvened at 4:18 p.m.

On motion of Senator Cicione, HJR 5 which had been tabled, was again taken up for consideration by the Senate.

Senator Cordrey introduced, SA 1 to HJR 5 and moved that it be adopted.

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

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

NOT VOTING: Senators Manning, McCullough, Steele — 3.

ABSENT: Senators duPont and Hale — 2.

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

Senator Cicione moved that HJR 5 w/ SA 1 be adopted.

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

YES; Senators Cicione, Cook, Holloway, Isaacs, Schlör — 5.

NO: Senators Adams, Berndt, Cordrey, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele — 10.

NOT VOTING: Senators Castle, duPont, Elliott, Hale, Hughes, Zimmerman — 6.

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

On motion of Senator Holloway, SB 66 was taken up for consideration and read by title only:

SB 66 — "An Act to amend Chapter 46, Part IV, Title 29, of the Delaware Code relating to the Office of Public Defender, and providing for the payment or part payment by the defendant of the fee of the Public Defender."

On motion of Senator Holloway SB 66 was deferred.

On motion of Senator Cook, SB 187 was taken up for consideration and read by title only:

SB 187 — "An Act making a supplementary appropriation to the Courts and to the New Castle County Law Library for operational costs."

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

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

ABSENT: Senator Cicione — 1.

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

On motion of Senator Zimmerman SB 46 which had been defeated and restored to the Calendar, was taken up for consideration.

Senator Zimmerman moved that SA 1 to SB 46 be tabled.

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

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

NO: Senators Berndt, Castle, duPont, Hale, Hughes, Jarvis, Manning, Steele — 8.

ABSENT: Senators Cicione and Holloway — 2.

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

Senator Zimmerman moved that the roll call vote be taken on the passage of SB 46.s,

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

Yes: Senators Adams, Cook, Cordrey, Elliott, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

Manning — 6.

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

ABSENT: Senator Cicione — 1.

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

Senator Hale, Chairman of the Education Committee, reported back to the Senate: SB 141 — 2 Favorable, 2 Merits; SB 155 — 1 Favorable, 4 Merits; SB 172 — 1 Favorable, 4 Merits; SB 188 — 3 Favorable, 2 Merits; HB 5 — 2 Favorable, 1 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: SB 201 — 3 Favorable.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: SB 196 — 5 Merits.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate — SB 178 — 5 Merits; SB 186 — 1 Favorable, 3 Merits, 1 Unfavorable.

Senator Isaacs introduced SA 2 to SB 127. On motion of Senator Isaacs, the Amendment was put on the table.

Senator Holloway introduced SA 2 to SB 174. Placed with the Bill.

Senator Elliott introduced SA 6 to SB 1. Placed with the Bill.

Senator Schlor (co-sponsors Adams, Cicione, Cook, Holloway, Isaacs, Kearns, Martin, McCullough, Martin and Zimmerman) introduced SB 205:

SB 205 — "An Act to amend Subchapter IV, Chapter 1, Title 23 of the Delaware Code relating to a reduction in pilotage rates." Assigned to Community Affairs Committee.

Senator Steele introduced SB 206:

SB 206 — "An Act making a supplemental appropriation to the Department of Health and Social Services, Division of Adult Corrections, for the expense of the Blue Cross and Blue Shield Family Plan coverage as required by the Court of Chancery Civil Action number 3654 for balance of Fiscal 1973." Assigned to Finance Committee.

Senator Hughes introduced SB 207:

SB 207 — "An Act to amend Chapter 7, Title 4, Delaware Code, relating to the sale of alcoholic liquor on Sundays and Thanksgiving Day." Assigned to Judiciary and Elections Committee.

Senator Murphy introduced SB 208:

SB 208 — "An Act providing for an additional penalty for juveniles convicted for an act of delinquency known as criminal mischief." Assigned to Judiciary and Elections Committee.

Senator Hughes introduced SB 209:

SB 209 — "An Act to provide a supplementary appropriation to the Department of Highways and Transportation, Division of Transportation to contract for Commuter Transportation Services with SEPTA." Assigned to Highways,

Transportation and Insurance Committee.

Senator Elliott introduced SB 210:

SB 210 — "An Act proposing an Amendment to Article 8, Section 2 of the Constitution of the State of Delaware by altering the number of votes required for the passage of revenue measures." Assigned to Judiciary and Elections Committee.

Senator Hughes introduced SB 211:

SB 211 — "An Act to amend Chapter 1, Title 7, Delaware Code, relating to the protection of wildlife." Assigned to Natural Resources and Environmental Control Committee.

Senator Isaacs (Senator Martin, co-sponsor) introduced SB 212:

SB 212 — "An Act to amend Subchapters I and III of Chapter 11, Title 9, Delaware Code, relating to the creation of Taxing-Service Districts." Assigned to Community Affairs Committee.

Senator Murphy introduced SB 213:

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

Senator Hughes introduced SR 56 and moved that it be adopted.

SR 56 — "For the purpose of studying alcohol prices as they relate to Delaware."

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cicione and Elliott — 2.

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

The Chair introduced HB 222:

HB 222 — "An Act to amend Sections 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1321, 1322, 1324 and 1326 of Chapter 13, Title 14, Delaware Code, by providing for a five and one-half percent salary increase effective July 1, 1973."

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

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

YES: Senators Berndt, Castle, duPont, Hale, Hughes, Jarvis, Manning, Steele — 8.

NO: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

ABSENT: Senators Cicione and Elliott — 2.

So the motion, having failed to receive the required

constitutional majority was defeated.

The Chair assigned HB 222 to Education Committee.

Senator Isaacs moved that the Bill be placed in the Finance Committee.

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

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

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Cicione and Elliott — 2.

So the motion, having received the required constitutional majority, prevailed and the Bill was placed in the Finance Committee.

On motion of Senator Isaacs, SB 127 which had been deferred, was again taken up for consideration.

Senator Kearns moved that SA 1 to SB 127 which had been placed with the Bill, now be adopted.

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

YES: Senators Adams, Castle, Cook, Cordrey, Holloway, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 14.

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

ABSENT Senators Cicione and Elliott — 2.

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

Senator Isaacs moved that SA 2 to SB 127 which had been tabled, now be adopted.

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

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

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Cicione, Elliott, Hale and Holloway — 4.

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

Senator Isaacs moved for the passage of SB 127 w/ SA 1, 2.

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

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

NO: Senators Berndt, Castle, duPont, Hale, Jarvis, Manning, Steele — 7.

ABSENT: Senators Cicione, Elliott and Holloway — 3.

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

At 6:05 p.m. on motion of Senator Isaacs, the Senate adjourned until 12:45 p.m. April 19, 1973.

26TH LEGISLATIVE DAY

The Senate was called to order at 12:58 p.m. April 19, 1973, by the President Pro Tem, Senator Isaacs.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senator Castle — 1.

The Journal was approved as read.

On motion of Senator Cook, a short recess was taken to await the members of the House to arrive for the Joint Session.

The Senate reconvened at 1:30 p.m.

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

JOINT SESSION

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

Senator Cook moved that the President pro Tem of the Senate preside over the Joint Session. The motion prevailed.

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

The President Pro Tem appointed the following Committee to escort the Governor to the Senate Chamber: Senators McCullough and Cicione; Representatives Harrington and Riddagh.

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

Mr. Speaker

Mr. President

Mr. President Pro Tem

Ladies and Gentlemen of the 127th General Assembly

Members of the Cabinet

Fellow Delawareans:

I have asked to appear before you today to begin what I hope will be the first in a series of presentations of my Legislative Proposals to you.

Today, I stand before you in this chamber, over which I presided for four years, to begin a continuing, open dialogue between the Executive and Legislative branches of Government.

As the only 20th Century Governor from the General Assembly, my roots are here. I am one of you.

While recognizing the constitutional separation of powers doctrine, I, more than many Chief Executives, understand the need for spirited interaction between these two branches.

With this in mind, I bring to you today a series of Bills which comprise the most comprehensive environmental Legislative package ever presented to the Delaware General Assembly, and indeed perhaps the most comprehensive environmental package ever presented in any State of the nation.

Passage of this Legislation, I believe, will go a long way toward conserving for tomorrow our irreplaceable Natural Resources and insuring present and future generations of Delawareans that they will be able to enjoy the quality of life they well deserve.

My program charts new courses and provides new solutions. It is practical. It is workable. And it is essential. With this Program, Delaware will take the lead and set the example for the nation in protecting God's gift — our environment.

My comprehensive program includes:

- Development of a comprehensive land-use and management plan for the Coastal Zone
- Regulation of residential and commercial development within the Coastal Zone
- Regulation of the conveyance of petroleum and other hazardous substances in the Delaware Bay and River
- Establishment of the Delaware Marine and Coastal Resource Protection Fund
- Definition of the State's wetlands and the regulation of their use
- Creation of the Wetlands Appeals Board
- Establishment of a bicycle path to be known as the "Bicentennial Trail"
- Elimination of State Park entrance fees
- Regulation of industrial solid wastes
- Abolition of the Water and Air Resources Commission
- Licensing and regulating of interstate and intrastate pipelines and stiffening penalties and simplifying pollution control enforcement procedures.

Now, let me share with you the details of my program designed to meet the challenge of balancing preservation and development in our State. I believe today, as I always have, that if we are sincere and earnest in protecting our Coastal Zone Area, we must reach beyond the control of industry. We must

plan for the location, extent, and type of all development in Delaware's Coastal Area — with the exception of course, of Agricultural uses.

By doing this, the State can better protect the natural environment of its bays and coastal areas as a source of recreation and retreat from the pressures of an urbanized society.

We Delawareans have a paramount interest in preventing uncoordinated and piecemeal development of the Coastal Zone. Without action, this will happen.

Therefore, because I CARE about the state of our State, I propose to you today the Coastal Zone Management Act to safeguard the Coastal Area of Delaware — our State's most critical Area, in terms of our future quality of life.

The planning and management of the Coastal Zone will be the responsibility of the Coastal Zone Management Board, which will consist of nine members appointed by the Governor.

There will be two members from each County and three at-large members, representing such fields as pollution control, solid waste management, land use planning, labor, industry, marine sciences and real estate development.

The Board, with the assistance of the State Planning Office, will adopt a "Comprehensive Plan" for the Coastal Zone, which will be the yardstick against which Land Use Permit requests will be measured.

Existing uses within the Coastal Zone will be permitted to continue.

The extension or expansion of such uses will be covered by the Act. This Bill is neither negative, nor punitive.

Its purpose is neither to restrict the farmer nor to prevent the construction of a few single-family dwelling units.

Moreover, the Bill is not intended to take over the powers of the County or Local Governments. In fact, the Board would not even entertain a permit application until Local Zoning Approval had been granted. Rather, the Board would act as a second line of defense against encroaching and poorly planned development. This Bill is, however, intended to properly direct the development of Sub-divisions, Condominiums, Apartments, and Shopping Centers so that they will co-exist harmoniously with our precious natural resources.

Protection of the Coastal Zone is meaningless unless it embraces the Delaware Coastal Waters. With that in mind, yesterday's action by the U.S. Supreme Court upholding Florida's Oil Spill and Pollution Act is a landmark environmental decision. The Florida Act provides for the recovery of clean up costs on a strict no-fault basis. This decision will benefit Florida, Delaware and all the Coastal States. Oil spills are not just a Florida problem.

As we all know, for many years our waters have suffered pollution from accidental oil spills. And, as I stated in my inaugural address, "The spectre of oil spills hangs daily over our

Rivers, our Bays, and our Beaches due to the unregulated lightering of crude oil."

Therefore, I now propose an Oil Conveyance Bill to regulate and monitor lightering and related activities within the Coastal waters. Each year, over 300-million barrels are transported by way of our Bay and River destined mainly for refineries in Pennsylvania and New Jersey.

An important provision in this Bill is the establishment of the Delaware Marine and Coastal Resource Protection Fund.

This Fund, financed from the proceeds of a modest charge on each barrel of oil conveyed in our waters, will be built up to \$2.5 million. In the event of a major spill, that money will be used as a ready resource, and will pay for third-party damages.

The private property owner currently has difficulty recovering the costs of oil spill clean-ups affecting his property unless he goes through expensive and time-consuming litigation.

This Bill will not absolve a responsible party for oil spills, but will permit clean-up to proceed immediately while the Secretary of Natural Resources and Environmental Control pursues reimbursement from that responsible party.

And funds in excess of \$2.5 million will be used to support a series of special programs including the support of fisheries resources and development, acquisition of marshlands, and wildlife preserves.

No area would be more severely damaged by a spill than our wetlands — the breeding ground, hatchery, and life source for our fin-fish, shellfish and wildlife.

In the event of a spill, the Bay's Tidal action would act as a pump to blanket the wetlands with a lethal black sludge.

But while we immediately associate with our coastal wetlands, we must not neglect our interior wetlands.

Therefore, I am proposing a comprehensive statewide Wetlands Bill to prevent unregulated dredging, dumping, filling and similar activities in order to conserve the public and private wetlands.

Under this legislation, the Secretary of the Department of Natural Resources and Environmental Control will have the authority to issue or deny any permit for any activities which will alter the wetlands ecosystem.

As in the Coastal Management Bill, existing uses will be permitted. This measure, together with the Coastal Zone Management Bill and the Oil Conveyance Bill, will assure that our precious wetlands and beachlands will be preserved for public benefit.

But, how many of us are aware of the magnificence of the wetlands and the Coastal Zone?

Delawareans in increasing numbers are turning to bicycles as a means of recreation and travel. What better way to enjoy the natural beauty and historical features of our Great State at a pace? I encourage this activity.

Therefore, I propose that the General Assembly enact my Bicycle Path Bill, providing that at least one per cent of the Capital Improvement Authorization of the Highways and Transportation Department will be used to plan, design and construct bicycle paths.

Also, the Secretary will name a task force, composed of citizens, as well as representatives of State Agencies, to develop a Bicycle Path Plan.

And as a part of the State's celebration of the nation's 200th birthday, I suggest we name these paths "Bicentennial Trails".

As I said during my campaign, I am opposed to Park Entrance Fees. Therefore, I am asking for the total elimination of the fee for Delawareans — and non-Delawareans alike.

This I do for two reasons. First, the cost of collection is excessive. Second, if we are to encourage non-resident tourism, as well as recreation for Delawareans, the elimination of these financial restrictions is a necessity.

The final section of my presentation to you this afternoon concerns a closely-related set of environmental problems.

Since passage of the 1966 Water and Air Resources Act, the State Department of Natural Resources and Environmental Control has attempted to enforce this Act's provisions. It has experienced continued difficulty.

Recent Amendments to the Federal Water Pollution Control Act and the Federal Clean Air Act have resulted in new national goals, mandates and target dates for achieving standards.

The State — which has the major enforcement role — requires a simplified and clearly-defined authority.

For example, the General Assembly in 1971 transferred to the Department the authority to regulate disposal of garbage.

However, the Department does not have the authority to regulate industrial solid wastes. The current disposal practices of trash, rubbish, garbage and industrial solid wastes in the State are seriously affecting land, water, and air resources.

The current Law vests some powers in the Water and Air Resources Commission, whereas the Department is charged with the entire Environmental Control Program.

Delaware must meet the Federal provision regarding conflict of interest contained in the new Amendments. In and of themselves, these provisions make it impossible for the Water and Air Resources Commission to continue.

Therefore, the Commission will be abolished, with those powers being delegated to the Secretary.

The Environmental Control Council will continue to provide the Department with citizen input and advice.

That same Bill also strengthens the power of the Department by giving it the authority to license and monitor all interstate and intrastate pipeline systems and regulate solid

waste operations, septic tank installers and liquid waste treatment plant operators.

The Bill, also provides stiffer fines for polluters, while simplifying enforcement procedures.

I have attempted to paint, in broad brush, an outline of my program. This entire concept is and must remain non-political, as it affects all Delawareans, regardless of political affiliation.

This program deals with our quality of life.

It is this quality of life which we must retain, not only for ourselves, but for our children and our children's children.

I therefore, urge each and every one of you to put aside partisan considerations and study this program objectively and in detail — and allow an opportunity for the people to speak out on these proposals.

Therefore, as we look forward towards America's Bicentennial, and as we rethink our commitment both to our Nation and our State, we must rededicate ourselves to making this a finer place in which to live, and a finer place in which to raise our children.

This must be our bequest to them.

