

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

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

Senator Conner introduced **SS 1** for **SB 337**.

On motion of Senator Conner, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator duPont moved for the adoption of **HCR 29**, entitled:

HCR 29 — "Relating to a Supplemental Appropriation to the Legislative Council for Public Hearing Expenditures to be incurred during fiscal year 1972."

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

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

NAYS: Mr. Hart — 1.

ABSENT: Mr. Slawik — 1.

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

Senator Slawik introduced **SA 2** to **SB 280**.

On motion of Senator Slawik, the Amendment was placed with the Bill without objection.

Senator Hart introduced **SCR 33**, co-sponsored by Senators Elliott and Isaacs, entitled:

SCR 33 — "Relating to a Corridor Road Through the Dover Area."

On motion of Senator Hart, the Resolution was laid on the table without objection.

Senator Hart introduced **SA 1** to **SCR 33**.

On motion of Senator Hart, the Amendment was placed with the Resolution.

Senator Foltz introduced **SA 1** to **SB 293**.

On motion of Senator Foltz, the Amendment was placed with the Bill without objection.

Senator Elliott introduced **SA 10** and **SA 11** to **SB 373**.

On motion of Senator Elliott, the Amendments were placed with the Bill without objection.

Senator Foltz introduced SA 2 and SA 3 to SB 293.

On motion of Senator Foltz, the Amendments were placed with the Bill without objection.

Senator Hickman introduced SA 1 to SB 456.

On motion of Senator Hickman, the Amendment was stricken without objection.

Senator duPont introduced SA 1 to SJR 20.

On motion of Senator duPont, the Amendment was placed with the Resolution.

Senator duPont introduced SA 2 to SB 277.

On motion of Senator duPont, the Amendment was placed with the Bill without objection.

Senator Conner introduced SR 69, co-sponsored by Senators Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Manning, McCullough, Robbins, Schlör, Slawik and Steele, entitled:

SR 69 — "Expressing Happy Birthday Sentiments to Lieutenant Governor, Eugene D. Bookhammer."

Senator Conner moved that the Resolution be adopted.

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

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

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

Senator Hickman introduced SA 2 to SB 393.

On motion of Senator Hickman, the Amendment was placed with the Bill without objection.

Senator Elliott introduced SA 1 to SB 198.

On motion of Senator Elliott, the Amendment was placed with the Bill without objection.

On motion of Senator duPont, the following communication was made part of the record without objection:

June 9, 1971

The Honorable Reynolds duPont
Delaware State Senate
Legislative Hall
Dover, Delaware 19901
Dear Senator duPont:

The most recent meeting of the Governor's Council on Highway Safety was held on June 4, 1971. In its review of pending legislation, the Council considered at some length, the question of the maximum alcohol blood level for motor vehicle operators, and the issuance of work licenses in cases of revocation.

The fourteen members of the Council present unanimously passed the following resolutions which they ask be brought to the attention of the members of both Houses. They urgently solicit the careful consideration of these resolutions by all legislators.

WHEREAS, there are several bills now pending before the General Assembly pertaining to the issuance of an occupational or work license to persons convicted of revocable offenses, and:

WHEREAS, such revocable offenses include:

- driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug;
- manslaughter resulting from the operation of a motor vehicle;
- failing to stop at the command of a police officer;
- three charges of reckless driving within the preceding twelve months;
- using a vehicle in the commission of a felony.

*,failing to stop at the command of a police officer;

*,three charges of reckless driving within the preceding twelve months;

*,using a vehicle in the commission of a felony.

AND WHEREAS, these violations are considered to be of the most serious nature and endanger the lives of motorists and pedestrians on the highways of this State, and;

WHEREAS, the Department of Public Safety through its divisions of State Police and Motor Vehicles are presently making a concerted effort to reduce the highway fatality rate, and the number of total traffic accidents in Delaware, and;

WHEREAS, the issuance of occupational or work licenses would seriously hamper the Department's efforts to make Delaware highways safer, and;

WHEREAS, the issuance of occupational or work licenses in some cases would be in direct violation of certain Federal safety regulation;

THEREFORE, be it unanimously resolved by the Governor's Council on Highway Safety to oppose all legislation that would permit the issuance of occupational or work licenses for any revocable offense under Title 21, Delaware Code.

* * * * *

ALTHOUGH, The Governor's Council on Highway Safety concurs in the belief that a blood alcohol content of .08 might well be more effective than the present .10 law in identifying and convicting a greater number of intoxicated drivers on our highways, and,

WHEREAS, public acceptance and support for more restrictive laws must be positively assured prior to the adoption of more stringent criteria, and,

WHEREAS, Delaware's present .10 law has been in effect for only approximately two years, and,

WHEREAS, the "Implied Consent" law which requires a suspected intoxicated driver to submit to a test of his breath, blood or urine has also been in effect for a similar short period, and,

WHEREAS, legislation was enacted less than one year ago stipulating that any chemical test showing a blood alcohol level of .10 or greater be considered prima facie evidence of guilt, and,

WHEREAS, Delaware's laws on intoxicated driving are now among the most stringent in the nation, and,

WHEREAS, the conviction rate for intoxicated driving arrests by Delaware State Police remains at 80 percent — one of the highest rates among all states,

NOW, THEREFORE,

BE IT RESOLVED, unanimously, by the members of the Governor's Council on Highway Safety at its meeting on June 4, 1971, that any attempt to reduce the present blood alcohol legal level of .10 be withheld for the present. To seek legal change of the relatively new laws at this time would cause confusion in the minds of many drivers and others, and could jeopardize the effectiveness of the present enforcement and adjudication practices, since much work yet needs to be done to assure the full acceptance of the present laws by the courts and the public.

BE IT FURTHER RESOLVED, that the Governor's Council on Highway Safety agrees to assist in the dissemination of information relating to the alcohol factor in highway crashes for the purpose of developing greater public acceptance and support for more stringent laws for drinking and driving offenses, including a reduction of the present .10 blood alcohol level at an appropriate future date.

Very truly yours,
(Signed) Fred W. Vetter, Jr.
Chairman
Governor's Council on
Highway Safety

The Secretary read the following message from the House:

6-10-71

Mr. President:

The House wishes to inform the Senate that it has passed HB 278 w/ HA 1, 2, 4; HB 237; HB 128 w/ HA 1, 2; HB 359 w/ HA 1; HB 365; HB 436 w/ HA 1 and requests the concurrence of the Senate.

The House also passed **SB 197 w/ SA 1, 2** and is returning same to the Senate.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 178**, reported the same back to the Senate: 3 Merits; 2 Unfavorable.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred **HB 281**, reported the same back to the Senate: 5 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred **HB 351**, reported the same back to the Senate: 1 Favorable; 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **SB 412**, reported the same back to the Senate: 2 Favorable; 3 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 123**, reported the same back to the Senate: 1 Favorable; 3 Merits.

Senator Hart's request for personal privilege of the floor to speak on the Dover By-Pass was granted without objection.

The Chair introduced the following House Bills which were given first reading by title only and assigned to the various committees:

HB 128 w/ HA 1, 2 — "An Act to Amend Subchapter III, Chapter 41, Title 21, Delaware Code, Relating to Toll Evasion on the Delaware Turnpike; Penalty; Jurisdiction of Justice of the Peace." Assigned to Committee on Judiciary and Elections.

HB 237 — "An Act to Provide a Supplementary Appropriation to the Department of Labor to Effect the Vocational Rehabilitation of Public Assistance Recipients." Assigned to Committee on Health and Social Services.

HB 278 w/ HA 1, 2, 4 — "An Act to Amend Title 31, Delaware Code, Relating to Housing Authorities." Assigned to Committee on Community Affairs.

HB 359 w/ HA 1 — "An Act to Amend Chapter 172, Volume 55, Laws of Delaware, Relating to Duties and Powers of the Wilmington Board of Public Education and to Amend Chapter 367, Volume 57, Laws of Delaware, Relating to the Powers and Duties of the Wilmington School Tax Commission." Assigned to Committee on Education.

HB 365 — "An Act to Repeal Chapter 17, Title 9, Delaware Code, Relating to Pensions for Employees of New Castle County and Providing for Establishment of a Pension Plan for Employees of New Castle County by New Castle County." Assigned to Committee on Community Affairs.

HB 436 w/ HA 1 — "An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation for Certain Permanent Injuries." Assigned to Committee on Labor.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred **SB 120**, reported the same back to the Senate: 6 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred SB 450, reported the same back to the Senate: 6 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 461, reported the same back to the Senate: 5 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 209, reported the same back to the Senate: 5 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 178, reported the same back to the Senate: 4 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 9, reported the same back to the Senate: 5 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 82, reported the same back to the Senate: 4 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 12, reported the same back to the Senate: 5 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred SB 435, reported the same back to the Senate: 5 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred HB 279, reported the same back to the Senate: 5 Merits.

Senator Hart, on behalf of the Committee on Highways, Transportation and Insurance to whom had been referred HB 222, reported the same back to the Senate; 5 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred HB 128, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred HB 332, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HB 237, reported the same back to the Senate: 2 Favorable; 4 Merits.

Senator Hickman introduced SA 2 to SB 456.

On motion of Senator Hickman, the Amendment was placed with the Bill without objection.

Senator duPont announced that, pursuant to SR 66, a Committee of the following Senators had been appointed to investigate the Alcoholic Beverage Commission: Senators Cicione, Cook, Holloway, Isaacs and Manning.

Senator Hickman moved that SA 2 to SB 456 which had been placed with the Bill, now be adopted.

Senator Hickman moved that consideration for the adoption of the Amendment be deferred.

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

YEAS: Messrs. (Mrs.) Conner, duPont, Grier, Hale, Hickman — 5.

NAYS: Messrs. Cicione, Foltz, Hart, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 9.

NOT VOTING: Messrs. Castle, Elliott, Holloway — 3.

ABSENT: Mr. Cook and (Mrs.) Manning — 2.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost. Senator Hickman then moved that the roll call on the adoption of the Amendment be tabled.

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Grier, Hale, Hickman — 7.

NAYS: Messrs. Cicione, Foltz, Hart, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 10.

ABSENT: Mr. Cook and (Mrs.) Manning — 2.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost.

Therefore, on the question, "Shall the Amendment (SA 2 to SB 456) be adopted?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, Cicione, duPont, Elliott, Foltz, Grier, Hale, Hickman — 8.

NAYS: Messrs. Hart, McCullough, Robbins, Schlör, Slawik — 5.

NOT VOTING: (Mrs.) Conner, Messrs. Holloway, Isaacs and Steele — 4.

ABSENT: Mr. Cook and (Mrs.) Manning — 2.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

On motion of Senator Isaacs, SB 456 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 456 — "An Act to Amend Subchapter 11, Chapter 14, Title 24, Delaware Code, Relating to Electrical Inspection Authorities."

Senator Hickman requested the privilege of the floor for Robert H. Tudor of the Tudor Electric Company, John Yocum of the Middle Department Association Fire Underwriters and Robert M. Dodge of the Division of Business and Occupational Regulations to speak on the Bill. Hearing no objection, the privileges were granted.

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

YEAS: Messrs. Grier and Hickman — 2.

NAYS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Hale, Hart, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 15.

NOT VOTING: (Mrs.) Conner — 1.

ABSENT: (Mrs.) Manning — 1.

So the question was decided in the negative and the Bill, having failed to receive the required constitutional majority, was lost.

Senator Castle moved that SA 1 to SB 393 which had previously been placed with the Bill, now be adopted.

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

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

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

Senator Hickman moved that SA 2 to SB 393, which had previously been placed with the Bill, now be adopted.

Senator Slawik moved that the Amendment be tabled.

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

YEAS: (Mrs.) Conner, Messrs. Elliott, Foltz, Hale, Hart, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 11.

NAYS: Messrs. duPont, Grier, Hickman — 3.

NOT VOTING: Messrs. Castle, Cook, Holloway, (Mrs.) Manning — 4.

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Castle, SB 393 w/ SA 1, was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 393 w/ SA 1, — "An Act to Amend Chapters 1, 3, 11, 13, 15, 17, 20, 31, 45, 47, 49, 55, 57, and 73, Title 15, Delaware Code, Relating to Departments of Elections; State Election Commissioner; Registration of Voters; Registration Records, Supplies and Places; Registration Officers; Registration Procedure; Central and Mobile Registration: Registration for Certain Sick and Disabled Persons; Primary Elections; Ballots, Election

Supplies and Polling Places; Election Officers; Conduct of Elections; Absentee Voting; Canvass of Vote and Proclamation of Results of Elections; and Notice to the Public for Special Election to Fill Vacancy in Office of Representative in Congress."

Senator Hickman requested the privilege of the floor for Marvel L. Lynch of the Department of Elections to speak on the Bill. Hearing no objection, the privilege was granted.

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Elliott, SB 126 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 126 — "An Act to Amend Chapter 13, Title 14, Delaware Code, Entitled State Supported Salary Schedules for School Employees."

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

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Steele, SB 383 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 383 — "An Act to Amend Title 29, Delaware Code, Chapter 68 referring to the Powers and Duties Relating to the Department of Administrative Services, Division of Purchasing."

Senator Steele's request for the privilege of the floor for David L. Press of the Delaware League of Local Governments to speak on the Bill was granted without objection.

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

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

ABSENT: Messrs. Cook and Schlör — 2.

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

On motion of Senator Slawik, SB 117 was stricken from the Calendar without objection.

On motion of Senator Slawik, SB 120 was restored to the Calendar without objection.

On motion of Senator Steele, HB 226 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 226 — “An Act Making a Supplementary Appropriation to the Educational Contingency Fund for the Purpose of Tuition payments on Account of Delmar School District.”

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

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

NAYS: Mr. Isaacs — 1.

ABSENT: Mr. Hart — 1.

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

On motion of Senator Cicione, SB 355 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 355 — “An Act to Amend Chapter 87, Title 3 of the Delaware Code to Provide for the Licensing of Official Establishments in Association with the Meat and Poultry Products Inspection Act.”

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

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

NAYS: Mr. Isaacs — 1.

ABSENT: Mr. Hart — 1.

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

On motion of Senator Conner, HB 199 w/ HA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 199 w/ HA 1 — “An Act to Amend Chapter 33, Title 14, Delaware Code, by Providing for the Extending of Vocational Rehabilitation Services to Public Assistance Recipients, and Providing an Appropriation to Assist in Such Services.”

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

NAYS: Mr. Hart — 1.

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

Senator Conner moved that Rule 9 be suspended for the purpose of considering **HB 237**.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

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

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

Therefore, the Bill was read a second time by title only in order to pass the Senate.

HB 237 — “An Act to Provide a Supplementary Appropriation to the Department of Labor to effect the Vocational Rehabilitation of Public Assistance Recipients.”

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

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

NAYS: Mr. Hart — 1.

NOT VOTING: Messrs. Isaacs and McCullough — 2.

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

Senator Robbins introduced **SA 1** to **HB 347**.

Senator Robbins moved that the Amendment be adopted.

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

YEAS: Messrs. Cicione, Cook, duPont, Elliott, Grier, Hart, Hickman, Isaacs, McCullough, Robbins, Schlor, Steele — 12.

NAYS: (Mrs.) Conner, Messrs. Foltz, Hale, Holloway, (Mrs.) Manning, — 5.

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

On motion of Senator Conner, HB 347 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 347 w/ SA 1 — “An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to Eligibility for Welfare Assistance.”

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

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

NAYS: (Mrs.) Manning — 1.

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

Senator Grier moved that the Senate recess until 7:45 p.m. Hearing no objection, the motion prevailed and the Senate recessed at 6:00 p.m.

The Senate reconvened at 8:15 p.m.

On motion of Senator Isaacs, SB 256 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 256 — “An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Employment Formula and Salary Schedules for Certain Professional Personnel Employed by the School District.”

Senator Isaacs requested the privilege of the floor for William R. Keene of the Appoquinimink School District and Mrs. N. W. Smith of the Delaware State Association of Certified Visiting Teachers to speak on the Bill. Hearing no objection, the privilege was granted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Steele — 14.

NAYS: Mr. Hickman — 1.

NOT VOTING: Messrs. Cook and Grier — 2.

ABSENT: Messrs. McCullough and Slawik — 2.

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

Senator Manning moved that SA 1 to HS 1 for HB 30 w/ HA 4, 5, which had been placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, Cicione, Cook, Elliott, Foltz, Hale, Holloway, Isaacs, (Mrs.) Manning, Robbins, — 10.

NAYS: Messrs. Hickman, Schlör and Slawik — 3.

NOT VOTING: (Mrs.) Conner, Messrs. duPont, Grier, Hart, McCullough and Steele — 6.

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

On motion of Senator Conner, **HS 1 for HB 30 w/ HA 4, 5, SA 1** was taken up for consideration and read a second time by title only in order to pass the Senate.

HS 1 for HB 30 w/ HA 4, 5, SA 1 — “An Act to Amend Title 16, Delaware Code, Chapter 10 Relating to Reporting of Cases of Abuse to Children.”

Senator Conner requested the privilege of the floor for Ralph H. Barnes, representing the Christian Scientists of Delaware, and Elizabeth B. Stiff, representing the Division of Social Services, to speak on the Bill. Hearing no objection, the privileges were granted.

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

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

NOT VOTING: Mr. Cicione — 1.

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

On motion of Senator Elliott, **SB 1** was stricken from the Calendar without objection.

On motion of Senator Elliott, **SA 1 to SS 1 for SB 199** which had been placed with the Bill was stricken without objection.

On motion of Senator Elliott **SS 1 for SB 199** was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 199 — “An Act to Amend Chapter 45, Title 21 of the Delaware Code, Relating to Size and Weight of Vehicles and Truck Loads.”

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

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

ABSENT: Messrs. Hickman and Isaacs — 2.

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

Senator Elliott moved that SA 1 to SB 198 which had previously been placed with the Bill, now be adopted.

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

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

ABSENT: Messrs. Hart, Hickman, Isaacs and (Mrs.) Manning — 4.

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

On motion of Senator Elliott, SB 198 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 198 w/ SA 1 — "An Act to Amend Chapter 45, Title 21 of the Delaware Code, Relating to Penalties Imposed upon Trucks Having a Size and Weight in Excess of That Prescribed by Law."

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

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

ABSENT: Messrs. Hart, Hickman, Isaacs, (Mrs.) Manning — 4.

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

On motion of Senator Steele, HB 345 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 345 — "An Act to Provide a Supplementary Appropriation to the Various Departments, Institutions, and School Districts of the State."

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 16.

NAYS: Messrs. Foltz, Hart — 2.

NOT VOTING: Mr. Isaacs — 1.

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

On motion of Senator Hale, SB 396 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 396 — “An Act to Amend Chapter 2, Title 14 of the Delaware Code, by Providing Authorization for the Establishment of Career Education Schools and Facilities in New Castle County.”

Senator Hale requested the privilege of the floor for William Keene of the Appoquinimink School District to speak on the Bill. Hearing no objection, the privilege was granted.

Senator Hale moved that the roll call on the Bill be tabled.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

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

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

On motion of Senator Hale, **SB 357** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 357 — “An Act to Amend Delaware Code, Title 14, Chapter 13, Relating to Salary Schedules for School Employees.”

Senator Hale requested the privilege of the floor for William Keene of the Appoquinimink School District to speak on the Bill. Hearing no objection, the privilege was granted.

On motion of Senator Hale, final consideration for passage of the Bill was deferred without objection.

On motion of Senator Conner, **SB 332** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 332 — “An Act to Amend Chapters 45 and 46, Title 6, Delaware Code, Relating to Prohibiting the Denial of Equal Rights to Housing and Equal Accommodations because of Age or Marital Status.”

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

YEAS: Messrs. Castle, Cicione, duPont, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, Schlör, Slawik, Steele — 13.

NAYS: Messrs. Cook, Elliott, Isaacs, McCullough and Robbins — 5.

NOT VOTING: Mr. Hickman — 1.

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

On motion of Senator Isaacs, **SB 150** which had previously passed the Senate, was taken up for reconsideration as amended by **HA 1**.

On the question, "Shall the Bill (as so amended) pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, Cicione, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

NOT VOTING: (Mrs.) Conner, Mr. Cook and (Mrs.) Manning — 3.

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

On motion of Senator Slawik, SB 451 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 451 — "An Act to Amend Part 11, Chapter 30, Title 9, of the Delaware Code, Relating to Subdivision and Land Development in New Castle County."

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

YEAS: Messrs. Castle, Cicione, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Schlör, Slawik, Steele — 14.

NOT VOTING: (Mrs.) Conner, Messrs. Cook, Foltz, Holloway, Robbins — 5.

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

Senator Foltz, on behalf of the Committee on Administrative Services to whom had been referred SB 166, reported the same back to the Senate: 1 Favorable; 3 Merits; 2 Unfavorable.

Senator Foltz, on behalf of the Committee on Administrative Services to whom had been referred HB 459, reported the same back to the Senate:

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred HB 273, reported the same back to the Senate: 6 Merits.

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred HB 390, reported the same back to the Senate: 6 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred SB 425, reported the same back to the Senate: 6 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 278, reported the same back to the Senate: 5 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 365, reported the same back to the Senate: 5 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred SB 218, reported the same back to the Senate: 1 Favorable; 5 Merits.

Senator Grier moved that the Senate recess until Tuesday, June 15, 1971 at 1:00 p.m. Hearing no objection, the Senate recessed at 10:55 p.m.

Senator Grier moved that the Senate adjourn until 2:35 p.m., Tuesday, June 15, 1971. Hearing no objection, the Senate adjourned at 2:35 p.m., June 15, 1971.

48TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:35 p.m., Tuesday, June 15, 1971, President Pro Tem duPont presiding.

A prayer was offered by Senator Foltz.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Mr. Slawik — 1.

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

Senator duPont announced that there would be a tour of the Getty Oil Refinery on Thursday, June 17 at 10:00 a.m. The tour would also include lunch.

Senator McCullough introduced SR 70, co-sponsored by Senator Slawik, entitled:

SR 70 — "Directing the State Personnel Commission to Review the Dismissal of George W. Maxwell as an Employee of the Motor Vehicle Division and to Provide Him with an Immediate Hearing."

Senator McCullough moved that the Resolution be adopted.

Then Senator McCullough moved that consideration of the Resolution be deferred. Hearing no objection, the motion prevailed.

Senator Isaacs introduced SR 71, entitled:
Manning, entitled:

SR 71 — "Castigating the Division of Housing of the Department of Community Affairs and Economic Development."

On motion of Senator Manning, the Resolution was laid on the table without objection.

Senator Hale introduced SA 1 to HB 33.

On motion of Senator Hale, the Amendment was placed with the Bill without objection.

Senator Isaacs introduced SA 1 to HB 252.

On motion of Senator Isaacs, the Amendment was placed with the Bill without objection.

Senator Steele introduced SA 3 to SB 280.

On motion of Senator Steele, the Amendment was placed with the Bill without objection.

Senator Isaacs introduced SA 1 to SB 310.

On motion of Senator Isaacs, the Amendment was placed with the Bill without objection.

Senator Elliott introduced SA 1 to SB 357.

On motion of Senator Elliott, the Amendment was placed with the Bill without objection.

Senator Isaacs introduced SA 1 to SB 414.

On motion of Senator Isaacs, the Amendment was placed with the Bill without objection.

Senator Slawik introduced SS 1 for SB 218.

On motion of Senator Cook, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator Cook introduced SS 1 for SB 413, co-sponsored by Senator Hickman.

On motion of Senator Cook, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator Cicione introduced SA 1 to SB 391, co-sponsored by Senator Slawik.

On motion of Senator Cicione, the Amendment was placed with the Bill without objection.

On motion of Senator Hickman, HB 244 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 244 — “An Act to Amend Section 2707, Chapter 27, Subchapter 1, Title 21, Delaware Code, Relating to School Bus Drivers’ Licenses.”

On Senator Hickman’s motion, final consideration of the Bill was deferred without objection.

On motion of Senator Conner HB 96 w/ HA 1, 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 96 w/ HA 1, 2 — “An Act to Amend Chapter 5, Title 31 of the Delaware Code, Pertaining to the State Public Assistance Code.”

On motion of Senator Conner, final consideration of the Bill was deferred without objection.

Senator Steele moved that SA 1 to SB 412 which had previously been placed with the Bill, now be adopted.

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

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

ABSENT: Mr. Slawik — 1.

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

On motion of Senator Steele SB 412 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 412 w/ SA 1 — “An Act to Amend Title 8, Delaware Code, Sections 375 and 502, Relating to Failure of Corporations to File Annual Reports.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, Robbins, Schlor, Steele — 14.

NAYS: Mr. McCullough — 1.

NOT VOTING: Messrs. Cicione, Foltz, Isaacs — 3.

ABSENT: Mr. Slawik — 1.

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

Senator Steele introduced SS 1 for SB 214.

On motion of Senator Steele, the Substitute Bill was adopted in lieu of the Original Bill without objection.

When SB 373 was brought up for discussion, Senator Grier asked to be excused from the Senate, due to conflict of interest. The Senator was excused without objection.

Senator Isaacs moved that SA 1 to SB 373 which had been previously placed with the Bill, now be adopted.

Senator Steele requested the privilege of the floor for Edward F. Spear, representing the Delmarva Power and Light Company, to speak on the Amendment. Hearing no objection, the privilege was granted.

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

YEAS: Messrs. Cook, Elliott, Hickman, Isaacs, Robbins — 5.

NAYS: Messrs. Castle, duPont, Steele — 3.

NOT VOTING: (Mrs.) Conner, Messrs. Foltz, Hart, McCullough, Schlor — 5.

ABSENT: Messrs. Cicione, Grier, Hale, Holloway, (Mrs.) Manning, Slawik — 6.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs moved that SA 2 to SB 373 which had previously been placed with the Bill, now be adopted.

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

YEAS: Messrs. Cook, Elliott, Isaacs, McCullough, Robbins, Schlor — 6.

NAYS: Messrs. duPont, Hale, Hickman, Steele — 4.

ABSENT: Messrs. Cicione, Grier, Holloway, (Mrs.) Manning, Slawik — 5.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs moved that SA 3 to SB 373 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. (Mrs.) Conner, Cook, Elliott, Hickman, Isaacs, McCullough, Robbins, Schlor — 8.

NAYS: Messrs. duPont, Hale, Steele — 3.

NOT VOTING: Messrs. Castle, Foltz, Hart — 3.

ABSENT: Messrs. Cicione, Grier, Holloway, (Mrs.) Manning, Slawik — 5.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs moved that SA 4 to SB 373 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Cook, Elliott, Isaacs, Robbins — 4.

NAYS: Messrs. Castle, duPont, Hale, Hickman, McCullough, Steele — 6.

NOT VOTING: Messrs. (Mrs.) Conner, Foltz, Hart, Schlor — 4.

ABSENT: Messrs. Cicione, Grier, Holloway, (Mrs.) Manning, Slawik — 5.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

On motion of Senator Conner, SA 7 to SB 373 which had been previously placed with the Bill was brought up for consideration.

Senator Conner requested the privilege of the floor for Mrs. Milton Roedel, representing the Civic League for New Castle County, to speak on the Amendment and Senator Steele

requested the privilege of the floor for Edward F. Spear, representing the Delmarva Power and Light Company. Hearing no objection, the privileges were granted.

Senator Conner moved that consideration of the Amendment be deferred. Hearing no objection, the motion prevailed.

On motion of Senator Conner, the Amendment was lifted and then again deferred without objection.

Senator Elliott moved that SA 8 to SB 373 which had been previously placed with the Bill, now be adopted.

On further motion of Senator Elliott, final consideration of the Amendment was deferred without objection.

Senator Elliott moved that SA 10 to SB 373 which had been previously placed with the Bill, now be considered for adoption.

Senator Steele requested the privilege of the floor for Edward F. Spear, representing the Delmarva Power and Light Company, to speak on the Amendment. Hearing no objection, the privilege was granted.

On motion of Senator Elliott, SA 10 was stricken from the calendar without objection.

Senator Isaacs moved that SA 6 to SB 373 which had been previously placed with the Bill, now be adopted. On the question,

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

YEAS: Messrs. Cook, Isaacs, Robbins — 3.

NAYS: Messrs. Castle, duPont, Hale, Hickman, McCullough, Steele — 6.

NOT VOTING: (Mrs.) Conner, Messrs. Elliott, Foltz, Hart, Holloway, (Mrs.) Manning — 6.

ABSENT: Messrs. Cicione, Grier, Schlör, Slawik — 4.

YEAS: Messrs. Cook, Elliott, Hickman, Isaacs, Robbins — 5.

NAYS: Messrs. duPont, Hale, McCullough, Steele — 4.

NOT VOTING: Messrs. Castle, (Mrs.) Conner, Foltz, Hart, Holloway, (Mrs.) Manning, Schlör — 7.

ABSENT: Messrs. Cicione, Grier, Slawik — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs moved that SA 5 to SB 373 which had been previously placed with the Bill, now be adopted.

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

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Robbins introduced SA 12 to SB 373.

Senator Robbins moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Elliott, Hickman, Isaacs, Robbins — 5.

NAYS: Messrs. Castle, duPont, Foltz, Hale, Hart, McCullough, Schlör, Steele — 8.

NOT VOTING: Messrs. Cicione, (Mrs.) Conner, Holloway — 3.

ABSENT: Messrs. Grier, (Mrs.) Manning, Slawik — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Robbins introduced SA 13 to SB 373.

Senator Robbins moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Hickman, Isaacs, Robbins — 4.

NAYS: Messrs. Castle, duPont, Hale, Hart, (Mrs.) Manning, McCullough, Schlör, Steele — 8.

NOT VOTING: Messrs. Cicione, (Mrs.) Conner, Elliott, Foltz, Holloway — 5.

ABSENT: Messrs. Grier and Slawik — 2.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Robbins introduced SA 14 to SB 373.

Senator Robbins moved that the Amendment be adopted.

Senator Elliott requested the privilege of the floor for Edward F. Spear, representing the Delmarva Power and Light Company, to speak on the Amendment. Hearing no objection, the privilege was granted.

On motion of Senator Robbins, consideration of the Amendment was deferred.

Senator Robbins then moved that the Amendment be lifted and considered for adoption.

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

YEAS: Messrs. Elliott, Isaacs, Robbins — 3.

NAYS: Messrs. duPont, Foltz, Hale, Hart, Hickman, McCullough, Schlör, Steele — 8.

NOT VOTING: Messrs. Castle, (Mrs.) Conner, Cook, Holloway — 4.

ABSENT: Messrs. Cicione, Grier, (Mrs.) Manning, Slawik — 4.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs introduced SA 16 to SB 373.

On motion of Senator Isaacs, consideration of the Amendment was deferred without objection.

Senator Robbins introduced SA 17 to SB 373.

Senator Robbins moved that the Amendment be adopted.

Senator Foltz requested the privilege of the floor for Monroe Whaley, Delmarva Power and Light Company, to speak on the Amendment. Privilege was granted, without objection. consideration and read a second time by title only in order to pass the Senate.

SB 373 — "An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission, by Requiring a Certificate of Public Convenience and Necessity before an Electric Utility Corporation may Begin the Acquisition of Right-of-way for an Electric Transmission Line, Providing for a Public Hearing with Respect Thereto, Authorizing Condemnation for the Acquisition of Such Rights-of-way by an Electric Utility Corporation Issued a Certificate of Public Convenience and Necessity therefor, and Providing the Procedure for the Determination of Just Compensation in Such Cases."

On motion of Senator Steele, final consideration of the Bill was deferred without objection.

On motion of Senator Hale, the roll call on **SB 396** was lifted without objection.

Therefore, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Hale, Hart, Holloway, Isaacs, Slawik, Steele — 10.

NOT VOTING: Messrs. Cook, Elliott, Foltz, Grier, Hickman, (Mrs.) Manning, McCullough, Schlör — 8.

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

On motion of Senator Castle, the roll call on **SB 345 w/ SA 1** was lifted without objection.

Therefore, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

NAYS: Mr. McCullough — 1.

NOT VOTING: Messrs. Cicione, Isaacs, Robbins, Schlör, Slawik — 5.

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

On motion of Senator duPont, SA 1 to SB 277 which had been placed with the Bill, was stricken without objection.

Senator duPont moved that SA 2 to SB 277 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, duPont, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele — 12.

NOT VOTING: Messrs. Cook, Elliott, Isaacs — 3.

ABSENT: Messrs. Cicione, (Mrs.) Conner, Holloway, Slawik — 4.

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

On motion of Senator duPont, SB 277 w/ SA 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 277 w/ SA 2 — "An Act to Amend Title 21, Delaware Code, Chapters 27 and 41, Relating to Driving, Operating or Having in Actual Physical Control a Motor Vehicle while Under the Influence of Intoxicating Liquor, Drug or Combination Thereof."

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, McCullough, Robbins, Schlor, Steele — 15.

ABSENT: (Mrs.) Conner, Mr. Holloway, (Mrs.) Manning and Mr. Slawik — 4.

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

Senator Steele introduced SA 1 to SS 1 for SB 410.

On motion of Senator Steele, the Amendment was placed with the Bill without objection.

Senator Hale introduced SA 1 to SB 358.

On motion of Senator Hale, the Amendment was placed with the Bill without objection.

Senator Manning introduced SA 1 to SB 390.

On motion of Senator Manning, the Amendment was placed with the Bill without objection.

Senator Foltz, on behalf of the Committee on Administrative Services to whom had been referred HB 364, reported the same back to the Senate: 6 Merits.

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred SB 378, reported the same back to the Senate: 3 Merits; 1 Unfavorable.

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred HB 429, reported the same back to the Senate: 4 Merits.

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred HB 374, reported the same back to the Senate: 2 Merits; 2 Unfavorable.

Senator Steele introduced SA 1 to SB 178.

On motion of Senator Steele, the Amendment was placed with the Bill without objection.

The Secretary read the following message from the House:

6-10-71

Mr. President:

The House wishes to inform the Senate that it has passed HS 1 for HB 95; HB 143; HB 254, HB 315; HB 317 w/ HA 1, 2; HB 350 w/ HA 3,4; HB 406; HB 409; HB 410 w/ HA 1; HB 434 w/ HA 3; HB 468; HB 450 and requests the concurrence of the Senate.

The House also passed SB 93; SB 150 w/ HA 1; SB 259 w/ SA 1; SB 302 and is returning same to the Senate.

The Chair introduced the following House Bills which were read for the first time by title only and assigned to the various Committees:

HS 1 for HB 95 — “An Act to Amend Title 22, Delaware Code, Relating to Public Bidding for Purchases by Parking Authorities.” Assigned to Committee on Finance.

HB 143 — “An Act relating to a Pension for Joseph A. Bradshaw, former Executive Director of the Employment Security Commission.” Assigned to Committee on Finance.

HB 254 — “An Act to Amend Chapter 25, Title 16, Delaware Code, Relating to Contraceptives.” Assigned to Committee on Health and Social Services.

HB 315 — “An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled “An Act to Reincorporate the Town of Laurel” by Increasing the Amount of Money that May be Raised Annually by Taxation for General Municipal Purposes.” Assigned to Committee on Community Affairs.

HB 317 w/ HA 1, 2 — “An Act to Amend Title 4, Chapter 11, Delaware Code, Relating to Seizure and confiscation of Alcoholic Liquor and Property Used in Offenses Against the Liquor Control Act and the Rules of the Alcoholic Beverage Control Commission and Providing for the Disposition thereof.” Assigned to Committee on Judiciary and Elections.

HB 350 w/ HA 3, 4 — “An Act to Amend Title 3, Delaware Code, Part 11, by Adding a Chapter 12 thereto Relating to the Distribution, Sale, Transportation, and Application of Insecticides, Fungicides, Rodenticides, Defoliants, Desiccants, Plant Regulators, Nematocides, Miticides, and other Pesticides and Regulating Traffic Therein; Providing for Registration and

Examination of Such Materials, Imposing Penalties, for other Purposes, and Imposing Duties upon and giving certain Powers to the State Department of Agriculture, and making an appropriation Therefor." Assigned to Committee on Agriculture.

HB 406 — "An Act Providing for the Appropriation of Money to Milton R. Olazagasti, a Veteran Eligible for the Bonus paid by the State Pursuant to the Veteran's Military Pay Act No. 11, but Who did not Receive his Bonus." Assigned to Committee on Finance.

HB 409 — "An Act to Reincorporate the Town of Cheswold." Assigned to Committee on Community Affairs.

HB 410 w/ HA 1 — "An Act to Amend an Act Entitled: "An Act to Re-incorporate the Town of Leipsic" relating to the Adoption and Enforcement of Town Ordinances." Assigned to Committee on Community Affairs.

HB 434 w/ HA 3 — "An Act to Amend Title 15, Delaware Code, Relating to the Election Laws of Delaware by Amending Chapters 31 and 33, and Making Certain Changes in Provisions Relating to Primary Elections and Nominations of Candidates, and Nominations of Candidates by Parties." Assigned to Committee on Judiciary and Elections.

HB 450 — "An Act to Amend Title 26, Delaware Code, by Adding a New Section Thereto Relating to the Duties and Powers of the Public Service Commission with Respect to Public Water Suppliers." Assigned to Committee on Community Affairs.

HB 468 — "An Act to Amend Title 13, Chapter 11, Relating to Escheats by Expanding the Types of Property Covered and Defining the Duties and Powers of the State Escheator with Respect thereto." Assigned to Committee on Finance.

Senator Cicione introduced SA 1 to SB 391, co-sponsored by Senator Slawik.

On motion of Senator Cicione, the Amendment was placed with the Bill without objection.

Senator Grier moved that the Senate adjourn until 1:00 p.m. Wednesday, June 16, 1971. Hearing no objection, the motion prevailed and the Senate adjourned at 4:30 p.m.

49TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:24 p.m., Wednesday, June 16, 1971, President Pro Tem duPont presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Mr. Cicione — 1.

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

Senator Conner introduced SS 1 for SB 410.

On motion of Senator Conner, the Substitute Bill was adopted in lieu of the Original Bill without objection.

The Secretary read the following message from the House:

6-16-71

Mr. President:

The House wishes to inform the Senate that it has passed HB 55; HB 56; HB 58; HB 59; HB 62; HB 63; HB 340 w/ HA 1, 2, 3; HB 372 w/ HA 1; HB 456; HB 485; HB 220 w/ HA 1; HB 313; HB 369; HS 1 for HB 396; HB 422 w/ HA 1, 2, 5 and requests the concurrence of the Senate.

The House also passed SB 439; SB 443; SB 444; SB 273 w/ HA 1; SJR 22 and is returning same to the Senate.

The Chair introduced the following House Bills which were given first reading by title only and assigned to the various committees:

HB 220 w/ HA 1 — "An Act to Amend Chapter 51, Title 25, Delaware Code, Relating to Terms and Conditions of Residential Leases for Persons over 60 Years of Age." Assigned to Committee on Judiciary and Elections.

HB 313 — "An Act to Amend Chapter 3, Title 25 of the Delaware Code Relating to Conveyances of Real Estate; to Create Either Joint Tenancy or Tenancy in Common Ownership of Real Estate." Assigned to Committee on Judiciary and Elections.

HB 369 — "An Act to Amend Section 918, Title 5, Delaware Code, Relating to Hypothecation of Assets to Certain Governmental Bodies." Assigned to Committee on Finance.

HS 1 for HB 396 — "An Act to Amend Chapters 1 and 21, Title 21 of the Delaware Code Authorizing the Director of the Division of Motor Vehicles to Allow Franchised Automotive Dealers to Inspect Vehicles Under Certain Circumstances." Assigned to Committee on Public Safety.

HB 422 w/ HA 1, 2, 5 — "An Act to Amend Title 29 of the Delaware Code Relating to the Reemployment Rights of Veterans of the Armed Forces of the United States." Assigned to Committee on Executive.

HB 55 — "An Act Relating to Education of the Citizens of Delaware by Making an Appropriation to WHY Y, Inc., engaged in Educating the People of this State." Assigned to Committee on Finance.

HB 56 — "An Act Making a Supplementary Appropriation to Boys Home of Delaware, Inc." Assigned to Committee on Finance.

HB 58 — “An Act Relating to Education of the Citizens of Delaware by Making an Appropriation to Delaware Safety Council, Inc. engaged in Educating the People of this State.” Assigned to Committee on Finance.

HB 59 — “An Act Relating to Education of the Citizens of Delaware by Making an Appropriation to the “Delaware State Fair, Inc.” Assigned to Committee on Finance.

HB 61 — “An Act to Aid Organizations Maintaining Residential Facilities by Making Appropriations thereto.” Assigned to Committee on Finance.

HB 62 — “An Act Making an Appropriation to Big Brothers Association of Northern Delaware, Inc.” Assigned to Committee on Finance.

HB 63 — “An Act to Aid Certain Civic Organizations which Maintain Emergency Vehicles by Making Appropriations Therefor.” Assigned to Committee on Finance.

HB 340 w/ HA 1, 2, 3 — “An Act to Amend Subchapter 11, Chapter 23, Title 19, Delaware Code, Relating to Compensation Payable to Workmen’s Compensation Claimants for Serious and Permanent Disfigurement to any Part of the Human Body.” Assigned to Committee on Labor and Industrial Relations.

HB 372 w/ HA 1 — “An Act to Amend Subchapter V, Chapter 17, Title 24, Delaware Code, Providing for Immunity of Members of Medical Society Committees whose Function is the Review of Medical Records and of Physicians’ Work with a View to Quality of Care and Utilization of Hospital Facilities, Home Visits and Office Visits.” Assigned to Committee on Health and Social Services.

HB 456 — “An Act to Amend Chapter 25, Title 30, Delaware Code, Relating to License Requirements for Contractors.” Assigned to Committee on Finance.

HB 485 — “An Act to Amend Title 16, Delaware Code, by Creating a New Chapter to be Designated as Chapter 76 to Provide for the Regulation of and Standards for Ambulance Service by the State Fire Prevention Commission, and to Provide an Appropriation Therefor, and to Grant Immunity from Suit under Certain Circumstances.” Assigned to Committee on Finance.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred **HB 410**, reported the same back to the Senate: 5 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred **HB 315**, reported the same back to the Senate: 5 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred **HB 450**, reported the same back to the Senate: 5 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred **HB 409**, reported the same back to the Senate: 5 Merits.

On motion of Senator Foltz, SB 273 which had previously passed the Senate was taken up for reconsideration as amended by HA 1.

On the question, "Shall the Bill (as so amended) pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

NAYS: Messrs. Hickman, Isaacs, Robbins — 3.

NOT VOTING: Mr. Elliott — 1.

ABSENT: Messrs. Cicione and Slawik — 2.

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

On motion of Senator Castle, SB 429 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 429 — "An Act to Amend Chapter 118, Volume 33, Laws of Delaware, entitled "An Act Providing for a Firemen's Pension Fund for Members of the Bureau of Fire of the City of Wilmington", to Provide for an Increase in Pension Benefits."

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

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

ABSENT: Messrs. Cicione and Isaacs — 2.

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

On motion of Senator Castle, SB 430 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 430 — "An Act to Amend Chapter 113, Volume 32, Laws of Delaware, entitled "An Act Providing for a Police Pension Fund: for Members of the Police Force of the City of Wilmington." to provide for an Increase in Pension Benefits."

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

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

ABSENT: Messrs. Cicione and Foltz — 2.

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

On motion of Senator Steele, HB 178 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 178 — “An Act to Amend Title 30, Delaware Code, Chapter 30, Relating to Automobile Dealer Handling Fee and License Fee.”

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

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Foltz, Hart, Isaacs, Robbins, Slawik — 5.

NAYS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlor, Steele — 13.

ABSENT: Mr. Cicione — 1.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost.

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

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

NAYS: Messrs. McCullough, Robbins, Slawik — 3.

NOT VOTING: Mr. Isaacs — 1.

ABSENT: Mr. Cicione — 1.

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

Senator Steele moved that SA 1 to SB 51 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Steele, SB 51 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 51 w/ SA 1 — “An Act Making a Supplemental Appropriation to the State Employees’ Retirement Fund from the Capital Investment Fund.”

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

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

NOT VOTING: Mr. McCullough — 1.

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Steele, SB 361 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 361 — "An Act to Amend Title 29, Chapter 70, Delaware Code, Relating to Sale of State Owned Material."

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

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

NOT VOTING: Mr. McCullough - 1.

ABSENT: Messrs. Cicione and Isaacs — 2.

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

On motion of Senator Steele, SA 1 to SB 280 which had been previously placed with the Bill was stricken without objection.

On motion of Senator Slawik, SA 2 to SB 280 which had been previously placed with the Bill was stricken without objection.

Senator Steele moved that SA 3 to SB 280 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Steele, SB 280 w/ SA 3 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 280 w/ SA 3 — "An Act to Amend Title 14, Chapter 27, Section 2702, Delaware Code, to Prescribe More Precisely the School Entering Ages."

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

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

YEAS: Messrs. Cook, Elliott, Foltz, Hale, Hart, Isaacs, McCullough, Schlor — 8.

NAYS: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hickman, (Mrs.) Manning, Robbins, Slawik, Steele — 9.

ABSENT: Messrs. Cicione and Holloway — 2.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost.

Therefore, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele — 14.

NAYS: Messrs. Hale, Hart, Isaacs — 3.

NOT VOTING: Mr. Foltz — 1.

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Steele, **HB 123 w/ HA 1** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 123 w/ HA 1 — "An Act to Amend Part III, Chapter 23, Title 30 of the Delaware Code providing an Exemption from Payment of Fees Required to Obtain Occupational Licenses for Non-profit Nursing, Rest or Convalescent Homes."

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

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

ABSENT: Mr. Cicione — 1.

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

The Secretary read the following message from the House.
Mr. President:

The House wishes to inform the Senate that it has passed **HCR 31** and requests the concurrence of the Senate.

On motion of Senator Manning, **HCR 31** with title as follows, was taken up for consideration in order to be adopted by the Senate:

HCR 31 — “Relating to Real Property Tax Exemptions of Handicapped Persons and Citizens over 65.”

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

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

ABSENT: Messrs. Cicione, Hickman and McCullough — 3.

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

On motion of Senator Manning, **SB 428** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 428 — “An Act to Amend Section 2—316 of the Uniform Commercial Code by Providing that any Attempt to Exclude or Modify the Warranty of Merchability or Fitness for a Purpose in a Sale of Consumer Goods Shall be Unenforceable.”

Senator Manning requested the privilege of the floor for Frances M. West, of the Division of Consumer Affairs to speak on the Bill. Hearing no objection, the privilege was granted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Steele — 15.

ABSENT: Messrs. Cicione, Isaacs, Schlör, Slawik — 4.

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

On motion of Senator Manning, **HB 281** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 281 — “An Act to Amend Chapter 47, Title 9, Delaware Code, Relating to Garbage Collection in Unincorporated areas of Kent County.”

Senator Manning requested the privilege of the floor for Representative Robert Riddagh to speak on the Bill. Hearing no objection, the privilege was granted.

On motion of Senator Manning, final consideration of the Bill was deferred without objection.

On motion of Senator Isaacs, **HB 332 w/ HA 1, 2** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 332 w/ HA 1, 2 — “An Act to Transfer Title to Real Estate from the State of Delaware to the Kent County Society for the Prevention of Cruelty to Animals.

Senator Isaacs requested the privilege of the floor for Dr. Lorin Sebrell, representing Kent County S.P.C.A., to speak on the Bill. Hearing no objection, the privilege was granted.

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

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

ABSENT: Messrs. Cicione and Holloway — 2.

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

Senator Grier asked to be excused from the Senate Chamber while SB 373 was under consideration because of conflict of interest.

On motion of Senator Elliott, SA 15 to SB 373 which had been previously placed with the Bill, was withdrawn without objection.

Senator Isaacs moved that SA 16 be adopted.

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

YEAS: Messrs. Cook, Elliott, Isaacs, Robbins, Schlör — 5.

NAYS: Messrs. Castle, (Mrs.) Conner, duPont, Foltz, Hale, Holloway, McCullough, Steele — 8.

NOT VOTING: Messrs. Hart, (Mrs.) Manning, Slawik, - 3.

ABSENT: Messrs. Cicione, Grier, Hickman — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Conner introduced SA 18 to SB 373, co-sponsored by Senator duPont.

Senator Conner moved that the Amendment be adopted.

On motion of Senator Conner, the roll call on the adoption of the Amendment was tabled without objection.

Senator Conner then moved that the roll call be lifted. Hearing no objection, the motion prevailed.

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Foltz, Hale, Holloway, (Mrs.) Manning, McCullough, Slawik, Steele — 10.

NAYS: Messrs. Hart, Isaacs, Robbins, Schlör — 4.

NOT VOTING: Messrs. Cook, Elliott — 2.

ABSENT: Messrs. Cicione, Grier, Hickman — 3.