And finally, as we reassess our values, our goals, our hopes, indeed our dreams, I am convinced that this program is a worthy and realistic first step.

Thank you.

* * * * *

The previously named Committee escorted the Governor from the Chamber.

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

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

On motion of Senator Cook, the two Houses separated to reconvene in their respective Chambers.

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

At the request of Senator Hale, the following communication was made part of the record:

**STATE BOARD OF EDUCATION
DOVER, DELAWARE**

April 19, 1973

The Honorable Everette Hale
Dover, Delaware

Dear Senator Hale:

At its regular meeting on April 19, 1973 the State Board of Education unanimously adopted the following resolution:

"In order to provide school districts adequate opportunity to prepare contracts for the coming school year and

to meet the May 1st deadline established for renewal of appointments in the schools and in order that these contracts may include a correct indication of the State portion of salaries, the State Board of Education urges the General Assembly of the State of Delaware to act immediately in passing House Bill 222."

Sincerely yours,

(Signed) Robert H. McBride, President

On the request of Senator Schlör, the following petition was made part of the record:

P E T I T I O N

We, the undersigned, members of the Senate of the 127th General Assembly, hereby petition that Senate Bill No. 165 be released from the Community Affairs Committee.

Thurman Adams, Jr.
Calvin R. McCullough
Jacob W. Zimmerman
Richard S. Cordrey
J. Donald Isaacs
Roger A. Martin

Allen J. Cook
George F. Schlör
Anthony J. Cicione
Herman M. Holloway
Francis J. Kearns
William M. Murphy

Senator Schlör moved that the necessary rules be suspended in order to consider SB 165.

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

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

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

NOT VOTING: Senators Elliott, McCullough, Steele — 3.

ABSENT: Senators Castle and Hughes — 2.

So the motion, having received the required constitutional majority, prevailed and the Bill was taken up for consideration and read by title only:

SB 165 — "An Act to amend Chapter 31, Subchapter 1, Title 24 of the Delaware Code relating to the Board of Funeral Service Practitioners."

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

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

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

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Castle and Hughes — 2.

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

concurrence.

At the request of Senator Manning, the following communication was made part of the record:

**STATE OF DELAWARE
SENATE**

April 19, 1973

INTERIM COMMITTEE REPORT — SB 205

The Community Affairs Committee respectfully suggests that we are unable to pass on Pilotage Rates until the General Assembly has some indication of the abilities of the Delaware River Pilots.

Margaret R. Manning
Reynolds duPont
F. Kearns
Wm. Murphy
D. C. Steele

* * * * *

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate, SB 211 — 1 Favorable, 4 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: HB 222 — 3 Merits; SB 204 — 2 Favorable, 1 Merits; SB 199 — 3 Merits; SB 203 — 3 Merits; SB 128 — 3 Merits; HB 47 — 3 Merits; HJR 7 — 3 Merits; HB 191 — 3 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: SB 49 — 5 Merits; SB 209 — 5 Merits; SB 181 — 5 Merits; SB 197 — 5 Merits; SB 118 — 5 Merits.

The Secretary read the following message from the House:

4-18-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 35 w/ HA 1, 2; HB 196; HB 210; HB 221; HB 228; HB 236 w/ HA 1 and requests the concurrence of the Senate.

The House also passed SB 57; SB 173; SB 138 w/ HA 1; SJR 13 and is returning same to the Senate.

* * * * *

Senator Kearns introduced SA 7 to SB 1. Placed with the Bill.

Senator Steele introduced SCR 20 and moved for its adoption:

SCR 20 — "In reference to Federal Revenue Sharing."

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

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

NO: Senator McCullough — 1.

ABSENT: Senators Castle, Cicione, Jarvis — 3.

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

The Chair introduced the following House Bills:

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

HB 210 — “An Act making a supplemental appropriation to the Marydel Volunteer Fire Company, Inc. for maintenance and operations of its rescue truck.” Assigned to Finance Committee.

HB 221 — “An Act to amend Chapter 9 of Title 28, Delaware Code, relating to prohibition of horse racing on certain religious holidays.” Assigned to Judiciary and Elections Committee.

HB 228 — “An Act authorizing the Department of Health and Social Services to transfer certain funds.” Assigned to Finance Committee.

HB 236 w/ HA 1 — “An Act making a supplemental appropriation to the Department of Public Safety, Division of State Police, for purchase of new vehicles.” Assigned to Finance Committee.

HB 35 w/ HA 1 — “An Act to amend Chapters 1 and 21, Title 21, Delaware Code, authorizing the Director of the Division of Motor Vehicles to allow franchised automotive dealers to conduct official inspections of vehicles under certain circumstances.” Assigned to Highways, Transportation and Insurance Committee.

Senator Zimmerman introduced SB 214:

SB 214 — “An Act to amend Chapter 25, Title 30, Delaware Code, entitled “Contractors’ license requirements and taxes” by requiring the political subdivisions to require proof of State licensing when issuing construction permits.” Assigned to Finance Committee.

Senator Zimmerman introduced SB 215:

SB 215 — “An Act to amend Chapter 69, Title 29, Delaware Code, entitled “Procurement of material and award of contracts for public works by State Agencies.” by requiring that leases of material be bid.” Assigned to Judiciary and Elections Committee.

Senator Isaacs (co-sponsors Senators Cicione and Kearns) introduced by request, SB 216:

SB 216 — “An Act to amend Chapters 11 and 13 of Title 9, Delaware Code relating to the abolishment of the Transportation Board and creation of a Department of Transportation.” Assigned to Highways, Transportation and Insurance Committee.

Senator Murphy (co-sponsors, Cook, Holloway, Kearns and Schlör) introduced SB 217;

SB 217 — “An Act to amend Title 7, Delaware Code, by adding a new Chapter, to be designated as Chapter 66 to create the authority within the Department of Natural Resources and Environmental Control to regulate the use of Delaware’s Coastal Wetlands, their upland border, their adjacent submerged lands and their overlying estuarine waters and to provide penalties for violation of the provisions thereof and to provide an appropriation thereto.” Assigned to Natural Resources and Environmental Control Committee.

Senator Cook (co-sponsors Holloway, Isaacs and Kearns) introduced **SB 218**:

SB 218 — “An Act to amend Title 7, Delaware Code, to establish a system of permits for any activity potentially resulting in environmental degradation, to authorize the Secretary of the Department of Natural Resources and Environmental Control to grant or deny a permit for any such activity, to clarify and strengthen the enforcement powers of the Division of Environmental Control, to increase the penalties for violation of duly adopted environmental law, to authorize the Secretary of the Department of Natural Resources and Environmental Control to obtain injunctive relief, and to grant licensing power.” Assigned to Natural Resources and Environmental Control Committee.

Senator Cook (co-sponsors Adams, Cordrey, Isaacs, Kearns, Martin, Murphy, Schlor and Zimmerman) introduced **SB 219**:

SB 219 — “An Act relating to the protection of the Marine and Coastal Resources of the State through the regulation of transfer of oil and hazardous substance in or on State waters and the creation of the Delaware Marine and Coastal Resources Protection Fund, requiring arbitration of certain claims, providing penalties for the violation thereof, and providing an appropriation thereto.” Assigned to Natural Resources and Environmental Control Committee.

On motion of Senator Steele, the necessary rules were suspended for the purpose of considering **HB 222**:

HB 222 — “An Act to amend Sections 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1321, 1322, 1324 and 1326 of Chapter 13, Title 14, Delaware Code, by providing for a five and one-half percent salary increase effective July 1, 1973.”

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Murphy, Schlor, Steele, Zimmerman — 18.

NOT VOTING: Senator Martin — 1.

ABSENT: Senators Castle and McCullough — 2.

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

On motion of Senator Manning, **SB 1** which had been deferred was again taken up for consideration.

At the request of Senator Manning, the privilege of the floor was extended to Samuel Russell and Victor Battaglia to speak on several Amendments proposed to the Bill.

At the request of Senator Zimmerman, the privilege of the floor was extended to Myron Steele to speak on several Amendments proposed to the Bill.

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

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

YES: Senators Cicione, Elliott, Isaacs, Schlör and Zimmerman — 5.

NO: Senators Cordrey, duPont, Hale, Hughes, Jarvis, Manning, Steele — 7.

NOT VOTING: Senators Adams, Berndt, Cook, Kearns, Martin, McCullough, Murphy — 7.

ABSENT: Senators Castle and Holloway — 2.

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

Senator Isaacs moved that final consideration of SB 1 be deferred.

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

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

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

ABSENT: Senator Castle — 1.

So the motion, having received the required constitutional majority, prevailed and SB 1 was deferred.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate HB 236 w/ HA 1 — 4 Merits.

On the motion of Senator Steele, the necessary rules were suspended for the purpose of considering HB 236 w/ HA 1.

HB 236 w/ HA 1 — "An Act making a supplemental appropriation to the Department of Public Safety, Division of State Police, for purchase of new vehicles."

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

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

ABSENT: Senator Castle — 1.

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

Senator Elliott introduced SR 57 and moved for its adoption.

SR 57 — "Relating to the restoration of Senate Bill No. 133."

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

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

NO: Senators Berndt, Cordrey, duPont, Hale, Manning, McCullough, Steele — 7.

NOT VOTING: Senator Hughes — 1.

ABSENT: Senator Castle — 1.

So the Resolution, having received the required constitutional majority, was adopted and SB 133 was restored to the Calendar.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate HB 221 — 2 Favorable, 2 Merits.

On motion of Senator Berndt, the necessary rules were suspended for the purpose of considering HB 221.

HB 221 — "An Act to amend Chapter 9 of Title 28, Delaware Code relating to prohibition of horse racing on certain religious holidays."

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

YES: Senators Adams, Berndt, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Kearns, McCullough, Murphy, Steele, Zimmerman — 14.

NO: Senator Schlör — 1.

NOT VOTING: Senators Hale, Manning and Martin — 3.

ABSENT: Senators Castle, Cicione and Jarvis — 3.

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

Senator Hughes (co-sponsor Senator duPont) introduced SCR 21 and moved that it be adopted.

SCR 21 — "Commending President Nixon upon his willingness to bring certain developments of the "Watergate" case to the attention of the American public."

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

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

NO: Senators Adams, Cordrey, Kearns, McCullough, Schlör, Zimmerman — 6.

NOT VOTING: Senators Isaacs and Murphy — 2.

ABSENT: Senators Castle and Cicione — 2.

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

On motion of Senator Cordrey, SJR 16 was taken up for consideration and read by title only:

SJR 16 — "Providing a transfer of authority to manage and designate waters for shellfish harvesting from the Department of Health and Social Services to the Department of Natural Resources and Environmental Control."

Senator Hale moved that final consideration of the Resolution be deferred.

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

YES: Senators Berndt, Hale, Jarvis, Steele — 4.

NO: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

ABSENT: Senators Castle, Cicione, duPont, Elliott, Hughes and Manning — 6.

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

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

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

NO: Senators Berndt, Hale, Jarvis, Steele — 4.

ABSENT: Senators Castle, Cicione, duPont, Elliott, Hughes, Manning — 6.

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

Senator Holloway introduced **SJR 18**:

SJR 18 — "Providing for the creation of a Task Force with the duty of studying the feasibility of establishing an Office of Child Development." Assigned to Health and Social Services Committee.

At 6:00 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. Tuesday, May 1, 1973.

The Senate reconvened at 2:00 p.m. Tuesday, May 1, 1973 and immediately adjourned to convene for the 27th Day.

27TH LEGISLATIVE DAY

The Senate was called to order at 2:00 p.m., Tuesday, May 1, 1973 by Lt. Gov. Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senator duPont — 1.

The Journal was approved as read.

The following message was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 21, 1973

Lieutenant Governor Eugene D. Bookhammer
President of the Senate

Dear Gene:

In accordance with the Delaware State Constitution, Article 4, Section 3, entitled "Appointment of judges; terms of office; vacancies; political representation; confirmation of appointment", I am hereby notifying you as President of the Senate, through this public letter, that I intend to submit to the Senate for confirmation an appointment to the vacancy that exists in the Court of Chancery.

In compliance with the ten-days' notice, I hereby notify you that when the Senate next convenes, I plan to nominate the Honorable Grover C. Brown, presently a Family Court Judge, of 924 Sunset Terrace, Dover, Delaware, for the position as the Vice Chancellor of the State of Delaware for the vacancy created by the expiration of the term of Isaac D. Short, II, which expired March 23, 1973.

Sincerely,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The following message was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 25, 1973

To the Delaware State Senate of the
127th General Assembly of the
State of Delaware

On April 13, 1973, I received Senate Bill No. 72, as amended by Senate Amendment No. 1 entitled:

**"AN ACT TO AMEND CHAPTER 10, TITLE
14, DELAWARE CODE, RELATING TO ROLL
CALL VOTES OF SCHOOL BOARDS."**

I am returning this Bill without my signature for the following reason:

The Bill was amended by the addition of the phrase "except when it is determined by the presiding officer that the vote . . . is unanimous." The amendment creates an ambiguity in that it is unclear as to what the phrase modifies. Read literally, the bill provides that when a vote is unanimous it shall not be a public record. I understand that the intent is to avoid the necessity of recording a roll call vote when the vote is

unanimous but in any case the minutes recording the vote would be a matter of public record.

I further understand that Senator Margaret Manning, the sponsor of this bill, has no objection to its veto and is in the process of preparing for introduction another bill which will clearly achieve the desires goal.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The following communication from Senator Isaacs was read and made part of the record:

**SENATE
STATE OF DELAWARE**

April 19, 1973

TO: Members of the Senate
FROM: Senator J. Donald Isaacs, President Pro Tempore
SUBJECT: Senate Resolution No. 56

(A Committee to study alcohol prices as they relate to Delaware.)

In accordance with the Senate Resolution No. 56, I have today appointed Senators Charles E. Hughes, Herman Holloway, Anthony J. Cicione, and Francis Kearns to serve on the Committee to Study Alcohol Prices as they relate to Delaware.

* * * * *

The Secretary read the following message from the House:
4-19-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 202; HB 153 w/ HA 1; HB 180** and requests the concurrence of the Senate.

The House also passed **SJR 3; SJR 14** and is returning same to the Senate.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HB 170 — 2 Favorable, 2 Merits; SB 171 — 4 Merits; SB 207 — 4 Merits.**

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate, **SB 195 — 2 Favorable, 1 Merits.**

Senator Steele, Chairman of the Finance Committee, reported back to the Senate, **HB 210 — 5 Merits; HB 228 — 5 Merits.**

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate **SB 170 — 5 Merits.**

The following communication from Senator Manning was read and made part of the record:

STATE OF DELAWARE
SENATE

May 1, 1973

Members of the Senate
127th General Assembly
Dover, Delaware 19901

Gentlemen:

This letter will serve as formal notification that I, as chairman of Community Affairs and Economic Development, intend to keep the following bills in committee for the noted reasons. As you have so effectively determined, it is, of course, possible to petition these bills out and, in that case, the responsibility will be yours — not mine.

SB 90 — Credit Charges.

After the hearing on April 19th, in my opinion, the bill would either spread the cost of credit to cash customers and/or prevent young adults from getting credit. It would also, hamper, needlessly, retailers in this state.

SB 91 — Changing title of Chief Administrative Officer in New Castle County.

Nobody has presented any compelling reason for this change.

SB 129 — Property tax abatement for certain Disabled Veterans.

This bill is clearly unconstitutional.

There are three other bills in our committee — SB 164, SB 212 and HB 182. On Wednesday, May 9th at 10:00 a.m, there will be a hearing in the Senate on SB 164 and at that time, or before, I hope to discuss and sign out the other two.

Sincerely,

Margaret R. Manning

* * * * *

Senator Zimmerman (co-sponsors Isaacs and Murphy) introduced SB 220:

SB 220 — "An Act to amend Section 1115, Chapter 11, Title 7, Delaware Code, relating to use of nets in tidal waters." Assigned to Natural Resources and Environmental Control Committee.

Senator Zimmerman (co-sponsors Isaacs and Murphy) introduced SB 221:

SB 221 — "An Act to amend Chapter 9, Title 7, Delaware Code, relating to rules and regulations concerning fishing in Delaware River and Bay." Assigned to Natural Resources and Environmental Control Committee.

Senator Zimmerman (co-sponsors Isaacs and Murphy) introduced SB 222:

SB 222 — "An Act to amend Title 7 of the Delaware Code by creating a new Section in Chapter 9 thereof to be designated as § 937 and a new Section in Chapter 22 thereof to be designated as § 1137, relating to the licensing of commercial fishing in all Delaware waters." Assigned to Natural Resources and Environmental Control Committee.