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

Senator Robbins moved that SA 17 to SB 373 which had been tabled, now be adopted.

Senator Robbins requested that the following letter, relative to SA 17 be made part of the record:

DELAWARE FARM BUREAU

June 16, 1971

Members of the Delaware State Senate
Legislative Hall
Dover, Delaware 19901

Dear Senators:

By letter of June 8, 1971 and by testimony at the Hearing on June 9, 1971 we have expressed to you our opposition to S.B. 373 and the reasons for this opposition.

Senate amendment No. 17, introduced by Senator Robbins, would eliminate many of the objectionable features of the bill and we respectfully request your support of this amendment.

Thank you very much for your consideration.

Sincerely yours,
(Signed) O. Joseph Penuel
President

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

YEAS: Messrs. Cook, Elliott, Hickman, Isaacs, McCullough, Robbins, Schlör — 7.

NAYS: Messrs. Castle, duPont, Hale, (Mrs.) Manning, Steele — 5.

NOT VOTING: (Mrs.) Conner, Messrs. Foltz, Hart, Slawik — 4.

ABSENT: Messrs. Cicione, Grier, Holloway — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Robbins moved that the roll call on SA 17 to SB 373 be stricken.

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

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

NAYS: Mr. duPont — 1.

ABSENT: Messrs. Cicione and Grier — 2.

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

On motion of Senator Conner, SA 7 to SB 373 which had been deferred, was stricken without objection.

Senator Foltz introduced SA 19 to SB 373.

Senator Foltz moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Elliott, Foltz, Hart, Holloway, Isaacs, Schlör — 7.

NAYS: Messrs. Hickman and Steele — 2.

NOT VOTING: Messrs. Castle, (Mrs.) Conner, duPont, (Mrs.) Manning, McCullough, Robbins, Slawik — 7.

ABSENT: Messrs. Cicione, Grier, Hale — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs introduced SA 20 to SB 373.

Senator Isaacs moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Elliott, Isaacs, Robbins — 4.

NAYS: Messrs. Castle, duPont, Foltz, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Slawik, Steele — 10.

NOT VOTING: (Mrs.) Conner, Messrs. Hart and Schlör — 3.

ABSENT: Messrs. Cicione and Grier — 2.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator duPont moved that SB 373 which had been deferred, now be taken up for consideration as further amended by SA 18.

Senators Hart and Slawik requested the privilege of the floor for Edward Spear, representing the Delmarva Power and Light Company, to speak on the Bill. Hearing no objection, the privilege was granted.

Senator Robbins requested the privilege of the floor for George Papen, representing the Delaware State Grange, to speak on the Bill. Hearing no objection, the privilege was granted.

Senator McCullough moved that final consideration of the Bill be again deferred.

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

YEAS: Messrs. Cook, Elliott, Hickman, Isaacs, McCullough, Robbins, Schlör — 7.

NAYS: Messrs. Castle, duPont, Foltz, Hale, (Mrs.) Manning, Steele — 6.

NOT VOTING: (Mrs.) Conner, Messrs. Hart and Slawik — 3.

ABSENT: Messrs. Cicione, Grier and Holloway — 3.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost.

Therefore, on the question, "Shall the Bill (SB 373 w/ SA 18) pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Slawik, Steele — 11.

NAYS: Messrs. Cook, Elliott, Foltz, Isaacs, Robbins — 5.

NOT VOTING: Mr. Schlör — 1.

ABSENT: Messrs. Cicione and Grier — 2.

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

Senator Steele moved that SA 1 to SS 1 for SB 410 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Hale, Hart, Hickman, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 15.

ABSENT: Messrs. Cicione, Grier, Holloway and Isaacs — 4.

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

On motion of Senator Conner, SS 1 for SB 410 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 410 w/ SA 1 — "An Act to Amend Title 16, by Adding a New Chapter 34 Entitled, "An Act to Establish a Delaware Formulary for Voluntary Use, and to Promote the Availability of High Quality Drug Products at Reasonable Costs."

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Grier and Holloway — 3.

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

On motion of Senator Castle SB 297 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 yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Hale, Hart, Hickman, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele — 13.

NOT VOTING: Messrs. Isaacs and McCullough — 2.

ABSENT: Messrs. Cicione, Foltz, Grier and Holloway — 4.

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

On motion of Senator Conner, HB 96 w/ HA 1, 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 96 w/ HA 1, 2 — “An Act to Amend Chapter 5, Title 31 of the Delaware Code, Pertaining to the State Public Assistance Code.”

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

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

ABSENT: Messrs. Cicione, Grier, Hickman — 3.

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

On motion of Senator Manning, SCR 32 which had been previously adopted by the Senate was taken up for reconsideration as further amended by HA 1.

On the question, “Shall the Resolution (as so amended) be adopted?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: (Mrs.) Conner, Messrs. Cook, duPont, Elliott, Foltz, Hale, Hart, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik — 12.

NAYS: Messrs. Castle and Steele — 2.

NOT VOTING: Mr. Holloway — 1.

ABSENT: Messrs. Cicione, Grier, Hickman, Isaacs — 4.

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

Senator duPont moved that the following letter from the Governor be made part of the record. Hearing no objection, the motion prevailed.

June 16, 1971

To the Senate of the
126th General Assembly
of the State of Delaware

Under 20 Delaware Code, § 902 I am required to lay before the General Assembly, at the session after payment, a list of veterans buried at State expense, together with the amount of State funds paid out for the burial of each.

The following amounts have been paid for the burial of the indigent veterans listed below since July 1, 1970. This list was brought to my attention by a special report to me by the State Treasurer.

Name	Amount
Andrew Rzemieniewski	\$150.00
George M. Russell	150.00
Joseph J. Ford	150.00
William H. Pritchett	150.00
George A. Laws	150.00
John A. Small	150.00
Wednell Simons	150.00
Earl E. Blackburn	150.00

Sincerely,
(Signed) Russell W. Peterson
Governor

Senator duPont announced that the session for Thursday, June 16 would convene at 1:00 p.m. and recess from 5:30 p.m. until 7:30 p.m. when an evening session would be held.

Senator Elliott, on behalf of the Committee on Agriculture to whom had been referred **HB 350**, reported the same back to the Senate: 5 Merits.

Senator Elliott, on behalf of the Committee on Agriculture to whom had been referred **HB 168**, reported the same back to the Senate: 5 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred **HB 434**, reported the same back to the Senate: 5 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred **HB 317**, reported the same back to the Senate: 6 Merits.

Senator Foltz, on behalf of the Committee on Administrative Services to whom had been referred **HB 257**, reported the same back to the Senate: 4 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 302**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HS 1** for **HB 95**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 375**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 394**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 406**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 457**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 143**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 468**, reported the same back to the Senate: 5 Merits.

Senator Foltz, on behalf of the Committee on Administrative Services to whom had been referred **SB 308**, reported the same back to the Senate: 5 Merits.

Senator duPont moved that the Senate adjourn until 1:00 p.m., Thursday, June 17, 1971. Hearing no objection, the motion prevailed and the Senate adjourned at 6:05 p.m.

The Senate met pursuant to adjournment at 1:45 p.m., Thursday, June 17, 1971, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Mr. Cicione — 1.

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

Senator Elliott introduced **SS 4** for **SB 65**, co-sponsored by Senators Cook, Foltz, Hale, Hart, Isaacs, McCullough and Robbins.

On motion of Senator Elliott, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator Hale introduced **SS 2** for **SB 187**.

On Motion of Senator Hale, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator Steele introduced **SB 467** which was given its first reading by title only, as follows:

SB 467 — “An Act to Provide a Supplemental Appropriation to the Department of Justice for the Purchase of the 1970 Pocket Part Supplements to the Delaware Code.” Assigned to Committee on Finance.

Senator Grier introduced **SR 72**, co-sponsored by Senators Castle, Cicione, Conner, Cook, duPont, Elliott, Foltz, Hale, Hart, Hickman, Holloway, Isaacs, Manning, McCullough, Robbins, Schlör, Slawik and Steele, entitled:

SR 72 — “Expressing Get-well Wishes to Fred “Brownie” Brown, the Hospitalized Chief-Sergeant-at-Arms of the Senate.”

Senator Grier moved that the Resolution be adopted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Foltz and Holloway — 3.

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

Senator Foltz introduced **SJR 23**, co-sponsored by Senators Cook, Elliott, Isaacs and Robbins, which was given its first reading by title only, as follows:

SJR 23 — “Pertaining to the Proposed Moratorium on Drainage Projects Carried out Under the Federal Watershed Protection and Flood Prevention Act.”

WHEREAS, the State of Delaware has major areas of flat coastal plain soils at elevations 30 feet or more above sea level that are not adequately served by natural streams; and

WHEREAS, the State of Delaware has declared that the drainage and protection from flooding of such lands with due regard to the protection of water, wildlife, forest, and other resource values is in the public interest; and

WHEREAS, the State of Delaware has designated the Department of Natural Resources and Environmental Control which includes the Divisions of Fish and Wildlife, Parks, Recreation and Forestry, as well as the Division of Soil and Water Conservation, as the sponsor of all watershed projects carried out under the Watershed Protection and Flood Prevention Act; and

WHEREAS, the Department of Natural Resources and Environmental Control has entered into agreements with the Secretary of the United States Department of Agriculture and Soil Conservation Service for watershed projects including the Upper Nanticoke River, Marshyhope Creek and Upper Choptank River to protect, conserve and enhance resource values in those watersheds; and

WHEREAS, the Department of Natural Resources and Environmental Control has budgeted its activities to meet its obligation toward planning for, staffing and funding based on mutual efforts of local, county, state and federal areas of cooperation as stated in the work plans and other articles of agreement; and

WHEREAS, the entire cooperative effort is threatened to be placed in jeopardy by a last minute moratorium espoused by the Subcommittee on Government Operations of the United States House of Representatives.

NOW THEREFORE:

BE IT RESOLVED by the members of the Senate and the House of Representatives of the 126th General Assembly that the Delaware Congressional Delegation be advised of the unfavorable impact of a poorly-timed moratorium as proposed by Congressman Reuss of Wisconsin, Chairman of the Subcommittee on Government Operations on the conservation programs of the State of Delaware.

BE IT FURTHER RESOLVED that the text of this Resolution be entered on the Journals of both the Senate and the House of Representatives, and that copies be forwarded to U.S. Senator J. Caleb Boggs, U.S. Senator William V. Roth and Congressman Pierre S. duPont, IV.

The Resolution was assigned to Committee on Agriculture. Senator Hale introduced SA 2 to HB 33.

On motion of Senator Hale, the Amendment was placed with the Bill without objection.

Senator Slawik introduced SA 1 to SS 1 for SB 218.

On motion of Senator Slawik, the Amendment was placed with the Bill without objection.

Senator Hale introduced SA 1 and SA 2 to SB 418.

On motion of Senator Hale, the two Amendments were placed with the Bill without objection.

Senator Slawik introduced SA 1 to SB 447.

On motion of Senator Slawik, the Amendment was placed with the Bill without objection.

Senator Hart introduced SA 1 to SB 401.

On motion of Senator Hart, the Amendment was placed with the Bill without objection.

Senator duPont announced that the Senate would meet for the next two weeks on Monday, Tuesday and Wednesday at 1:00 p.m. for afternoon and evening sessions; however, the Thursday session would be for the afternoon only.

Senator duPont presented a letter from the Governor concerning reprieves, pardons and remissions, and moved that it be included in the Journal. Hearing no objection, the motion prevailed.

June 16, 1971

To the Senate of the
126th General Assembly
of the State of Delaware

Under Article VII, Section 1 of the Delaware Constitution, I am required to lay before the General Assembly at its next session a list of all reprieves, pardons and remissions, together with the grounds therefor. Accordingly, I herewith transmit a list of those reprieves, pardons and remissions granted between January 1, 1969 and January 1, 1971.

A written explanation of the grounds for each reprieve, pardon or remission shall be left with the Secretary of the Senate during the week of June 23 — June 30, 1971.

Sincerely,
(Signed) Russell W. Peterson
Governor
Enclosure:

PARDONS GRANTED — JAN. 1, 1969 — JAN. 1, 1971

NAME	DATE GRANTED
Frank A. Fountain (Assault & Battery — 1966)	Jan. 14, 1969
Alan D. Low (Possession of Alcohol — 1966)	Jan. 20, 1969
Michael Paraskewich (Intoxication in a Public Place — 1968)	Jan. 20, 1969
Raymond M. Young (Robbery — 1961)	June 31, 1969
John Anthony Corrozi (Breach of the Peace — 1966)	Aug. 12, 1969
Thomas F. White (Petit Larceny — 1958, 1960)	Aug. 12, 1969
Joseph E. Loboizzo (Grand Larceny 6 Counts — 1959)	Nov. 20, 1969
David M. Riddell, Jr. (Assault & Battery of a Juvenile — 1966)	Nov. 20, 1969
Mark T. Berryman, Jr. (Consumption of Liquor — 1965)	Nov. 20, 1969
Thomas Mason Gooding (Disorderly Conduct — 1962)	Nov. 20, 1969
George Thompson (Unlawful Wagering — 1956)	Dec. 23, 1969
Jon Ronald Garner (Burglary 4th Degree — 1964) (Delinquency — 1965)	Dec. 23, 1969
Harry S. Gardner (Robbery — 1961) (Burglary 4th Degree — 1962)	Jan. 14, 1970
Jan B. Krueger (Robbery — 1963)	Mar. 5, 1970

John Robert McCarnan (Petit Larceny — 1965)	Mar 5, 1970
Lee C. Severson (Possession of Alcohol Under 21 Yrs. — 1963)	June 8, 1970
James Bennett Greene (Possession of Alcohol Under 21 Yrs. — 1963)	June 8, 1970
Ronald P. Wolskee (Breach of Peace — 1966) (Possession of Alcohol Under 21 Yrs. — 1968)	June 8, 1970
William A. Harris, Jr. (Assault & Battery — 1960) (Disorderly Conduct — 1960)	June 29, 1970
George Lewis Roberts (Robbery — 1959) (Burglary — 1960)	July 31, 1970
Paul P. Stoddard (Breach of Peace — 1966)	July 31, 1970
Wallace Lee Price (Petit Larceny — 1963)	July 31, 1970
David S. Samluk (Delinquency — 1964)	July 31, 1970
Gary Emeigh (Assault & Battery — 1967)	July 31, 1970
Robert Lee Cooper (Carrying A Concealed Deadly Weapon — 1954)	Sept. 30, 1970
Raymond A. Stachecki (Petit Larceny — 1964)	Sept. 30, 1970
John T. Torrence, III (Breaking & Entering — 1969)	Sept. 30, 1970
Harry Patrick Schneider (Petit Larceny — 1966) (Malicious Mischief — 1966)	Nov. 21, 1970
Joseph John Nedwick, Jr. (Disorderly Conduct — 1959)	Nov. 21, 1970
Richard J. Marvel (Breaking & Entering — 1957) (Petit Larceny — 1957)	Dec. 31, 1970

Senator Isaacs introduced SR 73, co-sponsored by Senators Castle, Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Manning, McCullough, Robbins, Schlör, Slawik and Steele, entitled:

SR 73 — "Expressing Profound Sympathies of the Senate to Colleague Anthony J. Cicione at the Time of His Brother Angelo's Death."

WHEREAS, the Senate of the 126th General Assembly has learned with regret of the death of Angelo J. Cicione, Jr., brother of Senator Anthony J. Cicione; and

WHEREAS, Angelo J. Cicione, Jr. had attained success in recent years as President of Ci-De Corp., a concrete contracting firm in northern Delaware; and

WHEREAS, Angelo J. Cicione, Jr. contributed generously with time, talent, and treasure to a number of religious and service organizations dear to his heart including the West Side Optimist Club, St. Anthony's Catholic Club, the Knights of Columbus, the Delaware Contractors Association and the National Small Business Association; and

WHEREAS, Angelo J. Cicione, Jr., a friendly and cheerful man, upon departing this life on earth, leaves behind his beloved wife, Catherine, and four fine sons; and

WHEREAS, the members of the Senate wish to express their deep concern over the passing of Angelo J. Cicione, Jr.

NOW, THEREFORE:

BE IT RESOLVED that the warm and profound sympathies of the Senate of the 126th General Assembly of the State of Delaware be extended to colleague Anthony J. Cicione and to Mrs. Angelo J. Cicione, Jr. and her four sons at their time of bereavement over the loss of a brother, a husband, a father, respectively.

BE IT FURTHER RESOLVED that the text of this Resolution be included in the Senate Journal and a copy forwarded to Mrs. Angelo J. Cicione, Jr. and her sons, and additional copies to the three surviving sisters of Mr. Cicione.

Senator Isaacs moved that the Resolution be adopted.

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

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

ABSENT: Mr. Cicione and Mr. Holloway — 2.

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

On motion of Senator Elliott, SS 4 for SB 65 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 4 for SB 65. — "An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for units of Pupils."

On motion of Senator Elliott, final consideration of the Bill was deferred without objection.

Senator Slawik introduced SA 1 to SS 1 for SB 218.

Senator Slawik moved that the Amendment be adopted.

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

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

ABSENT: Messrs. Cicione, Hickman, Holloway — 3.

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

On motion of Senator Slawik, SS 1 for SB 218 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 218 w/ SA 1 — “An Act to Amend Title 15 of the Delaware Code Relating to Mobile Registration Days by the Boards of Election.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Hickman and Holloway — 3.

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

On motion of Senator Slawik, the roll call on SR 70 was lifted without objection.

Therefore, on the question, “Shall the Resolution be adopted?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: (Mrs.) Conner, Messrs. Cook, Elliott, Foltz, Hart, Isaacs, McCullough, Robbins, Schlor, Slawik — 10.

NOT VOTING: Messrs. Castle, duPont, Grier, Hale, Steele — 5.

ABSENT: Messrs. Cicione, Hickman, Holloway and (Mrs.) Manning — 4.

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

On motion of Senator Cook, SB 82 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 82 — “An Act to Amend Chapter 52, Title 30 of the Delaware Code Relating to Exemptions in Reciprocal Agreements from the Application of the Motor Carrier Fuel Purchase Law Provisions.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, McCullough, Robbins, Schlor, Slawik, Steele — 16.

ABSENT Messrs. Cicione, Holloway and (Mrs.) Manning — 3.

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

On motion of Senator Hickman, **HB 67** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 67 — “An Act to Amend Chapter 27, Title 21 of the Delaware Code, Pertaining to School Bus Driver License Applications and Qualifications therefor.”

Senator Hickman requested the privilege of the floor for Major Edward H. Horney, representing the Motor Vehicle Division, to speak on the Bill. Hearing no objection, the privilege was granted.

On motion of Senator Hickman, final consideration of the Bill was deferred without objection.

On motion of Senator Hickman, **HB 390** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 390 — “An Act to Amend Chapter 23 of Title 21, Delaware Code, Relating to Recording Liens and Fees Therefor.”

On motion of Senator Hickman, the privilege of the floor was granted (without objection) to Major Edward H. Horney of the Motor Vehicle Division to speak on the Bill.

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

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

NAYS: Mr. McCullough — 1.

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Foltz, **HB 364** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 364 — “An Act to Amend Chapter 43, Title 6, Delaware Code, Providing for the Operation of Credit Card System by Banks.”

On request of Senator Foltz, the privilege of the floor was granted (without objection) to Joseph M. Moran, representing Delaware Bankers Association, to speak on the Bill.

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

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

NAYS: Mr. McCullough — 1.

NOT VOTING: (Mrs.) Manning — 1.

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Hickman, **HB 273 w/ HA 2** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 273 w/ HA 2 — “An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Alteration of Authorized Identification number on Vehicle or Engine.”

On request of Senator Hickman, the privilege of the floor was granted (without objection) to TFC G. H. Patterson, Jr., of the Delaware State Police, to speak on the Bill.

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Hickman, **HB 429** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 429 — “An Act to Amend Chapter 69, Title 16, Delaware Code, Relating to Fireworks.”

On motion of Senator Hickman, final consideration of the Bill was deferred without objection.

On motion of Senator Hickman, **HB 181** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 181 — “An Act to Amend Title 18, Chapter 13, of the Delaware Code Pertaining to Obligations and Stock in Which Insurers May Invest.”

On request of Senator Hickman, the privilege of the floor was granted (without objection) to Bruce Ralston, representing Delaware State Chamber of Commerce, to speak on the Bill.

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

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

NAYS: Messrs. Cook, Schlör and Steele — 3.

ABSENT: Messrs. Cicione and McCullough — 2.

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

On motion of Senator Manning, **HB 365** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 365 — “An Act to Repeal Chapter 17, Title 9, Delaware Code, Relating to Pensions for Employees of New Castle County and Providing for Establishment of a Pension Plan for Employees of New Castle County by New Castle County.”

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

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

ABSENT: Messrs. Cicone, Foltz, Hart, Slawik — 4.

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

On motion of Senator Hickman, **HB 67** final consideration of which had been deferred, was taken up without objection.

On request of Senator Hickman, the privilege of the floor was granted (without objection) to Leon Hart, representing D. P. I., to speak on the Bill.

On motion of Senator Hickman, final consideration of the Bill was again deferred without objection.

Senator duPont moved that the roll call on **HB 347 w/ SA 1** be rescinded.

On the question, “Shall the motion prevail?, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Slawik — 11.

NAYS: Messrs. Cook, Isaacs, McCullough, Robbins, Schlör, Steele — 6.

ABSENT: Messrs. Cicone and Hart — 2.

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

Senator duPont moved that **SA 1** to **HB 347** be stricken.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Slawik — 11.

NAYS: Messrs. Cook, Isaacs, McCullough, Robbins, Schlör, Steele — 6.

ABSENT: Messrs. Cicone, Hart — 2.

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

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

On motion of Senator Hale **SB 378** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 378 — “An Act to Amend Section 2707, Title 21, Delaware Code, Relating to School Bus Driver’s License.”

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

YEAS: Messrs. (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele — 12.

NAYS: Messrs. Isaacs and McCullough — 2.

NOT VOTING: Messrs. Castle, Cook, Elliott — 3.

ABSENT: Messrs. Cicione and Hickman — 2.

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

On motion of Senator Hale, **HB 244** which had been deferred, was taken up for consideration to pass the Senate.

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

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

ABSENT: Mr. Cicione — 1.

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

Senator Elliott introduced **SR 74**, entitled:

SR 74 — “Relative to Senate Substitute No. 3 for Senate Bill No. 65.”

WHEREAS, the Senate has passed Senate Substitute No. 3 for Senate Bill No. 65, and it has been sent to the House of Representatives; and

WHEREAS, the members of the Senate request that said Senate Substitute No. 3 for Senate Bill No. 65 be reconsidered and

WHEREAS, the members of the Senate request that the House of Representatives return Senate Substitute No. 3 for Senate Bill No. 65 to the Senate for reconsideration.

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives is requested to return Senate Substitute No. 3 for Senate Bill No. 65 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 126th General Assembly of the State of Delaware.

Senator Elliott moved that the Resolution be adopted.

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Manning, **HB 409** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 409 — "An Act to Reincorporate the Town of Cheswold."

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

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Manning, **HB 410 w/ HA 1** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 410 w/ HA 1 — "An Act to Amend an Act entitled: "An Act to Re-incorporate the Town of Leipsic" relating to the Adoption and Enforcement of Town Ordinances."

On motion of Senator Manning, final consideration of the Bill was deferred without objection.

On motion of Senator Schlör, **SB 384** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 384 — “An Act to Amend Title 29, Delaware Code, Relating to pension benefits for Employees of the Concession Stands Operated by the Bureau for the Visually Impaired.”

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

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

ABSENT: Mr. Cicione and (Mrs.) Manning — 2.

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

Senator Hale introduced **SA 2** to **SB 418**.

Senator Hale moved that the Amendment be adopted.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

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

ABSENT: Mr. Cicione and (Mrs.) Manning — 2.

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

On motion of Senator Hale, **SB 418 w/ SA 2** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 418 w/ SA 2 — “An Act to Amend Title 29, Chapter 79, Delaware Code, by Providing for a Uniform Method of Charging and Collecting Fees for Certain Services Provided by the Department of Health and Social Services and Allowing for the Disclosure of Incomes of Persons Having Obligations to the Department.”

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

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

ABSENT: Mr. Cicione — 1.

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

Senator Manning introduced **SA 1** to **HB 450**.

Senator Manning moved that the Amendment be adopted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Cook and Holloway — 3.

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

On motion of Senator Manning, HB 450 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 450 w/ SA 1 — “An Act to Amend Title 26, Delaware Code, by Adding a New Section Thereto Relating to the Duties and Powers of the Public Service Commission with Respect to Public Water Suppliers.”

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

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

ABSENT: Messrs. Cicione and Cook — 2.

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

On motion of Senator Elliott, HB 168 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 168 — “An Act to Amend Title 3, Chapter 21, Delaware Code Regulating the Sale and Distribution of Commercial Fertilizers.”

Senator Isaacs moved that the Bill be tabled.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Cook, Foltz, Grier, Hale, Hart, Holloway, Isaacs, McCullough, Robbins, Schlör — 10.

NAYS: (Mrs.) Conner, Messrs. duPont, Elliott, Hickman — 4.

NOT VOTING: Mr. Castle, (Mrs.) Manning and Mr. Steele — 3.

ABSENT: Messrs. Cicione and Slawik — 2.

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

Senator Elliott moved that the roll call on SS 3 for SB 65 be rescinded.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele — 16.

NOT VOTING: Mr. Cook — 1.

ABSENT: Messrs. Cicione and Slawik — 2.

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

Senator Elliott moved that SS 4 for SB 65 now be considered for passage by the Senate.

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

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

ABSENT: Messrs. Cicione and Slawik — 2.

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

Senator Cook moved that Rule 10 be suspended to allow substitution for SB 450. Hearing no objection, the motion prevailed.

Senator Cook introduced SS 1 for SB 450.

On motion of Senator Cook, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator McCullough introduced SA 1 to SB 178.

Senator McCullough moved that the Amendment be adopted.

On motion of Senator Schlör, the roll call on the adoption of the Amendment was tabled without objection.

On motion of Senator McCullough, SB 178 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 178 — "An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Installation of Sidewalks in the City of New Castle."

On motion of Senator Cook, final consideration of the Bill was deferred without objection.

Senator Grier moved that the Senate recess until 7:30 p.m. Hearing no objection, the motion prevailed and the Senate recessed at 5:30 p.m.

The Senate reconvened at 7:55 p.m.

Senator Foltz moved that Rule 9 be suspended for the purpose of considering **SJR 23**.

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Isaacs, (Mrs.) Manning, Steele — 11.

NOT VOTING: Mr. Schlör — 1.

ABSENT: Messrs. Cicione, Cook, Hickman, Holloway, McCullough, Robbins, Slawik — 7.

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

Therefore the Resolution was read for the second time by title only in order to be adopted by the Senate.

SJR 23 — “Pertaining to the Proposed Moratorium on Drainage Projects Carried out Under the Federal Watershed Protection and Flood Prevention Act.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Schlör, Steele — 15.

ABSENT: Messrs. Cicione, Holloway, McCullough and Slawik — 4.

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

Senator Elliott moved that **HB 168** which had been tabled, now be lifted for consideration.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, Robbins, Schlör, Slawik, Steele — 15.

NOT VOTING: Mr. Isaacs — 1.

ABSENT: Messrs. Cicione, Holloway, McCullough — 3.

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

Senator Elliott requested the privilege of the floor for Pat Caulk, Secretary of Agriculture, to speak on the Bill. Hearing no objection, the motion prevailed.

Senator Elliott announced that he would not be voting on the Bill, due to conflict of interest.

On motion of Senator Elliott, the roll call on the Bill was tabled without objection.

On motion of Senator Manning, **HB 351** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 351 — “An Act to Amend an Act Entitled: “An Act to Re-incorporate the Town of Smyrna,” Authorizing the Smyrna Town Council to Borrow funds Equal to a Maximum of one and One-half Per cent of Total Taxable Assessments, and to Issue Bonds and Notes therefor.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele — 16.

NAYS: Mr. McCullough — 1.

ABSENT: Messrs. Cicone and Holloway — 2.

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

Senator Hart requested personal privilege of the floor, which was granted without objection.

On motion of Senator Elliott, **HB 350 w/ HA 3, 4** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 350 w/ HA 3, 4 — "An Act to amend Title 3, Delaware Code, Part II, by Adding a Chapter 12 thereto Relating to the Distribution, Sale, Transportation and Application of Insecticides, Fungicides, Rodenticides, Defoliants, Desiccants, Plant Regulators, Nematocides, Miticides, and other Pesticides and Regulating Traffic Therein; providing for Registration and Examination of Such Materials, Imposing Penalties, for other purposes, and Imposing Duties upon and Giving Certain Powers to the State Department of Agriculture, and Making an Appropriation therefor."

Senator Elliott requested and was granted the privilege of the floor, without objection, for Pat Caulk, Secretary of Agriculture, to speak on the Bill.

Senator Manning announced that she would not be voting on the Bill, due to conflict of interest.

On motion of Senator Elliott, final consideration of the Bill was deferred without objection.

Senator Hart introduced **SA 1 to HB 128 w/ HA 1, 2**.

On motion of Senator Hart, the Amendment was deferred without objection.

On motion of Senator Castle, **HB 128 w/ HA 1, 2**, was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 128 w/ HA 1, 2 — "An Act to Amend Subchapter III, Chapter 41, Title 21, Delaware Code, Relating to Toll Evasion on the Delaware Turnpike; Penalty; Jurisdiction of Justice of the Peace."

On motion of Senator Castle, final consideration of the Bill was deferred without objection.

On motion of Senator Conner, **SA 1 to SB 372** was stricken without objection.

Senator Conner moved that **SA 2 to SB 372** which had been previously placed with the Bill, now be adopted.

On motion of Senator Conner, roll call on the adoption of the Amendment was tabled without objection.

On motion of Senator Conner, **SB 372** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 372 — “An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Divorce and Annulment.”

On the request of Senator Conner and without objection, the privilege of the floor was granted to John T. Gallagher of the Delaware Bar Association to speak on the Bill.

Senator Castle announced that he would not be voting on the Bill because of conflict of interest.

On motion of Senator Conner, final consideration of the Bill was deferred without objection.

Senator Manning introduced **SA 1** to **HB 410 w/ HA 1**.

Senator Manning moved that the Amendment be adopted.

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

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

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Manning, **HB 410 w/ HA 1** was lifted from deferrment to be considered for passage as amended by **SA 1**.

On request of Senator Cook and without objection, the privilege of the floor was granted to Mayor Horace E. Pugh, Sr., of the Town of Leipsic, and William J. Cook, a private citizen, to speak on the Bill.

On request of Senator Grier and without objection, the privilege of the floor was granted to Councilman Harold E. Remley (Secretary), of the Town of Leipsic, to speak on the Bill.

On request of Senator Hart and without objection, the privilege of the floor was granted to Bruce F. Ballard, representing Patrolmen, to speak on the Bill.

Then, on the question, “Shall the Bill (**HB 440 w/ HA 1, SA 1**) pass the Senate?”, the yeas and nays were ordered which, being taken, were as follows:

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

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Conner, the roll call for the Adoption of SA 2 to SB 372 was lifted without objection.

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

YEAS: Messrs. (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, Slawik, Steele — 10.

NAYS: Messrs. Cook, McCullough and Robbins — 3.

NOT VOTING: Messrs. Castle, Elliott, Isaacs, Schlor — 4.

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Conner, SB 372 which had been deferred, was taken up for consideration as amended by SA 2.

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

YEAS: (Mrs.) Conner, Messrs. duPont, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, Slawik, Steele — 10.

NAYS: Messrs. Cook, Elliott, McCullough, Robbins — 4.

NOT VOTING: Messrs. Castle, Isaacs, Schlor — 3.

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator McCullough, SB 178 with SA 1 was taken up for consideration in order to pass the Senate.

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

YEAS: Messrs. Cook, Elliott, Foltz, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlor, Slawik, Steele — 12.

NAYS: (Mrs.) Manning — 1.

NOT VOTING: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale — 5.

ABSENT: Mr. Cicione — 1.

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

On motion of Senator McCullough,

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

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

ABSENT: Messrs. Cicione and Holloway — 2.

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

Senator Elliott moved that the roll call on **HB 168** which had been tabled, now be lifted for passage by the Senate. Hearing no objection, the motion prevailed.

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

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

NAYS: Mr. Isaacs — 1.

NOT VOTING: Messrs. Elliott, Foltz, McCullough — 3.

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Hart, **SA 1 to HB 128 w/HA 1, 2** was stricken without objection.

Senator Hart introduced **SA 2 to HB 128 w/HA 1, 2**.

Senator Hart moved that the Amendment be adopted.

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

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

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Castle, **HB 128 w/HA 1, 2** which had been deferred was taken up for consideration as amended by **SA 2** without objection.

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

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

ABSENT: Messrs. Cicione, Holloway and Schlör — 3.

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

Senator Hart introduced SA 1 to HB 67.

Senator Hart moved that the Amendment be adopted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 15.

NOT VOTING: Mr. duPont — 1.

ABSENT: Messrs. Cicione, Foltz, Holloway — 3.

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

On motion of Senator Hickman, HB 67 was lifted (without objection) for consideration of passage by the Senate as amended by SA 1.

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

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

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Castle, HB 187 w/ HA 1 was lifted for consideration without objection.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, Foltz, Grier, Hale, McCullough, Schlör, Slawik, Steele — 10.

NAYS: Messrs. duPont, Elliott, Hart, Isaacs, (Mrs.) Manning, Robbins — 6.

NOT VOTING: Mr. Hickman — 1.

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Castle, HB 298 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 298 — "An Act to Amend Title 14, Delaware Code, Requiring a Daily Period of Silent Meditation."

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 15.

NAYS: Mr. Hale — 1.

NOT VOTING: Mr. Foltz — 1.

ABSENT: Messrs. Cicione and Holloway — 2.

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

Senator Grier moved that the Senate recess until 1:00 p.m., Monday, June 21, 1971. Hearing no objection, the motion prevailed and the Senate recessed at 11:00 p.m.

The Senate reconvened at 1:30 p.m., Monday, June 21, 1971.

Senator Holloway introduced SA 1 to SB 366.

On motion of Senator Holloway the Amendment was placed with the Bill without objection.

Senator Isaacs introduced SA 2 to SB 107.

On motion of Senator Isaacs, the Amendment was placed with the Bill without objection.

Senator Isaacs introduced SA 2 to SB 437.

On motion of Senator Isaacs, the Amendment was placed with the Bill.

Senator Isaacs introduced SS 1 for SB 310.

On motion of Senator Isaacs, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator Manning introduced SS 1 for SB 368.

On motion of Senator Manning, the Substitute Bill was adopted in lieu of the Original Bill.

Senator Manning introduced SS1 for SB 388.

On motion of Senator Manning, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator duPont introduced SJR 24 which was given its first reading by title only, as follows:

SJR 24 — “Relating to Regulations of State Agencies.” Assigned to Committee on Executive.

Senator Elliott introduced SS 1 for SB 398.

On motion of Senator Elliott, the Substitute Bill was adopted in lieu of the Original Bill without objection.

Senator Steele introduced SA 2 to HB 278.

On motion of Senator Steele, the Amendment was placed with the Bill without objection.

Senator Elliott introduced SA 1 to SS 1 for SB 398.

On motion of Senator Elliott, the Amendment was placed with the Bill.

The Secretary read the following message from the House:

Mr. President:

The House wishes to inform the Senate it has passed **HB 10 w/ HA 2; HS 1 for HB 167 w/ HA 1, 2; HS 1 for HB 247 w/ HA 3; HB 292 w/ HA 2; HB 334; HB 353; HB 425; HB 427 w/ HA 1; HB 452 w/ HA 1; HB 469 w/ HA 1; HB 472 w/ HA 1; HS 1 for HB 57; HB 451; HB 321 w/ HA 1; HB 476; HJR 15 w/ HA 1** and requests the concurrence of the Senate.

The House also passed **SB 297 w/ HA 1; SCR 32 w/ HA 1; SJR 18; SS 1 for SB 334; SB 422; SB 432** and is returning same to the Senate.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred **SB 329**, reported the same back to the Senate: 4 Favorable; 3 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred **SB 358**, reported the same back to the Senate: 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred **HB 254**, reported the same back to the Senate: 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred **HB 372**, reported the same back to the Senate: 2 Favorable; 2 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **SB 464**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 55**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 62** reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 61**, reported the same back to the Senate: 4 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 58**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 56**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 59**, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 63**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 456**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 485**, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **SB 467**, reported the same back to the Senate: 4 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **HB 369**, reported the same back to the Senate: 5 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred **SB 310**, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred **SB 417**, reported the same back to the Senate: 5 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred **SB 419** reported the same back to the Senate: 5 Merits.

The Chair introduced the following House Measures which were given first reading by title only and assigned to the various Committees.

HB 10 w/ HA 2 — “An Act to Amend Chapter 17, Title 9, Delaware Code, relating to Pensions for Employees of New Castle County.” Assigned to Committee on Community Affairs.

HS 1 for HB 167 w/ HA 1, 2 — “An Act to Amend Chapter 51, Title 6, Delaware Code, Relating to Weights, Measures, and Standards.” Assigned to Committee on Agriculture.

HS 1 for HB 247 w/ HA 3 — “An Act to Amend Subchapter 11 of Chapter 43, Title 21, Delaware Code, Pertaining to Additional Equipment required on Slow-moving Vehicles.” Assigned to Committee on Public Safety.

HB 292 w/ HA 2 — “An Act to Amend Chapter 92, Title 10 of the Delaware Code, Relating to Salaries of Justices of the Peace.” Assigned to Committee on Finance.

HB 334 — “An Act to Amend Chapter 13, Title 14, Delaware Code, relating to Salary Schedules for School Employees by Providing a Five Per Cent Salary Increase after July 1, 1972. Assigned to Committee on Finance.

HB 353 — “An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Powers and Duties of the State Police.” Assigned to Committee on Public Safety.

HB 425 — “An Act to Amend Title 4 Delaware Code, relating to Alcoholic Liquors Requiring Non-resident Producers and Suppliers and Their Representatives to Obtain Licenses and Pay fees Therefor.” Assigned to Committee on Finance.

HB 427w/ HA 1 — “An Act to Amend Chapter 65, Title 11, Delaware Code, Relating to Separate Custodial Care and Work for Youthful Offenders.” Assigned to Committee on Judiciary and Elections.

HB 452 w/ HA 1 — “An Act to Amend Chapter 255, Volume 57, Laws of Delaware, Granting an Extension in the Time Period Required for Funds to be Expended by the Public Archives Commission.” Assigned to Committee on Finance.

HB 469 w/ HA 1 “An Act to Amend Section 322, Chapter 717, Title 22, Delaware Code, Relating to Municipal Zoning Regulations and Boards of Adjustment.” Assigned to Committee on Community Affairs.

HB 472 w/ HA 1 — “An Act to Amend Section 9115, Chapter 91, Title 9, Delaware Code, Relating to Bonds for the Registers in Chancery.” Assigned to Committee on Community Affairs.

HB 321 w/ HA 1 — “An Act to Amend Subchapter V, Chapter 6, Title 9, Delaware Code, to Provide for Fences Between Developed County Parks and Railroad Tracks.” Assigned to Committee on Community Affairs.

HB 476 — “An Act to Permit the Milford School District to Transfer Certain Funds from its Debt Service Account to Certain Construction Accounts.” Assigned to Committee on Education.

HS 1 for HB 57 — “An Act to Aid Veteran’s Organizations by Making an Appropriation Therefor.” Assigned to Committee on Finance.

HB 451 — “An Act to Amend Chapter 469, Volume 56, Laws of Delaware known as the “Annual Capital Improvements Act”. Assigned to Committee on Finance.

HJR 15 w/ HA 1 — “Providing for a Liquor Study Commission.” Assigned to Committee on Executive.

Senator Cicione, on behalf of the Committee on Labor and Industrial Relations to whom had been referred **SS 1 for SB 237**, reported the same back to the Senate: 1 Favorable; 3 Merits.

Senator Cicione, on behalf of the Committee on Labor and Industrial Relations to whom had been referred **HB 340**, reported the same back to the Senate: 2 Favorable; 2 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred **SB 414**, reported the same back to the Senate: 4 Merits.

Senator Grier moved that the Senate adjourn until 2:00 p.m., Monday, June 21, 1971. Hearing no objection, the motion carried and the Senate adjourned at 2:00 p.m., June 21, 1971.

51ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:00 p.m., Monday, June 21, 1971, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: (Mrs.) Conner — 1.

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

On motion of Senator duPont and without objection, the following two communications were made part of the record:

United States Senate
Committee on Appropriations
Washington, D.C. 20510

May 20, 1971

Mrs. Barbara A. Konopik
Secretary of the Senate
State of Delaware
Legislative Hall
Dover, Delaware 19901

Dear Mrs. Konopik:

Referring further to your letter of April 15, 1971 concerning the closing of St. Georges Bridge for deck repairs, I enclose copy of a report I have recently received from Lt. General F. J. Clarke, Chief of Engineers.

With kindest regards and best wishes, I a

Sincerely
(Signed) Allen J. Ellender
Chairman

Enclosure

DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D. C. 20314

May 10, 1971

Honorable Allen J. Ellender
Chairman, Committee on Appropriations
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This is in reply to your recent letter inclosing correspondence from Mrs. Barbara A. Konopik, Secretary of the Senate of the State of Delaware, concerning the closing of the St. Georges Bridge for deck repairs.

This is a high level highway bridge over the Chesapeake and Delaware Canal which is owned and maintained by the Government. In order to replace the bridge deck, the Philadelphia District has scheduled the repairs between Labor Day 1971 and Memorial Day 1972. During this period the bridge would be closed to all traffic. It was decided to replace the bridge deck now because its age (29 years) and condition would cause the deck to become increasingly unreliable for future traffic volumes and loads.

The Philadelphia District has had many meetings with the State of Delaware Highway Department regarding the need for closure of the bridge, the time of closure, and method of detouring traffic.

In the planning underlying this project it was recognized that the people of Delaware and the general travelling public would be affected by and benefit from the bridge improvements. On this basis, and in an engineering economic sense, the plan adopted is the best of several alternatives studied. As the St. Georges Bridge is not the sole link between upstate and downstate Delaware, it is considered that its closing, in conjunction with the carefully planned and implemented detour program, will not cause monumental problems to the highway users.

With regard to the temporary detouring of traffic, the adjacent Summit and Reedy Point Bridges have capacities to handle in excess of 21,000 vehicles per day respectively. Their current average daily traffic counts are only 8,000 and 2,100 vehicles per day respectively. The St. Georges Bridge has an average daily traffic count of only 14,000. Therefore, these two bridges can easily accept the rerouted traffic.

The Corps recognizes and has minimized as much as possible the inconvenience attendant to the bridge closing. Past experience indicates that only a few school children have had to cross the bridge from the south to north side for school. It is felt that an adequate detour system has been set up so that traffic going north would rejoin Route 13 two miles from the bridge while traffic going south on Route 40 would be detoured to a point approximately 6 miles south of the junction of Route 13 and 40. The detour would add approximately 7 miles for all traffic going south and 7 miles for traffic going north and proceeding north on Route 40.

During the time of construction RDF mail service for local residents may be secured through the U.S. Postal Service. The Corps of Engineers will share the cost of the detour with the State of Delaware. Other incidental costs such as shuttle buses and ambulance service cannot be incurred by the Federal Government since it is obligated only to construct and maintain the crossing itself.

Sincerely yours,
(Signed) F. J. Clarke,
Lieutenant General, USA
Chief of Engineers

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 17, 1971

To the Senate of the
126th General Assembly
of the State of Delaware

Attached please find a copy of the opinion of the Attorney General concerning the obligations of the United States to maintain and construct bridges over the Chesapeake and Delaware Canal. This is in reply to your request in House Concurrent Resolution No. 11.

For your information, I am also forwarding a copy of a letter on this subject to Senator Roth from the Army Corps of Engineers.

Sincerely

(Signed)

Russell W. Peterson

Governor

Enclosures (2)

June 10, 1971

OPINION TO: The Honorable Russell W. Peterson
Governor of the State of Delaware
Legislative Hall
Dover, Delaware

OPINION BY: Jerome O. Herlihy
Chief Deputy Attorney General

QUESTIONS: According to the original agreement between the State of Delaware and the United States concerning the Chesapeake and Delaware Canal, what is the obligation of the United States, or any agency thereof, to maintain the bridges over the said Canal?

Under the same agreement mentioned in Question 1, what obligation, if any, did the United States or its agencies undertake to construct additional crossings of the Chesapeake and Delaware Canal?

OPINION REQUEST NO. S174

This opinion is in response to your letter seeking advice of this Office regarding the Chesapeake and Delaware Canal bridges. It has been extremely difficult to find some essential information so we are including some background for whatever future reference is needed, as well as for this opinion.

The Chesapeake and Delaware Canal Company was chartered by the Delaware General Assembly in 1801. The charter is found in Volume 3, Delaware Laws, Chapter 78. The purpose, of course, was to build a canal connecting the Delaware River to the Chesapeake Bay. Included among the rights and obligations of the Canal Company was the following:

"Section 16. And be it enacted, that whenever said canal shall cross any public road, it shall be the duty of said company, at the proper expense of the same, to make and keep good and sufficient bridges across the said canal, so as to prevent any inconvenience, in the usage of said road or roads by reason of said canal crossing the same, and that it shall be lawful for the Legislature of this State, at all times hereafter, to enact laws for the erecting and maintaining bridges across the said canal, at the expense of the said company, and to subject the said company to forfeitures, pains and penalties for not complying with such laws."

The Legislature reserved the right to enact laws covering bridges over the canal and exercised that right from time to time. Examples can be found in 7 Delaware Laws, Chapter 64 (approved February 9, 1827) regulating traffic over the then existing Summit Bridge. The bill also required lights to be located at both ends of the bridge.

In 7 Delaware Laws, Chapter 170 (approved February 11, 1829) a crime was created relating to wanton and malicious destruction of the Canal's bridges, locks and culverts.

In 27 Delaware Laws, Chapter 197 (approved May 7, 1913) the Canal Company was required to erect and maintain a bridge for the "Coleman duPont Road, Incorporated". The pertinent provisions of that law read as follows:

"Section 1. That the said "Chesapeake and Delaware Canal Company" be, and the same is, hereby required to erect and maintain, at its own expense, a substantial bridge, including the approaches thereto, across its canal at the place where the said road for vehicular travel required to be built as aforesaid, by the said "Coleman duPont Road, Incorporated", is crossed, or shall be crossed by the said canal. The said bridge shall not be less than thirty feet wide, shall be sufficient to be safely crossed by vehicles of the greatest weight, and shall be completed within three months after the said road for vehicular travel, or some section or sections thereof within the meaning of the law authorizing the organization of Boulevard Corporations shall have been completed up to both opposite banks of the said canal at the said place of crossing.

Section 2. If the said "Chesapeake and Delaware Canal Company" shall fail, neglect or refuse to comply with the provisions of Section 1 of this Act, it shall, by such failure, neglect or refusal, *ipso facto*, forfeit all its corporate franchises, and all other franchises, granted to it by the State of

Delaware, including the right and franchise to collect, or receive tolls within the State of Delaware from any boat or vessel passing through or along its said canal, or tolls for any goods or commodities transported by any such boat or vessel, until it shall erect a bridge in compliance with the provisions of said Section 1 of this Act, or shall pay the costs and expense attending the erection of such bridge by the said "Coleman duPont Road, Incorporated", as hereinafter provided.

Upon the failure, neglect or refusal of the said "Chesapeake and Delaware Canal Company" to comply with the provisions of Section 1 of this Act, the said "Coleman duPont Road, Incorporated" shall be and it is hereby authorized at its election, to erect a bridge in compliance with the provisions of said Section 1 of this Act, or to finish any bridge which may have been commenced by the said "Chesapeake and Delaware Canal Company" but not completed within the time prescribed in said Section 1, and, after the completion of the same, the said "Coleman duPont Road, Incorporated", shall be and it is hereby authorized and empowered to collect from the said "Chesapeake and Delaware Canal Company" the sum of money expended by it, the said "Coleman duPont Road, Incorporated", in the erection or completion of such bridge, together with legal interest thereon, and to enforce such collection, and payment by the said Canal Company by an action of debt against the said Canal Company, and in any such action the said "Coleman duPont Road, Incorporated" shall be entitled to recover in addition to the sum of money aforesaid, together with interest, as aforesaid, and costs of suit, a reasonable attorney's fee, to be fixed by the Court which shall try the case.

Section 3. That all Acts or parts of Act inconsistent with this Act be, and the same are hereby repealed."