Senator Isaacs introduced SB 223:

SB 223 — "An Act to amend Chapter 13, Title 14, Delaware Code, by providing fractional support for a supervisor in School Districts with less than 150 State units." Assigned to Education Committee.

Senator Cook introduced SB 224:

SB 224 — "An Act relating to credited service for pension purposes for Norman R. Wagner, an employee of the State of Delaware, George R. Hunt, Lyle T. Maybee and Erwin Richter deceased former employees of the State of Delaware." Assigned to Finance Committee.

Senator Steele introduced SB 225:

SB 225 — "An Act making a supplemental appropriation to the division of Central Data Processing, Department of Administrative Services for operational costs." Assigned to Finance Committee.

Senator Manning introduced SB 226:

SB 226 — "An Act amending Title 11, Chapter 83, by adding a new paragraph relating to State Police compensation." Assigned to Public Safety Committee.

Senator Jarvis (co-sponsor Senator Hale) introduced SB 227:

SB 227 — "An Act to amend Chapter 1 and 13, Title 14 of the Delaware Code relating to education, and providing a student-teacher ratio for driver education classes." Assigned to Education Committee.

On motion of Senator Jarvis, SB 119 and SB 125 were stricken.

Senator Zimmerman (co-sponsor Senator Jarvis) introduced SS 1 for SB 69 which was adopted in lieu of the Original Bill.

Senator McCullough introduced SA 1, SA 2 to SB 212. Both Amendments placed with the Bill.

Senator Berndt introduced SA 1 to HS 2 for HB 26. Placed with the Bill.

Senator Steele introduced SA 1 to HB 191. Placed with the Bill.

Senator Murphy introduced SA 1 to SB 176. Placed with the Bill.

Senator Hughes introduced SA 1 to SB 207. Placed with the Bill.

The Chair introduced the following House Bills:

HB 153 w/ HA 1 — "An Act to amend Subchapter 11, Chapter 27, Title 21, Delaware Code, relating to suspension or revocation of license to operate a motor vehicle." Assigned to Public Safety Committee.

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

HB 202 — "An Act to amend Subpart D, Subchapter III, Chapter 5, Part 1, Title 11, Delaware Code, by making it a felony to steal, take and carry away certain animals, and prescribing a penalty therefor." Assigned to Judiciary and Elections Committee.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate SJR 18 — 4 Merits.

On motion of Senator Murphy, **SB 176** was taken up for consideration and read by title only:

SB 176 — "An Act to amend Subchapter 1 of Chapter 5, Title 7 of the Delaware Code pertaining to hunting, trapping and fishing licenses."

Senator Murphy introduced SA 1 to SB 176 and moved that it be adopted.

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

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

ABSENT: Senator duPont — 1.

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

Senator Murphy moved for the passage of **SB 176 w/ SA 1**.

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

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

ABSENT: Senator duPont — 1.

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

On motion of Senator Isaacs, **SJR 17** was taken up for consideration and read by title only:

SJR 17 — "Authorizing the Department of Natural Resources and Environmental Control to receive sealed bids for disposing of used boats, motors, and trailers through sealed

bids.”

At the request of Senator Isaacs, the privilege of the floor was extended to Secretary John C. Bryson, Department of Natural Resources and Environmental Control, to speak on the Bill.

On motion of Senator Isaacs, SJR 17 was stricken.

On motion of Senator Kearns, SB 184 was taken up for consideration and read by title only:

SB 184 — “An Act to amend Subchapter 1, Chapter 7, Title 7 of the Delaware Code by creating a new Section 705 relating to requiring persons engaged in the hunting of deer in this State to display on their person a minimum amount of color known as “hunter orange.”

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

On motion of Senator Manning, SB 188 was taken up for consideration and read by title only:

SB 188 — “An Act to amend Chapter 10, Title 14, Delaware Code, relating to roll call votes of School Boards.”

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

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

NO: Senator McCullough — 1.

NOT VOTING: Senators Cicione, Isaacs and Zimmerman — 3.

ABSENT: Senators duPont and Holloway — 2.

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

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

SB 196 — “An Act to provide a supplementary appropriation to the Department of Highways and Transportation to be used in compensating Richard H. Lee.”

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

YES: Senators Adams, Berndt, Cook, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Steele — 11.

NO: Senators Castle, Cordrey, Elliott — 3.

NOT VOTING: Senators Cicione, Isaacs, Murphy, Schlör, Zimmerman — 5.

ABSENT: Senators duPont and Holloway — 2.

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

On motion of Senator Elliott, SB 174 was taken up for consideration and read by title only:

SB 174 — "An Act making a supplementary appropriation to the State Board of Education to be used for a Summer Program in several School Districts for the trainable mentally handicapped pupils."

On motion of Senator Holloway, SA 1 to SB 174 was stricken.

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

On motion of Senator Elliott, SB 186 was taken up for consideration and read by title only:

SB 186 — "An Act to amend Subchapter 1, Chapter 9, Title 28 of the Delaware Code relating to the administration and processing of general liability insurance policies and certificates required of automobile race operators."

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

On motion of Senator Elliott, SB 174 which had been deferred was again taken up for consideration.

At the request of Senator Elliott, the privilege of the floor was extended to Robert Hawkins, Department of Public Instruction, to speak on the Bill.

Senator Holloway moved that SA 2 to SB 174 which had been placed with the Bill, now be adopted.

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

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

ABSENT: Senator duPont — 1.

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

Senator Elliott moved for the passage of SB 174 w/ SA 2.

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

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

ABSENT: Senator duPont — 1.

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

On motion of Senator Cicione, SB 155 was taken up for consideration and read by title only:

SB 155 — "An Act to amend Delaware Code, Title 14, Chapter 36, relating to education and providing financial aid to children of deceased veterans and others."

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

On motion of Senator Cordrey, SB 172 was taken up for consideration and read by title only:

SB 172 — "An Act authorizing the Board of Education of the Indian River School District to transfer 3.73 acres more or less, of land being the lands owned of record by the Indian River School District in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware in Deed Record Volume 663, Page 21, ec In To W. Blain Atkins in exchange for 7.30 acres of land, more or less, owned or record by W. Blaine Atkins in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware in Deed Record Volume 298, Page 345ec."

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

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

ABSENT: Senators Cicione and duPont — 2.

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

On motion of Senator Berndt, HB 164 was taken up for consideration and read by title only:

HB 164 — "An Act to amend Chapter 45, Part IV, Title 15 of the Delaware Code relating to elections, and providing a requirement that a candidate for elective office must seek election under his legal name and not a pseudonym, alias or "nickname".

Senator Zimmerman moved that SA 2 to HB 164 which had been placed with the Bill, now be adopted.

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

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

NO: Senators Hale and Manning — 2.

NOT VOTING: Senators Berndt, Castle, Hughes and Steele — 4.

ABSENT: Senators duPont, Martin and Schlör — 3.

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

Senator Berndt moved for the passage of HB 164 w/ SA 2.s,

Senator Berndt moved that the roll call on the passage of the Bill be tabled.

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

YES: Senators Cicione, McCullough and Schlör — 3.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Murphy, Steele, Zimmerman — 14.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators duPont, Holloway and Martin — 3.

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

Therefore, the roll call vote on the passage of HB 164 w/ SA 2 was announced to be:

YES: Senators Berndt, Cicione, Schlör, Steele — 4.

NO: Senators Adams, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Jarvis, Manning, McCullough, Murphy, Zimmerman — 12.

NOT VOTING: Senators Castle, Hughes, Kearns — 3.

ABSENT: Senators duPont and Martin — 2.

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

On motion of Senator Berndt, HB 170 w/ HA 1 was taken up for consideration and read by title only:

HB 170 w/ HA 1 — "An Act to amend Title 11 of the Delaware Code relating to the issuance of worthless checks."

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

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

ABSENT: Senators duPont and Isaacs — 2.

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

On motion of Senator Martin, SB 138 which had previously passed the Senate, was taken up for reconsideration as further amended by HA 1.

On further motion of Senator Martin, the roll call vote on the passage of the Bill (as so amended) was tabled.

At 5:00 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. Wednesday, May 2, 1973.

28TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 1:45 p.m. Wednesday, May 2, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call the following Senators were present:

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

The Journal was approved as read.

At the request of Senator Hughes, the following statement was read and made part of the record:

Statement by Senator Hughes:

May 2, 1973

Two weeks ago, before the Easter recess began, I pointed out in a short statement that there was danger of a severe gasoline shortage this summer and even worse in the fall. I asked the Governor to take an interest in this possibility and make some effort to report back to the General Assembly or the people. To date, I have heard nothing, either officially or unofficially. Yet, here we are only four weeks from one of the busiest resort weekends of the year.

My fears are being confirmed by the actions of some of the major oil companies and by statements by Secretary Morton of the Department of Interior. There is a shortage! A major outlet in the Wilmington area has cut service hours drastically. Service stations are running out of all grades of gasoline. This is bound to reduce jobs, not only for regular employees, but for the many young people who work at these places in the summer to make college money.

In my opinion, it is time the Governor stopped worrying about what his party chairman thinks and gets busy about a situation that could be the worst since World War II. How bad will the shortage be and what is he going to do about it?

* * * * *

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate SB 208 — 4 Merits. HB 202 — 1 Favorable, 3 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate, SB 225 — 5 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate — HB 182 — 1 Favorable, 3 Merits.

The Secretary read the following message from the House:

5-1-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 208 w/ HA 1, 2, and requests the concurrence of the Senate.

The House also passed SB 13 w/ SA 1; SB 16 w/ SA 2; SB 162. and is returning same to the Senate.

Senator Kearns introduced SA 1 to SB 184. Placed with the Bill.

Senator Isaacs introduced SB 228:

SB 228 — "An Act authorizing the Department of Natural Resources and Environmental Control to receive sealed bids for disposing of certain used boats, motors and trailers through sealed bids." Assigned to Natural Resources and Environmental

Control Committee.

Senator Manning (co-sponsor Senator Holloway) introduced SB 229:

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

The Chair introduced HB 208 w/ HA 1, 2:

HB 208 w/ HA 1, 2 — "An Act to amend Chapter 11, Part II, Title 16 of the Delaware Code relating to sanatoria, rest homes, nursing homes, boarding homes and related institutions." Assigned to Health and Social Services Committee.

On motion of Senator Schlör, the roll call on SB 24 was lifted and announced to be:

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

NO: Senators Berndt, Cordrey, duPont, Holloway, Manning, Martin — 6.

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

ABSENT: Senator Jarvis — 1.

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

On motion of Senator Kearns, SB 184 which had been deferred was again taken up for consideration.

Senator Kearns introduced SA 1 to SB 184 and moved that it be adopted.

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

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

ABSENT: Senators Jarvis and Manning — 2.

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

Senator Kearns moved for the passage of SB 184 w/ SA 1.

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

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

ABSENT: Senator Manning — 1.

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

On motion of Senator Steele, HB 210 was taken up for consideration and read by title only:

HB 210 — "An Act making a supplemental appropriation to the Marydel Volunteer Fire Co., Inc. for maintenance and operations of its rescue truck."

At the request of Senator Steele, the privilege of the floor was extended to Sergeant-at-arms Fred Brown, to speak on the Bill.

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

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

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

On motion of Senator Steele, **HB 228** was taken up for consideration and read by title only:

HB 228 — "An Act authorizing the Department of Health and Social Services to transfer certain funds."

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

On motion of Senator Elliott, **SB 195** was taken up for consideration and read by title only:

SB 195 — "An Act to add Chapter 36, Title 24, of the Delaware Code relating to Speech Pathologists and Audiologists: providing for a Board of Examiners of Speech Pathologists and Audiologists; license required to practice Speech Pathology and/or Audiology and provide for violations."

At the request of Senator Elliott, the privilege of the floor was extended to Jack C. Fisher, Delaware Speech and Hearing Association, to speak on the Bill.

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

At 3:00 p.m., on motion of Senator Isaacs, a half-hour recess was taken.

The Senate reconvened at 3:55 p.m.

On motion of Senator Steele, **HB 191** was taken up for consideration and read by title only:

HB 191 — "An Act to amend Chapter 548, Volume 58, Laws of Delaware, relating to the Department of Administrative Services, and providing for the transfer of funds formerly appropriated for mini-buses."

At the request of Senator Steele, the privilege of the floor was extended to William S. Hearn, Bureau of Aging - Department of Health and Social Services, to speak on the Bill.

Senator Steele moved that SA 1 to **HB 191** which had previously been placed with the Bill, now be adopted.

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

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

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

NOT VOTING: Senator Isaacs — 1.

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

Senator Steele moved for the passage of HB 191 w/ SA 1.

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

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

ABSENT: Senator Isaacs — 1.

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

On motion of Senator Hughes, SB 207 was taken up for consideration and read by title only:

SB 207 — "An Act to amend Chapter 7, Title 4, Delaware Code, relating to the sale of alcoholic liquor on Sunday and Thanksgiving Day."

Senator Hughes moved that SA 1 to SB 207 which had been previously placed with the Bill, now be adopted.

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

YES: Senators Adams, Berndt, Cicione, Cook, duPont, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senators Cordrey and Elliott — 2.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Holloway and Isaacs — 2.

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

Senator Hughes moved for the passage of SB 207 w/ SA 1.

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

YES: Senators: Cicione, Cook, duPont, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 13.

NO: Senators Adams, Berndt, Cordrey, Elliott, McCullough — 5.

NOT VOTING: Senators Castle and Hale — 2.

Absent: Senator Isaacs — 1.

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

On motion of Senator Steele, SB 201 was taken up for consideration and read by title only:

SB 201 — "An Act providing that Federal Revenue Sharing Funds received by the State during the fiscal year 1973 be used in payment of the 1973 Fiscal Year appropriation to the State Employees' Retirement Fund."

Senator Manning introduced SA 1 to SB 201 and moved that it be adopted.

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

YES: Senators Castle, duPont, Elliott, Hale, Jarvis, Manning, — 6.

NO: Senators Adams, Berndt, Cook, Cordrey, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Steel, Zimmerman — 13.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senator Cicione — 1.

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

Senator Steele moved for the passage of SB 201.

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

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

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

NOT VOTING: Senator Holloway — 1.

ABSENT: Senator Cicione — 1.

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

On motion of Senator Holloway, SJR 18 was taken up for consideration and read by title only::

SJR 18 — "Providing for the creation of a task force with the duty of studying the feasibility of establishing an Office of Child Development."

At the request of Senator Holloway, the privilege of the floor was extended to Mrs. Judith Myers, Department of Public Instruction, to speak on the Resolution.

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

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

NO: Senator Steele — 1.

ABSENT: Senators Cicione and Hughes — 2.

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

The Chair introduced HJR 10:

HJR 10 — "Proclaiming the month of May as "Older Americans' Month" and extending an invitation to the members of the Delaware Council for Senior Citizens to visit Legislative Hall." Assigned to Community Affairs Committee.

At 5:18 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. Thursday, May 3, 1973.

The Senate reconvened at 1:50 p.m., May 3, 1973, Lt. Governor Bookhammer presiding.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **HJR 10** — 3 Favorable, 1 Merits.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate: **SB 36** — 1 Favorable, 4 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **SB 220** — 4 Merits; **SB 221** — 4 Merits; **SB 222** — 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 153** — 5 Merits; **SB 159** — 5 Merits; **SB 182** — 5 Merits; **SB 183** — 4 Merits, 1 Unfavorable; **SB 189** — 5 Merits; **SB 190** — 5 Merits; **SB 200** — 5 Merits; **SB 202** — 5 Merits; **HB 115** — 5 Merits.

The following communications from the Governor were read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 1, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

Leonard Rayne
R.D. 2, Box 89A
Laurel, Delaware

to be a member of the Delaware
Alcoholic Beverage Control
Commission, for a three-year
term from date of confirmation,
succeeding Robert J. Kennedy.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 2, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

| | |
|--------------------------|--------------------------------------|
| Grover C. Brown, Esquire | to be a Vice-Chancellor of the |
| 924 Sunset Terrace | Court of Chancery, for a twelve |
| Dover, Delaware 19901 | year term from date of confirma- |
| | tion, succeeding Isaac D. Short, II. |

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

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**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 2, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

| | |
|---------------------------|-------------------------------------|
| Joseph S. Czerwinski | to be a member of the Department |
| 204 South Franklin Street | of Elections for New Castle County, |
| Wilmington, Delaware | to fill the unexpired term ending |
| | October 6, 1975, succeeding Joseph |
| | F. Grabowski, deceased. |

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

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**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 2, 1973

To the Senate of the 127th General
Assembly of the State of Delaware:

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

| | |
|----------------------|---------------------------------|
| James W. Gardner | to be a member of the Delaware |
| 1009 Walnut Street | Alcoholic Beverage Control |
| Wilmington, Delaware | Commission, for a three-year |
| | term from date of confirmation, |
| | succeeding John Samuels. |

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

The letters of nomination for appointment were assigned to the Executive Committee.