There had been discussion for several years about the possibility of the Federal Government buying the Canal. The General Assembly anticipated this possible purchase and consented to the purchase of the Canal Company's land or purchase of necessary land parallel to the Canal for another canal. That "consent" is found in 25 **Delaware Laws**, Chapter 169. A pertinent provision of that law reads as follows:

"But notwithstanding such consent and concession, the sovereignty and jurisdiction of this State shall extend over all lands acquired by the

U.S. within the limits of this State so far as that all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which may be created thereon."

There was no mention of the bridges in this law since the only reservation of State power was in connection with the service of civil or criminal process.

Due to World War I and other reasons, the Federal Government took more of an interest in the Canal. In 1917, a law was passed authorizing the Secretary of War to negotiate the purchase of the Canal. If purchase could not be arranged, the Canal was to be taken by condemnation. Volume XL, U.S. Statutes at Large, Chapter 49. The pertinent part reads as follows:

["One Hundred and Ninety-Six, Sixty-third Congress, first session:] "The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake and Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto; and he is further authorized, if in his judgement the price is reasonable and satisfactory, to make a contract for the purchase of the same, subject to future ratification and appropriation by Congress. In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed through the Attorney General to institute and carry to completion proceedings for the condemnation of the said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Delaware substantially as provided in "An Act to authorize condemnation of land for sites for public buildings, and for other purposes," approved August first, eighteen hundred and eighty-eight, and the sum of \$5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith."

Condemnation did ensue because there were some small problems of title in some lands along the Canal. The petition for condemnation was filed in the District Court for Delaware on January 27, 1919. Among its relevant provisions it was stated that the condemnation was "...against property, rights of property, franchises and appurtenances as used or acquired for use in

connection therewith.” The petition is found in Federal Records Container No. 106551, No. 5 December term 1918, U.S. District Court for Delaware.

On April 8, 1919, the condemnation jury made the award of \$2,514,289.70. Congress appropriated the necessary money and the government deposited the same with the Federal District Court on August 1, 1919. The deed of conveyance was executed on August 6, 1919 and properly recorded in the Recorder of Deeds for New Castle County. The deed is found in Deed Record 28, Volume S at page 527.

Appropriate portions of the deed read as follows:

“p.532...“also all the property and appurtenances used or acquired for use in connection with the said canal and appertaining thereto, including bridges at Delaware City, Delaware, and at North Drain, Delaware City, Delaware and at St. Georges, Delaware and at Maryland Pivot, Maryland, and at Chesapeake, City, Maryland”.. [Note: The deed, for some reason, omitted the Summit Bridge. The petition of condemnation recited the Summit Bridge. We do not believe it necessary for the purposes of this opinion to discuss this omission.]

“p. 552...“Together with all and singular the buildings, improvements, woods, ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances whatsoever...”

“P. 553...“To have and to hold the rail lands, buildings, appurtenances, personal property, hereditaments, and premises hereby granted...”

It is clear that the United States Government took the Canal with its then existing bridges. See *U.S. v. Gray Line Water Tours of Charleston*, 311 F. 2d 779 (C.A. 4th[1962]); *U.S. v. An Easement and Right of Way*, 182 F. Supp. 899 (Dist. Ct. M.D. Tenn. 1960); 30 C.J.S. *Eminent Domain*, 449 at 627.

As a result of this condemnation, the United States took full title, right and interest in the Canal property and its appurtenances but under our law:

“The estate or interest taken is the full fee simple title of the property, free and clear of all liens, encumbrances, charges and claims.” *Wilmington Housing Authority v. Harris*, 93 A. 2d 518 (Sup. Ct. N.C.C. 1952) at 521.

It should be noted that the condemnation of the Canal took place in Federal Court under Federal law which, however, does not affect the rule of complete and absolute taking.

There was no agreement between the State and Federal governments which delineates responsibility in relation to maintenance of existing bridges or the construction of new ones. There was no explicit assumption by the United States to build or maintain bridges.

We are of the opinion that the Army Corps of Engineers cannot be required to build a bridge by an act of the General Assembly. The Corps must be authorized by an act of Congress such as the one Senator Boggs has introduced. We understand the the Corps takes this position, that only Congress can direct them to act, and we must agree with them.

We must also agree that our General Assembly cannot direct the Corps to repair and maintain any existing bridges. The obligation for such maintenances arises from the initial authorization by Congress to build the particular bridge. As far as this office is aware, the Corps has not declined to maintain any existing bridges.

Sincerely,
(Signed) Jerome O. Herlihy
Chief Deputy Attorney General

APPROVED BY:

(Signed) W. Laird Stabler, Jr.
Attorney General

Lt. Governor Bookhammer introduced the representatives to Boys State and welcomed the group to the Chamber.

On motion of Senator Steele, HS 1 for HB 95 was taken up for consideration and read a second time by title only in order to pass the Senate.

HS 1 for HB 95 — "An Act to Amend Title 22, Delaware Code, Relating to Public Bidding for Purchases by Parking Authorities."

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

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

NOT VOTING: Mr. McCullough — 1.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Steele, HB 143 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 143 — "An Act Relating to a Pension for Joseph A. Bradshaw, former Executive Director of the Employment Security Commission."

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik — 15.

NOT VOTING: Messrs. Isaacs and Steele — 2.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Steele, **HB 302** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 302 — “An Act to Provide a Supplementary Appropriation to the New Castle County Vocational-Technical High School.”

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Castle, **HB 317 w/ HA 1, 2** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 317 w/ HA 1, 2 — “An Act to Amend Title 4, Chapter 11, Delaware Code, Relating to Seizure and Confiscation of Alcoholic Liquor and Property Used in Offenses Against the Liquor Control Act and the Rules of the Alcoholic Beverage Control Commission and Providing for the Disposition therefor.”

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Foltz, Grier, Hale, Hickman, Holloway, Schlör, Slawik, Steele — 12.

NOT VOTING: Messrs. Elliott, Isaacs, (Mrs.) Manning, McCullough and Robbins — 5.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Elliott, **HB 350**, final consideration of which had been deferred, was now taken up for passage by the Senate.

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Grier, Hale, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik, Steele — 14.

NAYS: Mr. McCullough — 1.

NOT VOTING: (Mrs.) Manning — 1.

ABSENT: (Mrs.) Conner, Messrs. Foltz and Hart — 3.

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

On motion of Senator Steele, **HB 375** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 375 — “An Act to Amend Title 30, Chapter 51, Delaware Code, Pertaining to Motor Fuel Tax by Changing Record Retention and Inspection of Record Requirements.”

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

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

NAYS: Mr. McCullough — 1.

ABSENT: (Mrs.) Conner, Messrs. Foltz and Hart — 3.

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

On motion of Senator Steele, **HB 406** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 406 — “An Act Providing for the Appropriation of Money to Milton R. Olazagasti, a Veteran Eligible for the Bonus Paid by the State Pursuant to the Veteran’s Military Pay Act No. 11, but Who Did not Receive his Bonus.”

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: (Mrs.) Conner, Messrs. Foltz and Hart — 3.

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

On motion of Senator Steele, **HB 394** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 394 — “An Act Amend Part III, Title 30 Delaware Code, Relating to Notice of Date for Procuring Occupational and Business Licenses.”

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Foltz, HB 459 w/ HA 1, 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 459 w/ HA 1, 2 — “An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Procurement of Materials and Award of Contracts for Public Works by State Agencies.”

On request of Senator Foltz and without objection, the privilege of the floor was granted to W. Brooke Stabler, Jr., representing the Delaware Contractors Association, to speak on the Bill.

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

YEAS: Messrs. Castle, Cook, duPont, Elliott, Foltz, Grier, Hale, McCullough, Robbins, Schlör, Steele — 11.

NAYS: (Mrs.) Manning — 1.

NOT VOTING: Messrs. Cicione, Holloway, Isaacs, Slawik — 4.

ABSENT: (Mrs.) Conner, Messrs. Hart and Hickman — 3.

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

On motion of Senator Holloway, SB 308 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 308 — “An Act to Amend Chapter 31, Title 24 of the Delaware Code Relating to Undertakers.”

Senator Holloway read a communication from the Board of Examiners of Undertakers in favor of the Bill. The communication was returned to the sponsor.

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

YEAS: Messrs. Castle, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 16.

NOT VOTING: Mr. Cicione — 1.

ABSENT: (Mrs.) Conner, Mr. Hart — 2.

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

Senator Elliott introduced SB 468 which was given its first reading by title only, as follows:

SB 468 — “An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Installation of a Flashing Beacon at the Intersection of Delaware Routes 28 and 20.”

Senator Elliott moved that Rule 9 be suspended for the purpose of considering the Bill for passage by the Senate.

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

Therefore, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

Senator Steele moved that SA 1 to SB 333 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: (Mrs.) Conner, Messrs. Hart and Holloway — 3.

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

On motion of Senator Steele, SB 333 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 333 w/ SA 1 — "An Act to Amend Chapter 26, Title 24, Delaware Code Relating to Physical Therapy."

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Manning, **HB 315** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 315 — “An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled “An Act to Re-incorporate the Town of Laurel” by Increasing the Amount of Money that May be Raised Annually by Taxation for General Municipal Purposes.”

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

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

ABSENT: (Mrs.) Conner, Messrs. Hart and Schlor — 3.

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

Senator Cook introduced **SA 1** to **HB 281**.

Senator Cook moved that the Amendment be adopted.

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Manning, **HB 281** which had been deferred, was taken up for consideration as amended by **SA 1**.

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Foltz, **HB 257** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 257 — “An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Criminal Offenses and Penalties in the Sale of Alcoholic Liquors.”

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

YEAS: Messrs. Castle, Cicione, duPont, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Slawik, Steele — 11.

NAYS: Messrs. Cook, McCullough, Robbins — 3.

NOT VOTING: Messrs. Elliott, Isaacs, Schlör — 3.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

Senator Elliott moved that SA 1 to SB 357 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik — 14.

NOT VOTING: Messrs. Castle and Steele — 2.

ABSENT: (Mrs.) Conner, Mr. Hart and (Mrs.) Manning — 3.

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

On motion of Senator Hale, SB 357, which had been deferred was taken up for consideration in order to pass the Senate as amended by SA 1.

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik — 15.

NOT VOTING: Mr. Steele — 1.

ABSENT: (Mrs.) Conner, Mr. Hart and (Mrs.) Manning — 3.

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

On motion of Senator Steele, HB 457 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 457 — "An Act to Amend Chapter 9, Title 4, of the Delaware Code Relating to the Confiscation of Vehicles Used in the Transportation of Untaxed Alcoholic Liquors."

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Foltz, Grier, Hale, McCullough, Robbins, Schlör, Slawik, Steele — 12.

NOT VOTING: Messrs. Elliott, Hickman, Holloway, Isaacs — 4.

ABSENT: (Mrs.) Conner, Mr. Hart and (Mrs.) Manning — 3.

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

On motion of Senator Cicione, SA 1 to SB 437 which had been previously placed with the Bill, was stricken without objection.

s On motion of Senator Isaacs, SA 2 to SB 437 which had been previously placed with the Bill, was deferred.

On motion of Senator Isaacs, Senator Cicione was added as co-sponsor of SB 437, without objection.

On motion of Senator Isaacs, SB 437 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 437 — “An Act to Amend Chapter 51, Title 25, Delaware Code, by Grouping Sections 5101 through 5112 under the Heading “Subchapter 1” and by creating a New Subchapter 11 relating to Leases for Mobile Homes and Mobile Home Lots.”

On request of Senator Isaacs and without objection, the privilege of the floor was granted to Christine Whitehead, of the Legislative Council, to speak on the Bill.

On motion of Senator Isaacs, final consideration of the Bill was deferred without objection.

Senator Slawik moved that SA 1 to SB 129 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: (Mrs.) Conner, Mr. Hart and Mr. McCullough — 3.

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

On motion of Senator Slawik, SB 129 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 129 w/ SA 1 — “An Act to Amend Title 11, Chapter 22 of the Delaware Code Relating to Jurisdiction of the Various Courts of Common Pleas for Violations of City or Town Ordinances.”

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

NAYS: (Mrs.) Manning — 1.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

Senator Isaacs introduced SA 1 to SB 258.

Senator Isaacs moved that the Amendment be adopted.

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Isaacs, SB 258 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 258 w/ SA 1 — "An Act to Amend Chapters 9 and 11, Title 7, Delaware Code, Relating to Fishing and the Catching Devices that May be Used in Certain Areas."

On motion of Senator Isaacs, final consideration of the Bill was deferred without objection.

On motion of Senator Robbins, SB 382 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 382 — "An Act to Amend Chapter 5, Title 31, of the Delaware Code by Adding a New Section relating to Birth Control, and Providing an Appropriation for the Implementation of the Provisions of such Section."

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

YEAS: Messrs. Cicione, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele — 14.

NAYS: Messrs. Castle, Foltz — 2.

NOT VOTING: Messrs. Holloway and Slawik — 2.

ABSENT: (Mrs.) Conner — 1.

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

Senator Hale introduced SA 3 to HB 33 w/ HA 1.

Senator Hale moved that the Amendment be adopted.

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: (Mrs.) Conner, Mr. Elliott and (Mrs.) Manning — 3.

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

On motion of Senator Hale, HB 33 w/ HA 1, SA 3 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 33 w/ HA 1, SA 3 — “An Act to Amend Sections 1092, 1201, 1202, and 1312 of Title 14, Delaware Code, Relating to Qualifications of Employees of a Reorganized School District and Teacher Certification.”

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

YEAS: Messrs. Castle, Cicione, Cook, duPont, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: (Mrs.) Conner, Mr. Elliott and (Mrs.) Manning — 3.

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

On motion of Senator Hart, SB 436 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 436 — “An Act to Amend Title 30, Delaware Code, Chapter 21, Relating to Business Licenses and Taxes, by Providing that the Tax Department Shall not issue any License to Conduct a Business in a Location in Violation of any Applicable Zoning Code or Deed Restrictions.”

On motion of Senator Hart, final consideration of the Bill was deferred without objection.

Senator Schlör introduced SA 1 to HB 222 w/ HA 1.

Senator Schlör moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Hickman, Holloway, Isaacs, Robbins, Schlör, Slawik — 7.

NAYS: Mr. Steele — 1.

NOT VOTING: Messrs. Castle, duPont, Elliott, Foltz, Grier, Hale, Hart, (Mrs.) Manning, McCullough — 9.

ABSENT: Mr. Cicione and (Mrs.) Conner — 2.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

On motion of Senator Hart, HB 222 w/ HA 3 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 222 w/ HA 3 — “An Act to Amend Chapter 16, Title 2 of the Delaware Code Relating to the Powers of Local Transportation Authorities of the Depar Transportation.”

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

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

NAYS: Mr. Steele — 1.

ABSENT: Mr. Cicione and (Mrs.) Conner — 2.

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

On motion of Senator Hart, **HB 279 w/ HA 1** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 279 w/ HA 1 — “An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Acquisition and Sale of Real Property and the Power of Eminent Domain by the Department of Highways and Transportation.”

On request of Senator Hart and without objection, the privilege of the floor was granted to Representative Murphy to speak on the Bill.

On motion of Senator Hart, final consideration of the Bill was deferred without objection.

On motion of Senator Cook, **SS 1 for SB 450** was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 450 — “An Act to Amend Chapter 39 of Title 7, Delaware Code Relating to the Obstruction or Blockage of a Ditch Where there is an Established Water Course and Providing a Penalty Therefor.”

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

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

ABSENT: (Mrs.) Conner — 1.

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

On motion of Senator Holloway, **SB 364** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 364 — “An Act to Amend Title 25, Chapter 51 of the Delaware ode, by Creating a New 5114 requiring a Tenant to Leave Rented Premises Free of Debris when Terminating Occu-pancy.”

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

YEAS: Messrs. Cicione, Cook, duPont, Elliott, Grier, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 14.

NOT VOTING: Messrs. Castle and Hale — 2.

ABSENT: (Mrs.) Conner, Messrs. Foltz and Hickman — 3.

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

On motion of Senator Holloway, SS 2 for SB 66 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 2 for SB 66 — "An Act to Amend Chapter 51, Title 25, Delaware Code, Requiring a Pledge by a Landlord to His Tenant that the Premises are in a Habitable condition."

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

YEAS: Messrs. duPont, Elliott, Foltz, Grier, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik — 12.

NOT VOTING: Messrs. Castle, Cicione, Cook, Hale, Steele — 5.

ABSENT: (Mrs.) Conner and Mr. Hickman — 2.

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

Lt. Governor Bookhammer left the Chair at 6:16 p.m., President pro Tem duPont presiding.

Senator Manning introduced SR 75, co-sponsored by Senators Castle, Cicione, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik and Steele.

SR 75 — "Expressing Sympathies of the Senate upon Learning of the Death of James R. Conner, Brother of New Castle County Executive William J. Conner and Brother-in-law of State Senator Louise T. Conner."

Senator Manning moved that the Resolution be adopted.

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

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

ABSENT: (Mrs.) Conner and Mr. Hickman — 2.

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

Senator Cicione, on behalf of the Committee on Labor and Industrial Relations to whom had been referred SB 404, reported the same back to the Senate: 4 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 10, reported the same back to the Senate: 4 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 469, reported the same back to the Senate: 4 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 472, reported the same back to the Senate: 4 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 321, reported the same back to the Senate: 4 Merits.

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred HS 1 for HB 247, reported the same back to the Senate: 5 Merits.

Senator Hickman, on behalf of the Committee on Public Safety to whom had been referred HB 353, reported the same back to the Senate: 6 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred HB 427, reported the same back to the Senate: 6 Merits.

Senator Grier moved that the Senate adjourn until 1:30 p.m. Tuesday, June 22, 1971. Hearing no objection, the motion prevailed and the Senate adjourned at 6:30 p.m.

52ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:15 p.m., Tuesday, June 22, 1971, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: (Mrs.) Conner — 1.

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

Senator Isaacs introduced SB 469 which was given its first reading by title only, as follows:

SB 469 — "An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1972", Being House Bill 200

of the 126th General Assembly, Making an Additional Appropriation to the Department of Natural Resources and Environmental Control." Assigned to Committee on Finance.

Senator Castle introduced SS 1 for SB 425.

On motion of Senator Castle, the Substitute Bill was adopted in lieu of the Original Bill, without objection.

Senator Hale introduced SS 1 for SB 358.

On motion of Senator Hale, the Substitute Bill was adopted in lieu of the Original Bill, without objection.

Senator Cicione introduced SA 1 to HB 57, co-sponsored by Senator Manning.

On motion of Senator Cicione, the Amendment was placed with the Bill, without objection.

Senator Robbins introduced SA 1 to SB 441.

On motion of Senator Robbins, the Amendment was placed with the Bill, without objection.

Senator Slawik introduced SA 1 to SS 1 for SB 337, co-sponsored by Senator Cicione.

On motion of Senator Slawik, the Amendment was placed with the Bill, without objection.

Senator Robbins introduced SA 2 to SB 258, co-sponsored by Senator Isaacs.

On motion of Senator Robbins, the Amendment was placed with the Bill, without objection.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 334, reported the same back to the Senate: 2 Favorable; 3 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 425, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 451, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 452, reported the same back to the Senate: 5 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HS 1 for HB 57, reported the same back to the Senate: 5 Merits.

On motion of Senator Hale, SS 1 for SB 358 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 358 — "An Act to Amend Subchapter III, Chapter 17, Title 24 of the Delaware Code relating to the practice of medicine, surgery and osteopathy, and providing for the rendering of health services by assistants to physicians."

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

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

NOT VOTING: Mr. McCullough — 1.

ABSENT: (Mrs.) Conner — 1.

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

Senator Isaacs moved that SA 2 to SB 437 be considered for adoption by the Senate.

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

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

NOT VOTING: Mr. Schlör — 1.

ABSENT: (Mrs.) Conner, Messrs. Hart and Slawik — 3.

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

Senator Isaacs moved that the previous roll call on SB 437 be stricken. The motion prevailed without objection.

On motion of Senator Isaacs, SB 437, was taken up for consideration as further amended by SA 2.

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

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

NAYS: Messrs. McCullough and Robbins — 2.

NOT VOTING: Mr. Schlör — 1.

ABSENT: (Mrs.) Conner and Mr. Slawik — 2.

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

On motion of Senator Hickman, SB 434 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 434 — "An Act to Amend Chapter 77, Volume 50, Laws of Delaware, being an Act entitled "An Act to Authorize and Direct the Levy Court of Sussex County to make available to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County certain Funds for the Employment of an Equipment Manager."

On the request of Senator Hickman, and without objection, the privilege of the floor was granted to William R. Rutledge of the Department of Natural Resources to speak on the Bill.

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

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

ABSENT: (Mrs.) Conner — 1.

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

On motion of Senator Hickman, SB 464 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 464 — “An Act to Amend Subchapter 11 of Chapter 39, Title 7, Delaware Code, relating to Soil and Water Conservation Districts by making the Amount of Appropriations and Use of Appropriated Money in all Three Counties Identical.”

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

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

ABSENT: (Mrs.) Conner and Mr. Holloway — 2.

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

On motion of Senator Steele, SB 467 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 467 — “An Act to Provide a Supplemental Appropriation to the Department of Justice for the Purchase of the 1970 Pocket Part Supplements to the Delaware Code.”

On motion of Senator Steele, and without objection, final consideration of the Bill was deferred.

Senator Steele then moved that the Bill be taken up for final consideration. Hearing no objection, the motion prevailed.

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

YEAS: Messrs. Castle, Cicione, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 15.

NOT VOTING: Mr. Isaacs — 1.

ABSENT: (Mrs.) Conner, Messrs. Cook and Hart — 3.

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

On motion of Senator Steele, HB 369 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 369 — “An Act to Amend Section 918, Title 5, Delaware Code, Relating to Hypothecation of Assets to Certain Governmental Bodies.”

On motion of Senator Steele, the roll call on the Bill was tabled, without objection.

On motion of Senator Steele **HB 456** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 456 — “An Act to Amend Chapter 25, Title 30, Delaware Code, Relating to License Requirements for Contractors.”

On motion of Senator Steele, the Bill was tabled, without objection.

On motion of Senator Steele, **HB 485** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 485 — “An Act to Amend Title 16, Delaware Code, by Creating a New Chapter to be Designated as Chapter 76 to Provide for the Regulation of and Standards for Ambulance Service by the State Fire Prevention Commission, and to Provide an Appropriation therefor, and to Grant Immunity from Suit under Certain Circumstances.”

On motion of Senator Steele, final consideration of the Bill was deferred, without objection.

On motion of Senator Grier, **SB 417** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 417 — “An Act Authorizing the Secretary of the Department of Natural Resources and Environmental Control to Administer and Distribute \$125,000 in the Form of Grants to the Town of Georgetown from Funds Authorized under Chapter 736, Volume 57, Laws of Delaware.”

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Grier, **SB 419** was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 419 — “An Act Authorizing the Secretary of the Department of Natural Resources and Environmental Control to Administer and Distribute \$250,000 in the Form of Grants to Delaware Technical and Community College from Funds Authorized under Chapter 736, Volume 57, Laws of Delaware.”

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

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

ABSENT: (Mrs.) Conner, Messrs. Hart and Holloway — 3.

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

On motion of Senator Cicione, HB 340 w/ HA 1, 2, 3 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 340 w/ HA 1, 2, 3 — “An Act to Amend Subchapter II, Chapter 23, Title 19, Delaware Code, Relating to Compensation Payable to Workmen’s Compensation Claimants for Serious and Permanent Disfigurement to any Part of the Human Body.”

On request of Senator Cicione, the privilege of the floor was granted to Representative William Gordy to speak on the Bill.

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

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

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Steele, SA 1 to HB 278 w/ HA 1, 2, 4 which had been previously placed with the Bill, was stricken without objection.

Senator Steele introduced SA 3 to HB 278 w/ HA 1, 2, 4.

Senator Steele moved that the Amendment be adopted.

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

YEAS: Messrs. Cicione, Cook, Hickman, McCullough, Robbins, Steele — 6.

NAYS: Messrs. Castle, duPont, Hale, (Mrs.) Manning, Schlör, Slawik — 6.

NOT VOTING: Messrs. Elliott, Foltz, Hart, Isaacs — 4.

ABSENT: (Mrs.) Conner, Messrs. Grier and Holloway — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

On motion of Senator Manning, HB 278 w/ HA 1, 2, 4 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 278 w/ HA 1, 2, 4 — “An Act to Amend Title 31, Delaware Code, Relating to Housing Authorities.”

On request of Senator Manning, and without objection, the privilege of the floor was granted to Mrs. Richard J. Both, Chairman of the Housing Committee for New Castle County; and Robert L. Halbrook, Jr., Secretary of the Department of Community Affairs and Economic Development.

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

YEAS: Messrs. Cicione, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, (Mrs.) Manning, Schlör, Slawik — 13.

NAYS: Messrs. McCullough, Robbins, Steele — 3.

NOT VOTING: Messrs. Castle and Cook — 2.

ABSENT: (Mrs.) Conner — 1.

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

Senator Slawik introduced SA 1 to HB 429.

Senator Slawik moved that the Amendment be adopted.

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

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

NOT VOTING: Mr. McCullough — 1.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Hickman, HB 429 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 429 w/ SA 1 — "An Act to Amend Chapter 69, Title 16, Delaware Code, Relating to Fireworks."

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

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

NAYS: Mr. McCullough — 1.

ABSENT: (Mrs.) Conner and Mr. Hart — 2.

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

On motion of Senator Manning, HB 321 w/ HA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 321 w/ HA 1 — "An Act to Amend Subchapter V, Chapter 6, Title 9, Delaware Code, to Provide for Fences between Developed County Parks and Railroad Tracks."

On request of Senator Manning, the privilege of the floor was granted to Representative Joseph R. Murphy to speak on the Bill.

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

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

NOT VOTING: Mr. Castle — 1.

ABSENT: (Mrs.) Conner — 1.

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

On motion of Senator Castle, HB 427 w/ HA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 427 w/ HA 1 — "An Act to Amend Chapter 65, Title II, Delaware Code, Relating to Separate Custodial Care and Work for Youthful Offenders."

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

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

NAYS: Messrs. Holloway and Isaacs — 2.

ABSENT: (Mrs.) Conner — 1.

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

On motion of Senator Steele, and without objection, HB 456 was lifted.

Therefore, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

NAYS: Mr. McCullough — 1.

ABSENT: (Mrs.) Conner — 1.

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

On motion of Senator Steele, HB 485, which had been deferred was taken up (without objection) for final consideration by the Senate.

On request of Senator Steele, the privilege of the floor was granted to William P. Scotton, Coordinator, Federal-State Highway Safety Coordinators Office, to speak on the Bill.

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

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

ABSENT: (Mrs.) Conner and Mr. Hickman — 2.

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

Senator Grier moved that the Senate recess until 7:30 p.m. Hearing no objection the motion prevailed and the Senate recessed at 5:40 p.m.

The Senate reconvened at 8:20 p.m.

On motion of Senator duPont, and without objection, an additional 15-minute recess was taken.

The Senate reconvened at 9:30 p.m.

On motion of Senator Manning, SB 340 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 yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hickman, (Mrs.) Manning, Robbins, Schlor, Slawik — 11.

NAYS: Messrs. Castle, Elliott, Hart, Holloway, Isaacs, McCullough, Steele — 7.

NOT VOTING: Mr. Foltz — 1.

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

Senator Isaacs introduced SA 1 to HS 2 for HB 300 as amended.

Senator Isaacs moved that the Amendment be adopted.

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

YEAS: Messrs. Hart and Isaacs — 2.

NAYS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hickman, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele — 12.

NOT VOTING: Messrs. Cicione, Elliott, Foltz, Holloway, McCullough — 5.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs introduced SA 2 to HS 2 for HB 300 as amended.

Senator Isaacs moved that the Amendment be adopted.

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

YEAS: Messrs. Hart and Isaacs — 2.

NAYS: Messrs. Castle, Cook, duPont, Grier, Hale, Hickman, (Mrs.) Manning, Robbins, Schlor, Steele — 10.

NOT VOTING: Messrs. Cicione, (Mrs.) Conner, Elliott, Foltz, Holloway, McCullough, Slawik — 7.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs introduced SA 3 to HS 2 for HB 300, as amended.

Senator Isaacs moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Foltz, Hart, Holloway, Isaacs, Robbins, Schlor — 7.

NAYS: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale, Hickman, (Mrs.) Manning, Steele — 8.

NOT VOTING: Messrs. Cicione, Elliott, McCullough, Slawik — 4.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Isaacs introduced SA 4 to HS 2 for HB 300, as amended.

Senator Isaacs moved that the Amendment be adopted.

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

YEAS: Messrs. Cook, Foltz, Hart, Holloway, Isaacs, McCullough, Robbins, Schlor, Slawik — 9.

NAYS: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale, Hickman, (Mrs.) Manning, Steele — 8.

NOT VOTING: Messrs. Cicione and Elliott — 2.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator duPont moved that Rule 9 be suspended for the purpose of considering HS 2 for HB 300 w/ HA 1, 2, 8, 11, 12, 13, 14, 18, 19, 22, 23, 24.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele — 14.

NAYS: Messrs. Foltz, Hart, Holloway, Isaacs — 4.

NOT VOTING: Mr. McCullough — 1.

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

Therefore, on motion of Senator duPont, the Bill was read by title only in order to pass the Senate, as follows:

HS 2 for HB 300 w/ HA 1, 2, 8, 11, 12, 13, 14, 15, 18, 19, 22, 23, 24 — "An Act Creating a New Chapter 70, Title 7, Delaware Code, to Establish a Coastal Zone in Delaware; to prohibit or Limit Certain Uses therein; to Create a State Coastal Zone Industrial Control Board."

On request of Senator Hale, the privilege of the floor was granted to Representative Andy Knox and Fletcher Campbell to speak on the Bill.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele — 16.

NAYS: Messrs. Foltz, Hart and Isaacs — 3.

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

Senator Grier moved that the Senate recess until 1:00 p.m., Wednesday, June 23, 1971. Hearing no objection, the motion prevailed and the Senate recessed at 10:45 p.m.

The Senate reconvened at 1:30 p.m., Wednesday, June 23, 1971, President Pro Tem duPont presiding.

Senator Castle introduced **SA 1 to SS 1 for SB 425**.

On motion of Senator Castle, the Amendment was placed with the Bill, without objection.

Senator Cicione introduced **SR 76**, co-sponsored by Senators Cook, Hart, Holloway, Isaacs, Manning and Slawik, as follows:

SR 76 — "Expressing Best Wishes and a Hearty Welcome by the Members of the Senate of the 126th General Assembly to Boys' State of 1971."

WHEREAS, Boys' State of 1971 has convened in Dover, Delaware, for their 33rd annual session during the week of June 22, 1971; and

WHEREAS, the members of the Senate of the 126th General Assembly recognize the educational experience which participants in Boys' State are gaining as a result of their direct involvement in the legislative process; and

WHEREAS, the members of the Senate wish to express to these outstanding young citizens of the State of Delaware their best wishes during their time at Legislative Hall; and

WHEREAS, members of the Senate express with regret that circumstances precluded their utilizing the Senate chambers for conducting Boys' State sessions; and

WHEREAS, members of the Senate also wish to commend the American Legion of Delaware for sponsoring this worthy event.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 126th General Assembly of the State of Delaware that best wishes and a hearty welcome be and are hereby extended to the members of Boys' State of 1971, and in addition a commendation be extended to the sponsors of this event, the American Legion of Delaware.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journal of the Senate and a copy delivered to the presiding officer of Boys' State of 1971, and an additional copy sent to the Commander of the American Legion of Delaware.

Senator Cicione moved that the Resolution be adopted.

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

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

ABSENT: Messrs. Hale and Holloway — 2.

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

Senator Isaacs introduced SA 2 to SB 414.

On motion of Senator Isaacs, the Amendment was placed with the Bill, without objection.

Senator Cicione introduced SA 1 to HS 1 for HB 57, co-sponsored by Senators Manning and Slawik.

On motion of Senator Cicione, the Amendment was placed with the Bill, without objection.

Senator Hale introduced SA 2 to SB 391.

On motion of Senator Hale, the Amendment was placed with the Bill, without objection.

Senator Hale introduced SA 1 to SB 392.

On motion of Senator Hale, the Amendment was placed with the Bill, without objection.

Senator Slawik introduced SA 1 to HB 429.

On motion of Senator Slawik, the Amendment was placed with the Bill, without objection.

Senator duPont introduced SR 77, co-sponsored by Senator Holloway.

SR 77 — "Relating to Senate Resolution No. 66."

WHEREAS, during the first session of the 126th General Assembly many resolutions concerning the Delaware Alcoholic Beverage Control Commissions and its functions were introduced,

one such resolution being Senate Resolution No. 66; and

WHEREAS, the majority of the members of the Senate do not wish to be confined to the provisions of Senate Resolution No. 66 without considering other alternatives and provisions; and

WHEREAS, the Senate nevertheless still recognizes that the laws and regulations of the Delaware Alcoholic Beverage Control Commission, like any Commission, should be periodically reviewed and improved.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 126th General Assembly that Senate Resolution No. 66 be, and it is hereby, recalled and revoked in its entirety.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Senate Journal.

On motion of Senator duPont, the Resolution was laid on the table, without objection.

Senator duPont introduced SR 78, entitled:

SR 78 — "Relative to interim per diem Clerical Compensation for Staff of the Senate."

On motion of Senator duPont, the Resolution was laid on the table, without objection.

Senator Castle introduced SB 470 which was given first reading by title only, as follows:

SB 470 — "An Act to Amend Title 10, Delaware Code, Relating to Entry of Judgments by Confession; and to Amend Title 7, Delaware Code, Relating to Bond of the Secretary—Treasurer for the Tax Ditch; and to Amend Title 24, Delaware Code, Relating to Pawn Broker's Bond."

On motion of Senator Castle, the Bill was laid on the table, without objection.

Senator Elliott introduced SR 79.

SR 79 — "Expressing the Heartfelt Sympathies of the Senate of the 126th General Assembly on the Death of Jonathan E. Wheatley."

WHEREAS, the Senate of the 126th General Assembly of the State of Delaware has learned with deepest regret of the death of Jonathan E. Wheatley of Delmar, Delaware; and

WHEREAS, Jonathan E. Wheatley was actively involved throughout his life time in numerous and diverse community, state and national interests, particularly the Republican party; and

WHEREAS, Jonathan E. Wheatley's paramount interest lay in the field of agriculture where he contributed enormously to the farm interest, not only in Sussex County, but throughout the State of Delaware; and

WHEREAS, the effervescent personality and the sense of humor salient character traits which caused Jonathan E. Wheatley to stand out and to be so well-liked with whomever he came in contact with will be sadly missed; and

WHEREAS, Jonathan E. Wheatley will be deeply missed by his family and a multitude of friends.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 126th General Assembly of the State of Delaware that the members wish to express their deepest condolences to the family of Jonathan E. Wheatley, a respected, beloved and highly admired member not only of his community, but throughout the State of Delaware.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate Journal of the 126th General Assembly and that a copy be forwarded to the wife of Jonathan E. Wheatley, Mrs. Rubie Owens Wheatley.

Senator Elliott moved that the Resolution be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, (Mrs.) Manning, McCullough, Robbins, Schlör, Steele — 13.

ABSENT: Messrs. Hale, Hart, Hickman, Holloway, Isaacs, Slawik — 6.

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

Senator Manning introduced SA 1 to SS 2 for SB 369.

On motion of Senator Manning, the Amendment was placed with the Bill, without objection.

Senator duPont, on behalf of the Committee on Executive to whom had been referred SB 134, reported the same back to the Senate: 4 Favorable; 2 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred SB 391, reported the same back to the Senate: 1 Favorable, 4 Merits.

Senator Hale, on behalf of the Committee on Education to whom had been referred SB 441, reported the same back to the Senate: 1 Favorable, 4 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred SB 459, reported the same back to the Senate: 5 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred SJR 24, reported the same back to the Senate: 3 Favorable, 3 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred HB 313, reported the same back to the Senate: 6 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred HB 220, reported the same back to the Senate: 6 Merits.

Senator Hale, on behalf of the Committee on Education to whom had been referred **HB 325**, reported the same back to the Senate: 1 Favorable, 3 Merits.

Senator Hale, on behalf of the Committee on Education to whom had been referred **HB 359**, reported the same back to the Senate: 1 Favorable, 3 Merits.

Senator Hale, on behalf of the Committee on Education to whom had been referred **HB 476**, reported the same back to the Senate: 1 Favorable, 4 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred **HJR 15**, reported the same back to the Senate: 2 Favorable, 4 Merits.

The Secretary read the following message from the House:
6-22-71

Mr. President:

The House wishes to inform the Senate that it has passed **HB 54 w/ HA 3, 5, 7; HB 467 w/ HA 1; HB 486; HCR 30; HB 419 w/ HA 2; HB 281 w/ SA 1, HA 1** and requests the concurrence of the Senate.

The House also passed **SB 211 w/ SA 1; SB 340 w/ HA 1; SB 279; SB 336; SB 359** and is returning same to the Senate.

The Senate is further informed that **SB 210** was lost in the House.

The Chair presented the following House Bills which were given first reading by title only and assigned to the various Committees:

HB 467 w/ HA 1 — "An Act Providing Authority to the Department of Natural Resources and Environmental Control for Relocation Assistance to Persons Displaced in the Acquisition of Burton Island, for State Park Purposes, upon which They Live or Conduct a Business." Assigned to Committee on Natural Resources and Environmental Control.

HB 486 — "An Act making a Supplementary Appropriation to the Department of Agriculture for the Division of Production and Promotion." Assigned to Committee on Agriculture.

HB 419 w/ HA 2 — "An Act Making Technical Amendments to the Revised Income Tax Law Relating to Individuals, Trusts, Estates and Certain Corporations." Assigned to Committee on Finance.

HB 54 w/ HA 3, 5, 7 — "An Act to Aid Certain Fire Companies which are Organized to Extinguish Fires or Maintain Ambulances or Rescue Trucks, by Making Appropriations for Them." Assigned to Committee on Finance.

HB 281 — "An Act to Amend Chapter 47, Title 9, Delaware Code, Relating to Garbage Collection in Unincorporated Areas of Kent County." The Bill was laid on the table.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred **HB 277**, reported the same back to the Senate: 4 Merits.

Senator Isaacs, on behalf of the Committee on Natural Resources and Environmental Control to whom had been referred SB 348, reported the same back to the Senate: 4 Merits.

On motion of Senator Hale, HCR 30 was taken up for consideration.

HCR 30 — “To Require the Department of Public Instruction to Furnish Annually a Summary Report of the Results of the Standard Achievement Tests to be Administered Yearly Beginning October, 1971.”

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Holloway, McCullough, Robbins, Schlor, Slawik, Steele — 16.

Schlor — 5.

ABSENT: Mr. Holloway and (Mrs.) Manning — 2.

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

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 419, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 54, reported the same back to the Senate: 1 Favorable, 4 Merits.

Senator Grier moved that the Senate adjourn until 2:30 p.m., June 23, 1971. Hearing no objection, the motion prevailed and the Senate adjourned at 2:30 p.m.

53RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 p.m., Wednesday, June 23, 1971, President pro Tempore duPont presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

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

On motion of Senator Manning, HB 281 w/ SA 1 which had been previously passed by 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 yeas and nays were ordered which, being taken, were as follows:

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

NOT VOTING: Mr. McCullough — 1.

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Foltz, SB 264 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 264 — "An Act to Amend Chapter 11, Title 12 of the Delaware Code Relating to the Escheat of Postal Savings System Accounts."

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

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

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

Senator Isaacs moved that SA 1 to SB 258 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: Mr. Grier — 1.

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

On motion of Senator Robbins, SA 2 to SB 258 which had been previously placed with the Bill, was stricken without objection.

On motion of Senator Isaacs, SB 258 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 258 w/ SA 1 — "An Act to Amend Chapters 9 and 11, Title 7, Delaware Code, Relating to Fishing and the Catching Devices that May be Used in Certain Areas."

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

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

ABSENT: Mr. Holloway — 1.

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

Senator Manning moved that SA 1 to SS 1 for SB 310 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Foltz, Grier, Hickman, (Mrs.) Manning, McCullough — 8.

NAYS: Messrs. Cook, Hart, Isaacs, Robbins, Schlör, Slawik, Steele — 7.

NOT VOTING: Messrs. Elliott and Holloway — 2.

ABSENT: Messrs. Cicione and Hale — 2.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

Senator Manning introduced SA 2 to SS 1 for SB 310.

Senator Manning moved that the Amendment be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Grier, Hale, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele — 11.

NAYS: Mr. Hickman — 1.

NOT VOTING: Messrs. Cook, Elliott, Hart, McCullough, Robbins and Schlör — 6.

ABSENT: Mr. Foltz — 1.

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

On motion of Senator Isaacs, SS 1 for SB 310 w/ SA 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 310 w/ SA 2 — "An Act to Amend Subchapter 1, Chapter 47, Title 7 of the Delaware Code Relating to Fees Charged for the Use of Boat Ramps within Delaware State Parks."

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

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

NAYS: Mr. Elliott — 1.

NOT VOTING: Messrs. McCullough and Robbins — 2.

So the question was decided in the affirmative and the Bill,

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

Senator Slawik moved that SA 1 to SS 1 for SB 337 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: (Mrs.) Manning — 1.

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

On motion of Senator Conner, SS 1 for SB 337 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 337 w/ SA 1 — "An Act to Amend Title 19, Delaware Code, 3318 and 3323, Relating to Appeals."

On Senator Slawik's request the privilege of the floor was granted without objection to James M. Rosbrow, representing the Department of Labor, to speak on the Bill.

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

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

ABSENT: (Mrs.) Manning — 1.

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

Senator Castle moved that Rule 9 be suspended for the purpose of considering SB 470.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, Holloway, McCullough, Robbins, Schlör, Slawik, Steele — 16.

NOT VOTING: Messrs. Foltz and Isaacs — 2.

ABSENT: (Mrs.) Manning — 1.

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

Therefore the Bill was read a second time by title only in order to pass the Senate.

SB 470 — "An Act to Amend Title 10, Delaware Code, Relating to Entry of Judgments by Confession; and to Amend Title 7, Delaware Code, Relating to Bond of the Secretary-Treasurer for the Tax Ditch; and to Amend Title 24, Delaware Code, Relating to Pawn Broker's Bond."

On request of Senator Castle, the privilege of the floor was granted to Donald C. Taylor of the Delaware Bar Association to speak on the Bill.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Hickman and Isaacs — 3.

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

On motion of Senator Hickman, **HB 353** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 353 — "An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Powers and Duties of the State Police."

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Isaacs, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Holloway and McCullough — 3.

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

Senator Elliott introduced **SA 1** to **HB 374**.

On Senator Elliott's motion, the Amendment was stricken without objection.

On motion of Senator Hickman, **HB 374** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 374 — "An Act to Amend Title 18, Delaware Insurance Code, by Amending Chapter 5 to Create a Board of Arbitration Regarding the Cancellation of Certain Insurance Agency Contracts."

On request of Senator Hickman, the privilege of the floor was granted to Verne McGrew of the Delaware Association of Independent Insurance Agents to speak on the Bill.

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

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

NOT VOTING: Mr. Foltz — 1.

ABSENT: Messrs. Holloway and Schlor — 2.

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

On motion of Senator Steele **HB 451** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 451 — “An Act to Amend Chapter 469, Volume 56, Laws of Delaware, known as the “Annual Capital Improvements Act”.

On motion of Senator Steele, the roll call on the Bill was tabled without objection.

On motion of Senator Hart, **HB 279 w/ HA 1** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 270 w/ HA 1 — “An Act to Amend Chapter 1, Title 17, Delaware Code, relating to the Acquisition and Sale of Real Property and the Power of Eminent Domain by the Department of Highways and Transportation.”

On request of Senator Hart, the privilege of the floor was granted to Herbert L. Keene of the Department of Highways and Transportation to speak on the Bill.

On motion of Senator Hart, final consideration of the Bill was deferred without objection.

On motion of Senator Conner, **HB 254** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 254 — “An Act to Amend Chapter 25, Title 16, Delaware Code, Relating to Contraceptives.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Foltz, Hale, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Slawik, Steele — 12.

NAYS: Messrs. Cicione and Hickman — 2.

NOT VOTING: Messrs. Cook, Elliott and Schlor — 3.

ABSENT: Messrs. Grier, and Hart — 2.

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

On motion of Senator Conner, **HB 372 w/ HA 1** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 372 w/ HA 1 — “An Act to Amend Subchapter V, Title 17, Title 24, Delaware Code, Providing for Immunity of Members of Medical Society Committees whose Function is the Review of Medical Records and of Physicians’ Work with a View to Quality of Care and Utilization of Hospital Facilities, Home Visits and Office Visits.”

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

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

ABSENT: Mr. Hart — 1.

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

On motion of Senator Isaacs, SA 1 to HB 252 which had been previously placed with the Bill, was stricken without objection.

Senator Isaacs then moved that the Amendment be reinstated. Hearing no objection, the motion prevailed.

Senator Isaacs moved that the Amendment be adopted.

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

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

ABSENT: Mr. Elliott — 1.

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

On motion of Senator Conner, HB 252 w/ HA 1, SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 252 w/ HA 1, SA 1 — "An Act to Amend Chapter 11, Title 16, of the Delaware Code Relating to Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related Institutions."

On request of Senator Conner, the privilege of the floor was granted to Representative Daniel Weiss to speak on the Bill.

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

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

NOT VOTING: Messrs. Elliott, Hart, Isaacs and Robbins — 4.

ABSENT: Mr. Hale — 1.

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

At 5:35 p.m., Senator Grier moved that the Senate recess until 7:30 p.m. Hearing no objection, the motion prevailed and the recess was taken.

The Senate reconvened at 8:10 p.m., Lt. Governor Bookhammer presiding.

The Secretary read the following message from the House:

6-23-71

Mr. President:

The House wishes to inform the Senate that it has passed **HB 216 w/ HA 3, 4; HS 1 / HB 246; HB 305; HB 329 w/ HA 1; HS 2/ HB 333 w/ HA 1, 3, 5, 6; HB 411 w/ HA 1, 2; HB 330 w/ HA 1** and requests the concurrence of the Senate.

The House also passed **SB 393 w/ SA 1, HA 1, 3** and is returning same to the Senate.

Senator Steele, on behalf of the Committee on Finance to whom had been referred **SS 1 for SB 398**, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Cicione, on behalf of the Committee on Labor and Industrial Relations to whom had been referred **SB 293**, reported the same back to the Senate: 5 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred **HJR 10**, reported the same back to the Senate: 6 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred **HB 320**, reported the same back to the Senate: 6 Merits.

Senator Hale, on behalf of the Committee on Education, to whom had been referred **SS 2 for SB 369**, reported the same back to the Senate: 1 Favorable; 3 Merits.

Senator Cicione introduced **SA 2 to SS 1 for SB 425**, co-sponsored by Senator Slawik.

On motion of Senator Cicione, the Amendment was placed with the Bill without objection.

The Chair presented the following House Bills which were given first reading by title only and assigned to the various Committees:

HB 330 w/ HA 1 — "An Act to Amend Title 11, Subchapter XVII, Section 471, Delaware Code, Relating to Disorderly Conduct While under the Influence of Dangerous Drugs." Assigned to Committee on Health and Social Services.

HS 1 for HB 246 — "An Act to Provide a Supplementary Appropriation to the Department of Health and Social Services for the Enforcement of Drug Distribution Laws." Assigned to Committee on Health and Social Services.

HB 216 w/ HA 3, 4 — "An Act to Amend Subchapter IV, Chapter 25, Title 24 of the Delaware Code, Relating to the Labeling of Pharmaceutical Prescriptions." Assigned to Committee on Health and Social Services.

HB 411 w/ HA 1, 2 — "An Act to Amend Title 14, Delaware Code, by Creating a New Chapter 42 relating to Education; Providing for the Drug Abuse Education Act of 1971 Establishing a Program of Drug, Narcotic, Alcohol, and Tobacco Education;

Providing for the Superintendent of Public Instruction to Administer the Program; and Requiring a Course in Drug Abuse Education for Teacher Certification." Assigned to Committee on Health and Social Services.

HS 2 for HB 333 w/ HA 1, 3, 5, 6 — "An Act to Amend Title 11, Subchapter XXXI, of the Delaware Code Relating to Intoxication and Being under the Influence of Dangerous Drugs in Public Places." Assigned to Committee on Health and Social Services.

HB 329 w/ HA 1 — "An Act to Amend Title 11, Subchapter XVII, Section 471, Delaware Code, Relating to Deleting the Limits of Any Incorporated City or Town." Assigned to Committee on Community Affairs.