Senator Elliott introduced SB 230:

SB 230 — "An Act to amend Title 29 of the Delaware Code relating to public records and meetings, and the "Public's Right to Know." Assigned to Community Affairs Committee.

Senator Elliott introduced SB 231:

SB 231 — "An Act to amend Title 10 and Title 11 of the Delaware Code implementing the Constitutional right to a speedy trial in criminal prosecutions." Assigned to Judiciary and Elections Committee.

Senator Isaacs introduced SB 232:

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

Senator Kearns introduced SB 233:

SB 233 — "An Act to amend Section 5914 Title 11, Delaware Code, requiring a preliminary hearing for a person arrested and charged with a crime to determine probable cause." Assigned to Judiciary and Elections Committee.

Senator Zimmerman introduced SB 234:

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

Senator Martin introduced SB 235:

SB 235: — "An Act to amend Part II, Title 6, Delaware Code, by creating a new Chapter to be designated as Chapter 22 relating to consumer unit price information." Assigned to Community Affairs Committee.

Senator Elliott introduced SA 1 to SB 195. Placed with the Bill.

Senator Zimmerman introduced SA 1 to SB 214. — Placed with the Bill.

Senator Isaacs introduced SA 1 to SB 222. Placed with the Bill.

At 2:00 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 29th Day.

29TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:00 p.m., Thursday, May 3, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senators Hale and Hughes — 2.

The Journal was approved as read.

The Secretary read the following message from the House:

5-2-73

Mr. President:

The House wishes to inform the Senate that it has passed **HB 250 w/ HA 1; HB 200; HCR 12; HJR 10; HCR 11** and requests the concurrence of the Senate.

The House also passed **SB 92 w/ HA 1** and is returning same to the Senate.

The Chair introduced the following House Bills:

HB 250 w/ HA 1 — "An Act to amend Chapter 11 of Title 30, Delaware Code relating to modifications of taxable income." Assigned to Finance Committee.

HB 200 — "An Act to amend Subchapter V, of Chapter 5, Title 7, of the Delaware Code pertaining to taking game, birds, eggs or fish for scientific or propagation purposes." Assigned to Natural Resources and Environmental Control Committee.

The Chair introduced **HCR 11:**

HCR 11 — "Suggesting a method by which the Department of Health and Social Services may utilize State land near the Delaware State Correctional Institute."

On motion of Senator Elliott, final consideration of **HCR 11** was deferred.

The Chair introduced **HCR 12:**

HCR 12 — "Saluting Wesley Junior College, Dover, Delaware on the Occasion of its Centennial Celebration."

Senator duPont moved that the Resolution be adopted.

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

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

ABSENT: Senators Hale and Hughes — 2.

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

Senator Elliott (co-sponsor Senator Holloway) introduced **SB 236:**

SB 236: — "An Act to amend Part II, Title 6 of the Delaware Code, relating to persons engaged in the Home Improvement Business; regulations for same; the handling of complaints against fraudulent practices; regulation of Home Improvement Salesmen and Home Improvement Contracts; licensing of Home Improvement Contractors." Assigned to

Community Affairs Committee.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 132 — 3 Merits; SB 228 — 4 Merits.

Personal privilege of the floor was extended to Senator Elliott to make a few remarks concerning SB 192.

On motion of Senator Manning, HB 182 was taken up for consideration and read by title only:

HB 182 — "An Act to amend Title 12, Title 14, Title 21, Title 24, Title 29 and Title 31 of the Delaware Code relating to age of majority in Delaware; and changing the age requirements for certain acts, rights and privileges presently enjoyed by persons twenty-one years of age and older."

At the request of Senator Manning, the privilege of the floor was extended to Thomas A. Shiels and Edward Fischer, Legislative Council representatives, to speak on the Bill.

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

YES: Senators Adams, Castle, Cook, duPont, Elliott, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 15.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Cicione, Cordrey, Hale, Hughes, McCullough — 5.

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

On motion of Senator Steele, SB 225 was taken up for consideration and read by title only:

SB 225 — "An Act making a supplemental appropriation to the Division of Central Data Processing, Department of Administrative Services for operational costs."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 16.

NO: Senator Elliott — 1.

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

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

On motion of Senator Murphy, SB 208 was taken up for consideration and read by title only:

SB 208 — "An Act providing for an additional penalty for juveniles convicted for an act of delinquency known as Criminal Mischief."

Senator Murphy introduced SA 1 to SB 208 and moved that it be adopted.

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

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

ABSENT: Senators Cook, Hale and Hughes — 3.

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

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

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

On motion of Senator Zimmerman, SB 220 was taken up for consideration and read by title only:

SB 220 — "An Act to amend Section 1115, Chapter 11, Title 7, Delaware Code relating to the use of nets in Tidal Waters."

At the request of Senator Zimmerman, the privilege of the floor was extended to Secretary John C. Bryson, Department of Natural Resources and Environmental Control, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, duPont, Elliott, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Cordrey, Hale, Holloway and Hughes — 4.

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

On motion of Senator Zimmerman, SB 221 was taken up for consideration and read by title only:

SB 221 — "An Act to amend Chapter 9, Title 7, Delaware Code, relating to rules and regulations concerning fishing in Delaware River and Bay."

Senator Zimmerman introduced SA 1 to SB 221 and moved that it be adopted.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Hale, Holloway and Hughes — 3.

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

Senator Zimmerman moved for the passage of SB 221 w/ SA 1.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Isaacs, Jarvis, Kearns, Martin, Murphy, Schlor, Steele, Zimmerman — 15.

NOT VOTING: Senators duPont and Manning — 2.

ABSENT: Senators Hale, Holloway, Hughes, McCullough — 4.

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

On motion of Senator Zimmerman, SB 222 was taken up for consideration and read by title only:

SB 222 — "An Act to amend Title 7 of the Delaware Code by creating a new section in Chapter 9 thereof to be designated as § 937 and a new section in Chapter 11 thereof to be designated as § 1137, relating to the licensing of commercial fishing in all Delaware Waters."

At the request of Senator Zimmerman, the privilege of the floor was extended to Secretary John Bryson, Department of Natural Resources and Environmental Control, to speak on the Bill.

Senator Isaacs introduced SA 1 to SB 222 and moved that it be adopted.

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

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

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Hale, Holloway and Hughes — 3.

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

Senator Zimmerman moved for the passage of SB 222 w/ SA 1.

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

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

NOT VOTING: Senator duPont — 1.

ABSENT: Senators Hale, Holloway and Hughes — 3.

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

On motion of Senator Berndt, HS 2 for HB 26 w/ HA 1 was taken up for consideration and read by title only:

HS 2 for HB 26 w/ HA 1 — "An Act to amend Title 15, Chapter 45, Delaware Code, relating to the designation of

political offices on official ballot and changing the certificates of votes cast in each election district."

Senator Berndt moved that SA 1 to the Bill, which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: Senators Cicione, Hale, Holloway and Hughes — 4.

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

Senator Berndt moved for the passage of HS 2 for HB 26 w/ HA 1, SA 1.

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

YES: Senators Adams, Berndt, Castle, Cordrey, duPont, Elliott, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

ABSENT: Senators Cicione, Cook, Hale, Holloway and Hughes — 5.

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

On motion of Senator Isaacs, SB 133 was taken up for consideration and read by title only:

SB 133 — "An Act to amend Chapter 5, Title 1 of the Delaware Code relating to legal Holidays, and establishing the Friday after Thanksgiving as a Legal Holiday."

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

On motion of Senator Isaacs, HJR 10 was taken up for final consideration and read by title only:

HJR 10 — "Proclaiming the month of May as "Older Americans' Month" and extending an invitation to the members of the Delaware Council for Senior Citizens to visit Legislative Hall."

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

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

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

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

Senator Manning introduced SR 58:

SR 58 — "Commending Professor Arnold Gordenstein of the University of Delaware for his years of dedicated teaching

and recommending that the proper authorities at the University speedily reconcile the controversy surrounding his contract dispute."

At the request of Senator Manning, the privilege of the floor was extended to Mary C. Boudart, representing the Students at the University of Delaware, to speak on the Resolution.

Senator Manning moved that the Resolution be adopted.

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

YES: Senator Manning — 1.

NO: Senators Adams, Cordrey, Elliott, Martin, McCullough, Steele, Zimmerman — 7.

NOT VOTING: Senators Berndt, Castle, Cook, duPont, Isaacs, Kearns, Murphy, Schlör — 8.

ABSENT: Senators Cicione, Hale, Holloway, Hughes, Jarvis — 5.

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

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate the following nominations for appointment by the Governor: James W. Gardner — 4 Favorable, 1 Merits; Leonard Rayne — 2 Favorable, 2 Merits, 1 Unfavorable; Grover C. Brown — 5 Favorable; Joseph S. Czerwinski — 5 Favorable.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: HB 208 w/ HA 1, 2 — 4 Merits; HS 2 for HB 6 w/ HA 1 — 4 Merits.

Senator Murphy introduced SB 237:

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

Senator Cook (co-sponsor Senator Steele) introduced SB 238:

SB 238: — "An Act to amend Title 18, Chapter 31, Delaware Code, relating to fair disclosure in Group Life Insurance and approval by the Delaware State Insurance Commissioner of groups for which plans of insurance shall issue." Assigned to Highways, Transportation and Insurance Committee.

Senator Kearns (co-sponsors Berndt and Jarvis) introduced SA 1 to SB 149. Placed with the Bill.

On motion of Senator Cordrey, HCR 11 which had been tabled, was lifted.

At the request of Senator Cordrey, the privilege of the floor was extended to Jack A. Mitchell, State Architect, and Francis M. Jornlin to speak on the Resolution.

At the request of Senator Manning, the privilege of the floor was extended to G. Thomas Schlbroom, to speak on the

Resolution.

On motion of Senator Cordrey, the Resolution was again tabled.

At 4:48 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. on Tuesday, May 8, 1973.

The Senate reconvened at 1:50 p.m. Tuesday, May 8, 1973, Lt. Governor Bookhammer presiding.

Senator Isaacs introduced SA 4 to SB 7. Placed with the Bill.

Senator Murphy introduced SA 2 to SB 208. Placed with the Bill.

Senator Isaacs introduced SB 239:

SB 239: — "An Act to provide a supplementary appropriation to the Department of Natural Resources and Environmental Control to provide matching funds for the purpose of making a survey of the boundaries of the State of Delaware." Assigned to Finance Committee.

At 1:55 p.m. the Senate adjourned on motion of Senator Isaacs to immediately convene for the 30th day.

30TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 1:55 p.m. Tuesday, May 8, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

At the request of Senator Cook, the privilege of the floor was extended to Alan V. Sokolow, Director Eastern Office, Council of State Governments.

At the request of Senator Hughes, the following communication was read and made part of the record:

I want to commend Governor Tribbitt for appointing the special committee I recommended to check on the oil and gasoline supply in the State. Just this morning, a Washington news dispatch tells us that the President is now expected to ask for voluntary rationing. This could very well be the first step down the short path to forced rationing. If that happens this summer, our resort areas, on which we spend so much money, will be hard hit and hundreds of our young people will not have the summer jobs they need to pay their college expenses.

Before the Easter recess, I had urged the Governor to take some action on this matter. And last week, I did so again. Now he has appointed a special committee, and I hope he is not too late. The signs of a gas shortage are all about us, and I want to protect our vacation interest which could be badly hurt.

(Signed) Senator C. E. Hughes

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate , HCR 6 - 1 Favorable, 4 Merits.

Senator Kearns (co-sponsors Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Manning, Martin, Murphy, Schlor, Steele, Zimmerman) introduced SJR 19:

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

WHEREAS, there is presently pending before the Civil Aeronautics Board in Washington a proceeding captioned "Wilmington Service Investigation", initiated by the Board which has as its stated purpose the elimination of all certificated air service into and out of the State of Delaware which will make Delaware the only State in the fifty states without such service; and

WHEREAS, for nearly thirty years the Civil Aeronautics Board affirmatively acknowledged Delaware's need for more and better commercial air service and repeatedly denied petitions by airlines to terminate service, the most recent denial of which was 1970; and

WHEREAS, the airlines presently obligated to service Delaware have unilaterally discontinued certain service in violation of orders of the Civil Aeronautics Board and purposefully downgraded and rendered inadequate service and now use those created conditions in the attempt to justify an economic need to terminate all service; and

WHEREAS, in the face of a gasoline energy crisis, with our highways already over-burgeoned with traffic, with the attempt of the bankrupt railroads to discontinue rail service in the entire Northeast, it is imperative to Delaware's economy, future development and the welfare of her people that she retain and upgrade commercial airline service; and

WHEREAS, the Governor of Delaware has ordered that the State of Delaware be added as a party to and join in the proceedings before the Civil Aeronautics Board.

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Delaware Congressional delegation be advised of the opposition of the members of the Delaware General Assembly and the citizens of Delaware to the proposed elimination of commercial air service in this State.

BE IT FURTHER RESOLVED, that the 127th General Assembly of the State of Delaware go on record as vigorously opposing the cessation of commercial air service and recommend and request that the Civil Aeronautics Board consider the public need and not merely acquiesce to the airline lobby.

BE IT FURTHER RESOLVED, that the text of this Resolution be spread upon the Journals of the Delaware Senate

and House of Representatives, and copies of this Resolution be forwarded to all members of the Delaware Congressional delegation, U.S. Senator William V. Roth, Jr., U.S. Senator Joseph R. Biden, Jr., and U.S. Representative Piere S. duPont IV, with the request that it be incorporated into the Congressional Record.

* * * * *

The Resolution was assigned to Highways, Transportation and Insurance Committee.

Senator Castle introduced SB 240:

SB 240 — "An Act to amend Chapter 84, Part V, Title 9 of the Delaware Code relating to the collection of capitation taxes in each County." Assigned to Community Affairs Committee.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate, SB 106 — 1 Favorable, 4 Merits.

Senator Cook (co-sponsors Adams, Cordrey, Isaacs, Kearns, Martin, Murphy, Schlör and Zimmerman) introduced SS 1 for SB 219.

On motion of Senator Cook, the Substitute Bill was adopted in lieu of the Original.

On motion of Senator duPont, SCR 16 was stricken.

On motion of Senator Isaacs, SB 92 which had previously passed the Senate was taken up for reconsideration as further amended by HA 1.

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

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

ABSENT: Senators Cicione and McCullough — 2.

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

On motion of Senator Hughes, SB 209 was taken up for consideration and read by title only:

SB 209 — "An Act to provide a supplementary appropriation to the Department of Highways and Transportation, Division of Transportation, to contract for Commuter Transportation Service with SEPTA."

At the request of Senator Hughes, the privilege of the floor was extended to John D. Hidenger, Division of Transportation, to speak on the Bill.

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

YES: Senators Berndt, Castle, Cicione, Cook, duPont, Elliott, Hale, Hughes, Jarvis, Kearns, Martin, Schlör — 12.

NO: Senators Cordrey, Holloway, Manning, McCullough, Steele, Zimmerman — 6.

NOT VOTING: Senators Adams, Isaacs, Murphy — 3.

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

concurrence.

On motion of Senator Berndt, SB 36 was taken up for consideration and read by title only:

SB 36 — “An Act to amend Article 9, Title 5—A of the Delaware Code relating to the destruction, disposal or removal of personal property subject to a security interest.”

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

On motion of Senator Elliott, **HB 208 w/ HA 1, 2** was taken up for consideration and read by title only:

HB 208 w/ HA 1, 2 — “An Act to amend Chapter 11, Part II, Title 16 of the Delaware Code relating to sanatoria, rest homes, nursing homes, boarding homes and related institutions.”

Senator Elliott introduced SA 1 to the Bill and moved that it be adopted.

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

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

NOT VOTING: Senators Manning and McCullough — 2.