On motion of Senator Castle, SB 393 w/ SA 1 which had previously passed the Senate, was taken up for reconsideration as further amended by HA 1, 3.

On the question, "Shall the Bill (as so amended) pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

NAYS: Mr. McCullough — 1.

ABSENT: Messrs. Cicione and Hickman — 2.

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

On motion of Senator Conner, SS 1 for SB 329 was taken up for consideration and read a second time by tele only in order to pass the Senate.

SS 1 for SB 329 — "An Act Amending Chapter 43 of Title 10 in Regard to Witnesses and Evidence in Divorce and Certain other Proceedings."

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Holloway, (Mrs.) Manning, Slawik, Steele — 12.

NOT VOTING: Messrs. Cook, Isaacs, McCullough, Robbins, Schlör — 5.

ABSENT: Messrs. Hart and Hickman — 2.

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

On motion of Senator Conner, the roll call on SS 1 for SB 329 was stricken, without objection.

On further motion of Senator Conner, a new roll call was ordered and the roll call was tabled, without objection.

On motion of Senator Conner, **HB 285 w/ HA 2, 3** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 285 w/ HA 2, 3 — “An Act to Amend Title 16 of the Delaware Code Relating to the Public Health and Safety with Particular Reference to Persons Totally or Partially Blind.”

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

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

ABSENT: Mr. Hickman — 1.

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

On motion of Senator Steele, **HB 425** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 425 — “An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors Requiring Non-resident Producers and Suppliers and Their Representatives to Obtain Licenses and Pay Fees Therefore,”

Senator Steele moved that the roll call on the Bill be tabled.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

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

NAYS: Messrs. Hart, Holloway and Isaacs — 3.

NOT VOTING: Mr. Elliott — 1.

ABSENT: Mr. Hickman — 1.

So the question was decided in the affirmative and the motion, having received the required constitutional majority, prevailed and the roll call on **HB 425** was tabled.

Senator Slawik moved that House Bills 55 through 63 be deferred.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Cicione, Cook, Elliott, Foltz, Hale, Hart, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik — 12.

NAYS: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hickman, Steele — 6.

NOT VOTING: (Mrs.) Manning — 1.

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

Senator Cook moved that the Senate take a ten-minute recess.

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

YEAS: Messrs. Cook, Elliott, Hart, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik — 9.

NAYS: Mr. Hickman — 1.

NOT VOTING: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, (Mrs.) Manning, Steele — 9.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority was lost.

On motion of Senator Steele, HB 54 w/ HA 3, 5, 7 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 54 w/ HA 3, 5, 7 — "An Act to Aid Certain Fire Companies which are Organized to Extinguish Fires or Maintain Ambulances or Rescue Trucks, by Making Appropriations for Them."

On motion of Senator Steele, the roll call on the Bill was tabled without objection.

On motion of Senator Steele, SB 285 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 285 — "An Act to Amend Chapter 469, Volume 56, Laws of Delaware, Known as the "Annual Capital Improvement Act of 1969" by Extending the Deadline for Starting the Newark State Service Center Project."

Senator Slawik moved that final action on SB 285 be deferred.

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

YEAS: Messrs. Cicione, Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, Robbins, Schlör, Slawik — 15.

NAYS: Messrs. McCullough and Steele — 2.

NOT VOTING: Mr. Castle — 1.

ABSENT: Mr. Hickman — 1.

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

Senator Conner introduced SA 1 to SS 1 for SB 329.

Senator Conner moved that the Amendment be adopted.

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

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

ABSENT: Mr. Hickman — 1.

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

On motion of Senator Conner, SS 1 for SB 329 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 329 w/ SA 1 — “An Act Amending Chapter 43 of Title 10 in Regard to Witnesses and Evidence in Divorce and Certain other Proceedings.”

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

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

ABSENT: Mr. Hickman — 1.

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

Senator Holloway moved that Rule 9 be suspended for the purpose of considering SS 1 for SB 323.

On the question, “Shall the motion prevail?”, the yeas and nays were ordered which, being taken, were as follows:

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

NAYS: Mr. Steele — 1.

ABSENT: Mr. Hickman — 1.

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

Therefore SS 1 for SB 323 was read by title only in order to pass the Senate.

SS 1 for SB 323 — “An Act Making an Appropriation to the Wilmington School District for the Purpose of Constructing Two Pedestrian overpasses over New Castle Avenue in Wilmington and Acquiring the Necessary Rights-of-way Therefor.”

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

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

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

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HS 1 for HB 246, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HB 305, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HB 401, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HS 2 for HB 333, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HB 216, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Conner, on behalf of the Committee on Health and Social Services to whom had been referred HB 330, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 329, reported the same back to the Senate: 6 Merits.

Senator duPont introduced SA 1 to HJR 15.

On motion of Senator duPont, the Amendment was placed with the Bill, without objection.

Senator Cicione introduced SA 4 to SB 293.

On motion of Senator Cicione, the Amendment was placed with the Bill, without objection.

Senator Cicione introduced SA 1 to SB 155.

On motion of Senator Cicione, the Amendment was placed with the Bill, without objection.

Senator Cicione introduced SA 2 to SS 1 for SB 425.

On motion of Senator Cicione, the Amendment was placed with the Bill without objection.

Senator Grier moved that the Senate recess until 1:00 p.m., Thursday, June 24, 1971. Hearing no objection, the motion prevailed and the Senate recessed at 9:25 p.m.

Senator Grier moved that the Senate adjourn until 2:35 p.m., Thursday, June 24, 1971. Hearing no objection, the Senate adjourned at 2:35 p.m., June 24, 1971.

54TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:35 p.m., Thursday, June 24, 1971, President Pro Tem duPont presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Mr. Hickman — 1.

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

Senator duPont presented the following message from the Cicone Family and requested that it be made part of the record:

"We wish to thank most sincerely all the members of the Delaware State Senate and Staff, for their kindnesses and expressions of sympathy, in the recent death of Angelo J. Cicone, Jr.

The Cicone Family"

The Secretary read the following message from the House:

6-24-71

Mr. President:

The House wishes to inform the Senate that it has passed **HB 370 w/ HA 1; HB 286 w/ HA 1, 3, 4; HB 474; HJR 17** and requests the concurrence of the Senate.

Mr. Enterline, of the Governor's Staff, was admitted with the following messages from the Governor:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 24, 1971

To the Senate of the 126th General Assembly
of the State of Delaware:

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board:

James M. Tunnell, Jr.	to be a member of the Board of
Apartment 802	Trustees, University of Delaware
1301 North Harrison Street	for a six-year term from June 13,
Wilmington, Delaware 19806	1971 to expire June 13, 1977.
	(Reappointment)

The above name is not a gubernatorial appointment.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Russell W. Peterson
Governor

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 24, 1971

To the Senate of the 126th 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:

William C. Gordon, Esquire 4905 Lancaster Pike Wilmington, Delaware	to be a Judge of the Family Court of the State of Delaware, for a twelve year term from date of confirmation.
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Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Russell W. Peterson
Governor

The nominations were assigned to the Committee on Executive.

Senator Foltz, on behalf of the Committee on Administrative Services to whom had been referred SB 466, reported the same back to the Senate: 5 Merits.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred SB 380, reported the same back to the Senate: 3 Favorable; 1 Unfavorable.

The Chair presented the following House legislation which was given first reading by title only and assigned to the various Committees as follows:

HJR 17 — "Establishing a Joint Legislative Committee on Administrative Agencies." Assigned to Committee on Judiciary and Elections.

HB 370 w/ HA 1 — "An Act to Amend Chapter 5, Title 9 of the Delaware Code Relating to Suburban Improvements by Providing that House Trailers or Mobile Homes May be included in the Definition of Suburban Community." Assigned to Committee on Community Affairs.

HB 286 w/ HA 1, 3, 4 — "An Act to Amend Part II, Title 6 of the Delaware Code, Relating to High Pressure Door-to-door Sales Tactics, and Providing for Remedies to Purchasers of Sales Caused by High Pressure Door-to-door Sales Tactics." Assigned to Committee on Community Affairs.

HB 474 — "An Act to Amend Chapter 83, Title 11, Delaware Code, Relating to Salaries for State Police and Providing for State Police Pensions to be Tied to the National Consumer Price Index and Making a Supplementary Appropriation." Assigned to Committee on Finance.

Senator Isaacs moved that SA 1 to SB 414 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Isaacs, (Mrs.) Manning, McCullough, Robbins, Steele — 15.

ABSENT: Messrs. Hickman, Holloway, Schlör, Slawik — 4.

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

Senator Isaacs moved that SA 2 to SB 414 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Hale, Hart, Isaacs, (Mrs.) Manning, McCullough, Robbins, Steele — 14.

NOT VOTING: Mr. Grier — 1.

ABSENT: Messrs. Hickman, Holloway, Schlör, Slawik — 4.

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

On motion of Senator Isaacs, SB 414 w/ SA 1, 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 414 w/ SA 1, 2 — "An Act to Amend Titles 7, 16, 29 and 39, Delaware Code to Provide for an Effective Program to Improve the Quality of Delaware's Environment, by Providing for Amendment of Chapters 60 and 64 of Title 7, Delaware Code, and for Repeal of Chapters 61, 62, and 63 of Title 7, Delaware Code, and by Providing Omnibus Amendments, Corrections, Relating to the Department of Natural Resources and Environmental Control as Provided in Titles 29 and 39, Chapter 80, Delaware Code, and by Creating an Environmental Protection Appeals Board, Defining its Organization, Powers, Duties, and Functions, and by Providing for the Creation of the Environmental Council, Defining its Composition, Organization, Powers, Duties and Functions, and Making Appropriations Therefor."

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, Elliott, Foltz, Hale, Hart, Holloway, Isaacs, Robbins, Slawik, Steele — 13.

NOT VOTING: Messrs. duPont, Grier and McCullough — 3.

ABSENT: Messrs. Hickman, (Mrs.) Manning, Schlör — 3.

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

On motion of Senator Elliott, SS 2 for SB 398 was taken up for consideration and read a second time in order to pass the Senate.

SS 2 for SB 398 — “An Act to Empower the Delaware Agency to Reduce Crime to pay a Tax-free Bounty for Information Leading to the Arrest and Conviction of Persons Selling or Supplying for Sale Dangerous or Illegal Drugs.”

On request of Senator Elliott, the privilege of the floor was granted to Jerome O. Herlihy, of the Department of Justice, to speak on the Bill.

On motion of Senator Elliott, final consideration of the Bill was deferred without objection.

On motion of Senator Hale, SB 134 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 134 — “An Act to Amend Title 29 of the Delaware Code by Adding a New Chapter Providing for the More Effectual Regulation of the Conduct of Officers and Employees of the State of Delaware, Establishing Standards therefor, and Providing for Disciplinary Action and Criminal Penalties for Violation Thereof.”

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele — 15.

ABSENT: Messrs. Cook, Elliott, Hickman, Slawik — 4.

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

Senator Manning moved that SA 1 to SS 2 for SB 369 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Cicione, (Mrs.) Conner, duPont, Grier, Holloway, (Mrs.) Manning, McCullough — 7.

NAYS: Mr. Hale — 1.

NOT VOTING: Messrs. Castle, Foltz, Hart, Isaacs, Robbins, Schlor, Slawik, Steele — 8.

ABSENT: Messrs. Cook, Elliott and Hickman — 3.

So the question was decided in the negative and the Amendment, having failed to receive the required constitutional majority, was lost.

On motion of Senator Hale, SS 2 for SB 369 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 2 for SB 369 — “An Act to Amend Title 14, Delaware Code, by Creating a Council on Education Providing for an Executive Secretary to the Council on Education, and Providing for Amendments and Corrections to Chapters 81 and 82 of Title 14, Delaware Code.”

Senator Hale moved that the Senate recess.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Grier, Hale, Hart, (Mrs.) Manning, Slawik — 9.

NAYS: Messrs. Cicione, Isaacs, McCullough, Robbins, Schlor, Steele — 6.

NOT VOTING: Mr. Foltz — 1.

ABSENT: Messrs. Elliott, Hickman and Holloway — 3.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost.

Senator Hale then moved that the roll call on SS 2 for SB 369 be tabled.

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

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale, Hart, Holloway, Slawik — 8.

NAYS: Messrs. Foltz, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele — 7.

NOT VOTING: Messrs. Cicione and Cook — 2.

ABSENT: Messrs. Elliott and Hickman — 2.

So the question was decided in the negative and the motion, having failed to receive the required constitutional majority, was lost.

Therefore, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, duPont, Grier, Hale, Holloway — 6.

NAYS: Messrs. Foltz, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Steele — 7.

NOT VOTING: Messrs. Cicione, Cook, Hart, Slawik — 4.

ABSENT: Messrs. Elliott and Hickman — 2.

So the question was decided in the negative and the Bill, having failed to receive the required constitutional majority, was lost.

On motion of Senator Conner, SS 1 for SB 185 was taken up for consideration and read a second time by title only in order to pass the Senate.

SS 1 for SB 185 — "An Act to Amend Chapter 35, Title 24, of the Delaware Code Relating to Psychologists; Providing for a Board of Examiners of Psychologists; License Required to Practice Psychology; and Prohibition against the Use of the Title "Psychologist;" and the Granting of the Privilege of withholding Confidential Communications."

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

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

ABSENT: Messrs. Hart and Hickman — 2.

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

On motion of Senator Conner, the privilege of the floor was granted to Reverend Hamilton, Director of State Drug Abuse Center, to present slides.

On motion of Senator Conner, HB 305 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 305 — “An Act Making Supplementary Appropriations to the Department of Health and Social Services and the Department of Public Safety for the Purpose of Funding an Expanded Anti-drug-abuse Program.”

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

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

ABSENT: Mr. Hickman — 1.

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

On motion of Senator Conner, HS 1 for HB 246 was taken up for consideration and read a second time by title only in order to pass the Senate.

HS 1 for HB 246 — “An Act to Provide a Supplementary Appropriation to the Department of Health and Social Services for the Enforcement of Drug Distribution Laws.”

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

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

ABSENT: Mr. Hickman — 1.

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

On motion of Senator Conner, HB 330 w/ HA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 330 w/ HA 1 — “An Act to Amend Title 11, Subchapter XVII, Section 471, Delaware Code, Relating to Disorderly conduct while under the Influence of Dangerous Drugs.”

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

YEAS: Messrs. Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik — 16.

NOT VOTING: Messrs. Castle and Steele — 2.

ABSENT: Mr. Hickman — 1.

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

On motion of Senator Conner, HS 2 for HB 333 w/ HA 1, 3, 5, 6 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 333 w/ HA 1, 3, 5, 6 — "An Act to Amend Title 11, Subchapter XXXI, of the Delaware Code Relating to Intoxication and Being Under the Influence of Dangerous Drugs in Public Places."

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Holloway, Isaacs, (Mrs.) Manning, McCullough, Robbins, Schlor, Slawik, Steele — 16.

ABSENT: Messrs. Cicione, Hart and Hickman — 3.

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

On motion of Senator Elliott, SS 2 for SB 398 which had been deferred, was now adopted in lieu of the Original Bill without objection.

Senator Cicione introduced SR 80, co-sponsored by Senators Slawik and Steele.

SR 80 — "Expressing Best Wishes and a Hearty Welcome by the Members of the Senate of the 126th General Assembly to the 29th Session of Girls' State, 1971."

WHEREAS, Girls' State of 1971 has convened in Dover, Delaware for their 29th Session during the week of June 22, 1971; and

WHEREAS, the members of the Senate of the 126th General Assembly recognize the educational experience which the participants in Girls' State are gaining as a result of their direct involvement in the governmental process of this State; and

WHEREAS, members of the Senate wish to express to these outstanding young citizens of the State of Delaware their best wishes and a hearty welcome to Legislative Hall; and

WHEREAS, members of the Senate express with regret that circumstances precluded their utilizing the Senate chambers for conducting Girls' State Sessions; and

WHEREAS, members of the Senate also wish to commend the American Legion Auxiliary of Delaware, under whose auspices Girls' State is annually held, for such a meaningful event in the lives of the participants.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 126th General Assembly of the State of Delaware that best wishes and a hearty welcome be and are hereby extended to each and every member of the 29th Session of Girls' State of 1971; and in addition, the Senate also would like to extend commendation to the sponsors of this event, the American Legion Auxiliary of Delaware.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journal of the Senate and that copies be delivered to the Presiding Officer and all members of Girls' State of 1971, and a copy sent to the Chairman of the American Auxiliary of Delaware.

Senator Cicione moved that the Resolution be adopted.

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

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

ABSENT: Messrs. Hickman and Holloway — 2.

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

Senator Elliott introduced SR 81, entitled:

SR 81 — "Extending the Fondest of Wishes of the Senate to Senate Staff Member Lee Littleton and His Wife Hilda on their 32nd Wedding Anniversary."

Senator Elliott moved that the Resolution be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Isaacs, (Mrs.) Manning, Robbins, Schlor, Slawik, Steele — 16.

ABSENT: Messrs. Hickman, Holloway and McCullough — 3.

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

Senator Elliott introduced to the Senate Mr. and Mrs. Lee Littleton and their family: Mr. and Mrs. William F. Baker and their son, Matthew; Mr. and Mrs. Richard Blades and their daughters, Traci Jo and Jami Lee; Dr. and Mrs. Don Powell; Mr. and Mrs. Edward H. Littleton.

Senator Slawik introduced SA 1 to SB 380.

On motion of Senator Slawik, the Amendment was placed with the Bill without objection.

Senator Manning introduced SA 1 to HB 279.

On motion of Senator Manning, the Amendment was placed with the Bill without objection.

Senator Elliott introduced SA 1 to SS 2 for SB 398.

On motion of Senator Elliott, the Amendment was placed with the Bill without objection.

Senator Steele introduced SA 1 to HB 468.

On motion of Senator Steele, the Amendment was placed with the Bill without objection.

Senator Conner introduced SA 1 to HB 411 w/ HA 1, 2.

Senator Conner moved that the Amendment be adopted.

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Hale, Holloway, Isaacs, Robbins, Schlör, Slawik, Steele — 13.

NAYS: Mr. Cicione — 1.

NOT VOTING: Messrs. Grier and McCullough — 2.

ABSENT: Messrs. Hart, Hickman and (Mrs.) Manning — 3.

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

On motion of Senator Conner, HB 411 w/ HA 1, 2, SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 411 w/ HA 1, 2, SA 1 — "An Act to Amend Title 14, Delaware Code, by Creating a New Chapter 42 Relating to Education; Providing for the Drug Abuse Education Act of 1971 Establishing a Program of Drug, Narcotic, Alcohol, and Tobacco Education; Providing for the Superintendent of Public Instruction to Administer the Program; and Requiring a Course in Drug Abuse Education for Teacher Certification."

On request of Senator Conner, the privilege of the floor was granted to Jane H. Frelick, representing the Health Advisory Committee to the State Department of Public Instruction, to speak on the Bill.

On request of Senator Steele, the privilege of the floor was granted to Rev. Richard L. Hamilton, representing the State Drug Abuse Office, to speak on the Bill.

Then, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

ABSENT: Messrs. Hart and Hickman — 2.

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

Senator duPont, on behalf of the Committee on Executive to whom had been referred the nomination by the Governor of William C. Gordon, Esq., reported the same back to the Senate: 5 Favorable; 1 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred the nomination by the Governor of James M. Tunnell, reported the same back to the Senate: 4 Favorable; 1 Merits; 1 Unfavorable.

Senator Elliott, on behalf of the Committee on Agriculture to whom had been referred HB 486, reported the same back to the Senate: 4 Merits.

Senator Elliott, on behalf of the Committee on Agriculture to whom had been referred HS 1 for HB 167, reported the same back to the Senate: 4 Merits.

Senator duPont moved that SA 1 to HJR 15 w/ HA 1 which had been previously placed with the Bill, now be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: Messrs. Hart, Hickman and (Mrs.) Manning — 3.

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

On motion of Senator duPont, HJR 15 w/ HA 1, SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HJR 15 w/ HA 1, SA 1 — "Providing for a Liquor Study Commission."

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: Messrs. Hart, Hickman and (Mrs.) Manning — 3.

So the question was decided in the affirmative and the Resolution, having received the required constitutional majority, was adopted by the Senate and returned to the House for concurrence in the Amendment.

Senator Steele moved that HJR 8 w/ SA 1 which had been previously adopted, now be taken up for reconsideration as further amended by HA 1.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Holloway, Isaacs, McCullough, Robbins, Schlör, Slawik, Steele — 16.

ABSENT: Messrs. Hart, Hickman and (Mrs.) Manning— 3.

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

On motion of Senator Steele, SB 381 was stricken from the Calendar, without objection.

Senator Robbins introduced SCR 34, co-sponsored by Senators Castle, Cicione, Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, Isaacs, Manning, McCullough, Schlör, Slawik and Steele.

SCR 34 — "Expressing Best Wishes for a Speedy Recovery to Former State Auditor, Ernest E. Killen.

WHEREAS, the members of the Senate of the 126th General Assembly of the State of Delaware have learned of the illness of former State Auditor, Ernest E. Killen; and

WHEREAS, Ernest E. Killen is a man of great stature throughout the entire community of Delaware as manifested in his dedicated and active involvement in the many civil, religious and political activities of this State a few of which are: State Auditor for two terms, Director of the Delaware State Fair, Director of the First National Bank of Harrington, Member of the Lions Club, Member of St. Stephen's Episcopal Church and owner and operator of Killen Grain Company; and

WHEREAS, Ernest E. Killen is a prominent and active Democrat, the party for whom he served as State Auditor for two successive terms; and

WHEREAS, Ernest E. Killen's diversified interests have won him literally hundreds of friends throughout Delaware; and

WHEREAS, Ernest E. Killen has been hospitalized at the Milford Memorial Hospital with an apparent coronary illness.

NOW, THEREFORE;

BE IT RESOLVED that the members of the Senate of the 126th General Assembly, of the State of Delaware, the members of the House of Representative concurring therein, send their fondest wishes to Ernest E. Killen for a speedy and complete recovery from his recent illness.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate and House Journals and that a copy be forwarded to former State Auditor, Ernest E. Killen and his lovely wife, Mrs. Emily Killen.

Senator Robbins moved that the Resolution be adopted.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Holloway, Isaacs, McCullough, Robbins, Schlor, Slawik, Steele — 16.

ABSENT: Messrs. Hart, Hickman and (Mrs.) Manning — 3.

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

On motion of Senator Castle, SB 407 was stricken without objection.

The Secretary read the following message from the House:

6—24—71

Mr. President:

The House wishes to inform the Senate that it has passed HB 440; HB 448 w/ HA 1, 2, 3; HB 449 w/ HA 1; HJR 8 w/ SA 1, HA 1 and requests the concurrence of the Senate.

The House also passed SB 321 and SB 355 and is returning same to the Senate.

The Chair presented the following House Bills which were given first reading by title only and assigned to the various Committees:

HB 440 — “An Act to Amend Title 25 of the Delaware Code Relating to Landlord and Tenant by Providing that in Demises whereby the Landlord Supplies Heat, it Shall be Supplied from October 1 to June 1 in any Given Year.” Assigned to Committee on Community Affairs.

HB 448 w/ HA 1, 2, 3 — “An Act to Amend Title 29 of the Delaware Code Relating to the Method of Payment of State Officials and Employees; to Provide Salary Increases for Certain State Employees and Providing a Supplemental Appropriation for the Implementation of the Provisions of the Proposed Act.” Assigned to Committee on Finance.

HB 449 w/ HA 1 — “An Act to Amend Chapter 13, Title 14, Delaware Code Relating to the Method of Salary Payments.” Assigned to Committee on Finance.

Senator Grier moved that the Senate recess until 1:00 p.m., Monday, June 28, 1971. Hearing no objection, the motion prevailed and the Senate recessed at 5:55 p.m.

Senator Grier moved that the Senate adjourn until 2:00 p.m. Monday, June 26, 1971. Hearing no objection, the motion prevailed and the Senate adjourned at 2:00 p.m., June 26, 1971.

55TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:00 p.m., Monday, June 28, 1971, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

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

The Secretary read the following message from the House:
6—28—71

Mr. President:

The House wishes to inform the Senate that it has passed **HCR 33** and requests the concurrence of the Senate.

The House also passed **SCR 34** and is returning same to the Senate.

The Chair presented **HCR 33**, entitled:

HCR 33 — "Providing that a Joint Session of the Senate and House of Representatives be Convened to Hear a Message from the Governor"

Senator duPont moved that the Resolution be adopted.

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

YEAS: Messrs. Castle, Cook, duPont, Foltz, Grier, Hart, Isaacs, (Mrs.) Manning, Schlör, Slawik—10.

NOT VOTING: Mr. McCullough—1.

ABSENT: Messrs. Cicione, (Mrs.) Conner, Elliott, Hale, Hickman, Holloway, Robbins, Steele—8.

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

Pursuant to the above Resolution, Senator Grier moved that the Senate recess in order to attend the Joint Session in the House Chamber. Hearing no objection, the motion prevailed and the Senate recessed at 2:10 p.m.

JOINT SESSION

At 2:10 p.m., Monday, June 28, 1971, Representative Jarvis moved that the House and Senate convene in Joint Session. The motion prevailed without objection.

Representative Jarvis moved that the Speaker of the House preside over the Joint Session. The motion prevailed without objection.

Representative Jarvis moved that the Chief Clerk of the House and the Secretary of the Senate act as Secretaries of the Joint Session. The motion prevailed without objection.

Representative Jarvis moved that 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 Billingsley and Gruell; Senators Grier and Slawik.

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:

I come before you today to present a problem of critical import to all the people of Delaware, and to suggest a solution.

The problem stems directly from my error in estimating franchise tax income for the current fiscal year. I was dead wrong. I had been counting on receiving \$63 million by June 30. It is now clear that we will receive only \$52 million, or \$11 million less than we had anticipated.

Furthermore, the estimated franchise tax revenue for the next fiscal year will be \$43 million instead of the \$56 million we had forecast, or \$13 million less than I had been expecting.

This means we will have \$24 million less to work with than we had planned.

Our earlier plan had called for a zero balance on June 30, 1972. In view of the uncertainty in the economy, I now propose that we plan for a \$3 million balance on June 30, 1972, as a modest safety precaution.

This means we need a total of \$27 million.

Up until last Friday, we were still expecting several million dollars a day in franchise tax payments until the end of the year, as has been true for many years. Although the due date had been advanced to June 1 this year, much less money had been collected as of that time than anticipated. Calls to a number of delinquent corporations indicated that they had not been aware of the new date. This led to the conclusion there would be another flurry of activity about July 1.

The hard fact that the money was not going to come in became a reality only yesterday when I received the result of a study initiated about two weeks ago in an attempt to confirm that fact.

I say to you in all sincerity that it was not until yesterday that I learned the full and serious magnitude of the problem. I immediately started planning for this extraordinary session today.

The fact that we have only three days left in this session of the General Assembly compounds an already critical situation.

The law states that I cannot sign the Budget Bill unless we anticipate enough revenue to cover the projected expenditures. Obviously, today's revenue estimate is not adequate to meet that requirement.

The Budget Bill was presented to me on June 21, and I have until July 1 to sign or veto it. However, unless the Budget is signed by June 30, I have no authority or funds to keep the State's many functions operating.

So this is the situation. We need \$27 million to finance the operation of State government for the balance of this fiscal year and for next fiscal year. Obviously, we must first look to cutting our expenses for next year.

I propose that we make a \$10 million reduction in personnel and related expenses across the board in all State-financed operations — including Education.

How can we get the \$10 million reduction in personnel? I suggest you members of the General Assembly authorize me to make the \$10 million cut in personnel and related costs beginning with the existing budget program. I plan to take a 5 percent cut in my salary and to ask Cabinet Secretaries to do likewise.

Cutting a budget is obviously a difficult assignment. It will mean reducing the payroll by approximately 1,000 jobs and effecting a cutback in some programs and services. This will mean hard choices and many consequences. But I feel we can go this far without seriously hampering the most necessary and vital services to the people. I am willing to take the responsibility to get it done.

At the same time, it is vital that we provide adequate pay for those employees that we retain on the rolls. We will be demanding even more from them, and today their pay is inadequate.

Therefore, I recommend we proceed with the legislation now before the General Assembly providing pay increases for State employees that will cost \$400,000 in Fiscal 1972. A pay increase for school employees in Fiscal 1972 was authorized by the previous General Assembly.

It is unrealistic to expect more than a \$10 million decrease in the Budget.

Therefore, I propose further that we raise \$17 million in additional tax revenue by action of this General Assembly.

I am painfully aware of the fact that I have repeatedly stated loudly and clearly that I would not raise taxes during the remainder of my term. I sincerely believed those statements at the time. I thought I could do it. I failed. I now see no alternative.

Here is how I propose we get the additional \$17 million in taxes:

- Raise personal income taxes by \$7.6 million through a revision in the rates.
- Raise motor fuel taxes by 2 cents a gallon to yield \$5.2 million.
- Raise cigarette taxes by 5 cents a package to yield \$4.2 million.

These actions would cover a projected \$8 million deficit for the current fiscal year and provide the necessary funds for Fiscal 1972. In that year, projected revenues of \$252 million plus \$17 million from new taxes would provide total revenue of \$269 million. Subtracting from that a projected \$8 million deficit from the current fiscal year would leave a \$261 million budget for Fiscal 1972. We propose disbursement of \$258 million leaving a balance of \$3 million on June 30 of 1972.

I favor the first alternative.

Also, I realize full well these alternatives are not easy ones, and that I have placed a tremendous burden of responsibility upon this General Assembly.

We come now to the question of when and how these steps might be taken.

For example, if the General Assembly authorizes me to cut \$10 million from all State operations and at the same time authorized the \$17 million tax package, I could sign the Budget Bill by June 30.

If I am not able to sign the Budget Bill by June 30, the General Assembly would have to pass a resolution permitting the State to continue operating at the present rate of expenditures for a longer period of time.

But I wanted you to know the problem — and have some solution to consider — as soon as it was humanly possible. This problem, while admittedly difficult, is not insoluble. I take comfort in the fact that the 126th General Assembly has always been responsible when the chips are down. If you have better solutions, we should hear them.

But there is no comfort in the fact that I erred in estimating our franchise tax revenue. The basic responsibility is mine and I do not shirk it. This news undoubtedly hits you hard; you can imagine what it means to me.

Being wrong is never good. Admitting it is never easy. But we cannot wish this situation away. It is here.

I can only say that I am anxious and willing to work with you to resolve this difficult problem as expeditiously and effectively as we can."

Representative Jarvis moved that the previously named committee escort the Governor from the Chamber.

Representative Jarvis 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 and found them to agree, and so notified the Speaker.

Representative Jarvis moved that the two Houses now separate to reconvene in their respective chambers. The motion prevailed without objection and the Joint Session adjourned at 2:25 p.m.

The Senate reconvened at 3:10 p.m.

SR 82 — "Relating to Subsidies for the Delaware Authority for Regional Transit."

Senator Steele moved that the Resolution be adopted.

On motion of Senator Steele, the roll call on the Resolution was tabled without objection.

Senator Conner introduced SA 1 to SB 411.

On motion of Senator Conner, the Amendment was placed with the Bill without objection.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 440, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 286, reported the same back to the Senate: 6 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 370, reported the same back to the Senate: 5 Merits.

The Secretary informed the Senate that Legislative Advisory No. 12, received from Fletcher E. Campbell, Jr., Counsel to the Governor, indicated that the Governor approved the following legislation:

SB 211 w/ SA 1 (6-25-71); SB 273 w/ HA 1 (6-25-71); SB 279 (6-25-71); SB 297 w/ HA 1 (6-25-71); SS 1 for SB 334 (6-26-71); SB 422 (6-25-71); SB 439 (6-25-71); SB 443 (6-25-71); SB 444 (6-25-71); HCR 31 (6-25-71); HS 1 for HB 30 w/ HA 4, 5, SA 1 (6-25-71); HB 123 w/ HA 1 (6-25-71); HB 143 (6-25-71); HB 168 (6-27-71); HB 181 (6-25-71); HB 222 w/ HA 3 (6-25-71); HB 244 (6-25-71); HB 278 w/ HA 1, 2, 4 (6-25-71); HB 298 (6-25-71); HB 302 (6-25-71); HB 315 (6-25-71); HB 347 (6-25-71); HB 350 w/ HA 3, 4 (6-25-71); HB 351 (6-25-71); HB 364 (6-25-71); HB 365 (6-25-71); HB 406 (6-25-71); HB 409 (6-25-71); HB 427 w/ HA 1 (6-25-71); HB 178 (6-25-71); HB 390 (6-25-71); HS 2 for HB 300 w/ HA 1, 2, 8, 11, 12, 13, 14, 15, 18, 19, 22, 23, 24 (6-28-71); SJR 18 (6-26-71); SB 355 (6-28-71).

The Secretary read the following message from the House:
6-28-71

Mr. President:

The House wishes to inform the Senate that it has passed HB 341, HB 368, HB 377 w/ HA 1; HS 1 for HB 380; HB 399 w/ HA 3; HB 430; HB 480 w/ HA 1, 2 and requests the concurrence of the Senate.

The House also passed SS 4 for SB 65; SS 1 for SB 199; SB 317; SB 318; SB 319 w/ SA 1; SB 361; SB 371; SB 412 w/ SA 1; SB 418 w/ SA 2, HA 1; SB 442; SB 468; SCR 29 and is returning same to the Senate.

On motion of Senator Foltz, SB 266 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 266 — "An Act to Amend Title 29, Delaware Code, Chapter 69, Relating to Procurement of Material and Award of Contracts for Public Works by State Agencies by Requiring that all Contractors Provide Equality of Employment Opportunities for all Employees and Job Applicants."

On request of Senator Foltz, the privilege of the floor was granted to James Rosbrow, representing the State Department of Labor, to speak on the Bill.

Then, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

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

NOT VOTING: Messrs. Cook, Isaacs, McCullough, Robbins, Steele — 5.

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

Senator Foltz moved that SA 1 to SB 293 which had been previously placed with the Bill, now be adopted.

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

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

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

On motion of Senator Foltz, SA 2 to SB 293 which had been previously placed with the Bill, was stricken without objection.

On motion of Senator Foltz, SA 3 to SB 293 which had been previously placed with the Bill, was stricken without objection.

Senator Cicione moved that SA 4 to SB 293 which had been previously placed with the Bill, now be adopted.

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

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

NOT VOTING: Messrs. Isaacs, Robbins and Steele — 3.

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

On motion of Senator Foltz, SB 293 w/ SA 1, 4 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 293 w/ SA 1, 4 — "An Act to Amend Title 19, Delaware Code, Chapter 7, Subchapter 11, Relating to Discrimination in Employment and Making a Supplementary Appropriation to the Department of Labor to Implement this Act."

On request of Senator Foltz, the privilege of the floor was granted to James Rosbrow, representing the State Department of Labor, to speak on the Bill.

Then, on the question, "Shall the Bill pass the Senate?", the yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, Holloway, (Mrs.) Manning, McCullough, Schlör, Slawik — 15.

NOT VOTING: Messrs. Cook, Isaacs, Robbins and Steele — 4.

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

On motion of Senator duPont, the nomination by the Governor of James Tunnell was considered for confirmation by the Senate.

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

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

NAYS: (Mrs.) Manning — 1.

So the question was decided in the affirmative and the nomination, having received the required constitutional majority, was confirmed.

On motion of Senator duPont, the nomination by the Governor of William C. Gordon was considered for confirmation by the Senate.

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

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

So the question was decided in the affirmative and the nomination, having received the required constitutional majority, was confirmed.

On request of Senator Foltz, the privilege of the floor was granted to William C. Gordon to remark on his appointment.

On motion of Senator Steele, the roll call on SR 82 was lifted.

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

YEAS: (Mrs.) Conner, Messrs. Cook, duPont, Elliott, Foltz, Grier, Hart, Holloway, Isaacs, (Mrs.) Manning, Slawik, Steele — 12.

NAYS: Mr. McCullough — 1.

NOT VOTING: Messrs. Castle, Cicone, Hale, Robbins, Schlör — 5.

ABSENT: Mr. Hickman — 1.

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

On motion of Senator Steele, HB 419 w/ HA 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 419 w/ HA 2 — “An Act Making Technical Amendments to the Revised Income Tax Law Relating to Individuals, Trusts, Estates and Certain Corporations.”

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

YEAS: Messrs. Castle, Cicone, (Mrs.) Conner, duPont, Elliott, Foltz, Grier, Hale, Hart, Hickman, (Mrs.) Manning, Steele — 12.

NOT VOTING: Messrs. Cook, Holloway, McCullough, Robbins, Schlör, Slawik — 6.

ABSENT: Mr. Isaacs — 1.

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

Senator Steele moved that SA 1 to HB 468 which had been previously placed with the Bill, now be adopted.

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

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

ABSENT: Mr. Slawik — 1.

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

On motion of Senator Steele, HB 468 w/ SA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 468 w/ SA 1 — “An Act to Amend Title 12, Chapter 11, Relating to Escheats by Expanding the Types of Property Covered and Defining the Duties and Powers of the State Escheator with Respect thereto.”

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

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

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

On motion of Senator Castle, SB 470 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 yeas and nays were ordered which, being taken, were as follows:

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

ABSENT: Mr. Cicione — 1.

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

On motion of Senator Manning, HB 469 w/ HA 1 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 469 w/ HA 1 — "An Act to Amend Section 322, Chapter 717, Title 22, Delaware Code, Relating to Municipal Zoning Regulations and Boards of Adjustment."

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

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

NAYS: Mr. Holloway — 1.

NOT VOTING: Messrs. Cook, Isaacs, McCullough, Robbins, Schlör — 5.

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

On motion of Senator Elliott, SB 315 was stricken without objection.

On motion of Senator Elliott, HS 1 for HB 167 w/ HA 1, 2 was taken up for consideration and read a second time by title only in order to pass the Senate.

HS 1 for HB 167 w/ HA 1, 2 — "An Act to Amend Chapter 51, Title 6, Delaware Code, Relating to Weights, Measures, and Standards."

On motion of Senator Elliott, final consideration of the Bill was deferred, without objection.

On motion of Senator Conner, HB 216 w/ HA 3, 4 was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 216 w/ HA 3, 4 — “An Act to Amend Subchapter IV, Chapter 25, Title 24 of the Delaware Code, Relating to the Labeling of Pharmaceutical Prescriptions.”

On request of Senator Conner, the privilege of the floor was granted to Kathleen A. McGee, representing the Delaware Pharmaceutical Society, to speak on the Bill.

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

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

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

On motion of Senator Slawik SB 380 was taken up for consideration and read a second time by title only in order to pass the Senate.

SB 380 — “An Act Creating “The Court of Common Pleas for the State of Delaware”; Prescribing the Powers and Jurisdiction of Said Court; Providing for the Appointment, Number and Term of the Judges of Said Court, and the Salaries and Payment of the Judges and Other Officers and Employees’ of Said Court; Providing for a Seal and Rules; Providing for Powers and duties of Officers or Employees of the Court; Providing for the Service of Process and Trial Procedures in Civil and Criminal Cases; Providing for the Transfer of Certain Causes from the Superior Court to the Court of Common Pleas; Providing for the Validity of Certain Judgments which May Exceed the Jurisdiction of the Court; Providing for the Disposition of Pending Cases in the Court of Common Pleas for the Respective Counties; Repealing Chapters 13, 15, and 16 of Title 10, Chapters 53, 55 and 56 of Title 11, Delaware Code of 1953, Amending Section 2701 of Title 11, Chapter 15 of Title 13 and Section 5910 of Title 10, Delaware Code of 1953; Preserving Employee Rights, and Transferring Appropriations.”

On motion of Senator Slawik, final consideration of the Bill was deferred without objection.

On motion of Senator Hale, SB 418 w/ SA 2 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 yeas and nays were ordered which, being taken, were as follows:

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Grier, Hale, Hart, Hickman, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 15.

NOT VOTING: Messrs. Foltz and Isaacs — 2.

ABSENT: Messrs. Cicione and Holloway — 2.

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

On motion of Senator Manning, **HB 10 w/ HA 2** was taken up for consideration and read a second time by title only in order to pass the Senate.

HB 10 w/ HA 2 — “An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Pensions for Employees of New Castle County.”

On motion of Senator Manning, the roll call on the Bill was tabled without objection.

On motion of Senator Hickman, **HS 1 for HB 247 w/ HA 3** was taken up for consideration and read a second time by title only in order to pass the Senate.

HS 1 for HB 247 w/ HA 3 — “An Act to Amend Subchapter 11 of Chapter 43, Title 21, Delaware Code, Pertaining to Additional Equipment Required on Slow-moving Vehicles.”

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, duPont, Elliott, Grier, Hale, Hickman, (Mrs.) Manning, McCullough, Slawik, Steele — 12.

NOT VOTING: Messrs. Cook, Foltz, Hart, Holloway, Isaacs, Robbins, Schlör — 7.

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

On motion of Senator Slawik, the roll call on **HB 10** was lifted.

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

YEAS: Messrs. Cicione, (Mrs.) Conner, Cook, Elliott, Hart, Holloway, (Mrs.) Manning, McCullough, Robbins, Schlör, Slawik, Steele — 12.

NOT VOTING: Messrs. Castle, duPont, Foltz, Grier, Hale, Hickman, Isaacs — 7.

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

Senator Hale, on behalf of the Committee on Education to whom had been referred **SB 62**, reported the same back to the Senate: 3 Merits; 2 Unfavorable.

Senator Steele, on behalf of the Committee on Finance to whom had been referred HB 224, reported the same back to the Senate: 2 Merits; 4 Unfavorable.

Senator Isaacs introduced SA 1 to SB 466.

On motion of Senator Isaacs, the Amendment was placed with the Bill, without objection.

Senator Conner introduced SA 2 to SB 411.

On motion of Senator Conner, the Amendment was placed with the Bill, without objection.

The Chair presented the following House Bills which were read by title only for the first time and assigned to the various Committees:

HB 341 — “An Act to Amend Chapter 175, Volume 52, Laws of Delaware, Being an Act entitled, “An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for their Payment”, relative to the Issuance of and Guarantee of Obligations and Debt Limitations.”

On motion of Senator Castle, the Bill was laid on the table, without objection.

HB 368 — “An Act to Amend Chapter 45, Title 21, Delaware Code, Requiring the Consent of the Department of Highways and Transportation for Enactment of Ordinances or Resolutions Affecting the Operations of Vehicular Traffic on a State-maintained Street or Highway.” Assigned to Committee on Highways, Transportation and Insurance.

HB 377 w/ HA 1 — “An Act to Amend Title 13, Section 707, Delaware Code Relating to Consents to Health Care of Minors.” Assigned to Committee on Health and Social Services.

HS 1 for HB 380 — “An Act to Permit the Board of Education of the Marshallton-McKean School District to Transfer Certain Funds from its Local Debt Service Account of its Construction Fund, 71—80.” Assigned to Committee on Education.

HB 399 w/ HA 3 — “An Act Relating to Delaware Code Revision by Amending Sections 201, 202, 210, 211, 213 and 220, Title 1, Delaware Code, and Repealing Section 2504 (h), Title 29, Delaware Code.” Assigned to Committee on Executive.

HB 430 — “An Act to Amend Chapters 65 and 83 of Title 29 of the Delaware Code, Relating to Advances to Departments.” Assigned to Committee on Finance.

HB 480 w/ HA 1 2 — “An Act to Amend Title 17 of the Delaware Code by Striking therefrom Chapter 19, Sections 1901 to 1913, and by Adding thereto a New Chapter 19, Sections 1901 to 1912, and Chapter 20, Sections 2001 to 2006, to Provide Relocation Assistance to Persons Displaced as a Result of the Acquisition for Highway Purposes of Real Property Upon which

they Live, or Conduct a Business or Farm Operation and to Provide for a Uniform Policy for Real Property Acquisition and Providing for Expenses Incident to Transfer of Title and Litigation." Assigned to Committee on Highways, Transportation and Insurance.

HB 449 w/ HA 1 "An Act to Amend Chapter 13, Title 14, Delaware Code relating to the Method of Salary Payments." Assigned to Committee on Finance.

Senator Castle, on behalf of the Committee on Judiciary and Elections to whom had been referred SB 413, reported the same back to the Senate: 5 Merits.

The Secretary read the following message from the House:

Mr. President:

6—28—71

The House wishes to inform the Senate that it has passed **HB 455 w/ HA 2**; **HB 473 w/ HA 1** and requests the concurrence of the Senate.

The House also passed **SB 325 w/ SA 1, HA 1**; **SB 470 w/ HA 1** and is returning same to the Senate.

The Chair presented **HB 455 w/ HA 2**, entitled:

HB 455 w/ HA 2 — "An Act to Amend Title 21, Delaware Code, Chapter 7, Relating to the Jurisdiction of Certain Courts over Children Sixteen or Seventeen Years Old Charged with Violations of the Motor Vehicle Laws." Assigned to Committee on Public Safety.

The Chair presented **HB 473 w/ HA 1**, entitled:

HB 473 w/ HA 1 — "An Act to Amend Chapter 83, Title 16, Delaware Code, Relating to the Building Code of Rural New Castle County." Assigned to Committee on Community Affairs.

Senator Cook introduced **SR 83**, entitled:

SR 83 — "Relating to the Presence of Certain Individuals During the Consideration of Proposed Reapportionment Legislation."

Senator Cook moved that the Resolution be adopted.

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

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

NOT VOTING: Messrs. duPont, Hickman and Steele — 3.

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

Senator Grier moved that the Senate recess until 1:00 p.m., Tuesday, June 29, 1971. Hearing no objection, the motion prevailed and the Senate recessed at 5:30 p.m.

The Senate reconvened at 1:30 p.m., Tuesday, June 29, 1971.

The Secretary read the following message from the House:

Mr. President:

The House wishes to inform the Senate that it has passed HB 423 and requests the concurrence of the Senate.

The House also passed SB 306; SB 274; SB 322 w/ SA 1, HA 1; SS 1 for SB 312; SB 222; SS 1 for SB 337 w/ SA 1, HA 1 and is returning same to the Senate.

On motion of Senator Isaacs, SB 322 which had been previously passed, was taken up for reconsideration as further amended by HA 1.

On motion of Senator Isaacs, final consideration of the Bill as so amended was deferred without objection.

Senator Cicione, on behalf of the Committee on Labor to whom had been referred HB 458 w/ HA 1, 2, 3 reported the same back to the Senate: 5 Merits.

Senator Manning, on behalf of the Committee on Community Affairs to whom had been referred HB 473, reported the same back to the Senate: 4 Merits.

Senator duPont, on behalf of the Committee on Executive to whom had been referred HB 399, reported the same back to the Senate: 1 Favorable; 4 Merits.

Senator duPont moved that the Senate adjourn until Tuesday, June 29, 1971 at 2:07 p.m. Hearing no objection, the motion prevailed and the Senate adjourned at 2:07 p.m.

56TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:07 p.m., Tuesday, June 29, 1971, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain, Rev. Clendaniel.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

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

Senator Hale, on behalf of the Committee on Education to whom had been referred HS 1 for HB 380, reported the same back to the Senate: 5 Merits.

Senator Castle moved that Rule 9 be suspended for the purpose of considering HB 341.

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

YEAS: Messrs. Castle, Cicione, (Mrs.) Conner, Cook, duPont, Elliott, Hale, Holloway, (Mrs.) Manning, Schlör, Steele — 11.

NOT VOTING: Messrs. McCullough and Robbins — 2.

ABSENT: Messrs. Foltz, Grier, Hart, Hickman, Isaacs, Slawik — 6.

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

Therefore, the Bill was read by title only in order to be considered for passage by the Senate.

HB 341 — “An Act to Amend Chapter 175, Volume 52, Laws of Delaware, being an Act entitled, “An Act to Authorize the Mayor and Council of the City of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for their Payment”, Relative to the Issuance of and Guarantee of Obligations and Debt Limitations.”

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

YEAS: Messrs. Castle, (Mrs.) Conner, Cook, duPont, Elliott, Foltz, Grier, Hale, Hickman, Holloway, (Mrs.) Manning, Schlör, Steele — 13.

NAYS: Messrs. McCullough and Robbins — 2.

NOT VOTING: Mr. Isaacs — 1.

ABSENT: Messrs. Cicione, Hart and Slawik — 3.

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

On motion of Senator Conner, SS 1 for SB 337 w/ SA 1, 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 yeas and nays were ordered which, being taken, were as follows:

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

NOT VOTING: Mr. Isaacs — 1.

ABSENT: Messrs. Hart and McCullough — 2.

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

On motion of Senator Conner, SA 1 to SB 411 which had been previously placed with the Bill, was stricken without objection.

Senator Conner moved that SA 2 to SB 411 which had been previously placed with the Bill, now be adopted.

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