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

At the request of Senator Elliott, the privilege of the floor was extended to Daniel E. Weiss, to speak on the Bill.

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

On motion of Senator Elliott, **HS 2 for HB 6 w/ HA 1** was taken up for consideration and read by title only:

HS 2 for HB 6 w/ HA 1 — “An Act to amend Subchapter III of Chapter 17, Title 24, Delaware Code, relating to qualifications to practice medicine and surgery.”

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

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

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

ABSENT: Senator Holloway — 1.

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

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

At the request of Senator Kearns, the following 2 communications were read into the record:

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
STATE OF DELAWARE**

April 27, 1973

TO: The Honorable Francis Kearns
FROM: J.D. White
SUBJECT: Senate Bill No. 149

Enclosed are comments representing the Department's viewpoint regarding your legislative proposal in Senate Bill No. 149.

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

* * * * *

COMMENTS:

I See the addition of paragraph (c) as a possible advantage to the Division of Drug Abuse Control in that many of our counselors have on occasion appeared in the Magistrate Courts as client advocates. Since many drug offenders appear first at the Magistrate Court, this addition to the Bill would seem appropriate.

Submitted by: William B. Merrill
Title: Acting Director, D.D.A.C.

* * * * *

At the request of Senator Kearns, final consideration of SB 149 was deferred.

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

At the request of Senator Elliott, the privilege of the floor was extended to Lewis Darling, Insurance Department, to speak on the Bill.

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

Senator Steele, Chairman of the Finance Committee, reported back to the Senate, SB 239 — 4 Merits.

Senator Isaacs introduced SB 241:

SB 241 — "An Act to amend Chapter 80, Title 29, Delaware Code, relating to the Council on Shell Fisheries." Assigned to Natural Resources and Environmental Control Committee.

At 4:12 p.m., on motion of Senator Manning, the Senate recessed until 1:30 p.m. Wednesday, May 9, 1973.

The Senate reconvened at 2:00 p.m. May 9, 1973, Lt. Governor Bookhammer presiding.

The Secretary read the following message from the House:

5-9-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 134 w/ HA 1, 2; HB 185 w/ HA 3, 5, 7; HCR 13; HCR 14 and requests the concurrence of the Senate.

The Chair introduced HCR 14:

HCR 14 — "Providing that a Joint Session of the House of Representatives and the Senate be convened to witness the awarding of the Conspicuous Service Cross to Commander Robert Doremus by the Governor."

Senator Isaacs moved that the Resolution be adopted.

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

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

ABSENT: Senators Elliott, Holloway and McCullough — 3.

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

The Chair introduced the following House Bills:

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

HB 185 w/ HA 3, 5, 7 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the powers, duties and procedures of the Board of Parole." Assigned to Judiciary and Elections Committee.

The Chair introduced **HCR 13** — "Memorializing the Delaware Congressional Delegation favorably consider a measure now pending in the United States Congress which extends the Railroad Retirement Annuities Program" Assigned to Finance Committee.

Senator Isaacs introduced **SB 242:**

SB 242 — "An Act to amend Chapter 80, Title 29, Delaware Code, relating to grants to qualified agencies for the construction of treatment works." Assigned to Natural Resources and Environmental Control Committee.

Senator Manning introduced **SB 243:**

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

Senator Jarvis introduced **SB 244:**

SB 244 — "An Act to amend Chapter 10, Part I, Title 14 of the Delaware Code relating to the School Boards of Reorganized School Districts, and providing compensation to School Board Members." Assigned to Education Committee.

Senator Hale introduced **SB 245:**

SB 245 — "An Act to amend Chapter 17, Title 24 of the Delaware Code relating to anatomical studies, and providing for the disposition of the remains of bodies which have been donated." Assigned to Health and Social Services Committee.

Senator Schlor introduced **SB 246:**

SB 246 — "An Act providing for the regulation, control and licensing of Dog Racing in the State of Delaware." Assigned

to Labor and Industrial Relations Committee.

Senator Castle introduced SJR 20:

SJR 20 — "Memorializing the Congress of the United States to call a Constitutional Convention for the exclusive purpose of proposing a Constitutional Amendment which would give the District of Columbia Full voting representation in Congress." Assigned to Judiciary and Elections Committee.

Senator Isaacs introduced SCR 22 and moved that it be adopted.

SCR 22 — "Welcoming McDonald Thomas Coker as he returns to his Legislative Council duties while recuperating from surgery."

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

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

ABSENT: Senators Cicione and Jarvis — 2.

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

Senator Isaacs (co-sponsor Senator Cook) introduced SR 59 and moved that it be adopted.

SR 59 — "Permitting members of the written and oral Press to tape record live sessions of the Delaware State Senate."

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

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

ABSENT: Senator Jarvis — 1.

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

Senator Elliott introduced SA 2 to HB 208, w/ HA 1, 2. Placed with the Bill.

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate: SS 1 for SB 69 — 5 Merits; HB 153 w/ HA 1 — 5 Merits; HB 123 w/ HA 1 — 5 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: SB 238 — 5 Merits; SJR 19 — 5 Merits; HB 120 — 5 Merits; HB 61 w/ HA 4 — 1 Favorable, 4 Merits; HB 35 w/ HA 1, 2 — 1 Favorable, 4 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: HB 200 — 4 Merits; SB 232 — 3 Merits, 1 Unfavorable; SB 241 — 4 Merits.

At 2:19 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 31st Day.

31ST LEGISLATIVE DAY .

The Senate was called to order by Lt. Governor Bookhammer at 2:15 p.m., Wednesday, May 9, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

Senator Isaacs moved that the Governor's nomination for appointment of Joseph Czewinski be considered for confirmation by the Senate.

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

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

NOT VOTING: Senators Berndt, duPont, Hale, Hughes, Jarvis, Manning, McCullough and Steele — 8.

So the appointment, having received the required constitutional majority, was confirmed.

Senator Isaacs moved that the Governor's nomination for appointment of James W. Gardner be considered for confirmation by the Senate.

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

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

NOT VOTING: Senator Jarvis — 1.

So the appointment, having received the required constitutional majority, was confirmed.

Senator Isaacs moved that the Governor's nomination for appointment of Grover C. Brown be considered for confirmation by the Senate.

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

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

NO: Senator Manning — 1.

So the appointment, having received the required constitutional majority, was confirmed.

On motion of Senator Isaacs, the Governor's nomination for appointment of Leonard Rayne was considered for confir-

mation by the Senate.

At the request of Senator Isaacs, the privilege of the floor was extended to R. James Mainer, to speak on the appointment.

Senator Isaacs moved that the roll call on the appointment be tabled and a recess of a half-hour be taken. No objection.

The Senate reconvened at 3:55 p.m.

A roll call vote was ordered taken on the motion to table the appointment of Leonard Rayne and announced to be:

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

NO: Senators Adams, Berndt, duPont, Hale, Manning, Steele — 6.

NOT VOTING: Senator Jarvis — 1.

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

Senator Isaacs moved that the roll call on the appointment of Leonard Rayne be lifted.

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

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

NO: Senators Adams, Berndt, duPont, Hale, Jarvis, Manning, Steele — 7.

NOT VOTING: Senators Castle and Hughes — 2.

So the motion, having received the required constitutional majority, prevailed and the roll call on the confirmation of the appointment of Leonard Rayne was lifted and announced to be:

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

NO: Senator Adams and Steele — 2.

NOT VOTING: Senators Berndt, Castle, Cordrey, duPont, Hale, Hughes, Jarvis, Manning — 8.

So the appointment, having received the required constitutional majority, was confirmed.

The Secretary read the following message from the House:

5-9-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 213 w/ HA 1; HB 226; HB 230 w/ HA 1; HB 233; HB 238 w/ HA 1; HB 246., and requests the concurrence of the Senate.

Senator Isaacs introduced SJR 21:

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

WHEREAS, the Members of the 127th General Assembly have learned with regret of the death of Frank Moody at the age

of ninety-two; and

WHEREAS, Frank Moody was elected by the people of Pencader Hundred to the Senate of the State of Delaware where he served with distinction as a member of the 106th and 107th General Assemblies; and

WHEREAS, Frank Moody was a lifelong resident of the Newark area and a member of the First Presbyterian Church of Newark; and

WHEREAS, in addition to his time and service in the General Assembly, Frank Moody left his beloved profession of farming to serve as Treasurer of New Castle County.

NOW, THEREFORE:

BE IT RESOLVED that the Members of the 127th General Assembly and the Governor of Delaware extend their deepest sympathies to the family and friends of Frank Moody.

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the Journals of both the Senate and House of Representatives and that copies of this resolution be sent to Frank's widow, Golda, and to his sons, Frank H. Moody, John C. Moody, and Elwood G. Moody; and to his daughter, Mrs. Anna M. Lester.

* * * * *

Assigned to Community Affairs Committee.

Senator McCullough introduced SB 247:

SB 247 — "An Act increasing the sum appropriated for the purpose of establishing scholarships at Delaware College University of Delaware." Assigned to Finance Committee.

Senator Isaacs introduced SA 1 to SB 241. Placed with the Bill.

Senator Berndt introduced SA 3 to HB 208. Placed with the Bill.

The Chair introduced the following House Bills:

HB 213 w/ HA 1 — "An Act to amend Subchapter 11, Chapter 41, Part III, Title 21 of the Delaware Code relating to the rules of the road, and permitting a right-hand turn under certain circumstances." Assigned to Public Safety Committee.

HB 226 — "An Act to amend Part III, Chapter 47, Title 29, Delaware Code, relating to burials paid for by the State or other political subdivisions." Assigned to Community Affairs Committee.

HB 230 w/ HA 1 — "An Act making a supplemental appropriation to the Office of Personnel; the Department of Finance; the Department of State; and the Department of Elections, Kent County for operational costs." Assigned to Finance Committee.

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

HB 238 w/ HA 1 — "An Act making a supplemental appropriation to the Department of Highways and Transporta-

tion for termination pay of the Director of Highways." Assigned to Finance Committee.

HB 246 — "An Act to amend Chapter 11, of Title 30, Delaware Code, relating to credit for income Tax paid to a political subdivision of another State." Assigned to Finance Committee.

On motion of Senator duPont, SB 179 was taken up for consideration and read by title only:

SB 179 — "An Act to amend Chapter 45, Part III, Title 21, Delaware Code relating to motor vehicles, and modifying requirements to size of vehicles and loads."

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

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

On motion of Senator Zimmerman, SB 159 was taken up for consideration and read by title only:

SB 159 — "An Act to amend Chapter 93, Title 10, Delaware Code relating to limitations of venue of civil actions and providing for services of process by Constables."

At the request of Senator Zimmerman, the privilege of the floor was extended to Myron T. Steele, Senate Attorney, to speak on the Bill.

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

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

NO: Senators Castle, duPont, Hale, Jarvis, Manning — 5.

ABSENT: Senator Steele — 1.

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

On motion of Senator Zimmerman, SB 202 was taken up for consideration and read by title only:

SB 202 — "An Act to amend Chapter 158 Volume 36, Laws of Delaware 1929, as amended, relating to elections."

Senator Zimmerman requested that the following be made part of the record:

CITY OF DOVER

9 May 1973

The Honorable Jacob W. Zimmerman
Dover, Delaware 19901
RE: Senate Bill 202

Dear Senator Zimmerman:

This is to advise you that the City of Dover is familiar with the contents of Senate Bill 202 which amends certain portions of the Charter of the City of Dover.

It is the desire of the Mayor and Council that you take the necessary steps with your support to see that this Bill is enacted into law at the earliest possible time.

Very truly yours,

(Signed) William T. James
City Manager

* * * * *

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

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

ABSENT: Senator Cicione — 1.

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

On motion of Senator Murphy, SB 208 w/ SA 1 which had been deferred, was again taken up for consideration.

Senator Murphy moved that SA 2 to SB 208 which had been placed with the Bill, now be adopted.

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

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

ABSENT: Senators Elliott and Holloway — 2.

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

Senator Murphy introduced SA 3 to SB 208 w/ SA 1, 2 and moved for its adoption.

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

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

NO: Senator Manning — 1.

ABSENT: Senators Elliott, McCullough and Zimmerman — 3.

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

At the request of Senator Murphy, the privilege of the floor was extended to Myron T. Steele, Senate Attorney, to speak on the Bill.

At the request of Senator Manning, the privilege of the floor was extended to Roger D. Kelsey, Judge of the Family Court, to speak on the Bill.

Senator Murphy moved for the passage of SB 208 w/ SA 1, 2, 3.

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

At 6:00 p.m., Senator Cook, moved that the Senate adjourn until 1:00 p.m. on Thursday, May 10, 1973.

32ND LEGISLATIVE DAY

The Senate convened at 1:20 p.m. Thursday, May 10, 1973, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senator McCullough — 1.

The Journal was approved as read.

The Senate recessed in order to meet in Joint Session with the House of Representatives.

JOINT SESSION

At 1:23 p.m. May 10, 1973, a Joint Session of the Senate and House was called to order by Representative Derrickson.

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

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

Representative Derrickson moved a Committee be appointed by the Chair to escort the Governor to the House Chamber.

The Chair appointed the following Committee to escort the Governor to the House Chamber: Representatives Powell and Ferguson; Senators Jarvis and Berndt.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber.

The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

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

Mr. Speaker

Mr. President

Mr. President Pro Tem

Ladies and Gentlemen of the 127th General Assembly

Members of the Cabinet

Distinguished Guests

Fellow Delawareans:

We are here this afternoon to honor one man. . . and to honor many men.

We are gathered in this Chamber to recognize Robert B. Doremus, who fought for this nation when called to do so...and, at the same time, to remember those other servicemen who also served our nation during the Vietnam conflict.

We are assembled to try to give thanks, in the meager way we know how, to a Navy Commander who has given six of the years of his life to a long, divisive and exhausting war. And it's a debt we can come no where near repaying. This ceremony today is a mere token. It's our way of saying a feeble apology and thank you to Commander Doremus and hundreds of other men like him who fought or died or spent months and years in captivity during the years of the Vietnam conflict.

Commander Doremus is not a Delaware native. This is his adopted home State, as it is for so many other fine Delaware citizens.

But, what we do note today is that a man has returned to us. A man whom we worried for, in his absence. A man who was on our minds for months and years. A man we never really knew...but someone whom we all came to wonder about, to care about, and to remember in our prayers. And who of us wasn't delighted to learn that on the first planeload of POW's released at Clark Air Force Base in the Philippines came one Commander Robert Doremus.

We did not know him well...but he was ours. There is a universal at work...the universal of empathy...of pain...of loneliness... of love for family...of separation from all we know and cherish.

Commander Doremus has suffered more and given more in six years than many of us could ever give to our nation in a lifetime.

It is for this, and for many other reasons we all feel inside, that we honor this man today.

And we honor him also for the three Delawareans who did not return. We know of three who are yet missing...Major John Martin, USAF, Dover; 1st Lt. Larry F. Potts, USMC, Smyrna; and SGT. Edward A. Willing, USMC, Wilmington.

As Commander Doremus accepts today the "Conspicuous Service Cross," awarded to those who have rendered conspicuous service, above the ordinary requirements of duty well done, we realize there are those Delawareans who gave the ultimate sacrifice...and I ask you to join me in a moment of silence to remember those Delawareans and other Americans who died during the war of the past decade.

* * * * *

Today we honor not only Commander Doremus...but Major Martin, and Lieutenant Potts and Sergeant Willing.

They are men who have given of their freedom so we could continue enjoying the freedoms we take so much for granted.

We use words like freedom and liberty so often in America, in the context of our history, that sometimes we forget that those words are viable and significant in our present times, too.

No one appreciates that more than the hundreds of American POW's who have returned in recent months to their homeland and who have told us of the hours they spent dreaming of the time when they would be able to exercise relatively small expressions of freedom...like walking outside on a summer's day when they felt like it...or communicating with whomever they wished to share thoughts with.

We Americans, in our highly mobile society, hardly ever think that in other countries, under other circumstances, freedom does not exist.

Mobility is freedom.

We take for granted, because it is not challenged, the ability to speak our views, to choose our leaders, to worship as we see fit, to be treated humanely while incarcerated, to grow up in a free and open society.

In our nation, there is still the chance that the boy next door may grow up to be president, or an astronaut, or enter any occupation that interests him. And, in keeping with events of recent years, the same applies to girls...to enter any field of their choosing.

It's all part of what makes America the great and fine nation she is.

We forget that too often.

We are frequently reminded of the problems, the wrongs we're trying to set right...the inequities that exist.

But as soon as someone starts pointing out the good in America, they're accused of flag-waving.

Well, I think a bit of flag-waving is a fine thing!

Sure we have problems in America. But we have much that's right in America too.

And in these times, when we are assessing our national commitment, as well as our commitment right here in Delaware, we must rededicate ourselves to making our State and Country a finer place in which to raise our children...a finer place in which to live.

And as we pay tribute today to Commander Doremus... and the other Americans who have served our Nation with months and years of imprisonment, let us remember he accepts this award for those who have given the ultimate sacrifice. For they, too, are heroes, though we could not extend our arms and hearts to them in welcoming and homecoming.

And as we honor all POW's and MIA's today, let us rededicate ourselves to work for peace...for the goals on which our State and our Nation were founded.

The Vietnam conflict was the longest and most bitter war in America's history.

Our Nation was divided in war.

Now let us be unified in peace.

* * * * *

Representative Derrickson moved that the previously named Committee escort the Governor from the Chamber.

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

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

Representative Derrickson moved that the two Houses now separate to reconvene in their respective Chambers. Motion prevailed. Adjourned at 1:49 p.m.

* * * * *

The Senate reconvened at 2:05 p.m.

Senator Manning presented the following Petition to the Senate:

I, Senator Margaret R. Manning, do hereby petition Senate Bill No. 192, out of the Health & Social Services Committee.

The petition was signed by the following Senators: Manning, Kearns, Adams, Cook, Martin, Schlör, Berndt, Steele, Hale, Jarvis, duPont and Holloway.

The Secretary read the following message from the House:

5-9-73

Mr. President:

The House wishes to inform the Senate that it has passed, HB 201 w/ HA 1; HB 231; HB 235 w/ HA 1; HB 254; HB 273 w/ HA 1,2 and requests the concurrence of the Senate.

The House also passed SB 4; SB 187 and is returning same to the Senate.

Senator Cicione, Chairman of the Labor and Industrial Relations Committee, reported back to the Senate; SB 246 - 1 Favorable, 3 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: HB 230 - 5 Merits; HB 238 - 5 Merits; HB 246 - 3 Favorable, 2 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: SB 243 - 2 Favorable, 3 Merits; HB 226s, - 5 Merits; SJR 21 - 4 Favorable, 1 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported back to the Senate: SB 158 - 1 Merits, 4 Unfavorable.

The Chair introduced the following House Bills:

HB 201 w/ HA 1 - "An Act to amend Chapter 45, Title 21, Delaware Code relating to permits for excessive size and

weight." Assigned to Public Safety Committee.

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

HB 235 w/ HA 1 — "An Act to provide a supplemental appropriation to the Department of Health and Social Services to be used to pay obligations incurred in prior fiscal years." Assigned to Finance Committee.

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

HB 273 w/ HA 1,2 — "An Act to amend Subchapter XXXVIII, Title 11, Delaware Code, relating to outdoor motion picture theaters." Assigned to Judiciary and Elections Committee.

Senator Cook (co-sponsor Senator Elliott) introduced **SB 248** — "An Act to amend Title 10, Delaware Code, entitled "Courts and Judicial Procedure" in respect to the salary of Chief Deputy Prothonotaries." Assigned to Judiciary and Elections Committee.

Senator Murphy introduced **SB 249**:

SB 249 — "An Act amending § 3904, Title 18 of the Delaware Code excepting revocation for an adjudication of delinquency based on § 811, Title 11, Delaware Code from authorization to cancel or not renew an insurance policy." Assigned to Judiciary and Elections Committee.

Senator Cicione introduced **SB 250**:

SB 250 — "An Act to amend § 4185, Chapter 41, Title 21, Delaware Code, relating to vehicles following ambulances or rescue squads." Assigned to Public Safety Committee.

Senator Isaacs introduced **SA 1 to SB 241**. Placed with the Bill.

Senator Zimmerman (co-sponsors Kearns, Martin, Murphy and Schlor) introduced **SR 60** and moved that it be adopted.

SR 60 — "Directing the Senate Highway, Transportation and Insurance Committee to investigate the alleged conspiracy of the major oil companies to drive independent dealers of fuel oil and gasoline out of business."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Martin, Murphy, Schlor, Steele, Zimmerman — 15.

NOT VOTING: Senators Cicione, duPont, Isaacs and Manning — 4.

ABSENT: Senators Jarvis and McCullough — 2.

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

Senator Holloway introduced **SR 61** and moved that it be adopted.

SR 61 — "Commending the officers, board and other concerned and dedicated persons connected with the Grand Opera House in Wilmington for establishing the theater as a Statewide cultural center for the performing arts and contributing to the revitalization of downtown Wilmington."

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

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

ABSENT: Senator McCullough — 1.

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

Senator Schlör introduced SB 251:

SB 251 — "An Act to amend Chapter 50, Part IV, Title 15 of the Delaware Code relating to elections and voting machine requirements." Assigned to Judiciary and Elections Committee.

On motion of Senator Cook, SB 199 was taken up for consideration and read by title only:

SB 199 — "An Act to provide a supplementary appropriation to the Department of State to enable an employee to receive a portion of salary previously earned."

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

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

ABSENT: Senator McCullough — 1.

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

On motion of Senator Steele, HB 228 was taken up for consideration and read by title only:

HB 228 — "An Act authorizing the Department of Health and Social Services to transfer certain funds."

At the request of Senator Steele, the privilege of the floor was extended to Robert C. Feeney, Department of Health and Social Services, to speak on the Bill.

On motion of Senator Steele, the Bill was tabled.

AT 3:23 p.m., on motion of Senator Isaacs, the Senate recessed for half an hour.

The Senate reconvened at 4:35 p.m.

On motion of Senator Steele, HB 228 was lifted from the table.

Senator Cicione introduced SA 1 to HB 228 and moved that it be adopted.

On motion of Senator Cicione, the roll call on the adoption of the Amendment was tabled.

Senator Steele moved for the passage of HB 228.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Kearns, Manning, Martin, Murphy, Schlor, Steele — 14.

NO: Senators Cicione, duPont, Hughes, Isaacs, Jarvis — 5.

ABSENT: Senators McCullough and Zimmerman — 2.

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

On motion of Senator Steele, HJR 7 was taken up for consideration and read by title only:

HJR 7 — "Providing for priority payment of Bills from vendors to State Agencies or the School Boards which offer cash discounts for early payment."

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

YES: Senators Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Kearns, Martin, Murphy, Steele, Zimmerman — 14.

NO: Senators Adams, Castle, Holloway, Jarvis, Manning, Schlor — 6.

ABSENT: Senator McCullough — 1.

So the Resolution, having received the required constitution majority, was adopted by the Senate and ordered back to the House.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate — **HB 180** — 3 Merits; **HB 196** — 3 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **HB 233** — 1 Favorable, 4 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **SB 233** — 3 Merits; **SB 80** — 3 Merits; **SB 248** — 4 Merits; **HB 273** — 4 Merits; **SB 249** — 4 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **HB 254** — 5 Merits.

Senator Hughes introduced **SA 1** to **HB 120**. Placed with the Bill.

Senator Cook, introduced **SA 1** to **HB 218**. Placed with the Bill.

Senator Holloway introduced **SB 252**:

SB 252 — "An Act establishing a Commission to study and compile an accurate history of Black People in Delaware." Assigned to Community Affairs Committee.

Senator Elliott (co-sponsor Senator Holloway) introduced **SB 253**:

SB 253 — "An Act to Amend Part 4, Article 9, Title 5A of the Delaware Code relating to the filing of a security interest and the release of collateral." Assigned to Administrative Services Committee.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 213 — 2 Merits, 2 Unfavorable.

Senator Isaacs (Co-sponsor Senator Cook) introduced SR 62 and moved that it be adopted.

SR 62 — "In reference to election of Officers."

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

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

ABSENT: Senators Cicione, Jarvis, McCullough — 3.

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

Senator Holloway (co-sponsor Senator Manning) introduced SR 63:

SR 63 — "Requesting the Secretary of Labor to use nationally recognized criteria in the selection of a Director of the Division of Vocational Rehabilitation."

On motion of Senator Holloway, the Resolution was tabled.

Senator Isaacs introduced SR 64 and moved that it be adopted.

SR 64 — "To debit Senate Travel Account for Legislators' mileage of the present session of the 127th General Assembly."

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

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

ABSENT: Senators Cicione, Jarvis and McCullough — 3.

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

Senator Isaacs introduced SR 65 and moved that it be adopted.

SR 65 — "Authorizing payments for services rendered by the staff of the Senate for the 127th General Assembly."

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

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

ABSENT: Senators Cicione, Jarvis and McCullough — 3.

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

Senator Elliott (co-sponsors Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmermman) introduced SR 66:

SR 66 — "In fond memory of former Representative W. Harrison Phillips (May 9, 1897 — May 9, 1973.)

WHEREAS, the Senate has learned that a former beloved House colleague, W. Harrison Phillips, died yesterday, May 9, 1973, on his seventy-sixth birthday; and

WHEREAS, W. Harrison Phillips, a retired miller from the town of Laurel, was elected for five terms (1961—71) to the Delaware House of Representatives, and during that period served with distinction on the Legislative Council; and

WHEREAS, W. Harrison Phillips was a stalwart of the Methodist Church, Past Potentate of the Nur Temple, Past Grand Master of Hope Lodge No. 4, Past President of both the Laurel Rotary Club and Chamber of Commerce, and winner of the Committee of 39 Good Government Award for his work as Chairman of the House Operations Committee of the 123rd General Assembly; and

WHEREAS, W. Harrison Phillips was a quiet man possessing strong religious convictions, a wry sense of humor and a heart as big as his adequate waistline; and

WHEREAS, W. Harrison Phillips was a pillar of the Democratic Party in Sussex County, the County he sincerely believed and claimed was created for "God's chosen people".

NOW THEREFORE:

BE IT RESOLVED that the members of the Senate of the 127th General Assembly remember former Representative W. Harrison Phillips with happiness and reverence as they pause for a moment of prayer.

BE IT FURTHER RESOLVED that expressions of sympathy be extended to the family of Mr. Phillips; his wife, Mrs. Blanche Allen Phillips; his two daughters, Mrs. Joseph C. Ellis of Laurel and Mrs. Martin S. Smith of Gay, Georgia; his sister Mrs. Custis Burton of Havertown, Pennsylvania; and his six grandchildren along with copies of this resolution, the text of which to be duly recorded in the minutes of the Senate.

* * * * *

Senator Elliott moved that the Resolution be adopted.

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

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

ABSENT: Senators Cicione, Jarvis and McCullough — 3.

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

Senator Cook introduced SR 67 and moved that it be adopted.

SR 67 — "Requesting co-operation from agencies on the deadline for Senate introduction of new legislation."

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

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

NOT VOTING: Senator Schlor — 1.

ABSENT: Senators Jarvis and McCullough — 2.

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

Senator Kearns (co-sponsors Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman) introduced SR 68 and moved that it be adopted.

SR 68 — “Commending Warden Raymond W. Anderson of the Delaware Correctional Center for his decision to invoke disciplinary action against those inmates responsible for the violence at the Center on May 7, 1973.

WHEREAS, Warden Raymond W. Anderson has determined that strong disciplinary measures are merited against the inmates responsible for the violent disturbance at the Delaware Correctional Center on May 7 during which one correctional officer was seriously injured; and

WHEREAS, Warden Anderson has voiced his unequivocal support of the actions of the correctional staff in attempting to quell the disturbance; and

WHEREAS, such support is essential to maintain the confidence of all of the correctional officers of the State in our correctional system; and

WHEREAS, Warden Anderson has indicated that if his actions relative to the May 7 disturbance are not supported by the courts and other correctional officials, he will be forced to tender his resignation; and

WHEREAS, Warden Anderson's dedication, courage and humanity are a credit to the State and its correctional system.

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that Warden Raymond W. Anderson be commended for his decision to invoke disciplinary action against those inmates responsible for the violent disturbance at the Delaware Correctional Center on May 7, 1973.

BE IT FURTHER RESOLVED that the Senate joins Warden Anderson in his support for the actions of the correctional staff in attempting to restore order to the Delaware Correctional Center.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 127th General Assembly of the State of Delaware, and that a copy be sent to Warden Anderson.”

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

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

ABSENT: Senators Jarvis and McCullough — 2.

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

Senator Kearns (co-sponsors Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman) introduced SR 69 and moved that it be adopted.

SR 69 — "Extending the best wishes of the State Senate for the rapid and complete recovery of Lt. Earl Pope, Jr. who was injured in the line of duty at the Delaware Correctional Center on May 7, 1973."

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

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

ABSENT: Senators Jarvis and McCullough — 2.

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

Senator Holloway introduced SB 254:

SB 254 — "An Act to amend Title 15 of the Delaware Code by adding a new part to be designated as Part VI, relating to campaign disclosure." Assigned to Judiciary and Elections Committee.

Senator Holloway introduced SB 255:

SB 255 — "An Act amending Title 11, Delaware Code, creating a new section to be designated as § 911, prohibiting unauthorized use of stationery of another." Assigned to Judiciary and Elections Committee.

Senator Schlör introduced SB 256:

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

On motion of Senator Holloway, SR 63 was lifted from the table and considered for adoption by the Senate.

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

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

ABSENT: Senators Jarvis and McCullough — 2.

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

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate: SB 226 — 4 Favorable, 1 Merits.

At 5:33 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. Tuesday, May 15, 1973.

The Senate reconvened at 1:55 p.m., Tuesday, May 15, 1973, Lt. Governor Bookhammer presiding.

Senator Berndt (co-sponsors Senators Cook and Isaacs and Honorary co-sponsors Representatives Robbins and Leshner) introduced SB 257:

SB 257 — "An Act to establish a Delaware Deepwater Oil Terminal Committee, and providing an appropriation therefor." Assigned to Natural Resources and Environmental Control Committee.

Senator Hale introduced SB 258:

SB 258 — "An Act authorizing the transfer of local funds previously approved for purchase of Gauger Middle School site to be expended for the repayment to the advanced land acquisition fund for the purchase of the Glasgow High School site." Assigned to Education Committee.

Senator Elliott introduced SA 1 to SB 204. Placed with the Bill.

Senator Steele introduced SA 1 to HB 246. Placed with the Bill.

Senator Hughes introduced SR 70 and moved that it be adopted.

SR 70 — "Acknowledging and praising the Legislative Council staff for outstanding preparation and performance for the fourth annual Legislative Golf Day."

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

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

ABSENT: Senators Berndt, Cook, Holloway and McCullough — 4.

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

Senator Zimmerman (co-sponsor Senator Murphy) introduced SJR 22:

SJR 22 — "Establishing the year 1974 as "Delaware Beautification Year." Assigned to Community Affairs Committee.

At 2:00, on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 33rd Legislative Day.

33RD LEGISLATIVE DAY

The Senate was called to order at 2:00 p.m. Tuesday, May 15, 1973 by Lt. Governor Bookhammer.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

Senator Kearns requested that the following communication be made part of the record:

MEDICAL SOCIETY OF DELAWARE WILMINGTON, DELAWARE 19806

Senator Francis Kearns
New Castle, Delaware 19720

Dear Senator Kearns:

The Public Laws Committee of the Medical Society of Delaware has reviewed S.B. 150, To Provide for Lesser Penalties for the Possession or Consumption of Marijuana. The Committee voted to support S.B. 150 because they are in favor of reducing penalties for the possession or consumption of marijuana.

Sincerely,

Allston J. Morris, J.C.
Chairman, Public Laws Committee

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: SB 235 — 4 Merits, 1 Unfavorable; SB 256 — 1 Favorable, 4 Merits; SB 252 — 1 Favorable, 3 Merits; SB 236 — 5 Merits; SB 237 — 5 Merits.

Senator Isaacs (co-sponsor Senator Cook) introduced SR 71 and moved that it be adopted.

SR 71 — "In reference to election of Officers."

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

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

ABSENT: Senator McCullough — 1.

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

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: HCR 13 — 5 Merits; HB 235 w/ HA 1 — 5 Merits; HB 231 — 5 Merits.

On motion of Senator Zimmerman, SS 1 for SB 69 final action on which had been deferred, was again taken up for consideration.

At the request of Senator Elliott, the following communication regarding SB 69 was made part of the record:

**TRAFFIC INSTITUTE
NORTHWESTERN UNIVERSITY
EVANSTON, ILLINOIS 60204**

March 27, 1973

Honorable David H. Elliott
Dover, Delaware 19901

Dear Senator Elliott:

This is in response to your request for our comments and information on SB 69 concerning occupational hardship licenses for convicted drunken drivers.

The Traffic Institute has long opposed the issuance of such licenses because of our support for the adoption by all the states of the Uniform Vehicle Code (1968) with 1972 Supplement I. The UVC has no provision for the issuance by motor vehicle administrators or courts of occupational hardship licenses to persons who have been suspended or revoked.

Delaware is among the states which has been in close conformity to the UVC over the years and adoption of provisions contrary to the UVC tends to defeat the national effort to achieve uniformity among the various states. For example, the Delaware statutes in the area of controlling the drinking driver are generally sound and are in close conformity to the UVC. In particular among these laws is the provision making it an offense for a driver to drive when his blood alcohol is .10% or more. Delaware and four other states have been leaders in adopting such a provision and the National Committee which keeps up the UVC has not adopted such a provision following Delaware's lead.

A second reason for opposing occupational hardship licenses is that the person who would be entitled to such a license is also a person who normally drives a lot of miles in his work. In contrast, the person who does not need his vehicle for occupational reasons normally drives considerably less miles. Thus such licenses put the very person back on the road who is driving a lot of miles and is more likely to be a dangerous driver by driving and drinking, of which he has already shown a propensity. This puts a big loophole in suspension or revocation procedures in terms of protecting the driving public from such drivers, and the law is greatly weakened.

A third reason Delaware should be very cautious about adopting occupational hardship licenses is that, in general, the National Highway Traffic Safety Administration advocates the adoption of the UVC. You should carefully review the NHTSA requirements in the driver license safety standard to be certain that adoption of S.B. 60 would not jeopardize your federal funds under the Highway Safety Act of 1966.

Sincerely,

(Signed) Robert H. Reeder
General Counsel

* * * * *

At the request of Senator Elliott, the following editorial from the Daily Eagle, Sussex County, Delaware of Monday, March 12, 1973, was read and made part of the record:

Lives are More Important
than Saving a Drunk's Job
by Nancy Kesler
Associate Editor

There is a bill before the state Legislature to allow people who have had their driver's license revoked on a first offense for drunken driving to obtain a hardship license for work purposes only.

The person would have to prove that he has no other way of getting to his job or must use his vehicle in the course of his work and must agree to participate in a driving safety program.

Some say the bill will pass the legislature easily and with the blessings of the attorney general the governor will gladly sign it.

The argument for such a bill is that the present law, which takes away a person's license for a year with no work permit privilege, can work an unreasonable hardship on a person in that they might lose their job if they lose their license. It is a situation which might not only be grave for the individual, but affects the family as well.

Granted, it is not always easy to administer justice and enforce the law at the same time. And, granted, it is a great hardship to lose one's job because of a drunk driving conviction.

However, the mandatory revocation of the license is the heart of the entire law and the thing that gives the punishment teeth as a deterrent. The \$200 fine is painful, yes, but it is by no means even remotely as effective a deterrent as the loss of the license.

It has taken society quite a long time to come to the realization that the abuse of alcohol is not funny — particularly when the abuse is behind the wheel of a car or truck.

These people kill other people. In one out of every two traffic deaths in this country, alcohol was involved.

Allowing a person with too much to drink behind the wheel of a car is like giving that same person a loaded gun and telling him to run down the street shooting it off indiscriminately.

The real defect in the proposed revision of the law, however, comes in the assumption that the work permit would be used as it was intended. The nature of many jobs, particularly in a county as underpopulated and oversized as Sussex, makes it possible to be using your car for work almost anytime you are out.

Since most social engagements involving transportation are usually easily handled through friends and relatives the work permit practically becomes a blank check.

It does not take people who drink and drive out from behind the wheel and simultaneously deal with them in a way which one hopes will influence them to cease this dangerous practice. At the same time, it makes the punishment for a first offense so ineffective as to completely disable it as a deterrent.

One can have sympathy for an alcoholic and want to help him, but I have no more interest in putting him behind the wheel of a car than I would a blind man. As for the social drinker who inadvertently gets "a little high" and then has to drive home after the party, it is a practice we have looked the other way on as a society for too long.

If you think people will suffer great hardships by losing their licenses for drunk driving, think of the people who are losing their lives because of drunk driving. I think lives are worth more than jobs.

* * * * *

At the request of Senator Zimmerman, the privilege of the floor was extended to Myron T. Steele, Senate Attorney, to speak on the Bill.

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

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

NO: Senators Adams, duPont, Elliott, Hale, Hughes, Manning, McCullough — 7.

NOT VOTING: Senators Castle and Steele — 2.

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

On motion of Senator Manning, HCR 6 was taken up for consideration and read by title only:

HCR 6 — "Requesting the New Castle County Executive to postpone the enactment and implementation of the recently completed reassessment of New Castle County for one year."

At the request of Senator Manning, the privilege of the floor was extended to Representative Spence to speak on the Resolution.

Senator Schlor moved that the roll call vote on the Resolution be tabled.

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

YES: Senators Adams, Berndt, Cook, Cordrey, duPont, Elliott, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Steele — 13.

NO: Senators Castle, Hale, Holloway, Kearns, Murphy, Schlor, Zimmerman — 7.

ABSENT: Senator Cicione — 1.

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

On motion of Senator Steele, HB 230 w/ HA 1 was taken up for consideration and read by title only:

HB 230 w/ HA 1 — "An Act making a supplemental appropriation to the Office of Personnel; the Department of Finance; the Department of State; and the Department of Elections, Kent County for operational costs."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlor, Steele — 16.

NO: Senator Zimmerman — 1.

NOT VOTING: Senator Hughes — 1.

ABSENT: Senators Cook, Holloway and Martin — 3.

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

On motion of Senator Steele, HB 238 w/ HA 1 was taken up for consideration and read by title only:

HB 238 w/ HA 1 — "An Act making a supplemental appropriation to the Department of Highways and Transportation for termination pay of the Director of Highways."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Jarvis, Kearns, Martin, McCullough, Murphy, Schlor, Steele — 14.

NO: Senators Castle, duPont, Elliott, Manning — 4.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Hughes and Zimmerman — 2.

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

On motion of Senator Steele, HB 246 was taken up for consideration and read by title only:

HB 246 — "An Act to amend Chapter 11 of Title 30, Delaware Code, relating to credit for income tax paid to a political subdivision of another state."

Senator Steele introduced SA 1 to HB 246 and moved that it be adopted.

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

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

ABSENT: Senators Hughes and Jarvis — 2.

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

Senator Steele moved for the passage of HB 246 w/ SA 1.

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

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

NO: Senator Cicione — 1.

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

On motion of Senator Isaacs, SB 132 was taken up for consideration and read by title only:

SB 132 — "An Act to amend Chapter 23, Title 7, Delaware Code relating to license requirements for crabbing boats."

Senator Isaacs moved that SA 1 to SB 132 which had been placed with the Bill, now be adopted.

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

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

ABSENT: Senators Cicione, duPont, Hughes — 3.

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

Senator Isaacs moved for the passage of SB 132 w/ SA 1.

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

YES; Senators Berndt, Castle, Cook, Cordrey, Elliott, Hale, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senator Adams — 1.

ABSENT: Senators Cicione, duPont, Holloway, Hughes —

4.

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

On motion of Senator Isaacs, SB 177 was taken up for consideration and read by title only:

SB 177 — “An Act to amend Chapter 7, Title 7, Delaware Code, relating to regulations and prohibitions concerning game and fish.”

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

YES; Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Holloway, Hughes — 3.

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

On motion of Senator Isaacs, **SB 181** was taken up for consideration and read by title only:

SB 181 — “An Act to amend Chapter 5, Title 17 of the Delaware Code relating to the littering of public highways, and increasing the penalty for such offense.”

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

YES; Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Zimmerman — 16.

NO: Senator Hale — 1.

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

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

On motion of Senator Isaacs, **SB 200** was taken up for consideration and read by title only:

SB 200 — “An Act to amend Title 7 and Title 11 of the Delaware Code relating to trespass, and increasing the penalty for such offense.”

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

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

ABSENT: Senators Cicione, Hughes, McCullough, Schlör — 4.

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

On motion of Senator Isaacs, **SB 228** was taken up for consideration and read by title only:

SB 228 — “An Act authorizing the Department of Natural Resources and Environmental Control to receive sealed bids for disposing of certain used boats, motors and trailers through sealed bids.”

At the request of Senator Isaacs, the privilege of the floor was extended to John C. Bryson, Secretary of the Department

of Natural Resources and Environmental Control, to speak on the Bill.

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

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

NO: Senator duPont — 1.

NOT VOTING: Senators Castle, Elliott, Jarvis, Steele — 4.

ABSENT: Senators Holloway and Schlör — 2.

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

On motion of Senator Isaacs, SB 239 was taken up for consideration and read by title only:

SB 239 — "An Act to provide a supplementary appropriation to the Department of Natural Resources and Environmental Control to provide matching funds for the purpose of making a survey of the boundaries of the State of Delaware."

Senator Isaacs introduced SA 1 to SB 239 and moved that it be adopted.

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

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

ABSENT: Senators Jarvis and Schlör — 2.

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

At the request of Senator Isaacs, the privilege of the floor was extended to John C. Bryson, Secretary of the Department of Natural Resources and Environmental Control to speak on the Bill.

Senator Isaacs moved for the passage of SB 239 w/ SA 1.

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

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

NOT VOTING; Senator duPont — 1.

ABSENT: Senator Schlör — 1.

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

On motion of Senator Isaacs, SB 241 was taken up for consideration and read by title only:

SB 241 — "An Act to amend Chapter 80, Title 29, Delaware Code, relating to the Council on Shell Fisheries."

Senator Manning introduced SA 3 to SB 241.

On motion of Senator Isaacs, final action on SB 241 was deferred.

Senator Isaacs took over the Chair for Lt. Governor Bookhammer.

On motion of Senator Manning, SB 192 which had been petitioned out of Committee, was taken up for consideration and read by title only:

SB 192 — "An Act creating a new Chapter 6, Title 31, Delaware Code, to initiate the State of Delaware's compliance with the Federal Food Stamp Program"

At the request of Senator Manning, the privilege of the floor was extended to Ronald N. Tenaro of the Controller General's Office, to speak on the Bill.

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

YES; Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 19.

NO: Senator McCullough — 1.

ABSENT: Senator Cicione — 1.

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

At 5:55 p.m., on motion of Senator Cook, the Senate recessed until 1:30 p.m., May 16, 1973.

The Senate reconvened at 2:13 p.m., May 16, 1973, Lt. Governor Bookhammer presiding.

Senator Cicione, Chairman of the Labor and Industrial Relations Committee, reported back to the Senate: SS 1 for SB 93 — 4 Merits; HB 134 — 4 Merits.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate: SB 253 — 1 Favorable, 4 Merits; SB 144 — 5 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: — SJR 22 — 1 Favorable, 4 Merits.

Senator Berndt introduced SA 1 to HB 115. Placed with the Bill.

Senator McCullough introduced SA 1 to SB 244. Placed with the Bill.

Senator Elliott introduced SA 1 to SB 8. Placed with the Bill.

Senator duPont introduced SA 1 to HB 4. Placed with the Bill.

Senator Castle introduced SA 1 to SB 49. Placed with the Bill.

Senator Cicione introduced SS 1 for SB 155. On motion of Senator Cicione the Substitute Bill was adopted in lieu of the Original and assigned to Education Committee.

Senator Cicione introduced SB 259:

SB 259 — "An Act to amend Chapter 21, Part II, Title 21 of the Delaware Code relating to the registration of motor vehicles, and providing special license plates for members of the Delaware National Guard." Assigned to Public Safety Committee.

Senator Jarvis (co-sponsor Senator Hughes) introduced SB 260:

SB 260 — "An Act to amend Chapter 43, Title 31, Delaware Code, relating to employment of persons by the New Castle County Housing Authority." Assigned to Health and Social Services Committee.

Senator Hale (honorary co-sponsor Representative Seibel) introduced SB 261:

SB 261 — "An Act to amend Delaware Code, Title 14, Chapter 17, as it relates to equalization funds for School Districts." Assigned to Education Committee.

Senator Manning introduced SB 262:

SB 262 — "An Act providing an appropriation to the Division of Public Health for expansion of the Cancer Control Program." Assigned to Finance Committee.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: **SB 257** — 4 Merits.

The Secretary read the following message from the House:

5-15-73

Mr. President:

The House wishes to inform the Senate that it has passed **HJR 12; HB 81; HB 286; HB 292 w/ HA 1** and requests the concurrence of the Senate.

The House also passed **SB 120; SCR 18; SCR 20** and is returning same to the Senate.

The Chair introduced **HB 81**:

HB 81 — "An Act to amend Chapter 19, Part 1, Title 14 of the Delaware Code relating to the form of ballots at local school tax elections." Assigned to Education Committee.

The Chair introduced **HJR 12**:

HJR 12 — "Recognizing retiring New Castle-Gunning Bedford School District Superintendent Joseph R. Kleckner on the eve of the Gold Ballroom Banquet in his honor."

On motion of Senator Hale, the necessary rules were suspended for the purpose of considering the Resolution.

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

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

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

The Chair introduced the following House Bills:

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

HB 292 w/ HA 1 — "An Act to amend Chapter 29, Title 30, Delaware Code, relating to retail and wholesale merchants license taxes." Assigned to Finance Committee.

On motion of Senator Cicione, **SB 193** was stricken.

On motion of Senator Elliott, **SB 134** was stricken.

On motion of Senator Cicione, **SB 56** and **SB 58** were stricken.

At 2:30 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY

The Senate was called to order at 2:30 p.m. Wednesday, May 16, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of allegiance to the Flag.

By roll call, the following Senators were present:

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

The Journal was approved as read.

On motion of Senator Berndt, **HB 115** was taken up for consideration and read by title only:

HB 115 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the presentence investigation after conviction for certain offenses."

Senator Berndt introduced **SA 1** to **HB 115** and moved that it be adopted.

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

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

NO: Senators Castle and Holloway — 2.

NOT VOTING: Senator Zimmerman — 1.

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

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

At the request of Senator Murphy, the privilege of the

floor was extended to Senate Attorney, Myron Steele, to speak on the Bill.

Senator Berndt moved that HB 115 w/ SA 1 be considered for passage by the Senate.

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

On motion of Senator Berndt, **HB 202** was taken up for consideration and read by title only:

HB 202 — "An Act to amend Subpart D, Subchapter III, Chapter 5, Part 1, Title 11, Delaware Code, by making it a felony to steal, take and carry away certain animals, and prescribing a penalty therefor."

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

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

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

NO: Senators Castle, Hale and Jarvis — 3.

NOT VOTING: Senator duPont — 1.

ABSENT: Senator McCullough — 1.

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

On motion of Senator Cook, **SB 158** was taken up for consideration and read by title only:

SB 158 — "An Act to amend Chapter 7, Title 24, Delaware Code, relating to the eligibility of Chiropractic Physicians for compensation from insurance Group Hospital Services and related plans."

At the request of Senator Cook, the privilege of the floor was extended to Arthur Inden of the Delaware Association of Chiropractic Physicians, to speak on the Bill.

At the request of Senator Elliott, the following communication was made part of the record:

BLUE CROSS and BLUE SHIELD of DELAWARE
Wilmington Delaware

May 4, 1973

TO: FELLOW MEMBERS BOARD OF TRUSTEES
FROM: David Platt, M.D.

Our recent action on coverage of chiropractic services is creating problems with the relationship of Blue Cross with physicians.

The Medical Society of Delaware is polling all physicians in the state to determine each one's opinion concerning withdrawing from "participating physician" status in Blue Cross-Blue Shield, because of the Plan's proposed coverage of chiropractic services.

The initiation of this poll reflects the very strong opinion of the Board of Trustees of the Medical Society of Delaware that chiropractic is scientifically unsound, is a faddist cult, and is a detriment to health.

I can only agree. The professed basis of chiropractic is that all disease is caused by a subluxation of vertebrae causing pressure on spinal nerves and that this in turn causes medical diseases which must be treated by spinal manipulation. And chiropractors are trained to see on their x-rays subluxations that board certified radiologists cannot see.

True vertebral subluxations are rare. My office group of six physicians treats over two hundred patients every day; collectively we see no more than two or three subluxations a year.

I feel that our action as a Board of Trustees of Blue Cross-Blue Shield was wrong, altho taken in good faith because of concern for the financial health of the Plan. I ask that we reconsider this action, not only to restore better relations with the physicians of Delaware, but to demonstrate that we are concerned first and foremost with helping provide the best health care to the community.

* * * * *

At the request of Senator Elliott, the following statement was made part of the record:

**Statement by the AFL-CIO Executive Council
on
Coverage of Chiropractic Services in Governmental Programs.
February 26, 1973
Bal Harbour, Florida**

Because the health and safety of our members and their families have always been a major concern of organized labor, the AFL-CIO has particularly emphasized the need for high quality standards in health programs. With human lives at stake, health services must be of the highest possible quality. This inevitably places a special responsibility on the providers of health services.

The problem of assuring quality health care has been raised in Congressional consideration of the coverage of chiropractic services in Medicare and Medicaid. The Congress has dealt with this issue by providing limited coverage of chiropractic services under Medicare and Medicaid.

A major objection to coverage of chiropractic services in public programs is the claim that a chiropractor may attempt to substitute his services for those of a physician. In other words, the chiropractor may seek to provide the initial diagnostic evaluation, determine whether the patient needs his services, and, in effect, perform the functions of a physician. He may also seek to treat illness outside his field of competency.

One of the most vital needs in health care is coordination — to link the patient to the appropriate services. Patients often

suffer from symptoms which require a wide spectrum of diagnostic and therapeutic services. Satisfactory treatment of such conditions may require the use of complicated systems of medical and related specialties. Proper selection of appropriate treatment could be crucial to the continued good health of the patient. But the typical patient finds it difficult to assess his health requirements and to select those health services most appropriate to meet them.

This is a major reason why it is long-standing AFL-CIO policy that there should be the greatest possible coordination of the patient's health care. This integration of health care services can best be achieved when health services are provided in an organized manner and under the general supervision of a qualified physician.

We do not believe that chiropractors should perform the functions of a physician or serve as the point of entry into the health system. Therefore, chiropractic services covered in public programs should be used only after it is determined that chiropractic services may be helpful in treating the patient's condition.

Until adequate research indicates to the contrary, chiropractic services should be restricted to treatment of subluxation of the spine the particular condition that falls within the competency of chiropractors. In recently passed social security legislation, Congress included chiropractic services under Medicare and Medicaid but only with respect to treatment by means of manual manipulation of the spine and only with respect to subluxation of the spine demonstrated by X-ray. We urge that if chiropractic services are included in any other public program, such coverage be subject to the same restrictions.

AFL-CIO policies concerning quality standards in health care have the sole objective of protecting, to the maximum extent possible, the health of the American people. This principle will continue to be our guideline. With the health of our members and their families at stake, we have no other choice.

* * * * *

At the request of Senator Elliott, the following report was read and made part of the record:

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPORT ON SENATE BILL NO. 158**

PAST HISTORY:

The Chiropractic Association has for years been attempting to improve their status as a discoverer of "health care" by having legislation introduced whereby governmental funds would be expended for services that they provide and this is another example.

APPARENT PURPOSE:

To secure authorization for Chiropractors to receive payment from third party providers for services to patients even though medical authorities unanimously agree that chiropractic has no validity, whose theories have never been supported by objective evidence and whose theories have been thoroughly refuted by medical science.

ESTIMATED COSTS/SAVINGS: (Capital and Operating costs; savings; First year - subsequent years)

There would be no savings to the tax payer or the public. As a matter of fact it would be an expensive approach to health care, the magnitude of which is difficult to determine. Not only would the public be required to pay for treatments through increased insurance rates and taxes that are of no medical benefit to the patient but chiropractic treatment frequently delays proper and effective medical care until it is too late or the treatment often produces actual physical damage to patients which results in added medical costs to treat the patient.

COMMENTS:

I would strongly urge that the Department vigorously oppose this legislation and further I would offer an amendment to ask that the licensure requirements for chiropractors be repealed so that no status is given to this particular cult through the mechanism of licensure by the State. By repealing the licensure requirements we would in effect cause a savings in administration costs for this group. If the Bill continues to be processed through the legislature then I would suggest that a further amendment that authorization for compensation should not be accepted unless the patient is referred by a physician that is licensed to practice medicine or osteopathy in the State of Delaware.

Submitted by: Edward F. Gliwa, M.D.
Acting Director, Division of Public Health
Date: April 17, 1973

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At the request of Senator Elliott, the following report was read and made part of the record:

**STATEMENT BY
HERBERT S. DENENBERG
INSURANCE COMMISSIONER OF PENNSYLVANIA
ON CHIROPRACTIC AT
PUBLIC HEARINGS ON HEALTH DELIVERY SYSTEM
SEPTEMBER 27, 1972**

One of the issues before these hearings is the place of chiropractors in the health delivery system and particularly whether treatment by chiropractors should be covered by Blue Shield.

We will hear three witnesses on the subject of chiropractic today. But in addition, we have conducted our own independent study and we have reached the same conclusion as all the previous studies have reached.

The "Report of the National Advisory Commission on Health Manpower," Vol. II, November, 1967, stated that "medical authorities unanimously agree that chiropractic has no validity." It classified chiropractic as a "cult" whose "theories have never been supported by objective evidence" and whose theories "have been thoroughly refuted by medical science."

The "Report of the National Advisory Commission on Health Manpower" noted two dangers in chiropractic treatment: "First, chiropractic treatment frequently delays proper and effective medical care until it is too late. Second, chiropractic treatment often produces actual physical damage to patients."

Another study of chiropractors completed in 1968, and submitted as a report to Congress by the U.S. Department of Health, Education and Welfare, reached similar conclusions. It was part of a larger study entitled "Independent Practitioners Under Medicare."

This U.S. Department of Health, Education and Welfare statement concluded: "Chiropractic theory and practice are not based upon the body of basic knowledge related to health, disease and health care that has been widely accepted by the scientific community. Moreover, irrespective of its theory, the scope and quality of chiropractic education do not prepare a practitioner to make an adequate diagnosis and provide appropriate treatment. Therefore, it is recommended that chiropractic service not be covered in the Medicare Program."

The Task Force on Medicaid and Related Programs of the U.S. Department of Health, Education and Welfare reached the same conclusion for Medicaid as the previous study reached for Medicare. In the same year, the Health Insurance Benefits Advisory Council, and advisory body to Congress, went on record as viewing chiropractic as of "no medical value" and, in fact, as potentially dangerous.

Other studies have reached similar results. In 1965, Justice Lacroix of the Superior Court of Quebec was asked by the Quebec government to undertake a comprehensive independent study of chiropractic and to resolve the question of the scientific basis of chiropractic. His report received high marks for quality and objectivity from the Canadian Royal Commission on Health Services.

The Lacroix Report studied chiropractic in Canada, the United States and Europe. He concluded that "treatment by manipulation is difficult and dangerous. It may not, therefore, be administered except by people with long and adequate specialized training in this technique." He concluded the training given to chiropractors does not prepare them to make the diagnosis required by the technique of manipulation. In

1972, the Canadian Medical Association's General Council — its governing body — went on record as condemning the cult of chiropractic. The General Council adopted resolutions, including one urging provincial government authorities, to evaluate the effectiveness of licensing as a means of protecting the public, and another resolution calling on medical organizations and institutions to undertake educational programs to bring the facts about the dangers of medical quackery to the attention of physicians.

The American Medical Association has also gone on record on chiropractic as follows:

"It is the position of the medical profession that chiropractic is an unscientific cult whose practitioners lack the necessary training and background to diagnose and treat human disease. Chiropractic constitutes a hazard to rational health care in the United States because of the substandard and unscientific education of its practitioners and their rigid adherence to an irrational, unscientific approach to disease causation." (Statement of Policy on Chiropractic Adopted by the AMA House of Delegates, November, 1966.)

The American Public Health Association, in 1969, also condemned chiropractic and endorsed the Report of the Department of Health, Education and Welfare to Congress.

Thus, the overwhelming weight of scientific study and opinion has condemned the cult of chiropractic.

Major consumer groups have also joined the scientific community in condemning chiropractic. The Consumer Federation of America, representing 184 local, state and national consumer-oriented organizations with millions of members, warned the public of the unscientific nature of chiropractic and the health hazards which its practitioners pose to the public.

The AFL-CIO echoed the same point of view in testimony before the U.S. Senate Finance Committee on September 15, 1970:

"Care of patients should only be entrusted to those who have a sound scientific knowledge of disease and whose experience and competence render them capable of diagnosing and treating patients by utilizing all the resources of modern medicine. Since neither chiropractic theory nor the quality of chiropractic education equips chiropractors to do this, the AFL-CIO opposes coverage of chiropractic services in the Medicare Program."

Other have joined in condemning chiropractic as unscientific and often dangerous to the patient.

We think it's about time the cards are put on the table. We think it's about time something is done about the cult of chiropractic.

The National Advisory Commission on Health Manpower has stated: "Ideally, therefore, the statutes (which permit the licensing of chiropractors) should be repealed to remove the cult's shield of legitimacy. Realistically, however, since repeal is unlikely in the light of the power of the chiropractic lobby, suggestions are made for improvements in statutory formulation and enforcement." But this Report concedes that "no matter how high (standards) are set, no matter how strictly they are enforced, licensure standards cannot redeem the scientific invalidity of chiropractic. Moreover, increased official attention to licensure provisions can only lend credence to public misconception regarding chiropractors."

There should clearly be some fundamental attention to the role of the chiropractor in our health delivery system. Chiropractors are now licensed in all states except Louisiana and Mississippi. The time is long past due for the state of Pennsylvania to quit sanctioning the cult of chiropractic which has no scientific basis and which endangers the well being of its patients, and which represents a professional group with inadequate training and education.

It is true, as has been often pointed out, that every bizarre quackery has its horde of devotees. But this does not mean that the state of Pennsylvania should license every quackery or cult.

We will ask the appropriate state legislative committees to reconsider the licensing of the chiropractor. In the meantime, we will use what administrative power we have to prevent the expansion of chiropractic coverage through Blue Shield and other health insurers.

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At the request of Senator Elliott, the privilege of the floor was extended to Edward J. Dugan representing Blue Cross and Blue Shield of Delaware to speak on the Bill.

Senator Cook moved for the passage of SB 158.

Senator Cook moved that the roll call vote on the Bill be tabled.

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

YES; Senators Cook, Cordrey, Isaacs, McCullough, Schlor, Zimmerman — 6.

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

ABSENT: Senator Hughes — 1.

So the motion, having failed to receive the required constitutional majority, failed and the roll call vote on SB 158 was announced to be:

YES: Senators Cook and Isaacs — 2.

NO: Senators Adams, Berndt, Castle, Cordrey, duPont, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 15.

NOT VOTING: Senators Cicione, McCullough and Schlor — 3.

ABSENT: Senator Hughes — 1.

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

On motion of Senator Elliott, SR 48 which had been deferred was again taken up for consideration.

At the request of Senator Elliott, the privilege of the floor was extended to Thomas Shiels of the Legislative Council, to speak on the Resolution.

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

YES: Senators Adams, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Kearns, Manning, Martin, Murphy, Schlor — 12.

NO: Senators Castle, McCullough and Zimmerman — 3.

NOT VOTING: Senators Cicione and Isaacs — 2.

ABSENT: Senators Berndt, Cook, Jarvis and Steele — 4.

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

On motion of Senator Schlor, SB 246 was taken up for consideration and read by title only:

SB 246 — "An Act providing for the regulation, control and licensing of Dog Racing in the State of Delaware."

At the request of Senator Schlor, the privilege of the floor was extended to Howard Miller and G. Sandback, to speak on the Bill.

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

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

NO: Senators Adams, Cordrey, duPont and Elliott — 4.

NOT VOTING: Senators Castle, Hale, Hughes, Jarvis, Steele — 5.

ABSENT: Senator Berndt — 1.

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

On motion of Senator Steele, SB 225 which had passed the Senate, was taken up for reconsideration as further amended by HA 1.

Senator Steele introduced SA 1 to SB 225 w/ HA 1 and moved that it be adopted.

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

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

ABSENT: Senator Berndt — 1.

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

Senator Steele moved that SB 225 as further amended by HA 1 and SA 1 be considered for passage by the Senate.

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

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

NOT VOTING: Senator duPont — 1.

ABSENT: Senator Berndt — 1.

So the Bill (as so amended) received the required constitutional majority, passed the Senate and was ordered to the House for concurrence in the Senate Amendment.

At 6:24 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. Thursday, May 17, 1973.

35TH LEGISLATIVE DAY

The Senate was called to order at 1:57 p.m. Thursday, May 17, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senator Manning — 1.

The Journal was approved as read.

Senator Kearns presented 2 petitions for: SB 104, HB 53. The Chair ruled these Bills out of Committee.

The following statement was presented by Senator Hughes and made part of the record:

"The Morning News today carried a very disturbing item about an attempt to charge lawyers for the Public Service Commission. I sincerely hope the item is wrong and I also hope a spokesman for the administration will deny it. The present attorney, Mr. Erisman, has been on the job for more than a year and has served during a major rate case. It has been traditional that attorneys for this commission continue to serve, regardless of political changes. This is as it should be for there is too much at stake in rate cases. The lawyer before Mr. Erisman, now Judge Walsh, served several years without regard to politics. If Mr. Babiarz, as the story suggests, ordered Mr. Erisman fired, I hope the Governor will have the good judgement to rescind the order.

(Signed) Senator Hughes

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The Secretary read the following message from the House:

5 — 17 — 73.

Mr. President:

The House wishes to inform the Senate that it has passed HB 174 and requests the concurrence of the Senate.

The House also passed SB 225 w/ HA 1, SA 1; SB 130 w/ SA 1 and is returning same to the Senate.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: SB 255 — 4 Merits; HS 1 for HB 13 — 5 Merits.

Senator Cicione introduced SB 263:

SB 263 — "An Act to amend Chapter 33, Part III, Title 19 of the Delaware Code relating to unemployment compensation, and granting such compensation to mushroom workers." Assigned to Labor and Industrial Relations Committee.

SB 264 — "An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to public works by State Agencies and providing certain standards of construction for the protection of physically handicapped persons." Assigned to Health and Social Services Committee.

Senator Zimmerman (co-sponsor Senator Murphy and honorary co-sponsor Representative McGinnis) introduced **SB 265**:

SB 265 — Subchapter 1, Title 9 of the Delaware Code, "An Act to amend Chapter 5 relating to suburban communities improvements with regard to streets." Assigned to Highways, Transportation and Insurance Committee

Senator Murphy introduced **SB 266**:

SB 266 — "An Act to amend Chapter 7, Title 4 of the Delaware Code by striking § 718 relating to requirement for licensed sellers of alcoholic liquor to make monthly reports." Assigned to Administrative Services Committee.

Senator Adams introduced **SB 267**:

SB 267 — "An Act making a supplementary appropriation to the State Board of Education for the purpose of purchasing, installing and equipping one portable classroom unit along with other equipment or the Woodbridge School District." Assigned to Education Committee.

Senator Kearns, co-sponsor Senator Jarvis, introduced **SB 268**:

SB 268 — "An Act to amend Title 19, Delaware Code, relating to rights of public employees to organize, and Title 14, Delaware Code, relating to professional negotiations and relations." Assigned to Labor and Industrial Relations Committee.

Senator Steele introduced **SB 269**:

SB 269 — "An Act establishing a county-municipal Pension Study Committee to participate with the State Board of Pension Trustees in the further study of a uniform pension plan for public employees in the State of Delaware, and directing the State Board of Pension Trustees to submit recommendations and proposed legislation concerning such a Uniform Pension Plan to the Governor and members of the 127th General Assembly by April 1, 1974." Assigned to Finance Committee.

Senator Castle introduced **SB 270**:

SB 270 — "An Act to amend 58 Laws of Delaware, Chapter 497, being the new Criminal Code for the State of Delaware, by offering certain omnibus Amendments thereto." Assigned to Judiciary and Elections Committee.

Senator Cicone introduced **SB 271**:

SB 271 — "An Act to amend Part III, Title 6 of the Delaware Code, pertaining to the packaging and marketing of certain meats and seafoods." Assigned to Agriculture Committee.

Senator Cordrey introduced **SB 272**:

SB 272 — "An Act to amend Title 14, Delaware Code, requiring teachers to read or recite the First Amendment of the